

Religion and Law: *Response to Michael Moxter*¹

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ABSTRACT

I outline and examine Prof Moxter's thesis, that State Law, to be effective, must not be obeyed only from fear of punishment, but needs the habits of reverence and obedience that may be learnt within religious sects, even though the modern State should not endorse or depend on any particular religious faith. One response is that, at least in the United Kingdom, such habits of reverence and togetherness are more likely to be learnt within non-religious groupings, and people mostly prefer a 'convenient' State to a high-principled one. Secondly, even such convenient, 'secular' States actually do depend on unvoiced and contentious principles that amount to a shared, polytheistic religion: we may need to follow along with that State religion (or at least suppose we do), but should also remember the possibility of some occasional call to abandon those old certainties. State Law is not God's Law.

KEYWORDS

secularism, anthropocentrism, custom, law, religion

¹ This was first written in response to an earlier draft of Prof Moxter's paper: some of the references are not to be found in the current version, but do - I hope - still illuminate aspects of his thesis. I have profited from the comments of Gary Chartier, and from issues raised in another conference, on Reason, Theology and the Genome, held in Oxford on 9th October 2010.

1. THESIS

Professor Moxter's thesis, as I understand it, runs like this. The Laws (that is, the laws established in a particular jurisdiction) have as their principal support the threat of violence against offenders, and are not now directed towards any particular problematical conception of the good life. It may be that the origins of Law lie in the mythical, as Axel Hägerström, a Swedish 'legal realist', contended: once upon a time, and not all that long ago, there was indeed a shared conception of the human and divine, which the Laws expressed. 'Religion' and 'Law' amounted to the same thing: the bonds that created a community of mortals and immortals. 'New Laws' were paradoxical: in some regimes indeed proponents of such additions to the stock did so at risk of their lives. But that is not now the meaning attached to Law in a modern 'secular' state, since there is no such fully shared conception, and no human-divine community. We don't all live – subjectively – in the same mythistorical world even though we certainly share the same 'objective' reality. 'The state has to remain neutral with regard to the religious beliefs of its citizens. Political legitimacy does not depend on Christianity or any other religious tradition or on a theological background' (Moxter p. 36). Prof Moxter differs from Hägerström, however, in supposing that the residual colouring of the Law by mythical or metaphysical conceptions cannot so easily be eradicated or dismissed. He differs also from those who hope to ground obedience or respect for the Law simply in the concept of 'natural law'. Even if there is such a 'natural law', perhaps identical with 'the moral law', and even if there is general agreement at least on some aspects or details of that 'moral law', the Law is not simply identical with that moral law: the fact, if it is one, that some act or omission is 'immoral' does not of itself require that it also be 'illegal'. But 'natural law', in any case, suffers from the same ambiguities and disagreements as religion itself.

'Legal norms are essentially supported and assisted by force' (p. 47), but if they were *only* to be obeyed for fear of violent reprisal they would be indistinguishable from the threatening commands of bandits. As the greatest of English political philosophers, Thomas Hobbes, insisted, though 'covenants, without the sword, are but words,'² a peace sustained *only* by fear of the sword is not peace at all. 'For Slaves that work in Prisons, or Fetters, do it not

² Thomas Hobbes, *Leviathan* (Penguin: Harmondsworth 1968), p. 223 (ch. 17).

of duty, but to avoid the cruelty of their task-masters.³ So although the modern secular state cannot privilege or endorse any *particular* moral or religious belief, it may also allow – and even support – the existence of *Religions-gesellschaft*, and similar institutions, within which people acquire and cultivate ‘a sense of togetherness as well as shared beliefs and an idea of obligation’. While such institutions ‘no longer hope for enforcing their ethical claims directly, they have to make do with translation and transformation in order to obtain general acceptance, when their suggestions appear plausible to a democratic majority for perhaps quite different reasons’ (p. 40).

Hobbes, of course, insisted that

it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing to peace; and consequently, on what occasions, how far, and what men are to be trusted withal in speaking to multitudes of people; and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions, and in the well governing of opinions consisteth the well governing of men's actions in order to their peace and concord.⁴

Liberal societies certainly have not wholly abandoned that practice: witness legislation against racist speech, or holocaust denial, or reasoned defences of whatever crimes the public is currently offended by! But we do now have good historical reasons to abandon any attempt to require the State to insist on some particular ethical or religious vision not immediately shared by just about everyone within its power. That way lie tyranny and civil war.

