CHRISTIANITY AND LIBERTY

GEORGE H. SMITH

An atheist is rarely asked to write an essay on "religion's positive role in society," but it is fitting that this request came from the Acton Institute. Lord Acton (1834-1902) was a Catholic, a classical liberal, and a great historian who devoted his life to the history of liberty.

RELIGIOUS LIBERTY — EXCEPT FOR CATHOLICS AND ATHEISTS

Acton always stressed this important truth: No one group or movement, religious or secular, deserves exclusive credit for the theory and evolution of free institutions. All historians should avoid the unpardonable sin of "making history into the proof of their theories." Instead, the historian should "try to do the best he can for the other side, and to avoid pertinacity or emphasis on his own."

Acton is one of my intellectual heroes, and I hope this essay does justice to his memory. Using some of Acton's brilliant insights, I shall briefly discuss some of the important contributions that Christianity has made to the cause of liberty. Ironically, Acton's Catholicism and my atheism give us something in common. In Protestant countries, Catholics and atheists were often lumped together and branded as subversive minorities whose doctrines, if permitted to circulate freely, would jeopardize the core values of a free society.

This "dark myth" was especially popular in seventeenth-century England, where it found adherents even among some of liberalism's most distinguished founding fathers. John Locke, for example, argued that religious liberty is a "natural right" that should be enjoyed by everyone — except Catholics and atheists. The doctrines of these minorities, Locke believed, are incompatible with the moral foundations of a free society (though for different reasons), so they should be legally suppressed.

Acton attacked this dark myth in two ways. First, he identified minority rights as a defining characteristic of a free society: "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." Second, according to Acton, the history of liberty is inextricably linked to the history of minorities:

At all times sincere friends of freedom have been rare, and its triumphs have been due to minorities, that have prevailed by associating them selves with auxiliaries whose objects often differed from their own ...

"EVERYTHING IS VOLUNTARY"

This brings us to Christianity's first major contribution to liberty. The early Christians, a despised and sometimes persecuted minority, fashioned a pro-freedom philosophy that (in Acton's words) "was really subversive of the fundamental institutions of the Roman Empire."

Early Christians — those "enemies of mankind," as Tacitus called them — confronted a variety of allegations, including incest, cannibalism, atheism, and sedition. Christian apologist (from the Greek, meaning "speech for the defense") successfully refuted these charges, and they repeatedly affirmed the loyalty of Christians to the state. But this was a troublesome issue because Christian obedience was always conditional.

The apologist Origen put the matter well. The Christian will "never consent to obey the laws of sin." His first allegiance is to "the law of nature, that is, the law of God." The Christian will submit to secular punishment rather than transgress a divine law.

Moreover, Origen believed that Christians should refuse military service. Rather than fight Rome's battles, they should pray for victory. Even this is ambiguous, however. Christians should pray "on behalf of those who are fighting in a righteous cause, and for the kind who reigns righteously ..." Whether Rome was always on the side of righteousness, Origen does not say.

Religious Notes No. 8

ISSN 0953-7805 ISBN 1 85637 421 1

An occasional publication of the Libertarian Alliance,
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This article first appeared in *Religion and Liberty*, Vol. 2, No. 6, November/December, 1992 (the newsletter of the Acton Institute for the Study of Religion and Liberty, 161 Ottawa Street Northwest, Suite 405 K, Grand Rapids, Michigan 49503, USA) and is reprinted with permission. Our apologies for the absence of the kind of footnotes that we like to supply.

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FOR LIFE, LIBERTY AND PROPERTY

Some radical apologists developed a "conquest theory" of the state in an effort to delegitimize the Roman Empire. Tertullian argued that "all secular power and dignities are not merely alien from, but hostile to, God." Secular governments "owe their existences to the sword." All institutions of the Roman government, even its charities, are based on brute force. This is contrary to the way of Christians, among whom "everything is voluntary."

Similarly, Minucius Felix believed that the Romans had acquired power by "capturing, raping, and enslaving their victims." John Chrysostom contrasted the use of force with the Christian community, where "the wrongdoer must be corrected not by force, but by persuasion."

RELIGIOUS LIBERTY AS A FUNDAMENTAL PRINCIPLE OF PUBLIC LAW

The apologists established important precedents that were cited frequently by later Christian thinkers. The Stoic doctrine of a "higher law" became a cornerstone of the Christian theory of justice and a formidable barrier to tyranny and the rise of the absolute state. The theory of a just war, as discussed by Origen, Tertullian, and other apologists, was also influential. For example, Hugo Grotius frequently cited the apologists in *On The Law of War and Peace* (1625), a seminal work on international law.

