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Jan Kłos

Church and State: Separation or Distinction —a Philosophical Perspective

> "For my thoughts are not your thoughts, neither are your ways my ways," says the Lord.
>
> Is 55:8

The dilemma posed in the title is essentially rhetorical; remembering that we are talking about a free and democratic State, and realizing the person's unique position in the hierarchy of beings, the relationship of that State to the Church[1] cannot be other than one of distinction. To put it differently, a free State is inhabited by a people whose fundamental aspiration is freedom, therefore it must also provide room for activities which are not organized by the State. Separation is understood here as

Jan Kłos, The John Paul II Catholic University of Lublin, Poland
jan.klos@kul.pl • ORCID: 0000-0002-8043-3820

[1] It must be noted that what is meant in this article by "Church" it is generally the RomanCatholic Church. Of course we refer also to modern contexts, as in the case of John Locke. At the same time, we believe that the dilemma of distinction and separation is most pronounced in the case of the Roman Catholic Church as a pre-modern institution that has eluded modern developments.

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the separation, often arbitrary, of two entities. In the context of church-state relations, there is room for abuse, as the Church can be eliminated or silenced when a policy of separation is advocated. The distinction gives the Church the right to speak out on issues of importance to citizens. In this way, the Church is respected not only for its right to speak out, but also for its duty to criticize certain legislative decisions that may violate human dignity. It should also be noted that different socio-political circumstances are important in our discussion of Church-State relations.From this point of view, we must note that the situation of the Church in European history is different from that in America. In Europe, the Church has always been present in the life of states. Sometimes the alliance between throne and altar was very strong. When it was too close, it usually brought harmful implications for the Church: rulers almost never failed to use the Church in their political maneuvers. This is why already St. Augustine initiated the discussion on separation and distinction by introducing the well-known distinction between the city of God (*civitas Dei*) and the human city (*civitas terrena*). However, when individual hierarchs dared to criticize their rulers, it often ended tragically for them. This last situation also highlights the fact of the distinction, as the hierarchs were not competing for political positions, but demanding respect for human rights and dignity.Furthermore, they manifested the fact that they were not enslaved by their State and, it must be stressed, their fidelity to their conscience surpassed their subordination to the secular authorities.

Free citizens can organize themselves into voluntary associations, so they must be granted a certain space in which to practice their civic responsibility, initiating action within the framework of their civic liberty; somewhat metaphorically speaking, they must be provided with a certain space “free from the State.” Besides, the law created is by its very nature general and cannot apply to every situation, unless we envision the public space as an area of constant surveillance, whereby

State officials are always "close" to the citizens, or to be more precise: always active in supervising or protecting them. I doubt that we would speak of a free State in that case. Franz Kafka's readers and scholars of his literary world of suffocating oppression, as vividly painted in his *Castle*, are well aware of what is meant here. In normal conditions, however, individual circumstances are naturally left to the discretion of free citizens, their discernment and judgment. And it is natural that citizens still need guidance, but not from the State.

Human freedom by its very nature is understood as a situation in which agents can make their own decisions; human beings are dynamic and their free choice unpredictable. In such a case, we are faced with the following alternative: either a free State and self-controlled (self-governed) citizens, or a non-free State and citizens controlled by the bureaucratic apparatus. Or to put it another way: either self-limiting citizens or citizens top-down constrained by the State, citizens inert and awaiting instructions. However, if the free State, as it is understood here, is a limited formation, then it cannot extend its powers in such a way as to strictly and minutely control citizens, because these functions—civil liberty and constant State surveillance—are mutually exclusive.

The only thing free citizens need is the support they obtain to become self-governing beings. Self-governing beings are those who combine the intellectual and moral dimensions of the human person. Religion helps people in this regard. The Church as the giver and depositary of religious values is an invaluable institution in a free State. The Church in a free State has a multifaceted task: 1) to help the human person face the challenges of freedom; 2)to remind the State that the person is prior to the State and that the person is more than being a citizen.[2]

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[2] Pope Leo XIII reminds his readers of this priority in his encyclical letter *Rerum novarum*: "Man precedes the State, and possesses, prior to the formation of any State, the right of providing for the substance of his body." (*Rerum novarum*, 7). The Pope is

The Degrees of Freedom

In our discussion of Church-State relations, we inevitably refer to the question of religious freedom in the State. It is clear that religion belongs to the basic needs of human beings, not only on an individual level, but also on a social level. Religious freedom can be exercised in human society because it belongs to human rights. In the declaration *Dignitatis humanae* of the Second Vatican Council, we read that the "demand for freedom in human society chiefly regards the quest for the values proper to the human spirit," especially "the free exercise of religion in society."[3] Religious freedom is especially vulnerable to State interference. In its declaration, the Second Vatican Council reminds us that "the right of man to religious freedom has its foundation in the dignity of the person" and "it is the special duty of government to provide this protection." Government "is not to act in an arbitrary fashion or in an unfair spirit of partisanship."[4] In every State, human beings are subjected to certain laws established in their particular State, but they are also subject to the rules proposed by their religion.It should be noted that, assuming the distinct nature of the two institutions, there is a good chance of their fruitful cooperation in respecting human dignity and freedom.

Human freedom is like a multidirectional intersection, and the person who has just arrived at it is supposed to make choices. These in turn depend on many factors: values, goals, intentions and the like. At least in this way, freedom manifests itself in our daily experience: we

noting in relation to family that "the family must necessarily have rights and duties which are prior to those of the community, and founded more immediately in nature." (*Rerum novarum*, 13)

[3] *Dignitatis humanae*, 1.

