

DOES RELIGION SUPPORT THE FREE SOCIETY?

The theological claims of religion must be taken seriously if we are to establish whether a given faith is likely to support a free society, argues **Samuel Gregg**

Can religion serve as a foundation for free societies? The answer can be expressed in two words: ‘It depends’. That is, ‘it depends’ (amongst other things) on what we mean by ‘religion’, what we mean by the ‘free society’ and which religion we have in mind. This essay discusses the development of some key attributes of Christian faith that help to support the free society, in particular the liberal constitutional order that guarantees basic freedoms and limits the power of the state. It then considers whether the theological claims of Islam also allow for the development of liberal constitutionalism in Muslim societies.

From the outset, it should be noted that even among those who favour the free society views differ about what constitutes such a society. For our purposes, the free society will be understood in terms of what Australian-born Oxford economic historian, the late Max Hartwell, described as ‘belief in a free civilization, coupled with concern about government coercion and dominant beliefs and misconceptions that drive policy in a totalitarian direction.’¹

Concerning religion and the free society, this essay does not suggest that ‘religion’ is or is not generally compatible with ‘the free society’. Nor does it argue that ‘religion’ is or is not an essential foundation for freedom. Rather, it seeks to outline some criteria by which we can consider whether a given religion is likely to *support*—or provide a foundation for—the growth and development

of free societies in which unjust coercion is minimised. These criteria, which are by no means exhaustive, are:

1. a religion’s understanding of the Divinity;
2. a religion’s view of reason and free choice; and
3. a religion’s conception of the state, especially its view of constitutionalism, understood not simply as a power-map but as arrangements which impose limits on the exercise of power and guarantee basic freedoms.²

What is ‘religion’?

Before considering these matters, we need to define ‘religion’.³ One starting point is to ask what distinguishes religious convictions from, say, philosophical and political beliefs. Contrary to what is often proposed, the difference is not to be found in the regular assertion that religion (or faith) is to be contrasted with reason. Such distinctions often assume that religious faith is by definition irrational. But the fact that something cannot be completely explained by unaided human reason does not mean that it does not exist or that it is untrue.



Dr Samuel Gregg is Director of Research at the Acton Institute. This essay is based on his presentation to the Mont Pèlerin Society General Meeting in September.

If the religion-reason contrast fails, perhaps religion may be best understood as a cultural matter. After all, religions are a source of ways of acting, different practices, protocols, institutions and symbols. Most embrace a collective memory. Some religions (especially those with strong tribal or folk dimensions) may even regard such things as more important than actual beliefs and doctrines. Yet most religions clearly make demands of their adherents that go beyond those of a club or cultural association. Religions understand themselves to be *more* than just groups of like-minded people doing similar things and engaging in particular practices over a period of time. Most religious rituals, customs, and expectations are derivative of something different and more fundamental than a shared appreciation for art or consciousness of ethnic bonds.

In the end, religion and religious belief may be best defined in terms of one's search for and conclusions concerning *the truth about the transcendent*. That is, religion is *directly* concerned with the truth about the divine (including the question of whether or not there is a divinity) and the meaning of that truth for human choice and action in a way that political beliefs, ideological convictions, and non-religious forms of human organisation are not.⁴

Religion and the divinity

One of the most important forces at work in a given religion is its understanding of the Divinity. This matters because a religion's capacity to support a free society depends upon whether its dominant theological tradition (as opposed to outlier versions) understands the divine as embodying particular characteristics such as *Logos* (Divine Reason) or *Voluntas* (Divine Will).

Christianity—at least its orthodox expressions—considers itself, for example, to be presenting a public revelation in the sense of a communication from the Divine to humans that has unfolded over time and in the form of specific historical events, the facts of which were witnessed, recorded and presented to others for their free assent. Christianity regards this divinity as a rational being or *Logos*⁵ from which human reason is ultimately derived.

Some religions have less regard for reason or simply say little about it. In some cases, God is

understood primarily as a *Voluntas* who operates above or beyond reason. The ancient pagan religions, for example, presented the deities as willful, capricious beings who meddled in human affairs for the sake of their own hedonistic amusement rather than any rational concern for the well-being of mortal creatures.

