

CHRISTIANITY AND DEMOCRACY

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The Christian origins of the modern state

During the past few decades countless different theories attempted to explain the rise of the modern state. One of the best known among these was presented by the British historian Michael Roberts as early as the mid-20th century. His thesis of a so-called “military revolution” sought the origins of early modern socio-political changes in reforms that took place in military organization between 1560 and 1660 (Roberts 1956). Following Roberts, another British historian, Michael Duffy investigated the connection between the military revolution and state-building more explicitly (Duffy 1986). All these and other such attempts were closely related to Max Weber’s classic definition of the modern, rationally organized state as one having a legitimate monopoly of violence over a given territory, and external sovereignty (Weber 1946).

Although these approaches have a significant explanatory power, they tend to neglect the specific European traits of the rise of the state, not least its medieval roots. As the French historian Jacques Le Goff said, “the medieval heritage is the most important tradition of the Europe of today and tomorrow” (Le Goff 2005, 3).

The present study aims to explore this tradition and show in what respect the modern state (including its political principles and values, its modes of organization, and its legal foundations) is an heir to the Middle Ages. The medieval concept of the state is also closely linked to the role of the Catholic Church. Although the Investiture Controversy (settled by the Concordat of Worms in 1122) in some sense disrupted the religious and political unity of the *res publica christiana*, removing the emperor and the political order from the sphere of the sacred, “secular” politics still remained religiously grounded until the 16th-17th centuries (Böckenförde 1967).

Even if someone agrees with Le Goff’s statement that “Christendom was but one long and very important *episode* in a history that began before Christianity and still continued after it began to wane” (Le Goff 2005, 5), the presence and the influence of the medieval church remains non-negligible. As a leading contemporary political scientist puts it, “Political and economic developments as well as state-building in Europe before A.D. 1500 cannot be understood without reference to ecclesiastical infrastructure and the religious teaching of the Catholic Church” (Møller 2019). Møller, who was formerly best known for his widely acclaimed contribution to democratic theory, also points out that recent research has a tendency to interpret even ecclesiastical developments as a lay process, which makes it impossible to properly evaluate the significance of medieval origins (*ibid.*).

Here we cannot venture into a complete analysis of the Middle Ages, of course. What nevertheless seems inevitable is to outline three basic tenets: the rediscovery of Roman law, the theory of mixed government, and the principle of majority decision-making and representation, all of which were embedded in the changing context of medieval society, and were propagated by the medieval church, thereby contributing to the rise of the modern state.

As Francis Fukuyama’s *The Origins of Political Order* emphasizes, “in Europe, social development preceded political development” (Fukuyama 2011, 231). By social development, Fukuyama refers to the medieval process that gave rise to a sort of “individualism inside the

family.” In his view, this development served as the foundation of the individuals’ freedom and legal rights, on which European statehood would be built. This “limited individualism” in turn meant the weakening of the “blood principle.”

Indeed, there is a broad consensus among historians that the Catholic Church had a significant impact on the transformation of marriage as an institution by repressing the practice of close-kinship marriages and levirate in tribal societies. The reason for this – as Fukuyama suggests, referring to the work of famed anthropologist Jack Goody – was the church’s material interest in preventing wealth-accumulation within the family. “The church thus stood to benefit materially from an increasing pool of property-owning Christians who died without heirs” (Fukuyama 2011, 238). All this is supposed to be corroborated by the fact the church property extensively grew in Frankish, Germanic, and Italian territories from the 7th to the 9th centuries. However, as Fukuyama himself has to acknowledge, the church was not entirely independent in handling her property: “It is true that the church owned from a quarter to a third of all land in most European countries, which provided it with a lucrative source of income and autonomy. But since the political authorities controlled appointments to ecclesiastical benefices, the effective independence of the church was limited” (Fukuyama 2011, 264).

Beside the inner contradiction of the argument and the methodological shortcomings in their research, the most important problem is that both Fukuyama and Goody ignore the fact that marriage between close relatives (as well as brother-in-law marriage, or marriage with adopted children) was also prohibited by ancient Roman law (Földi-Hamza 1996, 248-249). The bold thesis that the church had a primarily material interest in changing the rules of marriage and inheritance therefore seems dubious; what nevertheless remains true is that the church acted less as a political, than as a social and cultural force: “the church was not the sovereign ruler of the territories where it operated; rather, it was a social actor whose influence lay in its ability to set cultural rules.” While the increase in land ownership obviously contributed to the formation of organizational structures within the church (Fukuyama 2011, 239), the main impetus for the development of her administrative structures was provided by the Investiture Controversy (Møller 2019).