‘Laws establish a deontological order that refrains from teleological insights. They cannot promote a certain world-view or reply to questions concerning the meaning of life. As a consequence of this self-restriction the legal order is depending on social resources: on contexts in which such questions can be treated and on communities in which attitudes and virtues are cultivated that comply with a basic demand the formal legal order itself cannot achieve’ (p. 41).

It is worth adding that even the simple threat of violence depends, for its efficacy, on the widespread belief that imprisonment, torture and execution are to be feared above all else – a belief that even atheistical philosophers have

³ Hobbes, *Leviathan*, p. 254 (ch. 20). Such slaves, Hobbes notes (p. 253), may justly break out, and capture or kill their masters, whereas proper subjects may not justly do this, having consented to obey.

⁴ Hobbes, *Leviathan*, p. 233 (ch. 18).

often questioned. It is not after all so easy to insist that the State be neutral between competing world-views: those who are immune to the threat of imprisonment, torture and execution cannot be thus coerced into obedience. If they obey it must be because they think it right to do what the State requires.

So while many subjects of the Law may obey it merely because of the threat of violent retribution, and others because they recognize the general convenience of secular regulations, those same laws may also be obeyed as minimal transformations of ethical or religious norms acceptable to particular religious institutions. And perhaps this is necessary for the stability of the State. The ceremonial and symbolism with which even secular Law is surrounded are not merely superstitions, to be eradicated from a rational understanding.

‘The legal sphere thus discloses forms of self-interpretation that cannot be set-aside without ending up in reductionism. Seen from the perspective of participants neither a recourse to a means-ends-rationality nor to the mere force to establish rules suffices in order to develop an adequate understanding of the legal sphere. The significance of law is constituted not only by formal procedures, but in the light of a certain understanding what it means to participate in legislation’ (p. 50).

Even those without a close attachment to any particular religion, may still – for example – recognize that ‘the cross in the courtroom may be a sign reminding the magistrate, the lawyers, the defendant and the public that misjudgement is a reality and that he, who is sentenced, might in fact be innocent’ (p. 43). Whether this is really what the symbol means to most of its audience, whether they even notice it, or whether the same or some equivalent effect might be gained by sometimes replacing the cross with the Star of David or the Hand of Ali, are all presumably empirical questions – but there is something to be said for also maintaining a known regional tradition rather than seeking to update it in accordance with some abstract conception of State neutrality, or even in order that it be understood in precisely the way that Prof Moxter hopes!

In summary: Prof Moxter, as I understand the thesis, is proposing a role for religious and similarly ethical belief even within the boundaries, and institutions of a modern secular State. The alternative, of radical laicism or militant secularism ‘would imply that the state’s claim of remaining neutral in fact alters the social climate and establishes a society that regards religious matters from a sceptical and even cynic point of view’ (p. 53). This is to deny religious liberty in practice, while proclaiming it in theory, by compelling

people to keep their world-views entirely ‘private’. The Law, on this account, has indeed no more weight than the bargains made by desperate brigands to share out their loot,⁵ and it is positively *wrong* to think otherwise.

What human beings can achieve without the aid of revelation is a limited agreement on a set of rules founded on these shared disapprovals, rules that may be sufficient to secure some degree of social harmony, so that human beings can live together in political communities, but that do not direct human beings toward their final end, the knowledge and love of God. Only divine law does that.⁶

And if no divine law is admissible, no agreed teleology, then the rules are all we have. Such laicism is made still more dangerous to liberty when the boundaries of the ‘private’ and the ‘public’ are so clearly disputable. It has, indeed, all the drawbacks of a monolithic, triumphalist religion, in which the elite – without even appealing to openly Hobbesian arguments – tell everyone else not only how they must behave, but how they must think and feel! They are not even to vote according to their consciences, unless they can invent for themselves some widely accepted ‘secular’ reason for a particular outcome (under some different description). The better, historically grounded, notion of the secular state is an attempt to allow people of many different faiths and *Weltanschauungen* their liberty, on condition that they make no attempt to enforce their own particularities on those of a different faith.⁷ It does not require the State to remove all traditional symbolism from its own activity, nor to forbid all appeals to particular religious or ethical systems. Only in exceptional cases – perhaps one example would be animal sacrifice – does it forbid citizens to do even in private what they believe they should. The Law of a particular state or region is, notionally at least, agreed between all parties, and obeyed for a variety of reasons. We may hope that where there is massive disagreement between particular communities some liberal solution can be found, without appealing to any problematic ethic or