The importance of such matters goes beyond intellectual speculation. For how we understand God's nature has implications for whether we can judge particular human choices and actions to be unreasonable. If a given religion understands God as an essentially reasonable being, then such a God will presumably expect its adherents also to act *reasonably*: that is, in a non-arbitrary manner. A commitment to reasonableness and non-arbitrary behaviour is central to key institutions of a free society, most notably rule of law and constitutionally-limited government. On the other hand, *if* reason is simply not part of a religion's conception of the Divinity's nature, then that Divinity *can* command his followers to make unreasonable choices. That does not augur well for respect for the reasonableness that is central to the principles and operations of liberal constitutional order.

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Religion, reason and free choice

How a religion understands the nature of the Divinity points to a second important criteria when considering whether a given religion can serve as a foundation of free societies—its view of reason and free choice.

Some religions have a 'high' view of reason. As early as the second century, for instance, the first Christian thinkers understood that human reason allowed people to know the same truths of morality without direct reference to Revelation. This understanding led to the doctrine of natural law: that God gave humans, as intrinsic to their natural reason, precepts worthy of men made *free* and common to all—*naturalia et liberalia et communia omnium*.⁶

Over the centuries, Christian theologians have applied natural law reasoning to many subjects: international relations, questions of war and peace, issues of authority and sovereignty, the origins and limits of government, and the right of resistance to tyranny; the nature of money and capital and the workings of contract, prices and exchange; and the workings of equity in the legal system, the nature and limits of positive law, and categories of justice.

It was also Christian thinkers who first formulated the mature concept of human rights.⁷ They did so by asking what self-evident first principles told us about what each human being reasonably owes to every other human being. For free societies, such inquiry was important, partly because it helped shaped many of their key economic, political and legal institutions, but also because without reason, it is hard to identify and discuss what constitutes *arbitrary* actions by the state.

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A strong attention to reason is also important because, absent such a commitment, there is a real risk that a religion will remain or become fideistic: that is, the idea that religious faith is somehow independent of reason, and/or that faith and reason are somehow inherently hostile to each other, and/or that faith and religious precepts and their implementation do not require explanation to either believers in the faith or non-believers. Hence, one cannot reason with the fideist that violence in the name of religion is unreasonable.⁸

At the same time, a religion's conception of reason plays a central role in a given faith's understanding of the *will*: including whether or not adherents of that faith believe the will is actually free, or whether we are simply subject to some type of determinism, be it Karl Marx's hard determinism or John Stuart Mill's soft determinism. And if determinism is true, it is unclear why people should care about freedom or the preservation of a free society.

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Old Testament (or Hebrew Scriptures) underscore an essential message that was fully grasped by the Jewish people: that we *can* and often *do*, make free choices: we have 'free will'. Against Hellenistic doctrines of fate, the Hebrew Scriptures contain a whole narrative of responsibility for free choices made, of covenants freely entered into, broken and restored by renewed free choices.⁹

Similar accounts of the reality of free will are integral to Christianity. We see this, for instance, in the insistence of medieval theologians, most notably Thomas Aquinas, upon the radical freedom of the will, understood as each individual's spiritual (in the sense of 'non-material') ability to choose and carry out one option instead of all the available alternatives in the sense that nothing else determines what he is choosing except that act itself of choosing in light of reason.¹⁰

So what might this mean for the free society? In the case of religions with a 'high' view of free choice, they are arguably: (1) more inclined to support conditions that seek to limit unjust coercion and provide space in the political, economic and social spheres for the exercise of free choice; and/or (2) capable of correction when their adherents act in ways which suggest that this crucial point has become obscured. Deterministic versions of faith (or deterministic philosophies, for that matter), by contrast, have no particular reason to prioritise the establishment and protection of such conditions insofar as they regard free will and free choice as an illusion.

Religion, the state and constitutionalism

A third important criteria by which a religion's capacity to support and maintain a free society may be assessed concerns its view of one particular institution that has long occupied the thinking of those who support a free civilisation: the state.

Jesus of Nazareth's famous words 'render to Caesar what belongs to Caesar—and to God what belongs to God' (Luke 20:25), were literally revolutionary in their implications for how most people, including many non-Jews and non-Christians, subsequently understood the state. For, as observed by the 19th century English historian Lord Acton, 'in religion, morality, and politics, there was only one legislator and one authority' in

the pre-Christian ancient world: the *pólis* and later the Roman state.¹¹ Separation of the temporal and spiritual was incomprehensible to pagan minds because a distinction between the two did not exist. The state controlled all aspects of religion. As the late Rodger Charles S.J., noted:

in saying that God had to be given his due as well as Caesar, [Jesus of Nazareth] asserted the independence of the spiritual authority from the political in all matters of the spirit, of faith, worship and morals. This was a new departure in the world's experience of religion. . . . The kingdom of God that Christ had announced was spiritual, but it was to have independence as a social organization so that the things of God could be given at least equal seriousness to those of Caesar.¹²

