

## MODELS OF THE RELATIONSHIP BETWEEN CHURCH, STATE AND POLITICAL SOCIETY: NEO-THOMISTS' ARGUMENTS

Sergey Shestopal<sup>\*</sup>, Sergey Oleynikov<sup>\*\*</sup> and Ivan Yakovyuk<sup>\*\*\*</sup>

---

**Abstract:** Relations between religious organizations and groups with society and state and their regulation are among the most pressing issues in modern society. Radicalism that is traditionally inherent in several religious groups enforced by global geopolitical problems, make politicians and scientists to for new effective models of interaction between the state, society and religious organizations. Here we consider the models of such cooperation and interaction proposed by modern néothomism and especially one of its founders prominent philosopher of law J. Maritain.

**Keywords:** Neo-Thomism, state, political society, church, J. Maritain, philosophy of law, religious organizations.

### INTRODUCTION

One of the most pressing and dangerous challenges of our time that humanity meets, lies in the area of regulating the relationship between religious organizations, society and the state. Radicalism traditionally inherent in some religious groups stimulated presently by global geopolitical problems, forces researchers to search for new possible models of interaction and cooperation of the state, society and religious organizations. In the same time, the philosophical and legal background for clarification of the relationship between the church and the state is permanently important and still poorly developed in the modern society. In this conjunction, the study of possible models of such interaction developed in néothomism and especially the contribution to it made by J. Maritain, seems to be extremely useful for responding to the urgent challenges of the time (Maritain, 1951; Maritain, 1999).

“Jacques Maritain was just the man at “the crossroads” - a man engaged with many of the great intellectual and practical issues of the century in science and philosophy, politics and ethics, art and religion” (Hittinger, 2002). Once in December 1965 Pope Paul VI had referred to Jacques Maritain as his mentor. It was at the times when Council Fathers said “the faith, is a great friend of intelligence,” and they foresaw the possibility of a deep understanding and cooperation between science and faith.

---

\* PhD, Assistant Professor of Law Department, Vladivostok state university of economy and service, Vladivostok, Russia. *Email: ss.shestopal@ya.ru*

\*\* PhD, Assistant Professor of Theory of State and Law department, Yaroslav Mudry National Law University, Kharkiv, Ukraine

\*\*\* Doctor of Law, Professor, Head of the Department of International Law, Yaroslav Mudry National Law University, Kharkiv, Ukraine

Thirty years later Pope John Paul II singled out J. Maritain again as an exemplary philosopher whose life and work had exhibited the boldness of reason combined with the illumination of faith (Pope John Paul II, 1998).

### **THE KERNEL OF THE ISSUE**

Within the frames of neothomistic theory J. Maritain considers and treats the problems arising in relations between the church and the state in the modern world both from the standpoint of the Catholic dogma and the philosophical perception. Maritain's approach consists of three steps: consideration of immutable principles, their implementation to the problem treatment and, as a result, certain practical conclusions in conjunction with actual socio-political situation.

The fundamental theoretical and methodological prerequisite for the formulation of these principles is the recognition of a human person's priority over a political society.

"The root requirement for a sound mutual cooperation between Church and the body politic is not the unity of a religio-political body, as the *respublica Christiana* of the Middle Ages was, but the very unity of the human person, simultaneously a member of the body politic and of the Church, if he freely adheres to her" (Maritain, 1951).

Maritain as a supporter of Christian personalism, proceeds from the premise that a person, being a part of a political society, at the same time acts as something superior to this society because of the presence of a timeless and eternal element in its spiritual interests and ultimate predestination. A human person is involved in the common good of civil society, but the society itself and its common good are indirectly subordinated to the absolute dignity of human and his timeless aspirations—progress in achieving unity with God. Thus, the common good is a relative, and not an absolute, supreme goal (Maritain, 1951). Maritain notes: "The law with which we have met here is the law of the primacy of the spiritual" (Maritain, 1951).

The Church and political society are not able to exist in complete isolation from each other. This follows from the fundamental fact that a person is at the same time a member of the church community and political society. The general principle of cooperation between the church and political society or state consists in the requirement to state to help the spiritual mission of the church without contributing to the restoration of its political power or secular privileges, to which some of church's adherents may claim. Political society must recognize the spiritual authority of the church in guiding believers within the spiritual sphere. In the same time, modern state must consistently monitor the activities of religious organizations, preventing the popularization and propagation of radical ideas and the activity going beyond traditional religious practice.

## FORMULATION OF IMMUTABLE PRINCIPLES

Maritain attributes the following principles to the general and immutable of church and state interaction.

