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**Religion and Liberty**

*WESTERN EXPERIENCES, ASIAN POSSIBILITIES*

*Samuel Gregg*

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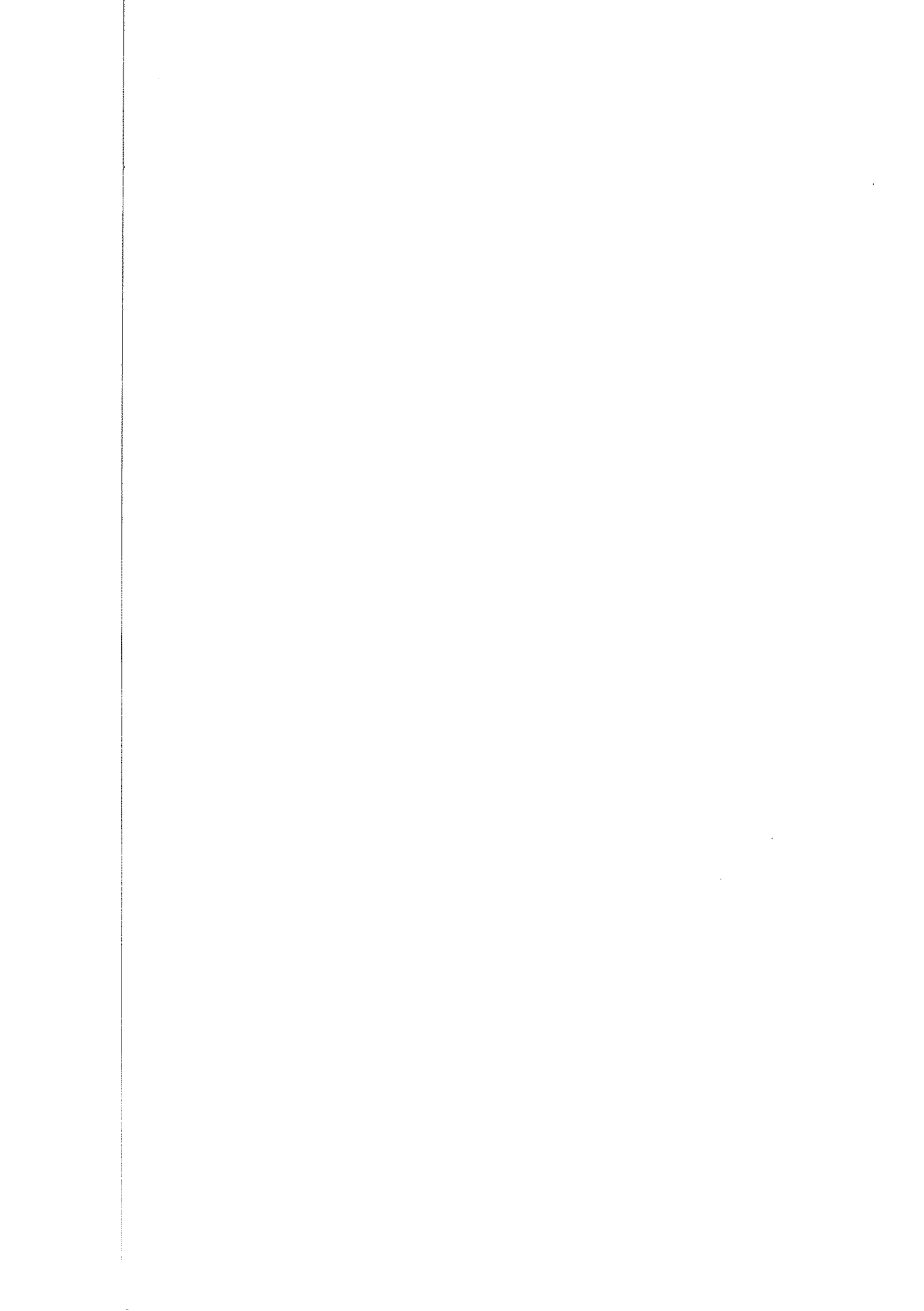
# Religion and Liberty

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Occasional Paper 68

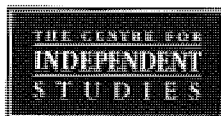




# RELIGION AND LIBERTY

WESTERN EXPERIENCES,  
ASIAN POSSIBILITIES

Samuel Gregg



1999

Published August 1999 by  
The Centre for Independent Studies Limited  
PO Box 92, St Leonards, NSW 1590  
E-mail: [cis@cis.org.au](mailto:cis@cis.org.au)  
Website: [www.cis.org.au](http://www.cis.org.au)

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National Library of Australia

Cataloguing-in-Publication Data:

Gregg, Samuel J. (Samuel John), 1969-  
Religion and Liberty: Western Experiences, Asian Possibilities

ISBN 1 86432 042 7.

1. Liberty - Religious aspects. 2. Religion and culture - Asia.  
3. Civil rights - Religious aspects. 4. Freedom of religion.  
5. Church and state. 6. Religions - Relations. 7. East and West.  
8. East Asia - Religion. I. Centre for Independent Studies  
(Australia). II. Title. (Series : CIS occasional papers ; 68).

291.2

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Cover and book design by Heng-Chai Lim  
Printed by Merino Lithographics, Moorooka, QLD  
Typeset in Garamond 10pt.

## Foreword

The relationship between religion and freedom is both mixed and complex. That is the central point underlined in this CIS occasional paper, which was originally delivered—appropriately enough—at the Mont Pèlerin Society meeting held in Indonesia in July 1999, the first to be held in South-East Asia. Here Samuel Gregg, CIS Resident Scholar, examines religion and its effects, both positive and negative, upon liberty in the West, before speculating about what such experiences suggest about religion's potential impact upon the growth of freedom throughout Asia.

The author begins by outlining some of the main interpretative and methodological difficulties involved in any serious and scholarly study of religion's effects upon society. This indicates that the search for mono-causal explanations is not only futile, but bound to result in misleading conclusions. The paper consequently underlines as a fallacy the view, much popularised by Marxist and some sociological discourse, that religions simply mirror social, political, and economic developments and events. Religions are certainly affected by wider societal trends. Yet they also exert their own influence upon developments in society, sometimes directly, but also in more subtle and unexpected ways.

This much becomes clear from Gregg's analysis of three periods of the history of Western Christianity, and its effects upon the growth of liberty. His paper maintains that Christianity did much to facilitate the cause of liberty in the West. Examples include Christianity's undermining of the state's divine status in the ancient world, its ascribing of limits to state power, the indispensable contributions of Christian philosophers and theologians to the idea of the Rule of Law, and the Church's building of the first citadels of relatively free thought, i.e., universities, to exist in the West since the Roman empire's collapse. At the same time, however, the paper stresses that Western Christianity's Constantinian heritage—though never as powerful as that which influenced Eastern Orthodoxy—meant that the close and formal links between the Church and the state that have only really dissolved in the West over the past century invariably had very negative implications for both religious and civil liberty.

After listing five lessons suggested by the history of Western Christianity for understanding the relationship between religion and freedom, the paper turns to religion and liberty in East Asia, with specific reference to Islam and Confucianism. Having noted that this region has, in its own way, partaken of the religious revival that is occurring throughout much of the world, Gregg stresses that Westerners need to move beyond populist

stereotypes of Confucianism and Islam when thinking about liberty and religion in East Asia. While not disputing, for example, that quite authoritarian elements prevail in much Confucian discourse, Gregg points out that there are also powerful motifs in the *Analects* and the writings of many Confucian commentators that not only stress the importance of personal freedom and responsibility, but also express strong doubts about the effectiveness of state power. Likewise, the paper maintains that there is a great deal in the *Qur'an*, the *Shari'a*, and the writings of many Muslim scholars which underlines the importance attached by Islamic doctrine to personal liberty, religious tolerance, a limited state, property rights, as well as free commercial activity and wealth-creation.

As demonstrated in this paper, it has taken many centuries for Western Christianity to loosen itself from the Constantinian burden that undermined the freedom of both society and the Church. To expect, therefore, analogous adjustments on the part of other faiths to take place in a matter of years is unrealistic. For this reason, Gregg concludes by suggesting that we should try and facilitate circumstances which will encourage a constructive dialogue between East Asian religious thought and the ideas underlying the free society. Not only does this require openness from religious leaders and intellectuals in East Asia, but also a great deal of cultural sensitivity on the part of Westerners.

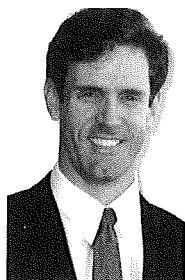
The once fashionable notion that 'God is dead' is certainly belied by the facts of increasing religious belief, observance, and practice throughout most of the world. Anyone, then, who values freedom and the free society, be they European or Asian, religious or otherwise, has to think seriously about what this may mean for the proliferation of liberty throughout the globe.

