



2004 ACTON LECTURE ON RELIGION AND FREEDOM

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RENDERING UNTO CAESAR

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INTRODUCTION

From the very beginning, human beings have pondered questions that go beyond their immediate needs of survival and material comfort. Enquiries such as ‘who am I’, ‘where do I come from’, ‘to where am I going’ reoccur over and over again in the great writings of the ages. No other creature in this world can ask such questions. And they are essentially questions about the truth: the truth of man’s existence and destiny, the rules of life, and the oughts and ought-nots of human action.

The answers given to these queries have also, from the beginning, diverged. There is a world of difference between the responses given to such ponderings by the art of Michelangelo, and the paintings of Picasso; by the philosophy of Socrates, and the thought of Marx.

All the world’s great religions claim to answer these first-order, distinctly human questions in comprehensive ways. So too does atheism. In this sense, atheism may be understood as a religious disposition insofar as it is one response to these very human queries.

On this basis, we can say that religious liberty is the ‘first liberty’. The freedom to provide an answer to the question of, first, whether there is a Creator, and, second, whether that has any implications for one’s life, is fundamental to everything we think and do. It determines, for instance, whether you believe human beings to be a chance of nature, or the very image of God; whether life’s ultimate purpose is nothing, or whether it is about communion with a Creator; whether morality is largely a matter of social convenience, or whether morality has its own concrete content; whether every human life enjoys an innate dignity, or whether there is ‘life unworthy of life’.

Religious liberty is then at the root of a free society, and this inevitably raises the question of the state’s role vis-à-vis religious belief. Throughout much of the West today, we view religious liberty as given—an uncontroversial fact guaranteed by custom and law. Religious liberty seeks to guarantee that all are free to consider whether or not there is an ultimate transcendent being whose existence provides a compelling explanation of life. The freedom to go to synagogue, church, temple, mosque, or nowhere on a given day allows all people to order their lives on the basis of their answers to such questions. The believer will regard the protection of religious liberty as upholding his freedom to fulfil his duties towards the Deity. Nevertheless, the same legal protection of religious liberty means that non-believers cannot be forced to worship anyone or anything. Thus, legal recognition of religious liberty confers upon believer and non-believer alike certain protections from coercion, regardless of their actual beliefs.

Anyone familiar with history knows that this has not always been the case. Believers have persecuted other believers. There are reasons for non-belief, not least the sins committed by believers. It has been estimated in the two millennia of Christianity's existence, about 40 million people have been killed because of their Christian faith, and of these, almost 27 million—two-thirds—were killed in the 20th century, the overwhelming majority by regimes committed to atheistic or pagan ideologies.¹ Whatever the exact statistics, they surely illustrate that serious guarantees of religious liberty are indispensable in any society that takes human dignity and freedom seriously.

In the West today, believers and non-believers do not face the prospect of losing their lives because of their religious views. This evening, however, I would like to propose that unsettling trends in the state's treatment of religious liberty are emerging throughout the West. The same trends, I will suggest, pose difficult choices for faith communities, especially concerning how they fulfil their fundamental missions in this world.

NON-CONFESSIONALISM OR DOCTRINAIRE SECULARISM?

In one of his published lectures, Lord Acton reminds us that 'in religion, morality, and politics, there was only one legislator and one authority' in the ancient world.² There was no such thing as separation of the temporal and spiritual. The pagan state claimed the total allegiance of its citizens and slaves. This culminated in the Roman state's ascription of divine status to the Emperors.

We know that this linking of divinity to government was often more honoured in the letter than the spirit. Recognising the strength of Jewish feeling about the emperor-worship question, the Romans exempted Jews from such acts. Nonetheless, there were many occasions when the pagan synthesis of religion and state left people in the ancient world with no room for manoeuvre. There was no appeal to a divine law that transcended the state. An interesting exception was ancient Israel. Although religion and politics were linked, Israel's king was seen as subject to Yahweh's Law. If the king broke Yahweh's Law, prophets such as Jeremiah and Elijah would question the monarch's action.³

Christianity's emergence universalised this tenet of Jewish belief. By distinguishing between God's legitimate claims and those of the state, Christianity de-sacralised the state. Early Christianity was respectful of Roman authority, but it also maintained that Caesar was not a god. Instead, Jews and Christians viewed the state as an order that found its limits in a faith that worshiped not the state, but a God who stood over the state and judged it.⁴ Certainly, different Christian communities throughout the centuries linked themselves with varying degrees of closeness to the state. But the vital distinction between the claims of God and Caesar, with its implicit limiting of state power, persisted.

