

## Separation and Cooperation of Church and State

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### Basic facts, concepts and principles about the Church and the State

The debates on the involvement of churchmen in political issues and affairs will never end, because in the course of time the Church and the State will find themselves in constantly changing circumstances. But the debates could become very fruitful if the basic facts and concepts involved as well as the principles of separation and cooperation to which both institutions subscribe are first made clear.

The Church consists of people, often referred to as the people of God, the overwhelming majority of whom are lay people, who are animated and bound together by a system of faith and worship of a

deity, which is referred to as their religion. The Church has its own government consisting of the so-called sacred ministers or clerics; and in the Catholic Church these include the Holy Father, the cardinals, the archbishops, the bishops, the priests and the deacons. Some Churches have members in all or many countries of the world and correspondingly have an international or universal structure of government.

Neither the Pope nor the cardinals nor the bishops nor the priests and deacons are the Church, although they form a part of it. They are the rulers of the Church. They have other functions of teaching and sanctifying. Through a long line of succession, their authority and functions are conferred on them by their founder,

Jesus Christ, who taught that authority should be in the form of service.

The State consists of people too, referred to as citizens, united together as a national community. They live in a definite territory, and are sovereign and independent of foreign control. The people set up their own government to which they lend a portion of their sovereignty so that their government can maintain peace and order and promote the common good of society.

As in the church, the government and government officials are neither the state nor the people, although they are part of these. And as in the Church, the government and government officials of the State are servants of the people.

#### Church doctrine on separation

Christ laid down the doctrinal basis of separation between the Church and State even before He actually established His Church. He said to the Pharisees: "Render unto Caesar the things that are Caesar's and to God the things that are God's." When the people asked Him to be their King, He went away. "My Kingdom is not of this world," He told Pilate.

After the Church was established, the doctrine of separation was categorically declared again and again in the course of centuries. To cite only some of the more recent declarations on the subjects -

"...The Founder of the Church, Jesus Christ, wished the spiritual power to be distinct from the civil, and each to be free and unhampered in doing its own work..." (125, *Casti Connubii*, 1930).

"The political community and the Church are autonomous and independent of each other in their own fields" (76, *Gaudium et Spes*, 1965).

"The Church clearly states that the two realms are distinct, just as the two powers, ecclesiastical and civil, are supreme, each in its own domain" (13, *Populorum Progressio*, 1967).

Since the Church and the State are not only distinct but are also autonomous and independent of each other and supreme in their respective domains, there can properly be no union between them; because a union of two societies would imply intimate

organizational and structural connection as well as sharing of power between the two. Hence, there is real separation of one from the other. Needless to say, separation does not necessarily mean insulation, isolation, or hostility between the two.

### **State law on separation**

The basic State law on separation is found in the following provisions of the Constitution:

1. **"The separation of Church and State shall be inviolable"** (Sec. 1, Art. II, Declaration of Principles and State Policies).

The foregoing constitutional provision is clear and categorical. There is no indication in the Constitution that this provision on separation arises from, or is circumscribed by, the non-establishment clause which is reproduced below.

2. **"No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of**

**civil or political rights"**  
(Sec. 5, Bill of Rights).

The foregoing provisions on the non-establishment of religion, non-prohibition of the free exercise of religion and of religious profession and worship, and non-discrimination in relation thereto clearly apply also to the Church, because people find, practise and exercise their religion and religious profession and worship in and through their Church. The non-establishment and separation clauses clearly strengthen and complement each other.

3. **"(2) No public money or property shall be appropriated, applied, paid, or employed, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or of any priest, preacher, minister, or other religious teacher, or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces, or to any penal institution, or government orphanage or leprosarium"** (Sec. 29(2), Art. VI, the Legislative Department).

The foregoing provision further underscores the State policy and fact of separation; for if there were no separation, the flow of funds from the State to the Church would not be prohibited.

### **Field of competence of each**

The Catholic church teaches that it and the State are free, autonomous, independent and supreme each in its own field or domain. It is universally accepted that the field of the church is religious faith, religious exercise and worship, morals, spiritual life, and salvation.

