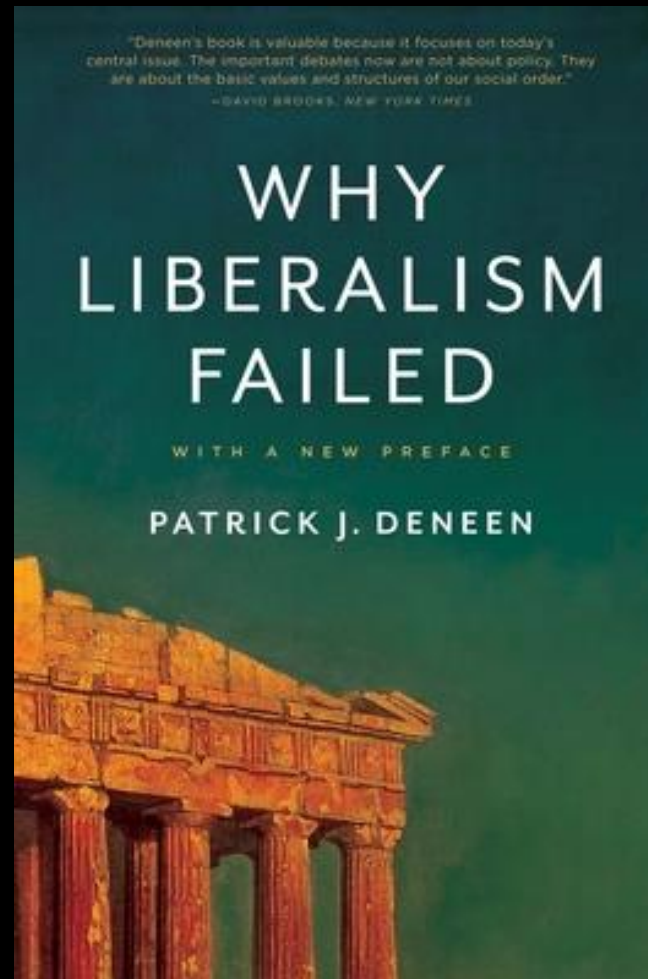
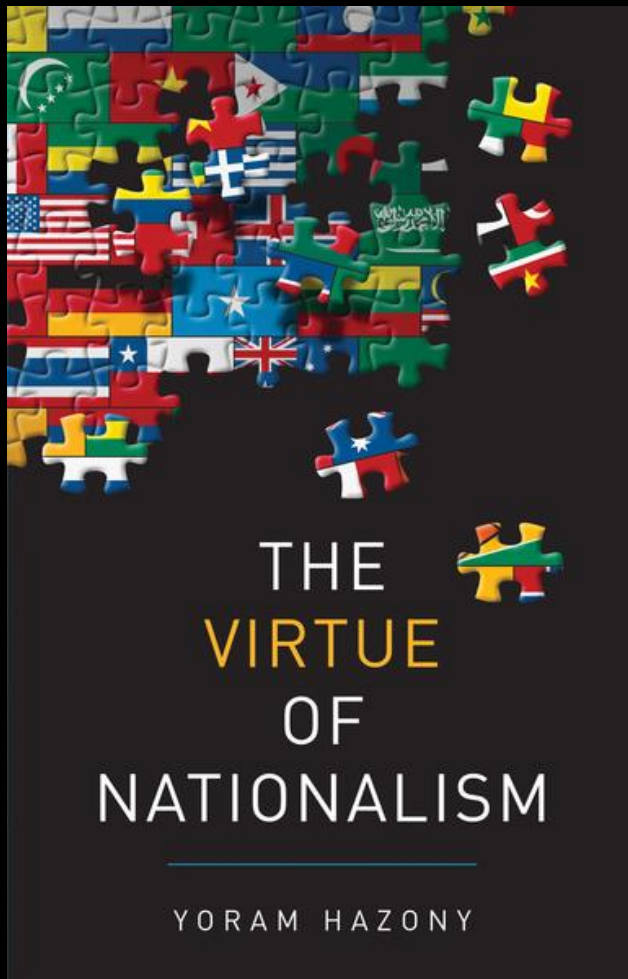


Christian Antecedents to American Liberty

Dylan Pahman
Acton University
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It Would Seem That Liberalism Is Bad