*Principle 1:* In a democratic society, the political and legal liberty of the church must be ensured.

Justification of this principle Maritain starts by contradiction. From the neutral, indifferent point of view of non-believers, the church consists of groups of people organized according certain rules and focused on religious ideas and faith - on spiritual values that correspond to moral principles of these groups. These spiritual values create the moral heritage of humankind, the spiritual common good of civilization or the community of intellects. Therefore, in advanced democratic society even when the unbeliever does not share these spiritual values, he must respect spiritual legacy and traditions and recognize the right to liberty for churches, as certain social groups. This is not only the right to freedom of association, which naturally belongs to a person, but also the right to believe freely in the verity, recognized as such, in these churches, i.e. the natural right of every person to freedom of consciousness. Thus, even an unbeliever, if he thinks democratically, accept the freedom of churches as normal and necessary. As for believers, for them the church is a special society existing simultaneously inside and outside the world, as it is simultaneously a divine and human, self-sufficient, independent society of fellow citizens of the kingdom of God, leading them to eternal life through the truth of revelation (Maritain, 1951).

“It is necessary to recognize not only the freedom of the church as required by freedom of association and freedom of religion without state intervention, but also to recognize that the freedom of the church is based on the very rights of God as identical to his own freedom in the face of any human institution” (Maritain, 1951). Hence, according to Maritain, the first principle of the relationship between church and state follows it is the freedom of the Church to teach, preach and practice, the freedom of the Gospel as the freedom of God’s word (Maritain, 1951).

*Principle 2:* The relationship between the church and political society should be guided by the fundamental division between Christ and Caesar established by Christ himself. With the advent of Christianity, religion became supra state and supranational, and the church - ecumenical (Catholic). The universalism of the church showed its superiority over the state, inevitably limited by national boundaries. The church’s ecumenicity showed its superiority over the state, inevitably limited by national boundaries.

Since believing citizens, as members of a certain church, contribute to the political common good, it can be stated that the whole church is also in a political society. However, according to Maritain, being in any political society, the church is inherently absolutely autonomous and universal area that extends beyond any

political society. Due to the fact that by its very nature the political society is concerned only with the mundane life of people and their mundane common good, in this secular domain the political society, in its turn, is completely autonomous from the church. According to Maritain, the modern state is not under the control of any other authority in the domain of its own legitimacy. However, the order of eternal life in itself is the highest in relation to the order of mundane life (Maritain, 1951). The essentially spiritual nature of the Kingdom of God and the higher order to which the church is oriented, in no way threatens the earthly states. But it is the attribute of the spirituality of the Kingdom of God that determines its superiority over terrestrial states. Maritain suggests not taking into account in the meaning of the word “superiority” any connotations of domination and hegemony, but to understand superiority only as the highest place in the scale of values, the highest dignity. With this understanding, the second general principle proposed by Maritain is justified: the superiority of the church as a spiritual institution over a political society or state.

However, accounting all their status differences, the church and political society can not exist in complete isolation from each other. This consideration follows from the fundamental fact that a person is at the same time a member of the church community and political society. Therefore, Maritain proposes the third general principle necessary for studying the problems posed: the need for cooperation between the church and the political society or the state (Maritain, 1951).

### **BASIC PRINCIPLES EXERCISE**

Turning to an analysis of the exercise of these principles in real historical development, Maritain formulates the following questions:

What is the form or forms that the principle of spiritual superiority of the church takes in practical implementation?

What are the forms that the principle of essential cooperation between the church and the state takes in practical application?

The very way of formulation of these questions is not accidental. As Maritain himself explains, it is due to the traditional division that Catholic theologians have been using since medieval scholasticism, between thesis and hypothesis. Moreover, “the term “thesis” expresses the way in which these general principles should be applied; The term “hypothesis” refers to the scope of practical possibilities and hindrance represented by real circumstances “ (Maritain, 1951).

The distinction between thesis and hypothesis is often misunderstood. The thesis is understood as a timeless, absolute ideal in itself in relation to the application or implementation of principles. Such an understanding Maritain criticizes, as it is internally contradictory. After all, any application of principles occurs in

certain time, therefore, within a certain range of historical conditions requiring hypothesis about the possibility and forms of implementation of the principles. At the same time, when forming hypothesis, one should not consider the conditions and circumstances “in a purely empirical way and from the point of view of simple expediency, as if time is nothing more than a dump to which we would add more or less useful opportunities” (Maritain, 1951). Real historical time has its own sense and trends, thanks to which human history consists of separate periods, with specifics determined by a special intelligible structure and the ranking of their own needs.

