Threading the Needle: Jacques Maritain’s Defense of a Christian and Liberal Democracy

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Abstract: Some of the key oppositions tearing apart American public life in the early twenty-first century are related to issues explored in the mid-twentieth century political philosophy of Jacques Maritain. Supporters of liberal democracy, then and now, insist it is a political system that privatizes religion and all concepts of a common good. Supporters of an integralist alternative demand official state support for religion as the vision underlying political goals. And, of course, arrayed against both are authoritarian movements that threaten democracy altogether. In this context, Maritain’s nuanced political philosophy is far from outdated. He thoughtfully defends liberal democracy’s protection of human rights, while also demonstrating that democracy is strengthened by a Catholic vision of the ultimate human good. His political wisdom provides a way through our current impasses and points to a path that will support the survival of this fragile experiment in democracy and the even more fragile hope that democratic processes could be a means to create a more just world.

According to US President Woodrow Wilson, the First World War was fought because “the world must be made safe for democracy.”1 A mere century later, democracy is again under attack. The International Institute for Democracy and Electoral Assistance (IDEA) recently concluded that “half of the democratic governments around the world are in decline while authoritarian regimes are deepening their repression.”2 Political movements that espouse fascist authoritarian nationalism are moving from the far right margins to the political mainstream across the globe. While at times appearing to work within a democratic framework, many are willing to undermine elections to achieve their ends via tactics such as gerrymandering, voter suppression, and denying the

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validity of elections their party does not win. A good deal of this antidemocratic activity is no doubt motivated by bigotry as well as by the ubiquitous jockeying for political power. In this time of massive global migration, along with demands for greater equality, the active resentment of those called to share their power with “others” of different ethnicity, class, language, race, or religion should not be surprising to any student of human history.

There is, however, a deeper and disturbingly religious rationale for the contemporary rejection of liberal democracy. Emerging Christian nationalist movements in the United States maintain that the laws of the United States should support their particular version of Christian beliefs, regardless of the will of the majority, and quite contrary to the US Constitution’s proclamation that “Congress shall make no law respecting an establishment of religion.” Similarly, Catholic neo-integralists proffer a more philosophical argument that the political order ought not to be agnostic about the ultimate purpose of human life because the temporal order is intended to serve the higher, spiritual, good of the person. Political power, they maintain, must be subservient to the proper religious authority, as was commonly held by official Catholic teachings prior to the Second Vatican Council.

Many of these post-liberal positions are explicitly concerned with the putative soullessness of a politics based on maximizing the self-interests of the greatest number of atomized individuals. Faced with the choice between either a merely procedural democracy agnostic about values or a value-based politics oriented by a religious account of human life and purpose, neo-integralists decisively choose the latter. They contend that to do otherwise would be a self-contradiction.

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4 For current data on the scope of global migration, see especially the statistics available from the Migration Data Portal, www.migrationdataportal.org/resource/key-global-migration-figures.


for people who fully believe their religion is true. To endorse a political system that denies humanity’s ultimate goal would contradict their most fundamental beliefs.

While religious establishmentarianism is likely to remain a minority perspective in the West for the near future, neo-integralism nevertheless raises serious questions about the adequacy of a merely procedural democracy. Leaving these questions unaddressed weakens commitment to liberal democracy, by which I mean governments elected by popular franchise which include structural protections so that personal rights cannot be infringed by majority vote.\(^8\) Defenders as well as critics of liberal democracy often share the assumption that this regime’s promise of personal freedom requires bracketing questions about the goods we ought to pursue.\(^9\) When discernment of public goals is banished from politics, the function of the state is narrowed to safeguarding the private interests of individuals rather than the enrichment of the common life. To the extent that political activities are in fact oriented to some common good or public purpose, this political goal will not be identified or subject to debate by a public (or by politicians) who lack the language for engaging in such deliberations. As David Tracy has warned, “If our society applied only ‘intuitions’ to the technoeconomic realm, society would wreck the technoeconomic structure itself with more than deliberate speed. The application of instrumental reason alone to ethical questions . . . is similarly destructive.”\(^10\)

The neo-integralist challengers are also right to suggest that a procedural liberal democracy eschewing any public responsibility to achieve greater equality and justice, or to otherwise enrich the common life, will fail to generate deep loyalty and commitment.\(^11\) If democratic self-governance is to persist and flourish in the coming decades, we need a more robust account of liberal democracy’s value and purpose, an account that does not limit democracy to policing conflicts between individual rights. Without a concept of liberal democracy connected to hopes for a more just society, hopes that can motivate religious as well as non-religious citizens, it is unlikely that people will support democratic procedures when other political processes promise to increase their personal well-being more easily and more successfully.

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9 See especially the concise discussion of a debate between representatives of liberalism and integralism in Waldstein, “What is Integralism?”
11 See especially Pink, “Integralism.”
In the face of these many contemporary challenges to democracy, there is considerable insight to be gained from the political philosophy of Jacques Maritain, who grapples deeply with issues that are again (or perhaps still) major problems in our time. Maritain began thinking on these topics in an era where fascism was not only a live option but a strong and growing political force. He developed a vigorous defense of liberal democracy, including the right to religious freedom, even though official Catholic teaching took a decidedly dim view of both democracy and religious freedom at that time. Moreover, he rejected the claim that liberal democracy is unconcerned with a common good and agnostic about the purposes of human life. This approach, he argued, was the mistaken assumption of the truncated form of democracy dominant in nineteenth century Europe he critiques as “bourgeois democracy.” A vital liberal democracy, Maritain maintained, is instead one that pursues a common good, is energized by worthwhile goals, and widely supported as a political system appropriate to human dignity and consistent with our deepest understandings of human life. In other words, Maritain staunchly refuses the false choice between either the religious (and other) freedoms of liberal democracy or a politics oriented to a higher, shared human good. In his view, we can and must have both.

