

# *Neither Theocracy Nor Civil Religion Can Serve the Common Good*

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## **Introduction**

Do not fear those who kill the body but cannot kill the soul; rather fear him who can destroy both soul and body in hell (Gehenna). (Mt. 10:28)

**T**his saying of Jesus was for centuries a cause of great anxiety for those who held power and for their advisors, if they happened to believe that the essence of their power lay in their ability to punish, including the taking of life. Many such people will have taken to heart Machiavelli's advice to a prince that it is better to be feared than to be loved. He reasoned that fear was reliable as a motive while love or gratitude could so easily be silenced or drowned out by pressing concerns. Jesus' words are placed in the context of his foretelling of the persecutions that will be suffered by his disciples, who will be delivered up to councils and governors and kings (Mt. 10:16-23). 'Have no fear of them' (Mt. 10:26) is the advice which Jesus gives.

In the modern period, Thomas Hobbes was the preeminent theorist of fear as the key to power. For Hobbes, in the absence of a shared view of the good and a common commitment to realizing it, the only way in which diverse individuals motivated to pursue their own interests could be made to conform to a common rule was by binding them with fear—fear of the sovereign's power to punish, and fear of the consequences of the absence of such power. And because he was so aware of the motivating force of fear,

he was particularly concerned about the impact of religious belief on the stability and security of a commonwealth. A populace more in fear of divine retribution than of the magistrate's sword could not be relied upon to obey. In discussing religion, Hobbes defined it in terms of fear: Fear of powers unseen. And such fear was in direct competition with fear of visible powers, fear of the sovereign and its agents.<sup>1</sup> Consequently, Hobbes laid down very strict conditions for the licensing of preachers and clergy within the commonwealth, so as to ensure that the effect of their ministry would be to support rather than jeopardize the power of the sovereign. And because the Catholic Church taught that sovereigns were not above divine law and divine retribution, he concluded that it could not be tolerated within the state. Catholic priests and ministers were in the habit of inculcating in their congregations a fear of divine power and likely punishment, and such doctrine could only detract from the status of the sovereign as one worthy of fearful respect. The fourth part of *Leviathan*—'The Kingdom of Darkness'—addresses this problem that the Catholic Church poses for the security of the state from Hobbes's perspective and argues for total intolerance.

Religion, however, is not seen only as threat. It can deliver important benefits for the political association. Hobbes recognizes religion as a powerful motivator and unifier of masses of people. In the third part of *Leviathan*, he recommends how these positive benefits might be secured by the incorporation of religion in the life of what he calls a Christian commonwealth.

Jean-Jacques Rousseau in the *The social contract* also sees the potential positive social contribution of religion. In order to harness and exploit those advantages specifically for the benefit of the republic, he speculates on the kind of religion which could deliver the required outcomes. He advocates the fostering of civil religion in the republic for the benefits which such religion might ensure for the peace and stability of the community. But Rousseau recognized a dilemma: The kind of religion which would serve as a civil religion would simply be an ersatz religion, not the genuine article. As such, an ersatz religion would be incapable of generating the kind of motivation and commitment required.

Political philosophers in the modern period are ambivalent toward religion. On the one hand, they see it as a source of threat and a competitor for citizens' allegiance. On the other hand, they recognize that it provides many social benefits, especially the fostering of community among the citizens who are more likely to be moved by religious than by political or republican exhortation.

In considering the relationship between religion and politics, one is inclined to shift to the more concrete and particular conceptual pair of 'church and state.' Obviously, the two conceptual pairs are closely intertwined, especially as the notion of politics in the modern period is closely allied with that very particular form of rule which we call the modern state, despite the great variety of forms it can take. To speak of politics in the modern context then brings with it certain assumptions about the form of state to which that kind of politics corresponds.

Is there a similar segueing of religion to church as a typical institutional form for the representation of religion in public life? I do not think the association is as strong as in the case of politics and state, partly because of the success of the modern liberal movement in redefining religion as a private matter, an exercise of private choice. In this paper I want to concentrate on the more general terms, religion and politics. In this I rely on the very significant study of civil religion from the perspective of liberalism published in 2011. Ronald Beiner (2011) in his *Civil religion: A dialogue in the history of political philosophy* has explored the manner in which religion has been a recurrent topic of interest for liberals. In his conclusion, he maps out the typical positions which can be held on the relationship between politics and religion:

1. the idea that politics and religion should be kept separate (liberalism);
2. the idea that politics and religion should be joined together but governed by the supremacy of religion (theocracy);
3. the idea that politics and religion should be joined together but governed by the supremacy of politics (civil religion).