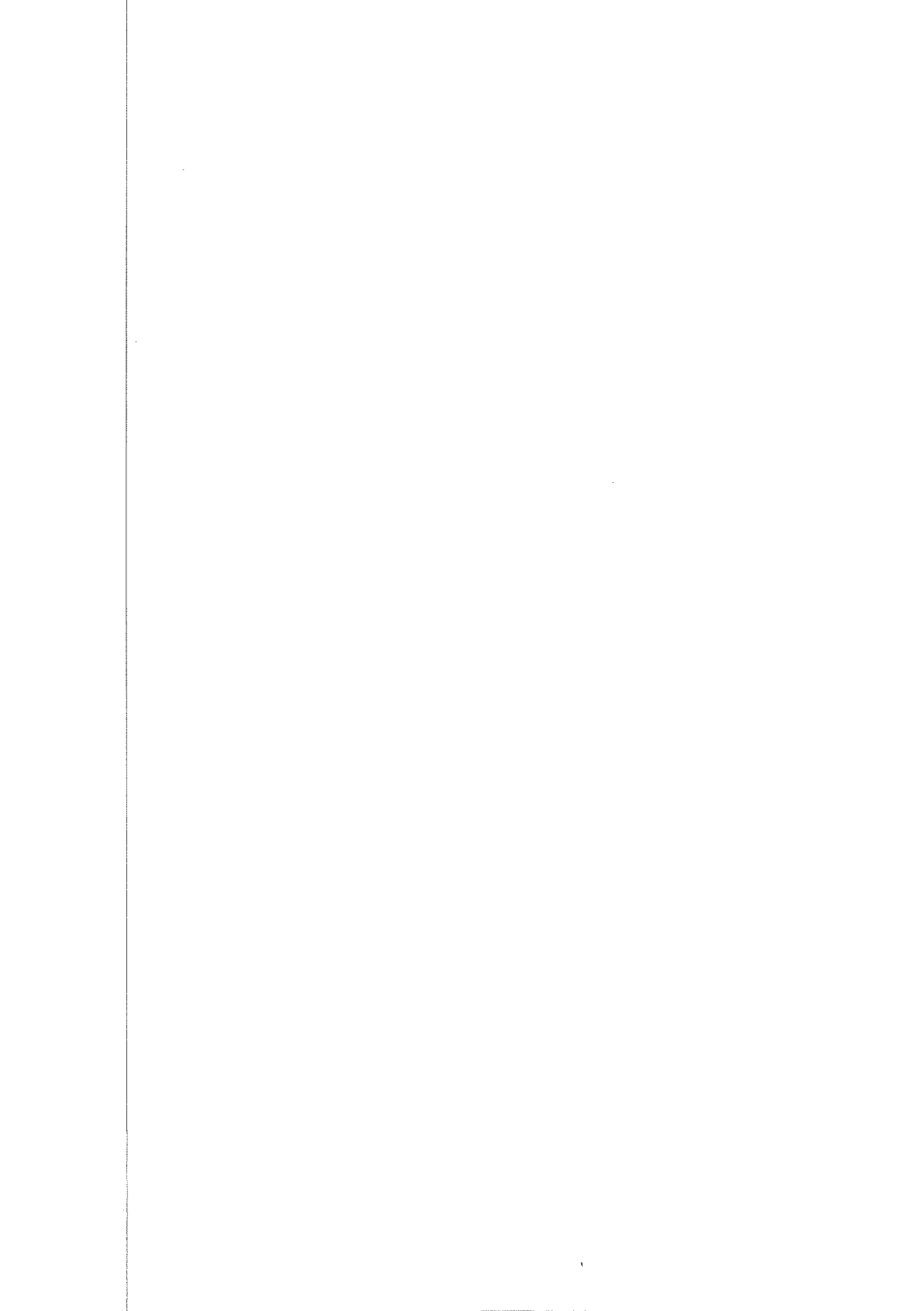
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## About the Author

Samuel Gregg has an MA in political philosophy from the University of Melbourne and a DPhil in moral theology from the University of Oxford. The author of *Challenging the Modern World: Karol Wojtyła/John Paul II and the Development of Catholic Social Teaching* (1999) as well as many articles, he is Resident Scholar at the Centre for Independent Studies and Director of its *Religion and the Free Society* programme.





# RELIGION AND LIBERTY: Western Experiences, Asian Possibilities

The great non-event of the twentieth century was the Death of God. Late nineteenth century intellectuals did not quite agree with Nietzsche that God was already dead, but they were fairly confident that he would be by the year 2000. During the twentieth century they assumed that belief in God would largely disappear in the West and that only backward societies would retain religious 'superstition'. Yet here we are at the end of what was supposed to be the first century of atheism with God alive and well and reigning in the hearts of billions all over the world. Partly as a result of the growth of population, to be sure, more people believe in God today than in 1900. I don't doubt there are more agnostics too. What there are not more of are atheists. The number of those prepared to declare, flatly, that there is no God has actually declined since the heyday of organised atheism in the 1880s.

Indeed, at the end of the twentieth century, the prospects for God are excellent. It could turn out to be His century. In the nineteenth century, we worshipped Progress. It was real, visible, fast-moving and on the whole beneficent. But it came to a juddering halt in the catastrophe of the First World War. The human race felt that Progress had let them down. They turned instead to Ideology – to Communism, Fascism, Freudianism and even darker systems of belief. The twentieth century was the Age of Ideology just as the nineteenth century was the Age of Progress. But Ideology failed its human adherents too and finally came crashing down at the beginning of the 1990s. One thing that history teaches about human beings is that they do not relish believing in nothing. A credal vacuum is abhorrent. It may well be that God, who had to struggle to survive in the twentieth century, will fill the vacuum in the twenty-first and so become the residual legatee of those dead titans, Progress and Ideology.

Paul Johnson

## I. God Strikes Back<sup>1</sup>

A brief survey of the world quickly refutes the popular view that man as *homo religiosus* is nothing but a throwback to pre-scientific times. In the West, for example, God is certainly not dead. Rates of religious belief and behaviours show no decline in, for instance, the United States. American church membership rates have actually risen over the past two centuries (Finke and Stark 1992: 16; Iannaccone 1998: 1466, 1468). More

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<sup>1</sup> The author wishes to thank Professor John Finnis, Professor Ian Harper, Professor Helen Hughes, Professor Eric Jones, Professor Wolfgang Kasper, Dr. Zach Shore, Fr. Rodger Charles, S.J., Michael Novak, Barry Maley, and Ray Evans for their assistance with aspects of this paper's preparation.

generally, religion's pervasive and continuing importance is attested to by Islam's resurgence throughout the world, the religious ferment in Central-Eastern and Eastern Europe as well as the former USSR, the rapid spread of Christianity throughout Africa and parts of Asia, and the pivotal role of religion in political and ethnic conflicts world-wide, ranging from Afghanistan to the Sudan (Kepel 1994).

Yet until relatively recently, many Western scholars tended to underestimate or even largely overlook religion's significance in explaining various political and economic developments. Paul Marshall, for example, points out that as instability shook Iran in 1978, American policy analysts concluded that the Shah's regime was essentially safe. They based their assessment on the study of factors such as economic variables, class structure, and the military (Marshall 1999: 2). Unfortunately, such analyses presumed that the activities of a group of religious leaders and the increasingly strongly-felt religious beliefs of large segments of Iran's Shi'ite Muslim population were of marginal relevance.<sup>2</sup> Likewise, Solidarity's emergence in Poland in 1980 – the *only* genuine workers' revolution in history – surprised much of the Western European left. According to Timothy Garton Ash, the sight of industrial workers striking against a 'workers-state' with protest banner in one hand and rosary in the other was rather difficult for much of the West European left to accommodate within their often neo-Marxist outlook (Garton Ash 1991: 200).

Whatever one thinks of Samuel Huntington's book, *The Clash of Civilisations* (1996), it has certainly focussed the attention of many hitherto sceptical Western scholars upon religion's importance in shaping world affairs. Likewise, Huntington's 1991 article, 'Religion and the Third Wave', underlines Christianity's important contributions to the 'third wave' of democratisation that occurred between 1970 and 1990. While Huntington's view of the effects of the Second Vatican Council (1962-1965) upon Catholicism is questionable,<sup>3</sup> there seems little doubt that various

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<sup>2</sup> Here Kuran's theory of preference falsification may explain why experienced social commentators are often so wrong about even the most investigated events and processes. Broadly speaking, the theory proposes that corrupt and inefficient social structures can survive for long periods of time as long as people privately supportive of change refrain from publicising their dispositions so as to avoid the sanctions that often fall upon such people. Hence, because so many people generally conceal their true views, especially when authoritarian regimes are in power, social commentators are led into drawing erroneous conclusions. See Kuran (1995) and Jones (1997).

<sup>3</sup> Huntington draws too rigid a distinction between 'pre-conciliar' and 'post-conciliar' Catholicism. Christian democracy's emergence in Europe and Latin America preceded Vatican II, and Pius XII issued a qualified but nonetheless explicit affirmation of democracy in 1944.

developments in doctrine proceeding from the Council affected many Christians' attitudes towards authoritarian political regimes.

This is not, of course, to suggest that the unfolding of events and trends should be explained solely or even primarily in terms of religious dynamics. This would be absurd. It is, however, equally absurd to look at such issues without considering religion's role. One Western intellectual who understood religion's importance, and recognised that it was not simply going to disappear as a consequence of some 'inevitable law of history' was Friedrich von Hayek. At the first Mont Pèlerin Society meeting in 1947, Hayek insisted upon including a session on 'Liberalism and Christianity' in the conference programme, precisely because he believed that 'unless [the] breach between true liberal and religious convictions can be healed there is no hope for a revival of liberal forces'. Such a reconciliation, Hayek thought, was for many people the 'one hope of preserving the ideals of Western civilisation' (Hayek 1947/1992: 244). For this reason, Hayek stated, the fierce and intolerant false rationalism so characteristic of much Continental European liberalism was not only the opposite of true liberalism, but responsible for driving many religious people away from the liberal cause (Hayek 1947/1992: 244).<sup>4</sup>

Fifty-two years after Hayek's opening address to the Mont Pèlerin Society, the question of the relationship between liberalism and religion no longer only concerns Christianity and the West. With liberal democracy and market economies spreading beyond Western Europe and North America, it also embraces liberalism's relationship with a plethora of faiths in non-Western areas. Asia, of course, is one region where a diversity of faiths, with adherents ranging in the hundreds of millions, have co-existed for centuries.

This writer is neither an expert on Asian cultures nor the non-Christian religions that proliferate throughout Asia. Nonetheless, if only because

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<sup>4</sup> Hayek repeated this point on several occasions. In 1944, for example, he argued that 'if a more liberal outlook is to be fostered among the great masses. . . any such effort must carefully avoid that hostile attitude towards religion characteristic of much of Continental liberalism, which has done a great deal to drive hosts of decent people into opposition to any kind of liberalism' (1944/1992: 210). Elsewhere Hayek stated that the European continent would have been spared much misery if the liberalism associated with Lord Acton 'had prevailed instead of the intellectualist version of liberalism which by its fierce and intolerant attitude towards religion divided Europe hopelessly into two camps' (1953: 461). Hayek, it seems, particularly had in mind Rousseau who, in his view, 'gave intellectual license to throw off cultural restraints, to confer legitimacy on attempts to gain "freedom" from the restraints that had made freedom possible, and to *call* this attack on the foundations of freedom "liberation" ' (1988: 50).

religious commitment tends to be higher where there is a plurality of faiths (Anderson 1988; Hamberg and Pettersson 1994; Zaleski and Zech 1995), then those who believe in freedom have to think seriously about the roles that religion may play in facilitating—or impeding—liberty in East Asia. To this end, this paper examines the relationship between liberty and Christianity in three periods: the early church, the medieval Western Church, and modern Western Christianity. We then speculate on what these Western experiences suggest about the potential relationships between religion and freedom in East Asia, with specific reference to Islam and Confucianism.<sup>5</sup>

## II. Liberty and the Effects of Religion

Before proceeding down this path, several terminological and methodological issues require consideration. The first are essentially normative in nature. What, for example, is *religion*? Given this paper's purposes, it is neither appropriate nor necessary to ask questions about the validity of religious beliefs or the authenticity of religious institutions. But insofar as an explicit definition of religion is required (for example, to distinguish religion from political ideologies), it suffices to define a religion as any shared set of beliefs, activities and institutions premised upon faith in transcendent forces.<sup>6</sup> Given, however, that this paper deals partly with Asia, it treats Confucianism as a religion (Weber classified it among his five 'world religions'), even though it is probably more accurately denoted as a system of philosophical and metaphysical thought.