[4] *Dignitatis humanae*, 9, 7.

are expected to make choices within the confines—sometimes very narrow—of the formal conditions of a given socio-political structure and the existential constraints of human nature.There are limits to these choices, which, as one may deduce from the former statement, are based on but not limited to the legal order of a State. Borrowing terminology from physics, one can say that a human being in a free State is an entity with considerable degrees of freedom. For example, a material pointin three-dimensional space has three degrees of freedom, whereas a coin has two degrees: heads or tails. A continuous distribution of masses has infinitely many degrees of freedom. We can limit the dimensions to reduce the number of degrees of freedom. Depending on the particular political structure in which people find themselves, they have a greater or lesser degree of freedom at their disposal. The person, as a free and conscious being, is obviously not a point or a mere distribution of the masses, but a self-governing and self-sufficient being, endowed with self-consciousness. There are modes of behavior that require a different kind of formation than the mere legal rules.

To illustrate the question under consideration, let us take an example from the game of chess. Each figure in this game has certain limited degrees of freedom. These are limited by the rules of the game. Obviously, the course of the game is dynamic, and each player has certain options as to what moves they can make. The reader may now ask about the analogy between chess and the State. The rules of the game can be compared to State law. There are things that are regulated in the game and in the State. But in addition to the limited movements of the figures, which can be predicted with a certain probability, players can cheat; in addition to the laws that citizens can cherish in their State, they can try to use certain situations to their advantage. Players, for their part, may take advantage of their opponent's inattention; citizens may resort to dishonesty, bribery and deception. I do not intend to analyze whether such a circumstance is likely in chess, I am only trying to

show the discrepancy between two realities: formal rules and real people. It is clear from human behavior that legal constraints are incapable of grasping human complexity. There are too many idiosyncrasies in the human person to be adequately and fully explained within the established legal order.The separation of the State from the Church is in fact an artificial operation, just as we cannot separate the intellectual from the moral, the physical from the spiritual dimensions, without great damage to the integrity of the person. The characteristic coexistence of these dimensions in the person is an analogy, or rather a prefiguration, of the Church-State distinction, not a separation.Analogous to the example from the game—success is not the most important goal, it should be achieved with respect for the rules, that goes without saying, but also with fairness and respect for the opponent.

Locke and the Idea of Limited Toleration

A discussion on the relationship between Church and State should not omit John Locke's classic text, his *Letter Concerning Toleration*. Given the post-Reformation turmoil in seventeenth-century Europe, some sympathy can be shown for Locke, for his attempt to heal the wounds of a religiously disturbed continent and pacify a turbulent period. The fundamental bone of contention wasreligion, as a consequence of the Reformation, the subsequent British schism, the Thirty Years' War and Cromwell's Puritan revolution. John Locke wrote his *Letter Concerning Toleration* in the Netherlands, the cradle of Calvinism.

In that turbulent seventeenth-century, the British philosopher sought to strengthen the State by making distinctions and accommodating differences in the socio-political space; ultimately, by defining and limiting toleration to certain persons, namely those who belong to

the national Church; since the main cause of the conflicts was the varied religious landscape, Locke's recipe to limit and justify the degrees of freedom in this area was to subject the choice of religion to human reason. The choice of a religion, when subjected to rational argumentation, could be considered free. And, as such, it could be aligned with the rationality of the State.Locke believed that the key to peace was cognitive unity, and that the mind reduced to its immanent cognitive dimension would find reconciliation in the logically obvious.In this manner, the philosopher followed the modern paths of rationalism and constructivism, both of which represent a reductionist model of religion with transcendent and absolute claims, and its adaptation to human dimensions. The Lockean mind feels at home in a world of its own creations. Such are the foundations of the deistic perception.

Locke resolved to reduce the degrees of freedom by subjecting them to the power of the intellect. The main premise is similar to that found in rationalism. That which is intellectually clear and distinct brings to mind the self-evident and exerts a self-determining power of action. No rational being is willing to oppose the obvious. And what is experienced as self-determining appears to be uncoerced. Apparently, Locke made religion a private choice, manifesting at the same time the fundamental dilemma of modernity, i.e. the focus on private choice and then at the same time imposing that this choice should be co-equal with the choice of the State.In other words, Locke's operation illustrates the illusory paths of individualism: after emphasizing that individual choice is the ideal, it is followed by the suggestion that it should be rational, which ultimately amounts to forcing it to be identical to the choices of other rational beings. Those who refuse to accept this logic are derogatively called "enthusiasts."

The basic idea of any constructivism is to treat societies as a theoretical datum, as constructs in which nothing surpasses the human capacity to know, and social data are merely like variables in mathematical formulas. In other words, epistemological operations are

reduced to human understanding, which may seem natural, but most importantly, human beings are narrowed down to the capacity for such intellectual cognition. In such a case, one may even wonder whether any distinction between Church and State is necessary at all; the Church is placed within the logic of this human landscape. Otherwise, it has no right to exist in the human world.

The national Church seems to fit the logic of the here and now. But the result is a very dubious fruit of Locke's theory of toleration, taking into consideration its history up to the nineteenth century. Philosophically speaking, one can hardly wonder. In the case of immanent culture in which State and Church are measured by the same criteria of rationality, the distinction between either body becomes illusive. The point is that distinction allows for the Church to be guided by its own inherent logic in which natural and supernatural elements are amalgamated.Let us take, for instance, the different approach to restrictions. The restrictions that come from the State are not the same kinds of restrictions that come from the Church. It can be said that when the State restricts, it restricts; when the Church restricts, assuming it is distinct from the State, it encourages self-restraint. The action of the State means procedures, techniques of effective influence. The action of the Church focuses on an inner transformation that sees in restriction an immanent value. What makes the matter worse is that Locke himself was not consistent in his definition.

The Problem of Definition

As a modern philosopher, Locke naturally appealed to reason as the only arbiter capable of making the right distinctions and definitions that could appease emotionsagitated amidst the clang of weapons. But even philosophy fell short of the task. Not only was Locke inconsistent in his proposal of toleration, but he also hesitated with regard to

Church-State relations. The problem with his proposal is that, as careful as he was in explaining his ideas, he failed to avoid contradictions. Whether this was just a moment of inattention, or a deliberate bias, is difficult to resolve. Given his hostility to Roman Catholics, whom he derisively labelled "papists,"we would not be wrong in assuming the latter.