In this way Christianity achieved the hitherto unthinkable: the state's de-sacralisation. Christianity was respectful of the Roman state's authority. The writings of Paul and Peter, for instance, underline the divine origin of the state's legal authority.¹³ Nevertheless, both Judaism and Christianity insisted that Caesar was not a god and may not behave as if he was god. Jews and Christians would pray *for* earthly rulers. It was, however, anathema for Jews and Christians to pray *to* such rulers. While Jews and Christians regarded the state as the custodian of social order, they did not consider the state itself to be the ultimate source of truth and law.¹⁴ Thus, as one theologian writes, Jews and Christians viewed the state as an order that found its limits in a faith that worshiped not the state, but a God who stood over the state and judged it.¹⁵

This set the stage for ongoing clashes between the state and religious believers and organisations across the globe which persist today. Certainly, there have been instances throughout the centuries when Christian churches and ecclesial communities have associated themselves with the exercise of temporal power to varying degrees, precisely because they paid insufficient attention to the differences and distinctions between the temporal and spiritual orders that Christian Revelation and reason itself suggests and explains. Yet despite these cases, the

vital distinction between the claims of God and Caesar, with its implicit limiting of state power, has persisted in Christian religious belief and actions, even in those instances where state authorities effectively assumed headship of the church—Henry VIII being perhaps the most famous example.

At the heart of many such matters has been the issue of the religious freedom of individuals and organisations vis-à-vis the state. This embraces questions such as the legitimacy of religious belief as a foundation for activity in the public square, blasphemy laws, religious tests for public office, religious education in private and public settings, state funding of religious activities, and so on. It need hardly be said that denial of religious freedom has resulted in the systematic and sporadic coercion of millions by governments over the centuries, the worst in sheer numbers being that inflicted by communist regimes throughout the 20th century.

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Of the temporal and spiritual

There are many ways in which this distinction between the temporal and spiritual (or ecclesiastical) realms has been expressed throughout history. Among others, these include a high degree of integration (for example, the Orthodox Church in Russia under the Czars), soft-establishmentarianism (today's Church of England) and concordat models (which exist in some Catholic-majority nations).

Another way in which this distinction is expressed has been through what might be called 'non-confessionalism'. By this, I mean a state of affairs in which government refrains from according formal legal recognition to any one religious position and genuinely seeks to treat members of all religious groups, including non-believers and agnostics, fairly. In these nations, there is no established religion. There are no religious tests for public office. The exercise of religious liberty is not

restricted to interior belief or questions of prayer and worship. Nor is religious liberty regarded as a mandate for the state to free people 'from' religion. Non-confessionalism seeks to guarantee the freedom of all religious communities and non-believers within a free society, consistent with the liberties of others and the legitimate demands of public order.

Non-confessionalism is not to be understood as 'doctrinaire secularism'. For, unlike doctrinaire secularism, non-confessionalism does not demand that anyone contributing, for example, to political discussion *must* act as if there is no God, or if there is, this *ought* to have no bearing whatsoever upon their choices and actions in this arena.¹⁶ Nor does non-confessionalism mean that governments are somehow obliged to deny a nation's religious heritage. To pretend, for example, that Islam has not exerted tremendous influence upon Arab and Turkish history and culture is as ahistorical as trying to deny the influence of Orthodoxy in Russia, Hinduism in India, Lutheranism in Finland, Shinto-ism in Japan, or Buddhism in Thailand. Non-confessionalism is not about the unofficial obliteration of the religious dimension of national and cultural memory by the state in the name of liberty, equality, or neutrality.

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None of these approaches will in themselves resolve all conflicts between religious freedom and other freedoms. They do, however, provide a basis for coherent legal and political policies concerning religious freedom. The point, however, is that to the extent that a religion (1) embodies or is capable of generating this type of distinction between the temporal and the spiritual, and (2) favours and even facilitates the development of a constitutional order which expresses such a distinction, it helps to limit the state's ability to intervene in a particularly important sphere of freedom. For, if the state

can regularly and consistently infringe on one's legitimate religious freedoms, it will have little difficulty promoting unjust coercion in all other spheres of life.