Defining *liberty* is also a contentious exercise. This may be illustrated by noting two definitions that seem quite contradictory. One owes much to the influence of the codified legal systems of Continental Europe, and is reflected in several Continental European languages: the French *liberté*, the Spanish *libertad*, the Italian *libertà*, and perhaps even the Latin *libertas*.

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<sup>5</sup> To engage in such an analysis means, of course, placing oneself in opposition to the widespread cultural relativism that gained momentum following anthropological studies of the 1930s, and regarded cultures as incomparable, insisting that they needed to be studied on their own terms. Liberty, however, as so defined, arose first in the Christian West. Although Christianity is clearly not a prerequisite for the establishment of liberal democracy – witness Israel, Japan – it remains that outside societies with a Western Christian heritage, few countries have sustained democratic polities for particularly long periods of time.

<sup>6</sup> This definition is adapted from Stark and Bainbridge (1985: 5) and Iannaccone (1998: 1466-1467).

Each of these generally, as Michael Novak suggests, embraces the realm of ‘whatever is not forbidden’ (Novak 1993: 93)—the formal Hobbesian sense of freedom from constraint. Lord Acton, by contrast, understood liberty as ‘the reign of conscience’ (Acton 1988: 491). And conscience, as Acton views it, is not arbitrary: it involves placing ‘reason before will’ (Acton 1988: 489), and is inseparable from ‘the feeling of duty and responsibility to God’ (Acton 1988: 29). As Acton’s contemporary, Cardinal Newman, forcefully stated: ‘Conscience has rights because it has duties’ (Newman 1868: 250). We may say, then, that the essence of liberty, from Acton’s standpoint, is freely doing what we *ought* to do, rather than whatever we ‘feel like’.

Clearly there are differences between the ‘Hobbesian’ and ‘Actonian’ definitions of liberty. The situation is further complicated if one moves beyond Western parameters, and asks what words like ‘freedom’ mean in, for example, various schools of Islamic, Buddhist, and Confucian thought. Is liberty equivalent to *nirvana*? (One suspects not.) Hence, while not suggesting, as many post-modernists would, that liberty means ‘whatever you want it to mean’, we avoid being too specific in this paper and limit ourselves to defining ‘a situation of liberty’ as one in which there exists personal freedom and responsibility under the Rule of Law, democratic government, a free economy, an autonomous civil society, and a limited state.

The second issue requiring consideration is *how* religion affects societies. The influence of religion is, after all, a hard-to-quantify variable. Many characteristics of particular religions are historically specific. As Inglehart states: ‘it would be misleading to speak of the characteristics of any given cultural zone, such as Protestant Europe or the Confucian cultural area, unless one makes it clear that one is speaking of its attributes at a specific point of history’ (Inglehart 1990: 61). A society’s dominant interpretation of a religion can vary over time and space depending on the dynamics of public discourse. It can also freeze, however, and static views can prevail precisely because their broad public acceptance makes it difficult to promote viable alternatives. One might also ask if religions should be perceived as catalysts for development or as simply reflecting longer-term political and economic influences. Then there is the issue of how one distinguishes correlations between religion and certain secular developments from reasonably direct causations.

Once such questions are posed, it becomes evident that many assumptions about religion’s effects upon societies are of dubious validity. In a recent publication, for instance, Gang Deng demonstrates that the commonly-held view that China’s Confucian-Taoist value-system somehow

'froze' China's pre-modern development must be reassessed, given that Vietnam, Japan, and Korea—all of which have been subject to strong Confucian influences—experienced different development paths (Deng 1999; cf. Jones 1995: 276). Similarly, the thesis advanced in Max Weber's *Protestant Ethic and the Spirit of Capitalism* has been comprehensively refuted by several scholars as contrary to empirical evidence about the nature of economic development in Protestant and Catholic areas of Europe (Delacroix 1992; Kaufmann 1997; Samuelsson 1993; Tawney 1922/1962).<sup>7</sup>

Another mistake is to view religions as being mono-dimensional in character. Confucianism, for example, is invariably portrayed as highly authoritarian in nature (Fukuyama 1992: 217). Yet, as Wolfgang Kasper notes, it is possible to find strong individualistic motifs in the writings of Chinese Confucian thinkers such as Mencius who stressed limits upon the rulers' power to impose rules. Then there is the Legalist Confucian tradition that stressed the rights of individuals vis-à-vis each other as well as in relation to the rulers (Kasper 1994: 26).

Broadly speaking, there appear to be three general perspectives that may be adopted when studying religion's effects upon societies and their beliefs.<sup>8</sup> One is to hold that religions automatically adjust to changing circumstances and are essentially an element of the 'superstructure'. Tom Harrisson points out that whole tribes have quickly abandoned old faiths and embraced new religions almost as soon as missionaries appeared among them (1984: 222).

One wonders, however, about the depth and extent of such adjustments. Christianity, for example, is currently spreading through Africa at a rapid pace. Yet polygamy is still practised extensively in newly-Christianised areas of Africa ('I'm a good Christian, Father, and so are my four wives'), despite Christianity's prohibition of this practice. Similarly, some contend that Islam's success in proselytising Indonesia and Malaysia has overlaid rather than eradicated much of these nations' pre-Islamic largely Hindu cultural features (Tamara 1986: 2-5).

Another approach to studying religion's social effects is to assume a high degree of fixity: that religions do not change very much in their essentials; hence, the character of their influence does not change

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<sup>7</sup> Tawney, for example, illustrated that the basic institutions of capitalism were in place in Europe four centuries before the Reformation. Samuelsson refutes Weber's stylised account of European economic history, demonstrating that, across the regions cited by Weber, economic progress was either uncorrelated with religion, temporarily incompatible with Weber's thesis, or actually the reverse of Weber's pattern.

<sup>8</sup> The author draws here upon the three models of approaching culture outlined in Jones (1995: 269-285).



substantially. Such an assumption appears to underpin Weber's Protestant ethic thesis. But such propositions are questionable. In his survey of religion's economic impact, Laurence Iannaccone concludes that the literature generally holds that while religion does have effects, its economic consequences are far from uniform (Iannaccone 1998: 1478).

In part, this may be due to the fact that few if any religions are static, even in their essentials. Hayek was hardly the first scholar to note that ideas, rules, and institutions evolve gradually (Hayek 1979: 152-176). One need only think of the first four Christian centuries that were marked by intense and lengthy debates over the nature of Jesus Christ. Some religions have even systematised entire doctrines to explain how the nature of their beliefs change. In Christianity's case, the churches have given much attention to explaining how, crudely speaking, developments in dogma reflect the Church coming to a fuller understanding of the unchanging truths that it proclaims (Grisez 1990; Newman 1968; Pozo 1975). Similarly, it is common to argue that the corpus of Islamic law [*Shari'a*] never changes. In fact, it is always changing through extensions, contractions, and reconstructions (Hourani 1983: 20; Kuran 1997: 50).

Finally, one may hold that religion and religious beliefs are influenced by, and have an influence upon, societies' institutions and values. Religion is thus understood as being constantly shaped by the cultures in which they move and consequently capable of exerting different influences upon different societies. There is much evidence attesting to the validity of this view. Early Christianity, for example, challenged certain aspects of Romano-Hellenic culture by universalising the Jewish respect for all human life that the first Romans to encounter the Jews found so puzzling. Christianity also refused to compromise on certain principles: hence, its refusal to perform acts of emperor-worship. Nevertheless, Christianity, in its long struggle to suppress internal dissent, to codify its doctrine, and to expand its frontiers, became, in certain respects, a likeness of the Roman Empire. It grew into an orderly, international, and increasingly legalistic institution, administered by a class of literates, and its bishops, like imperial prefects, had wide discretionary powers to interpret the law. As Johnson states, it is not an exaggeration to say that Christianity became 'the *Doppelgänger* of the empire' (Johnson 1976: 76).

Nor were Christianity's central beliefs unaffected by its encounter with the non-Jewish world. Its emergence outside Jewish circles owed much to St. Paul's realisation that if non-Jews were to embrace the essentials of Christ's message, then concepts and terminology familiar to Greek-speaking, Greek-thinking audiences had to be used. Paul—a member of the Jewish Diaspora, trained in Gamaliel's rabbinical school in Jerusalem,

but also a Roman citizen, fluent in Aramaic, Hebrew, Latin and Greek, and familiar with Hellenic philosophy—was ideally positioned to effect this transformation. As a consequence, the Christian Gospel—which had many aspects (such as the Crucifixion, the most shameful form of execution in the Roman world) that were difficult for Hellenes to accept—was able to permeate non-Jewish societies and, in turn, gradually influence their thinking about various institutions such as marriage. Likewise, Islam’s conquest of former Byzantine provinces caused it to encounter Greek and Roman thought. Islamic philosophers such as al-Farabi subsequently began incorporating classical concepts into Islamic jurisprudence. This permitted them to develop a doctrine of the Imamate interpreted in light of Plato’s *Republic* and Aristotle’s *Politics* that was comprehensible to peoples living in these regions (Hourani 1983: 13-15).<sup>9</sup> Albert Hourani also notes that, over time, ‘the customs and practices of early Islamic society—many of them inherited from the pre-Islamic worlds of Byzantium, Persia, and pagan Arabia—were absorbed into the body of Islamic law’. But while this certainly gave

Islamic respectability to what was not Islamic by origin. . . . it also worked in the opposite way, by the selection of customs and practices, the rejection of some and acceptance of others, and the modification even of those which were accepted, in the light of the teaching of Islam. By this slow process, never completed and never indeed capable of completion, the social systems of the many countries converted to Islam were permeated by its moral ideals (Hourani 1983: 9).