⁵ See J.L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin 1990). One response might be that all citizens of such a State might actually agree to some substantive moral claims that transcend the brigands’ bargain – but any such substantive claims, of their nature, embody contestable doctrines about the world, our selves and our duties. It may be that those doctrines, though they are contestable in the abstract, are nonetheless so deeply rooted in the hearts and minds of, as it were, those ‘native’ to the land, as to be undeniable – but that is to abandon the notion that the State must be neutral in all such matters.

⁶ Alasdair MacIntyre, *God, Philosophy, Universities: a Selective History of the Catholic Philosophical Tradition* (Lanham, MD: Rowman & Littlefield 2009), p. 53, after Maimonides.

⁷ See John Gray, *The Two Faces of Liberalism* (Cambridge: Polity Press 2000).

metaphysic. But in practice, we can only agree that what works works. If minorities are happy enough to live in a realm whose problematic ethic and metaphysic nonetheless allows them reasonable liberties, there is no need for the governing classes to hide or forget their faith. Secularists may suggest that Jews or Muslims or Hindus are offended by the Christian origins, and residual associations, of midwinter or spring festivals: Jews, Muslims and Hindus themselves show no trace of this offence, and are often rather pleased than otherwise that there is *some* mention of the sacred or divine even in contemporary Britain. Such merely secular festivals as the Summer Bank Holiday mean much less, even to secularists!

2. ANTITHESIS

According to Sextus Empiricus, writing in the second century AD, ‘a law is a written contract among citizens, transgressors of which are punished. A custom or usage (there is no difference) is a common acceptance by a number of people of a certain way of acting, transgressors of which are not necessarily punished. For example, there is a *law* against adultery, but with us it is a *custom* not to have sex with a woman in public.’⁸ In most modern Western countries, the reverse is true! Might this model of social order be enough? The law’s authority derives solely from a written contract, with clearly defined sanctions (though it is unlikely that everyone in the region has literally signed up to it, and the notion of a binding contract which no-one need actually have signed is at least obscure). Custom governs as far as it does merely by habit, and perhaps by disapproving glances. Neither law nor custom need be universal – indeed that is Sextus’s principal point: homosexual acts were criminal in Rome, but not – he says – in Persia.⁹ This diversity of law and custom is one argument against our knowing that there is a single, universal truth about how people should behave, though it is not, by itself, a very powerful argument: people also differ about matters of supposedly neutral fact, without our needing to suppose that there is no real fact of the matter, or that we cannot find it out!

⁸ Sextus Empiricus, *Outlines of Scepticism*, Julia Annas & Jonathan Barnes (transl.), (Cambridge, Cambridge University Press 1994), p. 37 (1.146).

⁹ Sextus Empiricus, *Outlines of Scepticism*, p. 38 (1.152).

Nonetheless, one response to diversity and culture clashes is to respect ‘the gods of the country’: sensible foreigners had *better* be well-behaved by the local standards, whatever their private beliefs about foreign follies.

All good people agree,
 And all good people say,
 All nice people, like Us, are We
 And every one else is They:
 But if you cross over the sea,
 Instead of over the way,
 You may end by (think of it!) looking on We
 As only a sort of They!¹⁰

All laws and customs amount merely to local by-laws, even if their authors and devotees claim a larger office, and we obey them merely for convenience. Of course, this is not always what we feel about those laws and customs. Even modern secularists – perhaps especially modern secularists – believe that their own laws and customs are, as it were, ordained from on high.