State law coincides with the Church doctrine on the subject, because the Constitutional provisions prohibiting the establishment of religion and religious discrimination and use of religious test for the exercise of civil or political rights, and allowing the free exercise of religious profession and worship clearly indicate that the State recognizes the Church's competence in matters of religious faith, profession and worship, which include morals, spiritual life and salvation. On the other hand, it is universally recognized that the competence of the State is in such secular matters as the maintenance of peace, public order and security, in the economic, social, political, cultural fields, and in promoting the temporal welfare of its citizens.

This field of competence of the State is also referred to as the State's autonomy in temporal affairs.

But while the line of demarcation between the respective fields of competence of the Church and the State definitely exists, it is not always easy to determine it with precision. For while there are things that are Caesar's and things that are God's, is not Caesar himself as well as all the things that are his also God's? Moreover, do not temporal activities, whether they be economic, social, political or cultural, have moral dimensions? Do they not have an important bearing on man's attainment or non-attainment of his eternal end? How could the line of demarcation be drawn? While it is sometimes difficult, neither is it impossible to do so, nor does the difficulty necessarily "blur" the line, nor does it justify the tendency to disregard it.

In temporal, and specially political, matters, questions of practicality, necessity, feasibility, experience and similar considerations are for the State to evaluate and decide. But whenever these temporal or political matters also involve moral issues like that of social justice, human dignity, human rights, family integrity, scandal, suppression of religious exercise, or other moral or spiritual values, the Church has the right and

duty to intervene, as by denouncing what of temporal or political matters is morally wrong or spiritually harmful to people. It will be of great help, however, if sacred ministers who intervene with temporal or political issues would clarify that they speak on the moral or spiritual dimensions thereof, and explain in what way a particular issue assumes a moral character.

At the same time, the church is not indifferent but is solicitous of the temporal needs and problems of people and takes corresponding action in such matters, like speaking against cases of injustice, alleviating hunger, etc. (Cf. 23, *Rerum Novarum*; 3, *Mater et Magistra*, etc.); but its approach to these "must be in conformity with the nature of its mission which is not of the temporal but of the spiritual, not of the social, political or economic order but of the religious one" (*Letter of John Paul II to the Bishops of the Philippines, June 28, 1986*). For instance, the Church has the duty to lay down the moral guidelines for the just sharing of property and income, for the determination of just terms and conditions of international trade, for the protection of human dignity and human rights in economic, social and political structures, to denounce exploitation and oppression, etc. To do all these, the sacred ministers indeed should not be confined to the sacristy.

On the other hand, does not the State have the competence to intervene in the acts and practices of the Church and of sacred ministers whenever they disturb or tend to disrupt social peace and public order or violate criminal or civil laws, as when funds collected for a religious purpose are spent for the private benefit of a cleric or bishop or his family, or when sacred ministers underpay their sacristans and drivers, or use contaminated holy water in the churches, or when controversial decisions of a bishop occasion violent confrontations among the clergy and the lay people? Obviously, the State can, in order to maintain peace and order or enforce criminal and civil laws, without intruding upon religious and moral doctrines, the peaceful exercise of religious worship, and the legitimate observance of liturgical rites.

### **Convergence, not intrusion**

Two men go to the airport to welcome a woman whom they both love. One is her husband and the other is her father. They both love the woman but under different titles. One's love is conjugal, the other's is paternal. Either man may drive the car and both could help the woman with her luggage or do a number of other things for her. The love of the two men make her happiness complete. But when

sleeping time comes, the husband goes with her to the bedroom, and the father goes home.

So also, the Church and the State exist to serve the same people, but under different titles (Cf. 76, *Gaudium et Spes*). Accordingly, there are things that either or both can do for the people, like relief work, or provision of housing, or scientific research, etc. But there are things which only one can do to the exclusion of the other. Among those are the conferment, exercise and termination of power within each institution. This is so because the two institutions are each autonomous, independent, and supreme in its own domain. This respect of their nature revolves around the generation and exercise of power. Like the conjugal privilege of the spouse, internal power is exclusive to each institution. This is obviously one reason why "clerics are forbidden to assume public office whenever it means sharing in the exercise of civil power" (Cf. *Can. 285(3), Code of Canon Law*), except perhaps when they are granted dispensation by the proper ecclesiastical authority (Cf. *Can. 85-87, ibid*). But on this latter subject, Philippine law seems to be silent, except for the legal prohibition imposed on clerics from holding municipal civil office.

