

**“THAT A STATE ESTABLISHMENT OF ANY RELIGION  
CLAIMING DIVINE REVELATION IS CONTRARY TO  
NATURAL LAW”: THE SEMIOTICS OF SEPARATION OF  
CHURCH AND STATE**

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The notorious phrase the “wall of separation between church and state” raises a complex semantic problem, which we propose to be soluble by recognizing that the state can recognize religion only within the boundaries of natural phenomena bearing on social life as subject to rational discourse.<sup>1</sup> Our U.S. coins and dollar bills in this country carry the words “In God We Trust”. Hence the state does recognize “God” in some sense, if only in urging individuals to trust government currency. Certainly the

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<sup>1</sup>That even religions claiming divine revelation as their base, no less than variants of secular humanism, fall within the boundaries of religion so understood we take as demonstrated, for example, in the surveys of Sullivan 1977-1978 and 1979, based on the dialectical method for the neutral analysis (or “mapping”) of ideas developed by Mortimer J. Adler and his associates in the Institute for Philosophical Research between 1952 (founding) and 1992 (closing).

phrase makes no reference to any organized religion. What then is the modern state's relation to organized religions? Our Constitution and other documents say something of this relationship; but semiotic theory emphasizes that all texts consist of signs that are polyvalent and require analysis or "interpretation".

*I. "Content of Belief" vs. Functional Impact*

Sociologists of comparative religions point out the impossibility of using any substantive definition of "religion" in terms of content of belief. In the West, "religion" has reference to a personal God. In the East, Hinduism, Buddhism, Taoism, and Confucianism do not. Some also try to define religion in terms of the "supernatural" or the >transcendent". But not all religions, especially the ancient or tribal religions, make such a distinction. Consequently, sociologists prefer a functional definition of religion that abstracts from content and simply refers to the role a religion plays in the life of its adherents. Thus religion can be functionally defined as a world-view and value system. No individual or community can get along without a religion in this sense, be it explicit or even implicit, because every practical decision presupposes a hierarchy of values and a world-view of reality on which these values rest. In this paper, "religion" is taken in this functional sense. Furthermore, since we are social animals, who have to make decisions with a community that has some common values, the concern in this essay is not with individual spirituality but with "organized religion" as a symbolic system.

Pursuant to our proposal that the state can recognize religion only within the boundaries of natural phenomena bearing on social life as subject to rational discourse, we begin with an epistemological analysis of the objective causality engendering the possibility of truth insofar as it is adjudicable in the terms of common human experience, which depends upon the action of signs, as it is called, or "semiosis", the process whereby and in which objects of experience present themselves interpreted as this or

that.

## II. Causality in the Engendering of Experiential Truths

The seventeenth-century pioneer in semiotics, John Poinsoot, observes of the difference between a sign and an object as follows:<sup>2</sup>

The rationale of a sign, because it does not consist absolutely in the rationale of an object, but of a substitution for another which is supposed to be the object or thing signified, that it may be represented to a cognitive power, does not pertain to the order of the cognizable absolutely, but relatively and ministerially; and for this role the rationale of a sign takes on something of the entitative order, to wit, as it is a relation and as it draws the order of the knowable to the order of the relative, and for this function a natural sign-relation, which is mind-independent, does not coincide univocally with a stipulated sign-relation, which is mind-dependent.

But how can a mind-dependent sign-vehicle lead to a mind-independent reality?

Aristotle and Aquinas recognized four kinds of causality C material, formal, efficient (this is the only modern usage of “cause”), and final C because they had a broader notion of causality as “the dependence of one thing on another for its existence”.<sup>3</sup> Poinsoot accepted this classification, but refined it, and emphasized a special kind of formal causality, namely, that of the “extrinsic formal” or “objective cause”, as having an epistemological

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<sup>2</sup>The citation is from Poinsoot’s *Tractatus de Signis* (hereafter abbreviated TDS) of 1632: Book I, Question 2, 151/9-21.

<sup>3</sup>Aquinas c.1267/1268: *In Phys* II, lect. 11, pars. 244-49.

priority to the other four causes.<sup>4</sup> A “formal cause”, properly so-called, is always correlative to a material cause; yet when an artist paints a picture it resembles the object portrayed not as regards its matter but rather its form. The representation is related to the represented only by “extrinsic” or “exemplar” causality. In that sense, obviously, although the painter is the efficient cause of the painting, the painting exists only in dependence on the existence of the object it is formed to represent. Thus, the object represented does not efficiently “cause” the painting to exist on the canvas, but only provides the pattern by which the painter as the efficient force produces the picture.