There is, however, an important caveat to be observed when studying religion’s influence upon societies. As Hans Urs von Balthasar states: ‘No age can go beyond its spiritual horizons. Hence it is senseless and unjustly negative to criticise an age for trying to present God’s reign in the world of its time through the unity or the convergence of Church and state’ (Balthasar 1974: 250). To expect Confucius or St. Augustine to have thought

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<sup>9</sup> This is not, of course, to suggest that all religions at all times prove infinitely adaptable. The eventual failure of efforts by Jesuit missionaries to Christianise China in the seventeenth and eighteenth centuries is a good example. Figures such as Matteo Ricci, S.J., and Adam Schall, S.J., realised that there was no prospect of mass conversion until Christianity adapted itself to a whole range of Chinese assumptions. For over a century, debate raged within the Church over this issue, and controversial and contradictory rulings were given. In 1615, Paul V even authorised a Chinese liturgy. But in the end, the Church proved more susceptible to European pressures and the arguments of colonial administrators (Hsia 1998: 186-193).

like a twentieth century democrat is clearly unreasonable. The challenge, then, is to imagine how, within the limits of their outlook and at particular points of history, religious figures and institutions genuinely contributed to, or obstructed, the development of freedom.

### III. Christianity and Liberty

The relationship between Christianity and liberty has always been mixed. One can point to obvious cases of Christianity suppressing liberty, such as the Spanish Inquisition's persecution of Protestants, Jews, and *moriscos*, and the Elizabethan state's enactment of penal laws against non-conformist Christians and Catholics. A common thread to Christianity's negative effects upon liberty has been the close links that almost all Christian churches have enjoyed with the state at various stages of history. Some Christian scholars such as Newman even maintain that most of Christianity's woes have proceeded directly from its links to the civil power (Newman 1868: 184-186). It is often forgotten, for example, that the Spanish Inquisition was an instrument of the Spanish monarchy and virtually autonomous of the Papacy. Its success as an instrument of oppression even encouraged the monarchy under Philip II and his successors to use the Inquisition to consolidate royal authority over the plethora of elected bodies that existed throughout the Spanish peninsula (Kamen 1998: 287-289). One should, however, avoid making sweeping judgements about such matters. Both Hayek and Cardinal Ratzinger note, for example, that at the height of the Spanish Inquisition, the idea of liberty was being extensively systematised by Spanish Jesuit philosophers such as Francisco de Vitoria (Hayek 1978: 123; Ratzinger 1996: 224)<sup>10</sup> – so much so that Hayek remarks elsewhere, 'It would seem that H.M. Robertson hardly exaggerates when he writes: "It would not be difficult to claim that the religion that favoured the spirit of capitalism was Jesuitry, not Calvinism"' (Hayek 1976: 179 fn 15).

#### *Usurping and Bolstering Caesar*

In the pre-Christian Romano-Hellenic world, various ideas generally associated with the cause of liberty had already appeared. Many centuries before John Locke, for example, Cicero stated:

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<sup>10</sup> The most extensive study of the economic liberalism promoted by the Salamanca School is found in Chafuen (1986).

law is the bond of civil society [*civilis societatis*], and justice is equality under the law [*ius autem legis aequale*]. By what right can a partnership of citizens [*societas civium*] be justly maintained unless there is equality of status among the citizens [*cum par non sit condicio civium*]? For while it is undesirable to equalise wealth, and everyone cannot have the same talents, legal rights [*iura*] at least should be equal among citizens of the same commonwealth (*De Republica* I. xxxii).

In these sentences, Cicero appears to be outlining what most would recognise as a key component of the Rule of Law. The crucial word, however, in this passage is ‘citizen’. In the ancient world, most were *not* citizens. Aristotle even posited that slaves were slaves because of their incapacity to accept the responsibility of freedom and ‘their preference for a bovine existence’ (*Ethics* I. v).

Another feature of the ancient world militating against liberty was the reality that, as Acton notes, ‘in religion, morality, and politics, there was only one legislator and one authority’ (Acton 1948: 45).<sup>11</sup> In many ways, the citizen was as subject to the state as a slave was to his master. In Jacques Maritain’s words: ‘The pagan City, which claimed to be the absolute *whole* of the human being, absorbed the spiritual in the temporal power and at the same time apotheosised the State. Its ultimate worship of the Emperors was the sure consequence of an infallible internal logic’ (Maritain 1927: 1).

One should be careful not to exaggerate the effects of this integration. Rome’s civic religion, for instance, was certainly a state-religion. It was concerned with civil virtues and outward observance, and administered by paid state officials. Being a state-religion, it modified as the form of government changed. When the republic failed, the emperor became the *pontifex maximus*. The system linking divinity to government was, however, often honoured more in the letter than the spirit. Recognising the strength of Jewish feeling about the emperor-worship question, for example, the Romans exempted Jews from such acts, on the proviso that sacrifices were offered to Yahweh on behalf of the emperor.

Yet there were occasions when the synthesis of religion and state left people in the ancient world with little room for manoeuvre. Socrates, for instance, urged his students to submit all questions to the judgement of reason. Nevertheless, he would not sanction resistance to state-ordinances,

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<sup>11</sup> An interesting variant on this was ancient Israel. Although religion and political life were interlinked, the monarch was seen as subject to Yahweh and His Law. If the king broke Yahweh’s Law, then prophets such as Jeremiah and Elijah did not hesitate to question the monarch’s authority (Tamari 1993: 5).

no matter how unreasonable one judged them to be. In short, Socrates emancipated people for thought, but not for action. Hence, when urged to flee Athens following his condemnation by the court, Socrates was unable to free himself from the largely religiously-inspired cult of obedience to the state and insisted on his responsibility to obey its decisions, however absurd. The Stoics, by contrast, advanced an argument for liberty by claiming that the natural law was superior to the law of nations. But rather than counsel action when the natural law was flouted by the state, the Stoics advised people to stay aloof from the world and keep faith with the law written on their hearts (Carlyle 1941: 4-7).

Christianity's emergence in the ancient world contained certain implicit challenges to the prevailing understanding of religion and state as well as the status of non-citizens. By underlining each human person's equal dignity in God's eyes, Christianity implicitly raised questions about slavery. It would, of course, take centuries for slavery to be eradicated, but the logic of Christian belief led inexorably to its de-legitimation. Christianity also revolutionised human consciousness about freedom, for its teaching was precisely that Christ had freed mankind individually as well as collectively. Salvation was expressed, most notably by St. Paul, in terms of *liberation* from sin (Romans 6: 15-19). From the Christian viewpoint, then, everyone, regardless of social status, was pre-eminently a free person. In this sense, Christianity also regarded people as equal precisely because it considered everyone to have the same faculty for moral choice. Everyone was free to accept or reject God, and choose between good or evil. Although virtue or sanctity is the ultimate goal, these cannot, as John of Salisbury states, 'be perfectly achieved without liberty, and the loss of liberty shows that perfect virtue is lacking' (*Policraticus* VII, chp.25: 217). Certainly, Christianity did not claim that people were equal in talents. But by insisting that everyone is a human subject of moral action, it extended the dignity of moral obligation from the citizen class to all of society.

Dismissing the significance of these developments, Francis Fukuyama recycles Hegel's argument that Christianity is 'just another slave ideology', because 'it posits the realisation of human freedom not here on earth but only in the Kingdom of Heaven'. Christianity, in Fukuyama's view, ended up reconciling real-world slaves to their lack of liberty by telling them not to expect liberation in this life (Fukuyama 1992: 197). But while the Christian message could be given a strictly internal, non-legal meaning, it is equally true that the Christian language of freedom could assist anyone desiring liberty in a more external sense to articulate his demands in what were, given Christianity's increasing cultural dominance throughout Europe, convincing terms.

Christianity's other contribution to the development of freedom at this point of history was its subtle 'de-sacralisation' of the state. Though early Christianity was normally very respectful of Roman authority, it also maintained that Caesar was not a god. Instead, Christians viewed the state as 'an order that finds its limits in a faith that worships not the state, but a God who stands over it and judges it' (Ratzinger 1996: 240; cf. Romans 13: 1-7).

There were, however, aspects of early Christianity that had negative implications for the growth of liberty. In linking freedom to the realisation of truth, St. Paul established the right of each person to think their own way through to truth. But Christianity's emphasis upon the importance of truth and right belief [*ortho-dox-y*] also meant that it was, from the very beginning, racked by internal arguments about quite fundamental doctrinal points. Christian orthodoxy subsequently became meshed in life-and-death struggles with Gnostic, Manichean, Donatist, and Arian heresies—struggles that were not confined to educated elites, but also embraced much of the semiliterate masses (Frend 1971). Because these debates persisted within Christianity, public discourse was, in certain respects, less constrained than it was in, for example, the majority of pre-1900 Islamic countries, not least because of Islamic rulers' fourteenth century prohibition upon Muslim scholars engaging in original thought [*ijtihad*] (Ahmad 1993: 9; Berkes 1964; Kuran 1997). Paradoxically, it was partly because of the Church's recognition that people needed time and resources to contemplate and hopefully resolve complex doctrinal issues that it established the monastic-scholarly foundations which gradually developed into church-based universities such as Oxford, Cambridge, Bologna, and the Jagiellonian; that is, citadels of relatively free thought which facilitated inquiry into many areas often only tangentially related to theology.

When, however, Christianity's passion for truth became mixed up with state-power, the consequences for liberty were grave. As the Roman empire slowly moved towards adopting Christianity as a state-religion, orthodox and heterodox Christians felt increasingly free to utilise state-power against each other and, in due course, those who were not Christian. In 311, for example, both sides to a dispute about who was the legitimate bishop of Carthage appealed to the Emperor Constantine to decide (Johnson 1976: 83). The victors to the dispute consequently considered themselves entitled to direct imperial troops to suppress the losers. It was not long before this use of state-power to expiate heresy was given theological justification. Constantinian *cesaropapizmus* consequently became a theological underpinning of the now-Christian Roman Empire, with the Emperor Theodosius being hailed by the bishops at the Council of Constantinople

(444) as 'Pontiff-Emperor'. Evidently, Christianity was not immune from the influence of the pre-Christian emperor-cult: 'Even the Christian Emperors and Constantine. . . did not immediately repudiate certain symbols of divine honour, such as the building of temples and the celebration of games in their honour. The iconoclasts destroyed the images of Christ and the Saints at Byzantium, but respected the images of the Emperor' (Clérissac 1925: 19).

Nevertheless, the words of Christ and St. Paul that, in principle, demythologised the state, remained. The persistence of this tradition is demonstrated by the fact that even figures such as St. Augustine and St. Ambrose who, in many respects, epitomised the close link between Christianity and the Roman empire, insisted that, on many matters, the state no longer had anything to say. During a sermon in 385 in the Basilica of Milan, which was surrounded by imperial troops on account of a dispute between Ambrose and the emperor, Ambrose exclaimed: 'The emperor is in the Church, *not* above it!' Likewise, Augustine stressed that Christian society [*societas fidelium*] had an identity separate from existing secular power relations (Simons 1977: 54-60). Hence, there were some matters where the Church was obliged to respond to the state with a firm *Non possumus*.