The average agnostic of recent times has really had no notion of what he meant by religious liberty and equality. He took his own ethics as self-evident and enforced them; such as decency or the error of the Adamite heresy. Then he was horribly shocked if he heard of anybody else, Moslem or Christian, taking his ethics as self-evident and enforcing them; such as reverence or the error of the Atheist heresy.¹¹

But let us suppose a secularist who has fully internalized Sextus’s observation: the Law has no authority beyond that of (notionally) written contract, and need not be universally acknowledged or applied (especially as the very notion of such a contract depends on prior acceptance of such notions as transferable property and personal agency). Still less should custom be reckoned universal. People simply do follow custom (until they notice a reason not to, or get tired of it). People simply do agree that their behaviour, and their neighbours’, should be governed by Law, as the best available alternative to the war of each against all that Hobbes described. And the most seri-

¹⁰ Rudyard Kipling, ‘We and They’ (1924): *Rudyard Kipling’s Verse* (London: Hodder & Stoughton 1940), p. 763-4

¹¹ G.K. Chesterton, *St. Francis of Assisi* (London: Hodder & Stoughton 1923), p. 143.

ous challenge to the rule of Law is not from obvious criminals, but from idealists of another sort. As Chesterton also remarked, ‘thieves respect property. They merely wish the property to become *their* property that they may more perfectly respect it. But philosophers dislike property as property; they wish to destroy the very idea of personal possession’.¹² It is those who *don’t* respect property (as one variety of anarchist did not) or who think that ‘property’ should be assigned, as a matter of principle, quite otherwise than it is, that were more to be feared.

The *Convenient State*, in other words, sometimes seems much more attractive than a State that trades on its mythistorical associations. Many of us in the United Kingdom are deeply suspicious of politicians who have grand ideals (especially if they express them in vaguely religious terms). We are conscious that we are all subject to Parliament only by a series of historical accidents, whereby the government of these islands was gradually centralized, and gradually took over the responsibility for more and more of the new-formed nation’s life. What most of us want from the government is simply the efficient management of such services as are generally thought to need a central controller: the money supply, the defence forces, care for the poor. We acknowledge no greater respect for such servants than we do for plumbers, electricians, car mechanics and waste disposal merchants – and sometimes very much less! If it turns out that things would be ‘better’ managed without the central control, most of us are happy to see the services decentralized or denationalized. We are happy enough even to see the Kingdom be *dis*-United again – though we would then complain most bitterly about border controls, and the inconvenience of being a foreigner abroad in what was once our national territory. There are people, of course, who positively *wish* the Kingdom to be disunited, moved by a romantic nationalism with mythistorical and quasi-religious overtones, but most middle-class English, at least, think them rather weird!

This is not a defence of the extreme laicism that Prof Moxter mentions: however irritated we may be by the particular customs of our dissenting neighbours, or how baffled by their manners, most of us have no real interest in banning either their private or their public customs. People may wear what they like (except in France), eat what they like, speak as they please, and paint their front doors purple (unless of course they live on some controlled

¹² G.K. Chesterton, *The Man who was Thursday: A Nightmare* (London: Penguin 1986; first published 1908), p. 45.

estate, where the bargain was spelt out beforehand). We're even fairly relaxed about the Adamite heresy nowadays unless it really is an ideology. Too openly a patriotic attitude is vaguely suspect, though we concede that some people get excited about the World Cup and Eurovision. Politicians – weirdly by any historical notion of what the State is for – attempt to associate themselves with winning football teams and successful song-writers, perhaps because it is obvious that the residual affection most of us feel for the Queen-in-Parliament is indeed residual, and unlikely to rub off on them! Bishops, Rabbis and Imams may get reported in the media, and some of them get seats in the House of Lords – but there is little sense, here in the United Kingdom, that they have any large authority, and they clearly lend none to the State.

So as far as this country or gaggle of countries is concerned, Prof Moxter's notion that the State or the Law can get some authority from its agreement with what we learn, or some of us learn, in churches or other religious groupings, doesn't seem to apply. We learn how to socialize in schools, clubs, colleges and work-places much more than in churches, and it wasn't wholly ridiculous of Norman Tebbit, back in 1990, to suggest – in an interview with the *Los Angeles Times* – that it mattered which cricket team we supported in international competition if we were to count as British! The Protestant Reformation was once important to the British, and the national religion was almost defined by our attitude to the Bishop of Rome (and any other foreign prelate), but even faithful Christians (let alone Jews, Sikhs, Muslims, Hindus, Buddhists, Jedi, 'Brights'¹³ and the uncaring majority) don't now consider that the United Kingdom is united by an idea: we thoroughly dislike the situation in Northern Ireland, and are readier to see the religious conflicts of Scotland in terms of football teams than of churches. *Religionsgesellschafte* have no more significance than football clubs: rather less, in fact, if we are to judge from the behaviour of politicians who feel they must be public supporters of one club or another but don't dare to admit to their religious tribe! In effect, where other nations have sought to diminish the threat of religious unrest by consciously banning the public involvement of all or most religious sects the peoples of the United Kingdom have decided to treat religions like any other hobbies. I doubt if many Britons are fully persuaded of Robert Audi's doctrine, that no religious arguments are ever to be allowed at all, and that any religious believer must dream up a merely secular reason for adopting the

