Balancing the Ideal with the Practical: Religious Freedom, National Security, and *The End of History*

Nicholas J. Greanias

ABSTRACT: This paper is a reflection on the general themes of freedom, national security and the return to conflicts which the religious world had experienced in the aftermath of the Cold War. While criticizing the self-assurances of the arrogant West, the author points out that the violent manifestation of religion had adverse effect on freedom and immigration. At the same time, the author criticizes the wildly evolved connotation of tolerance which undermines constructive conversation.

KEY WORDS: Cold War, religion, extremism, End of History, immigrants, Jews, Korematsu vs The United States, law, open immigration, Muslims, Ottomans, Sarajevo, Russians, tolerance.

The great American judge Learned Hand, in a speech during World War II in New York's Central Park, said to a large crowd of newly naturalized American citizens, "The spirit of liberty is the spirit which is not too sure that it is right."

The essence of religious faith is a person's belief that his or her views of God, of salvation and grace, of metaphysics, of an ethical life, are the right ones. Tolerance of other religious people and their views can certainly be—often is—a personal characteristic of a religious person, but the desire to bring others to that correct theology which is held so deeply can be a powerful force, and often overpowers tolerance in ways that can chill religious comity and

even limit religious freedom. Religious freedom has been a growing force in much of the world for several centuries, but it is certainly not present everywhere. Moreover, religious extremism in the world today often carries with it violence and war, and reaction to it in Western democracies can inject a reluctance to apply long-held measures of freedom of religion. As a result, borders that had long been open to migration can close in the legitimate interest of security. This is a subject that needs better airing than it is presently being given. I used to say, and believe, that I preferred the company of and collaboration with people of strong faith, any faith. Recent history has caused me to be not so sure.

A generation ago—though it seems like yesterday to those of us who lived and labored in the Cold War—the East-West struggle abruptly ended, walls came down, the threat of nuclear annihilation subsided, and we, the supposed victors in the West, felt emboldened to declare or at least accept *The End of History*. The idea was that liberal democracy had triumphed, that liberty and pluralism and free markets had prevailed, and that the remaining task was to apply these victorious virtues to the people of the world who had not yet enjoyed them. No one wondered if there were places and people that didn't want all these things. Once the world was perfected, surely, we could turn our intentions to the stars, and inevitably transmit our manifest achievements to and through the Cosmos.

Would we now encounter God, face to face? Our hubris encompassed such notions, whether articulated or not. And scientific reality bolstered such human self-confidence, as physicians and research scientists now freely entered into what had hitherto been the province of God. The apocryphal statement—defining the strength of venerable liberal Western institutions—that the British Parliament could do everything but make a woman a man and a man a woman, was now a quaint anachronism, as the modern world had turned upside down the old order. The singular thing that the British Parliament could not do, could now be done by almost anyone, anywhere.

In these heady days, where virtually anything is possible, some of us feel the need for limits, rules, bright lines that are easy to see and difficult to cross. For these limits we turn to laws

and governments, but this proves circular and difficult, for these limits that we seek *for* ourselves must come *from* ourselves. In the process, those who would block such limits often start with the entry-level argument that you cannot legislate morality, adding that a single code cannot hope to be a fair deal for the rainbow of views, ideologies, experiences, creeds, that arcs from horizon to horizon. Such a defense ignores the basic truth that almost all laws—and certainly all criminal laws—are by their very existence a legislation of morality, as articulated by the lawgiver of society, whether it be a democracy, a monarchy, a totalitarian dictatorship, or a religious or social community.

In the formation of such laws then, moral codes are the essential building blocks. Notions of rightness compete for influence. This can be uneventful in a homogenous society. It can be more difficult as disparate ideologies, confessions, ethnicities, and other interests compete for influence. Even within Christian Europe, whose guiding tenet had been Christ's departing instruction to his followers to be ". . .disciples to all nations. . .," cultural, political, ethnic, and only occasionally real theological difference, had countenanced centuries of conflict and bloodshed. The 20th Century was the culmination of this failure of the western, Christian, liberal world, to come anywhere close to creating a heaven on earth. The end of World War II, which exhibited technology that could obliterate humankind, brought the world seemingly—at least temporarily—to its senses. The victorious allies formed a United Nations, European states banded together in common interest, and trade was seen as a force that would keep countries from fighting hot wars.