One way many nations have sought to establish proper distinctions between the religious and secular realms has been through the emergence of what I will call 'non-confessional' states. In non-confessional states, such as Australia, the government refrains from giving precedence to any one religion—be it atheism, Islam, Judaism, Christianity—and genuinely seeks to treat members of each group fairly. This arrangement seeks to guarantee the freedom of all religious communities within a free society, a liberty subject only to the legitimate demands of public order.

In more recent times, however, another way of thinking about religious liberty has spread throughout the West. This might be called the 'doctrinaire secularist state'. Unlike the non-confessional state, the secularist state holds that even mentioning God in the public square is questionable. It further maintains that any religious-motivated action is unacceptable in the public square. Taken to its logical conclusion, doctrinaire secularism amounts to the promotion of a type of atheism as the unofficial state religion. By this, I mean that the secularist state insists that anyone contributing to political discussion or acting in the capacity of a state official *ought* to act as if there is no God, or if there is, this *ought* to have no bearing whatsoever upon their choices and actions. These are not religiously neutral positions. Both are, in fact, variants of atheism.

In this regard, it is interesting that many religions have made clear and defensible distinctions between the religious and secular realms. Christianity, for example, has always insisted that there are legitimate uses of the term 'secular'. The word itself was coined by Christians to describe those things that are not ecclesiastical or sacred. Nor do some religions reject the idea of 'secularisation' insofar as this term refers to the extension of human control over many fields of life. Jewish, Christian, and Islamic faith actually encourages secularisation of this kind, precisely because they insist upon the intelligibility of God's creation to human reason.⁵ As Great Britain's Chief Rabbi Jonathon Sacks once wrote, 'one of the revolutions of biblical thought was to demythologise . . . nature. For the first time, people could see the condition of the world not as something given, sacrosanct and wrapped in mystery, but as something that could be rationally understood and improved upon.'⁶ A more happy development of recent times is many scientists' willingness to acknowledge the dependence of the scientific enterprise upon the biblical insistence that the world *is* intelligible. It is perhaps not coincidental that the spread of self-contradictory philosophical claims such as 'truth is unknowable' parallel the weakening of the monotheistic insistence that truth—metaphysical, philosophical, or scientific—*is* knowable.

All these sound uses of the word secular are, however, very distinct from the doctrinaire secularism presently asserting itself throughout the West. One of its common manifestation is the argument that, in pluralist societies, we ought to discuss things on the basis of reason rather than faith. Doctrinaire secularism, it is claimed, is better grounded in human reason than religious belief. Hence, the argument goes, we ought not to invoke religious arguments in the public square.

Such a position fails to acknowledge that belief in a Creator and an objective moral law need not be exclusively grounded in faith. Both can be based on logical deductions founded on proofs offered by our reason. It is, I think, more reasonable to hold that the cosmos in all its complexity is the work of a Creative Intelligence, than to believe that the universe is one enormous accident and maintains itself without cause. Then there is the fact that, as numerous believing and unbelieving scholars have acknowledged, doctrinaire secularism itself rests upon philosophical assumptions that, if anything, are more difficult to sustain on the basis of reason than those underlying, for instance, the three monotheistic faiths.⁷

IN THE PUBLIC SQUARE

If, then, one of the functions of religious liberty in non-confessional states is to allow believers and non-believers alike to participate in the public square on the basis of their beliefs, then two questions emerge. The first is about *what* believers ought to speak and *how* they ought to speak in the public square. The second is how close faith communities want to be to the state.

Many religions take the view that the political sphere enjoys a rightful autonomy from religion insofar as they believe that it is not the role of the rabbi, priest, minister, or imam to hold public office. Many religions, such as Judaism and Christianity, do not assume that the synagogue or church ought to rule the state.

This is not the same, however, as saying that the political sphere is somehow exempt from the demands of morality—morality that can be comprehended by all as true, regardless of one's religious beliefs. To the extent that a religion involves the articulation of moral principles, religious leaders should not be afraid to remind those labouring in the civil sphere that they are not exempt from the demands of universally accessible principles of morality. To take one example: the language of natural law—a language articulated by pagans such as Aristotle and Cicero, Jews such as Moses Maimonides, Muslims such as Ibn Rushd, Protestants such as Peter Martyr Vermigli, and Catholics such as Thomas Aquinas—appeals to human reason itself. The appeal of a minister, rabbi, priest, or imam to the natural law does not therefore amount to the imposition of religion upon pluralist societies. It is rather an appeal to truth.

