
Volume 42
Issue 1 *Fall 1992: Symposium - Confronting the
Wall of Separation: A New Dialogue Between
Law and Religion on the Meaning of the First
Amendment*

Article 13

Church-State and Church-World

J. Bryan Hehir

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

J. B. Hehir, *Church-State and Church-World*, 42 DePaul L. Rev. 175 (1992)
Available at: <https://via.library.depaul.edu/law-review/vol42/iss1/13>

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.

CHURCH-STATE AND CHURCH-WORLD

*J. Bryan Hehir**

Stanley Hauerwas's essential argument is that the real question is what kind of people the church should produce. What kind of people should we be? Moreover, can we produce a people that is capable of setting checks on secular power? Christians know that one always must check secular power: it has imperious designs; it has limited ability to know the truth; and it has no loyalty to the central truth by which we live — the Kingship of Christ. The big issue, therefore, is whether the church can produce the kind of people that can check secular power and get about the business of doing what Pope Pius XI wanted us to do.¹

The subordinate theme of Hauerwas's argument, in view of that larger question, is that church-state issues are not interesting. He implies that these issues are neither interesting nor relevant for Christians, and on the whole, are pretty much a waste of time. This statement of the case has, of course, an ecclesiological foundation. I think Hauerwas's principal point is to argue the primacy of the church-world question over the church-state question. I agree with his logic; the church-world question is the first question and the church-state question is a second-order question. Therefore, whether one finds the church-state question interesting or not is going to depend upon how one argues the church-world question. Hauerwas's main point, however, is not only that the church-world question precedes the church-state question, but that the attention given to the church-state question diverts our intellectual energies away from what we really ought to be concerned about as Christians. Furthermore, our focus on this second question domesticates the ability of the church to witness to the secular state. Therefore, at both the

* Cyrus Vance Professor of International Politics, Mount Holyoke College; Faculty Associate, Center for International Affairs, Harvard University.

1. Pope Pius XI "boldly and bluntly asserts the importance of publicly recognizing and celebrating the Kingship of Christ in reconstituting the entire social order." Stanley Hauerwas & Michael Baxter, C.S.C., *The Kingship of Christ: Why Freedom of "Belief" Is Not Enough*, 42 DEPAUL L. REV. 107, 121 (1992).

intellectual and the operational levels, the concern with church-state is diversionary. Although I think Hauerwas is right about the primacy of the church-world question, I think he is wrong about the significance of the church-state question. Moreover, I am not at all sure that he is right about John Courtney Murray.² I will begin by focusing first on the church-world question. It has primacy in terms of both its ontological reality and epistemological reality. The church-world question is, properly speaking, a theological question. In contrast, the church-state question has theological roots but is argued primarily in terms of philosophy, politics, and law. The church-world question is thick and substantive theology.

The fundamental assertion that runs through all of Hauerwas's writings highlights the basic tension in the church-world question. "Tension" may not even be a strong enough noun to capture how the church-world relationship should be framed. One might want to say "contradiction," but that is not fully accurate either. I agree with Hauerwas, that at a minimum, tension exists, at least if the statement is that there is a fundamental, permanent, necessary tension between the church and the world. This is essentially the shared theological position in the Christian tradition. The existence of such tension is difficult to refute. The reason why is that the tension is rooted in what I would regard as the three fundamental theological doctrines of Christian faith: anthropology, christology, and eschatology. Then, woven between christology and eschatology sits one's ecclesiology. Essentially, the anthropological argument — which basically talks about sin, nature, and grace — affirms the reason why there is tension between the church and the world. The christological doctrine of a crucified Christ interprets the world through the cross, and, therefore, is not surprised to find tension between common secular thought and the fundamental truths of the Gospel. The eschatological question essentially affirms a belief in a kingdom which is incapable of being fulfilled this side of history. This is a long argument which I cannot play out, but I think it is basically the frame of reference that Stanley Hauerwas is most interested in. In other words, how do Christians, understanding the world in those terms — anthropological, christological, and eschatological — develop an ecclesiology and a style of discipleship that is worthy of that vision?

