

"Religious Allegiance & Political Sovereignty:
An Irreconcilable Tension?"¹
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'Religious allegiance' and 'political sovereignty' are phrases with a wide range of significance, so wide in fact that their users are forced to treat them as terms of art and to paint a definitional picture that will fix their use in accord with particular argumentative interests. My definitional picture will highlight a fundamental sense in which these phrases identify concepts that cannot coherently be held together. I do this in the service of a deep concern about the extent to which currently widespread understandings of the claims of the ideal-typical late-modern Westphalian state to sovereignty are destructive of religious identity. There are important senses in which the American experiment with religious liberty within the framework of a constitutional democracy is more destructive of religion than, for example, the Chinese attempts to eradicate Buddhism in Tibet since the 1960s or the Soviet Empire's restrictions on the practice of Christianity in the regions under its sway from the 1920s to the 1980s. Gaining some understanding of the ways in which religious allegiance and political sovereignty are in fact at odds will be helpful in understanding how this can be. Out of necessity I'll paint the picture with a broad and schematic brush. I shall also, and without apology, be extreme in both tone and stance. Occupying an extreme position will often provoke more and more useful thought than will sweetly irenic reasonability.

States lay claim to sovereignty; indeed, they are in large part to be understood precisely as entities whose defining characteristic is

that they make such a claim. The claim they make has two key elements. The first is to the unsurpassable allegiance of its citizens with respect to the state's core interests, a claim evident in the state's monopoly on the use of police power within its boundaries to enforce this allegiance. The second is the state's claim to freedom from external interference in its control of its core interests, whether this interference comes from other states or multinational entities like McDonalds, the International Monetary Fund, or the Catholic Church. The state ideal-typically does not recognize any trump within its boundaries so far as its core interests are concerned.²

The extent to which the state is willing to recognize the sovereignty (and indeed the right to exist) of alien states will usually be indexed to the extent to which the commitments evident in the aliens' political arrangements are like those evident in its. The greater the likeness the greater the willingness to acknowledge the sovereignty of the other within its bounds; the less the likeness the less the willingness. Thus late-capitalist democratic nation-states have little difficulty in recognizing the sovereignty of other states of that sort, and will also often be able actively to cooperate with them by formal alliance or otherwise (think, for instance, of the special relationship between the USA and the UK). But states of this sort will have considerably greater difficulty in acknowledging the sovereignty of (for example) religion-based totalitarianisms: consider the USA's relation with Afghanistan since the Taliban took power there, or its continuing difficulties with Hussain's Iraq.

So much for state sovereignty. Religious allegiance, by contrast, is an unsurpassable allegiance of a comprehensive sort. If your allegiance is unsurpassable, its claims cannot be trumped. If it is comprehensive, nothing falls outside its embrace: all other allegiances

are subsidiary to it, embraced by it rather than existing alongside or in competition to it; and when subsidiary allegiances conflict with it, they must in some fashion be rejected, most usually by being ignored or actively opposed. Religious allegiance recognizes no trump of any kind. This is why it is such a problem for post-Westphalian nation-states: they were founded principally to tame and domesticate it, a task more difficult than at first it seemed to be.

In Christian terms, as also in Islamic and Jewish ones, God is typically identified as the only proper recipient of allegiance, from which it follows, first, that all other claimants to allegiance are idols just to the extent that they do not recognize their subsidiarity to God; and, second, that people are idolaters with respect to the state just to the extent that they treat it as the kind of thing that can make unsurpassable claims. A classical Augustinian form of these claims would say that only God can be enjoyed and everything that is not God can only be used.³ For the sake of shorthand in what follows I'll use the term 'God' to identify the proper object of religious allegiance. This is a shorthand, of course, because there are forms of religious allegiance without interest in what Jews and Christians and Muslims call God. But attention to the appropriate corrections and qualifications would delay the argument for too long were they fully to be entered into.