¹³ A complacent label invented by Daniel C. Dennett in *New York Times*, July 12, 2003, and gladly embraced by others: see <http://www.the-brights.net/> (accessed 7th May 2010).

policy that she secretly supports religiously.¹⁴ But there better had be a ‘secular’ or widely appealing reason if she is to succeed.

3. SYNTHESIS

But of course that need not be the end of the discussion. There are at least three obvious ripostes. The first is that there does still seem to be a widespread acceptance that Bishops and Ministers of the Established Churches (the Church of England, and the Church of Scotland), as well as rabbis, priests and imams in other mainstream sects, may operate as moral voices in the nation, recalling our attention to the needs of the inner city poor, the demands of justice whether in peace or war, or even ‘spiritual’ matters. To their credit, even the Bishops and Ministers of the Established Churches have usually spoken *against* Establishment decisions, rather than giving religious backing to declarations of war, or other controversial actions. Unfortunately, they usually seem to be expressing opinions shared by liberal intellectuals and other media-friendly moralists rather than offering a genuine challenge to establishment values, but at least they have been bold enough to draw out the implications even of those latter values. They have operated at times as the most vocal and adventurous Opposition to whatever is being done by Parliament. The more such independent voices and institutions there are in the Kingdom, the better for the future of liberal democracy. Unsurprisingly, the Government of the day usually resents what they say, and claims the sole authority to speak on our behalf even when it is obvious that We the People have quite other views. It seems doubtful that any other sort of independent institution would have the same clout: public charities, universities, trade unions, and business corporations may have corporate views, and utter them, but they are only particular interest-groups. Religious sects may be viewed as interest-groups as well, merely one more set of lobbyists, but they may also still have a little more authority than merely accidental, single-interest groupings. They may, in fact, have something of the same authority to judge and command as the Government claims for itself: the latter’s authority rests on the implicit consent of its subjects, but the authority of a Church rests on the believers’ *actual* consent. Churches and the like are

¹⁴ Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press 2000).

voluntary associations in a way that States are not – despite their governments' claiming to rule by the tacit consent of the governed.

The second riposte – to which I shall devote rather little time on this occasion – is a rejection both of the Convenient State and the vague influence of a residual religiosity. Realistically, States are not founded on any written or unwritten contract. They are not even the bargains of desperate brigands amongst themselves.

Reason and experience alike tell us that the governments now existing in the world were established by bayonet-point, by force. None of the monarchies or governments that we see in the world are based on justice or on a correct foundation that is acceptable to reason. Their foundations are all rotten, being nothing but coercion and force.¹⁵

Whatever agreements people may have made, or still make, amongst themselves have very little to do with the rightful demands of government. Statism is idolatry. But that is another, and much longer story.

The third response pays more attention to hidden, magical or spiritual thinking in the government even of this country. The secularist conviction that the State must not dictate or assume any particular ideal of the human good, and that all its activities are to be judged solely as more or less efficient means of delivering what everybody wants, is in error. Instrumental reasoning, of the sort that can identify what is or is not *efficient*, must always depend on our grasp of what is intrinsically, not instrumentally, good.¹⁶ When the Welsh Assembly required a group of honest Hindus to stand by while a sacred bull was slaughtered, on suspicion of being a carrier of bovine tuberculosis, a particular vision of the human good was enforced on people who did not share it.¹⁷ Conversely, when immigrants were accused of catching, killing and cooking swans,¹⁸ all properly brought-up Britons were outraged: swans (along with sturgeons, porpoises, whales and dolphins within three miles of the shore) are royal property, and so taboo. Again, there are no purely objective definitions of what counts as litter: removing litter is a public

¹⁵ Ayatollah Ruhollah Khomeyni, *Kashf Asrar* (1943), p. 221: cited by F. Rajaei *Islamic Values and World View* (Lanham, MD: University Press of America 1983), p. 76. See my *Civil Peace and Sacred Order* (Oxford: Clarendon Press 1989), pp. 129-34.

