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SUPERNATURAL LAW? A REFUTATION OF THREE RECENT NATURAL-LAW  
ARGUMENTS AGAINST CATHOLIC INTEGRALISM

A Thesis

Presented in Partial Fulfillment for the

Master of Arts

Degree in the Department of Philosophy and Religion

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Jackson Dellinger

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## ABSTRACT

In the United States, there is a longstanding debate over the proper relationship between religious and civil institutions, or “church and state.” One radical voice in the debate is that of Catholic integralism, a school within Catholic social teaching which argues that Catholic governments should submit to the religious authority of the Church, and that Catholics should aspire towards a Catholic society with this relationship between Church and State for all nations. Recently, interlocutors have attempted to show that integralism is inconsistent with a core element of the Catholic teaching to which they appeal—that is, natural law. In this paper, I respond to three such arguments.

The first argues that integralists violate natural laws pertaining to individual justice through a consequentialist political philosophy. I argue that integralists do no such thing. Rather, they recognize limits on state policing of individuals, even in pursuit of the common good. The second argues that integralism, negating all constitutional limits, constitutes a form of totalitarianism. I argue that it does not. Rather, integralists may support a variety of constitutional schemes within reason and that integralism is built on a specific constitutional limitation, the distinction between the Church and the State powers. The third argues that integralism (in both “thick” and “thin” varieties) treats religious groups unfairly. I argue that thin integralism does not. Rather, thin integralists treat religious groups according to their baptismal status, an element of Catholic teaching.

I conclude the paper by acknowledging the connection between integralism and Catholic teaching and the difficulty in upholding Catholicism while making quick work of integralism.

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## 1. INTEGRALISM AND THE NATURAL LAW CRITIQUE

In recent years, a longstanding debate has arisen again in America, that of how to understand the proper relationship between Church and State. In the United States, this debate has largely been framed by the Establishment Clause, in which the United States Constitution prohibits Congress from “mak[ing] [any] law respecting an establishment of religion.”<sup>1</sup> There is a familiar debate among Americans about the meaning of Establishment. Some might argue against incorporation, the idea that the limits imposed by the Bill of Rights do not apply to state governments, and so even state religious establishment is acceptable. Others might argue that establishment is prohibited at all levels of government, but that religion is not wholly separated from government (as was claimed by Jefferson).<sup>2</sup> Finally, some might argue that the establishment clause prohibits any religious influence on government. All of these are arguably within the bounds of interpretation of the Establishment Clause.

Catholic integralism is *not* one more view in this debate. Catholic integralism is a traditionalist view of Catholic Social Teaching which calls for the ultimate goal of establishing a Catholic confessional state.<sup>3</sup> That is, it advocates specifically what the Establishment Clause

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<sup>1</sup> U.S. Const. amend. I

<sup>2</sup> Thomas Jefferson, “The Library of Congress,” *The Library of Congress*, June 1998, <https://www.loc.gov/loc/lcib/9806/danpre.html>.

<sup>3</sup> Here I am using the word “traditionalism,” in a very broad, non-specialized sense. By using this term, I merely mean to indicate that integralists believe their position to be the historical understanding of Catholic social teaching.

precludes, the establishment of religion.<sup>4</sup> Because this view is incredibly controversial, and because many of its claims will be unfamiliar to readers, let me begin by first giving a brief overview of what integralism claims. Later, I will explain recent scholarly criticisms of integralism—namely, that it is consequentialist, totalitarian, and unfair. Then, I will offer a rebuttal to each of these three arguments. Finally, I will offer some concluding remarks concerning the debate over integralism and the debate’s relationship to the wider Catholic tradition.

Integralists take their belief system to be, broadly, the authoritative teaching of the Catholic Church regarding the relationship of Church and State. In particular, integralists believe that this teaching affirms that there are two authoritative legislative powers in the world, the temporal power (the State) and the spiritual power (the Church). Of these two powers, the latter power is superior in glory and authority.

It is easy to misunderstand, however, what this superiority does, and does not, entail. Clearly, given that they posit two authoritative powers, integralists believe in *authority*. That is, integralists believe that only certain people or institutions have the right to coercively punish others. Only those who have this right are truly *authorities*. Moreover, integralism adopts a

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<sup>4</sup> One might argue that the Catholic confessional state does not “establish religion” because no new, national church is *established* by the state. Rather, the state merely affirms the Catholic faith as the one true religion and submits itself to the (already existing) Church’s spiritual direction in accordance with said affirmation. However, I think such an approach would be an overly strict interpretation of “establishment” in such a context.

distinctively religious position and rejects social contract theories of authority<sup>5</sup>: integralists believe that authority, no matter which form it takes, must ultimately derive from God.