But while world wars have been averted, peace has been fleeting, and religion has played a sadly recurring role in much of this. Our modern-day Hundred Years War started in Sarajevo, rested a bit between the two World Wars and the Cold War, but quickly grew hot again as it swallowed up the hoped-for *End of History* in favor of the more likely political theory of an inevitable *Clash of Civilizations*. Ironically, the focus again at the end of the century was on unhappy Sarajevo, and ages-old rivalries and hatred based largely on religion, as Catholic Croatians and Orthodox Serbs resumed killing each other where they had stopped in 1945, with Bosnian Muslims a target

of both as well. This proceeded apace into hopelessly open-ended wars that are still haggling over Hapsburg and Ottoman and Russian borders which are the legacy of 1918 power politics. Today's conflicts in the Middle East revolve around artificial state borders that had been drawn by victorious allies as they bartered for their own self-interest. Spheres of influence and balance of power prevailed over coherent, prudent national boundaries. Today's fighting in the Middle East finds many of its roots in those decisions.

The European Union's genesis as a six-country coal-and-steel community did bring six western European states into an economic union that has forestalled any idea of armed conflict amongst age-old warring enemies. It has purposefully expanded to include virtually the whole willing continent, including quickly the old Warsaw pact, but it proved unable to put much brake on old enmities in former Yugoslavia. Apart from dealing with a resurgent Russian bear, British exit from the Union, and economic woes among its Mediterranean members and Ireland—all of which are significant problems, to be sure—the view here is that the existential question facing the EU and its member-states lies to the south and southeast, and within its own borders to the degree that people from those places reside there now. The same is true in destination countries such as the United States, Canada, and Australia, which are not as insulated by distance and ocean as they were throughout the perils of the past century, with transportation ever faster and communication instantaneous.

At the heart of this existential situation is the interplay between migration and national security, and the role that religion and freedom thereof will play in this tension in the days and years ahead.

As exploration, emigration, and enlightenment philosophy gave birth to more pluralistic societies than the European states that had first colonized these lands—in the Americas and South Pacific mostly—homogenous populations of emigrants from one part of Europe quickly had to react to the entrance of more disparate groups. With Eastern and Southern Europeans and Levantines—Eastern Christians and Jews—now joining Northern Europeans (and Western Christians), in teeming, violent, burgeoning societies, change was constant, threatening, and hard to keep up with.

Toleration came hard, and was won only with much effort, blood, and bitter experience.

Where French, Spanish, and Portuguese colonies had been established, the Roman Catholic Church was too.

In British colonial history, the story is much different. Indeed, much colonial activity was for the very purpose of seeking religious freedom, especially in the founding of particular colonies in North America. Massachusetts was founded by and for the Puritans, a Protestant denomination seeking freedom of worship away from the Church of England. When Roger Williams found the need to hew his own theological path away from the Puritans, he founded the colony of Rhode Island next door. Pennsylvania was largely the home of the Quakers, and Maryland was founded to be a home for Catholic English colonists. The first American universities, Harvard and Yale, started as schools of divinity for clergy. There have been religious tensions and rivalries throughout American history—John Kennedy 1960 was the first non-Protestant to be elected President—but religious freedom was a deeply held and genuinely enforced staple of American life from the outset of U.S. history. The first amendment to the United States Constitution established that there would be neither a state religion, nor any limitation on the free exercise of any religion. It closely resembled the Virginia statute for Religious Freedom which Thomas Jefferson had drafted in 1777 and which he considered one of his three proudest achievements (the others being his drafting of the Declaration of Independence and his founding of the University of Virginia). The generation of statesmen who were the founders of the United States—Washington, Jefferson, Adams, Franklin, Madison, et al—were men of highly individualized notions of faith, and considered this freedom to be the very bedrock of American liberty.

It was also a bedrock part of the immigrant experience. So was a general policy of open immigration. In popular imagination, as well as the reality of the role of Ellis Island, the teeming metropolis of New York City is easy to visualize as the cauldron of the great melting pot that was identified with that open migration. This open period ended soon after World War I. To read news accounts and editorials from those years is eerily similar to the ongoing

immigration debate today. Jobs, assimilation, crime, financial burden to society—these are common watchwords a century apart. Also present is a less-often articulated sense of "otherness" of the would-be immigrant. The Ottoman Greek and Russian Jew of 1912 is the Syrian Muslim and Egyptian Copt of today. And before them had been the Irish and Chinese of 1850. Then and now, there was a fear of too much difference; that prior immigrants (including us!) had been similar enough to Americans already here, but that this new set of newcomers was just too different, that they would not blend in. At a certain point, the fear boils down to that they won't become Americans, that they will have divided loyalties. Through much of the 20th century, this fear was addressed by a declaration of intention that went beyond the basic oath of allegiance that newly naturalized citizens took. A famous example of such a declaration of intention was signed by Albert Einstein in 1936: "I will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty. I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy." This last provision is not so unusual. When Utah, the home of the Mormon Church, wanted to enter the Union, Congress required that the Church give up its policy of husbands having multiple wives, as this was inimical to the laws of the United States. Arguably, Sharia law is similarly inimical to the laws of the United States.