While contemporary supporters of a secular state will thus find an ally in Maritain’s espousal of the freedoms protected by liberal democracy, contemporary neo-integralists will discover that Maritain agrees with their insistence that true politics must be based on the ultimate (religious) truth of the human person. Maritain develops a defense of democracy thoroughly grounded in his Catholic faith, yet one he believes will also be acceptable to non-Christians and even non-theists. He understands—and fully endorses—the view that one cannot bracket the question of the ultimate truth of human life as one discerns the purposes of the temporal order. I maintain that he would also agree with those who argue today that a merely procedural liberal democratic system (understood as implying that there is no true goal to human life) is not religiously neutral, but instead incompatible with religious belief in an ultimate human good. In sum, Maritain envisions a society that, as paraphrased by John Cooper, would be “‘religiously inspired and vitally Christian’ while at the same time ‘secular in nature.’”

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But can a political philosophy be both vitally Christian and also secular? Is it possible to support both religious freedom and a religious basis for democracy? Or is Maritain’s philosophy finally incoherent, falling into self-contradiction as it tries to defend liberal democracy on the basis of a Catholic account of the good of humanity?

I will argue here that Maritain did, on the whole, manage to thread this narrow needle by providing an intellectually coherent and thoroughly Catholic defense of the substantive good achievable through liberal democracy. Maritain’s thought remains an important resource for efforts to overcome the current impasse between religious commitment and secular government in the United States. Furthermore, Maritain’s diagnosis of the dangers of a liberal polity without a common purpose challenges our contemporary tendency to focus on democratic procedures without attention to any greater goals democracy might achieve. A reader of Maritain would not be surprised that there is today so little evident enthusiasm for procedural democracy or patience for the political debate and disagreement that are the lifeblood of democracy. Maritain’s work provides a strong foundation for any effort to affirm a liberal democracy committed to substantive goods, while also reminding us that such an account is essential to the defense of this fragile political ideal.

MARITAIN’S CHRISTIAN DEFENSE OF PLURALISTIC DEMOCRACY

Jacques Maritain’s developed thinking on democracy emerges in his Christianity and Democracy, written during WWII. Though it was published in 1944, Maritain notes that he wrote the book in 1942 when the outcome of the war was not certain. Yet his concern here is not so much winning the war as winning the peace, which requires healing the underlying sickness that led to war. According to Maritain’s astute diagnosis, this sickness was due to the lack of spiritual inspiration, grounded in truth, for a liberal democracy committed to seeking greater social justice. He considers it a great tragedy of history that European democratic movements rejected Christianity and placed their confidence solely in human efforts bound to disappoint, while the church rejected these irreligious democratic movements and opposed working class efforts to attain greater justice. “If the democracies are to win the peace after having won the war,” Maritain argues, “it will be on condition that the Christian inspiration and the democratic inspiration recognize each other and become reconciled.”

16 Maritain, Christianity and Democracy, 9–16.
17 Maritain, Christianity and Democracy, 21.
18 Maritain, Christianity and Democracy, 29.
project, set forth in *Christianity and Democracy* and further nuanced in his later political writings, especially *Man and the State* (1951), was to facilitate this mutual reconciliation by demonstrating that Christianity has socio-political implications which support the democratic goals of liberty, justice, and equality, while liberal democracy is properly grounded in a spiritual vision of the ultimate truth of humanity consistent with Christianity.¹⁹

Maritain’s Christian defense of democracy is based primarily on the dignity of the human person, an argument echoed in the 1965 Vatican II document *Dignitatis Humanae*, which similarly affirms (decades later!) a personal right to religious freedom due to the dignity of the person. Maritain seeks to remind Christians that there are political implications inherent in the Christian belief that all people have equal dignity before God and have been blessed with a spiritual vocation and responsibility that transcends this world and is ultimately fulfilled in participation in the divine life.²⁰ At the same time, he intends to clarify the religious inspiration that led to the emergence of secular ideals of political equality. Though Maritain is careful to note that Christianity is not inherently yoked to any particular political regime, he holds that commitment to the dignity of the person ought to compel Christians to support whatever political regime is most consistent with human dignity in their context.²¹ Maritain further contends that, at this point in human history, the political system most in accord with human dignity is democracy or, in the quotation he borrows from Abraham Lincoln, “government of the people, by the people, and for the people.”²² Political institutions have developed to the point that the Thomistic insistence that political authority is rooted in the consent of the governed can now be clearly embodied in democratic politics as the “normal state” for people who have “come of age in political life.”²³

While the equal dignity of all before God thus supports democratic self-governance, this dignity also sets limits to political authority. Human rights, including the right to religious freedom, must be safeguarded because the person’s ultimate good transcends the

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¹⁹ Our contemporary version of this dichotomy is the exaggerated tendency to oppose conservative Christians and liberal secularists, though there are many notable conservative non-believers as well as important voices arguing for religious commitment to social justice.