However, while they believe in the superiority of Church authority, integralists also follow Catholic Social Teaching in that they believe multiple forms of government can be legitimate, including democratic forms.<sup>6</sup> They explicitly *reject* the monarchist Divine Right Theory of early modern Britain and France. That sort of Divine Right Theory claims that there is only one way for governments to achieve legitimacy: namely, by God bestowing authority upon the members of a royal bloodline. Integralists recognize that authority can take different forms and recognize the existence of political authority, as distinct from church authority.

According to integralists, the State, in contrast to the church, derives its authority from the nature of humans as political animals.<sup>7</sup> The State has a legislative power, and a kind of legal power, that is authoritative insofar as it adheres to this political nature. This sort of authority is very different from that found in the Church, since Church legislative and legal power gains authority from revelation.

However, even though these respective legislative and legal authorities are distinct from one another, the integralists maintain that both Church and State ultimately draw their authority

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<sup>5</sup> For more on said rejection, *see* Pope Leo XIII, *Diuturnum*, encyclical letter, Vatican website, June 29, 1881, [https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_1-xiii\\_enc\\_29061881\\_diuturnum.html](https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_1-xiii_enc_29061881_diuturnum.html), sec. 12.

<sup>6</sup> Leo XIII, *Diuturnum*, sec. 6-7.

<sup>7</sup> Catholic teaching has long emphasized that humans have a distinctly social nature required by their divinely given natural end, natural virtue. For a discussion of the necessity of human law given the need for education in such virtue, *see* Thomas Aquinas, *The Summa Theologiae of Thomas Aquinas*, trans. Fathers of the English Dominican Province (New York: Benziger Brothers, 1911-1925), Ia-IIae, q. 95, arts 1-4.

from the same higher form of *law* proper. This is why the notion of natural law plays such a foundational role in any type of integralism. The fact of human nature, and the fact that humans are political animals, is part of a set of divine laws. Similarly, the Church's authority tracks an aspect of reality that is part of a set of divine laws. Thus, the two powers derive their legislative authority from two distinct forms of the same divine *law*—natural law for the State and divinely revealed law for the Church. This philosophical view thus allows for integralists to recognize different kinds of authoritative law, but nevertheless maintain that all law is, ultimately, promulgated by the will of God.<sup>8</sup> Moreover, given that they are both divine in origin, it follows that the natural and revealed law cannot contradict one another.

From this short introduction, we can see that natural law plays two important roles in integralist theory: (1) it explains the origins of a political authority that is distinct from church authority, and (2) it harmonizes with a divinely revealed law that is grounded in the wisdom of God.

Because the natural law plays such a large role in integralist thought, it's perhaps no surprise that a recent group of scholars who are critical of integralism have turned to the subject of natural law as a way of launching a critique. They argue that natural law, rather than supporting the integralist position, actually undermines it. Among these anti-integralists are Dominican priest Fr. James Dominic Rooney, philosophy professors Kevin Vallier and Melissa Moschella, and political science professor Andrew Latham.

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<sup>8</sup> Brian M. McCall, "Introduction to Natural Law Jurisprudence (Part 4)," *The Josias*, March 5, 2020, <https://thejosias.com/2019/11/29/introduction-to-natural-law-jurisprudence-part-4/>.

The purpose of my thesis is twofold. First, I will argue that, from the standpoint of Catholic theology, these natural law critiques of integralism are unsuccessful, and that integralism can confidently incorporate natural law reasoning into its philosophy without issue. Of course, the project of defending the Catholic tradition itself would go far beyond the scope of this thesis. The specific goal of this thesis is to show how the tools of philosophy can be helpful for exploring which arguments are, or are not, consistent with that tradition. Second, even for those scholars like Rooney, Vallier, and Moschella who are critical of integralism, I hope this thesis can provide clear, accurate, and charitable reconstructions of the current arguments being deployed in current debates about integralism. Because this debate is in its early stages, and because some of the arguments made for and against it are sometimes made in vague and even volatile ways, it can be difficult to determine what, exactly, this debate is about. For the benefit of both integralists and their critics, I have tried to reconstruct all the natural-law arguments under consideration as valid forms<sup>9</sup>, in the hope that all participants can then see *where the conflict really lies*, as others have put it.<sup>10</sup>

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<sup>9</sup> I did, however, leave some of the arguments with “hanging” premises—premises which have little if any logical relationship to the conclusion. I think this is accurate to the arguments presented in their original sources, and the arguments would lose some of their original character without them. Arguments in prose are not constructed to be rewritten in analytic format, and I see no issue with this fact, nor do I intend to subtly criticize my interlocutors by this inclusion.

<sup>10</sup> Alvin Plantinga, *Where the Conflict Really Lies: Science, Religion, and Naturalism* (New York, NY: Oxford University Press Inc, 2012).

