

The Separation of Religion and State: Context and Meaning

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Abstract

This paper seeks to show the analytical limitations of the most popular terms describing the relationship between religion and politics, the two most popular being “separation of church and state” and “separation of religion and politics.” Although the latter term is preferred it is still quite vague in its meaning and, strictly speaking, impossible to put into practice. I try to clarify the meaning of “separation of religion and state” by discussing the early writings out of which the tradition arose, those of John Locke and Thomas Jefferson. I contend that the best way to define the meaning of the separationist doctrine is to place it within the context of the liberalism from which it emerged. This allows the separation of religion and state to be not only possible but also more relevant for pluralist societies and post-colonial societies who wish to avoid both religious domination and complete secularism.

The term “church and state” is currently sharing space with similar terms such as “separation of religion and politics” and “separation of religion and state.”¹ I can think of three possible reasons why this is occurring. First, the term “church” is monocultural, it is Christian, thus it is of limited use when referring to societies that fit what Rawls (1993, xviii) called “the fact of pluralism.” Muslims, Jews, and Buddhists don’t have churches. Thus no comprehensive understanding of the boundaries separating religious institutions from the state is possible by reference to a doctrine of church and state. Second, with the rise of non-conformist, liberationist, and evangelical types of religion much of the most significant phenomena of interest to political scientists cannot be captured by the term “church and state,” for such movements operate outside institutional – church – structures. Finally, there has been a legal and philosophical trend over the last 60 years to remove more and more religion from the public sphere, making “church and state” too narrow in terms of defining exactly what courts and philosophers wish to keep separate.

¹ It is often the case that a study will use all of the terms interchangeably. The choice of terminology also depends on the cultural scope of the study as well as the religion being analysed – i.e. – whether we can speak of clearly defined institutions in the same way we can when we use the term “Church.” See for example Audi (2000), page 41; Tibi (2002), page 26 and Fox (2008).

For these three reasons the phrase “church and state” becomes too restrictive and misleading and, thus, inadequate as a linguistic reference for contemporary political science and philosophy. However, alternative terms such as “separation of religion and politics” and “separation of religion and state” on closer analysis fall short of analytical rigor. The idea of a separation of religion and politics is immediately useless for analysing the limits of interaction between two different entities, for it is simply impossible to separate religion and politics. Take the following:

1. Politicians and judges never being informed by their religious views when executing their office.
2. Citizens never being informed by religion when arguing or voting in the public sphere.
3. Prevailing laws, norms, and ideologies having no connexion, historical or otherwise, with religious dogma or philosophy, thus, in no way carrying on a religious tradition.

Both 1 and 2 are impossible unless we were to (unrealistically) grant public offices and citizenship only to people with no religious views and incapable of being swayed by arguments which, although non-religious, spring from religious motives. Furthermore, 3 is incredibly unlikely, at least in the West, given what we know about the history of ideals such as democracy, rights, toleration, sovereignty, consent, and equality.²

The term “religion and the state” is better at first glance, for it localizes the political into the institution of the state, but, arguably is still too broad. For if the state is meant to be influenced by its citizens and civil society in general, we are almost led back to the absurdities of scenarios 1 and 2. The advantage of the terminology of “church and state” was that it referred narrowly to institutions rather than the broad phenomena that goes to make up religion and politics or religion and the state. Church and state can be separated, religion and the state, strictly speaking, cannot. Thus, given the inadequacy of the best term we have – “separation of religion and state” – we need to be clear exactly what we mean by the expression. This introduces the need for a larger analytical framework by

² On the religious origins of modern politics the literature is simply too massive to note here. The following are some of the most significant recent studies. Schmitt (2005); Sandoz (2006); Berman (1983); Skinner (1978); Witte (2007); Zagorin (2003); Waldron (2002); Scott (2004); Maddox (1995).

which we can understand it. To answer this I propose that it is best to place the analysis within the context of the liberal tradition out of which the debate first arose.

Separationism and the liberal tradition

Exactly what are we meant to be talking about when we speak of a necessary separation of religion and state? It makes sense partially to look to the historic liberal tradition as a heuristic method because the whole idea of a separation between these realms arose out of the liberal tradition. Indeed, it was the various models of church-state practiced in the medieval and early-modern periods against which Enlightenment philosophers such as John Locke and Thomas Jefferson formulated their ideas.