### *An Age of Freedom*

In the first centuries of its existence, then, Christianity simultaneously shaped and was shaped by Rome, and promoted and impeded the growth of liberty, both intellectually and institutionally. As a result of 'marrying' imperial Rome, Christianity was also influenced by the changes sweeping the empire in the fifth and sixth centuries. Rome's collapse in the West meant that the Constantinian attempt to blend the *ius sacrum* with the *ius publicum* was discontinued in this region. In the East, however, the process continued until, under Justinian, the Byzantine empire developed into a type of theocracy, with the emperor performing priestly functions, and the Church virtually becoming an arm of the state. Vladimir Soloviev describes in stark detail Eastern Christianity's continuous humiliation by Byzantine state officials and, eventually, Tsarist autocracy as Orthodoxy spread to the Slavic nations (Soloviev 1954: vol.3, 54-57).<sup>12</sup>

As time passed, however, the young Germanic peoples who succeeded Rome in the West constructed a new mythic-sacral mode of thought on

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<sup>12</sup> Huntington denotes Byzantium's integration of Church and state as one of the critical differences between what he describes as 'Western' and 'Orthodox' civilisations (1996: 45-46).

the tradition of Antiquity and the Old Testament that made it harder for Western Christianity to remain free. Charlemagne, the Ottonians and the Hohenstauffens developed this approach on a grand scale. In the eleventh century, however, the state's claims of authority over the Church were directly challenged when Pope Gregory VII disputed Henry IV's claim that the Holy Roman Emperor was entitled to appoint bishops in Imperial Italy.

On a purely political level, the Papacy's attempts to free the clergy from lay appointment in what became known as the Investiture controversy certainly reflected a desire to enhance its own power at the emperor's expense (Mitteis 1975: 127). There were, however, other reasons for the conflict. The Investiture debates were, for instance, preceded by the crystallisation in the ninth and tenth centuries of Augustine's view that the Church's members formed a unified and autonomous institutional order alongside the secular power, an order based on free association rather than blood, marriage, or tribal ties. This idea proved attractive to the nobility and cities that had become fabulously wealthy following the Agrarian Revolution and the spread of urbanisation. Not surprisingly then, once freedom of the Church [*libertas ecclesiae*] emerged as the slogan of anti-imperial forces during the Investiture struggle, an emphasis upon freedom of the nobility [*libertas nobilium*] was not slow to follow. In this regard, the Papacy's fight against imperial authority over the Church reflected a general shift in power away from monarchy towards lay and ecclesiastical magnates as well as institutions based on free association such as religious orders, monasteries, universities, and the new cities, especially in France, Germany, and Italy. It is probably no coincidence that the issue of state-appointed bishops was most sharply contested in the Rhineland and Northern Italy; that is, precisely where cities were claiming the liberties of territorial immunity and conditional allegiance (Mitteis 1975: 213-230).

The Investiture argument also had profound effects in the realm of ideas. What began as an attempt to free the Church from state control quickly developed into a radical reappraisal, on Western Christianity's part, of church-state relations and the nature of political authority. When considering concepts like natural law, Rule of Law, liberty, social contract, popular sovereignty, and separation of powers, most people think of Locke, Montesquieu and the French Revolution. Few recognise that these key problems were considered over 500 years earlier by Christian scholars in Paris, Oxford and Bologna. At the height of the Middle Ages, the thirteenth century, such ideas were as much at the centre of political theory as they were in eighteenth century Europe (Finnis 1998: 219-274). The social contract, for example, was first expounded as a theoretical generalisation



around 1080 in a radical Gregorian treatise (Szücs 1988: 303). This document portrayed rulers as tied to their people by a form of contract [*pactum*]. If the ruler violated the *pactum*, resistance by the people was justified. This was a reasonably innovative thought, not least because ancient theories of the state included no precise idea of a 'contract' (although Cicero referred occasionally to a kind of *pactio* between rulers and the ruled).

During the same period, scholastic thinkers also focussed upon the value of personal liberty and the concept of Rule of Law, and applied their conclusions to theories of the state. While accepting that the state did have legitimate goals, medieval writers generally insisted that there was a wide range of moral activity outside its purview (Gilby 1958: 214-230). St. Thomas Aquinas, for example, distinguished between authority [*prelatio*] over slaves and over subjects. This served as the basis of his distinction between illegitimate and legitimate government because subjects, as free persons in their own right, could *expect* to be governed justly (*De Regimine*, bk.I, chp.1., 6). Aquinas also posited that the positive law promulgated by the state should refrain from suppressing some vices. In Aquinas' view, it was only entitled to forbid those vices which would render human society impossible: 'thus human law prohibits murder, theft, and such like' (*Summa Theologiae*, I-II, q.96, a.2). His underlying reason for this was simple: much that is useful would be prevented if all sins were strictly prohibited [*multae utilitates impedirentur si omnia peccata districte prohiberentur*] (*Summa Theologiae*, II-II, q.78, a.1, ad.3). Aquinas also elaborated upon the idea of Rule of Law that Western Europe had inherited from the Romans, stressing that it was both a matter of institutional arrangements as well as a question of ensuring that the state is ruled by reason rather than whim or passion (Finnis 1998: 250-251). In this way, he and other medieval thinkers assisted in developing the concept of Rule of Law so that it embraced a degree of constitutionalism and helped protect rights from arbitrary interference.

Similarly, although he has been portrayed as an absolutist on account of his monarchical view of ecclesiastical colleges (Tierney 1955: 107-108), another prominent medieval scholar, Pope Innocent IV, drew a sharp distinction between the law-making capacities of ecclesiastical and secular communities [*universitates*]. While maintaining that a church could not legislate without its bishop's consent, Innocent insisted that in regard to 'other communities it may be reasonably said that they can make statutes concerning their own affairs' (*Decretals* 1.2.8, fol.2v). Elsewhere Innocent argued that those engaged in various crafts could, if they had just cause, 'set up a college by their own authority, or their will alone' (*Decretals* 5.31.14). This view of authority contained a profound theoretical innovation. It suggested that secular organisations were legitimated by

individual human agency rather than state authority. Interestingly, Pope Innocent penned these words just as craft guilds were becoming increasingly prominent throughout Europe (Black 1984: 20-24). To this extent, these developments in Church teaching may have reflected wider social and political trends.

In light of the preceding analysis, it appears that Ullman's thesis that medieval Christianity had a profoundly authoritarian impact upon Western Europe must be treated with reserve (Ullman 1961: 32-57). In many respects, Acton was correct to argue that while Antiquity reflected the principle of absolute state power and complete integration of state and religion, the Middle Ages were characterised by the principle of liberty and a more detached Church-state relationship (Himmelfarb 1953: 73). Acton notes elsewhere that the struggle between church and state contributed to towns in Italy and Germany winning their autonomy, France getting her Estates-General, and England acquiring its Parliament. Moreover, as long as it lasted, Acton contends, the struggle prevented the rise of the theory of divine right facilitated the dispersal of authority between Church, kings and lords and assisted in the emergence of constitutional principles such as no taxation without representation, the right of rebellion against tyranny, local self-rule, and ecclesiastical independence (Acton 1948: 62-63).

The impact of these developments upon Western European culture was such that they outlasted the rise of state absolutism and the consequent diminution of liberty that marked the early modern period. This is not to suggest that Christianity did not contribute to absolutism's rise. In an echo of early Christianity's use of Roman power to exterminate heresy, the four main parties to the post-Reformation situation—Catholics, Lutherans, Calvinists, and Anglicans—sought to use the state to impose a religious monopoly. Initially proclaiming liberty of conscience when secular power was arraigned against him, Luther began arguing that the civil power was responsible for the salvation of its subjects (salvation as defined by the Confession of Augsburg) after some German princes began supporting his defiance of Rome and Emperor Charles V. Likewise, Calvin's *Institutes* were not merely a new *summa* of Christian dogma, but an entire new theory of integrated civil and ecclesiastical government designed to keep the elect pure and to detect those predestined to damnation. In 1555, this emerging synthesis of Church and state was effectively institutionalised at the Peace of Augsburg, which permitted each prince to choose the religion of his state: *cuius regio, eius religio*. The result, unsurprisingly, was religion's increasing subordination to the state. In France, for example, the Bourbons' policy of reining in 'over-mighty subjects' did not exclude the Catholic Church. Indeed, the primary builders of French absolutism before

Louis XIV were Cardinals Mazarin and Richelieu. Thus, as Joseph de Maistre states, the situation arose whereby 'The king is in practice more head of the Church in France than the Pope: liberties vis-à-vis the Pope; servitude vis-à-vis the King' (Maistre 1821/1921: bk.ii, chap. xiv).

Yet neither in practice nor in principle was the power of Western absolutists unlimited. While the people did not control the sovereign (since absolutism implied that the people had transferred their rights to the ruler), even theoreticians of absolutism such as Bodin and Grotius insisted that kings could not break the natural law or do anything without just or reasonable cause [*non sub homine sed sub Deo et lege*]. Moreover, as soon as conditions were ripe, the people could appeal to these and other principles and institutions established in the Middle Ages against the sovereign. This tendency characterised the first successful early modern European political revolutions: the Dutch Revolt of 1565-81, and the English Revolution of 1688-89. In both instances, the principles invoked were those that had been firmly established in the medieval period. The Netherlands United Provinces even appealed to the medieval theory of the contractual oath to justify their resistance to the Spanish Crown as well as their eventual declaration of *de jure* independence (Kamen 1998: 254).

### *The Modern Reconciliation*

The importance of our last case, Western Christianity's relationship with liberty in the period between the end of the Napoleonic wars and 1965, lies in the fact that it witnessed Christianity moving towards a broad acceptance of the principle of religious liberty and separation of Church and state. This was epitomised by the Second Vatican Council's Declaration on Religious Liberty, *Dignitatis Humanae*, which stated that persons and communities had a right to social and civil liberty on religious matters (Vatican II 1965: para. 2). Effectively, the Church recognised that religious and civil liberty are mutually dependent, for only by abridging the authority of the state could religious liberty be secured, and only with the securing of religious liberty was civil liberty meaningful.

Yet less than 150 years previously, many churches had allied themselves with the interests of absolutist-inclined legitimist monarchies, generally opposed Church-state separation, and expressed wariness about proposals for religious tolerance. It was only in 1829, for instance, that English Catholics were emancipated from the last penal laws. Likewise, Protestants and Jews living in Rome acquired full civil recognition only after the Italian army's conquest of the city in 1870. How, then, was Western Christianity disentangled from the state and eventually moved to disavow the notion that churches may utilise state-power to force the faith upon civil society?

