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How Religion re-entered the Public Political Sphere. A Western Approach

Abstract: In the realm of political theology there are two concepts of sovereignty, a political and a spiritual one. Both still play a substantial role in the modern secular states, especially since religion is no longer tamed as a private concern. This development produces a new meta-narrative of salvation history and religion which shows the changes in the relationship between religion and politics.

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I. Political Theology and the Idea of Sovereignty, Physical and Spiritual

For Max Weber it seemed obvious that religion – whatever religion meant – was going to disappear. In his „Wirtschaft und Gesellschaft“ he stated that the modern state had taken over the functions of religion, and that with the „Entzauberung der Welt“ (demystification of the world) it had become obvious that the sciences as process of rationalization of the world made religion more and more superfluous.

Following Max Weber, Carl Schmitt declared in his pamphlet on „Political Theology“ (1922/1970): “Alle führenden Begriffe des Staatsrechts sind säkularisierte theologische Begriffe” (All leading concepts of constitutional law are secularized theological ideas).¹ With this formula he meant that in the course of defining constitutional law the state had adopted predicates which originally were part of the theological realm, particularly the divine predicates, that had since become attributes of the modern state. The state Schmitt had in mind in the period of the early 1920ies was a strong authoritarian one, the one of the “stählernes Gehäuse” (building of steel) with a strict bureaucracy (such as Max Weber had had in mind, too). The most important divine predicate that this state had inherited was the idea of sovereignty, an idea that had become the key-notion of the theories of states from the early modern period on, especially since Jean Bodin’s “Six livres de la République” (1576) and Thomas Hobbes’ “De cive” (1640) and “Leviathan” (1655).

Sovereignty, *suprema potestas*, can be defined in two ways. Firstly: “Sovereign is the one who stands beyond all law”. Secondly: “Sovereign is the one who judges everyone and who is judged by no one”.

a) Sovereign is the one who stands beyond all law

This is the classical definition of absolute power: *rex legibus absolutus*. The formula means that the sovereign has absolute power as far as the interior realm of a state is concerned. This theory of sovereignty is part of Bodin’s and Hobbes’ theory of the state, and it is connected to a theory of the state of nature that was ended by a contract between the individuals to constitute a state. (I will neglect here Montesquieu’s theories of the separation of sovereign power into legislative, judicative and executive branches.)

There exists a related definition of sovereignty – the one that stems from Kierkegaard’s „Die Wiederholung“ (The Repetition, Gjentagelsen, 1843). This was adapted by Carl Schmitt into his political theory: „Souverän ist, wer über den Ausnahmezustand entscheidet.“ Kierkegaard

¹ Cf. also Carl Schmitt, *Römischer Katholizismus und politische Form* (1923)

explains: “Sovereign is the one who decides about the state of exception. The state of exception defines itself and the normal state“. The exception is of course the exception from the law, and this exception implies that the constitutional law of a state is to be abolished if the exception becomes political reality.

„Souverän ist, wer über den Ausnahmezustand entscheidet“ (Sovereign is the one who decides about the state of exception) means that the sovereign is beyond all law and that he can change every rule, because he is not bound by it. This theoretical claim becomes reality in the process of a revolution, when the sovereign, that is the winner of a revolution, sets a new law. Thus the concept of sovereignty is not only part of conservative theories, it also fits left-wing theories, especially those that think about revolutions as motors of world history – a common interpretation in the 19th and 20th century.

If those who have power or have gained power can set the laws simply by commanding, they can however do so only as long as they actually have the power for legislation and execution of the law. Concerning domestic policy, the sovereign, be it a revolutionary or a king, has the right to make laws and to execute them. The sovereign is in the position of an absolute king, who signs the laws he has given: *Sic volo, sic iubeo*. So will I, so command I. That is the position of the sovereign as a *vicarius Dei*, a vice God.

In this process of the transferring of divine predicates into the political sphere, God is understood as a creator. The dialectics of *potentia absoluta* and *potentia ordinata* (Scotus, *ordinatio I distinctio 44*) become important here: As long as the creator (be it God concerning the world, be it the legislator concerning his state and the laws) has not yet decided to create the world or to make a law, he is absolutely free. After having decided – that means after having set his idea into an extra-mental reality, after having made real what was not decided before – the sovereign is bound to the fact that something has been produced. This product is now existing independently from the producer. The decision to realize something that was only possible before and what has now become real binds the creator/legislator. The step of decision (therefore “decisive” step) is a metaphysical one, it is the one from possibility to reality. After his decision the creator/legislator is no longer free concerning his decision: once the creation and the law are set into an independent reality – and the law is respected as authoritative – they have an existence of their own. Here the difference between *essentia* (abstract possibility) and *existentia* (real existence) becomes politically important. And even though the sovereign legislator is not bound to the authority of the law and is not obliged to obey it, he nevertheless has to abolish the authority of the law in order to replace it – and analogously the creator has to abolish the world in order to make a new one.