These construals of religious allegiance and political sovereignty create an obvious tension of a strictly logical sort. If the state's claims to unsurpassable sovereignty with respect to its core interests within its boundaries are proper, then religious allegiance, as I've defined it, is ruled out of court from the beginning. This is because religious allegiance, so defined, can recognize no form of sovereignty to which its claims are subsidiary in

any sphere, and the monopolistic sovereignty of the state is, ideal-typically, just such a form. And, from the other side of the equation, if religious allegiance really is unsurpassable and comprehensive in the way I've suggested, then the claims of state sovereignty to unsurpassability within the boundaries of the state are improper just because those claims are, ex definitio, subsidiary to the claims of religious allegiance if they have any force at all. This is the strong form of the tension, a form which generally is conceptually irreconcilable as I mean to suggest by my title. But there are some familiar strategies for dealing with it, among which three stand out.

The first is to develop an understanding of the state such that it can itself be understood as the object of a properly religious allegiance. A relatively pure form of this move was evident in Hitler's Germany. More subtle forms were evident in the Holy Roman Empire, and perhaps also in Stalin's Russia and Pol Pot's Cambodia. Those who make this move transmute the state into God and make of it a proper object of unsurpassable and comprehensive allegiance.

A second strategy is to develop an understanding of the state such that its claim to sovereignty are properly religious, even though it is not itself God and its claims are not (or may not be) exhaustive of the demands of religious allegiance. This typically means that allegiance to the core interests of the state, however exactly these are construed, is understood as a proper part of the demands of religious sovereignty, but not as co-extensive with it. Some, perhaps, will argue that the forms and procedures of a democratic state (perhaps of the kind that citizens of the USA inhabit) are just what God wants for us in the spheres of social and communal life, and that therefore our allegiance to them in those spheres ought, for precisely that reason, to be unsurpassable for us. Such moves make allegiance to the

state's sovereignty an aspect or element of properly religious allegiance.

A sign or mark of this move having been made is, in a constitutional democracy like that of the USA, treatment of the claims of the constitution as of sacred significance. Exegesis and application of these claims then becomes an aspect of or moment in exegesis and application of the claims of the religion of which they are now understood to form a part. An example is the tendency among some intellectuals in the US today, Catholic and Protestant, to argue that just because a constitutional justification can be found for a right to legal abortion it therefore follows that the existence of such a right commands unrestricted allegiance from US citizens their other convictions and allegiances notwithstanding. This follows, according to this second strategy, because a constitutional demand has now become a properly religious claim.

There are nondemocratic forms of this move, as well: perhaps the Taliban's recent efforts to establish a fully Islamic state in Afghanistan provide an example. For them, perhaps, the state has to be transformed into the hand of God, and in so far as this is successfully done, its demands are properly treated religiously just because they have become a proper part of a broader religious allegiance. Perhaps, to suggest another example, some elements of the Bharatiya Janata Party in India think of the state in something like this way.

If the first strategy transmutes the nation-state into God, this second strategy transmutes the state's claims into sentences spoken by God and the state into God's political presence here below.

A third strategy, deeply different from the first two, is to recognize the irreconcilable tension I've identified and to respond to

it by attempting to remove one of the elements in which its irreconcilability consists.

A religious version of this strategy typically entails a radical reduction of the state's claims to sovereignty. These are reduced from claims to unsurpassable allegiance within the boundaries of the state to claims of incidental, local, and conventional interest. If, for instance, your traffic laws tell you to drive on the left and to stop when the light is red, your religious allegiance may permit you to identify this as a matter of local convention and to obey without further ado. But whenever the claims of the state impinge upon the claims of religious allegiance, the religious person who follows this third strategy will dismiss them with very little thought. The point of central importance about this strategy is that it makes the state's claims to allegiance largely uninteresting and insignificant.

If the first strategy transmutes the nation-state into God and the second transmutes the state's claims into sentences spoken by God, the religious version of the third strategy understands the state's claims as the trivial or pernicious mutterings of idolaters, and the state's sovereignty as a matter of no deep interest or abiding concern.