It Would Seem That Liberalism Is Bad

- **Yoram Hazony** maintains that neither the United States Constitution nor the principal documents of the British constitution “explicitly endorse liberal doctrines.”
- **Patrick Deneen** claims that John Locke, whom he associates with American liberalism, defines liberty as “the capacity to satisfy our appetites” and as “liberation from the constraints of the natural world.” Thus, he claims that classical liberalism’s “ideal of liberty can be realized only through a powerful state.”
- **Adrian Vermeule** claims, “Libertarians and liberals find the classical tradition appalling or, worse, irrelevant,” thus presuming a hard break of liberalism from the classical tradition.
- **Willmoore Kendall** claimed that liberal tolerance “leave[s] no room for the man who is so certain of his modicum of truth as to insist that it is true for others as well as himself.”
- **Bottom line:** Conservatives are confused and skeptical of “liberalism” in America.

On the contrary, Robert Filmer



- Lived 1588-1653.
- His works were published in 1679-1680 and received a lot of attention and popularity in England in the wake of the Restoration.
- John Locke's *Two Treatises on Government* were originally published in 1689 and are a direct response to Filmer's *Patriarcha*, in which Filmer argued in favor of the divine right of kings.

On the contrary, Robert Filmer

- “Since the time that School-Divinity [i.e., scholastic theology] began to flourish, there hath been a common Opinion maintained, as well by Divines, as by divers other learned Men, which affirms,
- *“Mankind is naturally endowed and born with Freedom from all Subjection, and at liberty to chose [sic] what Form of Government it please: And that the Power which any one Man hath over others, was at first bestowed according to the discretion of the Multitude.*
- “This Tenent was first hatched in the Schools [i.e., among the scholastics], and hath been fostered by all succeeding Papists [i.e., Roman Catholics] for good Divinity. The Divines also of the Reformed Churches have entertained it, and the Common People every where tenderly embrace it....”
- **Bottom line:** In his *Two Treatises on Government*, John Locke sought to defend a view held by Protestants, Catholics, and the common man of his day, with roots stretching back to medieval scholasticism.

On the contrary, Lord Acton



- “[T]he greater part of the political ideas of Milton, Locke, and Rousseau, may be found in the ponderous Latin of Jesuits who were subjects of the Spanish Crown, of Lessius, Molina, Mariana, and Suarez.”

~ John Emerich Edward Dalberg-Acton

The Christian Roots of American Liberalism

- **What I *am* claiming:**
- As Christianity played an undeniable role in shaping Western civilization, from which liberalism comes, and as some today drive a wedge between Christianity and liberalism, demonstrating American liberalism's *Christian* antecedents will sufficiently answer their objections.
- I use the term *liberalism* to refer to the theory and institutions of liberal society, grounded in a conception of human persons as by nature free, equal, and rational. Thus just government requires popular consent and religious toleration.
- By *American liberalism* I mean a specifically American tradition of liberalism, additionally grounded in the English common law, natural law, and Christian history and theology, claiming a theological basis for its anthropology and its skepticism toward unchecked political power.
- To be clear, American liberalism's theological and common law antecedents thus distinguish it from anti-religious liberalism, such as the French Revolution and its rallying cry, *Ni Dieu, ni maître!* ("No God, no master!")