This circumstance creates the possibility to put forward objectively supported hypothesis, which do not idealize or absolutize the ways of applying the principles taking place in the past. In other words, the image of the past should not be contrasting with modernity, in order to avoid the discretization of the very ideal expressed in the thesis. Otherwise, we will be forced at certain time to abandon this thesis, if we do not have or do not see the means for its implementation and do not try to forcefully impose it, thereby betraying immutable principles. Establishing the correlation between the thesis and the hypothesis, Maritain insists on clarification of the analogy method that plays an important role in the metaphysics of Thomas Aquinas in the cases when the technique of unambiguous syllogistic conclusions is inapplicable. The application of principles is carried out with the help of analogies and takes different forms depending on the historical situation, although the principles themselves are absolute, immutable and timeless.

Thus, in Europe, the Medieval Christian world was created on the wreckage of ancient civilization. The unity of faith was a prerequisite for the creation of political unity and the relative uniformity of the social structure and law and order. Maritain defines this period as time of the exclusive influence and power of the church. “The supreme dignity of the church (the principle) found ways of realization in its supreme power over the sovereign (application); And as a result, the political power of the Sacred [Roman] empire and kings was an instrument for the spiritual aims of the church “ (Maritain, 1999). Since the final unity of the political society in Europe was not achieved, the church has filled in many of the shortcomings of civil order and undertook a number of functions and duties that per se belong to a political society, including direct management of public affairs, education and judicial power.

In the period that followed the Middle Ages, which Maritain calls the Baroque era, the influence of the church on the state and legal systems was steadily weakening, while the state institutions strengthening in the political sphere. Nevertheless, the principles of sacred civilization, which made up the basis of legal systems, received considerable legislative support. Ultimately, this support led to the emergence of the theory and practice of state religion.

## **THE HISTORICAL SPIRIT OF MODERN CIVILIZATION AND ON THE MUTUAL FREEDOM OF THE CHURCH AND STATE**

Maritain in his works practically foresees the post secular society and describes essential moments for its philosophical and legal basis creation.

In the secular era, mundane society has achieved complete autonomy from the church. Maritain, on the whole, positively assesses this fact, which in itself is a conventional implementation of the evangelical separation the spheres of God and Caesar's, "but this proper process was accompanied (and spoiled) by the most aggressive and senseless process of isolation and ultimately rejection of God and the Gospel in Sphere of public and political life. The result of this we can now observe in the theocratic atheism of the communist state" (Maritain, 2007). In the short-term perspective, Maritain foresees that regardless of their will, all states will have to make a choice for or against the Gospel, for or against totalitarianism. If the choice is for Christian values, the new civilization will not be a return to the Middle Ages, but an entirely new attempt to rehabilitate a person in God and through God. Christians should create and develop a philosophy adequate to modern historical epoch, taking into account and correcting those mistakes that had been made in the past. The historical image of what we can hope for in our era must take into account the existential system of coordinates, i.e. historical atmosphere of the human community.

The main driving idea of modern civilization in present historical moment consists in gaining freedom and human dignity. That results in increasing influence and importance of highly developed and advanced (educated, morally and socially mature) personality. Then the main area of cooperation between the church and political society should be the formation of the unity of the person per se as a member of the political society and the church community. This interaction, according to Maritain, is facilitated by the following features of the mutual autonomy of political society and the church:

- Firstly, the political power ceased to be dependent on the ecclesiastical authority;
- Second, the equality of all members of a political society is recognized as the basic principle;
- Third, the Christian thesis that the freedom of individual consciousness from the state became a constitutional axiom: faith cannot be imposed through coercion;
- Fourthly, in the modern civilized world, there is a growing understanding that nothing more threatens both the common good of the City of Earth and the timeless interests of truth in the human mind than the weakening and destruction of internal sources of religion. Therefore, the freedom to seek God for those who had been raised in ignorance or semi-ignorance of Him

is a normal condition both for the perception of the gospel doctrine and for the development of a political society.

In modern civilization, according to Maritain, the very form of the church's impact on political society is changing: "The emphasis has shifted from power and legal coercion (which the church implements, as always, in its spiritual sphere over its adherents, but not over the state) to moral influence and authority" (Maritain, 1951). Thanks to this change in emphasis in modern conditions, it becomes possible to ensure the principle of the superiority of the church as a model of the supremacy of the kingdom of God over the kingdoms of the earth (Maritain, 1951). This superiority, as Maritain argues, is necessary for the Church not in itself, but in order to inspire the new civilization and political society with Christianity, to revive the Christian feelings and moral attitudes among the people and to convince the majority of the people of the values of Christian social and political philosophy.