There are active and passive forms of this third strategy. A passive form, like that of the Old Order Amish in the US, will retreat from the demands of the state, showing little interest in them, obeying them in so far as they do not conflict with the demands of their religious allegiance, but simply ignoring them when they do. An active form will oppose all claims of the state that are perceived to conflict with those of the religious allegiance, and will attempt to make the claims of the state co-extensive with the claims of the religion. Perhaps, again, the Taliban might serve as an example here.

The third strategy, recall, embraces the irreconcilable tension I've identified by recognizing its very irreconcilability and attempting to remove one of the elements that constitute that irreconcilability. I've just discussed the religious version of this, according to which the legitimacy of the state's demands as the state understands them is simply denied or ignored. Unsurpassable allegiance for those who follow this strategy is restricted to God. But there is also, of course, a statist version of this strategy. Those who follow this line--and their number is legion in the contemporary US--deny the legitimacy of religious allegiance as religious men and women ideologically understand it (which is as I've sketched it here). They privatize religion, restrict its claims to the preferences of the individual, and use the force of the state's police power whenever religious allegiance produces actions that conflict with the state's demands. The sophisticated conceptual version of this strategy is found in the recent work of the philosopher Richard Rorty, according to which claims produced by religious allegiance are simply incomprehensible in a late modern democracy and those who make them seriously and insistently are simply insane.⁴

But Rorty's line of thought on this is just the apotheosis of John Locke's. Locke advocated toleration of those with religious commitments by the state.⁵ But toleration, as John Courtney Murray so elegantly and precisely indicates, is a concept of the moral order that indicates the error of those at whom it is directed;⁶ and for Locke, as for all contemporary democratic nation-states, permission to act in accord with your religious convictions extends only as far as those identifying the core interests of the state say it may; when it goes further, it will be punished by violence. And for Locke, those worthy of such punishment included Catholic ("Papists," as he preferred to

call them) and dissenters (who were typically labeled "fanatics" by him). This understanding of toleration is that upon which modern constitutional attempts to define and settle the question of religious liberty are founded. It is interesting to observe this, for it shows that such settlements are shot through with the assumption that the fabric of a fully religious conviction about human life and its setting is one woven of error and confusion.

This secular-statist form of the third strategy understands the claims of properly religious allegiance as the insane ravings of the clinically certifiable. And while the pacific and civilized tone of a Rorty on this matter are rhetorically different from those of his Stalinist counterparts in the middle days of the Soviet Empire, the conclusion is the same: religious people ought to be either killed or committed when they step out of line. I'd add here, had I space, in support of what might appear to be the rather extreme claims just made, an application of Michel Foucault's genealogies of clinical ideas about insanity, an exegesis of Aleksandr Solzhenitsyn's impassioned protest against both the Soviet Union and the American Empire, and a discussion of John Paul II's increasingly deep criticisms of the social and economic forms fostered by--and probably indissolubly connected with--late-modern democracies. They all make essentially the same point, though in very different keys and registers.⁷

In the US today the lively options for thinking about the relations between religious allegiance and political sovereignty are the second strategy and the statist version of the third.

According to the second strategy, recall, a construal of religion is found that makes the demands of the state in their sphere worthy of properly religious allegiance. This leads, almost inevitably and certainly in practice in the USA, to the transmutation of God into a

servant of the democratic state and of God's word into the constitution of that state. The appropriate icon for this move is Thomas Jefferson's gospel book; a cut-and-paste object, in which the parts he liked were kept and the parts he didn't incinerated. The church rejected Marcion as a dangerous heretic long ago; but Jeffersonian democracy is more dangerous than Marcion, and it's time the church rejected it, too, as an insidious danger. Those with genuinely religious allegiances should have no more time for extolling the delights of democracy than they have for extolling the delights of totalitarianism. The principle of equivalence here is in part a theological one (avoidance of idolatry) and in part an epistemological one (avoidance of undue epistemic optimism).

According to the third strategy, recall, religious allegiance is a matter of insanity and the religious are to be consigned to the clinic. This position is at least clear. It ought to be resisted by the religious; and if, as is likely, such resistance creates martyrs, that, from a religious point of view is nothing but good. The martyr is the ideal type, indeed the icon of the religious person, and that this is both the case and so difficult for contemporary Americans to understand, may itself serve as an icon of the central thesis of these brief and inadequate remarks, which is that religious allegiance and political sovereignty are indeed irreconcilably in tension.