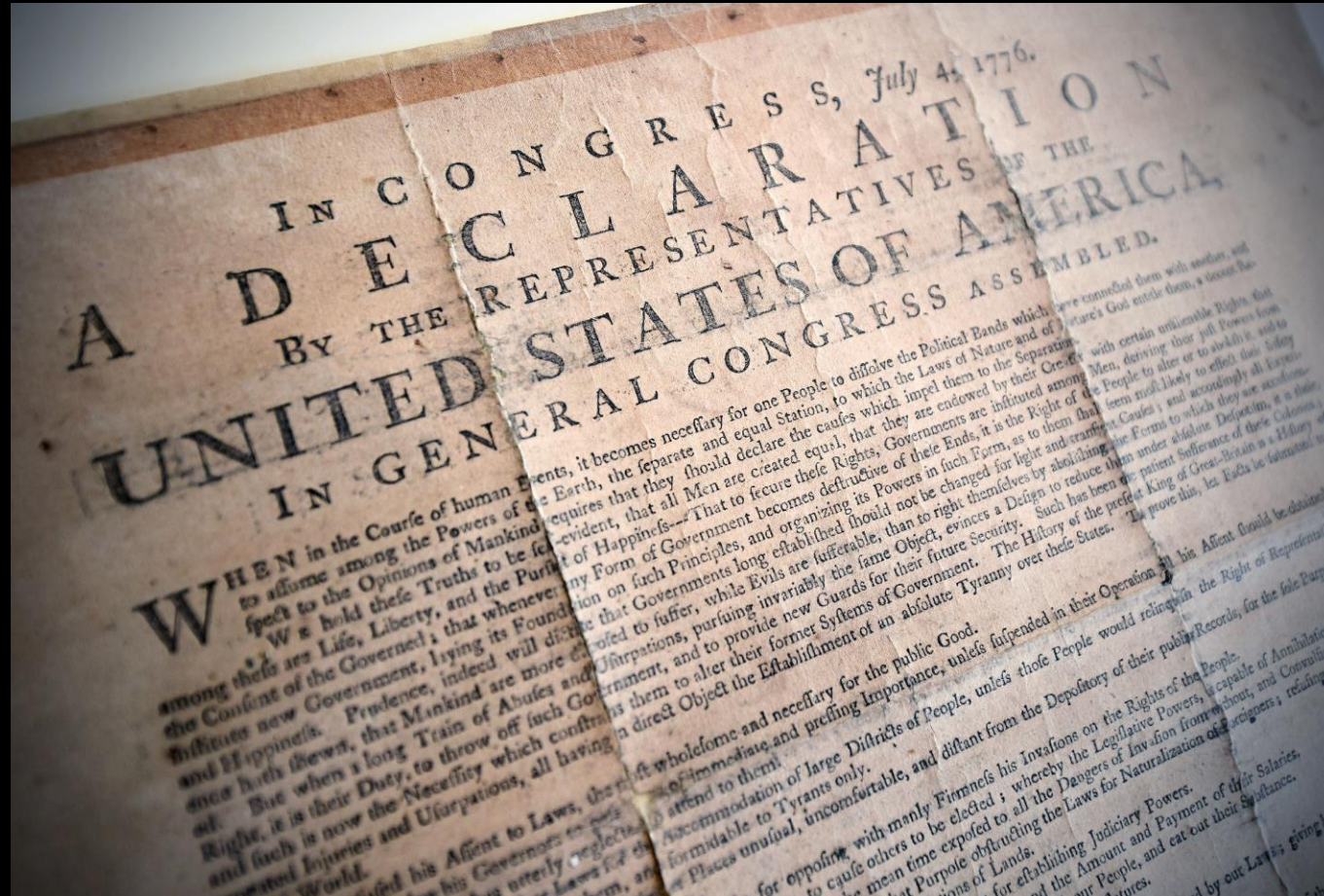
The Christian Roots of American Liberalism

- **What I am *not* claiming:**
- By *Christian*, I do not mean to exclude the possibility of the compatibility of other religious traditions and histories with American liberalism.
- Neither is this a claim about the extent to which any particular American founders were pious and orthodox Christians or, conversely, deists.
- Nor is it even a claim about whether any particular founders read any of the specific ancient or medieval sources I will discuss today.
- By *liberal*, I do not mean “progressive,” as the term is often taken to mean in the American political context.
- Rather, conservative anti-liberals today are concerned with liberalism in general as I have defined it here and reject some or all aspects of it in the name of tradition, conservatism, and/or Christianity.
- Lastly, I do not claim all ancient and medieval Christian writers and societies were liberal. Illiberal strands of the Christian tradition are undeniable and were often dominant. But genuine antecedents to American liberty can be found.

The Christian Roots of American Liberalism

- **Bottom line:**
- In what follows I will trace through Church history, both in theory and in fact:
 1. the theological basis for natural rights;
 2. Christian support for religious liberty;
 3. the protection of private property;
 4. checks on state power; and
 5. representative government.
- On this basis, I will conclude by urging conservatives—and anyone else—today to discard the false dichotomy between liberalism, on the one hand, and American conservatism, the Bible, and Christianity, on the other.