In this regard, Maritain raises the question: which principles should enact in secular laws in those aspects that are directly related to personal convictions, norms and civil law. Maritain emphasizes that the legislation of a society renewed following the spirit of Christianity "cannot and must not confirm or approve any form of behavior that is contrary to natural law. But we must also understand that this Christian law can and should allow or permit certain forms of behavior that are somewhat different from natural law if the prohibition of such forms of behavior by civil law harms the public good" (Maritain, 1951).

Thus, civil law must adapt to the diversity of moral beliefs that have different spiritual origins. Guided by the principle of religious pluralism and admitting the actions motivated by these beliefs, the state should not take responsibility for them. In general, the state is obliged to legally recognize the moral laws of religious minorities belonging to a political society, "the rules of morality, although imperfect in some respects compared to Christian morality, must be recognized as the property of the nation in its common pursuit of good human life" (Maritain, 1951).

In terms of implementing the principle of cooperation between the church and the state, Maritain sees three directions: the first refers to the most general and indirect forms of interaction between them, the second deals with the public recognition of God and the third refers to specific forms of mutual assistance between the church and political society.

The most general and indirect form of cooperation is manifested in the assistance, encouragement and support that the political society and the state can render to the church to the extent that their goals coincide with the goals of the church, in support of natural law and human rights. Maritain sees here two tasks: material, consisting in a fair distribution of material goods that support human dignity, and moral, consisting in the effective maintenance of the legal order (Maritain, 1951).



Public recognition of the existence of God seems to Maritain necessary for the consolidation of a political society around common Christian values. The significance of these values lies in the fact that they define the moral principles of democratic law and run the bringing of these principles into action. The priority of Christian values does not exclude the possibility of participation of other institutionalized confessions in public policy and representation in the councils of the nation so that they can protect their rights and freedoms and contribute to the overall task of a political society. "As for unbelieving citizens, they must understand that the political society as a whole is as free in the public expression of its own faith as they are, individuals, are free to express their non-religious beliefs" (Maritain, 1951). It is understandable the emphasis that Maritain, as a Christian philosopher, does precisely on Christian values. But the question remains how to deal with non-Christian values in non-Christian countries, such as Muslim states, India, China, Japan? Maritain does not answer. Only in the most recent time this question drew the attention of Pope Benedict XVI in a dialogue with J. Habermas.

Special forms of mutual cooperation. In the modern world, the state must help the church's spiritual mission, without any contribution to the restoration of its political power or secular privileges, which some of its adherents may claim. "At the same stage of development of self-consciousness that modern societies have achieved, social or political discrimination in favor of the church or granting political privileges to its servants or believers might by their nature endanger this spiritual mission, and not help it" (Maritain, 1951).

Nevertheless, some discussion points should be taken into account. Thus, for example, in the secularized European states during the time of Maritain, public disapproval was aroused by the release of priests from military duty. From his point of view, this is not a social privilege. This is a high moral privilege of people who have dedicated themselves to God and are performing a peaceful mission in society. Maritain believes that a distinction should be drawn between the simple adaptation of law and custom to the different functions performed by separate estates and the legal privilege that provides certain categories of citizens with certain mundane advantages. The legal privilege, of course, violates the principles of equality of all in front of law. However, the rights enumerated in the Code of Canon Law in the chapter *De privilegiis clericorum*, establishing the status of the priesthood, should be recognized by a civil society of a pluralistic type by virtue of the adaptation of law and custom to various functions or social classes (Maritain, 1951).

Maritain believes that certain advantages that are provided to the clergy are entirely justified, and which the church itself did not require and should not require. So, in some countries, particularly in the US, railway companies provide priests with travel privileges. But similar benefits are also provided to people performing other functions, for example, medical workers, teachers and students. The question of privileges and privileges, as we see, is far from being new for Russia today.



Maritain points out that, in contrast to the lush exits of the Benedictine clerics in the 13th century, Thomas Aquinas rode on a donkey, as befitted a member of the Order of Mendicant Dominicans. "The fact remains that in any case, the use of such advantages implies in those people who use them, their common behavior, which is modest enough to prevent this insignificant inequality from appearing offensive or even scandalous" (Maritain, 1951).

Thus, it is necessary to observe a certain balance between the interests of the state, political society and the church, reaching a consensus of their interests and not allowing significant deviations from the principle of equality of all individuals and institutions before the law. The considerations of the spiritual health of society should in this case, according to Maritain, outweigh the considerations of material advantage and formal deviation from the principle of equality in front the law.