But even here, there are complications. It goes without saying that most questions in political and economic life are a matter of prudential judgment. Certainly, there are some questions that, to my mind, demand very specific responses by members of particular faith communities if they truly believe what their faith—and reason—teaches them. It is, however, the case that on many economic issues, for example, choice is between not only good and evil options but also a range of morally good options.

As an example, let us recall that Jews, Muslims, and Christians who take their faith seriously do not regard addressing poverty as an optional-extra of their belief. Concern for the poor is non-negotiable. But the question of *how* one best provides, for example, health-care to the poor depends upon empirical and prudential judgements reasonably in dispute among people equally well-informed by the principles of their faith. Having surveyed the evidence and informed themselves of the relevant religious principles, one group of Christians may conclude that universal health care is best realised by a predominantly state-funded system. Other Christians, having examined the evidence and informed themselves of the same principles, may conclude that a predominately private health system is the most prudential approach. In any event, one would expect Christians to acknowledge that there are many different, even incompatible policies that Christians can advocate in order to realise universal health care, while remaining in good standing with their faith community.

In attempting to address problems such as poverty, faith-communities have traditionally cooperated with different associations of civil society and, in some instances, different state bodies. In his magisterial book, *Democracy in America*, the 19th century French philosopher Alexis de Tocqueville observed how the voluntarism that permeated the America of the 1830s was sustained by American citizens' religious habits. Most of the religious communities of Tocqueville's America, and even Australia, could count on the goodwill of other civil associations as well as the politicians who supervised America's non-confessional state. A notable exception was the issue of state aid to religious schools, a question that Australia and America resolved in very different ways.

The situation today, however, is rather different. With doctrinaire secularism gaining ground in political-legal thought and being taught as gospel in most universities, faith communities may need to rethink their relationship with state institutions. In America and Canada, several courts have not only ordered particular religiously-based organizations to do things that, according to their faith, are morally wrong, but the very same courts have taken upon themselves to define what a religious organization is, and what may and may not be considered a religiously-orientated activity.⁸ It is surely not coincidental that religious activity has been defined as strictly confined to what occurs inside the temple, synagogue, mosque, and church.

According to this definition, Blessed Mother Teresa's nuns are merely performing a useful social service and apparently do so for reasons no different from those of professional social workers. The evident fact that such works—with some of the world's most helpless, destitute, unfashionable people—are undertaken by Jewish, Muslim, and Christian organizations precisely because it is a *calling* of their faith rather than a career choice is simply ignored.

The civil power does, of course, have a responsibility to provide a context of public order so that people doing things that genuinely damage the common good cannot hide behind religious liberty. A concern for religious liberty should not stop the civil power from preventing non-believers and believers from engaging in terrorist acts.

It remains, however, the spread of doctrinaire secularism should cause anyone who takes religious liberty seriously to question how close religious organizations want to be to the state. This is especially true for those religiously-based organizations that receive significant state-funding. It is not coincidental that this link has been used in several Canadian and American jurisdictions to try and force religious organizations to do things that they regard as immoral. How long will be it before particular bureaucrats, politicians, and judges insist that state-financial contributions to religious charities, schools, or universities entitles state officials to decide

what is taught, for example, about sexual morality? How long is it before they insist that religious schools ought not to teach certain things because they might be considered offensive to particular groups? How long will it be before the prospect of losing state funding tempts cause some religious schools to become self-censoring when it comes to informing their students what the school's religion holds to be true.

I want to stress that I am posing these as questions—not accusations. They do, however, point to issues that cannot be ignored *if*—and I stress, *if*—religious communities are serious about remaining faithful to what has been passed down to them, and genuinely determined to maintain their autonomy from the state.

THE PRIORITY OF CULTURE

The challenge that doctrinaire secularism poses to faith communities today goes, however, beyond religious liberty issues. I think that it raises profound questions about some countries' ability to maintain themselves as free societies.

