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RESEARCH ARTICLE

Religion and Nature in the Enlightenment

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Abstract

The Enlightenment transformed the relationship between religion, nature and law. Nature ceased to function solely as an object of theological explanation and increasingly became a normative vocabulary through which political authority, rights and religious belief could be assessed. The appeal to nature took several distinct forms. Natural law provided a standard superior to positive command; natural rights located fundamental entitlements in the person prior to the state; natural religion sought religious truth accessible to reason independently of ecclesiastical revelation; and the scientific image of an ordered universe encouraged the idea that public reason could distinguish civil interests from theological claims.

This study examines the legal significance of that transformation. It argues that the Enlightenment did not simply replace religion with secularism. Rather, it reorganised the relation among religion, nature and political authority. Locke used natural rights and limited government to restrict the magistrate's religious competence. Spinoza naturalised biblical interpretation and defended the freedom to philosophise. Voltaire connected natural reason with toleration and criticism of confessional persecution. Rousseau converted religion into a constitutional problem through the category of civil religion. Hume destabilised rational proofs of natural theology and thereby weakened claims to public coercion based upon metaphysical certainty. Kant relocated religion within the limits of reason and moral autonomy. These intellectual movements contributed to a legal transition from confessional government to constitutional freedom of conscience.

The study further considers the constitutional crystallisation of this transition in the American Declaration of Independence of 1776, with its reference to the Laws of Nature and of Nature's God, and in the French Declaration of the Rights of Man and of the Citizen of 1789, which proclaims natural and inalienable rights while expressly protecting religious opinions. It concludes by analysing the continuing relevance of the Enlightenment synthesis for contemporary freedom of thought, conscience and religion under international and European human-rights law.

1. Introduction: Why Nature Became a Legal Category

The legal importance of nature in the Enlightenment cannot be understood by treating it as a synonym for the physical world. Nature acquired several overlapping meanings. It designated the observable order studied by the sciences; the pre-political condition from which political society was conceptually reconstructed; the source of universal moral norms; and, in natural religion, the order through which divine existence or moral obligation might be apprehended without exclusive reliance upon revelation.[1]

These meanings converged around a constitutional question: what gives public authority the right to command? In older confessional structures, legal and political authority could be supported by inherited religious institutions, theological doctrine and the sacral status of rulers. Enlightenment natural-law and natural-rights discourse offered an alternative foundation. Political obligation had to be justified by reference to human nature, reason, consent, utility or common civil interests rather than by ecclesiastical status alone.

[1]Stanford Encyclopedia of Philosophy, Enlightenment, section on deism and the role of reason, nature and religion in Enlightenment thought.

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Religion was therefore not simply expelled from public reason. It was subjected to a new legal grammar. Claims based on revelation, ecclesiastical authority or divine command increasingly had to coexist with claims of natural liberty and rational justification. The result was neither uniform secularisation nor uniform deism. It was a reallocation of jurisdiction between conscience, church and state.

2. From Created Nature to Normative Nature

Christian natural-law traditions had long understood nature as created order. The Enlightenment inherited rather than invented the proposition that moral norms might be known through reason. What changed was the political use made of that proposition. Natural law increasingly functioned as a standard by which positive institutions could themselves be judged.

This development weakened the equation between legality and inherited authority. If persons possess rights by nature, those rights do not depend entirely upon legislative grant. If political society exists for purposes derivable from human nature or natural freedom, then government is fiduciary, purposive and limited. Religious establishment, penal conformity and restrictions upon conscience can therefore be tested against a normative order that precedes the state.

The concept of nature thus became juridically destabilising. It provided a language through which existing law could be declared unjust even when formally valid. The shift from status to natural equality, from privilege to universal right, and from confessional membership to civil personality all draw upon this reconfiguration.

3. Natural Law and the Enlightenment State

Natural law supplied the conceptual bridge between nature and political normativity. In seventeenth- and eighteenth-century theories, law was not exhausted by sovereign command. Human legislation could be evaluated according to principles that were understood as rationally accessible and not merely enacted.

The Enlightenment variants of natural law were diverse. Grotius, Pufendorf, Locke, Barbeyrac, Burlamaqui and others differed substantially concerning theology, sociability, obligation and the relation between natural and civil law. Yet their common juridical importance lay in the proposition that political authority is not normatively self-grounding.