We read in his text:

> I esteem it above all things necessary to distinguish [emphasis added] exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other.[5]

In the original Latin text, we read "ante omnia inter res civitatis et religionis distinguendum existimo." The word "distinguendum" clearly calls to mind "distinction."

Nevertheless, in the following pages, the same author writes that "the Church itself is a thing absolutely separate and distinct from the commonwealth."[6] In the Latin original, we read "porsus sejuncta est et separate." Certainly, Locke knew the difference between *distinguendum*, *sejuncta*, and *separate*, unless he envisioned—as can be inferred from his text—the existence of a single national Church. In that case, all philosophical ideas are at home, since the national Church, as another State institution, falls within the scope of human comprehension. Perhaps the clear demarcation between distinction and separation was not very important to him, assuming the dominance of one Church, and that of the national Church.

Well, in the above quote not only are we confused about the word "separate," when related to the previous verb "distinguish," but we have

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[5] Locke, *A Letter Concerning Toleration*, 6.

[6] Locke, *A Letter*, 15.

confusion inherent in the very sentence. Why is that so? Locke could not decide—or else he was careless in his use of language. It may just as well be a question of translation. Is it possible in general that Locke saw no difference between separation and distinction? To separate or to isolate one thing from another thing is not the same as to distinguish. In the word "distinction," we define the two realities, describing their different functions, and the idea of coexistence in not only plausible, but can even be argued as necessary for the benefit of citizens; the word "separation" conveys the idea of a wall between the two realities and no coexistence or reconciliation is possible. Whatever the Church says beyond the contents of the liturgy is immediately treated with suspicion and, as such, deemed political, criticized, and rejected.

How can something be separate and distinct at the same time? What is distinct does not have to be separated, as chemists separate two substances, because in combination they produce a dangerous explosive. In social matters, however, we rightly combine substances because the human being is not a one-sided creation, but a multifaceted being who for the sake of his or her wellbeing needs various nutrients from different spheres: social, political, economic, and spiritual. They are all distinct, but not separate, because they are integral parts of the same person. If they were separate, for example, economics separated from morality, a person could act economically independently of any moral principles, and without harm to human identity.

Locke could, of course, edit his text with satisfaction because he was writing about the national (State) Church whose head is the ruler of the State. In that case, once we place the spiritual concern in one mind (that of the ruler), we create a rational landscape from which the so-called "enthusiasts" are eliminated. Who are these "enthusiasts"? They are those suspicious creatures who hold in their minds ideas they cannot account for, e.g. some dogmas that cannot be rationally defined, principles accepted on faith, instead of following their natural reasoning. Following this way of thinking, not only Roman Catholics, but also dis-

senters who refused to subscribe to a State-supported national religion were also relegated to the category of irrational enthusiasm.Let us note in passing that to place the Church as one part of the State, and then to expect that all citizens should accept this status quo, has really littleto do with toleration. Perhaps Locke did not consider such details. Theoretically speaking, his idea that, for the sake of peace, the best situation is when citizens profess the same religion as that of the ruler has some positive consequences; that is, not for religion. Religion, like politics, which is an area of discourse and debate, is reduced to the same plane.Such an outcome is part of an immanent culture that does not tolerate going beyond the scope of human reason and its natural development. Religion and its institutions must be reduced to a human dimension. In this context, it is worth emphasizing that the Church, as d i s t i n c t from the State, has its own logic of development; this is particularly true of the development of dogmas or particular rites. These cannot be analyzed merely by applying a certain common-sense logic, but through in-depth reflection in relation to the specificity of the Church. It is true that accepting this particular character is not easy, it is almost like accepting a "foreign body" in the State, but there is no other way if one genuinely understands respect for the Church. (Let us note in passing that this process can be called the deception of modernity. It consists in breaking with tradition by encouraging individual choice and then imposing State religion as the only rational choice—a choice that is obviously safe and acceptable to the State.)

Locke defines the purpose of the State (commonwealth) as "a society of men constituted only for the procuring, preserving, and advancing their own civil interests. Civil interests I call life, liberty, health, and indolency of body; and the possession of outward things, such as money, lands, houses, furniture, and the like."[7]

[7] Locke, *A Letter*, 6.

In fact, indeed, his distinction becomes separation, since rationality foreign to the State is arbitrarily excluded, for "civil interests" are reduced to "life, liberty, health, [...] indolency of the body [...] and the possession of outward things." We should think that much more is needed to satisfy human life and liberty than the State can provide. And it cannot satisfy them without the Church. The main reason is that we are living in syntagmatic structures rather than in paradigmatic and isolated wholes. This very fact should suggest, in a manner that is beyond dispute, that in our decisions we should combine various aspects rather than separate them.

Let us take, for example, such well-known syntagmatic phrases as "freedom of speech," or better still "free market." They are syntagms which combine at least two areas: freedom and speech, freedom and market. Now in order to properly utilize both freedom of speech and the market, man needs to be rooted in two ways. This rootedness takes root in the anthropological, ethical, sociological, psychological, and religious contexts; in the case of the free market, this area is still enhanced by some knowledge of economics. Therefore, Karol Wojtyła rightly stressed that it is the human being that can make speech free, the human being empowered by the w h o l e knowledge of the person, not merely its separated and isolated aspects;and in the second context, it is the human being involved in economic matters that makes the market free. Here, as in the game of chess, it is not only the principles of economic calculation that count, but also respect for human dignity—in other words, the greatness of the human person, an awareness of which we derive from other sources. What does it mean to make these areas free? First of all, free speech is free from fraud, lies, traps; free market, likewise, is a market in which people are involved in honest business contracts.

If such is the case of our syntagms, how can they be free from the Church? And I mean here the Church in its mission, well-grounded in the Bible, in which it professes, for example, that people should not

cheat in the marketplace, that they should be mindful of biblical admonitions wherever they are. Let us emphasize that these admonitions regulate not only religious rituals, but also social behavior, e.g. Thou shalt not steal. Thus, in the context of Church-State relations, it can rightly be argued that in this respect the Church can greatly support the legal regulation of economic life. For the true believer, inspired texts and their resulting requirements cannot be set aside; this believer cannot abandon his faith in the privacy of his own home and put on outwardly the garment of religious neutrality. Let me recall the example of a game of chess, mentioned before, in which the rules are well-defined, the degrees of freedom are determined, but in which there is still room for cheating.