The Investiture Controversy was primarily about the issue of supreme leadership over Christendom. As is well known, the origins of the conflict can be traced back to the coronation of Charlemagne, who, as a Christian emperor, practiced an overall right to appoint bishops (called investiture). His son, Louis, viewing the pope as just one – even if the supreme – bishop, declared that the election of the pope also had to have imperial approval. In response, the papacy compiled the so-called “pseudo-Isidorian collection” to prove the supremacy of the church. The conflict reached its climax when the reform pope Gregory VII issued his encyclical letter *Dictatus papae*, in which he asserted the universal power of the pope, including the exclusive right to appoint bishops. Again, it would be superfluous to describe in details the various stages of the Investiture Controversy; it suffices to point to its lasting significance. The reforms initiated by Gregory VII not only affirmed the primacy of the pope, but also aimed to back it with legal arguments. This way, the Investiture Controversy opened new horizons for legal thought and led to the recognition that law was binding for the ruler himself (Møller 2017). As a Christian, even the emperor was subject to spiritual authority, while secular authorities could not exercise leadership over the former.

Of course, as Møller and many others before him have pointed out, the rivalry between spiritual and secular powers had been present in Europe long before. Pope Gelasius wrote his famous letter *Duo sunt* to the emperor Anastasius in 494, clearly separating the spheres of the two

powers; yet he himself already relied on pope Leo I's earlier doctrine of the papacy; who could, in turn, also refer to a line of church fathers who had first presented the idea of the church's independence (Møller 2017). In other words, the significance of the Investiture Controversy is not simply that it put forward a political thesis about the primacy of the pope, but that it did it in the context of a legal argument.

It also led to the systematization of canon law and a renewed interest in Roman law. The rediscovery of the *Corpus Iuris Civilis*, a codification of the Roman legal tradition ordered by the Byzantine emperor Justinian in the 6th century was a slow process that started in the early Middle Ages and lasted until the late 12th century (Stein 1999). This rediscovery made it possible to build a professional bureaucracy with well-trained legal experts, which also contributed to the development of the church as a unitary organization, something like "the church as a state" (Møller 2019).

On the other hand, the same development offered a way to solve problems posed by the highly articulated society of the Middle Ages. One such solution, the majority principle was also derived from the *Corpus* of Justinian. It is, however, important to observe that the majority principle was originally a part of private law and had nothing to do with the *ius publicum* (Nyirkos 2018). The church, therefore, did not simply apply a Roman legal principle, but thoroughly reinterpreted it (Møller 2017). For example, the maxim *quod omnes tangit, ab omnibus tractari et approbari debet* ("that which touches everyone, should be discussed and approved by everybody") was originally nothing else than a specific regulation about the common guardianship of children, and it was only the medieval glossators who turned it into a political principle. The notion thus became a supplement to the corporational tradition that had long been present in the church and would later serve as a basis of secular bodies and constitutional ideas in the political world (Møller 2019).

The idea that the church itself was a body or corporation had been present since the earliest times, and by the end of the Middle Ages, the idea of collective leadership within the church would also become the dominant view in the form of "conciliarism" (Nyirkos 2014). The majority principle and the idea of representation was also present in – or perhaps initiated by – the religious orders. The rule of the Benedictines, the charter of the Cistercians, or the electoral procedures applied by the Dominicans all show significant similarities to subsequent secular theory and practice. Safeguards against the unbridled rule of the majority (which are nowadays associated with any constitutional form of democracy) also appeared gradually during the Middle Ages: "from consensual decision-making to supermajority rules, multi-level representation, the inner division of decisive bodies, consecutive bicameralism, or the anticipation of electoral quota" (Nyirkos 2018, 28).

All this, of course, does not mean that the medieval church was a "liberal democratic" institution. What she did was rather to experiment with certain modes of governance that would later become instrumental to modern states as well. Moreover, the church was not only a model for secular governments and administrations, but – when and where no effective secular authority was available – ecclesiastical infrastructure could actually act as a substitute (Møller 2019).