This was especially consequential for religion. Once the state is understood as an institution created for determinate civil ends, the enforcement of theological truth requires a separate justification. The question ceases to be whether the ruler possesses power in fact and becomes whether religious coercion falls within the purposes for which coercive power exists.

4. Nature, Reason and Natural Religion

The Enlightenment concept of natural religion sought to distinguish religious propositions accessible through reason and observation from doctrines dependent upon special revelation. Deism is the most familiar form of this tendency. According to the standard Enlightenment account, the existence of a supreme intelligence and an ordered universe could be inferred through natural reason, while miracles, mysteries and exclusive ecclesiastical claims were subjected to criticism.[2]

Natural religion had legal consequences even where it did not produce irreligion. If core moral or religious truths are accessible independently of a particular church, no single ecclesiastical institution can easily claim a monopoly on the civil consequences of truth. Religious diversity becomes less threatening to political order because the state can ground civil obligation in shared rational norms rather than confessional uniformity.

Natural religion therefore contributed to a shift from orthodoxy as a condition of citizenship to morality and civil conduct as the relevant juridical criteria. The same move could, however, produce new exclusions where belief in a rational Creator was treated as indispensable to civic trust. Enlightenment universalism was thus wider than confessional establishment but not always fully universal.

5. Scientific Nature and the Decline of Theological Monopoly

The scientific revolution altered the intellectual setting in which law and religion were discussed. A universe governed by intelligible regularities encouraged the search for comparable regularities in society, morals and political institutions. The Newtonian image of order became especially influential in Enlightenment thought, though its political uses were diverse.

The juridical importance of this development does not lie in a direct derivation of legal rules from

[2]Stanford Encyclopedia of Philosophy, Enlightenment, Deism: deism is identified as the form of religion most associated with the Enlightenment and as relying upon the natural light of reason rather than special revelation.

physics. It lies in the change of epistemic authority. Natural phenomena became increasingly open to investigation through observation and reason rather than institutional theological interpretation. This model of inquiry strengthened claims for freedom of discussion and weakened the assumption that authoritative institutions could conclusively settle all contested truths.

The constitutional analogue is significant. A legal order committed to inquiry must tolerate disagreement because knowledge advances through contestation. The protection of speech, conscience and religious dissent can therefore be understood as institutional conditions of a society that no longer treats inherited authority as epistemically final.

6. Locke: Natural Rights and the Jurisdiction of the Magistrate

John Locke provides one of the clearest legal connections between nature, religion and limited government. In the Second Treatise, political society arises among persons who are naturally free and equal, and governmental power is justified by the protection of civil interests. In A Letter Concerning Toleration, that jurisdictional structure is applied to religion.[3]

The magistrate is not entrusted with the salvation of souls. Civil power concerns life, liberty, bodily security and external possessions. Religious conviction belongs to a different normative sphere. Coercion is therefore defective both because belief cannot be produced by force and because the state lacks jurisdiction over the spiritual end invoked to justify coercion.

Nature performs two functions in this argument. First, natural freedom limits the transfer of authority to the state. Second, the natural capacities of the human mind explain why compelled belief is impossible. Locke thus converts an anthropology of belief into a constitutional boundary.

7. Locke, Natural Theology and the Limits of Toleration

Locke's toleration was broad but not complete. His treatment of atheists reveals the continuing legal role of natural theology. He feared that those who denied God could not be securely bound by promises, covenants and oaths. The exclusion demonstrates that the Enlightenment separation of civil government from confessional orthodoxy did not immediately produce a fully secular conception of citizenship.

The tension is instructive. Locke's natural-rights theory tends toward equal civil status irrespective of denomination, yet his theory of civic trust retains a theological premise. Nature and God are not opposites in his political vocabulary. Natural law is itself part of a divinely intelligible moral order.

Modern freedom of religion and belief resolves this tension differently by protecting theistic, non-theistic and atheistic convictions. The historical comparison shows that the transition from natural religion to equal freedom of belief required an additional step: the state had to cease treating metaphysical belief itself as evidence of civic reliability.

8. Spinoza: Nature, Scripture and Freedom to Philosophise

Spinoza transforms the relation between religion and nature more radically. In the Theological-Political Treatise, Scripture is interpreted historically and philologically rather than treated as a source of scientific knowledge. Theology and philosophy are assigned different functions, and political peace is made compatible with extensive freedom of thought.[4]

Spinoza's concept of nature is metaphysically distinctive, but its legal implications can be stated without reducing his philosophy to a modern secular programme. By naturalising the interpretation of Scripture and separating piety from speculative doctrine, he weakens the juridical authority of theological controversy. The state need not determine metaphysical truth in order to preserve obedience and justice.