Previous models or ideal-types can be categorized as follows:

Church over state: The state is absolutely bound to enforce the moral and religious teachings of the church. Though the church has no direct coercive power whatsoever, it has the right to absolve believers of their duty of obedience to governments that shirk the church's authority.

State over church: At its strongest, the state has the sovereign power to determine the religion of the nation, thus the Westphalian right: *cuis regio, eius religio*. In its strongest Hobbesian formulation the state has the right to determine all matters of church doctrine and polity.

State with church: The interactive model rose out of the Reformation and holds that both institutions have their authority directly from God, thus, neither is dependent upon the other for its authority. Nonetheless, the state is bound to take an interest in the *cura religionis* and must enforce the national religion on all subjects. Yet neither institution is thought to dominate over the other, as in the other two models.

Although these ideal-types all differ in their relation of church to state, they all agree on their relation of church-state to nation, that is, they all take for granted the legitimacy of

enforcing religion upon subjects and citizens. It is this that the earliest advocates of what we would now call a separation of church and state were responding to.

John Locke's Letter concerning Toleration (1689)

Before we analyse the two most famous and influential advocates of the separation of church and state it may do us well to note that, for the most part, the term is not actually used by either theorist. Jefferson famously uses it in his 1802 letter to the Danbury Baptists, Locke does not use it at all, at least not once in the document in which it is claimed he offered the first development of the doctrine. Thus, to discuss the doctrine of church state separation in the thought of Locke and Jefferson is no more than to discuss their views regarding the relationship between churches, priests, religious movements, laws, magistrates, and the state.

Locke's *Letter* (1689) was written against "men striving for power and empire over one another" (1947, 21). The whole *Letter* is a series of (often theological) arguments against any power of the state to coerce religious adherence. Locke's arguments are often theological in that they begin with a particular (to be specific, protestant Arminian) conception of God as concerned with people's internal beliefs and their free ascent to God's message of salvation.³ Ultimately he argues that there is a kind of absurdity in coercing religion, for "God will not save men against their wills" (37). Locke says that "it appears not that God has ever given any such authority to one man over another, as to compel anyone to his religion" (25). Magisterial coercion is futile for the magistrate's power "consists only in outward force...but true and saving religion consists in the inward persuasion of the mind..." (26) Furthermore, if a single religion was enforced upon a nation, given the multiplicity of religions, what would be the chances that it would be the right one? (27) Not only can a magistrate not determine the doctrine of the church (as Hobbes would have) but he cannot pick which preexisting church to foist upon the

³ For an argument for the theological nature of Locke's political philosophy in general see Waldron (2002).

people, for he has no special knowledge of which church is correct (39-40). Locke offers a summary conclusion of the whole *Letter* of which I quote only in part:

The sum of all we drive at is that every man may enjoy the same rights that are granted to others. Is it permitted to worship God in the Roman manner? Let it be permitted to do it in the Geneva form also... Let no man's life or body, or house, or estate, suffer any manner of prejudice upon these accounts (62).

What we see here is that Locke is wholly concerned with the imposition by the state of a particular religion upon the citizens. This also means he is concerned with religious forces taking over the reigns of state and imposing a religion on the citizens. Put another way, he is concerned with religious freedom. It is about displacing the magistrate's right, even duty, to attach his coercive powers to a particular church, thus denying nonconformity.

Now it may be clear when I say that Locke's *Letter* is certainly not about separating religion from politics. Furthermore, to say it is about separating church from state must be carefully explained, for Locke never mentions the word "state,"⁴ let alone the phrase "separation of church and state." He speaks of a "difference" between the "Church and the Commonwealth" but not of their separation (47). The separation of church and state refers to a time when the two institutions were *not* separated, that is, when the coercive power of the state was used to enforce a religion upon nations. The opposite of this tradition is exactly what Locke is advocating: the loosening of the state's coercive rights from religion. Thus, if Locke's *Letter* is the classic statement of separation of church and state then the nature of such separation is religious liberty.

Thomas Jefferson's "wall of separation"

The second *locus classicus* of the idea of a separation between religion and the state is Thomas Jefferson's recommendation of a wall of separation between the church and the state. Jefferson's preoccupation was ensuring that religion remained free and uncoerced.