The analogy between God as a creator and the vice God as a legislator only works insofar as the vice God possesses the function of legislator and executor and insofar as he has the political sovereign power. In the case of a revolution the sovereign changes; God, however, as not submitted to any revolution, is stable. In the case of a revolution the winner becomes the vice God. In the political thought of the 19th and 20th century, revolutions were considered to be the motors of political and historical progress. Within these processes, from the French Revolution on, it was the people who became the sovereign vice God. And the people were lead by those, who, in the name of political and social progress, saw themselves personally in the role of representatives of the people that were the sovereign vice God. In this line of thought the people as the vice God set their pride in their national pseudo or vice divine identity.

It was not necessary that the political leaders believed in any religious connection; the parallel between divine predicates and politics remained purely formal. However even this merely formal parallel closely connected the political and the theological realms. With regard to the political key-concepts of sovereignty and revolution the theological dimensions were inevitable, and this was the concrete political meaning of secularisation.

b) Sovereign is the one who judges everyone and who is judged by no one

Obviously the definition of the sovereign as beyond the laws – *rex legibus absolutus* – does not fit the relationship between states, that is the field of foreign politics. If one isolates a sphere of mere politics, meaning that this political sphere is not influenced by moral ideas whatsoever, there can be no laws that obligate states. States can by definition do what is in their power – as far as that power reaches. They can make contracts, but they are only obliged to follow them as long as they do not end these treaties. If there are conflicts between states, they should, pragmatically spoken, be solved by contracts between the opponents. But in the case that no peaceful result should be possible, “war is”, as Clausewitz stated, “the continuation of politics by other means” (“Krieg ist die Fortsetzung der Politik mit anderen Mitteln”).

There is thus no political power above that of the sovereign states on earth. If the states have problems among themselves, they must solve them by the political means they possess, and war is of course one of those means. War however presupposes the economical and physical ability to stand such a conflict. And the risk in war is always that one can loose it. And in this case the governmental authorities also loose their sovereignty.

Even though there may be no physical power beyond the sovereign political power of the state, institutions of moral and religious authority do exist, that, ideologically, are not necessarily subject to the political power of a certain state. Of course this relative independence of moral and religious institutions always raises the question of their obedience to the state. The state as an independent political power, not as a moral or religious authority, grants the toleration of competing moral and religious institutions. This necessarily implies that these institutions are subject to governmental rules; however, they also claim a moral or religious and spiritual independence for themselves. Tensions between independent moral institutions and governmental institutions are consequently inevitable.

The legitimacy of non-governmental institutions including the institutionalized public sphere depends on their claim to a politically independent religious or moral authority. By this moral authority, they claim to have legitimate influence on the governing political institutions, because they judge their moral attitudes. The traditional institutions that claim such a judging authority for themselves are the churches, insofar as they maintain that they are of a legitimacy and origin distinct from that of the political powers. The occidental religions claim to derive from revelation; and from this transcendental source they believe to have their own authority independent from politics. In a certain sense the United Nations can be said to inherit this traditional role of transnational institutions from the churches, especially from the Catholic Church. They, i.e. the UN, simply replace transcendent legitimacy by a universal moral one. This is, for instance, also the reason why it was the United Nations who devised the human rights and declared them as universal. It is because of such a pretended universal authority of moral or religious values, that these institutions declare that they have the legitimate right to judge the political sovereigns.

This is what it means to say that these non-governmental “judging institutions” stand beyond the sovereign states; they are so to speak super-sovereign authorities. They claim to be super-governmental; and their moral authority depends largely on the fact that they do not have physical power. Therefore they are not corrupted – so one says and so they claim – by the physical power of politics.

Although such critical judging authority should be exercised by persons of moral integrity, the authority of such judging institutions does not necessarily depend on the holiness and integrity of their members. Their legitimacy depends on the authority of the rules they use for their judgments over political authorities. These rules are moral or religious ones, and thus independent from any earthly sovereignty. The administration of this critical office over political affairs requires the knowledge of the rules which should be obeyed by the powerful

political parties, but it is independent from a moral conduct of life. No institution can survive if it consists of saints.²

Concerning the judging by non-governmental institutions, the second definition of spiritual sovereignty becomes relevant: “Sovereign is the one who judges everyone and who is judged by no one”. This, obviously, is a definition which fits the conflict between sovereign governments: here the one who judges a conflict between states has the highest authority. The question is now, to what extent the highest authority is also the highest sovereignty.