The extrinsic formal cause, or “objective cause”, differs from an exemplary cause in an important way. For Aristotle and Aquinas,<sup>5</sup> the human powers of knowing and reacting to things external to the psyche cannot be adequately described in terms of stimulus and response (efficient causality), as has sometimes been tried in modern psychology. It is necessary also to consider the activities of cognitive powers as they are conditioned by the information contained in the objects of the powers. This information is conveyed to each power by some specific efficient causality that enables it to perform its specific act of relating the thing to the knower by adding thereto a relation whereby the thing becomes or becomes part of an *object* of a cognitive ability or power. Thus, the knower is assimilated (made similar) to the object precisely as object of that power. Light falling on the retina of the eye acts with efficient causality to change the retina, but it is the proper cognitive act of the eye to perform the specified act of seeing by means of the information it has received through the physical stimulus from the thing objectified.<sup>6</sup> While this assimilation is a type of formal causality (since the act of existentially seeing depends for its information on the external world), this information is not received as the form of the knower

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<sup>4</sup>TDS 172/4; cf. 177n12, 178/2-7, 202/32-40. See the discussion “How do signs work?” in Deely 1994: 151-82.

<sup>5</sup>Aquinas i.1267/1278: *In II de Anima*, lect. 6, pars. 304-07.

<sup>6</sup>*Ibid.*, lect. 15, par. 427ff.

as a human person but precisely as the form of the thing as object known. Looking at a rose, or a picture of a rose, does not make me a rose, yet in a special sense I become, possess, or sense the rose cognitively C that is to say, through a change in me I become related to something outside me, something objectified (more or less but never completely) as such.

Thus the knower's relation to the object known is one of dependency not precisely by reason of efficient causality, but by reason of extrinsic formal causality, objective causality. This use of the term "objective" should not be confused with the current usage of the term in such statements as "This statement is true not simply in the sense of my subjective conviction of its truth but objectively true, in that I can give scientific evidence to justify it". No. Extrinsic formal or objective causality, since it is (in sensation, perception being another matter<sup>7</sup>) a relation of conformity between something physically real and our knowledge of it, provides us with more than a subjective conviction; it is objective knowledge based on and involving evidence such as is sought by modern science. Thus, in what follows, in speaking of extrinsic formal "religion" or "objective religion", we are concerned at the same time with its scientific truth or falsity, and with whether or not and in what sense religion "shows cause" for being a phenomenon recognized and extrinsically regulated by the legal structures of the state as a participant in the public discourse.

This peculiar kind of causality is required to explain how a sign that exists only in the knower is related to and dependent on aspects of mind-independent reality. Another way to express this kind of extrinsic formal causality is to speak of it as "measurement",<sup>8</sup> since the term "measure", although properly it designates a quantitative relation of equality, is often also used to designate a qualitative or other relation of similarity. A thing measured is similar to what measured it as a portrait is measured by its likeness to the person portrayed. Thus, we can speak of knowledge as dependent on the object known by extrinsic formal causality

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<sup>7</sup>See Deely 2001; 2001a: Chap. 7, esp. 343-47.

<sup>8</sup>TDS 151/24.

(objective causality), but also by “measurement causality”. Since all knowledge depends on this kind of causality for being adjudicable as “true” or “false”, “more or less probable”, objective causality is epistemologically prior to our knowledge of other kinds of causality in nature or in culture, whether material, efficient, final, or formal (and, if formal, whether intrinsic to some being or extrinsic as exemplar in practical knowledge) causality.

