In ethics, description is everything. One person’s “murder” is another’s “abortion.” This is not to say that ethics reduces to a lazy relativism — you’ve got your murder, I’ve got my abortion. It is rather to say that any construction of an ethical dilemma depends upon a narrative tradition. On some narratives, there is no ethical dilemma in the “termination of a fetus” (itself a description with a story). If every ethical dilemma is a construction dependent upon a particular narrative, then ethics must concern itself with narratives.

In this response, I will situate the Tuttle vs. Lakeland Community College case within the story of the Modern State as told by William Cavanaugh.¹ My contention will be that this case can be re-described not as one religious, sectarian perspective (Tuttle’s Roman Catholicism) against a non-religious, non-sectarian perspective (the establishment clause in the U. S. Constitution). Rather, it is a conflict between two competing religious, sectarian forms of life which cannot co-exist in the same space. Another way to put the same claim: for the constitutional dilemma to have the purchase on us that it does depends upon a narrative which Cavanaugh challenges, and hence which will occasion a different description of the case. This re-description must, at the beginning, take the form of a story.

Cavanaugh’s story begins in the 14ᵗʰ-16ᵗʰ centuries. Europe exists as a complicated geography of overlapping allegiances and interests. Peasants are loyal to kings, the pope, local guilds, clans, and local aristocrats, who are furthermore locked in complex allegiances with one another. “Religion” is as much “politics” as is the king’s court. There is no such thing as “The State”² with absolute sovereignty over a defined geography and people, and no such thing as “religion,” a system of private belief.
The State arises out of the absorption of these complex allegiances into a space where sovereign power is exercised.

In the so-called wars of religion, the State supposedly rescues warring “sects” from one another by solidifying its own sovereignty over bounded territories. Yet, it’s not at all clear that those “religious” wars were about religion at all. Indeed, doctrinal loyalties played a surprisingly minor part in the wars. There are numerous instances of civil leaders from one religion allying themselves with civil leaders from different religions; and conversely, of civil leaders both committed to the same religion fighting one another over territorial control. The so-called wars of religion were in fact the wars of the Modern State, the solidification of territorial borders within which the State exercises sovereign power.

The State justifies such sovereign power on the basis of a particular myth of human nature. On this myth, humans are by nature violent and warring. The State must exercise sovereignty in order to prevent violence and chaos. In other words, the State saves humans from their own savagery. Yet, for the State to successfully function as savior, it must domesticate “religion.” This is because Catholicism was a competing form of life which offered a real, political salvation in the “public” body of the Church (based on a very different narrative of human origins and human nature) and which demanded the kind of total allegiance that the sovereign State sought. In order to domesticate Catholicism, it was re-narrated as a system of belief that is outside of the realm of real politics. So now, outside the State there is no salvation. Modern States, of which the U. S. is an instance, cannot establish “religion” because the State is already a religious body offering the kind of political salvation that before was the territory of the Catholic Church. Hence, that the Catholic Church is “religion” and that the State is not is a modern fiction. The State as savior is in fact a competing religious body with Catholicism.

But, on Cavanaugh’s narrative, not only is the state religious. It is also sectarian. The label “sectarian” entails that claims made by a group are depended upon particular narratives not accessible to the “public.” So, for instance, a specifically Catholic argument for or against abortion is unacceptable in the public square precisely because it is Catholic. That is, it is an argument that depends for its intelligibility and warrant upon a particular narrative tradition. A peculiarly Catholic argument for or against abortion does not appeal to non-specific “reason,” nor is it located in a neutral, non-traditioned public space. The Catholic claim is labeled “sectarian” because it is not a claim that is answerable to the criteria of the public square.
Of course, the hidden assumption is that the State-defined public square, of which the Introduction to Philosophy course at Lakeland Community College is an instance, is itself not sectarian. That is, unlike the Catholic claim, the public square is not dependent upon any particular, localized narrative for its intelligibility and warrant. Yet, if Cavanaugh is correct that the Modern State is a contingent construct with a particular history, dependent upon a particular myth about human origins, then the non-establishment clause has no better claim to being non-sectarian than the Catholic claim. Both are dependent upon particular “sectarian” narratives. The modern, liberal story is itself a localized narrative with a tradition. The State passes itself off as something other than a “sect.” But in fact it is simply the sect with the most guns.

So, on Cavanaugh’s narrative, it is not only the Catholic Church, as represented by Tuttle, which is a sectarian, religious body. The state school itself is an agent of another body which is sectarian and religious. And so, the case study can be re-described as two competing religious, sectarian forms of life.

Still, one might object: Even if this story is plausible and the Tuttle case can be re-described as two sectarian, religious forms of life pitted against one another, doesn’t it remain the case that in this particular location the ethical description still takes the form of a constitutional dilemma? After all, Tuttle is teaching in a (S)ate school (of Ohio, governed by the U. S. Constitution).

The re-description is important because at the very least it destabilizes the constitutional dilemma. For the presupposition behind the constitutional dilemma is that Tuttle is promoting a sectarian, religious position, something a state-sponsored school cannot do according to the Constitution. Yet, if the state school is an institutional component of another sectarian, religious form of life (the Modern State), then the State itself is pitted against its own putative claim of non-establishment. Now that’s a constitutional dilemma!

Aaron James is a doctoral candidate in the Department of Religious Studies at the University of Dayton.
NOTES


2 Hereafter, I will refer to the Modern State with capital letters to distinguish it from the myriad other ways humans organize social, political life, which may also be labeled “states.”

3 For a very helpful analysis of the language of “sect”, and a theological response see Philip D. Kenneson, Beyond Sectarianism: Re-Imagining Church and World (Harrisburg, PA: Trinity Press, 1999).

4 Of course, there are Catholics who make non-Catholic arguments for or against abortion. But that is not what’s at issue here.