## 2. INTEGRALISM IS CONSEQUENTIALIST: THE ARGUMENT OF FR. ROONEY

Fr. Rooney argues that illiberalism, which includes Catholic integralism, violates human rights in its eagerness to use force to achieve its ends<sup>11</sup>. The specific argument he makes against integralism I will label the **Consequentialism Argument against Integralism** (CAI). I believe the key moves of his argument are these:

- (1) Orthodox Catholics promote a vision of politics compatible with Catholic Social Teaching.
- (2) For a vision of politics to be compatible with Catholic Social Teaching, it must not accept consequentialism.
- (3) Those who promote a vision of politics which rejects respect for the natural law in favor of promotion of (an incorrect understanding of) the common good accept consequentialism.
- (4) Respect for the natural law (“what many take to be the obligations of justice,” “in line with Catholic teaching”) prohibits coercive punishment of heresy and blasphemy, widespread control of public speech, and treating religious minorities as second-class citizens.
- (5) Integralists promote the political actions listed in CAI-4.

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<sup>11</sup> James Dominic Rooney, “Illiberalism Will Not Secure the Common Good,” Law & Liberty, April 11, 2022, <https://lawliberty.org/illiberalism-will-not-secure-the-common-good/>.

(6) Integralists promote these political actions to promote (an incorrect understanding of) the common good.

(7) Thus, by CAI-4, CAI-5, and CAI-6, integralists reject respect for the natural law in favor of (an incorrect understanding of) the common good.

(8) So, by CAI-3 and CAI-7, integralists accept consequentialism.

(9) So, following CAI-2 and CAI-8, integralists hold to a vision of politics incompatible with Catholic Social Teaching.

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(10) Therefore, following CAI-1 and CAI-9, integralists are not orthodox Catholics.

### 3. INTEGRALISM IS NOT CONSEQUENTIALIST

There is much with which to disagree in Fr. Rooney's Consequentialist Argument against Integralism (CAI). First, I think CAI-4 is incorrect in two of its claims.

First, while Fr. Rooney is correct that the *State* has no right to punish heretics and blasphemers (on account of their error), the *Church* does claim this right.<sup>12</sup> Indeed, this is a central claim of the integralists which Fr. Rooney fails to address.

Second, I am unsure what is entailed by the "widespread control" mentioned in CAI-4, but I doubt that Fr. Rooney is (intentionally) implying that respect for the natural law requires accepting free speech absolutism. As I am sure he is aware, the Church has rejected an absolutist application of freedom of speech in the past.<sup>13</sup> So, if his goal is to criticize integralists for suppressing speech beyond the suggestion of the Magisterium, he needs to do more explanatory work showing the conflict between the limits of tolerance in integralist theory and the limits of tolerance in magisterial teaching.

Second, I think CAI-5 is incorrect when applied to the final proposed political action of CAI-4. Integralists do believe the Church has authority over the baptized, and that this

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<sup>12</sup> Council of Trent Session VII, Decree on baptism, canon 14.

<sup>13</sup> Pope Leo XIII, *Libertas*, encyclical letter, Vatican website, June 20, 1888, [https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_20061888\\_libertas.html](https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html).

authority entails a right (though not duty) to coercively punish heresy and blasphemy.<sup>14</sup>

However, this belief does not entail making religious minorities into second-class citizens in the political realm. Indeed, integralists believe that the Church has no authority over the unbaptized, and so many religious minorities (Jews, Muslims, Hindus, etc.) would be unaffected politically (by either Church or State). Furthermore, integralists follow the Second Vatican Council's Declaration on Religious Freedom, *Dignitatis Humanae*, in rejecting the right of the State (insofar as it is acting on its own authority) to punish profession of religious error.<sup>15</sup> Moreover, integralists consider general control of public speech to be reserved to the authority of the *State*, not the Church.

Finally, I think CAI-7 is incorrect. Rather than reject the natural law in favor of a common good to which it is opposed, integralists seek to preserve natural law precisely because the natural law is *for* the common good. The work of a number of scholars helps us to appreciate how this is the case.

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<sup>14</sup> This will, no doubt, constitute a major objection on behalf of *many* groups (e.g., secularists, many political liberals, Protestant Christians, etc.). Certainly, for these individuals, a right to coercion in this domain will appear abhorrent and uniquely unfair. This view is indeed understandable from a non-Catholic perspective. I will confront this issue of supposed unfairness from a Catholic perspective when discussing Vallier's argument. Hence, in this section, I restrict myself to explaining why integralism is not simply the creation of a privileged class limited to Catholic Christians.

<sup>15</sup> For an in-depth explanation of an integralist position on *Dignitatis Humanae*, detailing the unique authority of the Church in religious matters, see Thomas Pink, "The Interpretation of *Dignitatis Humanae*," *Nova Et Vetera, English Edition* 11, no. 1 (2013): pp. 77-121, [https://www.academia.edu/2911284/The\\_Interpretation\\_of\\_Dignitatis\\_Humanae\\_A\\_Reply\\_to\\_Martin\\_Rhonheimer](https://www.academia.edu/2911284/The_Interpretation_of_Dignitatis_Humanae_A_Reply_to_Martin_Rhonheimer).