I mentioned before how Tocqueville underlined religion's indispensable contribution to 19th century America's ability to remain free and yet orderly. It may be the case that, in some parts of the West, we are beginning to see what happens when the influence of religion wanes. The result, some argue, has been changes to the culture of entire societies that may well undermine not just their capacity to be free, but even to perpetuate their existence. George Weigel, for instance, has suggested that some Western European societies' apparent impeding demographic collapse, and their inability to make hard domestic decisions, ranging from labour market change to welfare reform, reflects profound changes in the way that some Europeans understand themselves. In Weigel's view, it is a crisis that reflects less the fact that many Western Europeans have ceased to belong to a religious community, but rather some Europeans' embrace of a doctrinaire secularism that verges on secularist fundamentalism. This, Weigel maintains, manifests itself in rather ludicrous ways, such as the severe case of historical amnesia suffered in 2003 by those drafters of the European constitution. Many of you will recall that the first draft attributed all that is goodness and light in European culture to the Romans and Greeks and what some call the Enlightenment, while formally excluding any reference to Judeo-Christianity as an influence on that same culture. But at a deeper level, if doctrinaire secularism is, as Weigel implies, not just about falsifying the past, but also a fixation on one's present satisfaction and a disinterest in the long-term future, then we should not be surprised that much of Western Europe simply 'declines to create the human future in the most elemental sense, by creating a next generation'.⁹

Why, to put Weigel's point differently, should those who simply do not concern themselves with the future because they will have departed this life in 20 or 30 years time, care about unsustainable levels of welfare dependency, a paralysed labour market, or an increasing bureaucratisation of life? The idea that there is something *wrong* with foisting the payment for our present comfort onto future generations is logically incomprehensible to such a mindset. For if we believe that all that matters is our own present satisfaction and that no one owes anything to others, then it does not seem unjust to mortgage the future of others, even our own children. The same chilling logic may be detected as lying just beneath the surface of Lord Keynes' celebrated quip that 'in the long run, we are all dead'.¹⁰

If Weigel is right, then the policy implications of this cultural crisis may not be resolvable without some religious communities rethinking the approach towards the modern world that they have embraced for the past forty years. The prevailing assumption of engagement has, of course, been that contemporary philosophies are interested in a serious dialogue with religious communities. Some would suggest, however, that it has become somewhat of a monologue in the sense that most secular philosophers are not interested in genuine dialogue in which, for example, Christianity's historical creeds treated as genuine partners in the discussion. Instead, they are often treated as candidates for deconstruction, dismissal, and derision.¹¹ Some believe that this has resulted in some religious leaders, in an effort to appear 'relevant', downplaying, ignoring, and even denying some central dogmas of their faiths. This may explain those odd cases of, for instance, Christian clerics who deny

Christ's physical resurrection, who profess to be unsure as to when life begins, but who insist that they know, without any doubt, that the minimum wage ought to be, precisely, \$22.32.

Does this mean that religious communities ought to retreat into ghettos and ignore the rest of society? My own thought is no. This would be of no service to society and, in some cases, would represent betrayal of many religious communities' evangelical impulse. It does, however, indicate that the nature of religious communities' engagement with modern culture requires change. On one level, this may require religious communities to restrain themselves from speaking as religious communities on that majority of political questions that are truly matters for prudential judgment. This does not mean that individual believers ought to cease speaking about such matters. It is merely to say that it may be time for religious leaders to refrain from expending their moral capital on lobbying on issues that are largely for prudential judgement. I have often wondered to what extent such lobbying on prudential subjects has encouraged some politicians to view religious leaders as just another lobby group to be appeased, manipulated, or ignored, and the degree to which the same lobbying has trivialised the religious communities' prophetic voice on fundamental issues of moral culture, of good and evil, of life and death.

For these reasons, religious communities may want to turn to rediscovering the answers that their own traditions give to the fundamental questions that haunt man's imagination, and to do so in ways that indicates that they humbly, but unapologetically, think that their claims are entitled to as much respectful consideration in public discussion as those of doctrinaire secularists.

Such an engagement is, of course, primarily focused on the domain of culture rather than the political or economic. It may benefit, however, believer and non-believer alike. First, it would represent a genuine return of a significant body of thought to a meaningful reflection upon truth: the truth about man, his liberty, his responsibilities and his destiny. Second, such an engagement has the potential to address some of the cultural issues that, I think, underlie some of the political and economic problems currently corroding many Western nations. To give an example: if religious thinkers emphasized the manner in which their traditions reveal man to be, by nature, a creator rather than simply a consumer, then there would more likelihood that the idea of unnecessary dependency upon others could re-acquire negative moral overtones, while concepts of voluntarism would re-acquire more positive overtones. Another example: if more Jewish and Christian scholars devoted time to investigating the origins of notions like rights and how they can only be derived from a particular view of man—an understanding which is, to my mind, unquestionably Judeo-Christian—then it might restore some coherence to the rather incoherent discussion of rights that dominates public discourse today.