¹⁶ As Aristotle observed: *Nicomachean Ethics* 1.1094a18-22; 1096b13-16.

¹⁷ See <http://en.wikipedia.org/wiki/Shambo> (accessed 5th May 2010): the bull was killed on 26th July 2007, on the authority of the Welsh Assembly; see also <http://www.skandavale.org/shambo.htm>.

¹⁸ See <http://www.thisislondon.co.uk/news/article-5603545-asylum-seekers-eat-swans.do>. I have no assurance that the story is true: in a way, it is more significant if it isn't!

good, or even a public duty, but walking away with the flowers left out in memory of some celebrity is a crime to be punished by the courts and vilified in the tabloids. A few years ago there was a sudden burst of fury at the way horses were being shipped abroad for slaughter, but most of the protestors knew and cared little for the way *cattle* are routinely shipped to distant abattoirs: in Britain horses and dogs have a mythistorical status denied to cattle and sheep. Again, secularists may insist that there should be no such crime as blasphemy, but only because they don't care about particular sacred icons: defacing art-works, pissing on war memorials and taking sexy photos of children are all denounced with a fervour far exceeding a merely utilitarian prohibition. Hate speech isn't simply dangerous to the smooth operation of services: it blasphemes the human condition. Pornography isn't to be deplored because, perhaps, it sometimes leads to or depends on some specific physical harms: it blasphemes beauty. To any future archaeologist and historian of ideas, reared in whatever future culture, it will be obvious that there are widely shared sacred symbols, all the more powerful for not being recognized as problematic. Even consumer culture – which might seem to be irreducibly 'this-worldly' – is focused on the acquisition of *symbols*, and the exaltation of a particular image of success. Even 'success' is, weirdly, not an instrumental notion, but – supposedly – an intrinsic good, and it doesn't much matter what celebrities are famous *for*.

In a related essay on Cassirer, Prof Moxter notes, after Hägerström, that 'an understanding of the state that takes it as an entity on its own, as a subject of a certain will or as a kind of mighty agent performing acts like a person, sticks to [the] mythical tradition and gives rise to the extravagances of metaphysics.' This understanding, Hägerström and he suggest, has been or is being demolished or diminished by an Enlightenment insistence that only corporeal human individuals are agents. Maybe so, though this is no less a metaphysical prejudice than other accounts in which multi-corporeal agencies exist and prosper over generations, or ones which deny the unity and integrity of the human person. But I can see little sign that the Enlightenment prejudice is currently dominant. On the contrary, commentators and politicians routinely suggest, for example, that 'the Electorate' desires a hung Parliament, and that it is possible to vote for such an outcome. 'The Electorate' no less than 'the People' and 'the State' is either a metaphysical construct

or a superstition. Or, of course, just possibly, an angel of the sort that Paul suggested that we should respect, but not worship.¹⁹

Religion, as the body of laws, ceremonials, approved activities and familiar stories by which we mould ourselves, and are moulded, into a particular image, is not dead. Those who think it is are usually confused, supposing that 'religion' always involves a 'belief' in 'supernatural powers'. It may be true that at the very same time as we encourage ourselves in doing what is expected of a proper person, and pay court to an imaginary being – called The People – we also indulge ourselves in telling a merely materialistic story about the larger world. But that larger world, constructed of vast distances and forgotten years, and inhabited by monsters both biological and sidereal, has only a marginal significance for our daily lives – rather less significance, indeed, than the notion of an infinite deity had in the everyday lives of Geoffrey Chaucer's characters! Chesterton was right to be alarmed by scientific nihilism:

'Don't you see that that dreadful dry light shed on things must at last wither up the moral mysteries as illusions, respect for age, respect for property, and that the sanctity of life will be a superstition?'²⁰

