The tensions now arising between a secular regime of human rights and the conduct of particular religious traditions presents problems for both states and religious bodies concerning their *raison d’être*. Both sides are put to the test. Whether it is a Spanish religious-education teacher living with a divorced partner, a Church of England priest claiming employment rights, a Sikh playwright claiming freedom of speech, or a Muslim woman marrying the person of her choice, the state has some legitimate interest on behalf of the common good, expressed in its guardianship of individual welfare and liberties. If it turns a blind eye, it can be accused of neglect: much like the police ignoring a ‘domestic’, always at hand is the parallel of failure to intervene in an abusive family until it is too late.¹ But if the state does intervene, it may be accused of disrespecting freedom of religion – a cornerstone of the tolerant, liberal British society for at least two hundred years. In a corresponding dilemma, the church, mosque, synagogue or gurdwara, while needing to remain faithful to its founders’ teachings and its traditions, yet finds them subject to *moral* criticism from outside – an uncomfortable position for a guardian of morality to find itself in. Harsh treatment of the aggrieved or dissenting individual brings condemnation from a wider public and from its own members, who, after all, are citizens too; and denial of what are widely accepted to be basic human rights seems particularly discreditable in our world.

Both the civil authority and the religious body need their own kind of practical wisdom in order to deal justly with these conflicts. Answers

¹ Aside from well-publicised cases of women being raped by priests of various religions, ‘on a daily basis women find their aspirations quashed by religious leaders . . . meanwhile they look outwards to the state for protection – a state which has historically appeased the unelected religious leaders of our community and left the policing of women in their hands.’ (Rahila Gupta, arguing against a religious hatred law, ‘Too high a price to pay’, *Guardian*, 12 March 2005)
have to come from *within* in each case – through reflection on their purpose with regard to the individual person. What is the religious body for, and what is the State for, when it comes to the welfare of the individual? How do we justify their existence in terms of the human good, and the limits they put upon individual behaviour? About both we have to ask whether, in their relation to the abused or dissenting individual, they are fulfilling their true purpose or frustrating it. In the case of a religious community, this involves reflecting on its theology – including the history of interpretation of its scriptures and founders’ words. Only a theology – a discourse about God and God’s will – can provide the answers it needs. This applies to any religion and its theology. I do not mean to privilege one over all the rest. In the case of the State it means a reflection on coercive power and its purposes and limits – political power is so easily abused that it is always in need of justification, both in general and in the particular case.

The theological tradition (or family of traditions) from which I speak – Christian, Catholic – has long reflected on the purposes of both the Church and the civil authority. They are conceived as separate realities, both deriving from God’s general providence for humankind. At no time can these two distinct realities be simply identified, as if priests alone were competent to rule a people, or as if a secular ruler were to be head of the Church. There has always been dual authority, with different areas of competence. And at no time has the Catholic Church been the only religion in any state, even in nominally Catholic countries such Renaissance Spain or twentieth-century Ireland. There have always been religious minorities, whose members have shared the political body but not the faith of the majority. Within confessional states there have always been ‘unbelievers’, the ‘other’. The secular power – even when it is a ‘Christian’ one – has a responsibility toward them in fulfilment of its God-given purpose. The question is, just how does this responsibility translate into a respect for their different religious practices and customs? Theological

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2 Assuming that both the religion and the State exist for the sake of persons and not the other way round.
3 A principal theme in the political thought of both the early-modern authors I shall consider below: Bartolomé de Las Casas (in his book *The Power of Kings*) and John Lock (in *Two Treatises of Government*).