²¹ Maritain, *Christianity and Democracy*, 37.


²³ Maritain, *Christianity and Democracy*, 52, 46–50.
temporal good—and the expertise—of the state. Moreover, if people are to participate in political life, the rights essential to such participation must be protected by a “juridically formulated constitution.” As Maritain further clarifies in *Man and the State*, recognition of the equal dignity of all persons entails that the members of the political community must be equal before the law regardless of their religious affiliation. Given that religious faith cannot be coerced and consciences must be respected for the good of the community and of the person, it would be detrimental to society and a fundamental abridgment of political equality to deny full rights to citizens on the basis of their religion.

Maritain defends a liberal democracy that protects human rights but is by no means to be identified with the atomized liberal democracy solely concerned with maximizing individual freedom. Maritain is quite scathing in his critique of individualistic nineteenth century bourgeois democracy: “Just as it had no real *common good*, it had no real *common thought* . . . it had become a society without any idea of itself, without any *common faith* which could enable it to resist disintegration.” In contrast, the liberal democracy Maritain advocates has the limited but significant task of serving the common good of the community so that life can become more fully human and society more just.

It is important to note that the common good here is not a least common denominator reflecting a personal good each person happens to want for themselves. Instead, the Catholic understanding of the common good is the good of the community, and thereby the good of all who are formed by and in that community. Or, to put it another way, to the extent that humans are relational beings who flourish only in community, what ensures the healthy functioning and development (“the good”) of that community also benefits all community members, even if it comes at some personal cost. Because we are relational as well as physical (embodied) beings, the common good of the community contributes to our personal growth as we strive toward what Maritain refers to as our “supra-temporal” or spiritual good.

The temporal good of politics thus serves but must never be equated with our ultimate destiny, a destiny that grows but cannot be completed within history. While Maritain agrees with Augustine that

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24 Maritain, *Christianity and Democracy*, 69–70.
the members of the City of God do not find their final home in this world, Maritain hopes for more from the City of Man (or secular government) than simply civic order and peace. In Maritain’s view, “The kingdom of God is not meant for earthly history, but . . . it must be enigmatically prepared in the midst of the pains of earthly history.” For Maritain, political life is an important part of that painful preparation for God’s kingdom.

Notwithstanding his commitment to highlighting this connection between Christian faith and this-worldly politics, Maritain thus maintains a strong eschatological proviso. Christian political activity seeks to make the world more just, more consistent with human dignity, and more in harmony with the ideal of the reign of God, even while recognizing that the fullness of God’s reign will never be achieved in history. His thought agrees on this, as on many other points, with that of his American friend Reinhold Niebuhr, who similarly argued that the perfect harmony of the reign of God will not and cannot be achieved in history, even while Niebuhr also acknowledged that there is no established limit to how close society might get to that harmony.

As John Cooper astutely observes, the differences between Maritain and Niebuhr are less substantive than matters of emphasis and tone appropriate to the focus of their particular contexts and arguments. Maritain is largely concerned with clarifying the connections between the Gospel and democracy so as to motivate Christian political action and provide religious inspiration for democratic politics. Niebuhr, on the other hand, seeks to chasten an overly enthusiastic Social Gospel Movement that became at times too confident in its ability to bring about God’s reign in twentieth century America.

In addition to maintaining this eschatological proviso and defending juridically protected rights, Maritain further develops his thought on the limits of democratic politics with his attention to the important role of intermediate groups and his distinction between the body politic and the state. Maintaining a variety of community and social (or “intermediate”) groups preserves the healthy pluralism that enriches society while also preventing totalitarianism in which the state assumes and controls all aspects of society. A full assessment of Maritain’s defense of intermediate groups is beyond the scope of this article, but it should be noted that, as Robert Putman more recently argued,

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30 See especially the discussion of Maritain’s relation to Augustine’s two cities in Cooper, The Theology of Freedom, 72–74.
31 Maritain, Christianity and Democracy, 44.

Other studies have also noted that political polarization increases when political parties take over the social functions of securing identity and belonging that social clubs and churches have fulfilled in the past. Paige Holloway, “Losing Faith: The Decline of Religion and Rise of Political Polarization in America,” *Medium*, medium.com/illumination/losing-faith-the-decline-of-religion-and-rise-of-political-polarization-in-america-703602c78682.

More central to our analysis of Maritain’s political philosophy, however, is his specification of the difference between the body politic and the state. The body politic is the people as a whole sharing a common good, whereas the state is the part of the body politic with authority to maintain order and act to promote the common good of the body politic. With its coercive laws and administrative procedures, the state is thus only one instrument through which the body politic achieves its goals. For example, many cultural and economic activities are supported by and contribute to the common good of the body politic without being directly under the administration of the state.

This distinction between body politic and state is an especially salutary reminder for public life in the United States. As people from different cultures, races, languages, and religions, Americans tend to consider the law a force for unity amid this diversity. This leads to equating the state with the body politic, with people seeking to resolve through legislation issues that would be more appropriately handled through other social institutions or functions of the body politic.