But most of us – even most scientific nihilists – don't really pay any attention to that 'light' in our ordinary occasions, even when (perhaps) we should. Even hard science fiction, which seeks to dramatize the most recent scientific understanding of this world in which we say we live, is commonly thought – at least by British literati – to be adolescent fantasy suitable only to nerds. This is no new thing. According to the *Dream of Scipio*, one of the pagan texts that strongly influenced the Middle Ages, Scipio, on his ascent through the planetary spheres, saw

'stars which we never see from here below, and all the stars were vast far beyond what we have ever imagined. The least of them was that which, farthest from heaven, nearest to the earth, shone with a borrowed light. But the starry globes very far surpassed the earth in magnitude. The earth itself indeed looked to me so small as to make me ashamed of our empire, which was a mere point on its surface.'²¹

¹⁹ *I Corinthians* 11.10; cf. *I Corinthians* 6.3.

²⁰ G.K. Chesterton, *The Poet and the Lunatics* (London: Darwen Finlayson 1962 [1929]), p. 70.

²¹ Cicero, *Republic*, Bk. 6, ch.3, Andrew P. Peabody (transl.), (http://ancienthistory.about.com/library/bl/bl_text_cic_scipiodream.htm, accessed 12 June 2010); see also Boethius *Consolation of Philosophy*, Book 2.

But neither Scipio, nor Cicero, nor even Boethius really forgot the ‘vast Roman Empire’ or their own significant place in it for long.

And perhaps this wasn’t entirely wrong. There is a familiar ambiguity about Religion, in most of its manifold varieties. On the one hand, the divine is inconceivably vaster, older, and more potent than any of the powers that ordinarily govern our lives. The *point* of that divinity is that it exceeds our grasp, and that we usually hope to hide ourselves from it even though we know it is impossible to hide. On the other hand, the divine is encountered in our everyday affairs, in the little idols by which, in practice, we guide our conduct. There is no need to suppose that people ‘believe’ in the gods they worship: it is enough that they imagine them.

Wherefore my brittle gods I make
 Of friendly clay and kindly stone,--
 Wrought with my hands, to serve or break,
 From crown to toe my work, my own.
 My eyes can see, my nose can smell,
 My fingers touch their painted face,
 They weave their little homely spell
 To warm me from the cold of Space.

My gods are wrought of common stuff
 For human joys and mortal tears;
 Weakly, perchance, yet staunch enough
 To build a barrier 'gainst my fears,
 Where, lowly but secure, I wait
 And hear without the strange winds blow.—
 I cannot worship what I hate,
 Or serve a god I dare not know.²²

²² John Buchan, ‘Stocks and Stones’, in *The Moon Endureth* (Edinburgh, Thomas Nelson 1923; 1st published 1912), pp. 160-2.

Are there any wholly irreligious human communities? By the standard which I have been sketching, no. To be human is to engage in pointless ceremonies, play with admitted fictions, collect utterly useless mementos, model ourselves on iconic figures, and focus on these artefacts, these idols, *Baalim*. We do so in the half-awareness of the much larger world. Just occasionally, something strikes us, challenges us, and demands a different response. Just occasionally, the God we dare not know puts an end to our comforting illusions, and calls us out and away from Ur, from Haran, or from Egypt. As it is written, Out of Egypt have I called my Son.²³ Just occasionally, we suddenly see that there is no authority anywhere but There.

And just to make it clear that I recognize the perils of that revelation, I end with another quotation from one of the Western World's favourite bo-geys:

In short, man has no right to legislation. Whatever law he formulates will be nothing but an academic exercise. Reason dictates that man is subject to no command except that of God who possesses the universe and the creatures within it.²⁴

Perhaps it is better to remember what that God, according to a related tradition, has required of us: 'to do justice, and love mercy, and walk humbly with our God',²⁵ and not teach human rules as doctrines,²⁶ whether those rules are the compromises of State law or the inventions of particular gurus, priests, imams – or philosophers.

²³ *Matthew* 2.15, after *Hosea* 11.1.

²⁴ Ayatollah Ruhollah Khomeyni, *Kashf Asrar*, 289: cited by cited by F. Rajaei, *Islamic Values and World View*, p. 54.

²⁵ *Micah* 6.8.

²⁶ *Matthew* 15.9; see also *Exodus* 20.7: the command 'not to take the Lord's name in vain'.