(1) Theologically-Grounded Natural Rights



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- The *Declaration of Independence* appeals to “the separate and equal station to which the Laws of Nature and of Nature’s God entitle [a people]” and declares “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”
- “God created man in His own image...” (Genesis 1:27).
- Jesus compared himself to a good shepherd, who leaves his flock of 99 sheep to find and save the one, individual sheep that has gone astray (Luke 15:3-7).
- St. Athenagoras of Athens (2nd century) reasoned that the image of God entails rationality, and human persons, as rational beings, cannot be used as means for another’s ends, *even by God*. They equally bear an inherent dignity that must never be violated.
- St. Justin Martyr (2nd century): “Those who lived in accordance with Reason [*logos*] are Christians, even though they were called godless, such as, among the Greeks, Socrates and Heraclitus and others like them.”
- “And the *logos* became flesh” (John 1:14)

(1) Theologically-Grounded Natural Rights

- Thus, this understanding of human nature leads to the doctrine of **natural law**.
- “[W]hen Gentiles, who do not have the law, by nature do the things in the law, these, although not having the law, are a law to themselves, who show the work of the law written in their hearts, their conscience also bearing witness” (Romans 2:14-15).
- The contents of the natural law roughly correspond to the Ten Commandments.
- Thus, St. Irenaeus (2nd century): “God has always preserved freedom, and the power of self-government in man.”
- John Locke: “[W]hat law of the magistrate can give a child liberty, not to *honour his father and mother*? It is an eternal law, annexed purely to the relation of parents and children, and so contains nothing of the magistrate’s power in it, nor is subjected to it.”
- Locke again: “though [a state of nature] be a *state of liberty*, yet it is not a *state of licence*.... The *state of nature* has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all *equal and independent*, no one ought to harm another in his life, health, liberty, or possessions.”

(1) Theologically-Grounded Natural Rights

- **Natural law has implications for government.**
- *Justinian's Institutes* (6th century): "Liberty ... denotes a man's natural ability to do what he wants as long as the law or some other force does not prevent him. Slavery on the other hand is an institution of the law of all peoples; it makes a man the property of another, contrary to the law of nature."
- *Novgorod Charter* (1471): "The Archbishop-elect ... in his court ... shall give equal justice to every litigant, be he a boyar, or a middle-class burgher, or a lower-class burgher."
- Fr. John McGuckin, *The Ascent of Christian Law*: "Christianity endorses the rule of law."
- Theodore Plucknett, *Concise History of the Common Law* (1956): Christianity "contributed the valuable conception of Jehovah as a law-giver and law-enforcer—a conception derived from Judaism. Out of all the confusion and disaster of the middle ages there arose the unanimous cry for law, which should be divine in its origin, supreme in its authority, rendering justly to every man his due."
- Russell Kirk on *Magna Carta* (1215): "The king himself is one of those men under the law."
- **Bottom line:** The liberal idea of human beings as free, equal, and rational by nature—and rule of law—has clear Christian antecedents.

(2) Religious Liberty



(2) Religious Liberty

- First Amendment (1791): “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”
- Thomas Jefferson, 1779 Virginia Statute for Religious Freedom: “Almighty God hath created the mind free and ... [made] it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments ... are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either ... but to extend it by its influence on reason alone....”
- *Epistle to Diognetus* (2nd century): “[The Father] sent [the Son] as God; he sent him as man to men. He willed to save man by persuasion, not by compulsion, for compulsion is not God’s way of working.”
- Tertullian, *To Scapula* (3rd century): “it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions.... It is assuredly no part of religion to compel religion....”
- Lactantius (4th century): “it is religion alone in which freedom has placed its dwelling. For it is a matter which is voluntary above all others....”

(2) Religious Liberty

- **What about Christian Rome?**
- Acton: “what had been written by Tertullian when the Christians were persecuted, was repeated by Lactantius when they were masters.”
- Edict of Milan (313): “liberty is to be denied to no one, to choose and to follow the religious observances of the Christians, but that to each one freedom is to be given to devote his mind to that religion which he may think adapted to himself, in order that the Deity may exhibit to us in all things his accustomed care and favor.”
- Eusebius of Caesarea (4th century): “not even those without our communion were prevented from sharing in the same blessings....”
- George Washington, *To the Hebrew Congregation in Newport* (1790): “The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship.”

(2) Religious Liberty

- Fr. Alexander Schmemmann: “It must be frankly admitted that the Church demanded of the state that it combat paganism and itself denied the principle of toleration.”
- Unfortunately, after the Council of Nicaea (325), Arians and Donatists were persecuted in Christian Rome. Later, pagans, too, faced state persecution, and in 381 Orthodox Christianity was acknowledged the state religion.
- But that is not the end of the story of religious liberty and tolerance in Christian civilization.
- Acton: “St. Athanasius declared that truth is not promoted by the sword and javelin.... St. Hilary warned the bishop that if he made converts by compulsion, the bishops themselves would protest against him. And when certain men were put to death for heresy, the bishop who had procured it was deposed, and ... St. Ambrose and St. Martin, looked on [the bishop’s actions] as a crime.”
- Historian Evelyne Patlagean records expansive commerce in eleventh-century Byzantium with Italians, Russians, Jews, Muslims, and others, which wouldn’t have been possible without religious toleration.