Thus human thought and its communication to others depend on signs, because signs synthesize mind-independent elements of objects and the mind-dependent knowledge of those objects. Signs C verbal, written or non-verbal C enable members of society to share the difference between mind-independent objects and mind-dependent objects. This distinction between the mind-independent and the mind-dependent objects constitutes what we call “truth”, inasmuch as truth is a property of propositions and insofar mind-dependent (in that it exists formally only in the mind<sup>9</sup>), yet it consists properly not in this dependence on the mind but in the conformity of thought to the object signified, including whatever it partakes of mind-independent or physical aspects. This Aristotelian epistemology of objective formal causality should not be confused with John Locke’s empiricism for which the object itself of knowledge is a mere “representation” of reality, since such a “representation” is itself only mind-dependent. Instead, Aristotle and Aquinas held that a mind-dependent sign objectively involves and founds relations to mind-independent reality and serves to assimilate the knower to the object by a genuine but formal causality. Thus they held for a “conformity theory of truth”, rather than Kant’s “consistency theory of truth” that made truth simply a mind-dependent consistency in the mind’s ordering of sense data whose relation to the Ding-an-sich is unknowable.

### *III. Truth-Claims Impacting on Civil Life: the Types of Religion*

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<sup>9</sup>TDS 150/7; 294/16.

Given this epistemological analysis of truth as objective causality, we can now ask whether the truth claims of organized religion constitute a danger to the modern state. This modern state trusts only knowledge that is free from mere subjective ideology and is obtainable only through modern science with its critical reliance on empirical evidence. This question has been a burning issue in Europe and America ever since the new Enlightenment culture that relies only on scientific truth began in the seventeenth century to dominate the modern world. For many moderns the claims of organized religion constitute a danger for democracy, because they impose the dogmatic ideology of one group of citizens on others, especially on minorities, thus taking away one of the most basic of human rights, freedom of conscience. Since organized religion has been so often and still is the source of social conflict and even of war, should any state allow it to be publicly recognized as a legitimate institution?

Although, as we have said, a substantive definition of religion is not possible, it is feasible to classify the principal contemporary world-views and value systems. We should first distinguish those world-views that are presented simply as traditional from those that are presented with a critical defense. The former type is transmitted in traditions of mythology and ritual, as in ancient religion, and even today in tribal religions such as the nature religions of Native Americans. The latter, critical type of religion arose historically in various advanced cultures only after what Karl Jaspers called the "Axial Period", after about 700BC, in which globally there were serious efforts in many cultures to reform and systematize mythological and ritualistic religions.

This critical type of religion has made its claims, however, on three quite different bases. The first type of critical religion is typified by Greek philosophy, Neo-Platonism in particular, as well as by Chinese Confucianism. This type of religion, while not necessarily denying super-rational insights, chiefly presents its main claims on the basis of human reason. The second type, found notably in the Eastern religions of Buddhism, Hinduism and Chinese Taoism, are grounded on "mysticism", in the sense of profound insights achieved by certain adepts through disciplined meditation

and asceticism, yet they remain open to all those who would follow in the sages' footsteps. Although this type of religion has often used philosophical arguments in its defense, argumentative reason as such is not its ultimate basis. Yet while its mystical insights transcend reason, they are claimed to be accessible to human effort. A third type of religion, typified by Judaism and its offspring, Christianity and Islam, grounds itself on truths that transcend both human reason and mystical insight, truths based on revelations given through chosen prophets as gifts of God to be believed by others on the word of God as extrinsically marked by signs accessible to reason but exceeding the order of nature.<sup>10</sup>

Under the first of these types of religion, however, must be included certain "philosophies of life" that exclude mystical insight, or at least reduce it to purely natural aesthetic "creativity in literature and art. Greek philosophy, other than Neo-Platonism, is often (although inadequately) characterized as such a "natural religion". As such it was taken as a model by the seventeenth century Enlightenment that tried to develop what Kant, the Enlightenment's leading thinker, in a book on the subject called *Religion Within the Limits of Reason Alone*. This type of religion originally maintained the existence of God and the natural law established by him in creation. "Reason", however soon came to mean a kind of natural science that, under Enlightenment philosophical influences, had become anti-teleological and "value free". This kind of science aimed to explain the universe as a deterministic system in which both divine and human freedom had no place. Consequently, God was at first conceived only deistically as the Creator of this natural system, the Great Clock Maker who never intervened in the running of its perfect mechanism. But soon this deism collapsed into agnosticism, or even a materialistic atheism.

