

# **Towards a new relationship between the private, public and sacred domains**

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## *Abstract*

In recent discussions about the place and role of religion in society and in relation to the state and politics, most people (either consciously or influenced by prevailing liberal notions) have a dichotomous view of society by differentiating between what is considered the private realm and the public domain. The frontlines of the debates between contestant parties are invariably drawn along the border between private and public. When it comes to the role of religion, there are those who contend on one side for a strict secularism in public life, relegating religion to the private domain; on the other side there are those who plead for a more prominent role of religion in the public realm.

One might, however, express serious doubts whether such a dichotomy between private and public does justice to the true meaning and real scope of religion. For its adherents at least, religion is something explicitly transcendent; its kernel is to be found beyond the private / public divide: it is the experience of the holy, the sacred, something intangible, which cannot be reduced to notions of private and public.

It is in my view a matter of urgency that we come to a new understanding of the relationship between public and private, which essentially means that we should leave the worn-out liberal dichotomy of private/public behind us and aim at regarding society as a trichotomy (maybe even a tri-unity, a trinity): the private, the public and the holy, the irreducible and incomparable realm of the sacred. It will turn out that each domain possesses its own values, its own ethics, as well as its own politics, but only in close cooperation with, and clear delineation between, these realms. They influence one another, yet at the same time cannot do without each other.

Now, in this contribution, I will take you through the thorny bushes that grow so lushly along the fault lines of legal philosophy and political theology, firstly, by developing a theory of symbolic representation, which supplies the methodological framework to this new paradigm. Secondly, we shall delve deeply into mankind's history to look for traces of concepts and practices that have helped to deal with ultimacy, meaning and living in political society. I shall focus especially on ancient Israel and early (and later) Christianity, as the

bedrock of our late modern age. Finally, I would like to draw some tentative conclusions about the role of religion in society and in relation to the state, with regard to the (especially in Europe) pressing issue of the pre-political foundations of the democratic constitutional state that seems to be in danger due to the aforementioned processes of secularization, individualization and privatization.<sup>1</sup> We may only cherish hope that these pre-political prerequisites (comprising civil virtues invested as moral and social capital in – Christian – religion) can be secured and strengthened.

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<sup>1</sup> „Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann. Das ist der große Wagnis, das er, um der Freiheit willen, eingegangen ist.“ E.W. Böckenförde, 'Die Entstehung des Staates als Vorgang der Säkularisation', in: (id.), *Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatslehre und Verfassungsgeschichte*, Frankfurt am Main: Suhrkamp 1991, p. 112.