Some may suggest that this is a rather optimistic vision. Others may believe that too many religious communities are at the point whereby they are incapable of doing more than providing pseudo-religious dressing to political machinations of the left and right. Yet others might insist that the City of Man is so closed to any serious dialogue with the world of faith that it will prove deaf to any language that asks us to go beyond the utilitarianism, psycho-babble, and emotivism that calcifies so much contemporary conversation.

Such pessimism is understandable. Yet it denies something that many religious faiths have always insisted upon: the virtue of hope. Without hope, a society is destined to sterility and extinction. But an absence of hope is unworthy of us, precisely as human beings. Alexis de Tocqueville arrived at the same conclusion over 150 years ago. Tocqueville died in 1859, having witnessed liberty's temporary extinction throughout Europe and unsure about his precise relationship with the Deity. Yet he had no doubt that, through the free actions of free men animated by hope, genuinely free societies that justly accommodated people of faith and those of none were a possibility. In his conclusion to *Democracy in America*, Tocqueville wrote the following words: words that, I think, are filled with hope and an unshaken confidence in the workings of human freedom:

Men think that the greatness of the idea of unity lies in means. God sees it in the end. . . To force all men to march in step toward the same goal—that is a human idea. To encourage endless variety of

actions but to bring them about so that in a thousand different ways all tend toward the fulfilment of one great design—that is a God-given idea.

The human idea of unity is almost always sterile, but that of God is immensely fruitful. Men think that they prove their greatness by simplifying the means. God's object is simple but His means infinitely various.¹²

About the Author

Dr. Samuel Gregg is a moral philosopher who has written and spoken extensively on questions of ethics in public policy, jurisprudence, and bioethics. He has an MA in political philosophy from the University of Melbourne, and a Doctor of Philosophy degree in moral philosophy from the University of Oxford. He is the author of several books, including *Morality, Law, and Public Policy* (2000), and, most recently, *On Ordered Liberty* (2003). He also publishes regularly in journals such as *Markets and Morality* and *Crisis*. He is the American editorial consultant for the Italian journal, *La Società*, as well as American correspondent for the German newspaper *Die Tagespost*. Dr. Gregg is Director of Research at the Acton Institute, a Visiting Professor at the John Paul II Pontifical Institute for Marriage and the Family, and a consultant for Oxford Analytica Ltd. In 2001, he was elected a Fellow of the Royal Historical Society.

ENDNOTES

¹ See Antonio Socci, *I nuovi perseguitati: indagine sulla intolleranza anticristiana nel nuovo secolo del martirio* (Piemme: Casale Monferrato, 2002).

² Lord Acton, *Essays on Freedom and Power*, G. Himmelfarb (ed.), (Boston: Crossroad, 1948), 45.

³ M. Tamari, 'Public Morality: The Jewish Contribution,' *Religion and Liberty* 3 (1993), 5.

⁴ See Joseph Ratzinger *Salt of the Earth: The Church at the End of the Millennium* (San Francisco: Ignatius Press, 1996), 240.

⁵ See John Finnis, 'Secularism, Law and Public Policy,' Lecture delivered at Princeton University, 11 October 2003.

⁶ Jonathon Sacks, *Morals and Markets* (London: IEA, 1998), 16.

⁷ See Robert P. George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, DE: ISI Books, 2001): 3-38.

⁸ See Raymond de Souza, 'Thinly Disguised Totalitarianism,' *First Things* 142 (April 2004): 9-12.

⁹ George Weigel, *Europe's Problem . . . and Ours*, Third Annual William E. Simon Lecture of the Ethics and Public Policy Center, November 20, 2003, Washington, D.C. For an insightful analysis of Western Europe's apparent demographic future and its economic consequences, see Gérard-François Dumont, 'Le vieillissement des populations dans l'Union européenne,' *Liberté Politique*, no.24 (2003): 39-63.

¹⁰ The preceding two paragraphs draw upon a paper by the author entitled 'Culture and Liberty: On the Possibility of 'Non-Spontaneous' Free Societies' to be presented at the Mont Pelerin Society General Meeting, August 14-19, 2004, Salt Lake City, Utah, USA.

¹¹ See George Weigel, *Witness to Hope* (New York: Harper Collins, 1999): 489-490.

¹² Alexis de Tocqueville, *Democracy in America*, J.P. Mayer (ed.), G. Lawrence (tr.), Book II, (New York: Perennial Classics, 2000): 734-735.