Another precedent was set by those apologists who argued for religious liberty ("natural right," as Tertullian called it). Sebastian Castellio, a contemporary critic of Calvin, collected these pro-toleration quotations in a book that became a landmark in the Protestant movement for religious liberty.

Christian critiques of the Roman Empire became less common after Constantine issued the Edict of Milan (313), which established religious liberty as a fundamental principle of public law. Before long, Constantine was bestowing special favors on the Christian Church. His Christian successors continued this policy until Theodosius revoked the Edict of Milan during his despotic reign (379-395). This emperor established orthodox Christianity as the official religion, outlawed pagan worship and rituals, and decreed severe penalties for heresy.

Thus did a church born in opposition to the state become its friend and ally. Lord Acton commented:

> Christianity, which in earlier times had addressed itself to the masses, and relied on the principle of liberty, now made its appeal to the rulers, and threw its mighty influence into the scale of authority.

LIBERTY WAS A HAPPY BY-PRODUCT

Even after the church abandoned the principle of liberty, it sometimes functioned as a protective buffer between the state and the people. "Render under Caesar the things that are Caesar's, and unto God the things that are God's" — these words of Jesus suggested a sphere in which the church reigns supreme, a sphere immune to state power.

Ambrose, Bishop of Milan from 340-397, fiercely defended this principle. No friend of religious liberty, Ambrose nevertheless believed in the independence of the church: "Palaces belong to the emperors, churches to the priesthood." He also believed that the church could call secular rulers to account. "Thou art a man," said Ambrose to Theodosius after this despot had ordered a brutal massacre in Thessalonica. Threatened with excommunication, Theodosius submitted to Ambrose's demand for public penance. As this astonishing story was recalled in later centuries, it did more to limit state power than volumes of theory.

The case of Ambrose illustrates a central theme in Acton's history of liberty. For centuries after the fall of the western Roman Empire, the church was the only institution with the authority to challenge the power of feudal lords, monarchs, and emperors. Church and state contended for power, and if either had achieved total victory, "all Europe would have sunk down under a Byzantine or Muscovite despotism."

According to Acton, neither church nor state favored liberty, but, while competing for allies, they granted various immunities and privileges to towns, parliaments, universities, guilds, and other corporations. Eventually these institutions were able to resist the power of both church and state — and so there evolved a decentralized system of power unknown to the ancient world and the East. Institutional barriers to arbitrary and absolute power, long advocated in theory, now existed in fact. Individual liberty was a happy by-product of this system.

TYRANTS SHOULD NOT BE OBEYED

The conflict between church and state also inspired theories with radical implications. For example, during the eleventh century, Pope Gregory VII challenged the power of Emperor Henry IV and other secular rulers during the "Investiture struggle." In *The Dictatus Papae*, Gregory decreed that the pope "may depose Emperors" and "may absolve subjects of unjust men from their fealty."

This right of revolution was limited, because it applied only to secular rulers, not to the pope himself who (as Gregory put it) "may be judged by no one." Nevertheless, the seed had been planted, and it began to grow immediately. Manegold of Lautenbach, while defending Gregory's claim of papal supremacy, compared the secular ruler to a swineherd who has been employed for a specific purpose. If this swineherd exceeds his delegated authority, he should be dismissed "ignominiously from his task."

The rule, Manegold argues, has a compact with his subjects to "defend them from the tyranny and unrighteousness of others." When rulers betray this trust, "no fidelity or reverence ought to be paid them." Tyrants lose all their "authority and dignity" and should not be obeyed.

This type of social contract theory would bear fruit in later centuries. After the Reformation, both Catholics and Protestants developed their own theories of revolution. Around 1640, Sir Robert Filmer (who would later achieve fame as a target of John Locke) complained that the principles of absolute monarchy were under attack from two camps — radical Catholics and radical Protestants. As Filmer put it: "Monarchy hath been crucified, as it were, between two thieves ..."

Filmer's complaint became a major theme for Thomas Hobbes, a champion of absolute monarchy, who devoted over half of *Leviathan* (1651) to attacking the traditional ideas and institutions of Christianity. Throughout history, as Hobbes correctly noted, this religion had stubbornly resisted the absolute state in theory and practice. Churches and other institutions that stood between the individual and the state were like "worms in the entrails of a natural man." Hobbes knew his enemy well.

COMMON GROUND

In conclusion, I would like to reinforce a point I made earlier. Throughout history, the love of liberty has transcended religious controversies. This is good news indeed. If an atheist who values liberty meets a Christian who values liberty, this common ground gives them a reason to value each other.