2. See *id.* at 115-17.

Then one turns to the church-state question. However, one can only turn to the church-state question after one gets the church-world question straight. At this point, I begin to diverge from Hauerwas. I would agree that the church-state question is a secondary question to the church-world question. I do not agree that it is either unimportant, irrelevant, or not worth our energy. Indeed, it is a question that has been with the church not since the time of the Reformation or not since the time of John Courtney Murray or Vatican II, but of course with the church from almost the beginning. Indeed, one of the people who got it right and took the church-world question as his basis and then articulated the church-state question is Pope Gelasius. In 496 he stated the classical version: There are two sources of authority in the world, both of which are rooted in God. There is the source of authority that is given to the ecclesial community and the papacy is the bearer of that authority. And there is the source of authority that comes from God, and is entrusted to the power of the state; the church recognizes that also as a legitimate source of authority.³ Gelasius situated the church-state argument in the framework in which it is still cast, even though the terms have changed. The argument evolved: the church and the empire; or the church and the *res publica christiana*; or the church and the liberal democratic state in the nineteenth century; or in the restated case of post-Vatican II church-state theology. The purpose of the question, no matter in what terms it is argued, is the same: How does one locate the church in the social fabric of history? We know from the church-world question that the church as an instrument of the Kingdom of God can never be totally contained in the fabric of history. So one finds the fundamental tension of the church-state case: The church obviously is destined for the Kingdom, cannot be contained by any political power, but still ought to live in social space. So then the question becomes: How does one articulate analytically the social space in which the church should live?

Now, the contemporary form of the question — not lasting, but contemporary — is that we distinguish between church and society on the one hand and church and state on the other. Although Hauerwas did not discuss this much, it seems to me that this distinction stems partly from both the liberal tradition of distinction of society and state, and how it is incorporated into Christian theology

3. See John Courtney Murray, S.J., *The Problem of Religious Freedom*, 25 THEOLOGICAL STUD. 503, 520 (1964).

as the twentieth-century version of how we argue the social space question for the church. At this point, Pope Pius XI fits in with their discussion about christianizing society. The social space that the church inhabits is to be regarded as open to evangelization quite properly, as Hauerwas said, not only in terms of individuals who are called to conversion and to the Gospel, but also social institutions that are to be shaped by some conception of how the world is to be designed to accord with the divine plan of God.

Now the difference between Pius XI and John Courtney Murray is that Murray argued that society ought to be christianized, but the role of the state should be limited vis-à-vis the world of religion. Therefore, Murray affirmed that the fundamental care of religion that the state should exercise was precisely to protect the religious freedom of everyone. At the same time, he argued that religion is a social good. The separation of church and state does not require that one say that the state must affirm that religion is either nonexistent or not a social good. It is a social good. The question is how the social good of religion is to be cultivated in a society. I think Murray's assertion is that the social good of religion is to be cultivated in a society in the lives of the citizenry of the society and not through the instrumentality of the state.

A further point is that Murray's view does not eliminate the state's capability to exercise a moral influence in society, precisely because Murray distinguished between a religious influence and a moral influence. This distinction requires, however, as Hauerwas noted and disagreed with, that one then move to a different form of discourse than the thick theological discourse of the church-world question. One must then move to a form of discourse that is of another order, one which Murray was fundamentally committed to, and that is natural law. While I will not attempt to provide the epistemological justification of natural law here, Hauerwas's dismissal of Murray is possible only if one dismisses the possibility of a viable epistemology of natural law.

Finally, the question is: In the social space which the church inhabits, what role should the church play in society? How does one conceive it? Here, having placed the church vis-à-vis the state and society, one then comes back to the church-world question. One has to come back to this after one has the church-state question straight. The question here is ministry and discipleship and their respective qualities. This is a long argument. Excommunication, as

Hauerwas contends, should be part of this discussion. But one issue that Hauerwas skipped is how one decides what makes someone subject to excommunication. Therefore, before he excommunicates George Bush, how has he decided that he should excommunicate him? In other words, how has one decided that the Gulf War was beyond possibility of moral redemption? That is not to say that war is not beyond moral redemption, but how within the church does one use moral discourse to make that case. This is similar to Professor Garvey's point: How does one decide that it is incumbent necessarily upon a Catholic public official not only to agree with the moral teaching of the church on abortion, but also to agree at the constitutional level, that only one constitutional remedy for abortion exists?⁴ In other words, how does one decide those questions before we excommunicate people? I think Murray would acknowledge the need for excommunication and be hesitant about using it. Therefore, I support Murray.

4. See John H. Garvey, *Hauerwas on Religious Freedom*, 42 DEPAUL L. REV. 161, 163 (1992).