Finally: politics is largely a matter of the imagination. In this it's like sex. The bonds of citizenship have no sacramental reality, which differentiates them from the bonds of marriage or those produced by incorporation by baptism into the body of Christ. The bonds of citizenship also have no biological or physical reality, and this differentiates them from the bonds of biological family. Their reality is of the imagination only. This doesn't mean that they are unreal: the

imagination has great power. But it does mean that if the imagination's gaze is turned away from them for long enough, they will wither. For religious people, I suggest, the time is ripe simply to cease imagining the post-Westphalian nation-state, to cease dreaming that dream. Imaginations of the bonds of democratic citizenship that attempt melioration of the defects of democratic nation-states--well-intentioned imaginations of a civil society ordered around the principle of subsidiarity, for example--will always be co-opted (usually in about five minutes) by the market, with its stiflingly un-nuanced individualism and its grim identification of freedom with choice. This co-optation has already occurred in the case of those imaginations of civil society that informed some of the Eastern European revolutions of the late 1980s and early 1990s. It would be better for religious people to stop wasting their imaginative energies and instead to dream the dream of martyrdom and to occupy the stance of prophetic critique. That at least is a coherent position, one that is adequate to the fundamental irreconcilability of the claims of religious allegiance and political sovereignty.

I revise these remarks in the days following 11th September 2001, when many people were killed and much property damaged in New York City and Washington D.C. by commercial airliners hijacked by those intent on a destructive martyrdom. Those events, whose full explanation is not yet publicly known as I write, may serve as an illustration of the thesis argued here. It may be that those who planned and executed these terrible events did so from an understanding of the full depth of the irreconcilability between the claims to allegiance made by Islam and those to sovereignty--increasingly to world sovereignty--made by US-style polities. If this is so, I endorse this understanding as accurate, without endorsing the particulars of the action. What was

done is, from the viewpoint of a Catholic Christian (which is the viewpoint from which these remarks are made), beyond moral defense and can call forth only lamentation and despair. But that judgment neither assumes nor implies the reconcilability of the claims to unrestricted sovereignty made by the USA with those comprehensively unrestricted claims to allegiance made by Catholic Christianity (or by Islam). The dreadful events of 11th September 2001 dramatize, and may in part be explicable by, the irreconcilable tension of my title.

ENDNOTES

1 A version of these remarks was delivered orally at the University of Chicago Divinity School's symposium "Sacred and Sovereign" in October 2000. The remarks were lightly revised and expanded in September 2001.

2 This unrestricted claim on the part of states is of course increasingly under siege by a variety of trans-national agencies, principally those concerned with the enforcement of international trade agreements. But the claim remains in place as an ideal type.

3 For a standard statement of the use/enjoyment distinction in Augustine see the first book of his De doctrina christiana. A translation may be found in R. P. H. Green, Saint Augustine: On Christian Teaching (Oxford: Oxford University Press, 1999), pages 8-29. The older Augustine largely abandoned this way of talking, but the distinction remains operative in his thought even if the language does not.

4 For a representative sample of Rorty's extreme views, see his "Religion as Conversation-Stopper," Common Knowledge 3 (1994), 1-6.

5 For Locke's views on toleration see his Essay Concerning Toleration (1667), and his Epistola de tolerantia (1685). There is change in his thought on the topic between these two texts, but not of a sort that need detain us here.

6 For John Courtney Murray on toleration as a concept of the moral order see his Religious Liberty: Catholic Struggles with Pluralism, ed.

J. Leon Hooper (Louisville, Kentucky: Westminster/John Knox, 1993),
page 150.

7 For a recent lively analysis of the legal aspects of this
irreconcilability, see Stanley Fish, "Mission Impossible: Settling the
Just Bounds Between Church and State," Columbia Law Review 97/8 (1997),
2255-2333.