(2) Religious Liberty



- “Answer in the name of Jesus Christ, answer me whether you would like your consciences to be forced. I am quite persuaded that your consciences answer no.”

~ Sebastian Castellio (16th century),
Advice to a Desolate France

- **Bottom line:** The same Christian theological anthropology that led to the liberal affirmation of rule of law also led some to affirm, call for, and even at times establish, albeit imperfectly, religious liberty.

(3) Private Property



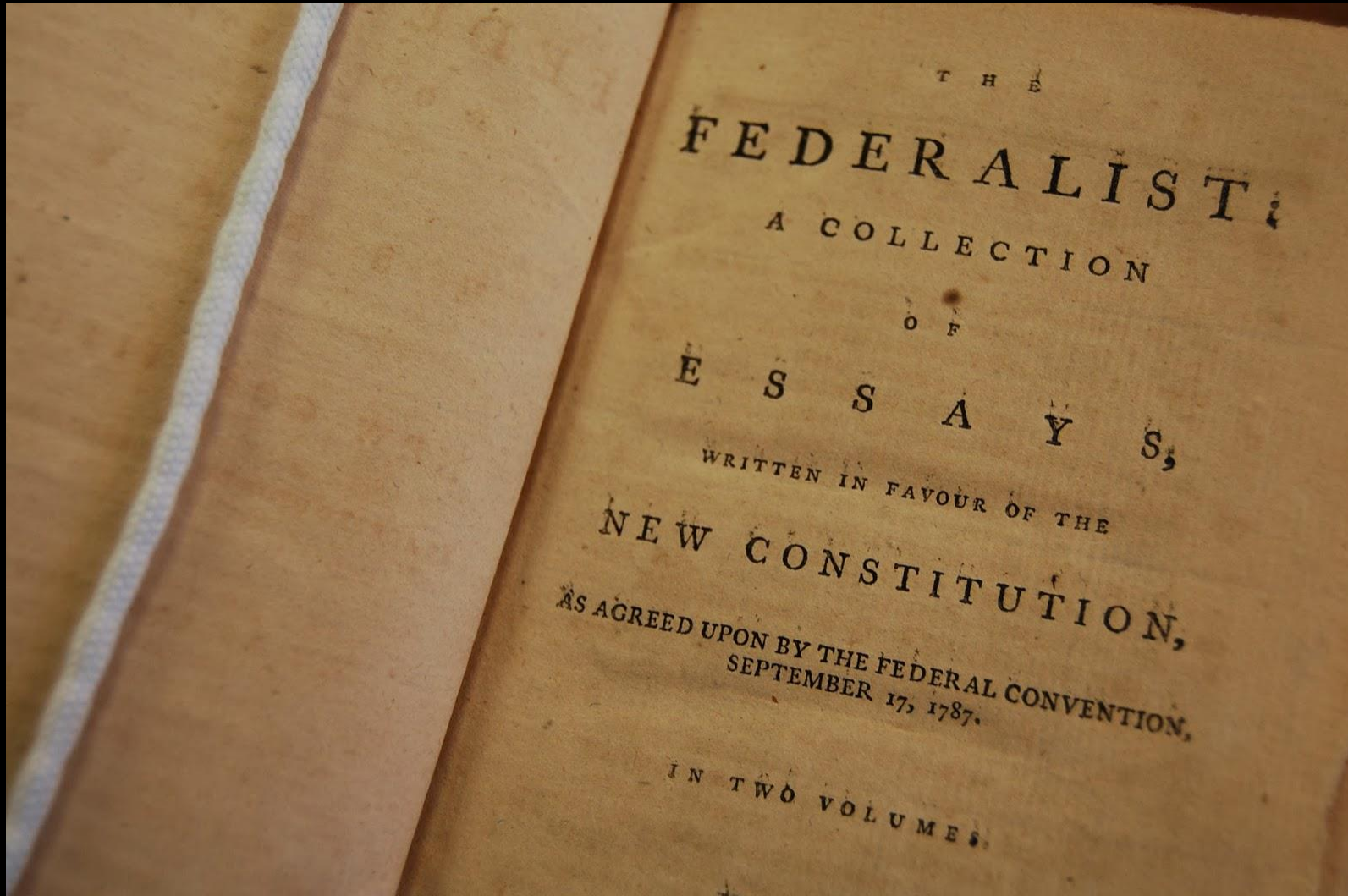
(3) Private Property

- Fifth Amendment (1791): “No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”
- “You shall not steal” (Exodus 20:15; Deuteronomy 5:19).
- Edict of Milan (313): “And we decree still further in regard to the Christians, that their places, in which they were formerly accustomed to assemble ... shall be restored to the said Christians, without demanding money or any other equivalent, with no delay or hesitation.”
- Leo, bishop of Nauplia, “*Memorandum and Typikon* for the Monastery of the Mother of God in Areia” (12th century): “it is my will and desire that this ... monastery remain independent until the end of the world, and free and unenslaved by emperors and patriarchs and monasteries and metropolitans and archbishops and bishops, by archimandrites and superiors, in short, by all men.”
- St. Nicholas Cabasilas (14th century): “Neither rulers of communities nor judges, nor even emperors with universal rule, may demand an account of what the proprietor does with [his property], even should he waste it....”

(3) Private Property

- Historian David Sytsma summarizes Western developments, writing that while the scholastics claimed property “was originally the common right of all,” they understood private possession to be permitted by natural law and therefore protected by it. “To this explanation some canonists added the argument of first possession,” he adds, naming Francisco Suárez and Matthew Hale.
- John Locke famously justified the original institution of private property based on the basis of “first possession.”
- **Bottom line:** By defending private property rights, these Christians and their ancient forebears defended the existence of a legitimate domain of society other than the state (and in the case of private estates and monasteries, even other than the Church), wherein life and liberty could be maintained—thus establishing a long pedigree for the American liberal triad of life, liberty, and property.
- St. Nicholas Cabasilas: “How could there ever be a stable form of government which made it impossible to live in freedom?”

(4) Checks on State Power



(4) Checks on State Power

- *Federalist 51* (1788): “If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”