First, consider the work of law professor Brian M. McCall.<sup>16</sup> He provides a standard account of the Catholic natural law tradition which integralists have proposed as a model understanding of jurisprudence. McCall explains that, for the Catholic natural law tradition, law is a promulgated ordinance for the common good by an authority. That is, for an ordinance to be law, it must meet three requirements: it is (1) for the common good, (2) made by an authority, (3) and promulgated. Natural law, like any other set of ordinances, must meet these three requirements to be law. Thus, according to the integralists, any account of the natural law must include that its purpose is serving the common good. To posit either that the natural law serves some other end than the common good or that the common good is not served by the natural law would be unacceptable to the integralists.

Clearly, it is possible that Fr. Rooney understands this and would be charitable enough to admit integralists understand likewise. Perhaps he believes that integralists are taking political actions which do not align with their theoretical commitments. Or perhaps he has a more developed critique of particular precepts integralists believe belong (or do not belong) to the natural law in light of a truly Catholic understanding of the common good. In any case, that argument would require a level of complexity and thoroughness regarding definitions, logical structure, and understanding of the positions of both the Magisterium and the integralists that is not expressed by Fr. Rooney here.

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<sup>16</sup> Brian M. McCall, "Introduction to Natural Law Jurisprudence (Part 2)," The Josias, July 11, 2021, <https://thejosias.com/2019/11/08/introduction-to-natural-law-jurisprudence-part-2/>.

Second, integralists understand and support De Koninck's distinctions regarding the collective and personal common good.<sup>17</sup> For De Koninck, as for many others in the Catholic tradition (e.g., Francisco Suárez), the political common good *is* the highest personal good of the citizens (*qua* citizens). A theory which denied the identity of the common good with the personal good of the citizens would, indeed, be consequentialist in a negative sense. Integralists believe this as well: the natural law is a promulgation for the end of the common good (as good of the citizens), and this end is the central reason the natural law is worthy of obedience. In other words, integralists understand that human beings cannot be used as tools for achievement of a common good foreign to them; they reject the very kind of consequentialism that Fr. Rooney attributes to them and derides.

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<sup>17</sup> Charles De Koninck and Charles De Koninck, "The Primacy of the Common Good Against the Personalists," in *The Writings of Charles De Koninck: Volume 2*, trans. Ralph McInerny (Notre Dame, IN: University of Notre Dame Press, 2016), pp. 74-175, 76.

#### 4. INTEGRALISM IS TOTALITARIAN: THE ARGUMENT OF MOSCHELLA AND LATHAM

Professors Melissa Moschella<sup>18</sup> and Andrew Latham<sup>19</sup> argue that integralism violates natural law limits on government such as the rule of law, separation of powers, and individual rights. I have dubbed their argument the **Totalitarianism Argument against Integralism** (TAI). I believe the following is a fair paraphrase of their argument:

- (1) Requirements of the common good are commands of the natural law.
- (2) Catholic Social Teaching (particularly in the teaching of Aquinas) requires believing that the common good is merely a very basic, non-sectarian set of conditions for social peace.
- (3) It follows from the definition of the common good in TAI-2 that it is a requirement of the common good to allow individuals to freely seek their good as they understand it.
- (4) The integralists, contrary to TAI-3, hold that the common good is something quite substantive, either the personal objective good of all the citizens or the objective good of a polity considered as a corporate whole or *persona ficta*.

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<sup>18</sup> Melissa Moschella, “Natural Law, the Common Good, and Limited Government: Friends, Not Foes,” Public Discourse, August 10, 2022, <https://www.thepublicdiscourse.com/2022/08/83850/>.

<sup>19</sup> Andrew Latham, “Against Integralism: A Thomist’s Case for Limited Government,” Crisis Magazine, October 26, 2022, <https://www.crisismagazine.com/opinion/against-integralism-a-thomists-case-for-limited-government>.

(5) To achieve the kind of common good described in TAI-4, integralists necessarily violate important constitutional limits on State power, such as the rule of law, separation of powers, and individual rights.

(6) To reject important constitutional limits on State power, such as the rule of law, separation of powers, and individual rights is to be a totalitarian.<sup>20</sup>

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(7) So, following TAI-1, TAI-5, and TAI-6, integralists reject a command of the natural law and are totalitarians.

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<sup>20</sup> In using the word “totalitarian” here, I am merely trying to capture the essence of Moschella and Latham’s arguments, not delve into the debate on the meaning of totalitarianism or its validity. Neither of the authors explicitly use the word, instead criticizing integralism for its violation of principles of “limited government.” I use “totalitarianism” to signify such undesirable *un*limited government. “Absolutism” perhaps fits my intended meaning here better, but that word often signals specifically monarchist connotations I wished to avoid, as they are not directly relevant to TAI.