These three ideas are documented in the history of political philosophy but Beiner, who acknowledges that he 'has very little interest in religion as such,' points out that his research reveals a latent alliance between the first and the third. In other words, the liberalism which desires to keep religion and politics separate can often be allied tacitly or implicitly with the stance which wishes to maintain the supremacy of politics.

The great achievement of Beiner's work is to provide a fresh critical reading of Rousseau on civil religion, revealing that the standard account is a misrepresentation. Far from concluding that politics can successfully instrumentalize religion for its purposes, as is usually thought to be his view, Rousseau came to the conclusion that the kind of religion which might be made useful for politics would not succeed because it would be severely deficient precisely as religion. Beiner points to Rousseau's survey of the various forms of religion linked to politics in Book IV, Chapter 8 of *The social contract*, and remarks how he rejected all the surveyed forms of national religion. Rousseau then ends up with a form of toleration similar to that of John Locke, but for Beiner this suggests Rousseau's own dissatisfaction with the form of civic-republican utopia which he has been developing. Beiner (2011) comments: 'Rousseau's thought fluctuates between two opposed and contradictory standpoints, the standpoint of cosmopolitan brotherhood and the standpoint of national particularism, and the idea of civil religion seems to get caught in the interstices of this tension.' He then summarizes the argument as he finds it in Rousseau:

Theocracy "works" as a civil religion but violates political right, whereas Christianity satisfies principles of moral legitimacy but does not "work" as a basis for politics. Good politics presupposes a false and inhuman religion; a true religion breeds bad politics. Hence each serves merely to cancel the practical validity of the other. If the problem of civil religion presents as much of an *aporia* as our reading has suggested, then one is required to reread the whole of the *Social Contract* in the light of this impasse with which the book concludes. True politics is particularistic and true religion is universalistic, and so "civil religion" does not name a genuine synthesis of religion and politics but rather identifies their necessary contradiction (Beiner 2011, 83).

I wish to present here the summary arguments which point to the unsatisfactory nature of theocracy on the one hand, and to the impossibility of a civil religion on the other hand. The case which remains to be made, it seems to me, is to argue for the separation of politics and religion (the first idea), but in such a way that religion is not tacitly instrumentalized for the good of the state. There is a general presupposition, though not always articulated, that when politics is considered from a religious standpoint the preferred stance is that of theocracy, and any other accommodation between religion and politics is in effect a compromise, with the religious side giving up its desire to dominate politics. An adequate defense of the separation of religion and politics will require an appreciation of the kind of religion which would have genuinely religious and not merely pragmatic grounds for the separation. At the same time, the understanding of the political would have to be properly secular, and free of hidden strains of anticlericalism, genuinely allowing for the coexistence of the religious.

### **Politics and Religion to be Kept Separate (Liberalism)**

The position identified by Beiner as liberalism, which is neither theocracy nor civil religion, would seem to be the most promising from a political perspective. Also from a theological perspective, this stance of separation allows the possibility of preserving the freedom of religion. In what follows, I wish to explore two sets of reasons in defense or advocacy for this position. First of all, I will consider the political philosophical arguments for separation, and then, second, I will review some theological arguments in support of separation.

#### *Philosophical defense*

There have been several major publications presenting liberalism as a philosophy of politics which insists on both the separation of religion from politics and at the same time the neutrality of politics toward religion, respecting the freedom of religion, and allowing space for religion to exist free from political interference. John Rawls's *Political liberalism* (1996) is a major contribution

in this regard, providing one way of conceiving of the relationship between the religious and the political in terms of reasonable comprehensive doctrines, and also a political conception of justice as the content of an overlapping consensus. This very fruitful proposal has not met with everyone's agreement, and noteworthy points of criticism have explored the extent to which Rawls's approach imports a disregard for the distinctiveness of religion. But for my purposes, Rawls serves as an example of one attempt that provides an account of politics which embraces the idea of separation along with respect for the freedom of religion. Rawls's work has the added advantage of clearly identifying a form of secularism which is principally opposed to religion in public life as an instance of a comprehensive doctrine, and so not appropriate as the philosophical toolbox for the overlapping consensus of political and public reason. Rawls is aware that there are these alternative forms of secular liberalism, but he is also aware of the importance of preserving the neutrality of the political, and so guards against the domination of the political by the secular.