Islam and constitutionalism

What, however, happens if a religion does not embody a strong distinction between the temporal and the spiritual? Or if a religion understands itself as subsuming holus-bolus the state? Or if there is no meaningful distinction between religious and state authority? Or if a religion's theology does not allow for the development of constitutional orders that prioritise and protect religious liberty and other freedoms?

This, many argue, is one of the major challenges facing the Islamic world, and one that those Muslims who want to see the emergence of free societies in majority-Islamic nations are acutely aware of. In his book *Islamic Theology, Constitutionalism, and the State* (2012), the Swiss philosopher and historian of Russian, Arab, and Islamic thought, Lukas Wick, argues that if constitutional order and rule of law are to emerge and last, they require a certain view of man, reality and God. He maintains that Christianity helped develop and give form to constitutionalism because of (1) its grounding in metaphysical realism, (2) its insistence of the natural integrity of the world, (3) its emphasis upon the freedom of man, and (4) its affirmation of natural law.

The success of this movement throughout much of the West facilitated the growth of constitutionalism in other parts of the world—including, as underscored by the British-Lebanese historian of the Arab world, the late Albert Hourani, its Muslim portion.¹⁷ Wick points out, however, that these constitutions in Muslim nations do not seem to have prevented significant slippages in freedom, especially religious freedom, in most such countries. Most have lapsed into some form of despotism, either in the name of Islamism or by figures often identified in the West as 'secular'. The question thus arises of why constitutionalism has not been able to root itself more firmly in these countries.

Wick seeks to answer this question by taking Islamic theology (of which, he notes, there are many schools and traditions) *seriously*. He does not make

the all-too-common mistake of ‘reading’ Islam through a Christian or secular lens. Wick considers, for instance, what ‘theology’ in Islam actually means, and illustrates that Islam’s understanding of theology is very different to that of Christianity. Consequently, Wick argues, Islam does not invite reflective thought in theology because its epistemological outlook is constrained by Islam’s notion that knowledge is restricted to revelation. Thus, Islamic theology immediately devolves into jurisprudence, understood as the examination and immediate application of divine rules to political, social, legal and economic life.

Even more important is that part of Muslim revelation that runs counter to the Jewish and Christian doctrine that man is made in God’s image and likeness. Without this likeness, man has no theological grounds for being understood as a ‘co-creator’, or as one who exercises ‘sovereignty’ in the sense of freedom and free choice as understood by the Hebrew prophets, Paul and Aquinas. In the absence of such image-bearing characteristics, such powers are God’s alone. Moreover, Wick adds, there is no such thing as ‘natural man’ in Islam insofar as Islam considers all people to be born Muslim. And if there is no natural man—or natural law—then such a doctrine, Wick maintains, undermines the very concept of natural rights which was central to the Western project of constitutionalism.¹⁸

In the sixth and last chapter of his book, Wick analyses the writings of important Muslim thinkers who have taught in established and recognised Sunni Muslim educational settings. These range across the theological spectrum, from outright Islamists to those of other persuasions. Wick’s aim is to discern whether any one of them is friendlier than the others to the notion of constitutional order. While their overall positions are hardly uniform, Wick concludes that none of these thinkers have a favourable view of constitutionalism. The difficulty, Wick states, is that each of them holds that Islamic Revelation (which they interpret in different ways) is the only source of legitimacy. This means that, *theologically-speaking*, they cannot consider the ideas and thinkers that, historically (that is, various Greek, Roman, Enlightenment and Christian thinkers ranging from Pericles to Cicero, Aquinas, and Montesquieu) have given rise to

constitutionalism.¹⁹ To do otherwise would cease to be Muslim in a fundamental way.

Wick does not rule out the eventual development of genuine constitutionalism within Islam. But he does provide a powerful account of the formidable obstacles to be overcome if this is going to happen, and warns against facile comparisons with developments in other religions. As Robert R. Reilly comments, ‘One might wish this were otherwise, but hope that is not founded upon a grasp of the realities that are laid out here will be misplaced.’²⁰

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Conclusion

None of this is to suggest that people who belong to a particular faith necessarily know, understand or even agree with all its precepts concerning the nature of the Divinity, its view of reason and free will, and its conception of the relationship between the religious and civil realms. Many do not. It is also true that, despite identifying with a given religion, many consistently, even consciously, make choices that directly contradict many of its key precepts. Membership of a given religion does not thus mean that all its adherents will instinctively support or work against free societies. Nor does it guarantee that they will believe that their faith tends to support or corrode a free society. Throughout history, there are many who have acted *against* what their faith tells them about the nature and demands of freedom—for better and worse.