Charles Taylor sumps up Locke's message as "a naturalized variant" of original sin, and depicts God as "the legislative, self-proclaiming [...] great benefactor to mankind."[8] The human being can, of course, align his or her reason with this benevolent action by professing a deistic faith. From a deistic perspective, the Church and the State can safely remain entrenched in their respective kingdoms. God, the great watchmaker, left the world and entrusted it to human free creativity and ingenuity. However, this has nothing to do with the distinction at stake here, in which the two spheres interpenetrate.

Lord Acton and the Criticism of Separation

The precondition of the existence of a free State is to reconcile freedom with limitations[9] Now the safest way to accommodate and justify

[8] Charles Taylor, *Sources of the Self*, 240, 241.

[9] Leo XIII puts it clearly in his encyclical: "We have said that the State must not absorb the individual or the family; both should be allowed free and untrammelled

limitations within such a State is to strengthen human agency and efficiency, so that they become self-governed beings.[10] Only in this way can they come to terms with the fact that human freedom cannot exist without constraints. And this seems only logical: if we do not want to limit people, for it may clash with freedom, let us teach them to limit themselves.

Since there is a possibility ofreducing the degrees of freedom, and we understand it as a more or less camouflaged coercion, then it is much more reasonable to seek such means of influence through which citizens will limit themselves. And even if we do not consent to this outcome, we must admit the failure of the mere legal influence to order social life; legal constraints are necessary, but inadequate. The law by its very nature is unable to do this because it is too general to cover all circumstances and rarely, if ever, touches the source of evil. This is the role of the Church and its teaching, a central part of which is the claim that man can recognize the truth and modify his behavior accordingly.

It follows from the above formulation that the human being can limit himself when he learns the truth. What kind of truth? The truth about himself, his situation, his potentialities at his disposal, and the consequences of his decisions. The broader and more complete is his knowledge, the better and the stronger is his decision. He does not make a decision under a momentary whim, but within the framework of a certain system, that is, a certain consistent whole he can justify. The Church, when distinct, with its teaching, the Inspired Word, and

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action so far as is consistent with the common good and the interest of others." (*Rerum novarum*, 35)

[10] We find a very apt idea that perfectly renders what is meant here in the letters of St. Catherine of Siena: "He who cannot govern himself cannot govern others." Let us add that this idea encapsulates her entire political thought. (See Caterina da Siena, *Le lettere alle autorità. Politiche, militari e civili* [Letters to the Authorities. Political, Military and Civil], Milano: PAOLINE Editoriale Libri, 2006, 18.

the Decalogue inspire man to make mature and fully human decisions, i.e., those taking into consideration the whole of the human being.

The Christian Church that seeks to preachthis complete knowledge about the person, and the non-contradictory bonds between faith and reason, has contributed to the development of humankind by establishing the first universities, even before the State realized that suchinstitutions were needed. It can be said that the Church gave the State a helping hand in the field of education because, among many other things, an educated person was able to understand the law. And this conclusion sounds natural: an educated citizen is a very desirable objective for a free state, in which this citizen is expected to make choices. Taking all these positive aspects into account, the British historian Lord John Acton stated clearly that the only plausible relationship between the State and the Church is that of distinction. In one of his letters, he wrote:

> All liberty consists *in radice* in the preservation of an inner sphere exempt from State power. That reverence for conscience is the germ of all civil freedom, and the way in which Christianity served it. That is, liberty has grown out of the distinction (separation is a bad word) of Church and State. [...] But where a religion which is universal inspires the government of a State, it must do so absolutely, regardless of particular conditions, of historical traditions, physical aptitude, moral inclination or geographical connection. It contradicts the first principle of legislation that it should grow in harmony with the people, that it should be based on habits as well as on precepts [...], that it should be identified with the national character and life. On this depends growth, and liberty, and progress, saving tradition. But where a general or different code is imposed on a people [...], the consequence must be State-absolutism.[11]

[11] *Letter CXI*, in: A. Gasquet, *Lord Acton and His Circle*, London 1906,254.

Acton seems to be much more aware of the fundamental difference between "distinction" and "separation" than Locke was. Indeed, separation is contrary to the integrity of the human person.It can be said that we must have distinction if we want to have free and independent citizens. The core of this independence is the conscience: the heart of a self-governing human being. This special regard for conscience was emphasized by the Vatican Council's *Dignitatis humanae*, where we read: "[A]man is bound to follow his conscience," and "[H]e is not to be forced to act in a manner contrary to his conscience."[12] Additionally, Acton provides us with a memorable definition of freedom in his *History of Freedom* as follows:

> By Liberty I mean the assurance that every man shall be protected in doing what he believes his duty, against the influence of authority and majorities, custom and opinion. The State is competent to assign duties and draw the line between good and evil only in its own immediate sphere. Beyond the limit of things necessary for its wellbeing, it can only give indirect help to fight the battle of life, by promoting the influences which avail against temptation,—Religion, Education, and the distribution of Wealth.[13]

We learn from this definition that human duties exceed those imposed by the State, a conclusion that perfectly fits the principal thesis of this paper, namely that the human being surpasses the functions of being a mere subject of some political systems. It can be said that the duties we are talking here about are related to the conscience, to be more precise, the well-informed conscience. Let us note in passing that the concept of distinction is far from being simple: it calls for a thor-

[12] *Dignitatis humanae*, 3.