In certain respects, this development reflected broader social trends. The spread of humanist, Christian and enlightenment inspired ideas about tolerance throughout Western Europe, for example, created an intellectual climate that made it increasingly difficult for the Christian churches to treat each other and non-Christians in a bigoted manner. There is also evidence to suggest that the emerging European commercial classes increasingly found state-enforced religious intolerance itself to be intolerable. In the sixteenth, seventeenth, and eighteenth centuries, for example, there was a widespread immigration of many Lutheran, Calvinist, and Catholic businessmen away from their respective homelands. This produced surprising phenomena such as the fact that by 1750, Amsterdam's wealth was centred on immigrant Catholic families (Samuelsson 1993: 126). The objection of these growing and increasingly influential business classes was not so much to particular faiths or theologies. Indeed, they were invariably quite devout. Rather, they appear to have resented the disruption caused to commerce by religious dispute and intolerance (Johnson 1976: 317).

Secondly, Western Christianity appears to have learnt something from the other area of the world where it was rapidly increasing in strength and numbers: the United States. Even before the American Revolution, the North American colonists demonstrated that it was quite possible for people from a plurality of religious traditions to co-exist harmoniously, not least by stressing their essential agreement on basic moral principles. A society thus came into existence in which institutional Christianity was seen as complementing a pluralist society rather than opposing it. Travelling through the United States in 1831, Count Alexis de Tocqueville was fascinated by the contrast with his own country. 'In France', he wrote, 'I had almost always seen the spirit of religion and the spirit of freedom pursuing courses diametrically opposed to each other; but in America I found that they were intimately united, and they reigned in common over the whole country'. Americans, he added, saw religion as 'indispensable for the maintenance of republican institutions'. What mattered to Americans was not differences on points of theology, but rather the long and deep Christian consensus on ethics and morality, a consensus in which non-Christians could share.<sup>13</sup> Hence, Tocqueville claimed:

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<sup>13</sup> In more recent years, Cardinal Ratzinger made a similar point: 'It is a well-known fact that the two original democracies, the American and the British, rest upon a consensus about values that comes from the Christian faith and also could and can function only when there is a fundamental agreement about values' (Ratzinger 1996: 226).

Religion perceives in civil liberty a noble exercise for the faculties of man, and in the political world a field prepared by the Creator for the efforts of mind. Free and powerful in its own sphere, satisfied with the place reserved for it, religion never more surely establishes its empire than when it reigns in the hearts of man unsupported by anything save its native strength.

Liberty regards religion as its companion in all its battles and its triumphs, as the cradle of its infancy and the divine source of its rights. It considers religion as the safeguard of *moeurs*, and *moeurs* as the best security of laws and the surest pledge of the duration of freedom (*Oeuvres complètes* Ia 42-43).

It is also probable that Western Christianity's accommodation with modern liberty owes much to the desire of many Christians to free their churches from state-control. By the eighteenth and early nineteenth century, for example, bishops in the Church of England were increasingly seen as government servants rather than sacramental ministers, not least because bishoprics formed part of the state's patronage. Some Anglicans, such as the future ultramontane Catholic Cardinal, Henry Manning, were displeased with these arrangements. 'It is monstrous and unspeakably irreverent towards Him who is the head of the body', Manning claimed, 'that the bishops of the Church be chosen by any layman who may chance to lead the House of Commons' (Manning cited in Newsome 1966: 64). This desire for autonomy from the state was one of the reasons that *Dignitatis Humanae* was so strongly supported by Central-East European bishops at Vatican II. Certainly, this text was influenced by American theologians such as John Courtney Murray, S.J., who wanted to reconcile theologically the Church's situation in the pluralist United States with Catholic teaching on Church-state relations (Murray 1960). *Dignitatis Humanae* also reflected Catholicism's conservative accommodation to political democracy, a process traceable in the short term to Leo XIII's encyclical letter, *Libertas*, which expressed the Church's approval of systems that encouraged participation by all in political affairs (1885/1981) as well as Pius XII's statement on Christian democracy (1945). *Dignitatis Humanae* was, however, also strongly supported by Polish, Hungarian, and Czech bishops (Weigel 1992: 70-74), especially the then-Archbishop of Kraków, Karol Wojtyła (1965/1977: 292-293). By saying that the human person had a fundamental right to religious freedom, the Council implicitly condemned any political system that denied that freedom, either overtly or covertly, as a matter of state policy. Not surprisingly, this was of great comfort to Central-East European bishops then confronted with regimes

hostile to the autonomous sphere of activity that the churches represented in their countries. They effectively recognised the truth of Acton's statement that 'Liberty of the Church in the State involves authority of the Church in her own sphere' (Acton 1988: 611).

It would, however, be a mistake to view these developments as merely reflecting Western Christianity's adaptation to modernity. For one thing, by affirming religious liberty and the associated autonomy of religion, the churches provided themselves with a new philosophical base from which to protect themselves against state-power. Moreover, in taking these stances, twentieth century Christianity was effectively appealing to some of its long-established traditions. In this regard, the path had been smoothed by the writings of various nineteenth century intellectuals such as the Catholic aristocrat, Tocqueville, as well as French Protestants such as François Guizot, Madame de Staël and Benjamin Constant. All of these writers insisted that the spread of liberty, far from being a threat to Christianity, should be understood as having powerfully Christian roots. In their view, both liberalism and Christianity relied upon the assumption of moral equality and held that morality could only issue from conscience or uncoerced choice: the ultimate justification for civil liberty (Siedentop 1994: 6).

To arrive at these conclusions, many of these thinkers studied the history of Western Christianity. Staël and Constant, for example, maintained that the democracy of the ancient *polis* was radically incomplete as it did not include slaves, women, or the foreign born. Modern democracy was consequently superior to Antiquity. This, they suggested, owed much to the gradual penetration of basic Christian norms through European society, especially its insistence on the equal dignity and freedom of human beings. Hence, they concluded that the right to command and the duty to obey should no longer be written into separate, hereditary roles (Siedentop 1994: 28). In a similar vein, Tocqueville asserted that 'Christianity, which has declared all men equal in the sight of God, cannot hesitate to acknowledge all citizens equal before the law' (*Oeuvres complètes* Ia 9). The implied analogy between Christian belief and the Rule of Law was designed to reveal a potentially shared conception of justice between liberalism and Christianity, a conception founded on the assumption of moral equality.

At the same time, however, Tocqueville insisted that the maintenance of secular liberty did, in certain respects, depend upon Christianity if freedom was not to degenerate into *licentia*. If the highly political bonds forged and maintained by an authoritarian state were to be loosened, then it was critical, in Tocqueville's view, that civil society's *moral* bonds should be strengthened. Such bonds, according to Tocqueville, required shared

belief: 'One cannot establish the reign of liberty without that of *moeurs*, and *moeurs* cannot be firmly founded without belief' (*Oeuvres complètes* Ia 9). On one level, Tocqueville appears to have been attempting to overcome certain cleavages in nineteenth century France; that is, he was trying to disassociate democracy from disbelief without rekindling leftist anti-clericalism, while simultaneously seeking to detach liberalism from the philosophical materialism, ultra-rationalism and utilitarianism that, as Hayek noted, had so damaged the liberal cause.

Yet Tocqueville may also have had a longer-term problem in mind: the question of how to enable liberty to resist tyranny, especially the tyranny of the majority, without resorting to excessive use of state power, a recourse which often results in tyranny itself. Christianity, Tocqueville knew, insisted upon the existence of moral truths, the immutability of which never changed, regardless of the will of individuals – even a majority of individuals. In this respect, we may speculate that Tocqueville considered Christianity to be a potential ally of those who understood democracy to mean what it had broadly meant in Antiquity [πολιτεία] and the medieval period [political], against those who subscribed to Rousseau's dogma of the General Will – a dogma which, as Tocqueville knew from his family's experiences, had provided the Terror and many of the French Revolution's other innumerable barbarisms with ideological justification. 'Despotism', Tocqueville stated, 'may be able to do without faith, but freedom cannot' (*Oeuvres complètes* Ia 9).

### Summary

Drawing upon this brief analysis of three periods of the history of Christianity, what conclusions can be broadly drawn about the relationship between religion and liberty? Essentially, there seem to be five:

- Religion may facilitate or hinder the growth of freedom at different times, or even at the same time. It is rarely an either-or situation. While religious scholars are developing various ideas about the nature of freedom, the religious institution to which they belong may be involved in actively suppressing it.
- The growth of liberty is facilitated when there is a clear demarcation of the boundaries marking the respective authority of religion and the state. This need not mean denying that a country is overwhelmingly Muslim, Christian, Buddhist, etc., in religious composition. It does, however, mean that religions should not be able to call upon the state to resolve their internal doctrinal or organisational disputes, or to force others to accept a particular faith. Such a separation also limits the state's ability to interfere in a religious organisation's internal affairs, thereby ensuring

that religions remain autonomous spheres of activity.

- The integration of state and religion is likely to reduce considerably the potential for both religious and civil freedom. There is much truth in Acton's observation that: 'It is the union of Church and State that has caused all persecution. A Church cannot persecute except by controlling the State. All established Churches have persecuted' (Acton 1988: 611).
- Religious institutions, beliefs and the ideas they promote *are* affected by the emergence of new political, philosophical and economic forces. The experiences of living in a religiously pluralist society such as the United States and anti-religious Communist systems in Central-East Europe certainly caused Catholicism to rethink its understanding of the nature of religious liberty. At the same time, secular developments, such as the growing independence of cities in the Middle Ages, may be shaped by emerging religious ideas or movements.
- Religions are capable of drawing upon their own history and traditions to rethink their doctrines so as to adjust, where theologically possible, to secular transformations.

With these points in mind, we now turn to the relationship between religion and liberty in East Asia.

#### IV. Religion, Liberty, and East Asia

##### *A Religious Revival*

The religious revival mentioned at the beginning of this paper has made its presence felt in the East Asian region. At the level of leadership elites, there seems to be a renewed interest in Confucianism, manifested in part by the widespread affirmation of 'Asian values' by many Asian leaders. In the 1980s, for example, some Chinese government leaders began to promote interest in Confucianism, with party officials portraying it as the 'mainstream' of Chinese culture (Bary 1995: 175-180; Self 1995: 4-5). Across the Formosa Straits, the Taiwanese government declared itself to be 'the inheritor of Confucian thought' and identified the roots of Taiwan's democratisation in its cultural heritage stretching back to Confucius and Mencius (Lee 1995: 6-8).

