

Religion in Democratic Transition

William Johnson Everett

Andover-Newton Theological Seminary, Boston



I have been asked to address the question, 'does public policy need religion?' A more appropriate question might be, 'How does the democratic transition reshape the relation of religion to governance—especially in South Africa today?' This is the question I will briefly explore. First, I want to lift up the consequences of this transition for the relationship between religion and governance. Then I want to show how these relationships can have quite different forms, depending on how religion is organised. Here we see that a democratic constitutional order tends to alter religious formation in decisive ways that shape how religious groups affect public policy.

Democratic transitions

South Africa's recent history prior to its democratic transition was of a government which was not accountable to instruments or institutions outside of itself—let alone a wider collection of publics. Parliament was sovereign (even though the old Constitution invoked 'Almighty God') and the powers of the State Security Council were virtually unlimited. Religion was considered legitimate only insofar as the powers of the state were legitimated by its symbols and rhetoric.

In the democratic transition in South Africa, as in other contexts, the relation of religion and governance changes from a dyadic focus on 'religion and state' to a complex relation among religions, other independent institutions, and governments. State organisations are subjected to a wider, 'pre-state' public consensus built up by a continually changing argument among competing and co-operating groups. Such a consensus means that democratisation involves more than simply a universal franchise. It is a fundamental reorientation of the relations of power within a society and a redefinition of the terms on which the state—that is, the institutions of governance—exists.

In such societies, the 'public' exists prior to government, creating the conditions for the emergence of governmental institutions. The public itself, with its processes of roughly equal participation, free thought and expression, and free association, has to be protected in a fundamental way by a framework of pre-governmental human rights. What was called 'the state' differentiates into the public sphere and the government *per se*. This public order creates the terms of its legitimation and critique. As one of the citizen groups seeking to shape this public argument, religion relates to 'public life' primarily and government only secondarily. The dialectic of resistance and control between church and state is replaced by a dynamic of consensus-building, coalition, and critique within a pluralistic public life. To create and vitalise this public life, people have to associate together to create and sustain a variety of publics as platforms for public debate. Within and through these publics, people are invited to profess their convictions and participate in the common life. /end p. 30/

The 1993 South African Constitution replaced the sovereignty of Parliament with a sovereign Constitution, interpreted by a politically independent Constitutional Court. It embedded fundamental values and norms in a Bill of Rights, which itself points to a higher law transcending all governmental orders, and distributed parliamentary powers more widely. This means that government is limited by Constitutional constraints as well as by the electoral process. The legislature and executive must appeal to common warrants, generally verifiable claims, and pragmatic effects tested in the wider public. Government is secular in this sense; it must appeal to the internal purposes for which it exists, rather than to transcendent claims arising in its own propaganda or in the tenets of sponsoring religions.

In democratic transitions that embrace a federalist polity, government is also limited by internal differentiation. Government itself becomes a system of publics held together by sustained arguments among its various branches and agencies. These publics have to become more open in order to persuade others inside and outside government. This leads to a federalist impulse that differentiates government according to local, regional and national governments capable of responding to their own relevant publics.

To make religious structures and other public institutions 'pre-state' is to free them from government control. However, it also raises the question of how such institutions and organisations are to be constrained towards their proper end. For instance, how can education be held accountable to the claims of truth, the arts to the values of beauty, medical institutions to the care of health, and the

economy to the production of sustainable wealth? This can no longer come primarily from government and statutes. It must come from the convictions of the people. These in turn are fed by deep religious traditions and orientations which provide a holistic framework for them. However, for religion to enter this public discourse it must not only speak an intelligible language but also take on an organisational form congruent with the demands of public life itself.

Forms of religion

The way religions are organised shapes their interaction with government, law, and public life. While these organisational patterns are quite varied, and some religions have no discernible organisational structure at all, I think it is helpful to categorise them in three types—communal, institutional, and associational.

A *communal* form of religious organisation makes only slight distinction between 'religion,' family, governance, economics, and science. There is little differentiation among these aspects of life. The distinction of public and private yields to the all-embracing idea of community. Moreover, there is essentially no religious pluralism. The life of the community is integrated around what outsiders call their 'religion'.

Institutional forms of religion depend on some degree of differentiation between religion, state, family, and economy, but the main institutions, especially the state, safeguard, protect, and advance the religion. This has been typical of European religious forms in the past and survives in some ways in contemporary South Africa and elsewhere. It can tolerate other religions but not as official or state-supported institutions.

The *associational* pattern emerges when religion is separated from the state and other coercive structures. It rests on the voluntary commitment and effort of the individuals and groups that make up that religion. This approach both assumes and creates religious pluralism, as people create differing religious associations according to their beliefs, interests, languages, customs, and ethical values. /end p. 31/

Depending on which of these organisational forms a religious culture takes on, it frames the question of governmental relations to religion differently. *Communal* forms see individuals primarily as members of a group or community. This may create tension with government, which sees individuals as citizens with certain rights as citizens. The governance patterns of the commune may contradict the imperatives of the constitution, as happens sometimes with rights of women or property rights in land. A crucial question here concerns whether freedom of religion, which may be a constitutional guarantee, means the freedom of a whole community to pursue its traditional way of life or whether it only means the freedom of individuals to associate freely for clearly circumscribed religious purposes.