[13] Acton, *The History of Freedom*, 23–24.

ough knowledge of the nature of what is to be distinguished. One has to learn, for instance, what John Henry Newman would call the system of the Church, not only the system of the State. It is far easier to separate and isolate, for there is always a danger of arbitrary judgments on what cannot be accepted by the State, and separation much more easily serves transitory political interests. History has provided us with ample example, especially in Central and Eastern Europe, that makes us conclude: if the State considers the decisions of the Church to be beneficial for its own purposes, it does not raise the question of separation or distinction (distinction may even be tacitly taken for granted); but if the Church dares to articulate its own claims, which are only justified by its role and mission, the State expresses the urgent need for separation. That is why separation has become so popular, whereas distinction has not made any inroads. And it has become popular, paradoxically enough, for the sake of social peace. Besides, it should be noted that the word "separation"is easy to use, requires no intellectual effort, and readily appeals to the imagination. Man at once can almost physically visualize the "tools of separation." One cuts with a sword or scalpel, often ignoring the precision of the cut, indeed one may cut blindly, especially when one wishes to eliminate some unwelcome institutions.Distinction is more selective and allows for the individual existence of two bodies with their own logic.

Distinction Important for the Church

The relationship between Church and State is therefore complicated by definitional problems and pragmatic considerations.And it should be noted that the dangerous consequences of abandoning distinction in favour of separation are not only on the side of the State, but also of the Church. To stay distinct, the Church should never be identified

with this or that political party. It may, and in fact ought to, support some political proposals and criticize others. Not in the sense that they come from the Church's favourite or disliked parties, but because, for example, they respect human dignity, freedom, and contribute to human development. History has known many examples of the Church's risky involvement (violating distinction). Let us mention just some of them. For example, the Church, i.e. its hierarchy, may support a certain policy out of fear or profit.A classic case of the inappropriate commitment of the Church is liberation theology; the so-called group of priests-patriots well-known from Polish twentieth-century history under the communist regime. Such "patriots" can be found in any non-democratic system: in the Bolshevik Soviet Union, in Nazi Germany, and in contemporary Russia.[14] The authorities always make every effort to win people over to their cause. The combination of mundane goals and religion degrades the latter, but at the same time seemingly ennobles the former. This is the worst that can happen, because it reduces transcendence to human dimensions and believers find no escape from their immanence.

The most often-cited quote from Acton is the one from the "Rambler" where he noted:

> The Catholic notion, defining liberty not as the power of doing what we like, but the right of being able to do what we ought, denies that general interests can supersede individual rights.[15]

This definition is yet another confirmation of the significant role of the Church in showing human beings their duties as human beings. The only precondition is that the Church m u s t be distinct from the

[14] Russia is mentioned here because the Orthodox Church is also a Christian Church.
[15] Acton, "The Rambler," 1860.

State. The State is often an area of political strife, pragmatic choices, and expedient decisions.When the Church is distinct from the State, it has its own life, aspiritual life not ruled by expediency. Analyzing the nineteenth-century Oxford Movement, whose purpose was to renew the Anglican (national) Church, John Henry Newman put forward a thesis that evidently the members of this movement came to a conclusion that their Church was deprived of life.[16] When does the Church lose its life? Newman answers: when it is not governed by the principles upon which it was founded. Various institutions are governed by their respective principles; therefore they have different lives. Thus, the Church and the State differ because "the life of the Church is not the same as the life of the State."[17]

Newman clearly saw dangerous proximity, or even identification, of the two institutions. Indubitably, this great scholar noticed that his Church was no longer distinct from the lay institutions of the State.This outcome should not be surprising for students of philosophy if they consider the fundamental idea of modern philosophy, the rationalistic-empiricist idea, fathered by Locke, namely that the intellect should not harbor ideas it is not able to comprehend. Accordingly, a rational person transcends the confines of his or her natural comprehension. Now if the whole cognition of man is reduced to that limited intellect, no wonder that at some stage the life of the Church is identified with the life of the State. A further step is a sad, or even tragic, conclusion: the Church ceases to be needed. In any case, it is difficult to perceive it as something clearly distinct from the State, especially when the intellectual is made co-equal with the spiritual. Additionally, if the lay ruler is the head of the Church, the process of identification seems a thoroughly natural consequence.

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[16] See Newman, *Certain Difficulties Felt by Anglicans in Catholic Teaching*, vol. I, London: Longmans, 1891, 43.

[17] See Newman, *Certain Difficulties*, 44.

This sad conclusion had empowered the members of the Oxford Movement whose main purpose was the renewal of the Anglican Church. Newman was very radical in making the Church distinct from the State and focusing on its spiritual role. In his *Parochial and Plain Sermons*, we read his bitter words:

> I had rather the Church were levelled to the ground by a nation, really, honestly, and seriously, thinking they did God service in doing so [...], than that it should be upheld by a nation on the mere ground of maintaining property, for I think this a much greater sin.[18]

If the Church is not distinct from the State, it renounces its fundamental mission and eventually ceases to be a spiritual body. Newman acknowledges that such a Church could still organize many charitable actions, but they, good as they are, do not determine its supernatural life. And referring to the Anglican Church, he ironically museswhether the life of religion is "to be the first jewel in the Queen's crown, and the highest step of her throne."[19]

And further down he expresses his concern even more pointedly, when he addresses his fellowAnglicans: "You have duties towards the Establishment; it is the duty, not of owning its rule, but of converting its members."[20] Here the idea of distinction stands out even more clearly.

The raison d'être of religion cannot be its mere usefulness for society. And the Church's role cannot be reduced to organizing charity or representation. The two bodies attack evil in various ways. The State approaches social problems procedurally—through prohibitions and orders or additional instructions, relying on the power of sanctions.

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[18] Newman, *Parochial and Plain Sermons*, 612.

[19] Newman, *Certain Difficulties*, 47.

[20] Newman, *Certain Difficulties*, 66.