Another recent publication from Charles Taylor and Jocelyn Maclure (2011) builds on Rawls's work but also focuses on the contrast between the two kinds of secularism. They follow Rawls in disavowing as appropriate for the political realm the kind of secularism which is fundamentally antireligious, at most being prepared to tolerate it as a private matter. They maintain that

[T]he state should adopt a position of neutrality not only toward religions but also toward the different philosophical conceptions that stand as the secular equivalents of religions. In fact, a political system that replaces religion with a comprehensive secular philosophy as the foundation of its actions makes all the faithful members of a religion into second-class citizens, since these citizens do not embrace the reasons and evaluations enshrined in the officially recognized philosophy (Maclure and Taylor 2011, 13).

Taylor and Maclure elaborate their understanding of secularism as based on two major principles, namely, equality of respect and freedom of conscience. They also based it on two operative modes that make the realization of these principles possible, namely, the separation of church and state and the neutrality of the latter towards religions. More restrictive forms of secularism aimed at marginalizing religion adopt an atheistic or agnostic view of the world, and so

abandon any pretense to neutrality. Taylor and Maclure distinguish, therefore, between two conceptions of secularism: The liberal-pluralist view and the republican view. These are distinguished by whether or not the requirement of neutrality is imposed on institutions only, or that they are also directed at individuals. The liberal-pluralist view of secularism is directed only at institutions and not at individuals. By contrast, on the republican view, not only institutions but also individuals are obliged "to exercise self-restraint and display neutrality, by abstaining from displaying their faith when they frequent public institutions, or in the most radical view, when they enter the public sphere" (Taylor and Maclure 2011). The choice of the term 'republican' to label the more restrictive form is evidently influenced by the French and Quebecois experience. They note in addition how this so-called republican view seems to assume a watertight barrier between individuals' private and public lives.

The liberal-pluralist view of secularism as a political philosophy arises more directly from the North American experience, although that experience has also revealed a long history of uncovering and resisting institutionalized prejudice against some religions. Martha Nussbaum (2008) has provided a valuable study of the emergence of the value of religious equality in the American experience. It is noteworthy how the subtitle of her book stresses religious equality, and not only religious liberty. She acknowledges how a distinctively Protestant understanding of religion predominated at certain stages in the history of the United States, resulting to the exclusion of other religious traditions from the protection of the law, hence suffering from discrimination. Nevertheless, the value of religious liberty was articulated as worthy of legal protection from the beginning of the republic, against the background of religious persecution, not only in the mother countries of the first immigrants, but also most decisively in the first colonies.

Nussbaum explores the double source for the valuing of religious liberty in the Stoic philosophy familiar to the founding generation in America, and the Protestant emphasis on conscience. Roger Williams, the founder of the colony of Rhode Island, and the author of its charter, is taken by Nussbaum as the preeminent spokesman for religious liberty rooted in respect for the dignity of conscience. Rhode Island's charter in its various

editions, renewed by the English king Charles II following the Restoration, ensured religious liberty in a manner which was recognized at the time as a radical innovation. According to Williams' correspondence, the king realized he was experimenting with the radical idea that a civil government could be compatible with the freedom of conscience. The prevalent assumption at the time was that a political community required a shared religion so as to ensure the degree of unity required for harmonious existence. So strong was this assumption that persecution to enforce uniformity was accepted in the first colonies of New England.

Williams had fled persecution in Massachusetts and attempted in Rhode Island the construction of a form of public and common life which would not rely on persecution of dissidents. In his voluminous writings against persecution and in favor of religious liberty, he debated with John Cotton of Massachusetts who had written in defense of the need to enforce orthodoxy. In surveying this debate, Nussbaum highlights two of Cotton's contentions which Williams had to counter. The first was the widely held view that people could not live at peace with one another unless they shared fundamental religious beliefs. This was the operative assumption in the resolutions of the Treaty of Westphalia (1648), summarized in the slogan *cuius regio, eius religio*, that is, the religion of a country shall be that of its king. Cotton's second argument was concerned with the required virtues of public officials. In Nussbaum's (2008, 63) summary formulation, "we simply do not want our public life to be run by sinners, because they are making very important decisions, and if they are sinners they will do so sinfully and badly." For these two reasons, to ensure public peace, and to guarantee the moral goodness of public officers, Cotton was prepared to persecute those who by adherence to dissident views jeopardized the harmony of the community. Cotton vigorously advocated religious persecution in various writings as necessary for public order because it cuts away the diseased part of the community which was likely to infect the healthy remainder.