Institutional forms highlight the rights of the institution but also the rights of individuals as members of that institution. However, they still seek governmental preferences and privileges, especially in matters of education, social service, and family. The question here, as with communal forms, is whether the religious institution's claims on its members clash with their individual citizenship rights. In addition, we have to ask whether government support may inevitably carry with it discrimination against religions that cannot qualify for such support.

Associational forms highlight the individuals who are members of the association. Democratic constitutions tend to foster associational forms of religion. These religious associations, while protected from governmental control, are basically treated like other voluntary associations. The problem here is whether in doing so democratic constitutions force religion into a private sphere of individual interest and cut religious organisations off from public life altogether.

These three forms may exist on a continuum, with one blending into another as the social or cultural setting changes. Or they may exist together, as contradictory tendencies within a single tradition. Within contemporary South Africa, all three forms struggle together in the new public order. There are communal religions, such as African Traditional Religion and some African Initiated churches, that have strong ethnic and regional ties. These communities, like other traditional communities in more modern societies, have to learn how to structure themselves as associations in order to hold their own in public life. The same could be said of Jewish, Islamic and Indian/Hindu communities. *Volkskerk* types of churches, such as the Dutch Reformed Church, are likewise struggling to re-invent themselves within an institutional or associational polity. The seismic shifts toward greater democratisation within the wider society begin to reshape the very form of religious communities.

From the discourse of 'liberation' to prophetic persuasion

This democratic transition is not merely a matter of political and religious re-organization. It is also a matter of how people talk with one another in the public spheres of an officially pluralistic culture. The transition to democracy demands that religions not only change in form, but that they offer new ways of talking about their fundamental claims in terms and symbols appropriate to the democratic situation. To do this, they inevitably have to become 'little publics' or 'proto-publics'. They have to generate a vital discussion, even an

argument, among their members in order to reformulate their inherited claims. To do this, they tend to adopt associational forms, a change that is likely to meet with skepticism from communalists, who will claim that this means a loss of 'wholistic community,' and from institutionalists, for whom it means a loss of full equality with the state. /end p. 32/

The transition to associational forms in religion means embracing new, covenantal models of authority structure, decision-making, and participation. They are 'covenantal' in the sense of resting on solemn mutual promises about how people will act toward each other and toward the divine source of their life. Their internal life and their sense of purpose does not rest in biological definitions of their commonality but in the decisions and promises they make with each other. This is a process that many people may view with apprehension. However, the associational form offers religions the chance to be the freest publics in the public sphere because they have the resources to be open to the transcendent dimensions of life—beyond the secular pragmatism of publics concerned with the immediate issues of governance. Such dimensions include the possibility of becoming spirited assemblies of vision and healing (as with Pentecostal assemblies); obediential assemblies devoted to a higher law (as in Islam), and holistic assemblies awed by cosmic patterns of inter-dependence (as in many communal-traditional religions).

In religious associations these kinds of transcendent claims continually mould the internal public discourse arising in the association. If they can hold together these two dynamics of transcendent claim and public persuasion, religious associations can model a life of 'prophetic persuasion' for the wider public as it struggles for public policies that have ethical roots. This is a fundamental cultural contribution that religious traditions can make to the formation of a vital public life.

The democratic transition reshapes the relation of religion to governance by impelling a new understanding of the nature and form of religion. This in turn means a new understanding of the task of religion—from struggling against the state for the liberation of the oppressed to providing publics in which people can argue persuasively about their common good. This does not mean that the task of the church is no longer that of 'liberation'. On the contrary, it means that religion shares the responsibility to ensure that people have the cultural tools, the economic base, and the public platforms needed to participate in the forming of a common life. The agenda of liberation is carried to a new stage, where 'liberation' is reinterpreted as the capacity to go public with our lives and share in the work of governance.

This liberative work of building publics requires the construction of constitutions and laws that reflect the values of justice known by their absence in the time of oppression. Religious communities that develop internal publics of prophetic persuasion can foster abilities of civil argument and commitments to governance by persuasion rather than coercion. They can foster a 'persuasive *convivium*'—a living together through persuasion—that cultivates a commitment to public civility. The democratic transition means that law is not merely the expression of the state or of government. It arises from and gains its legitimacy in the deliberations of stable civil publics in which people find their fullest '*convivium*'.

Genuine and vital law is always rooted in this participation in public persuasion. Law is not the edicts of the powerful but the promises of a free public. Law expresses as well, as structures, this free public life. It exists for the sake of a people's public life and their flourishing in harmony with the earth.

This 'persuasive *convivium*' also requires that we approach questions of economics differently. Our economics has to be tied to our ecology, words arising from the same Greek word, the *oikos*. The ancient *oikos* also embraced the family that cared for the land, raised the next generation, and organised productive labor. This insight into the integrity of the *oikos* is a crucial perspective often contributed by traditional and communal religion, just as associational religion cultivates civil persuasion. Without this ecological outlook economic development, which promises wealth for some, will mean impoverishment for all. /end p. 33/

The democratic transition brings with it many changes for the organisational form of religion. However, it requires the values, impulses, and formational power of religious commitment if the constitutional ethos it brings is to flourish and liberate people into genuine public life. /end p. 34/