Maritain further warns that collapsing the distinction between the body politic and the state is a perversion destructive of democracy. Totalitarian state control of the functions of the body politic stifles the legitimate plurality of society, suppresses its proper subsidiarity, and impedes the various contributions social groups and institutions would otherwise make to the enrichment of the common life. As we will see below, maintaining Maritain’s differentiation between body politic and state is especially helpful in efforts to discern a public role for religion consistent with religious disestablishment because this distinction reminds us that not all public expressions or actions need...
be those of the state. Religion can then be brought into the public square without being inserted there by governmental authority.\(^{39}\)

A final point about the body politic that must be discussed here is the role the body politic plays in constituting, and being constituted by, the civic friendship that, along with a passion for justice, commitment to democracy, and virtuous habits, is essential to democracy. Maritain defines civic friendship as the desire to live together, a desire without which, he says, the body politic cannot be maintained.\(^{40}\) This insight is especially pertinent in the United States today with political polarization becoming one of the most obvious threats to the health of our democracy. It is not at all clear that Americans have sufficient desire to live together to sustain our political system: political opponents view each other as enemies to be vanquished if not humiliated, and there is little willingness to compromise for the greater good of all. The civic friendship Maritain recognizes as crucial to democracy can no longer be taken for granted, and divisions threaten to rip apart the social fabric. However critical this civic friendship is, though, the will to live together cannot be legislated, just as the other politically indispensable virtues of justice, respect for truth, and self-sacrifice cannot be legislated. Again, we see why Maritain considers it disastrous to replace the body politic with the state, as these key attitudes and virtues cannot be legislated by the state but must be developed by other aspects of the body politic.

In setting forth Maritain’s nuanced understanding of Christian reasons for supporting a liberal, or limited, democratic regime, our discussion has led us already into the second part of his project: the need of democracy for just such religious support. The essential democratic virtues of self-sacrifice, respect for truth, and openness to others essential to civic friendship are, Maritain contends, fostered by religion, especially Christianity. But this is not all that religion provides to democracy. Maritain also maintains that belief in the ultimate dignity of the person (which transcends and limits the power of the state), commitment to justice, and hope for history are all Christian ideals essential to democracy, even if people may find other reasons for supporting these ethical ideals.\(^{41}\)

More than these particular “democratic” principles and virtues, however, Maritain further insists that democracy needs to be

\(^{39}\) The possibility and indeed the reality of much public religion not directly sponsored by the state is overlooked in many arguments suggesting that state neutrality has left us without public religion. For a classic example, see Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, MI: Eerdmans, 1988).


\(^{41}\) Maritain, *Christianity and Democracy*, 47–49.
supported by a coherent account of the good of this political system in relation to the true purpose of human life. If democracy is merely a preference, then we are not likely to find strong support for it when it becomes difficult, inconvenient, or does not achieve the desired results. Maritain thus devotes much of his intellectual work to articulating of the relationship between democratic politics and the ultimate or eternal good humanity not only to clarify Christian reasons for supporting democracy, but also to underscore the democratic need for Christianity (and, as he occasionally concedes, other religions).

Not all people will find Maritain’s thoroughly Catholic defense of democracy persuasive or even palatable, a point Maritain acknowledges. For this reason, he encourages arguments in defense of democracy based on whatever other religious or metaphysical perspectives people hold to be true. What is crucial, he argues, is that the body politic’s commitment to democracy be grounded in an understanding not only of what democracy is and how it functions but also how democratic regimes may serve the ultimate good of humanity. To this end, Maritain exercises some creativity in envisioning how schools could possibly carry out this task of teaching the truth of democracy’s goodness from various religious perspectives.

It is not likely that teaching a religious defense of democracy as true would be acceptable in American public education systems, even if a variety of religious and philosophical systems were presented. Nevertheless, Maritain raises an important point here. Secondary education in the United States usually includes some (arguably scant) attention to civics and government, but these courses are likely to focus on the structure and processes of American democracy rather than the goodness, let alone the truth, of the democratic system. When, if at all, are children taught to value democracy? Have American youth been exposed to inspiring accounts of the noble adventure democracy can be? Perhaps some part of the shallowness of commitment to democracy today is rooted in a national failure to provide our young with an appropriate appreciation of the strengths of democratic regimes.

A more common, and modest, American defense of democracy is Reinhold Niebuhr’s rather practical approach in which he describes democracy as necessary because people are evil and inclined to self-interest (so their power must be checked by the power of others) but also as possible because people are good and able to overcome their self-interest. This is not far from the common adage that democracy

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42 See especially Maritain, *Man and the State*, 77, 80, 121.
is the worst possible political system—except for all the others. There is some wisdom here: democratic political processes are messy and often ineffective, but they do provide protections against the abuse of power other political systems lack. Niebuhr reminds his readers that no one (and he does mean no one!) is so virtuous that they can be trusted with unchecked power. Yet he also notes that democracy depends on some people striving to be virtuous enough to put the common good above their own immediate self-interests at least some of the time. This helpfully realistic account of democracy does not, however, attempt to provide what Maritain has persuasively argued is also needed: an inspiring vision of the goal of democracy in relation to humanity’s ultimate good (which, of course, can never be fully realized in this world).

Even though Maritain devotes considerable effort to proffering such a religiously informed vision of the good of democracy, it is important to keep in mind that Maritain has no intention of sacralizing politics. As he points out, any identification of the temporal and supra-temporal goals will distort both politics and religion. Erasing the distinction between these two realms results not only in an overly politicized religion but also the idolatrous absolutization of politics limiting human hopes to what little can be achieved in this world and turning every political dispute into an ultimate or religious conflict. As utterly opposed as Maritain is to this kind of political theology, he is nevertheless keenly supportive of the théologie politique that discerns a connection between the temporal and supra-temporal good such that religion judges the state but without being collapsed into the state.