## 5. INTEGRALISM IS NOT TOTALITARIAN

At least two of the premises in TAI are open to disagreement. First, I disagree with the claim in TAI-2 that Catholic Social Teaching identifies nothing except the “set of social conditions” as the common good. Rather, Catholic Social Teaching emphasizes that there are multiple ways to view the common good and that all amount to different views of the same thing.

Indeed, one of the ways that Catholic Social Teaching defines the common good is the view TAI-4 attributes to the integralists. Saint Thomas Aquinas, the very individual Latham cites for support<sup>21</sup>, seems to define it this way. For Aquinas, the political common good to which all human law is necessarily ordered is the happiness of the community.<sup>22</sup> Specifically, Aquinas thinks that the happiness of the community consists in the life of virtue. This virtue constitutes a common good because it necessarily flows from and is applied to the life of *the community*.<sup>23</sup> Aquinas, then, necessarily rejects the view that the political common good can *only* be conceived as the social conditions necessary for individual flourishing.<sup>24</sup>

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<sup>21</sup> Latham, “A Thomist’s Case for Limited Government.”

<sup>22</sup> For a more detailed explanation and defense of this position, using direct quotes from the *Summa Theologiae* and *De Regno*, see Goyette, John (2013). “On the Transcendence of the Political Common Good.” *The National Catholic Bioethics Quarterly* 13 (1): 133-156.

<sup>23</sup> Goyette, “On the Transcendence of the Political Common Good,” 141.

<sup>24</sup> For a potential fusion of the two views—one in which the common good is conceived of as *both* a series of conditions for individual happiness *and* the communal happiness of the citizens—see Paul Pace, “Francisco Suárez and Justice:

Second, I disagree with the claim in TAI-5 that integralists *must* violate constitutional limits in pursuit of their view of the common good. Consider Moschella’s own claim in her article “Natural Law, the Common Good, and Limited Government: Friends, Not Foes.” She claims that “rights protect *goods*, and the language of rights articulates the *requirements of justice* from the perspective of the beneficiary [emphasis added].”<sup>25</sup> Integralists would agree with this quotation.<sup>26</sup> If Latham and Moschella wish to show that it is impossible to direct humans to communal happiness through law without abandoning all constitutional limits, they will need to provide far more argument. For example, they would need to explain how basic constitutional limits can be reconciled with (apparently) aspirational ideals such as the “requirements of justice” described in Moschella’s quotation. I agree with both professors that careful thought is needed in this area to explain the connection between communal happiness and constitutionalism. It’s true that some ways of promoting communal happiness can run afoul of constitutional limits. Indeed, some integralists in the Catholic tradition have affirmed limits on promoting communal happiness.<sup>27</sup> For instance, in the early 17<sup>th</sup> Century, Francisco Suárez presented a view that limited the state’s authority to making good *citizens* rather than good *people*.<sup>28</sup> This view limits the jurisdiction of the state to public acts, those acts which pertain to

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A Common Good Perspective,” *Gregorianum* 93, no. 3 (2012): pp. 497-525. Such a view presents an interesting avenue of discussion for integralists and their critics, especially in its condemnation of totalitarianism.

<sup>25</sup> Moschella, “Natural Law, the Common Good, and Limited Government: Friends, Not Foes.”

<sup>26</sup> For more on how such a position might be defended, see my undergraduate thesis, “The Dream of the Common Good: Not a Nightmare.”

<sup>27</sup> See Pace, “Francisco Suárez and Justice: A Common Good Perspective.” Pace offers a helpful explanation of Suárez’s views on the three types of justice and their relationship to the (necessarily limited) political common good.

<sup>28</sup> Pace, “Francisco Suárez and Justice: A Common Good Perspective,” 519-521.

the happiness of the *community*, forbidding prohibition of purely private acts.<sup>29</sup> But to argue without substantial reasoning that *any* legal system seeking the first, *necessarily* abandons the latter, needs far more defense.

My final criticism of TAI-5 is this: it ignores the point that the integralist distinction between the temporal and spiritual powers is a form of check on the potential corruption of human power. For integralists, the Church and State are separated specifically because of the corruptibility of fallen human nature. So that rulers (who, following the Fall, experience vice) might not become prideful, the distinct powers of temporal and spiritual authority were separated into two *offices*.<sup>30</sup> Integralism *is* a belief in a particular separation of powers, one which true totalitarians would likely deny.<sup>31</sup> Totalitarians (of the sort Moschella and Latham are criticizing), conversely, believe that the common good precludes *any* principle checking human power. Rather, the common good, as happiness of the political community, serves as a goal which must be willed without any guardrails for human fallibility. According to Moschella and Latham, integralists agree with the totalitarians and promote a unified theocratic government that has the capacity to compel its subjects to the common good without having to adhere to any principles in

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<sup>29</sup> Pace, “Francisco Suárez and Justice: A Common Good Perspective,” 521.

