

Research Notes

Conscience, Religious Liberty, and the Tai Ji Men Case

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ABSTRACT: In April 2023, the author visited Taipei, and presented papers both at the First FOWPAL International Forum on Peace and Human Rights at National Taiwan University, on April 9, 2023, and at the conference “2023 Global and Local Perspectives: Dilemmas and Prospects of Religious Human Rights” at Aletheia University, on April 8, 2023. The two papers are on different but connected subjects. The first discusses how classical Western philosophy distinguishes between two concepts of “will” as part of human liberty: free will and operative will. Reflecting on human will is essential for defining human conscience as a source of moral judgments and the first and the ultimate tribunal of human choice. But human conscience can make mistakes and should be trained to avoid destruction, violence, and evil. Tai Ji Men, a spiritual movement led by Dr. Hong Tao-Tze, puts conscience at the core of its worldview. The second paper examines how the United States adopted the *Bill of Rights* in 1791 to temper and balance central government in favor of local powers and the citizens. The core of the *Bill of Rights* is religious liberty, and its message is relevant for the problems Tai Ji Men is currently encountering in Taiwan.

KEYWORDS: Tai Ji Men, Conscience, FOWPAL, Dr. Hong Tao-Tze, United States Bill of Rights and Religious Liberty, Freedom of Religion or Belief Issues in Taiwan.

I. Conscience, Peace, and Tai Ji Men

Introduction

There is a certain debate on what human conscience is (Reale 2005, 2019a; Plato 2013; Augustine of Hippo 2014, 2016). When this debate is not rigorous

enough, it may easily cause intellectual misunderstandings, also resulting in obnoxious ethical shortcomings.

A common approach to conscience is that of basically translating this old word into “instrument of the human will.” It is indeed legitimate to engage in this translation—and later I will do it myself to some extent—but the rules of this engagement should be carefully investigated.

A too cavalier approach can in fact make conscience a synonym of a “do-what-you-will” philosophy. This may easily degenerate into subjectivism of the worst kind, or even into voluntaristic egocentrism. This reductionism may have a primitive version, practiced by those who reduce moral choices to their materialistic dimension, and a more elegant one. The latter is the attitude of those schools of thought that try to find a justification for every human wish or every attitude by those in power, by using a pretentious yet fallacious reasoning, claiming that whatever we do may always be justified by the claim, “But I followed my conscience.”

A more penetrating understanding of the matter would need some deeper reflections on both conscience and will. I begin with the latter.

Will and Reason

Classical Western philosophy distinguishes between two concepts of “will”: free will (Augustine of Hippo 2010; see Reale 2005) and operative will (Thomas Aquinas 1271). Those who started this discussion spoke Latin; and in Latin the distinction is in fact clearer. In Latin, “will” may be translated either as “*arbitrium liberum*” or “*voluntas*.” “*Arbitrium liberum*” is the free will, the capacity of a person to choose between different or even opposite possible choices. “*Voluntas*,” or the operative will, is the deliberation to pursue our choices once they have been made and stick to them.

“*Arbitrium liberum*,” or free will, is the chronological initial power and the logical first step in the path of human will. “*Voluntas*,” or operative will, comes chronologically and logically after free will. First, we make a choice and take a decision. Second, we implement it. “*Arbitrium liberum*” is the capacity to recognize different options and choose among them. “*Voluntas*” is the liberty to continue on the road dictated by the option we have chosen, and to remain consistent with it.

These two moments reveal human will as part of human liberty. To understand this, we need to introduce a third element: the goal. There is in fact no “*arbitrium liberum*” if there are no different goals between which we can choose. And there is no “*voluntas*” without a goal to pursue. Choosing without an aim is not choosing at all.

Enter conscience. We can now define it as the faculty that enable humans to exert both “*arbitrium liberum*” and “*voluntas*.” Conscience is, first, a moral judgment made by reason through which humans recognize the quality of an act they are free to perform or not to perform (“*arbitrium liberum*”). Second, it is the moral consent that reason gives to the decision of acting, or not acting, in consequence of that choice (“*voluntas*”). Conscience is thus the discriminating human faculty that evaluates a goal, decides to pursue it, and organizes the actions needed for this pursuit.