However allergic the contemporary pluralistic, post-modern moment may be to the idea of a political good rooted in an accurate understanding of the purpose of human life, Maritain’s critique of purposeless “bourgeois” democracy remains valid. On this point, Maritain agrees with the neo-integralists of today insofar as they call attention to the dangers of an individualistic, self-centered politics that recognizes no common good or higher value than personal whims and desires. Such a political system will not only fail to increase justice and enoble the community; it will also be unable to withstand the inevitable pressures, whether from within or without the polis, that can destroy democratic political systems.

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45 Winston Churchill popularized this saying in a speech on November 11, 1947, but apparently the adage was not original to him. See the International Churchill Society discussion of February 25, 2016, available online at winstonchurchill.org/resources/quotes/the-worst-form-of-government/.
46 Niebuhr, Children, esp. 59–79.
47 Maritain, Man and the State, 148–150.
48 This point is developed in Cooper, The Theology of Freedom, 165, 5–6.
THE CHALLENGE OF RELIGIOUS FREEDOM

I have argued here that Maritain avoids the unpalatable extremes of both individualistic liberalism and religious nationalism, as he defends religious pluralism while also maintaining an integral connection between the temporal goals of democracy and a religious account of the ultimate goal of human life. The question remains, though, whether Maritain’s position is coherent. Has he genuinely threaded this needle, or has he fallen into self-contradictions? Is it truly possible to have a society that is both secular and vitally religious?

On the one hand, there can be no doubt that Maritain fully endorses religious freedom in a pluralistic society. The state has no expertise in discerning the true religion and, in any case, faith cannot be coerced. The dignity of the person oriented to an eternal destiny endows all people with freedoms the state must recognize, and these include freedom of religion and the right to be included in the processes by which the people consent to government. It follows, then, that no one ought to be considered less of a citizen or hampered in their political participation due to their religious beliefs.49 This, Maritain argues, is so thoroughly grounded in Catholicism that he approvingly quotes Cardinal Manning’s reply to Gladstone that “if Catholics were in power tomorrow in England, not a penal law would be proposed, not the shadow of a constraint put upon the faith of any man.”50 Maritain further adds that “even if one single citizen dissented from the religious faith of all the people, his right to dissent could by no means be infringed upon by the State in a Christianly inspired modern democracy.”51

Yet Maritain also maintains that democracy depends on a Christian (or at least theistic) foundation. He can certainly sound like a neo-integralist when he argues that democracy depends on Christianity not only historically, in the sense that modern democracy developed in a Christian culture, but also philosophically, in that democratic systems require the intellectual support of Christian beliefs in the equal dignity of all and the possibility of greater justice in society.52 He even accepts that “a political society really and vitally Christian . . . would express this faith publicly.”53

It might seem, then, that Maritain’s position allows only the religious tolerance consistent with religious establishment. In such a scenario, no one would be coerced to be Christian, but Christianity (or at least Western monotheism) would be the publicly acknowledged

49 Maritain, Man and the State, 161.
50 Maritain, Man and the State, 181.
51 Maritain, Man and the State, 181.
52 Maritain, Christianity and Democracy, 27, 37, 47, 59–60.
53 Maritain, Man and the State, 172.
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foundations for understanding the temporal good politics pursues. If Maritain is read in this way, then his position is very difficult to reconcile with the religious disestablishment required by the United States Constitution, and Maritain would contribute little to the current impasse between Christian nationalists and those who insist on a strict separation between religion and politics. What is at stake in these debates is not whether people will be coerced to belong to a religion but what the public role of religion will be, and especially whether the state should endorse a religious position. If interpreted as advocating state endorsement of the religion upon which it depends, Maritain’s political philosophy would lend considerable support to the neo-integralist argument that Catholics must embrace the pre-Vatican II position that the ideal to be achieved whenever possible is the political establishment of Catholicism, as though the Vatican II document *Dignitatis Humanae* added nothing of substance to Catholic teaching.

This interpretation of Maritain is, however, in conflict with his claim that no one should be a lesser citizen on account of their religious beliefs. If American democracy necessarily pursues a temporal good defined by Christian beliefs (or, in a more modest position Maritain at times suggests, a temporal good based on the monotheistic beliefs shared by Jews, Christians, and Muslims), then those who do not adhere to these beliefs would be hindered in their citizenship. They could participate in this democracy without performatively contradicting their own ultimate beliefs, whether religious, atheistic, or agnostic. In other words, those who are not monotheists would be compelled in their political participation to act as if they were. Moreover, one might then wonder whether there is any real point to the Constitutional disestablishment of religion, if the prohibition on legal establishment of religion is no more than a ban on rendering explicit the implicit religious foundation of the US system of democracy.

A more careful and nuanced reading of Maritain, however, clarifies a major difference between his position and that of neo-integralists of today. In his more developed *Man and the State*, Maritain elaborates on the possibility of differing religious and metaphysical systems providing diverse views of democracy’s relation to the ultimate purpose of human life (even if these accounts are not in his judgment equally true). From his experience of the United Nations Declaration of Human Rights, Maritain learned that unity in political values is possible amid a diversity of philosophical and religious perspectives. While the signatories of the Declaration of Human Rights could not agree on the rationale supporting these rights, they could nevertheless

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agree on the rights. Maritain argues that the same is true of pluralistic democracies: democracy depends on citizens committed to human dignity, equality, and justice, but the citizenry do not need to agree on the reasons these values are important—though democracy fares best when people do have such reasons.