In a broader theoretical perspective, it should be added that the church also contributed to the dissemination of such political concepts as that of democracy. As the *Geschichtliche Grundbegriffe*, the seminal work on conceptual history edited by Otto Brunner, Werner Conze and Reinhart Koselleck affirms, even though "democracy" was not a substantial part of

medieval political vocabulary, scholastic philosophers regularly used it in their commentaries on Aristotle's *Politics*, and, as a consequence, also in their own treatises (Brunner et al. 1999). These were, to be sure, more theoretical than practical reflections. As Joseph Canning puts it: "The first generation of scholastics to use Aristotle's *Politics* did so in a variety of genres, and in ways which can, on the whole, be described as theoretical in character rather than thought-out responses to contemporary political reality" (Canning 1996, 128). Yet even these theoretical considerations anticipated strikingly modern notions like that of the "tyranny of the majority": see e.g. Thomas Aquinas' description of democracy in his *De regno*, which calls the majority *quasi unus tyrannus* ("as if one tyrant") – very much in the same way as Alexis de Tocqueville's *Democracy in America* did almost six hundred years later (Nyirkos 2018).

As can be seen, medieval scholastics were no democrats. Yet their idea of monarchy as the best form of government, which relied on both natural and theological justifications ("Every natural government is by one; for in the multitude of the body's members there is one which moves all, namely the heart [...] and in the whole universe one God, maker and lord of all" *De regno* I, 3) was also an idea of limited monarchy. In Aquinas' *Summa theologiae*, the most obvious limitation on monarchical government is its mixture with other, aristocratic and democratic elements: "On the whole, Aquinas favored a limited monarchy in the form of a mixed constitution containing monarchical, aristocratic and popular elements as being most likely in practice to secure the common good through ensuring the participation of all" (Canning 1996, 131).

It is also a good question to ask, whether today's so-called "democracies" are not mixed constitutions in the same way: "Most modern states are led by a single person with ultimate responsibility, who is surrounded by a political elite that is more often than not socially separated from the majority of the people (...) while the participation of the latter is limited to elections" (Nyirkos 2018, 23).

Although defining democracy in such a complex way would only become habitual in more recent times, and originally the idea of mixed constitution was more like a *counter-concept* of democracy, it does not alter the fact that modern political thought was deeply influenced by the Middle Ages' meditations on different powers counter-balancing each other (Brunner et al. 1999, Nyirkos 2018).

In sum, the reinterpretation of Roman law and the renewal of Aristotelian political philosophy were the church's two main contributions to the establishment of the modern state. On the one hand, Roman law offered secular authorities a way to legally justify themselves without reference to papal approval; on the other, Aristotle provided them with a philosophical mode of reasoning instead of a theological one. The irony of the situation is that the church and the emerging nation-states both used Roman law and Aristotelian doctrine to legitimize themselves (Møller 2017), while neither of them were fully aware of the outcome of their enterprise. As the German legal scholar Ernst-Wolfgang Böckenförde put it in the 1960's:

By trying to secure the supremacy of the church for centuries since the Investiture Controversy, the papacy significantly contributed to the secular authorities' understanding of politics as an independent and inner-worldly activity, while the institutional advantage of the church was also gradually eliminated by the creation of new governmental power structures (Böckenförde 1967, 81).

To sum it up: the political principles and values, organizational models, and legal notions that first appeared in the medieval church – the application of the majority principle, the idea of representation, corporativism, conciliarism, mixed government, or the rediscovery of Roman law – had a decisive impact on modern state-building. The church as a common normative force ensured the spread of institutional models and their underlying principles. It is at the same time important to highlight that the whole process was inspired less by spiritual motifs than by political aspirations and power struggles. The theoretical and practical empowerment of administration was a result of a *realpolitik* that had to deal with imperial power, granting the church's independence against the latter.

Investigations into the role of the church in modern state-building is in no way an attempt at restoration. In our times, debates about church-state relations in the West are obviously not about spiritual or political supremacy. The main issue today is how to relate to our own heritage, a significant part of which still relies on political institutions and principles inherited from medieval Christendom. To neglect this heritage, or to reinterpret it in a strictly secular manner would not only falsify historical facts; it would also make our whole European identity groundless. If there is any practical advantage to be expected from such investigations, it is to make the principles and values of Christianity accessible even to those who may not accept certain articles of faith, but still feel that a Christian democracy or a Christian way of life is something to maintain and defend.

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