The freedom to philosophise therefore becomes compatible with political sovereignty. Spinoza's argument anticipates a constitutional principle of epistemic restraint: civil government should regulate actions relevant to peace and security, not police speculative belief merely because it diverges from orthodoxy.

9. Spinoza and the Naturalisation of Religious Authority

Spinoza's critique of superstition is legally important because he connects fear, religious manipulation and political power. When religious authority claims control over interpretation and combines that control with coercive institutions, theological disagreement can become a mechanism of domination.

[3]John Locke, A Letter Concerning Toleration and Other Writings, ed. Mark Goldie, Liberty Fund, Indianapolis, 2010; Online Library of Liberty, A Letter concerning Toleration and Other Writings.

[4]Benedict de Spinoza, Theological-Political Treatise, in The Chief Works of Benedict de Spinoza, vol. 1, trans. R. H. M. Elwes; Online Library of Liberty, describing the work as containing Spinoza's Theologico-Political Treatise and Political Treatise.

Naturalistic explanation changes the legal question. Religious practices and texts become phenomena that can be historically examined rather than immune sources of political command. This does not abolish religion; it disaggregates piety, theology and sovereignty.

The constitutional result is a strong case for freedom of expression. If the state permits individuals to think and speak while maintaining authority over conduct that threatens peace, political stability need not depend upon intellectual uniformity. The public sphere becomes a domain of contest rather than doctrinal administration.

10. Voltaire: Nature Against Fanaticism

Voltaire's appeal to nature is less systematic than Locke's natural-law theory or Spinoza's metaphysics, but legally it is highly consequential. In the Treatise on Tolerance, the diversity of religious practices and the common condition of humanity are deployed against persecution. Nature functions as a universalising perspective from which sectarian cruelty appears disproportionate and irrational.

The Calas affair gave this argument a concrete juridical form. Religious prejudice, defective criminal procedure and public passion combined to produce a miscarriage of justice. Voltaire's campaign transformed toleration from abstract doctrine into criticism of penal institutions and evidentiary failure.

Nature therefore performs a critical function: it places shared humanity prior to denominational difference. The law should respond to acts and evidence, not to religious identity or inherited suspicion. This anticipates the modern principles of equality before the law and religious non-discrimination.

11. Voltaire, Deism and the Legal Minimum of Religion

Voltaire's deism illustrates another Enlightenment strategy. Religion could be reduced to a minimal rational core compatible with natural morality while dogmatic conflict was treated as a source of civil danger. Such a model makes toleration easier because the state need not arbitrate among elaborate theological systems.

Yet a legal difficulty follows. If the state itself defines the rational minimum of acceptable religion, natural religion can become a new orthodoxy. The movement away from confessional establishment does not automatically guarantee freedom if public authority reserves power to classify some metaphysical positions as irrational or socially dangerous.

The enduring lesson is that constitutional protection must attach to freedom of conscience rather than to official approval of reasonable theology. Modern rights law protects belief as a sphere of individual autonomy, not merely those forms of religion that satisfy an Enlightenment test of rationality.

12. Rousseau: Nature, Political Association and Civil Religion

Rousseau introduces a different relationship among nature, religion and law. The social contract transforms natural freedom into civil and moral freedom. Political legitimacy depends upon association under the general will rather than theological sovereignty. Yet Rousseau also insists that political communities require certain civic sentiments.

Book IV, chapter 8 of The Social Contract develops the concept of civil religion. Rousseau distinguishes the private spiritual commitments of individuals from a limited set of civic beliefs related to the social bond. The state, in this model, does not establish a detailed theology but claims an interest in beliefs considered necessary for citizenship.[5]

The result is constitutionally ambivalent. Rousseau contributes to the secularisation of sovereignty by locating political authority in the people, not the church. At the same time, civil religion creates a route by which political power may again regulate conscience. His theory therefore exposes a persistent problem: even a non-confessional state can sacralise its own political principles.

13. Civil Religion as a Constitutional Risk

Civil religion demonstrates that the decline of ecclesiastical sovereignty does not eliminate the possibility of ideological coercion. A state may cease to enforce church doctrine yet demand adherence to a political creed invested with quasi-religious significance.