The State, quite naturally to this institution, more often than not adopts the otherwise familiar position of ethical intellectualism, i.e. evil comes from lack of knowledge. If wrongdoers receive proper teaching, they will abandon their evil behavior. Experience, however, points to the contrary. Therefore, the Church approaches evil from within, let us say metaphysically, calling for transformation, for it knows that the sources of evil reside in human nature, not only in the human mind. The State addresses evil from the outside; the Church aims at the core of evil, that is, sin. Suffice it to recall the words of the prophet Joel: "Rend your hearts, not your garments."[21] Metaphorically speaking, the State rends garments, the Church begs to rend hearts. These two voices should have free space for their vocation. We need wise laws, admonitions and instructions. However, without the rending of hearts, the rending of garments is of no use. We need an inner transformation, without which external procedures will be meaningless and helpless. This would be akin to cleaning a wound with expensive bandages in the hope that investing in bandages will prevent infection.

One may, of course, ask: is distinction even necessary? Could one of the institutions under consideration take over both functions, making the other unnecessary? There can only be one answer: no, this is impossible for the reasons already mentioned. The State, whose privilege is to apply punitive sanctions and exercise power, only remedies from without. And it tends to expand its influence, a fact which, as has already been noted, clashes with liberty. If the State startedto interfere in spiritual matters, soon the spiritual would become merelypolitical. The Church, for its part, would lose its power and become unreliable if it took over State functions, or at least tried to imitate the State. To refer to Newman's radical words already mentioned here, it would lose its fundamental identity. Let us add that the State does not capture the totality of human nature, the essential (ontological) sources of good

[21] Jl 2:13.

and evil, nor is it predestined to do so. Therefore, dealing only with the external effects of evil, the State resorts to the use of sanctions. The result is a vicious circle: we apply more and more instructions without attacking the true source of evil.

Now the Church, with its true mission and absolute claims, not only defines the ultimate goal and vocation of the human person, but also redefines our human relationships in general. It reinvigorates them and grants them new meaning. For example, we are called upon to treat another person not merely as a political opponent, client, teacher—such are social functions—but as our neighbor who deserves to be loved and respected. How differently we view our duties towards others if they are based on love of neighbor. If only the State authorities were willing to consider these issues in an impartial manner!Our conclusion leads us to the following point: the State and the Church are two entities that are clearly distinct from each other and autonomous in their respective areas because they perform different vital functions. Their cooperation, being distinct, is a beneficial resource for a well-ordered society.

In order to satisfy the above requirements, it is necessary to recognize two types of rationality: one that is based on the conceptual structure of what it is to know, define and prove; and the other that is based on a complete comprehension of the human being, whose true nature goes beyond what is conceptually (intellectually) grasped. To fulfill the first condition, a human being must know and accept a particular legal order; to fulfill the second, a human being must understand that he or she has tasks and a destiny that transcend what is intellectually apprehended. Locke, despite his declarations to the contrary, placed these two types of rationality on the same level, a fact typical of modernity. Modernity feels safe in a world of clear and distinct concepts.

Hence, clashes seem inevitable unless someone initiates a levelling process. When religion becomes a State religion with the State church

at the top, conflicts apparently disappear; ideas are transferred to the mind as their source. Surprisingly, religion subjected to such processes of rationalization can also disappear, at least in the sense in which it should be understood, i.e. with its transcendent claims. And the Church becomes just another State institution, which eventually becomes redundant. It is constantly being reduced or modified to fit the rationality of the State. And the modern State, we must remember, is based on a social contract, so it is constructed as the agreement of those who participate in the negotiations. The Church is grounded on a covenant, on the Revealed Word. It cannot be reduced to the result of a debate. We need a more extended vision of human knowledge and human decision in which reason and faith are reciprocally related, distinct but related.

Linguistic reflection can also give us interesting insights into the relationship of separation and distinction.As for the word "separation," there is something radical and violent about it. By separating, we tear apart two entities so that even small particles cannot come into close contact. Such a process in the social context of State-Church relations is usually accompanied by hypersensitivity and overreaction to even the slightest mention of political issues on the part of the Church. Such remarks are often met with furious criticism. People react to them allergically, even if they do not strictly concern any political positions, but certain fundamental solutions related to the well-being of citizens.

Besides, we think of separation and walls in the case of quarrelling families or enemies. This tendency was reinforced by modern philosophy: orders should not be mixed, matters that transcend understanding should be set aside and only matters within the scope of human understanding should be dealt with. This is how constructivism entered the human scene: the human mind can only be preoccupied with its own constructs. In practice, the social order has to be reduced to what can be created within the framework of law, within the so-called social contract.

With such a reduced approach, one could proceed to organize the world according to the plans provided by natural faculties, a world reduced to what is intelligible. Even only a religion that can be understood by natural reason is accepted. Paradoxically, a world reduced to the narrow human capacity soon ceases to be a human world.

The Concordats —Attempts to Sanction Distinction

The word "distinction" therefore implies respect for individual and autonomous development. The State has its degrees of freedom, which need to be regulated and directed, just as the Church has its own. The path of development is never smooth; it has its upheavals and setbacks. The State has its crises: revolts that threaten to break the State up, unemployment and economic depression, and the Church has its crises: schisms, simony, and unbridled ambition. Some of these are, shall we say, shared, just as we share our human nature. In short, no human community is immune to the ills of its existence. The only question is whether it can solve its problems in accordance with its mission and tasks.

As we look into the past, we find there many skirmishes and clashes between the lay authorities and the Church. In thirteenth-century Italy, there are the notable Guelf and Ghibelline parties; the Guelfs supported the Pope, the Ghibellines the Roman Empire.[22] It is true that in the past there were moments when the Church's hierarchies were too engaged in political manoeuvres, especially at the time of the Church State. Then the world saw different attempts to encroach upon the Church jurisdiction. History provides us with examples of two tenden-

[22] See an interesting presentation of the matter in P. Strathern, *The Florentines. From Dante to Galileo*, London: Atlantic Books, 2021, 20–23.

cies: appropriation of the Church (Erastianism, Josephinism, Gallicanism) or its marginalization: Erastianism, named after the Zwinglian theologian Thomas Erastus, who actually never held this doctrine, which claimed that the State is superior to the Church in ecclesiastical matters; Josephinism refers to Joseph II, Holy Roman Emperor (1765–1790); and Gallicanism in France undermined the position of the Pope.The different names, therefore, denote different national contexts; all of them characterize the tendency to subordinate the Church to State power. Unfortunately, the struggle on the border between State and Church has continued, is continuing and will continue. There is even a certain pragmatic regularity in this respect. Depending on the current situation, people will advocate either separation or distinction. If, in a non-democratic system, the Church demands social justice, religious freedom, civil rights, etc., then it is held by citizens to stand—unlike the State—on the good side. I say "distinct" because no reasonable reader (except those in authoritarian power) would argue that the Church is fighting for political positions. Rather, it fights for the acknowledgement of social justice and human dignity. And there is unanimous consent onthat; the Church is even praised for its heroic stance.