In recent years, other Asian leaderships have attempted to add an Islamic character to their rule. The Sultan of Brunei, for example, has defined his regime as a 'Malay Muslim monarchy'. In the early 1990s, President Soeharto explicitly adopted a policy of encouraging Indonesia to 'become more Muslim' and hastened to do his *hajj*. More concretely, various Islamic legal concepts and practices were incorporated into Indonesia's secular



legal system. Reflecting its substantial non-Muslim population, Malaysia moved towards the development of two legal systems operating side-by-side, one Islamic and one secular (Horowitz 1994: 234).

These are, of course, hardly 'fundamentalist' developments. Nor do they suggest that these nations are rushing towards the type of religious-civil integration that was so damaging to liberty in the West. It is also difficult to gauge if the references to Confucianism by elites in countries such as Singapore, Taiwan and China reflect wider social trends, or if they have arisen from quite unrelated motives on the part of leadership groups. The developments in East Asian Islamic-influenced societies, however, seem to indicate that these countries have not avoided the effects of what some call the 'Islamic Resurgence'. According to Hillial-Dessouki, this resurgence is expressed in terms of efforts to reinstate Islamic law in place of Western law, the increased use of religious language and symbolism, expansion of Islamic codes of social behaviour, increased participation in religious observances, and domination of opposition to secular governments by Islamic groups (Hillial-Dessouki 1982: 9-13). In the case of the last criterion, one need only note the role played by Islamic organisations in opposing the Soeharto government before 1998. It also seems that, in certain respects, both Malaysia and Indonesia are, like all predominantly Islamic countries (with the possible exception of Iran), more culturally, socially and politically Islamic than they were 15 years earlier (Huntington 1996: 109-120; Tamara 1986). In Indonesia, for example, there is some evidence to suggest that many Muslims who are *abangan* (that is, somewhat relaxed about their religion) are becoming more like the *santri* (the devout of Indonesia's Islamic community). Effectively, some commentators suggest that a process of 'santrification' is occurring as more and more of the *abangan* take their faith more seriously (Hartcher 1999: 60).<sup>14</sup>

### *The Implications for Liberty*

If, then, one accepts that, in certain senses, a religious revival has occurred throughout much of East Asia, what are the consequences for the development of greater political, economic and civil freedoms? The only countries with a reasonably lengthy experience of democracy in East Asia are Japan and the Philippines. In both cases, democracy was essentially

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<sup>14</sup> Participants in the East Asian religious revival seem to come overwhelmingly from two quite different constituencies. One are recent migrants to cities needing emotional, social and material support (Debray 1994: 11) The other is the new middle-class: modern-minded, well-educated and who pursue careers in the professions, government and commerce (Esposito 1992: 10).

imposed by the United States. Broadly speaking, Confucian-influenced East Asian countries are often portrayed as somewhat inhospitable to liberal democracy. The case of Singapore is often cited in this connection. In the 1980s, Singapore's leadership became articulate exponents of Confucian values, and made the teaching and promulgation of Confucian values a high priority. This involved the introduction of courses in Confucian ethics into Singapore's secondary schools, normally within the framework of Christian, Islamic, Buddhist, and Hindu religious instruction (Wang 1999: 35). This, it is argued, was accompanied by measures that would be unacceptable in a liberal democracy, including the detention and harassment of Christian religious workers on the grounds that they were upsetting Singapore's 'delicate religious balance' (Huntington 1996: 99). Authoritarian measures, in other words, were supposedly supplemented by the state's promotion of a philosophy with strong authoritarian overtones.

There remains, however, almost no scholarly agreement on the proposition that Confucianism is fundamentally undemocratic or antidemocratic. Chinese Confucianism and its derivatives in Korea, Vietnam, Singapore, Taiwan, and, in a diluted fashion, Japan, are commonly viewed as emphasising the group over the individual, authority over liberty, maintenance of order, and respect for hierarchy. Confucianism is also regarded as having effectively encouraged a merging of society and state, thereby providing no legitimacy for autonomous social institutions. According to Zheng Wei-Bin, there was no conception of the separation of the spiritual from the secular in traditional China. Political power was based upon the Mandate of Heaven, which also defined politics in terms of morality. Because power and morality were considered identical, there were no legitimate grounds for limiting power (Zheng 1999: 185). Here, it seems, is a clear instance of an East Asian merging of religious and secular authority.

Confucian thought, however, is somewhat more complex than indicated by this picture. Confucius, for example, had a deep distrust of laws, and believed that moral habits were a far better restraint on undesirable forms of behaviour. In the *Analects*, he is recorded as stating:

Lead them by political manoeuvres, restrain them with punishments: the people will become cunning and shameless.  
Lead them by virtue, restrain them with ritual: they will develop a sense of shame and a sense of participation (*Analects* 2.3).

As a contemporary translator of the *Analects* notes, Confucius believed that the true cohesion of society is secured not by legal rules created by government but through ritual observances. Simon Leys adds: 'While the

central importance of rites in the Confucian order may at first seem disconcerting to some [Westerners]. . . the oddity is merely semantic; one needs only to substitute for the word "rites" concepts such as "*moeurs*", "civilized usages", "moral conventions", or even "common decency" (Leys 1997: xxv; cf. Kasper 1994: 26).

This particular Confucian emphasis may have influenced some East Asian cultures. Historically speaking, these societies often had a minimalist framework of basic rules, which were imposed on fairly autonomous, self-governing villages, where individuals were no less free than in Europe. With reference to the Middle Kingdom, Fairbanks and Reischauer note that "The government. . . was a relatively small, highly centralised body that floated on a sea of semi-isolated peasant communities" (Fairbanks and Reischauer 1989: 61). Eric Jones makes a similar, albeit more cautiously phrased, observation when he states that 'Asian history does reveal traces of local democracy and at least one major movement, the self-governing movement in early twentieth century China. Circumstances regularly suppressed these "sprouts of democracy" and they never managed to capture the high politics, yet they did occur' (Jones 1994: 9).

Looking at the present, it does appear that the profoundly Confucian-shaped cultures of some East Asian nations have not prevented them from moving towards a situation of greater liberty. This seems to have been at least partly a result of a weakening of Confucian cultural influence. In Taiwan, for example, Lucian Pye notes that the Nationalists' defeat made it impossible for them to maintain the posture of arrogance usually associated with traditional Confucian notions of authority, when they retreated across the Formosa Straits in 1949. At the same time, the emergence of an entrepreneurial class composed mainly of Chinese-Taiwanese created a very un-Confucian source of power and wealth independent of the state apparatus (Pye 1988).

The democratisation of South Korea also appears to have reflected and/or accompanied a decline in Confucianism's hold on the cultural consciousness. In Korea, the classic culture contained elements of mobility, but also strong Confucian components including a tradition of authoritarianism and one-man rule. This influenced Korea's Buddhist traditions to the extent that, rather unlike some other Buddhist countries, Korean Buddhism tended not to recognise negotiation and compromise as social norms worthy of endorsement (Scott-Stokes 1972: 68).

How, then, did South Korea come to embrace democracy in 1987? Compromise is, after all, a way of life in liberal democracies. Certainly economic development, high urbanisation, increased education, and the substantial expansion of a middle-class played the most important roles.

But religious change may also have influenced developments. At the end of World War II, South Korea was primarily a Buddhist country with a strong Confucian overlay. Yet by the mid-1980s, over 30 per cent of the population were Christian, with converts predominantly being young, urban, and middle class. 'For the millions who poured into the cities and for many who stayed in the altered countryside, the quiescent Buddhism of Korea's agrarian age lost its appeal. Christianity with its message of personal salvation and individual destiny offered a surer comfort in a time of confusion and change' (Huntington 1991: 38). A by-product may have been a weakening of some of the traditions noted above.

But this shift towards Christianity also had more direct political implications, not least because Christianity offered a surer doctrinal and institutional basis for opposing political repression than Korea's Confucian-influenced Buddhism. 'Christianity', one Korean stated, 'made a difference because it promotes. . . . respect for some authority independent of the state' (Huntington 1991: 38). Gradually, Confucian authoritarianism and Buddhist passivity were overlaid by an emerging Christian militancy, so much so that by the early 1970s, the Christian churches in Korea were emerging as one of the principal forums for opposition to the regime (Scott-Stokes 1972).

It seems, then, that Confucianism is not necessarily the obstacle that some imagine it might be to the advance of liberty. 'Confucian democracy' may be a contradiction in terms, but democracy in Confucian influenced societies need not. Can, however, the same be said for pre-dominantly Islamic East Asian nations?

Islam's vision of the interplay of society, politics and religion is, of course, somewhat different to that of Christianity or Confucianism. Taken together, the *Qur'an* and the *Shari'a* outline quite specific laws covering virtually all dimensions of society. In his reflections on early Islam, Hourani stresses that the *Shari'a* covered people's relations with each other as well as God. To refuse to pay the taxes laid down in the *Shari'a* was therefore, he claims, no less an apostasy than to deny the existence of God. Moreover, because the *Shari'a* was a system of laws as well as of morality, its upholding required political power. Thus, Hourani argues, the Islamic *umma* could not be complete unless it was also a state (Hourani 1983: 3-4). There was consequently no equipoise between God and Caesar. Some might suggest that this was mitigated by the absence of a priesthood in Islam. But although in principle Islam rejects priestly mediation between God and believer, in practice the religious establishment—the *Ulama*—has always exercised substantial influence over how Muslims, including Muslim rulers, interpret the *Qur'an* and the *Shari'a* (Berkes 1964; Lewis 1968).

On the basis of such statements, one would conclude that the prospects for liberty in Islamic-influenced cultures are not encouraging. In practice, no Islamic country has sustained a fully democratic system for any length of time. Paradoxically, the liberalisation of politics in several Islamic countries, such as Algeria and Jordan, has actually enhanced the power of Islamic movements whose commitment to democracy is questionable. Then there is the sad fact that, as Fouad Ajami states: 'In one Muslim country after another, to write of liberalism and a national bourgeois tradition is to write obituaries of men who took on impossible odds and then failed' (Ajami 1986: 27).