Perhaps the greatest danger in the effort to balance religious freedom against security concerns in western democracies is the wildly evolved connotation of tolerance. Rather than relying on the traditional definition of tolerance within a real panoply of different confessions and opinions, to be called intolerant today is about the worst insult that can be hurled at a citizen in the United States. Regular, everyday Muslim opinion and policy concerning women's rights or homosexuals would be condemned in the most unforgiving terms were they held by any non-Muslim, but criticizing Muslims for these beliefs often subjects the critic to charges of Islamophobia. The venting of such matters would seem to be a prerequisite for the sort of society that values freedom of conscience, but similarly, this is not always so. The fear of being deemed intolerant rather than exhibiting tolerance of competing ideas holds sway in most

university campuses across the United States, where safe zones of protected accepted social and political pieties purposely exclude the free exchange of all ideas. Campuses have devolved from laboratories of democracy to safe zones of no offense. That the University of Chicago's recent declaration of commitment to free and open inquiry created such a sensation is indicative of the trend it has chosen to fight against. This trend is harmful to the very spirit of liberty that must exist in order for freedom of religion itself to be protected.

There will be dangers and missteps. During World War II, in the interest of national security and specifically against the fear of espionage, the U.S. Government rounded up tens of thousands of Japanese-Americans—some of them U.S. citizens—and moved them to internment camps away from the Pacific coast. A 1944 Supreme Court case, *Korematsu v. The United States*, ratified this action as valid within the national security function of the government. The United States has in intervening years invalidated some aspects of this action and decision, but it remains on the books as a valid use of government power.

But Americans are ashamed of it. They miss no opportunity to apologize to Japanese-American brethren. They are also ashamed when they remember that the United States had not opened its gates widely to Jewish refugees seeking to escape Hitler's Europe before the Holocaust. They see photos of Syrian children, dead on Aegean shores or covered in ash in Aleppo's rubble, and recall the little girl author Anne Frank, who died in the death camps because her family did not escape to the United States. Americans fear this guilt and seek to avoid it.

But the western democracies must do a qualitative analysis. First a healthy dose of study and humility is needed. Seeking moral equivalence is a fool's errand, so let the Christian Crusades and the 9/11 bombers find their own places in history. More to the point is the realization that religious liberty appeared at various times, in often surprising guises. We know that Ottoman Constantinople welcomed in the Sephardic Jews that Ferdinand's Spain had expelled. Are we also aware that Genghis Khan allowed people of his empire, including conquered populations, to practice the religion of their choice? His belief that the gift of religious freedom could strengthen

his empire and extend its life and range more than forced conversion, likely laid the groundwork for similar Ottoman practice, and in other places as well.

The liberal West has long articulated its belief that the self-confidence that comes from democratic practices of liberty and free and equal opportunity inherently fortifies the societies that practice them. Is this always true? Might there be instances where secure borders and a knowing limitation of the importation of religious fervor is a greater bulwark than the openness we have long extolled? Is it not at least worth examining the notion that divided loyalties weaken any society? Doesn't a nation that admits lots of migrants need something to bind it together, to reinforce the obligations of its residents and citizens, old and new, to each other? Especially if core precepts of the faith of the immigrants are in opposition to the core civic beliefs of the liberal democracies that welcomed the new people in? These are not casual questions, but they are often ignored because of the opinion that even to ask them is intolerant, ugly, and xenophobic. To wonder if the liberal democracies might be acting recklessly is the same. After all, a thoroughgoing regime of civil rights and liberties trumps everything else, and will be inevitably victorious, right? That's what the West fought for—mostly amongst itself, to be sure—throughout the whole 20th century. Ah yes, *the End of History*, just slightly delayed. Or might that term have a different meaning?

Fr. Nicholas J. Greanias, JD, LLM
Greek Orthodox Archdiocese of America
Foreign Service Officer (ret.), US Department of State
Major (ret.), JAGC, U.S. Army
Adjunct Professor of Political Science, Loyola University Chicago