<sup>30</sup> For an explanation of how integralists understand this separation of powers, comparing this with two non-integralist views (one with a stronger separation and one with a stronger fusion of such powers), *see* Edmund Waldstein, “Integralism and Gelasian Dyarchy,” *The Josias*, March 3, 2016, [https://thejosias.com/2016/03/03/integralism-and-gelasian-dyarchy/#\\_ftn1](https://thejosias.com/2016/03/03/integralism-and-gelasian-dyarchy/#_ftn1).

<sup>31</sup> This is not to make the (contestable) claim that the spiritual power is less corruptible than the temporal power. Rather, it is to claim that integralism supports a check on these two powers by way of their separation (in much the same way as the American separation of powers is supposed to limit authority and preclude totalitarianism by separating the government into legislative, judicial, and executive branches).

its governance. But this is not the case: integralism *is* just a principle of constitutional design (albeit an extremely broad one). That is, integralism states that human predilection for self-service precludes giving absolute authority to any individual person or deliberative body. Rather, there must be two distinct authorities, one for spiritual matters and one for temporal matters, lest a sovereign with both authorities get too prideful and fail to govern properly. For this reason, subscribing to integralism does not preclude belief in traditional principles of limited government such as the rule of law (they posit two ultimate human authorities, both of which are lawgivers), separation of powers, and subsidiarity.

Now it is true that the integralist understandings of limited government can differ from their liberal counterparts. For (many) liberals, the constitutional principles are merely negative limits on the State's power designed to protect individual freedom. For integralists, constitutional principles can be both negatively limiting *and* positively enabling. That is, constitutional principles can be considered good because they enable governments to govern *better*, not just less. But such positive powers do not necessitate totalitarianism. Rather, they simply allow for the normal operation of law<sup>32</sup>, with all the infused morality integralists would hope Catholics believe law should have.<sup>33</sup>

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<sup>32</sup> For an elaboration of constitutionalism which prioritizes such positive powers, *see generally* N. W. Barber, *The Principles of Constitutionalism* (Oxford, UK: Oxford University Press, 2018).

<sup>33</sup> “[H]uman law, properly so called, consists [in] binding all citizens to work together for the attainment of the common end proposed to the community, and forbidding them to depart from this end, and, in so far as human law is in conformity with the dictates of nature, leading to what is good, and deterring from evil,” Pope Leo XIII, *Libertas*, sec. 9.

So far, I have criticised two specific premises of the Totalitarianism Argument against Integralism, TAI-2 and TAI-5. But I also think that the entire TAI argument requires comment. I believe the argument fails on one of two fronts, depending on interpretation.

If the argument is simply intended to clarify that it is necessary for Catholics to reject totalitarianism, then it is true but banal: after all, integralists reject totalitarianism (though integralists might use this argument to clarify their said rejection). However, as stated previously, if these critics intend to show that the integralist position entails (unbeknownst to integralists) the abandonment of all constitutional principles, then they have left out any substantial argument in this direction. I believe there are legitimate lines of inquiry in the direction implied by the authors (e.g., whether integralist belief about the scope of law as it regards compelling belief implies absolutism, whether the integralist understanding of authority requires the rule of law as contemporarily described, whether integralist beliefs about Church authority would violate the contemporary *ius gentium*, etc.), but these lines remain unexplored in the articles by Moschella and Latham.

If it means to indicate that the standard limits on government typical of Anglo-American liberalism must also be embraced by Catholicism, then it is an unargued imposition of one particular political theory on a broader range of views found within Catholic political theory. If, that is, Moschella and Latham merely mean to indicate that integralist beliefs would abandon, for example, the secularism implied by the first amendment, an individualistic interpretation of property rights, etc., this does not show that integralists are totalitarians. It merely shows that integralists disagree on which constitutional principles best aid communities in achieving their end of happiness. In order for Moschella and Latham to show that integralists run afoul of the

natural law by denying principles such as secularism or individualism, they would need to defend their universal applicability and effectiveness in promoting the common good.

Nevertheless, while Moschella and Latham have not established this sort of universal applicability, perhaps they can inspire new lines of inquiry for integralists. Integralists could address the sorts of worries Moschella and Latham have by exploring the ways the Catholic tradition has argued that government might and must be legitimately limited.