In my judgment, then, Maritain is best understood as recognizing that many religious and even non-theistic philosophies provide more-or-less adequate intellectual foundations for democracy, while also explicating his deep commitment to Catholicism as the basis for democracy most in accord with the truth of humanity. The tradition of Thomistic natural law makes sense of this consensus about democracy because, as Maritain says, all people have an “inclination” that enables them to recognize their temporal good even if they lack the full understanding provided by Christian revelation. There can thus be sufficient agreement on democratic values among the plural differing perspectives on the meaning of human life. Cooperation for the temporal good does not then require that religious and philosophical differences about the ultimate good of humanity be fully resolved. In light of this mature thought, Maritain’s statements about democracy requiring a Christian foundation are best understood as meaning that democracy requires citizens to have some religious or philosophical foundation for the temporal good of the polis, and that in his view Catholic Christianity provides the best such foundation.

The careful reader will recognize that even this more nuanced version of Maritain’s political philosophy does not entirely resolve the problem of religious freedom. After all, this view still maintains not only that democracy is based on shared values but also that political activity ought to direct the state to act through its laws and procedures in accord with people’s concepts of the ultimate good. Since the activities of the state are then not neutral regarding concepts of the good, is the state not implicitly establishing religion when it legislates in accordance with this supposed consensus about political values? To be sure, no single particular religion would be established, but why not explicitly establish the shared set of religious/philosophical values that provide the basis for democracy as a sort of composite or least common denominator religious foundation?

Of course, we might also question whether there is in fact such a consensus on political values today—or at least whether that consensus is sufficient to unite a contemporary pluralistic polity. Even if Americans generally agree on the equal dignity of all in theory, and more-or-less support democratic procedures and human rights as set forth in the US Constitution, what happens when there are disagreements

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over actual laws because of different religious understandings of the ultimate good of humanity?

Many of the political issues that divide Americans today are based in fundamentally religious disagreements about the good of humanity. To give just one of several possible examples, is same-sex marriage to be condemned because it is inconsistent with the procreative, complementarian, monogamous sexuality some maintain is integral to a biblical view of true human flourishing? Or should same-sex marriage be endorsed as consistent with a gospel informed inclusion of the marginalized, who seek in freedom to realize the good of committed sexual companionship as they experience it? Since the laws of the state will either recognize or deny recognition to same-sex unions, it follows that some “religious” views will be supported by law while others will not. Has our detour here through the complexities of Maritain’s political thought simply brought us back to our starting point in the impasse between those who argue for an individualistic privatizing of the good and those who contend that the government should support the shared human good their religion teaches?

A classic expression of the dilemma of religious freedom has been set forth by Franklin I. Gamwell in his 1986 essay “Religion and Reason in American Politics.” As Gamwell describes the conundrum that continues to roil American public life today, those who advocate for laws informed by their religious beliefs have not explained how such laws avoid establishing religion, while those who insist that religion must not influence political decisions have not explained how this privatization avoids prohibiting the free exercise of those who believe their religion must inform their political activity. It would seem that the two clauses of the Constitution are inherently in conflict, and religious freedom is an impossibility.

Stanley Fish is among those who have concluded that legally protected religious freedom is impossible for this reason. In his


58 Gamwell, “Religion and Reason,” 88–89.

reading, the disestablishment clause of the First Amendment requires a privatization of religion, so that no political activity can be informed by the religious views of citizens. He contends that this privatization prohibits the free exercise of those who (in my judgment correctly) understand their religion as requiring that they seek laws consistent with their account of the ultimate human good. Moreover, as Fish further argues, the privatization of religion is itself based on a particular liberal philosophy in which religion only concerns matters of private life. He concludes that even this disestablishment of religion in effect establishes a liberal or Enlightenment perspective on religion. Thus, the First Amendment manages both to establish a certain form of religion and prohibit the free exercise of other forms of religion. Religion, it seems, cannot be removed from politics, and religious freedom is nonsensical.

If we cannot resolve this dilemma, then it follows that not only is the US Constitution’s First Amendment guarantee of religious freedom incoherent but so too is Maritain’s project as well as the official Catholic teaching as set forth in The Declaration on Religious Freedom (Dignitatis Humanae). The Catholic Church has never accepted the privatization of religion, which is why Catholic teaching had a difficult time accepting religious disestablishment as anything other than a concession to those countries in which Catholicism is not the dominant religion. The Catholic Church was only able officially to endorse a robust civic religious freedom due to the thought of Catholic scholars such as Maritain and especially John Courtney Murray and Pietro Pavan, as their work outlined the possibility of a religious disestablishment that did not privatize religion.60

The neo-integralists are then partly right to point to Dignitatis Humanae’s insistence that it “leaves untouched traditional Catholic doctrine on the moral duty of men (sic) and societies” (no. 1). Dignitatis Humanae provides an even clearer rejection of religious privatization in a later section, where the document specifies that “religious communities should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society” (no. 4).