In several books published in England in 1644 and 1653, Williams attacked this willingness to persecute as a "bloody tenet," and established

a different practice in his colony based on respect for conscience. At a time when there were prosecutions for witchcraft—fifty in Massachusetts and forty-three in Connecticut—no such trials existed in Rhode Island, the colony established by Williams.

Williams countered Cotton's persecuting zeal with a defense in favour of conscience, but also with an argument that persecution itself is more likely to disturb the civil peace than the coexistence of differing religious sects. On the required goodness of public officials, Williams distinguished different forms of goodness, and he denied that the moral probity and civil integrity required of officials is a religious virtue. This echoes a distinction drawn by St. Thomas Aquinas when addressing a similar question whether or not the law can make people good. Aquinas remarked that the good is predicated in different senses, either simply, or qualified in some way.<sup>2</sup> A qualified sense of goodness is the goodness of compliance with the law, and a more complete goodness is realized when a virtuous character acts spontaneously in accordance with the law from a direct willing of the comprehended good. Following Aristotle, Aquinas can confirm that the law's purpose is to make people good, and he qualifies Aristotle by noting that the attainable goodness is the minimal sense of compliance with the law.<sup>3</sup> If they conform their behaviour to what the law commands, avoiding those actions which are prohibited, and performing whatever actions are required, people are *in this sense* good. And in a sense, this meaning of goodness is the only one in which human law can attempt to achieve. The coercive force of the law can succeed in effecting compliance, but has no proper instrument for ensuring that the compliance springs spontaneously from virtuous character. The lawmaker can hope that habituation through the discipline of laws can lead to the formation of character, but s/he cannot make it happen.<sup>4</sup> Implicit in Aquinas's remarks that the lawmakers must at least be virtuous is the thought that no society which relied *solely* on the enforcement of law that ensures compliance could survive. The complete police-state, regulating and monitoring everything, is doomed. So there is a genuine question about virtue and character, which arises for any polity aware of its limitations in making the law.

Nussbaum sees in Williams' sophisticated approach to the goodness required of officials an anticipation of Rawls's idea of an 'overlapping consensus.' In addition, she maintains that the kind of respect for conscience which he advocates is not based on scepticism about the capacity of human reason to attain the truth. Williams did not evade the dilemma posed for those who were convinced of the truth of their own convictions, and the error of others' views: How are their views to be respected, when they are believed to be false? Nussbaum (2008) quotes Williams in saying: "I commend that Man whether Jew or Turke, or Papist, or who ever that steeres no otherwise than his Conscience dares." She adds that what Williams emphasizes in this context is not so much the ability to find the truth, but the sincere quest for meaning.

The idea that we are all solitary travelers, searching for light in a dark wilderness, led to the thought that this search, this striving of conscience, is what is more precious about the journey of human life – and that each person – Protestant, Catholic, Jew, Muslim, or pagan – must be permitted to conduct it in his or her own way, without interference either from the state or from orthodox religion (Nussbaum 2008, 37).

Here, Nussbaum's intellectualist interpretation of religious conviction is noticeable. Toleration is not based on scepticism.

### *Theological arguments*

Williams relied on a distinction concerning the good to resist a position which advocated enforcement of unity, on the good through persecution of dissidents. Aquinas relied on a similar distinction to accept the limitations of human law in cultivating virtue. Just as the former led to a vigorous defense of the freedom of religion based on respect for conscience, one might expect the latter to have had a similar reception history in grounding an attitude of toleration. Unfortunately, this was not the case. As is well documented, the dominant position in the Catholic Church up to the Second Vatican Council was one closest to the model of theocracy, at least as the preferred form where it is achievable.

In 1937, when the Irish *Taoiseach* (Prime Minister) Éamon de Valera drafted a new constitution, he included an article recognizing the 'special position of the Catholic Church,' as the church of the majority of Ireland's citizens. Interestingly, for a constitution drafted in the 1930s, the article also included a recognition of the Jewish community and other religious groups. Hoping to get the Vatican's approval, so as to increase its chances of adoption by the electorate, or at least disarm opponents, de Valera sent the draft constitution to Rome. The reply of the Secretary of State (Pacelli, later Pope Pius XII) was that the church could not give approval to a constitution which was technically heretical, in that it did not acknowledge the Catholic Church as the one true church of Christ. However, he undertook not to express any disapproval.