## 6. INTEGRALISM IS UNFAIR: THE ARGUMENT OF VALLIER

Vallier argues that Catholic integralism violates natural law norms of fairness in an argument he calls the **Fairness Argument against Integralism** (FAI)<sup>34</sup>. This argument, I believe, proceeds as follows:

- (1) The Catholic Church teaches that human beings have equal dignity which must be respected.
- (2) The teaching of FAI-1 is part of the natural law.
- (3) To treat human beings as if they have equal dignity (i.e., respect FAI-1), one must judge human beings in an equal manner.
- (4) To judge human beings in an equal manner (i.e., respect FAI-3), one must allow individuals some range of errant judgment.
- (5) All integralists are thick integralists or thin integralists. Thick integralists are those integralists who would allow for religious coercion of all unbaptized religious groups. Thin integralists are those integralists who would allow for religious coercion of only baptized persons.
- (6) Thick integralists violate FAI-4.
- (7) Thin integralists either violate FAI-4 or are practically identical to liberals (in that they cannot punish the baptized).

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<sup>34</sup> Kevin Vallier, "The Fairness Argument against Catholic Integralism," *Law, Culture and the Humanities*, 2021, pp. 1-19, <https://doi.org/10.1177/174387212111054187>.

(8) Following FAI-5, FAI-6, and FAI-7, all integralists either violate FAI-4 or are practically identical to liberals.

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(9) Therefore, following FAI-1, FAI-2, FAI-3, FAI-4, and FAI-8, all integralists either violate the teaching of the Catholic Church and the natural law or are practically identical to liberals.

## 7. INTEGRALISM IS NOT UNFAIR

Vallier makes perhaps the most compelling case against integralism. He goes to impressive lengths to make sure his argument is composed of only premises with which integralists agree. He assumes the (contested) integralist interpretation of Vatican Council II's Declaration on Religious Freedom (*Dignitatis Humanae*).<sup>35</sup> He only requires integralists to treat *one* other creed equally, rather than all creeds. He even presents a strong case against some versions of integralism. However, his argument is not without its issues.

First, compared to Vallier's premise attacking the thick integralists (FAI-6), his premise attacking the thin integralists (FAI-7) seems to be much less well founded. Thick integralists suggest that religiously coercing some unbaptized individuals (e.g., preventing Muslims from publicly proselytizing) is acceptable if doing so promotes the spiritual common good. Vallier problematizes this position by analogizing it to racial discrimination. In Vallier's own words,

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 [emphasis in original].<sup>36</sup>

Vallier argues that integralists should conclude that the common good never justifies credal inequality for the same reason. That is, the reason racial inequality cannot be justified is that one

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<sup>35</sup> Vallier, "The Fairness Argument against Catholic Integralism," 4. For said integralist interpretation of the document, see Pink, "The Interpretation of *Dignitatis Humanae*," supra note 15.

<sup>36</sup> Vallier, "The Fairness Argument against Catholic Integralism," 10.

is not culpable for one's race, and one is not culpable for one's creed either.<sup>37</sup> While one might be culpable for some beliefs, creed is not one of these. Or, as Vallier puts it, at least *one* other creed must be a non-culpable belief.<sup>38</sup> While I think there are more, deeper arguments to be had on this issue, I think Vallier is *prima facie* in the right. If there is not even one other non-culpable creed besides Catholicism, then limiting the Church's jurisdiction to the baptized seems unfounded.

FAI-7, by contrast, seems rather unfounded. Vallier argues that baptized persons are also treated unfairly under integralism. Vallier remarks that, if integralists suggest that baptism confers legal obligations, they must offer some model to explain how this is so<sup>39</sup> (I am not sure he is correct on this point—after all, the integralist position requires only that the Church teaches *that* the baptized have these obligations<sup>40</sup>, not *why* or *how*). Vallier explores two potential models. The first is the Fair Play model, under which obligations are conferred because of some benefit offered in return (for baptism, this benefit would be the possibility of eternal life). The second is the Association Model, under which one acquires legal obligations by joining a group, voluntarily or not (e.g., when one acquires citizenship). Under either model, Vallier argues that the baptized would often be non-culpable for their acts of heresy, apostasy, etc.<sup>41</sup> This is so

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<sup>37</sup> Vallier, "The Fairness Argument against Catholic Integralism," 10.

<sup>38</sup> Vallier, "The Fairness Argument against Catholic Integralism," 10.

<sup>39</sup> Vallier, "The Fairness Argument against Catholic Integralism," 15.

<sup>40</sup> While there is certainly an argument to be had on this point, the integralists have some *prima facie* support in the Catechism—"Having become a member of the Church, the person . . . is called . . . to 'obey and submit' to the Church's leaders, holding them in respect and affection." *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Vatican Press, 1997), 1269, <https://www.scborromeo2.org/catechism-of-the-catholic-church>.

<sup>41</sup> Vallier, "The Fairness Argument against Catholic Integralism," 17, 18.

because the baptized might remain invincibly ignorant of either the benefit offered to them or their membership within the group.