The definition of the spiritual sovereign as “the one who judges everyone and who is judged by no one” stems from medieval church law: In his conflict with the French king Philip le Beau the pope Bonifaz VIII in 1303 claimed to be the supreme judge on earth. The decisive locus classicus for this claim was in the Bible, 1. Cor 2,15: “*Spiritualis autem iudicat omnia: et ipse a nemine iudicatur*” (“But he who is spiritual judgeth all things, yet he himself is judged by no man”). The pope claimed to be this “spiritual” power and therefore required the highest authority for the church and for his superior position within the church. By this he also claimed that he was the one who had the authority to judge the kings including the Roman/German emperor. This authority, the pope wrote, derived from his spiritual position as vice God in regard to God’s function as supreme judge. If God’s role as supreme judge was to be revealed in the last judgment, the authority of the pope consisted in his holding the office of the highest judge until God in his last judgment would take over and combine this papal judging office with real executive power. Up to these last days of the world, the pope’s authority would neither possess nor need to possess any physical power; it was effective solely by the claim that there was no one superior, that means closer to God, than the pope.

This office of the highest judge had a peculiar dialectics: since the pope’s decisions were the highest judgments, his decisions became true – that means authoritatively valid – in the moment they were decided. A truth beyond the authority which defined the truth in God’s and his churches name could not be conceived. It was the truth’s word, and what could be truer.³ Therefore the highest judge decided the political and ecclesiastical truths. “*Auctoritas definit veritatem per interpretationem revelationis*”, that was the office of the pope; and if he decided a fact to be accordant to or discordant with the divine revelation, especially the Bible, and the connected ecclesiastical law, it became valid, and this means true or factual or real in a political and theological sense. That was the meaning of the highest, the sovereign judgement: “*Spiritualis autem iudicat omnia: et ipse a nemine iudicatur*”

² This is also the question raised by the radical Franciscans in the high middle ages concerning the theoretical battle of poverty (theoretischer Armutsstreit).

³ Adoro te devote etc. Thomas Aquinas.

c) Spiritual authorities and secular states

Of course this highest spiritual authority as a judge of politics was, for the protestant states, lost in the Reformation period of the 16th century. In the Catholic states things presented themselves a bit differently, but also Catholic states started to reclaim a superiority of the state in jurisprudence – leaving the church however with the authority to define religious affairs. In no case, be it Protestant or Catholic, could the state speak in the name of religion. The state had its own legitimacy – but the public acceptance of revelation legitimated the existence of the ecclesiastical powers, be it internationally beyond the states (as in Catholic and Muslim regions) or be it within the states, as was usual in the 19th century protestant states. Supreme physical power and related legislation were part of the legitimate sovereignty of the modern state. But this did not mean that political powers were at the same time the highest spiritual authorities. So the idea of a supreme spiritual authority that judged the political powers remained a thorn in the flesh of political sovereignty. Whoever claimed to represent this spiritual authority, be it in the name of a religion, be it in the name of morality, must stage him- (or her-) self as the authoritative interpreter of a law revealed or otherwise eternally valid; and the claim of the spiritual authority was always and necessarily that its very interpretation of the eternal laws was the true one.

The sovereign secular state in the Western hemisphere never completely managed to absorb position of this highest spiritual judge. Totalitarian regimes tried again and again to assume a monopolistic possession of complete legitimacy, but they without exception failed in their attempt.⁴ This failure may depend on the specific legitimacy of religions that claim to be revealed transcendentally or on the transcendental sphere of moral laws (Kant's "Reich der Zwecke"). However, the idea of political theology with its concept of secularization, made it obvious that the state needed not merely to claim to possess the heritage of formal sovereignty from the religious sphere: if the state was the secular heir of the transcendent attributes, there could be no space left for competing intuitions that could legitimately claim to administrate a transcendent truth. Since however the spiritual institutions survived, the idea of political sovereignty was never completely fulfilled, because authorities still existed independently from the state.

⁴ Similarly, the representatives of the "reine Rechtslehre" (Hans Kelsen), who tried to make jurisprudence free from any ideological, moral and theological contents were unable to fulfill their own pretensions.

Religious authority thus survived because the idea of sovereignty was still discussed in the realm of state law, and because a second spiritual authority continued to exist that judged the inner legitimacy of political states without being able to force these states to change their politics.

II. Religion

a) Act. 5,29: We ought to obey God rather than men.