Even if Pacelli was not representing here a full blown version of theocracy, it was nonetheless a failure to respect the autonomy of the political. That is, it preferred to regard the political through the lens of theology, instead of allowing the political to determine for itself its appropriate relationship to the church. It required of the constitution to speak of the church as the church wishes to speak of herself, namely, as the one true church of Christ, but could not grant the same courtesy to the state. Up until relatively recently, the official position of the church has been a *form* of theocracy, and an unwillingness in practice to approve compromise even in the face of political necessity. But with the developments in her self-understanding which reached a peak in the Second Vatican Council, notably in the *Pastoral constitution on the church in the modern world (Gaudium et spes)* and *The declaration on religious liberty*, the church moved from the theocratic position to one of separation, but with partnership. The nature of that partnership is best expressed in the notion of dialogue.

*Gaudium et spes* presents a complex understanding of the preferred relationship between the church and the political community.<sup>6</sup> In the section of the constitution dealing with politics, the complex is noted and analyzed. There is first of all the assertion of difference between church and state. Second is the assertion of mutual independence and autonomy. But difference and mutual independence do not preclude cooperation. Accordingly, the possibility of

cooperation is given by the fact that both the political community (note, more than the state: It is state plus civil society plus economy) and the church have similar functions though different. Both are “helping the same men to fulfil their personal and social vocation.” This analysis, like the document as a whole, is rooted in an account of the human, both individual and social. Any possible distinction between this worldly and other worldly concerns is constrained by the fact that it is the same human reality which has both dimensions. Hence, there is the potential for cooperation. “Man is not confined to the temporal order: Living in human history he keeps his eternal vocation intact.”

From the church’s point of view, the service of humankind is the domain in which the state and church can cooperate, because each in its own way is concerned with the facilitation of human fulfilment. This is made slightly less abstract in the passages concerning the common good, redefined as conditions for fulfilment. Following on from Pope John XXIII’s encyclical letter *Mater et magistra*, the Second Vatican Council in *Gaudium et spes* §26, declares ‘the common good’ to refer to the set of conditions which enables people, both as individuals and as groups, to achieve their fulfilment. This statement lists the conditions as economic, social, cultural, political. The following aspects of the declaration are central to the possibility of partnership of religion and politics:

1. The council recognises that there is a form of development and fulfilment which is appropriate to humankind. Human striving is oriented to that.
2. This fulfilment is not simply a fulfilment of individuals. There is a fulfilment of community without which human development would be incomplete.
3. The council does not insist on what that complete human fulfilment would be at this point. The council speaks of conditions that would have to be met for people to achieve their fulfilment.

Note the complexity involved in this: The church and the council have a very definite idea of what human fulfilment consists in: ‘(C)ommunion with God.’ This echoes the teaching of *Lumen gentium*, that is, the *Dogmatic constitution on the church*, on the universal call to holiness. All humans are said to have the

same end, as designated by their creator, namely, God himself. However, the council also expects that others such as atheists will not be able to accept this teaching, and certainly the modern liberal state will have to remain neutral concerning such an understanding of human fulfilment. Yet, the Fathers of the Council expect that cooperation can be achieved in those elements which are conditions for human fulfilment, however it is understood.

The Second Vatican Council’s *Gaudium et spes* dares to speak of the common good in a new way. As a result, there appears to be a narrowing of the notion of the common good from the ultimate end of human striving to the conditions which might facilitate the achievement of that fulfilment. In other words, the council seems to be risking a reduction of the notion of the common good from a consideration of the ultimate ends of human striving, to a delineation of the means and conditions of that striving.

This reading of a reduction in the understanding of the common good would however be mistaken. There is a nice complexity in the council’s thought. It seems to be acknowledging that there is no agreement between believers and unbelievers for instance, or between church and state, on the nature of human fulfilment. But it is also saying that all alike can work together in creating, operating and maintaining the conditions for human fulfilment, even though we do not share the same vision of that fulfilment.

The development in the church’s presentation of its teaching reflected here has its parallel in the council’s *Declaration on religious liberty (Dignitatis humanae personae)*. The declaration’s affirmation of the principle of religious freedom insists that no one is to be coerced against their conscience, even if they are in error. Commentators have noted the extent of the development signalled here, from a position where the church was prepared to say that error had no rights, to a recognition that an erroneous conscience did not lose its dignity and continued to be entitled to respect. In these documents of the Second Vatican Council, the church declares that she does not intend to rely on the coercive power available to the state in order to implement its views of the human good and of moral order. She acknowledges that there are conditions for involvement in the political community, and she agrees to abide by those conditions.