The ultimate result was the present world-view and value system of Secular Humanism that is functionally the religion of so-called "modern man". Such a religion, because its world-view has no provision for values

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<sup>10</sup>See Ashley 2000 for rationale of this classification of world religions. Cf. also Sullivan 1977-1978, 1979.



other than those created by human custom, charismatic leadership, majority opinion, or positive law, cannot adequately provide a higher law, such as the natural moral law. Thus Secular Humanism can be called a form of natural religion only insofar as it has retained something of the ethical concepts of Judaeo-Christian thought against which it reacted. It preaches its own Gospel of Enlightenment through our universities and public media of communication. Thus it functions as a religion, while declaring that it is religiously neutral. In effect, it constitutes the established religion of modern democracies, as (in much more radical form) it constituted the state religions of Marxism and National Socialism.

#### *IV. Religious Truth-Claims in Relation to the State*

With this classification in mind, we can first consider the State's relation to those religions claiming divine revelation. Today, it seems obvious to most of us that the State itself is a natural human institution based on human reason, and hence can only discern what lies within the realm of human reason. Revealed religions, however, claim that human reason cannot demonstrate the mysteries of divine revelation by rational proofs. Thus, the State cannot discern what is divinely revealed, and is consequently incapable of ruling its truth, as well as being incompetent to distinguish true from false revelation (in matters not *contrary* to reason). It cannot, therefore, recognize any revealed religion as being certainly such. Nor can it recognize religions based on mystical insight, even if the insight in question is claimed to be accessible to all who engage in the necessary discipline. Political officials are seldom ascetical, mystical sages, nor can they demand this of their citizenry.

Yet, as already stated, some religions that believe in a divine revelation, such as Judaism, Christianity and Islam, also recognize some forms of natural religion based on human reason. This is because, as monotheistic faiths, they believe that God has manifested himself through the order of creation to human reason *as well as* revealed himself through the prophets

to faith. Thus, without entering into the validity of the claims of revelation, the state can recognize these organized religions in so far as they support natural religion. The Protestant version of Christianity might seem an exception to admitting even this much recognition by the state, since the Reformers claimed that human reason is so corrupted by sin that any natural religion based on reason is not to be trusted. Nevertheless, Luther and Calvin did not deny that there is a natural knowledge of God as creator and a natural moral law, though they maintained these are best understood under the light of revelation. With this qualification, the various forms of Protestant religion can still be included among those religions based on revelation that also admit a natural religion. This also seems to hold for Eastern religions that are based not on revelation, nor discursive reason, but on mystical insight; because they also generally defend their beliefs on rational, philosophical grounds that provide an equivalent to natural law. As for the tribal religions that today are largely marginalized by modern science and technology, the state can recognize in their mythologies a non-critical but often very profound appreciation of nature that can, as environmentalism has made us aware, be a desirable antidote to our excessively technological, man-made culture.

What then of Secular Humanism as the functional religion of so many today? It seems that its covert establishment is quite as dangerous as was the state establishment of the religions based on revelation, mystical insight, or traditional mythology. Much as these imposed their dogmas on minority religions by religious persecution, so today Secular Humanism imposes its "rational dogmas" on minority religions, not by overt persecution, but by privatizing them and thus rendering them impotent in matters of public policy. Hence our thesis is that the state should recognize only natural religion based on reason and grant legitimate access to participation in public, civil discourse to all religions insofar as they are compatible with reason. This implies that Secular Humanism should admit that it has no special claim to be the public philosophy, but must present its claims not as taken-for-granted-modernity, but, like any other worldview and value system, as subject to rational debate in the public forum.

That the Founders of these United States believed in natural religion is evident in the famous words of the Declaration of Independence: “We hold these truths to be self-evident that all men are endowed by their Creator with certain unalienable rights”, etc. The Founders expressed the hope for a state neutral to all but a natural dimension in the phenomenon of religion.<sup>11</sup> Yet, as our country developed, it soon fell under the effective control of Protestantism; and now, in the wake of the splintering of Protestantism into liberal and fundamentalist camps, it is even more effectively controlled by Secular Humanism, in spite of all the rhetorical religious gestures of recent Protestant and Jewish candidates for national office.

The Catholic Church, that many considered (in light of the history of these questions) committed to the view that any State whose citizens were in the majority Catholics was obliged to recognize Catholicism as the state religion, in Vatican II made clear that it now accepted state neutrality as regards revealed religion, while still holding that the state is morally bound by the natural law. It is well known that some prominent Catholic theologians, such as John J. Ryan, had defended the view that Vatican II rejected. The position finally taken by Vatican II, in fact, was adopted largely under the influence of the U.S. bishops, who in turned were influenced both by U.S. experience and by the work of the American theologian, John Courtney Murray. What is not so well known is that, even before Vatican II, a general consensus on this position had been arrived at by Catholic theologians in Europe, according to a dissertation published by the Vatican Press in 1960.<sup>12</sup>

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<sup>11</sup>On the history of this, see Wills 1976.