⁴ Locke prefers to speak of the "magistrate," "commonwealth," "civil affairs" and "civil government."

His reasons were essentially Lockean and, therefore, for the most part theological: true religion comes from conviction, and conviction cannot be coerced. The essence of Jefferson's views on religion and the state were contained in his 1777 Bill for Establishing Religious Freedom:

...no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods; or shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities (391).

In his famous *Letter to the Danbury Baptist Association* (1802) he wrote the words that would become so important in post-WWII American Supreme Court decisions. Again we see that the premises upon which he builds his wall are first order theological propositions about God's expectations of his rational creatures:

...religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions [and should] "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between church and State (397).

Locke and Jefferson were concerned with religious freedom. Thus, there is a good argument to suggest that the separation of religion and the state, if understood as a doctrine whose meaning is to be found within the liberal tradition of political thought, is a doctrine of negative religious freedom; it is an attack on all models of church-state interaction that had previously been attempted. The separation of religion and state is not the separation of religion and politics.

The implications of this may be surprising for so-called secularists who claim that activities by religious individuals, institutions, political parties, and pressure groups within the political arena violate the separationist principle. For Locke and Jefferson were not writing to ensure that religious agents had nothing to do with politics or to keep religion completely out of the political sphere or the institutions of civil society. They

were not advocating the strict separation of religion from the state, far less the separation of religion and politics.

Post-colonial states and religion

The universalism of liberalism's claims are a scandal to many non-Western intellectuals, activists, and citizens. The secular, liberal state is seen as an extension of colonialism, a denial of the particular characteristics of nations to find expression in law and politics. Consequently there have been reactions against "secular nationalism" in many states decolonized in the twentieth-century (Juergensmeyer 2008). Militant and political Islam over the years has found a strong case for itself in the fact that the separation of Islam and the state as practiced in states such as Turkey, Egypt, Iraq, and Iran were models imposed by Western powers or Western enthusiasts. Thus, any talk of a secular state can plausibly be construed as neo-colonial.⁵

Now, it is true that the liberal conception of the separation of religion and state will never be compatible with certain models and traditions of state-religion interaction. For example, many Islamic groups consider secular and godless anything less than a state-imposed Shari'a law banning all non-Islamic religion. For such groups there is no middle-point between theocracy and godlessness. To such groups separationism has nothing to say. However, separationism need not be opposed to the support and recognition of religion by the state. In that sense a separationist Islamic state is possible. One may even add that the state should grant minority religions the same funding for its institutions that it does the majority religion. This is close to the model practiced in countries such as the Netherlands, England, and Denmark, though, of course, these countries are Christian in heritage (Monsma and Soper 1997).

The extent to which liberalism must live with other arrangements whose basis lies with tradition and national character is an important issue, but not within the scope of this

⁵ This is not to say that there has not been an Islamic intellectual tradition separating Islam from the state. See An-Na'im (2008).

paper.⁶ The point here is that if the liberal preoccupation with separating religion from the state is a preoccupation with preserving religious freedom, then one should be able to envisage a secular Muslim state in the same way that secular Christian states have emerged after the Enlightenment.

Conclusion

The term “separation of religion and state” invites analytical caution, for, strictly speaking, the separation of religion from the state presents problems and dilemmas, both practical and normative. Thus, to have a clearer understanding of what the separation of religion and the state entails this paper has suggested that we should turn to an examination of the very philosophical (and theological, as it turns out!) tradition that generated it in the first place: liberalism. By studying the two most celebrated theorists of separationism it becomes clear that the doctrine revolves around religious freedom. This means that the involvement of religion in politics and the institutions of state need only be regulated if it threatens the religious (or non-religious) freedom of citizens. Of course, exactly when religious freedom is being threatened or when religious influence becomes domination is a tricky issue in itself and deserves a whole other study. Nonetheless, by returning to the foundations of the liberal tradition to illuminate discussion of religion and the state we are able to offer a model of religious freedom that allows dissent from the majority religion and religion itself without alienating religious citizens from the state. This latter point is particularly important for citizens in non-Western and post-communist states, many of whom would oppose religious and political domination yet would be equally scandalised by a godless or religiously indifferent state.

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⁶ It may well be the case that what Yael Tamir calls “messy compromises” between tradition, national character, democracy, and liberalism are inevitable. See Tamir (1993), 4-6.

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