In defining conscience as a moral judgment by reason, I refer to a particular concept of human reason. This is the “right reason” as defined by Roman philosopher Marcus Tullius Cicero (106–43 BC) in his treaty *De legibus*, “On the laws.” According to this text, “*ratio est recta summi Iovis*” (Cicero 1928, II, 10), or “right is the reason of the Supreme God.” What Cicero meant was that a divine intellect inserted a universal and eternal law of good and evil in all creation since the beginning of time. This “right reason” in human beings is the analogous capacity to recognize and follow that universal divine law. I will use “reason” here in this particular meaning.

If conscience is the faculty that enables humans to exert both “*arbitrium liberum*” and “*voluntas*,” then human conscience is the necessary condition and prerequisite of human liberty. Deny conscience and you deny human liberty, forbid liberty and you neglect human conscience. This is so true that in fact humans cannot really do it. Liberty of conscience can never be cancelled. Obviously, material liberty can be denied. Persecutors can put their victims in jail or even kill them. Killing their conscience is much more difficult. Persecutors always try to annihilate consciences, but they rarely succeed.

Conscience is thus the first and ultimate tribunal of human choice. It works by judging all options on the basis of concepts of good and evil, just and unjust. Since it is an act of judgment by human reason, it presumes that human reason is able to detect and distinguish right from wrong.

Some disagree and would doubt that human reason has this ability. However, in fact even those who deny the possibility of distinguishing between right and wrong have their own concept of right and wrong. For example, those who affirm that human reason can distinguish right from wrong would clearly say that stealing is wrong. However, even those who deny that reason can distinguish between right and wrong would normally react if their wallet is stolen, thus implicitly affirming that stealing wallets is wrong. In fact, it is the ability to distinguish right from wrong through reason that makes human beings different from animals. This is a universal truth independent from ideologies or philosophies.

The Form of Reality

Right reason, conscience, will, and liberty are strictly intertwined in determining human actions. And while conscience may make mistakes in its judgment on possible choices, following its mandates and precepts remains a moral duty.

Conscience in itself can make mistakes. Humans trying to follow their conscience can add even more mistakes. To avoid these mistakes, conscience can and should be trained. The training of conscience is called “formation,” which is a beautiful word. It comes from the Latin word “forma,” in English “shape.” “Forma” has been a key concept in the Western philosophical tradition (Gilson 1991, 2019). It indicates the inner side of things, a side normally ignored by those who only look at the external aspect of reality.

For the Greek philosopher Plato (428/427–348/347 BC), “form” (εἶδος in Greek) is the true nature, or inner being, of an object of our knowledge (Plato 1917a, 1917b, 1917c, 2013; Reale 1996, 2019b; Natorp 1999, 2004). It is its intimate essence, perceived by reason, transcending the exterior aspects perceived by senses. For the Greek philosopher Aristotle (384–322 BC) (Aristotle 1933; Reale 1974, 1980, 1997, 2004) and the bulk of Medieval Christian thought, “form” is the identifying principle of a portion of reality, from which all its properties spring. Aristotle taught that the form of humans is their rational soul (Aristotle 1957).

In common language, we call “form” the exterior aspect of things. We can say, for example, that a vase has a beautiful form. Classical philosophers, on the other

hand, called “form” the interior aspect of reality. In our example, “form” in this second meaning is the invisible essence that makes a vase to be a vase. Opposing these two meanings of the word “form” would be a mistake. In fact, they are connected. It is because of its inner form, perceived by reason, that a certain object has an external form that we may appreciate, perceived by senses.

In both these meanings, form is a noun. It is also a verb. A teacher may “form” a pupil and we can all “form” our conscience so that it avoids mistakes. Again, “form” as a verb is connected with “form” as a noun, in both its meanings. When we “form” our conscience (verb), we train it to appreciate the inner form of the objects of our knowledge, revealed by reason (noun, second meaning) as the root of the external form perceived by senses (noun, first meaning).

Human conscience is able to perceive and recognize the law of good and evil, which exists before conscience itself. It is what Cicero called natural or divine law. For this reason, there is nothing in human beings that is superior to conscience. Conscience is both self-perception and soul. It is God who speaks in human conscience, Cicero said.