- “All have sinned and fallen short of the glory of God” (Romans 3:23).
- *Sayings of the Desert Fathers*: “If a man makes a new heaven and a new earth, he still cannot be safe from temptation.”

Acton: “when Christ said, ‘Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s,’ [Matthew 2:21; Mark 12:17; Luke 20:25] those words ... gave to the civil power, under the protection of conscience, a sacredness it had never enjoyed, and bounds it had never acknowledged; and they were the repudiation of absolutism and the inauguration of freedom. For our Lord not only delivered the precept, but created the force to execute it [i.e., the Church].”

(4) Checks on State Power

- After the age of persecution, Fr. Alexander Schmemmann noted, “Constantine ... granted bishops the judiciary right...”
- This “judiciary right” entailed that the bishops could decide criminal cases in their own courts, according to their own law: the canon law of the Church.
- When Old Rome fell in the West, we see already an underlying logic as to why the Church stepped into the role of maintaining civil order: as bearers of the “judiciary right” in Christian Rome, the bishops were also civil officers.
- While there was collusion between Church and state, bishops often assumed a prophetic stance vis-à-vis state power.
- St. Ambrose famously stood up to the emperor St. Theodosius, requiring the emperor to do public penance after he rashly ordered a massacre at Thessaloniki, and resulting, according to Sozomen, in the emperor requiring that the “punishment of death” be delayed “till thirty days after the mandate had been issued, in order that the wrath of the emperor might have time to be appeased, and that room might be made for the exercise of mercy and repentance.”

(4) Checks on State Power

- The emperor St. Justinian articulated the principle of *symphonia* to adjudicate the relations of Church and state, again acknowledging a check and limit to state power in his sixth *Novella*.
- Fr. Alexander Schmemmann, on the 9th-century *Epanogogue*: “the patriarch now had a special position in the governmental structure: his place was analogous to that of the emperor. He was in some sense the Church’s representative in the state,” while yet remaining sovereign in his own sphere, distinct from the state.
- Fr. John McGuckin: “In the later Byzantine era, even in the larger cities, episcopal courts came to be preferred by the people to the civil alternative of a hearing before the magistrate, not only because the penalties were less severe for the offenders, but also for their deeper sense of pastoral care.”
- Meanwhile, in the West, *Magna Carta* (1215) stipulated in its first article: “the English Church is to be free and to have all its rights fully and its liberties entirely.”
- No *Magna Carta* without the Church.