Yet the neo-integralists are quite wrong to present their religious establishmentarianism as consistent with official Catholic teaching today, as doing so ignores Dignitatis Humanae’s insistence that “government is to see to it that equality of citizens before the law . . .

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is never violated, whether openly or covertly, for religious reasons” (no. 6). As noted above, equality is surely violated if citizens are required to confine their political agendas to temporal goods consistent with religious accounts of an ultimate good that they reject. We should further ask how someone could in good conscience accept a political or military office that requires them to swear to uphold a Constitution that supports a religion they believe is untrue.\(^{61}\) Surely such religious establishment involves at least implicitly denying the equality of citizens.

Yet *Dignitatis Humanae* goes further in clarifying its distance from the establishment of religion former Catholic teaching supported. The document describes civic recognition (not establishment) of a particular religion as no longer the norm but rather a “peculiar circumstance” and one in which the government must take care to ensure that the rights of all other religious communities as well as citizens are fully protected (no. 6). Either *Dignitatis Humanae*’s defense of religious freedom is incoherent, or religious freedom must in fact be possible.

Gamwell has developed a cogent solution to the problem. The first step is to recognize that religion cannot be removed from public life or walled off from the realm of politics. Insofar as religion answers the question of the ultimate or, in Gamwell’s term, “comprehensive” purpose or goal of human life, religious people strive to avoid acting in ways that impede their attainment of that comprehensive (religious) goal as they understand it.\(^{62}\) So, even though political activities do not aim to achieve the ultimate good, they should, as Maritain similarly argues, contribute to rather than contradict its achievement. The second step is to recognize that political activities, like all activities, implicitly embody values consistent with some accounts of the ultimate good and not with others.\(^{63}\) These two steps clarify that religion and politics are distinct but not separable. Religion concerns one’s ultimate good or final telos, while the activities of the state, as Maritain also emphasizes, are limited to the temporal good of the body politic—but that temporal good is always envisioned in ways consistent with some and not with other accounts of the ultimate or comprehensive good.

As long as the state stays in its proper zone and regulates behavior as appropriate to the common good and public order, while refraining

\(^{61}\) This example was suggested to me in a conversation with Franklin I. Gamwell in the early 1990s.


from explicitly teaching or promoting any particular account of the ultimate or all-encompassing good, Gamwell contends that the state has not established a religion. This remains the case even though political activities cannot avoid implicitly embodying values consistent with some and not with other possible accounts of the ultimate goal of human life. According to this analysis, Fish is wrong to think that religious disestablishment requires the privatization of religion. Laws may—in fact, must—be informed by some concept(s) of the ultimate good, as long as that ultimate good remains implicit and is not explicitly promoted by the state.

To clarify this further, we should note that what is gained by religious disestablishment is not religious privatization, but that the state leaves the question of the ultimate good officially open to ongoing debate. To the extent that a majority of citizens are persuaded of the same ultimate good (or, more likely, of versions of the ultimate good relevantly similar insofar as temporal goods are concerned), they will then support the policies in accord with their agreed upon values. Assuming that the democratic regime is so structured that legislation is consistent with the will of the majority, the laws and state activities will change as the majority’s beliefs about the ultimate or comprehensive purpose change. Religious people are as free as all others to enter public debate arguing for laws and procedures consistent with their understanding of the ultimate good and arguing against laws inconsistent with that understanding. Moreover, Gamwell encourages people to debate publicly and freely what that ultimate good is as well as how politics relates to it.

Some may object to being required to abide by laws that reflect values other than their own, but that is inevitable in any form of government. All remain free to argue not only against the laws but also against the values implied therein, and to seek to persuade others to change their minds—politically and religiously—so that they support revising or rescinding the laws accordingly. Yet one must generally abide by laws one disagrees with or suffer the consequences. As Dignitatis Humanae affirms, religious freedom is not and cannot be an absolute right that justifies impeding the common good or disrupting the public order.

The first two clauses of the First Amendment are not, then, inherently in contradiction. Laws may not prohibit the free expression of religion, as long as that expression does not violate others’ rights or the common good. This means that people are free to advocate for

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64 Gamwell, “Religion and Reason,” 98–100.
67 See especially the discussion of the proper qualification of rights in Dignitatis Humanae, no. 7.
laws and public policies consistent with their religious beliefs and even to defend the truth of those religious beliefs and their importance for public life—provided that the laws and policies concern behavior appropriately regulated by the government and do not employ the power of the state to teach or promote religious beliefs. There is no establishment of religion when laws are passed on the basis of religiously informed arguments, so long as the understanding of the ultimate human good remains open to debate free from interference by the state—something religious establishment does not allow.

One might yet wonder whether contemporary pluralistic societies will be able to achieve sufficient agreement in order to govern, given our very different opinions about the ultimate good of humanity. It seems unlikely that society today would achieve much religious agreement, however lengthy the debate. This is, of course, why some form of religious establishment has been common in history: people have long recognized the need for a unifying basis of social and political values.

Fortunately, as Maritain has argued, there is considerable consensus among different religious (and non-religious) positions about what generally constitutes the public order and the common good. This is exemplified not only by the United Nations Declaration of Human Rights but also by the Global Ethic of the Parliament of the World’s Religions, which explicates five major socio-political principles held in common by many of the world’s religions and philosophies. It may not be possible to achieve religious agreement, but it seems that even in today’s radically pluralistic societies we can achieve considerable consensus about the values to be embodied in law, culture, and society.