In his *De vera religione*, or “True religion,” Augustine of Hippo (354–430: 1991, 2005, XXXIX, 72) the 5th-century Christian philosopher, writes: “Noli foras ire, in te ipsum redi, in interiore homine habitat veritas,” or “Do not go outside, come back into yourself. It is in the inner self that truth dwells.” It is inside their consciences that human beings discover Cicero’s natural or divine law. It is not a law they have created. It is a law they discover inside themselves, without the need of “going out.”

The Desire of Peace

We cannot have a correct moral judgment leading us to the right choices without conscience. We cannot have genuine peace either without returning to a properly formed conscience.

Peace is a much desirable goal. It is not only the absence of enmity, conflict, or war. It is the harmony among different nations and different human beings who respect and appreciate one another for their inner form, their human soul, their humanity. Even in the most peaceful society, individuals and nations cannot fully understand each other. However, they acknowledge the dignity of others and their right and freedom to pursue their goals in peace.

Peace is the goal that human right reason perceives as preferable. Free will, “*arbitrium liberum*,” chooses it. Operative will, “*voluntas*,” pursues, promotes, and defends the goal that free will has chosen. In other words, world peace is the product of human conscience. It can be reached only if humans return to their conscience.

Returning to conscience enables human beings to detect the intimate essence of reality. They would then know that destruction, violence, and evil are bad. They would know that goodness, the opposite of evil, is good. Peace is the supreme philosophical act of human conscience and its most spiritual social dimension. It is a public acknowledgment of the universal law of good and evil, the law that differentiates humans from animals.

Horror, human-made catastrophes, and war happen where and when conscience has been erased and persecuted. When the light of conscience is extinguished, women and men are treated like animals or unanimated things, mere material objects disposable and dischargeable at will. Every act of enmity, conflict, or war in history is a moment of denial of the human conscience. Italian novelist Elio Vittorini (1908–1966), with whom I happen to disagree on other matters, offered a formidable formula of this twilight of conscience in the title of his 1945 novel, *Uomini e no*, or “Men and Not Men” (Vittorini 1985). What the title wants to convey is the idea that for some, other fellow human beings are just “not,” meaning not-human-beings, non-human beings, or human trash.

We live in times and places when people look outside of themselves for guidance, convinced that truth lies in some external solution, yet finding none. Perhaps this is why humanity is plagued by enmity, conflicts, and wars.

Who, in fact, proclaims today that conscience is not just one’s own tantrum, whim, or passing fancy? Who teaches the new generations that good is not the same as evil, and that not all our dreams are to be pursued? Who tells them that rights are God-given because they are the other side of moral duties?

Who, at the international level, reminds governments and nations that might is never right, no matter how much politicians and diplomats hide it under legal sophistry?

The single most decisive source of all enmities, conflicts, and wars is the denial of conscience, which is the court where lies and disguises are unmasked and judged.

I am not a utopian. I know that perfect peace on earth is unattainable. However, the absence of a definitive solution to the human problems on this side of heaven is neither a sufficient reason nor a legitimate excuse to refrain from promoting good and denouncing evil.

Tai Ji Men's Struggle for Conscience and Peace

I am not a Tai Ji Men *dizi* (*disciple*). I have known Tai Ji Men for a few years only. I met *dizi* on their long walk of more than a quarter of a century through absurd suffering and unjust persecution (TaiJiMenCase.org 2023). I am still, step by step, learning much about their philosophy, perspective, and approach. For this reason, I do not feel authorized to interpret Tai Ji Men's vision.

But as far as I can grasp some elements of Tai Ji Men's worldview, conscience is the core of its attitude towards the human problem.

Drawing from a long tradition of spiritual thought in East Asia, Tai Ji Men does not “go out.” It “comes back in” to the inside core of the human being and remains there, where truth dwells. Conscience is the engine that makes the whole Tai Ji Men project work. When we say that as a *menpai*, Tai Ji Men is “similar to a school,” it is a school that forms and educates consciences.