It is notoriously hard to define Religion – and I myself feel unable to try it anew – however, it is obvious that believers are convinced that they possess a position that is above politics. The religious institutions claim to be superior to the political vice God in the name of the true God himself. This claim caused the early modern problem of religious conflicts, in which every religion pretended to possess and administrate the absolute truth and therefore a hegemony over the competing religions and of course over the secular state. This situation seems to reappear in contemporary conflicts especially with the so called “radicals” within religions.

This claim of hegemony of one religion over the different religions and of course over the secular state does not depend on monotheism, as one can clearly see in the conflicts between Hindi, Muslims, Buddhists and Christians in India and in Oceania.

The key formula of the superiority of religion over the secular state for Christians is: “we ought to obey God rather than men” (Act. 5,29).

b) The “de-privatization” of religion: The end of religion as a private concern.

In the early modern period religion was tamed by the state in order to force toleration between the religions within one state. This goal was achieved by the means of privatizing religion. Religion became the private affair of a household; the father was the high priest, so to speak, of his family. As long as religion was defined as a private matter which did not touch the public sphere it was easy to tame religions in order to exclude them from the political realm. This was the precondition for toleration of different religions in one state and for establishing tolerance as a virtue.

Tolerance as a virtue made sense as long as religions lived in a culturally defined and settled context, as long as religions had something like a homeland. They were part of the culture that defined the identity of this homeland. Religions, insofar as they were part of regional cultures, were tamed and could be well incorporated into the civic and state institutions, although they were not completely assimilated. This taming meant that radicalism in religion was softened by folklore rather than by political force. Religions were thus a self-evident part of regional

cultures, they were so much part of these cultures that they often were realized less in their religious identity than in their folkloristic one. In some cases they were assimilated into the secular cultural life. In these cases they became little more than the administrators of religious traditions and ceased to respect their divine transcendent origins.

Considering this situation, how did the religions re-enter into the political sphere as powerfully as they did? I think mainly because they became part of the process of globalization. The mere number of human beings grew so quickly that migration has become an internationally incalculable and illimitable phenomenon. Here the question of feeling culturally at home (Heimat) or being elsewhere becomes crucial for the case of religion. As a moment of nostalgia and homesickness religion becomes part of the endangered identities of those who left their homes. In the course of the same process, religion, being the only moment of personal, although homeless identity, becomes more radical.⁵ This phenomenon arises because religion is a unique moment of personal identity. Religions are considered the spiritual roots of personal identities, and therefore, paradoxically, they at the same time produce a feeling of personal identity and of membership in an endangered community. Therefore especially migrants depend on their religious memories. In these memories religion becomes even more influential, and the religious belief is revitalized in order to manage the problems at hand. Radical religiosity thus corresponds exactly to the challenges of globalization.

This fact, that migrants become radical in their religious identity, of course changes the situation of the countries hosting migrants: they, too, remember their own vernacular traditions in order to struggle for a different identity: and so religions as the only remaining personal anchors receive a new attractiveness and credit. The countries and religions that immigrants come from take over the role of patrons over their compatriots – and so the variety of religions compete and cause conflicts. It is specifically in this situation that religion vividly re-enters the political sphere. One can predict that, the more important migration and globalization becomes, the more the role of religion will increase and will become vigorous and endangering for the secular political authorities. It is difficult to predict how long this process of radical religious politics will last, and whether it plays into the hands of the traditional institutions or rather into those of new religious congregations. Right now however, the various religions play an important role as part of the identities of immigrants and of the countries hosting them.

⁵ Cf. Olivier Roy: *La sainte ignorance. Le temps de la religion sans culture*. Paris 2008.

Here a second competition begins to play an important role: The one between secular and religious authorities. Because the role of religion has become politically more important than in previous years, the religious institutions require a new authority also in politics – and here a struggle between secular states and institutionalized religions arises. The religious representatives claim to possess the authority to judge over politics and of course the secular states do not accept that. This can be seen clearly for example in the conflict over the veil of Muslim women, being interpreted as an aggressive symbol of the prevalence of religion in a predominantly secular public sphere.

III. The Change of Secular Politics and the New Importance of the Meta-Narrative of Salvation History and Religion

With the re-entry of religions and morality into a common sphere with politics, the concept of politics changes. Politics is no longer conceived as the mere will for power but rather as a mixed field of interests, in which the different key-concepts, the “absolute Begriffe” of ethics, religion and power, compete. The absolute idea of ethics is the human good, the absolute idea of religion is God’s glory (or related claims of religious absolutisms) and the absolute idea of politics is the will for power. All these ideas claim to be absolutely valid and to make human deeds and habits meaningful: political meaning is the will for power and its aim is sovereignty, ethical meaning is the human good, and its aim is happiness; religious meaning is God’s (or another religious absolutism’s) glory and the pursuit of the correct cult and worship. These absolute key ideas compete in the spiritual public realm of politics of ideas (Ideenpolitik).