Justice also requires the abstention of clerics from partisan

politics. In the Church the sacred ministers teach and motivate the lay people regarding the moral principles for the renewal of the temporal order. Being thus morally and spiritually formed and inspired, the lay people go out to the world to apply the moral principles in their respective fields of activity, freely and on their own responsibility. In so doing, different lay persons may honestly choose differing options in the secular order (Cf. *Can. 375 and 1008, Code of Canon Law; 7 and 24, Apostolicam Actuositatem*). "It is of supreme importance," says *Gaudium et Spes* ... to distinguish clearly between the activities of Christians, acting ... in their own name as citizens guided by the dictates of a Christian conscience, and their activity acting along with their pastors in the name of the Church" (76). But by engaging in partisan politics, the Church and its sacred ministers use, intentionally or otherwise, the exalted prestige and credibility of their office which pertain to the people of God as a whole, to support the chosen option of some Church members acting in their capacity as citizens against the political position of the other Church members. This would be unjust.

But are not Filipino churchmen citizens also? Pope John Paul II answers: "Priests and religious do not lose their rights as members of

the civic community. But being endowed with a specific calling to ministry or religious consecration, they assume other duties which imply restrictions on engagement in purely temporal affairs or partisan politics" (6, *Address to Korean Bishops, Oct. 16, 1996*). Philippine law, however, does not impose similar restrictions on priests and religious as citizens in the exercise of their political rights, except in regard to clerics' holding of municipal civil office.

Finally, the Church and its sacred ministers are enjoined to do their utmost to foster peace and harmony among people; and their engagement in partisan politics when moral or spiritual matters are not in issue will tend to promote division in the community.

To repeat, it is the duty and right of sacred ministers to proclaim the moral guidelines that should govern politics, partisan or otherwise. Such moral guidelines should be complete and not partially selective in order to avoid any taint of partisanship. It will then be for the voters to apply the moral guidelines and make the political decisions themselves on their own irresponsibility. In this way, the church and the sacred ministers will avoid retarding the people's political maturity by being paternalistic and perhaps presumptuous.

## Cooperation between Church and State

The Church teaches that people have the moral obligation to respect and obey State authorities. Christ's words to Pilate, "You would not have any power at all over me unless it was given you from above", indicate the moral basis of State authority which the rulers and members of the Church are bound to respect and obey in conscience, as St. Paul later explicitly preached, unless said authority commands them to do something immoral. In making such and other moral judgements and moral exhortations on the authority and on the acts of public authorities and private citizens, and in promoting moral and spiritual values among them, the Church actually helps and cooperates with the State in an immeasurable way. Official Church declarations on the need and manner of Church-State cooperation are too numerous to cite here.

On the other hand, in refraining from establishing a State religion or Church, in prohibiting religious discrimination and the use of religious test for the exercise of civil or political rights, and in assuring the free exercise and enjoyment of religious profession and worship, the State shows profound respect for the Churches and how much it values what free and unhampered

Churches can contribute to the well-being of the people and the State. Contrary to what others believe to be the State's orientation, the State is not being disinterestedly neutral towards religion and the Churches. In actuality, the State holds the hands of the Churches tacitly and from a distance in partnership and cooperation. The State's religious orientation is unmistakably expressed in the words "We, the sovereign Filipino people, imploring the aid of Almighty God,..." that starts off the Philippine Constitution. Certainly, the Churches join the State in saying these words, as the State also joins sacred ministers when, upon request of State authorities, they say the invocation at the start of so many State functions.

Moreover, the State maintains and promotes peace, public order, social and economic being, constructs and maintains roads and bridges, authorizes and regulates banks, the monetary

system, communications facilities, etc., all of which enable the Churches to do their work more easily and more effectively. To cap it all, the State Constitution exempts from taxation all properties used exclusively for religious purposes (*Sec. 28(3), Art. VI, Legislative Department*).

### Conclusion

To sum up, both the Church and the State exist to serve the people. The people need both for their total development. But in order to serve the people well, the church and the State should observe cooperation and separation in their relations. Cooperation, because they are constituted by, and serve, the same people. And separation, because, otherwise, who will cooperate with whom? If husband and wife do not maintain their distinct and separate identities, sexes and personalities, how can one be the companion and help-mate of the other?