(4) Checks on State Power



- Plucknett, *Concise History of the Common Law*: “the Constitution of the United States was written by men who had *Magna Carta* and Coke upon Littleton before their eyes. Could anything be more mediaeval than the idea of due process, or the insertion in an instrument of government of a contract clause?”
- **Bottom line:** The liberal principle of limited government thus has ancient and medieval roots in Christian civilization, both in theory and in practice.

(5) Representative Government



(5) Representative Government

- *US Constitution (1787)*: “We the People of the United States....”
- *Declaration of Independence (1776)*: “to secure [the God-given natural rights of life, liberty, and the pursuit of happiness] Governments are instituted among Men, deriving their just powers from the consent of the governed.”
- Lactantius called the fall of the Roman Republic a lapse into “a second infancy. For, having lost the liberty which it had defended ... it so grew old, as though it had no strength to support itself, unless it depended on the aid of its rulers.”
- The Roman Senate persisted into the Christian era, though its role was limited.
- Acton speculated about the “Church as a political model.” In his view, “[n]early all the elements of modern Liberty [are] prefigured in her: Election, Representation, Equality, Tradition, Absence of arbitrary power, Local self-government, Money for the poor, Humanity in punishment, Deliverance of slaves, [but] No legislator, [or] Trial by one’s peers.”
- **How did the Church “prefigure” “Election” and “Representation”?**