They do it in a peculiar way: The absolute ideas of ethics and religion are the spiritual measure-sticks of the supreme judge, and the absolute ideas’ claim to be absolutely true and therefore valid legitimate his critical judgments. The leading political idea – will to power – is unable to absorb the authority of the ethical and religious key notions because politics is not oriented towards truth but towards power. The secular state has in vain tried to assimilate them completely, and to incorporate the ethical and religious ideas into its institutions. The autonomy and independence of the religious and ethical spheres depend on their claims to be both absolute values and truths. Especially the catholic church never gave up its claim to be an institution with the right and duty of critical judgment in ethics and religion, independent from the secular state and claiming to administrate absolute truths and values.

So, in view of globalization, politics has to be redefined, since it re-enters into the magnetic field of absolute ethical claims and into the field of religious absolutism. Redefinition of

politics nowadays no longer means will to power but, rather pre-modernly: combining ethics and politics, improvement of the world by means of politics. And if this is not achievable, the minimum definition of ethical policies is the managing of crises and the attempt to avoid them. However, all these endeavours have only one goal: the improvement of the world by means of politics.

If this analysis is true, if the improvement of the world is now the concept of politics, the concept of political history is changing as well. It is no longer the history of the sovereign states struggling for power. If ethics are included into politics, then political history is also a history of the attempts to improve and heal the world, and of the failure of these attempts. This, however, is exactly the concept of religious salvation history, the master narrative of western world history since St. Augustin.

Obviously there is a strong opposition to this paradigmatic change by those who are still convinced that the traditional concept of politics, with its definition of a clear separation between domestic and foreign policy, with sovereignty of the national states, with perhaps spheres of influence, is still more important than the global challenges of a politics that has as aim the improvement of human affairs. I do not dare to judge whether the former concept of a secularized concept of a sovereign state or of a state within global economic and religious competitions is more powerful, however it is evident, that these concepts of the role of states and consequently of the concepts of politics compete.

If it is true that, with the situation of global migration and with its religious implications, the concept of secular politics loses its former hegemony in the common field of ethics, religion and politics, and consequently changes its aim and its definition. This presupposition accepted, politics, ethics and religion enter into a new and rather different narrative of world history. As long as politics were defined as a quarrel for power, political history was the narrative of this quarrel – without the dimension of an improvement other than the increase of power. This changes the moment religion and ethics enter the field in which formerly politics as the absolute idea delivered the leading concepts. Together with ethics and religion in a common field, politics also receives a religious and ethical drive: it becomes part of the common endeavour to improve the world. And that has consequences for the concept of history which is of course closely connected to politics.

With its new ethical claim politics receives a global responsibility and becomes part of a history the key narrative of which is improvement. The aim of such a history is clear: the improvement of the world. In religious terms that is a history of salvation. With this step politics becomes part of the old judeo-christian religious master-narrative (or meta narrative

or model-narrative) of Heilsgeschichte – history of salvation. It is obvious, that there are many partners within the process of globalization who are not at all interested in these implications. But at least for the western world these religious implications become inevitable.

Everybody is aware that the history of salvation is a typical western pattern. However the question is, how far the concept of globalization is itself part of this concept of western universal history (Universalgeschichte); this is especially the case if one considers the ethics of the “one world” and all the “green” ideology of saving the planet. And this is part of the globalization as well as of Western universal “Heilsgeschichte”. This is, I think, the way religion re-entered the realm of secular politics and changed politics into a new political theology.

Together with the ethical framing of politics – which can of course be defined as secularisation of history of salvation, the religion re-enters the political sphere. As I tried to show their growing authority is part of the process of globalization. As within the field of different religious ideas, politics can no longer be defined as a mere struggle for power, they become part of the human endeavour to improve the world. Their aim is goodness of the world and goodness as such – the highest good and ultimate goal. Those who define goodness are the spokesmen of the self-appointed ethical institutions and of the religious representatives – that is to say the religious groups and their spokesmen.

The inner legitimacy of the religions is the one religions used to have: the improvement of man’s situation in the world; and with this claim of universal legitimacy religion claims also to have the right and power to redefine politics – no longer as a struggle for power or, to use Nietzsche’s formula, will to power, but as a part of the improvement of the world in which religion defines what the improvement is.