The modern state no longer has the power to impose or exclude any faith from the sphere of freedom of conscience. Nevertheless, he still has the duty to promote general morality through his own means of justice and lawfulness, and by controlling the development of opportunities and means to achieve the common good, both material and spiritual. For example, civil authorities are obliged to satisfy the requests of those religious communities that are historically rooted in the life of the people and give them advantages over new religions, for which freedom must be preserved, but without institutional recognition. "Moreover, taking into account the structure of some religious sects seeking to destroy the foundations of a common life - say, prescribing collective suicide or racial destruction - the state should dissolve such a religious sect as any other criminal or national security-threatening association" (Maritain, 1951). These Maritain's provisions are especially relevant for the improvement of Russia's policy and coding in the field of interaction of the state, society and religious organizations, in particular, with regard to new religious cults. The collapse of the totalitarian communist ideology provoked appearing during the past 20 years, a huge number of religious organizations, which do not have historical roots; moreover, they were officially registered in Russia, too often abusing religious tolerance of fragile democracy.

Maritain in this connection stresses that, firstly, the subjects of law are not abstract essences like "truth" or "lie," but human persons or their collectives; and secondly, the basic principle of a modern democratic society is the equality of the rights of all citizens. There is an organic relationship between these theses. The principle of equality should not be applied to "teachings" or "beliefs", but to citizens belonging to different religious families, because only through citizens belonging to a particular church does it enter the sphere of political society. "As a consequence, it is from the point of view of the rights of citizens forming a political society that the state will determine its position with respect to the legal status of the church within the secular sphere and in relation to the common world good" (Maritain, 1951).

The recognition and guarantee by the state of the complete freedom of the church also applies to special forms of mutual assistance. However, guarantees of mutual freedom of church and state do not mean mutual indifference. “Can I ignore anyone whose freedom I guarantee?” (Maritain, 1951). Maritain believes that the concept of mutual disregard for church and state is self-deception. In practice, either the state encroaches on spiritual matters and opposes the church, as it was in France in the XIX and in the USSR in the twentieth century, or the state accepts and really guarantees the freedom of the church, both in the US and in modern European states. In addition to this negative assistance, which is the provision of church freedom, it is possible, desirable and necessary that positive assistance is no longer so much for the state as for the political society. The principle of equal laws and equal rights for all citizens means, “The state should not help the church with legal privileges and strive to gain its loyalty through the worldly goods paid for its freedom” (Maritain, 1951). But a political society should help the church in its spiritual mission, “using its freedom of existential activity within the framework of law” and cooperating with it in the educational, cultural and social spheres.

### *References*

- Hittinger, J. P. (2002). *Liberty, Wisdom, and Grace: Thomism and Democratic Political Theory*. Lexington Books.
- Maritain, J. (1951). *Man and the State*. Chicago: The University of Chicago Press.
- Maritain, J. (1999). *La loi naturelle ou loi non écrite*. Oeuvres complètes. Fribourg (Suisse):
- Maritain, J. (2007). *Le philosophe dans la cité*. Paris: Editeur Parole et Silence..
- Pope John Paul II. (1998). *Fides et Ratio: On the Relationship between Faith and Reason*. Boston: Daughters of St. Paul.

ISSN: 0025-1569

# MAN IN INDIA

Volume 97

Number 23

2017



**Serials** Publications Pvt. Ltd.

Publishers & Distributors

Man in India  
© Serials Publications

ISSN: 0025-1569

***Editor***

R.M. Sarkar,  
Kolkata, India

Amit Kumar Mishra  
University of Hyderabad, India

***Editorial Board***

Brij Maharaj  
University of KwaZulu-Natal, South  
Africa

Pierre Gottschlich  
University of Rostock, Germany

K. Laxmi Narayan  
University of Hyderabad, India

Dr. Mihir Kumar Mallick  
Professor and Head, School of  
Education  
Lovely Professional University,  
Phagwara, Punjab, India

Jonathan Miles-Watson  
University of Manchester, UK

Luighi Yao, LU,  
Professor,  
Department of Medicine,  
McGill University,  
845 Rue Sherbrooke O, Montréal, QC  
H3A 0G4

Peter Seele  
Institute for Advanced Study in the  
Humanities, Germany

Dave Sangha  
University of Northern British  
Columbia, Canada

***Abstracted/Indexed/Reviewed***

Indexing and Reviews: Mathematical Reviews, MathSciNet, IndexCopernicus  
Zentralblatt fur Mathematik, EBSCOhost, SCOPUS, Elsevier's bibliographic  
database, Ei databases index, EMBASE, EMCare, CAP International, Indian  
Sciences Abstract and Indian Citation Index (ICI).