Tai Ji Men has worked for many years for peace among human beings and universal harmony among nations through FOWPAL, the Federation of World Peace and Love (FOWPAL), which was founded by its leader, Dr. Hong Tao-Tze. This work stems from a simple, basic, and easy reason. Peace and love are pursued because this is just and good. As we have seen, in the Western philosophical tradition what is just is also good and vice versa.

We have also seen that “just” and “good” are not labels we put on our feelings, emotions, or desires. They are objective notions. Tai Ji Men does not act publicly for peace because it “perceives” it to be just and good, but because it “is” just and good. In other words, Tai Ji Men *dizi* perceive in their aptly formed conscience through a moral judgment formulated by their right reason that peace is just and good.

In fact, goodness needs no explication. It is self-explanatory. This is why we define it as good. Goodness is good—and it is the best option for each and all of us as human beings. Tai Ji Men is consumed by its zeal to do good on earth—

because good is good. It seems to me that this is what Dr. Hong's own conscience dictates to him and inspires every single moment of his life.

It remains a mystery to me why such a movement of conscience, which is potentially so useful in calling all humanity to go back where truth dwells, is instead obstructed by an absurd and illogical persecution based on blatant falsities. That reminds me that evil is the mystery of iniquity, and denial of religious liberty is part of evil. In the second part of this paper, I explore some further ideas about freedom of religion.

II. Religious Liberty as Polity: The American Example and the Tai Ji Men Case

The Bill of Right

In the middle of a war, on July 4, 1776, the second Continental Congress (1775–1781), or the legislative body of the thirteen colonies that Great Britain had established in North America, declared their independence (*Declaration of Independence of the United States of America* 1776), giving birth to the new nation: the United States of America.

Fiscal and political reasons of under-representation, or even misrepresentation, in the Parliament of London had ignited a revolt that had then developed into an armed conflict, which in turn eventually led to independence—even if independence was not the primary goal of most rebels. They in fact chiefly aimed to redress what they perceived to be a fiscal and political injustice done to them by the rulers of the British empire (McDonald 1958, 1985; Bradford 1994, Kirk 1997c).

Once the thirteen North American colonies had become thirteen new states, they organized themselves into a league, ruled by principles set in what they called “Articles of Confederation,” (*Articles of Confederation* 1777), adopted by the second Continental Congress on November 15, 1777. Later, the new nation felt the necessity of a new institutional framework and adopted the federal Constitution (*Constitution of the United States* 1787), effective March 4, 1789. But Americans felt yet another institutional necessity and on December 15, 1791, adopted a “Bill of Rights” (*Bill of Rights* 1791).

The *Bill of Rights* is the collective name of ten amendments to the Constitution. They are the first basic amendments (more eventually came: today, they are 27) and contain provisions of capital importance. For this reason, James Madison Jr. (1751–1836), one of the American Founding Fathers and later the fourth president of the United States (1809–1817), who is credited to be the mastermind and one of the main authors of the text, proposed to incorporate those original amendments into the very text of the federal Constitution. It did not happen, and the *Bill of Rights* became a supplementary and different document. Nonetheless, it is inseparable from the federal Constitution since it functions as the authentic interpreter of articles and sections of the Constitution that may be perceived as ambiguous.

In fact, the *Bill of Rights* tempers and balances the prerogatives of the government in favor of a whole pyramid of local powers and finally the citizens. It focuses on the proper role of the state. Of course, it discusses the same basic questions that animated the debate-turned-conflict between the former British colonies in North America and the imperial British government, but it also centers on one of the fundamental topics of political philosophy. This is the limit of a government and the measure of liberty that a country's citizens enjoy, both as singles and as a society. Ultimately, it is about the nature of power itself. Social and political philosophy address the question as subsidiarity, implying that central political authority is only auxiliary to local authorities.

As a whole, this matter expresses the centuries-old tension between order and freedom, and the lucidity with which the question was renewed, put forth, and highlighted by North Americans makes the American Founding a landmark and paradigmatic event.

The Concept of “Politeia”

A concept peculiar to Ancient Greek political philosophy is contained in the term “politeia,” πολιτεία. It comes from the word “polis,” πόλις, the specific form of Greek social organization that we translate as “city-state.” It is the idea of a self-sustaining community able, at least ideally, to perform true and even, in some way, direct democracy and to defend itself. From the Greek “polis” come key words like “politics,” “policy” or “police,” indicating different tasks and features of the “politeia” (Aristotle 1932; Kirk 2003a).