However, all it takes is for the pendulum of history to swing to the side of democracy and the stakes change rapidly. Then part of society fights, for example, for the right to abortion and euthanasia, which in practice means abortion and death on demand, in other words, the right to power over life and death. The Church, of course, is opposed to this, because it cannot submit to ad hoc demands and laws that are contrary to its doctrine. Surprisingly, an uproar immediately rises that, after all, the Church is separate and should not meddle in politics. The Church, which only yesterday was an advocate of democracy, is now being called its staunch enemy and a hindrance to a free society. States in the period of transition from a non-democratic to a democratic system know this phenomenon very well.

Undoubtedly, we shall not understand this apparent contradiction without clarifying certain fundamental points and differences. After all, we must realize that in the case of the State and the Church, we are dealing with two different realities. And if we do not understand their respective fundamental tasks, we shall never reach an agreement. The Church is no enemy of democracy, but it cannot be ruled by mere principles of democracy. It is based on two pillars: the pillar of the Revealed Word and the truth of human nature. It aspires to establish the indubitable truths of human beings who are viewed as creatures with a destination that goes beyond the realityhere and now.

This wrestling between the State and the Church will continue, for it is certain that as long as there is this wrestling, the Church is sound. How can it be otherwise, having these two realities so different in one political body? I mean the complete Church, together with its mission, and not just another selective office. It would be suspicious, at least, if it fitted exactly within the State. Such a situation can only be imagined in the case of a comprehensive belief, with the Church open so entirely that its door would burst out of its joints. The door ceases to be necessary. If the Church is supposed to preach a truthful testimony, it cannot apologizefor its existence. It cannot wait for the State's award for its submissiveness.

We are living in times of blurred concepts, or even the dislike of defining them, for a definition obliges us to some order. And here political practice tempts us to give in to the pressure of the current moment, whatever suits us. The core of the problem is inherent in the very terms: separation and distinction. In separation, there is some idea of the radical disconnection of two areas, isolation so that they cannot be joined together. There is one thing that must be born in mind, namely that given the exceptional character of human beings, the fact of their essential transcendence, time is never secular. Charles Taylor put it perfectly in his *A Secular Age*, where we read:

> As long as secular time is interwoven with various kinds of higher time, there is no guarantee that all events can be placed in unambiguous relations of simultaneity and succession.[23]

The purpose of this paper is not to set the Church in opposition to the State. On the contrary, it is to underline their mutual, yet distinct, responsibilities. Being aware of this vital cooperation and distinction at the same time, Leo XIII writes:

> The contention, then, that the civil government should at its option intrude into and exercise intimate control over the family and the household is a great and pernicious error.[24]

We have often voiced here this concern that the State has this tendency to expand its power beyond its due scope. The Pope is realistic and knows that sometimes human efforts are inadequate to the tasks posed by life, that the State should help those who cannot cope with hardship. Then immediately the Pope hastens to warn:

> But the rulers of the commonwealth must go no further; here, nature bids them stop.[25]

And this is what is meant by distinction—that all institutions of social life know their roles and their functions, and do not exceed what is due measure.

In the course of history, Church and State have come to the conclusion that there should be a written document to regulate their relationship. As with similar documents, they are useful on the assumption that

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[23] Charles Taylor, *A Secular Age*, 209.
[24] Leo XIII, *Rerum novarum*, 14.
[25] Leo XIII, *Rerum novarum*, 14.

the provisions they contain are abided by. I think we have every reason to define the concordat as an attempt to legitimize distinction, since by definition it accepts the autonomy and distinctiveness of the institutions at hand. Unfortunately, as we have argued here, the situation with the difference between distinction and separation is not clear, hence new attempts to renegotiate or even break concordats are constantly being made.

This is especially the case when various trends against the Church or religion in general prevail. These can be popular in contemporary culture and politics. Wojciech Korfanty (1873–1939), one of the fathers of Poland's regained independence in 1918 and the leader of the Third Silesian Uprising (1921), wrote in his political essays:

> The history of concordats was once called: *historia concordatum—historia dolorum* (the history of concordats is the history of sorrows). We know very well that the regulation of the relationship between Church and State from the first centuries of Christianity until today has faced very serious difficulties. Each concordat is the result of a compromise between the ecclesiastical authority and the State authority; it is a human work, it is the fruit of ecclesiastical policy and a given State policy, and therefore it is the subject of discussions that in modern democratic times concern a wide public opinion.[26]

The problem arises when the Church, in accordance with its mission, deals with issues permanently related to human nature and does not succumb to the fleeting views and tastes of public opinion. In any concordat, when the state authorities agree to accept the Church with its autonomy and distinctive features, they thereby agree that there is

[26] Korfanty, *Nation—State—Church*, 197. All extracts from Wojciech Korfanty's works have been translated into English by the author of this article.

not just one rationality within the boundaries of the state, namely the rationality of the state and its political raison d'être. In theory this may be clear, but in practice clashes are inevitable.