The church is prepared to abide by those conditions which ensure the proper autonomy of the political, but she insists that she will not compromise her own proper autonomy. When that is threatened, the church will resist. *Gaudium et spes* stresses the distinctiveness of the church's mission, and warns of the danger that it could be compromised by adopting a mission in the merely economic, social or political order. This is consistent with the tradition of the church's self-understanding as a *societas iuridice perfecta*, that is, that she is dependent on no other human organization for her identity, or for the means required to achieve her appropriate ends. This refers to versions of civil religion which regard the church simply as a contributor to social cohesion and public benefit through her pastoral, caritative and educational ministries. But perhaps the threats of civil religion are not so clearly recognizable when they are veiled in invitations to participate in public life as a member of civil society. A trend has emerged recently in identifying civil society as the appropriate forum for the church's contribution to political life. This does, indeed, provide the church with new opportunities for collaboration. However, there is also a danger that the church is seen merely as an element of 'organized civil society' like other nongovernment organizations (NGOs), and as the latter have their particular interests, so too the distinctive concerns of the former, for which she conducts publicity and advocacy work seen to be like theirs.

The optimism of *Gaudium et spes* is striking, but it is not naively optimistic—it is realistic about the negative aspects of human existence, as is clear from the discussions of war, poverty, injustice and abuse of human rights. The positive expectations about the possibilities of dialogue and cooperation do not imply that any actual instance of collaboration will be successful. In any actual political collaboration, as in politics in general, Christians motivated by *Gaudium et spes* can expect to encounter tensions. For instance, commitment to human rights might seem to be a promising forum, and a context for collaboration about the conditions for a decent human life. However, the church's understanding of human rights as expressed in *Gaudium et spes* is quite different from that of the humanists, or even of practising lawyers. This doesn't simply apply to the foundational

elements or what might be part of the discussion on the ultimate common good, namely, human fulfilment. It also appears already in the instrumental dimension, for example in disagreements over abortion, right to be assisted in killing oneself, legal recognition of same-sex partnerships and so on. While human rights discourse is predicated on human autonomy, which is rightly esteemed, the council's *Gaudium et spes* warns about a false autonomy. Other participants in the dialogue will find this difficult, lacking any other criterion for evaluating human freedom than the foundational value of autonomy.<sup>7</sup> Tensions also arise in many areas in which the church cooperates with the political community in the provision of services, whether in education, health care or welfare provision. Experience shows that their faith ethos and vision colors everything that Christian institutions do. These services are constituted and shaped by beliefs about the source of human dignity, the range of knowledge to be explored and discovered (including theology, for instance) and the place of suffering and death in life. Precisely in these areas, when difficulties arise, the church must secure for herself the appropriate degree of autonomy and independence of political patronage, and resist being instrumentalized to the interests of the state.

In the church's reflection on the possibility of cooperation, she must be careful not just to look at the difficulties posed by the opposing views of those who hold political power, for instance, but must be prepared to reflect on the church as she may be seen by potential partners. Engagement with partners in the political domain must anticipate disagreement and conflict, and so will require a dimension of dialectic. But disagreement and conflict can also arise within the church. Disagreement and conflict shape the context in which people might generate a measure of consensus about how they are to conduct their life together through a careful process of dialogue and negotiation. This is the benefit of democratic systems in which the church wishes to participate, but the church denies at the same time that a similar process is appropriate for its own clarification of its message: "While exchanges and conflicts of opinion may constitute normal expressions of public life in a representative democracy, moral teaching certainly cannot depend simply upon respect for a process: indeed, it is in no way established by following the rules and deliberative

procedures typical of a democracy" (*Veritatis splendor* 1993, 113.2). The point of this is clear: Truth does not depend on agreement. However, the danger arises when the cautious reserve appropriate for safeguarding the Gospel message is applied also to matters of discipline or administration so that the absence of transparency and accountability appears to protect some vested interests. When the intra-ecclesial conversation does not model open dialogue, does the church by her own style of proceeding undermine her own mission of dialogue with contemporary culture?

### In the Service of the Common Good

The relationship between politics and religion can be conceived of in various ways. As noted above in the polarization of theocracy and civil religion, some views give priority to one or the other. Theocracy subordinates the political dimension to that of the religious. On the other hand, civil religion instrumentalizes religion for the sake of a political cause. Although they are polar opposites, common to both these approaches is not only the tendency to privilege one side of the pair, but also to view the other pole through the lens of the privileged stance. The challenge is to find a way of dealing conceptually with the relationship between religion and politics, which respects the autonomy of each pole. At the same time, an adequate theoretical conceptualization must be such that it can be compatible with and hospitable to both a fully-fledged theological understanding of the nature of religion and an articulated philosophical account of the nature of politics. It must respect the distinctiveness of both dimensions, and avoid collapsing one into the other. At the same time, it must be able to allow separation along with cooperation.