In the English language “politeia” is translated as “polity” and it conveys a rich concept. It in fact expresses the ideal of a just government, its form and limitations, as well as the principle of that participation in public life that we call democracy. As a concept of a constitution and a civilizational principle, “politeia” is politics both as a material social organization and a moral philosophy. For this reason, the regime produced by the American Founding in 1776 and subsequent years is a “polity.”

In turn, the discussion of the fundamental political questions that the American polity opens for modern times, and not only for the United States, raises a philosophical point about the human being. In fact, the reflection on the nature, limits, and prerogatives of power cannot be developed without first reflecting on the nature, limits, and prerogatives of the human being, of which politics is both the subject and the object. In other words, doing true politics means to engage in human rights and duties.

It is therefore notable that the core of the American polity, established by the true interpretation of the American Constitution contained in the 1791 *Bill of Rights*, frames the nature of the state, the limits of power and the authentic sense of democracy centering all on the human being and beginning with religious liberty.

Religious Liberty

The first article of the *Bill of Rights*, or the First Amendment to the US Constitution, is the assertion that the state should never mingle with religion, whose exercise is a sovereign feature of human beings. It reads:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The meaning is quite clear. Religious liberty is not only the right to believe per se, but also the right to live accordingly to one’s beliefs. It is morals and politics. Moreover, this first freedom is indicated as the source and origin of all democratic liberties and values that people cherish.

In short, religious liberty is the quintessential protection of human beings, who are, as the 1776 US *Declaration of Independence* reads, “all [...] created equal,”

and “endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

It is noteworthy that the basic provision of the *Bill of Rights* contained in the First Amendment to the US Constitution comes directly from Section 16 of the Virginia’s “Declaration of Rights” (*The Virginia Declaration of Rights* 1776), ratified on June 12, 1776:

religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.

Behind the Virginia’s “Declaration of Rights” stands George Mason (1725–1792), one of the Founding Fathers of the American polity, on whom American man of letters Russell Kirk (1918–2004) wrote one of his most admirable short essays. Entitled “The Marriage of Rights and Duties” (Kirk 1992), it was first published in 1992 and then collected in the 1997 enlarged edition of Kirk’s study of the American polity (Kirk 1997a), which originally had come out in 1990 as *The Conservative Constitution* without that short essay (Kirk 1990). The title of the new 1997 version, *Rights and Duties: Reflections on Our Conservative Constitution*, was reshaped in Mason’s style.

In his seminal 1960 tract *We Hold These Truths: Catholic Reflections on the American Proposition*, Jesuit Father John Courtney Murray (1904–1967), commented that “the American ‘Bill of Rights’ is not a piece of eighteenth-century rationalist theory; it is far more the product of Christian history” (Murray 1960, 13). In fact, Father Murray reasoned,

the ‘man’ whose rights are guaranteed in the face of law and government is, whether he knows it or not, the Christian man, who had learned to know his own personal dignity in the school of Christian faith (Murray 1960, 53).

Here, Murray clearly takes his stand on whether the United States was born a Christian country, a matter that many consider controversial. I would leave the point aside and underline the universal dimension of his judgement: religion is central and pivotal to the American polity, and religious liberty is the first political right of the American citizen.

What is at stake here is in fact that the American Founding set a precedent and an example both in and for the modern times, the precedent and the example of a

polity based on religion and liberty (Respinti 2023). Religion and religious liberty shape and limit government, not the other way round (Kirk 2003b; Kirk 1997b).

Well, I am of course far from saying that we should all play the Americans. But with equal strength I am saying that the American Founding sets an example in which religious liberty is polity, or both the true constitution of the state and the rights of its citizens, and that all modern societies should find their own cultural way to it.

In fact, human rights activists should be educated to the ideal of religious liberty as polity embodied in the American Founding, if they want to be seriously effective. They will then also be able to properly understand Tai Ji Men and the Tai Ji Men case. Perhaps they will not always obtain material freedom for the people they advocate for, but they will always help them to be truly free in their spirits. And this would be no mean achievement.

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