If, however, we want to establish whether a given religion is—in principle—likely to be favourably disposed to supporting the free society, we must be willing to take the theological claims of that faith seriously. In short, we must study such things as they are rather than what we may wish them to be.

A person may, or may not, believe in a given religion’s truth-claims. But for the purposes of

answering the question posed by this essay, this is not important. What matters is consideration of whether these truth-claims are likely to result in a religion and its adherents contributing to, or corroding, or simply being passive in the face of, the development of a free civilisation. Only then can we pass from wishful thinking into reality.

Endnotes

- 1 R.M. Hartwell, *A History of the Mont Pèlerin Society* (Indianapolis, IN: Liberty Fund, 1995), xviii.
- 2 See Eric Barendt, *An Introduction to Constitutional Law* (Oxford: OUP, 1998), 1-2
- 3 This section draws on and develops ideas expressed in Samuel Gregg, *Religious Liberty, The Modern State, and Secularism: Principles and Practice* (Berlin: Friedrich Naumann Stiftung, 2013).
- 4 Particular political or ideological convictions may imply, reflect or demand commitment to a specific religious position. Marxism, for instance, was explicitly committed to materialism and atheism. National Socialism promoted a type of paganism. But political philosophies are not *immediately* concerned with attempting to know and then express the truth about the transcendent in the ways that atheism, Christianity, Islam, Judaism, Hinduism, or Buddhism most certainly are.
- 5 *John* 1.1.
- 6 Ireneus, *Adversus Haereses* (circa 180-199): 16, 5.
- 7 See, for example, Brian Tierney, *The Idea of Natural Rights* (Grand Rapids, MI: Eerdmans, 1997); John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: OUP, 1998); and Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983).
- 8 This point is underscored by Benedict XVI's 2006 Regensburg Address. See Benedict XVI, 'Faith, Reason, and the University' (12 September 2006), http://w2.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html

- 9 *Deuteronomy*, for instance, encapsulates its presentation of the Covenant between God and his people in the choice: 'See, I set before you on this day life and good, evil and death . . . Therefore, choose life.' *Deuteronomy* 30: 15, 19. Similarly, Ben Sirach, writing circa 200 B.C., summarises the whole teaching of the Old Testament on the reality of free choice: 'When [God] created man in the beginning, he left him free to make his own decisions. If you wish you can keep the commandments, and it is in your power to remain faithful. He has set fire and water before you; you stretch out your hand to whichever you prefer. Life and death are set before man; whichever a man prefers will be given him.' *Ecclesiasticus* 15: 11, 14-17.
- 10 See John Finnis, 'Body, Soul and Information: On Anscombe's "royal road" to true belief', 5th Annual Anscombe Memorial Lecture (Oxford, St John's College: 21 October 2014). Copy of text on file with author.
- 11 Lord Acton, *Essays on Freedom and Power*, G. Himmelfarb (ed.), (Boston: Crossroad, 1948), 45.
- 12 Rodger Charles, S.J., *Christian Social Witness and Teaching*, vol.1, *From Biblical Times to the Late Nineteenth Century* (Leominster: Gracewing, 1998), 36.
- 13 See, for instance, *Romans* 13:1-6; 1 *Peter* 2:13-17.
- 14 Joseph Ratzinger, *Values in a Time of Upheaval* (San Francisco: Ignatius Press, 2006), 59.
- 15 Joseph Ratzinger, *Salt of the Earth* (San Francisco: Ignatius Press, 1996), 240.
- 16 These are not religiously-neutral positions. Both are derivatives of two of the three variants of atheism specified by Plato: (1) there is no God; or no God with any concern with human choice and action; or (2) any such divine concern with the human is easily appeased by a piety that is at best cosmetic and requires no thoroughgoing rejection of human vices. See *Laws* X 885b, 888c, 901d, 902e-903a, 908b-d, 909a-b.
- 17 Albert Hourani, *A History of the Arab Peoples* (Cambridge, MA: Harvard University Press, 1991), Parts 4 and 5.
- 18 See Lukas Wick, *Islamic Theology, Constitutionalism, and the State* (Grand Rapids, MI: Acton Institute, 2012), and 'Foreword' by Robert R. Reilly.
- 19 Wick, *Islamic Theology*, 131-176.
- 20 Reilly, 'Foreword', iii.