The notion of the common good provides one possibility of understanding the relationship between religion and politics which respects their distinctiveness. Because the notion is used analogically, it is possible to recognize the role of politics in relation to its specific common good while at the same time acknowledging that the unrestricted common good is the proper object of religion. The analogical use of the term means that its meaning shifts

systematically from one context to another. This was illustrated above in the discussion about fulfilment as ultimate end, and the conditions for achieving human fulfilment. Both ultimate ends and conditions can be spoken of as common goods, but the latter as the concern of the political community does not have to presuppose some stance on what constitutes ultimate ends.

The mistake of theocrats is to deny this. Some theocratic positions take Aristotle's assertion that the good life pursued in the *polis* is the highest good which embraces all the rest, and fill in that *summum bonum* with content from their religious faith. They then conclude that the political authorities have responsibility to pursue that highest good be so understood. Then the authorities are understood to be obligated to bring about harmony and unity in society in the shared acceptance of this good, and to legislate so as to make people good and equip them for salvation.

In the face of the widespread assumption that the stance of the Catholic Church continues to be theocratic, it is very necessary to insist that not every religiously grounded position is theocratic. There are other theologically grounded positions which can support the exclusion of concern with the *summum bonum*, the highest good, from the agenda of the state. Early in the Christian tradition, Augustine realized that the instruments available to civil authorities, typically coercive force, were inappropriate and inadequate to the task of making people good. In fact, he generalized his view that only God could make people good according to the divine standard of goodness, and hence that it could not be the responsibility of political authorities to lead people to their ultimate good.

This position receives a more nuanced reworking by Aquinas, who is reluctant to abandon so much of Aristotle and retains the insights of both his mentors, Aristotle and Augustine, by relying on distinctions such as that invoked above between the different senses of 'good.' John Finnis (1998) has worked through some of this material and so I rely on his conclusions at this point. He draws on Aquinas to show that there is a perspective on the good relative to the state which does not exhaust the human good, leaving scope for other agents and authorities. In particular, since the interior attitude and intention (virtue) of agents is a major dimension of their goodness or

holiness—and this is not accessible to the instruments of the human lawmaker and enforcer— then the human authorities cannot have the unrestricted common good as their appropriate goal. Their object is the domain of means and conditions, facilitating the pursuit of the good by persons and groups. The delineation of religious liberty helps to mark this distinction, since it specifies limits to what the state may do in interfering, either positively or negatively, with the freedoms of people to follow their religious conscience.

Drawing on this account of goodness and of the limited capacities of the modern state, I argue against theocrats that the instruments of the state are unsuitable for making people good and getting them to conform to the requirements of their religious worldview. Without wishing to consider the validity of the ends proposed, I concentrate on the inherent limitations of the modern state, which, both in Aristotelian terms and in terms of its own self-understanding, is not designed to deliver the kinds of effects which Aristotle and the theocrat hope for.

Where the theocrat wishes to enrol the capacities of the state to serve religion's ends, the proponent of civil religion wishes to recruit religious forms to serve political ends. In particular, the forms of solidarity and social cohesion, along with the dimensions of moral commitment and motivation, make the achievements of religion attractive for political purposes. Perhaps a radical secularism is much more of a challenge in the way politics is practiced today, whereby the tendency is to exclude religion completely from public life and confine it to the private sphere of individual choice. Nonetheless, civil religion remains as a possible stance which appears to take religion seriously but instrumentalizes it for political ends. The dangers for the proponents of civil religion are that they adopt some form of an immanentized ultimate end and make it the common good of politics. This is the danger seen in both extreme nationalism and communism. But also the public culture of hedonistic consumerism can also become an operative goal of politics. In these cases, the political has transgressed on a domain in which it has no competence, that is to say, that the ultimate goods of human life. The liberal tradition at least warns that this should be the sphere of individual freedom. At the same time, the conditions of a social, economic and cultural nature are pressed into the service of an illusory fulfilment.