Korfanty, as a politician and a religious person at the same time, was well aware of the important and positive role of the Church. We need to add that he perfectly understood the Church as being distinct from the State. That is why, in his political essay, he censured the authors of the Sanation movement, especially one of them, whom he called dr. X,[27] for his criticism of the Church.It is worth noting that the bone of contention was the Church's concordat with Hitler's Germany. Without going into detail, Korfanty as a politician dared to show respect for the Church's autonomous decision. In other words, he respected the Church as an institution d i s t i n c t from the State. He viewed the Church's contribution to contemporary society, especially at the time of the restoration of independence, not only as a Christian, but above all as a prudent statesman. He noted further:

> The Church has always conducted the policy of moderation and compliance, full of wisdom and prudence. [...] And if the defence of those essential rights, the Eternal Truth and conscience, means policy making, the Church will always deem it its honour to be charged with making this policy because it is its duty.[28]

Korfanty calls it the Church's mission. Let us observe that his defense of "the Eternal Truth and conscience" is very much in accord with what Lord Acton wrote in the nineteenth century about the Church's mission. And this mission is "the only factor that protects the human community from despicable flattery and blasphemous bowing

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[27] See Korfanty, *Nation—State—Church*, 197–198.

[28] Korfanty, *Church and Politics*, 29.

before secular authorities, especially in moments of decline and before the final plunge into anarchy. With regard to the public interest, it is good that someone should always teach humanity this lesson."[29]

This Polish politician and diplomat advocated the important role of the Church in its special role of containing the state and keeping citizens convinced that they are a people whose destiny transcends all political functions. And the State cannot deprive them of this transcendent perspective. We read in his essays that:

> The Church always reminds all governing institutions of the great moral duties incumbent on those who exercise authority. The Church continues to remind kings and Caesars, nations, [...], the governing and the governed of their duties.
>
> The Church reminds them that they "should be guided by the common interest and public good, not by private interests or personal ambition."[30]

Especially contemporary systems of power, which in the Western world we call democracy or liberal democracy, need spiritual support. Every free system contains many degrees of freedom, and even more pitfalls, when this freedom is excessive or abused. Korfanty rightly writes about democracy that itdemands more virtues from individual citizens than any other form of government. The work of the Church on the moralization of individuals, family and society has immensely contributed to the creation and maintenance of genuine democracy because it teaches man to be guided by conscience in family, professional, and national life.[31]

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[29] Korfanty, *Church and Politics*, 29–30.
[30] Korfanty, *Church and Politics*, 31.
[31] Korfanty, *Church and Politics*, 34.

Korfanty manifests his political realism when he warns also the Church. Distinction requires that the Church be also wary of any too close relations with the political authorities, even though they claim openly to be friendly towards religion. He writes:

> Therefore the Church cannot be permanently tied to any form of government, not even such with which it feels well, nor to oppose any form of government because it does not feel well with it.[32]

Such words clearly show Korfanty's political awareness and his realistic attitude. He draws sources of distinction from the Bible. In discussions with his nationalist political opponents, he has no qualms about resorting to this source:

> The Church does not wish to interfere or to speak in matters of (governmental policy). It is not its task to govern States. The principle of distinction between the two powers, lay and spiritual, was put forward by the Lord Jesus, when He demanded, to repay to Caesar what belongs to the Caesar and to God what belongs to God.[33]

This is very much in line with what we have already said about degrees of freedom on the one hand and the reconciliation of freedom with the social order on the other; in other words, between individual freedoms and the constraints imposed by social life. Human beings need two kinds of inspiration to limit their degrees of freedom: the legal sanctions of the State and the religious guidance of the Church. As long as these two institutions are distinct and free to express themselves unhindered, there is a chance for social well-being.

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[32] Korfanty, *Church and Politics*, 22.

[33] Korfanty, *Church and Politics*, 12. Cf. also Mt 22:21.

Conclusion

This distinction is particularly important today, when so many forces are pushing the Church into changing doctrine and bringing it in line with contemporary trends. The well-known motto of the Carthusian monks reads: *Stat Crux Dum Volvitur Orbis* (The Cross stands when the earth turns). The cross is at the very heart of human affairs. The Church's teaching is not to abandon or neglect human duties, but to do them ever better. Doing a good job and being just in everyday affairs, is not a purely political issue, but a human fulfillment. The Church, with its teaching, is not a mere addition, an ornament to human activities, but their essential foundation. Just as the Israelites bitten by snakes in the desert were restored to life when they looked at the bronze serpent made by Moses, in a similar way people of all eras bitten by the venom of propaganda, hatred, deception and lies should have the chance to be restored and regenerated by looking at the Cross symbolized by the Church.

The Church, as an institution distinct from the State, is the right point of escape from the vortex of human affairs, and a rescue from statolatry. Because of the fundamental distinction, we need to realize that whatever is decided by the State in terms of its legislation is not automatically morally acceptable. The person is prior to the State; therefore the existing legal order does not satisfy the person's ultimate purpose or fulfill his or her essential vocation.

A State in which the Church cannot exist as a separate institution will preach democratic slogans such as freedom of thought and speech, but in practice will seek to limit degrees of freedom by exerting controlled surveillance and introducing homogeneity, the kind of homogeneity that is safe and acceptable to those in power. The best way to exercise restraint and respect freedom is through self-restraint, when the person is aware of the true good and the source of evil inherent in human nature.

Church and State. Separation or Distinction—a Philosophical Perspective

SUMMARY

The issue of separation or distinction between the Church and the State has rarely been discussed. More often it has fallen prey to pragmatic solutions. When we look at the history of Church-State relations, we can observe either cooperation or hostility. The Church is looked upon with a sympathetic eye when it supports certain political solutions and with hostility when it criticizes the State. In the case of cooperation, the distinction is apparently acceptable; in the case of hostility, separation is recommended. This article primarily seeks to show the difference between separation and distinction. Both terms appeared in John Locke's notable *Letter Concerning Toleration*. Unfortunately, even this philosopher failed to see the difference between the two terms. Assuming that man has many degrees of freedom within the State, the Church is needed as an institution separate from the State to help understand the profound meaning of human freedom, yet free to speak with its own voice and in accordance with its mission. The Church also needs to be aware of the fact that it is distinct from the State, being wary of any close political involvement.

Keywords: Acton, Church, degrees of freedom, distinction, Korfanty, Locke, Newman, separation, State

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