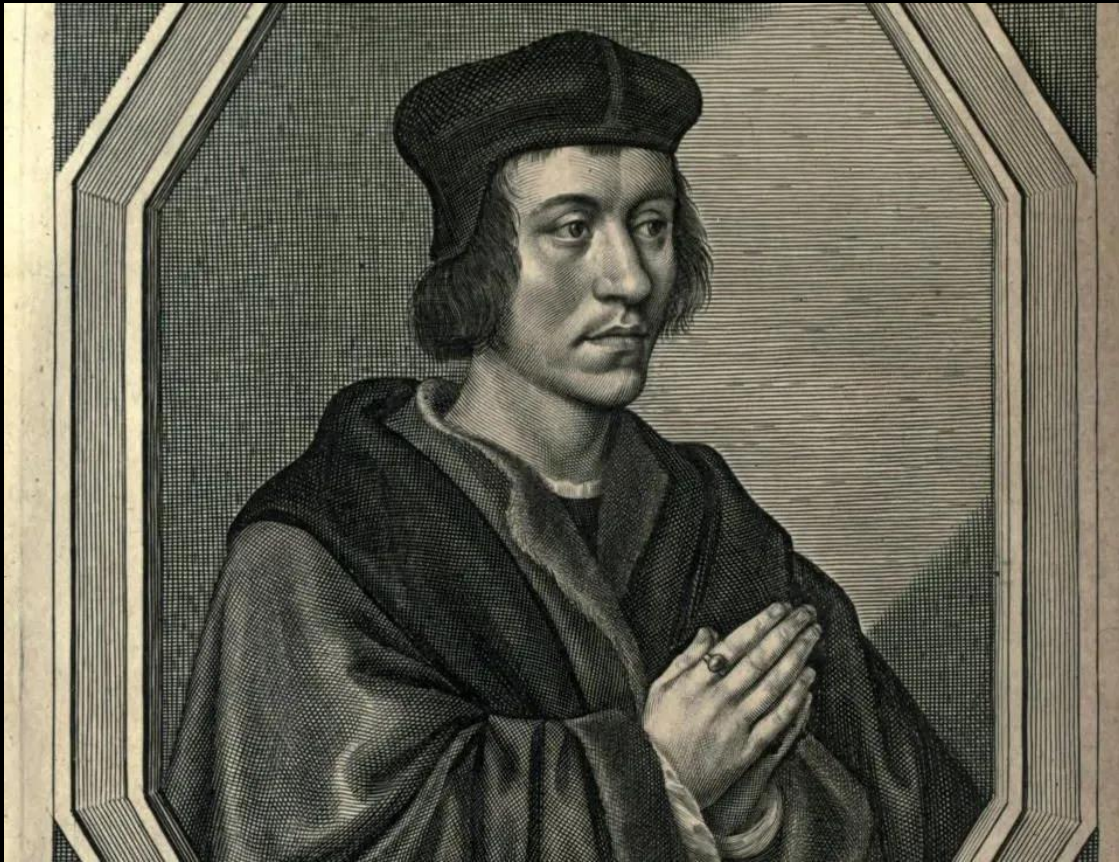
(5) Representative Government

- Episcopal elections were common in the ancient Church and even into the Middle Ages.
- Thus, when Constantine gave the bishops the “judiciary right” and incorporated their authority into the Roman constitution, we can say that he added an element of popular representation.
- For example: Socrates Scholasticus says that when Auxentius, the previous bishop of Milan and an Arian, died, the election for his successor caused civil unrest.
- St. Ambrose, at the time governor, eloquently pacified the mob.
- As a result, “all present suddenly came to an unanimous agreement, crying out ‘that Ambrose was worthy of the bishopric,’ and demanding his ordination.”
- The other bishops present attempted to oblige them, but Ambrose protested, so they appealed to the emperor. According to Socrates, “This prince regarding the universal consent of the people as the work of God, sent word to the bishops to do the will of God by ordaining him; declaring that ‘his choice was by the voice of God rather than by the votes of men.’”
- *Vox populi, vox Dei.*

(5) Representative Government

- William Blackstone, in his *Commentaries on the Laws of England* (1765-1769), claimed episcopal election had been the standard all across Christendom, as well as in England, though it passed out of usage around the time of the 12th-century Investiture Controversy.
- Yet just as episcopal representation waned in the Church, representative institutions and even republics started waxing in the medieval world as a result of the rivalry between Church and state.
- Acton: “although liberty was not the end for which they strove, it was the means by which the temporal and the spiritual power called the nations to their aid. The towns of Italy and Germany won their franchises, France got her States-General, and England her Parliament out of the alternate phases of the contest....”
- Russell Kirk attributed the origins of the English Parliament to *Magna Carta*. Thus, representative government grew out of the necessity to place constitutional checks on state power, originally initiated by the Church.

(5) Representative Government



- John Fortescue (14th century), appealing to the Old Testament and Thomas Aquinas, claimed that in a properly royal and political kingdom, the “king may not rule his people by other laws than such as they assent to.”
- **Bottom line:** The liberal principles of legitimate laws requiring the consent of the governed and legitimate government requiring at least some element of popular representation are not Enlightenment inventions but the fruit of Christian civilization, grounded in Christian theological anthropology.

The Christian Logic of American Liberalism



The Christian Logic of American Liberalism

- **Given the foregoing, an internal coherence to, and reasonable spirit of, American liberalism emerges:**
- (1) Human persons, created by God in his image with equal natural dignity as free, rational beings, require the rule of law in accordance with natural law;
- (2) Thus, all people deserve religious liberty as a matter of the rule of law and grounded in their common human nature;
- (3) The right to private property must be upheld, as long as it does not harm one's neighbor: neither individuals nor religious associations can be free without it;
- (4) Government must be constitutionally limited by checks and balances, both within (constitutional division of powers) and without (free association, including religion), to prevent absolute power that violates the rule of law; and
- (5) Such legitimate, limited governments require the consent of the governed, as free and rational beings, through representation.
- Historically, American conservatives have defended this liberal foundation as what ought to be conserved, even if they may not always have favored the label "liberal."

The Christian Logic of American Liberalism

- Samuel Gregg, *On Ordered Liberty*: “it makes little sense to ask whether a set of proposed practices and principles are ‘liberal’ or, for that matter, ‘conservative.’ Reasoned inquiry should ask whether an idea is reasonable and therefore true, or unreasonable and thus untrue.”
- Rather than squabbling over semantics, a far more productive way to cultivate a new conservative consensus, as critics of liberalism want to do, would be to demonstrate the reasonableness, and thus the truth, of their position. (I’m still waiting for them to do that.)
- John Adams, in his work *A Defense of the Constitutions of Government of the United States of America* (1787), warned his readers not to imitate Bilbao, Spain, which “under the appearance of liberal democracy,” had in reality “established by law a contracted aristocracy.” He concludes, “Americans, beware!” —clearly implying that they should want the real thing and not liberal democracy in name only. So should we.
- Thus, I conclude: Beware! lest through fear of “liberalism,” you reject the best of the American founding and its Christian antecedents we ought to conserve today.

Questions?