Perhaps, then, as Richard McBrien has argued, religious freedom means focusing public debates on these commonly shared socio-political values rather than on the underlying—and differing—religious accounts of the ultimate or comprehensive good. Doing so would have the benefit of recognizing, and building on, the considerable consensus already achieved, while focusing debate on the practical issues at stake rather than on practically irresolvable religious disagreements.

Despite the benefits of such a common values approach, I am not persuaded that only those agreed-upon values belong in public life;

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nor do I think that specifically religious arguments can or should be barred from political debate. As explained above, barring religious arguments would impede the religious freedom of those who appropriately refuse to separate their ultimate (religious) good from their understanding of the political good. It can also be argued that so policing the public debate privileges secular discourse, requiring that religious views be translated into non-religious language, while the non-religious are not similarly required to translate their values into religious language. Of course, there is some wisdom in expressing one’s religious values in common language in order to be more politically effective, as many argue. Yet there are also good reasons to support specifically religious expressions of public values in order to elevate and inspire, as Martin Luther King, Jr.’s civil rights speeches demonstrate. Indeed, as discussed above, Jacques Maritain is concerned with demonstrating the Christian roots of democratic values in order to increase the depth of public support for democracy. Regardless of these practical considerations, however, from the perspective of the First Amendment’s guarantees of religious freedom as well as freedom of speech, religious views on the ultimate good cannot and should not be barred from the public debate.

I would further argue that religious views must be part of the public debate especially when they differ from the shared consensus. If the public understanding of the good of politics is to develop and grow, then minority positions must be allowed to challenge the public to rethink its consensus. After all, the point of religious disestablishment is to encourage continued debate about the comprehensive purpose and its relation to the public good.

To return to our earlier example of opposing positions on same sex marriage based on differing understandings of the ultimate good of humanity, a few observations on this debate may help clarify the issues we face regarding religion in public. First, those who oppose legal recognition of same-sex marriage remain as free to argue against the current status quo as others are free to defend it. Second, all citizens have the right to discuss their concept of the ultimate good (whether rooted in traditional religion or secular philosophy) and to demonstrate the relation between their ultimate good and the legal recognition of same sex marriage. There is no violation of religious freedom as long as the government does not explicitly endorse the ultimate good(s) implicit in its marriage laws and there are sound reasons to consider marriage a matter that is appropriately legislated for the common good.

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and the public order. (As Maritain reminds us, some goods are more appropriately sought not through the state but through other institutions of the body politic.)

If the above discussion has been successful in its defense of religious freedom, then it follows that Maritain’s argument for a religiously vital yet secular society is an internally coherent position when presented with care and nuance. His argument that the temporal good sought by the activities of the state ought to be informed by our best understanding of humanity’s ultimate good is consistent with contemporary Catholic social teaching and the meaning of religious freedom properly understood. His focus on appreciating the good of democracy is also consistent with Gamwell’s emphasis on religious disestablishment’s role in preserving the conditions for ongoing debate about the meaning of our public life.

One part of Maritain’s approach that does not easily fit the account of religious freedom defended above is his argument for having schools teach various religious and philosophical rationales for the good of democracy. In the American public school system, such an arrangement would surely raise questions about whether the state was thereby teaching or promoting a particular set of religious positions (and not others) in violation of religious disestablishment. However, Maritain’s attention to the breadth of the body politic is an important resource that can resolve this tension between the need for such education and the prohibition on government establishment of religion. We do indeed need more attention to instructing youth about the concepts of the ultimate good that justify and enliven support for democracy, but such instruction can and should be undertaken over by other parts of the body politic, including not only the family but also civic organizations and other intermediate groups so that the state is not directly involved.

CONCLUSION

Jacques Maritain is a source of nuanced, complex thinking on precisely the issues of public life that most need nuanced and complex thought today. Maritain confirms that today’s neo-integralists are right about our public need for a vision that orients political life toward the ultimate good of humanity. Moreover, as Maritain argues, such a vision of democracy’s service of the good is indispensable to engender the support and even sacrifice necessary to the survival of fragile democracy. Yet Maritain is at the same time a staunch defender of liberal democracy, arguing at length in defense of limiting the government so that people are able to direct their lives to their ultimate good in freedom—and freely contribute to the enrichment of the body politic as well. While thus clarifying the truth on both sides, Maritain
also points out their errors: he rejects the neo-integralist ideal of religious establishment and excoriates the hyper-individualist liberal democracy that refuses any shared political purpose beyond securing individual freedoms. Maritain thus demonstrates that, properly understood, liberal democracy is thoroughly consistent with the deepest understandings of Christianity in ways neither of these two commonly opposed alternatives are.

Perhaps even more important than Maritain’s substantive contribution to overcoming the impasse between these two incomplete views of democracy is his embodiment of a deep and nuanced argumentation lacking today even, or perhaps especially, in academic thought. Maritain consistently refuses simplistic alternatives, including the common academic tendency to label a difficult issue—like religious freedom—as irresolvable when it is merely complex. If our fragile experiment in democracy is to survive, nuanced and careful thought of the type Maritain exemplifies will have to become more rather than less common. If instead our democracy is overthrown by one of the forms of authoritarianism growing today, we will seriously regret that we did not join Maritain in thinking carefully and deeply about the sources of the meaning, value, and survival of liberal democracy.

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