I am not certain this is the case. While I think the Association Model is likely a better fit for integralists, I do not think either model prevents integralists from punishing many baptized persons. On the Fair Play model, I think the view of Aquinas mentioned by Vallier could apply—the Church must attempt correction but may punish following defiance of such correction.<sup>42</sup> Furthermore, I think Vallier’s proposed counterexample against the Association Model fails. Vallier makes an analogy to familial obligation. A person normally has obligations to one’s family members, but if one is ignorant of the existence of these family members, one is non-culpable for failing to meet these obligations.<sup>43</sup> This is true insofar as one is clearly invincibly ignorant about the existence of said family members. However, it seems plausible that, if the person in the example were supplied sufficient information regarding these family members, they would become culpable for their familial obligations. After all, I might be ignorant that I have a son, but after being shown the son and being presented a DNA test which confirms his paternity, I might be expected to fulfill my obligation. The model of citizenship fits the analogy even better: even if I grow up without knowing it, if I am shown by standard evidence (e.g., my birth certificate) in a court of law that I am an American citizen, I could plausibly be granted the rights and duties of an American citizen. Again, I am unsure why St. Thomas’s model of informing and correcting would not work here.

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<sup>42</sup> Vallier, “The Fairness Argument against Catholic Integralism,” 7. I need not mention the brutality of St. Thomas’s proposed punishment, nor do integralists need to make use of such methods.

<sup>43</sup> Vallier, “The Fairness Argument against Catholic Integralism,” 18.

Furthermore, integralists could argue that the baptismal obligation and familial obligation are disanalogous in a relevant way. When one acquires a new familial obligation (e.g., upon becoming a grandmother), one does not necessarily become more predisposed to knowledge of the association (e.g., knowing one is now a grandmother). Integralists might argue that the baptismal obligation *does* cause such a change—baptism is regenerative, predisposing one to knowledge of Church membership.<sup>44</sup> Of course, one could contest the integralists on this belief, but doing so would require either denying the regenerative power of baptism (which Catholics could not do) or arguing that the regenerative power of baptism does not predispose one to believe in one’s Church membership (certainly an argument to be had).

Unless Vallier’s arguments surrounding culpability and baptismal obligation are substantially refined, I think that FAI-7 is left unsubstantiated.<sup>45</sup> The Church can plausibly punish many of the baptized in an ideal integralist state without treating the baptized unfairly.<sup>46</sup> Therefore, the thin integralist is not necessarily either unfair or practically identical to a liberal. Moreover, I think this weakness strikes a critical blow to Vallier’s conclusion, that all integralists are either unfair or practically identical to liberals.

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<sup>44</sup> Integralists might argue using the Catechism, which says that baptism enables the baptized “to believe in God, to hope in him, and to love him through the theological virtues” and gives the baptized “the power to live and act under the prompting of the Holy Spirit.” *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Vatican Press, 1997), 1266, <https://www.scborromeo2.org/catechism-of-the-catholic-church>.

<sup>45</sup> This may partially be a matter whether one shares Vallier’s intuitions. Until the debate receives some practical cases to critically analyze, the disagreement may remain. I do not see this in the near future. Regardless, I believe I have shown (through appeal to the family and citizenship models) that integralists are *not* either liberal or unfair.

<sup>46</sup> One which meets the first three conditions listed by Vallier as the integralist hypothesis. Vallier, “The Fairness Argument against Catholic Integralism,” 19.

## 8. CONCLUSION: WHERE THE CONFLICT REALLY LIES

In short, the arguments by the authors here present some of the strongest objections to integralism made so far in this nascent debate. They are logically valid attempts to use the integralists' own principles against them. However, for them to be fruitful, I believe they must descend further into the proper arena of any Catholic debate, Sacred Scripture, the Magisterium, and the thousands of years of wisdom presented by Catholic theologians, philosophers, and jurists.

The goal of this thesis has certainly not been to end debate by knocking down strawmen. I believe that many Catholics who have presented arguments against integralism are rational, good-faith interlocutors attempting to preserve the faith from totalitarian co-optation. Hopefully, this paper will caution others against rash critique of integralism and promote examination of integralism's connection to magisterial teaching and the Catholic tradition. My aim in this paper is to caution against rash critique of integralism and to promote examination of integralism's connection to magisterial teaching and the Catholic tradition. That is, I hope to have shown that the integralist position draws liberally from the wider Catholic tradition and that an argument against integralism is likely to meet substantial opposition from the tradition itself. The real conflict here lies in the *weeds*. Integralists and their critics could benefit from extensive discussion on (1) the relationship between rights and the common good, (2) how the Catholic tradition understands and combats totalitarianism, and (3) how, why, and to what extent the Church might punish the baptized in a world of great religious diversity. I would like to thank the

authors I have responded to in this paper for clarifying for me what discussions should take place, and I hope they continue to be a part of them.

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## VITA

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