## Conclusion

From Beiner's (2011) commentary on Rousseau's civil religion above, I read his conclusion that 'Good politics presupposes a false and inhuman religion; a true religion breeds bad politics.' From my survey of the flaws of both theocracy and civil religion, and the exploration of a defensible liberalism providing for separation with collaboration, I hope to have shown that good religion and good politics can coexist. In conclusion then, mapping out the appropriate relationship between politics and religion, between a modern state and the church, it is useful to formulate some negative and positive propositions to delineate the proper relations between them. Referring to the Aristotelian thesis that the good pursued by the *polis* is the highest good, I deny that the *summum bonum* or unrestricted common good is, or could ever be, the common good of the modern liberal democratic state, or of combinations of states. It does not follow from this, of course, that the liberal democratic state has no appropriate common good of its own, and so I deny any such conclusion. I further deny that it is either exclusively or primarily the responsibility of the liberal democratic state, first to discover what makes for human flourishing, and second to implement its discoveries in policies designed to bring about human flourishing.

On the positive side, I propose that the common good of the liberal democratic state can be understood in terms of the means and conditions for human flourishing. Its processes can be understood as the search for and facilitation or provision of those conditions as elements of human flourishing are discovered and clarified. The development of the language of human rights can be understood in terms of this dynamic. Current debates, concerning, for instance, the relative weights of equality and liberty, are examples of the search for the appropriate conditions to allow individuals and groups to pursue their own visions of the good life. I suggest that there be further debates, either aesthetic, cultural, anthropological, philosophical, or theological, about what constitutes human flourishing, and that these need to be fostered and facilitated in the broader political culture of civil society, in institutions of education, academia, publishing and churches.

The modern state can carry on its business of providing conditions for human wellbeing, even if there is no consensus available to it about what constitutes human flourishing. Were it to attempt to fix policies according to one preferred answer to the questions about the highest good, it would be exceeding its proper limits and violating liberties.

## Notes

- <sup>1</sup> Thomas Hobbes, *Leviathan* (Oxford: Oxford University Press, 1996), Part I, chap. 6, where he introduces his basic definitions: 'Fear of power invisible, feigned by the mind, or imagined from tales publicly allowed, Religion; not allowed, Superstition. And when the power imagined, is truly such as we imagine, True Religion.' See also, chap. 12, 'On Religion.'
- <sup>2</sup> St Thomas Aquinas, *Summa theologiae* translated by Fathers of the English Dominican Province, 1947, I-II q.92 a.1 declares that it is the effect of law 'to lead its subjects to their proper virtue, and since virtue is "that which makes its subjects good," it follows that the proper effect of law is to make those to whom it is given good, either simply or in some particular respect.'
- <sup>3</sup> Aquinas, *Summa theologiae* I-II q.92 a.1 ad3m: "The common good of the political community cannot flourish unless the citizens be virtuous, at least those whose business it is to govern. But it is enough for the good of the community that the other citizens be so far virtuous that they obey the commands of their rulers.'
- <sup>4</sup> Considering the need for human law, Aquinas writes: '(S)ince some are found to be depraved and prone to vice and not easily amenable to words, it was necessary for such to be restrained from evil by force and fear in order that they might at least desist from evil-doing and leave others in peace, and that they themselves, by being habituated in this way, might be brought to do willingly what hitherto they did from fear and thus become virtuous. Now this kind of training which compels through fear of punishment is the discipline of laws.' *Summa theologiae* I-II q.95 a.1.
- <sup>5</sup> 'By virtue of her function and field of action the Church is quite distinct from the political community and uncommitted to any political system; she is at once the sign and the guarantee that human personality transcends the field of politics. The political community and the Church in their respective fields are independent and autonomous; but under different titles they are both helping the same men to fulfil their personal and social vocation. The more they co-operate reasonably, with an eye on the circumstances of time and place, the more effectively they will perform this service to everybody's advantage. Man is not confined to the temporal order: living in human history he keeps his eternal vocation intact.' *Gaudium et spes: De Ecclesia in mundo huius temporis: Pastoral constitution on the church in the modern world* §76, translated by William Purdy (London: Catholic Truth Society, 1965).

- <sup>6</sup> See for instance, James Griffin, *On human rights* (Oxford: Oxford University Press, 2008), who argues for 'normative agency' as the ground of entitlement to human rights. Personhood, understood as normative agency, as the capacity of evaluating, choosing, and pursuing a conception of our good from a range of options, leads to the conclusion that the demented elderly and infants do not have human rights. He insists of course that we nonetheless have moral obligations towards them.
- <sup>7</sup> As discussed above, Martha Nussbaum's book, *Liberty of conscience. In defense of America's tradition of religious equality* (New York: Basic Books, 2008) offers a very helpful reworking of the value of religious liberty as safeguarding the liberal polity.

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