<sup>12</sup>Powell 1960. The Enlightenment roots of this development, of course, trace principally to Bayle 1686-1688, and were quite explicit in the “Declaration of the Rights of Man and of the Citizen” which prefaced the 1791 French Constitution, par. 10: “No one ought to be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by law” (cited from Anderson 1908: 59).

*V. Is a True Neutrality of State to Religion Possible?*

Yet a very serious objection against our thesis presents itself from practical historical experience. Is it realistic to think that any government can function without an established religion? The greatest problem for any government is not external defense, nor internal economic prosperity, but national unity of decision and action with communal support. History shows how every community develops factions and parties, and unless the state is able to effect a reconciliation of these it collapses into revolution or anomie. One has only to look at the rising nations of Africa today to see that this is the principal problem of every state, since no other problem can be solved as long as a country remains divided. The French philosopher René Girard has shown in his theory of “scapegoating”<sup>13</sup> that governments are always tempted to demonize some external or internal enemy so as to unite its citizens against a common foe. A similar temptation to gain national unity through an established religion that treats every other religion as a scapegoat has also prevailed throughout history. Before the Enlightenment, all European states had religious establishments under the motto *cujus regio, eius religio*. The Enlightenment by its doctrine of natural religion attempted to do without this unifying factor, but, as was vividly manifested in the French Revolution, this quickly led to an open state imposition of Secular Humanism, the “Religion of Reason” intolerant of all other religions.

Nevertheless, in spite of the question this historical experience raises, the fact that democratic Secular Humanism defends freedom of speech and the rights of minorities opens the way to overcome the current establishment and work for a more honest and genuine state neutrality to all religions except as religion open to public civil discourse through a participation in and compatibility with natural reason. A factor that favors this possibility is the Ecumenical Movement among religions other than Secular Humanism. Because these religions have been privatized by the Secular

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<sup>13</sup>Girard 1986.

Humanist establishment that has now taken on global scope, other religions have drawn closer to each other for mutual defense. Vatican II has led the way because it was the clear voice of the most organized and centralized of any of these non-secularist religions. It insisted that all humanity has a common destiny, and that we must together seek a common good that depends on respect for the consciences of all and on a common search for a common ground, at least for social justice.

While there are grounds for hope that a recognition of religion as a natural phenomenon or growth of anthroposemiosis can provide this common ground even globally, the very notion of a “natural” dimension in religions self-styled as supernatural raises further semantic difficulties: What does it mean to say that we have a Creator? and What does it mean to say that we are “endowed by our Creator with freedom”? Are these claims susceptible of purely philosophical adjudication? In fact exactly that was the mainstream view, for example, of Thomas Aquinas.<sup>14</sup> On that view, at least, these questions point toward objectively true statements that the state, as itself a product of philosophical reason, has a duty to respect. The enterprise of modern science, likewise, finds its justification in the ancient and medieval doctrine of the intelligibility of the being of mind-independent reality, a doctrine that modern science from its inception presupposed (even as modern philosophy vainly challenged the assumption). The fact that all modern states support universities that engage in scientific research and teach its results to their citizenry, and that they expend huge sums for the medical, technological, and economic achievements (not to mention military power) that such research makes possible, is sufficient justification for this assumption. The complaints of some groups against science, such as the creationists against the theory of evolution, regard only certain of its theories rather than science as a whole.

## *VI. Conclusion*

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<sup>14</sup>See Deely 2001a: Chap. 7.

Semiotic analysis of the human use of signs vindicates the claims of philosophical and scientific reason as reason, and hence also the theological claims of reason confessionally employed so far as it does not run contrary to philosophical and scientific reason. In this way, the state can and must recognize that the religious development of anthroposemiosis, everywhere found throughout the history and societies of our species, is in itself a natural development, whose claims cannot be excluded from public discourse simply because religion has many times exhibited pathological and anti-rational forms of development; for even states have taken such pathological turns many times in human history, without thereby being essentially any the less natural or necessary in healthy forms for the well-being of human community overall.

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