Nevertheless, these details should not be viewed as constituting the whole story about Islam and liberty. The literal meaning of Islam is 'submission' and the *Qur'an* contains verses that one may reasonably interpret as counselling fatalism: 'Believing men and women have no choice in a matter after God and His Apostle have decided it' (33: 36). But no major religion, including Christianity, is free of fatalistic elements. Moreover, Islam contains particular motifs that are at least compatible with a system of liberty. One is Islam's implied support for an equality of duties and rights. Given that the Islamic revelation claimed to be eternally true and to supersede all previous revelations, 'the Islamic *umma*. . . was potentially universal and superseded all others. Since it was universal it was also united, and its members were equal. All Muslims. . . were equally members of the *umma*, possessing the same rights and responsibilities' (Hourani 1983: 3). Similarly, Ernest Gellner posits that egalitarianism and voluntarism are central themes to Islam. 'The high culture form of Islam', he claims, 'is endowed with a number of features—unitarianism, a rule-ethic, individualism, scripturalism, puritanism, an egalitarian aversion to mediation and hierarchy. . . that are congruent, presumably, with the requirements of modernity' (Gellner 1989: 34-35)—and, one might add, of liberal democracy.

Taking a different view, Fukuyama argues that Islamic principles are hard to reconcile with the idea of freedom of conscience (Fukuyama 1992: 217). Yet historically speaking, a certain degree of pluralism, including that of a religious character, has always existed in the Muslim world. From the very beginning, Islamic countries generally treated 'peaceful non-Muslim groups as protected minorities. Their internal affairs were governed by their own laws to a degree unmatched even in modern secular states' (Ahmad 1993: 8). One should not be surprised at this. In numerous verses in the *Qur'an*, the Prophet is repeatedly told that his sole duty is to preach the clear message, and that he should neither force people to accept it nor grieve over their rejection of it (16: 125-128). The *Qur'an* even declares

quite explicitly: 'There is no compulsion on religion' (2: 256). The Muslim view of religious liberty is best summarised by perhaps the greatest Muslim scholar of all, Ibn Khaldun: 'Those who, of their own free will and without any compulsion, act according to the *Qur'an* and the *Sunnab* [the practice of the Prophet] wear the turban of freedom' (Ibn Khaldun 1379/1968: vol.2, 16). The similarities between this position and the view of freedom outlined by Vatican II in *Dignitatis Humanae* (1965: para. 2-4) are remarkable.

Indeed, when one examines some of the finer points of Islamic theology, it becomes apparent that Islamic teaching about issues such as state authority and commercial activity is more complex than often supposed. Certainly, the *Shari'a* is regarded as supreme in society and this militates against a separation of religious and civil authority. Yet precisely because it is supreme, the *Shari'a's* existence technically removes a whole sphere of political activity—that of legislation—from the Muslim ruler's competence. Nor does Islam necessarily promote blind obedience to the ruler. While some Muslim thinkers such as al-Ghazali (1058-1111) stressed that Muslims owed a duty of obedience to unjust rulers, he added that Muslims must not, through obedience, condone rulers' injustices, and should even use words to rebuke such rulers if they can do so safely (Hourani 1983: 60). Many early Muslim rulers went so far as to underline the limited nature of their authority. To cite the first Caliph, Abu Bakr: 'Now it is beyond doubt that I have been elected your Amir, although I am no better than you. Help me, if I am right; set me right if I am in the wrong; truth is a trust; falsehood a treason. . . . Obey me as long as I obey God and His Prophet; when I disobey God and His Prophet, then obey me not' (Cited in Ahmad 1993: 8-9). Though these words may not quite add up to an advocacy of what is generally understood to be the Rule of Law, they nevertheless indicate that rulers are not permitted to exercise their powers in an arbitrary fashion.

Other ideas generally congruent with the workings of a free society may be found in Ibn Khaldun's *magnum opus: Muqaddimah*. Here Ibn Khaldun asserted that the laws of Allah demonstrated that the state had limited functions: the defence of the community against injustice and aggression; the protection of private property; and the prevention of fraud in market exchanges. Ibn Khaldun also denounced high taxation and government competition with the private economy ('Commercial activity on the part of the ruler is harmful to his subjects and ruinous to the tax revenue') because it lowered productivity, took away the incentive to work hard, and ultimately discredited the state (Ibn Khaldun 1379/1968: vol.2,

3; cf. Mahdi 1971). In developing these ideas, Ibn Khaldun was building upon teachings in the *Qur'an* which explicitly protect private property (2: 188), regardless of a person's religious faith or gender (3:75). The *Qur'an* also contains rudimentary contract law (2: 282-283), the principles of which were developed by Islamic scholars into a system of commercial law that dominated markets throughout the Middle East and much of Central Asia for nearly 700 years (Ahmad 1993: 9; 1996: 7-8).

In light of this history and basic Islamic teaching, it seems somewhat unfair to view Islam as completely incompatible with a system that promotes political and economic liberty. Though it may be difficult to imagine groups such as the Taliban in Afghanistan accepting such a system, the same cannot necessarily be said of East Asian Islamic political movements, such as Indonesia's Amien Rais, his National Mandate Party, and his Muslim Muhammadiyah organisation, which has approximately 28 million members.

Rais has been guilty in the past of engaging in populist diatribes, such as calling for transfer of wealth from 'wealthy Chinese Indonesian tycoons' to the mass of poorer Muslims. Nonetheless, in the best traditions of Muslim toleration, he was among the first to call for tolerance of 'our Chinese brothers and sisters' when mobs attacked Chinese Indonesians in 1998 (Hartcher 1999: 62). Even before the fall of the Soeharto regime, Rais spoke out against its corruption and nepotism, while his Muhammadiyah organisation as well as other mass-based Islamic groups such as Nahdlatul Ulama sought, with varying degrees of success, to build up institutions such as schools and hospitals independent of state-control. In several conversations with Christian scholars, Rais has stated that 'Freedom of religion is a human right' (Hartcher 1999: 59). As observed, this would seem to be a quite orthodox Muslim position, though few Islamic scholars have embraced the language of 'rights'. Nor does Rais exhibit a hostile attitude towards large businesses or corporations. 'We can', Rais comments, 'empower and encourage small entrepreneurs and village-level businesses without having to tear down big business—it's not a zero-sum game; we can and should have both' (Cited in Hartcher 1999: 62).

It appears, then, that the leader of one of the largest East Asian Islamic movements has, at a minimum, no major objections to the growth of economic, political and religious liberty throughout Indonesia. He certainly seems to have no intention or desire to turn Indonesia into an Islamic republic. Nor does he see any contradiction between his apparent desire to further Indonesians' economic and political freedom, and his convictions as a Muslim.

## V. Conclusion

Great historical-cultural traditions such as Islam, Christianity and Confucianism are highly complex bodies of ideas, beliefs, doctrines, assumptions, writings, and behaviour patterns. Hence, while many claim, with some accuracy, that 'In Islam, God is Caesar, [and] in Confucianism, Caesar is God' (Huntington 1996: 70), we should not be surprised that this paper's brief analysis of two of East Asia's major faiths demonstrates that they contain many elements compatible with a situation of liberty. They even embody a variety of theological-philosophical and historical traditions that Muslim and Confucian scholars may be able to call upon, as did nineteenth century Christian thinkers, if they wish to accommodate their respective beliefs with a growth of liberty in East Asia.

One might, for example, hope that the Confucian theme of a virtuous citizenry and a limited state may prevail over authoritarian interpretations of Confucian thought, just as Western Christianity overcame its Constantinian heritage. It has, however, taken almost 2000 years for Western Christianity to disentangle itself from this legacy. Hence, to expect faiths like Islam and Confucianism to make analogous adjustments in a matter of years is probably somewhat naïve. It is entirely possible that some Asian figures, thinkers and activists may appeal to other interpretations of their faith's traditions in order to promote or bolster more authoritarian arrangements. In the case of mainland China, for example, one is bound to consider whether or not there is any correlation between the regime's emphasis upon the nation's Confucian heritage and the state's systematic repression of certain religious minorities.

The social sciences, however, have a rather poor record of predicting the ups and downs of entire systems or even explaining their grand movements. Arguments that religions pose an unsurpassable obstacle to the advance of freedom have not held up in the past. While maintaining powerful elements of continuity at the level of principle, religions are not inherently passive or static. Many, such as Western Christianity, have demonstrated their capacity to re-interpret their religious traditions so as to adapt, where doctrinally possible, to new secular developments and ideas.

But if political and economic freedom are to advance further in Asian nations, perhaps the most important thing suggested by Western Christianity's experience is that one must trust that East Asian religious discourse about political and economic matters does not become static. In the Middle Ages, for example, the expansion of trade throughout Western Europe caused the Church to re-examine the question of usury. Scholastic



thinkers were consequently able to demonstrate that there was a distinction between usury and charging interest on money as a form of capital. From the twelfth century onwards, scholastic literature, canon law and papal teaching accepted and codified this analysis. This contributed to the growing sophistication of Western economic discourse, with secular and religious thinkers invoking concepts such as risk and opportunity with increasing frequency (Charles 1982: 286-289; Finnis 1998: 200-215, 217-218). Within the Islamic world, however, interest generally continued to be equated with usury, not least because of the fourteenth century prohibition on Muslim scholars engaging in *ijtihad*. While this did not stop individual Muslims from taking and giving what most would call interest, many agree that it stunted the development of economic thought in the Islamic world (Kaufmann 1997: 80-96; Kuran 1997: 66-68). While it is unreasonable to expect Asian religions simply to accept unquestionably the system of liberty as it exists in the West, we must, in the end, hope that religious discourse in East Asia is sufficiently open to a constructive dialogue with the ideas underlying the free society.

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# Religion and Liberty

Samuel Gregg

The once fashionable notion that 'God is dead' is certainly belied by the facts of increasing religious belief and practice throughout most of the world. Anyone, then, who values the free society, be they European or Asian, religious or otherwise, has to think seriously about what this may mean for the proliferation of liberty throughout the globe.

In this CIS Occasional Paper, Samuel Gregg examines religion and its effects upon liberty in the West, before speculating on what such experiences suggest about religion's potential impact upon the growth of freedom throughout Asia. Christianity, he maintains, played a vital role in developing some of the central ideas and institutions that underpin liberty in the West. At the same time, Gregg argues that the links between church and state that persisted in the West until this century had largely negative consequences for civil and religious liberty. Against this background, Gregg examines Islam, Confucianism, and liberty in East Asia, and concludes that there is a need to facilitate a constructive dialogue between East Asian religious thought and the ideas underlying the free society. Not only does this require openness from religious intellectuals and leaders in East Asia, but also much cultural sensitivity on the part of Westerners.



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ISBN 1-86432-042-7



9 781864 320428

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Occasional Paper 68  
ISBN 1 86432 042 7  
ISSN 0155 7386  
A\$7.95 NZ\$11.95

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