From a modern constitutional perspective, the difficulty concerns the distinction between allegiance to law and compulsory belief. Citizens can be required to obey valid law; they should not ordinarily be compelled to affirm metaphysical or ideological propositions as a condition of civil status.

Rousseau therefore marks a boundary case in Enlightenment thought. Nature and popular sovereignty liberate the state from inherited religious

[5]Jean-Jacques Rousseau, The Social Contract, Book IV, ch. 8, Civil Religion; Online Library of Liberty, The Social Contract and Discourses.

authority, but the political community may itself claim moral supremacy. The history of religious freedom consequently requires limits not only on churches but also on democratic sovereignty.

14. Hume: Natural Religion Under Sceptical Examination

David Hume's writings on religion destabilise the confidence with which natural theology could be converted into public certainty. In the Dialogues Concerning Natural Religion and related writings, Hume subjects arguments from design, causation and experience to sceptical examination.[6]

The legal significance of Hume lies less in a direct theory of religious freedom than in the epistemic implications of his scepticism. If metaphysical propositions concerning divine nature cannot be established with the certainty claimed by religious authorities, coercive enforcement of those proposit ions becomes harder to justify.

Scepticism thus supports constitutional modesty. Public power should be cautious where the alleged basis for coercion is a contested theory of ultimate reality. The state's competence is strongest in relation to observable civil harms and weakest where it purports to resolve speculative theology.

15. Hume, Nature and the Limits of Rational Proof

Hume also complicates the Enlightenment tendency to treat nature as transparent moral evidence. Nature may disclose regularities, but normative conclusions cannot simply be extracted from descriptive facts. The distinction later associated with the problem of deriving an ought from an is warns against turning natural description into automatic legal prescription.

This is important for natural-law discourse. Appeals to human nature can support liberty, equality and rights, but they can also be used to naturalise hierarchy or exclusion. Legal argument must therefore identify the normative premises through which facts about nature are converted into duties.

The Enlightenment legacy is consequently double. Nature becomes a source of critique against arbitrary authority, but Humean scepticism prevents nature from becoming an unquestionable substitute for revelation.

16. Kant: Nature, Freedom and Religion Within Reason

Kant reorganises the relationship between nature and freedom. Nature is the realm of causal necessity as known through experience, while moral freedom concerns the rational autonomy of persons. Religion is legitimate when brought within the boundaries of reason rather than used as an external authority overriding moral agency.[7]

For legal theory, Kant's importance lies in the autonomy of the rational person and the distinction between external legality and internal morality. Law governs external freedom under universal conditions; it does not possess general competence to manufacture virtue or religious conviction.

This reinforces a constitutional boundary around conscience. Public law may secure a framework of equal external freedom, but inward faith remains outside the ordinary mechanisms of legal compulsion. Religion becomes compatible with public reason when it does not displace the autonomy that makes moral and legal responsibility possible.

17. Kant and the Public Use of Reason

The Enlightenment is famously associated in Kant with the emergence from self-incurred immaturity through the use of reason. The public use of reason has an institutional dimension: intellectual progress depends upon the freedom to criticise doctrines and authorities.

Religious establishments are therefore problematic when they permanently bind future generations to fixed propositions immune from public examination. No generation may legitimately close the path of enlightenment for those who follow.

The constitutional significance is direct. Freedom of expression and religious freedom are interconnected because conscience cannot develop in an environment where theological criticism is prohibited. Protection of belief must include protection of inquiry, doubt, conversion and rejection.

18. Nature as the Foundation of Natural Rights

The eighteenth-century constitutional breakthrough occurs when nature is translated from philosophy into rights language. Natural rights are not merely moral

[6]Stanford Encyclopedia of Philosophy, Hume on Religion, on Hume's writings concerning natural religion and the philosophical problems of religion.
[7]Stanford Encyclopedia of Philosophy, Kant's Philosophy of Religion, discussing natural theology, reason and religion in Kant's critical philosophy.

aspirations; they function as standards superior to ordinary government.

The American Declaration of Independence expresses this synthesis in unmistakable terms. It invokes the Laws of Nature and of Nature's God, states that human beings are created equal, and attributes unalienable rights to a Creator. Nature and religion are not presented as rival foundations. They are joined in a vocabulary that makes political rights prior to government.[8]

This formulation illustrates the characteristic ambiguity of Enlightenment constitutionalism. The source of rights can be articulated in theological language while the rights themselves are universalised beyond a particular church. The divine is constitutionalised through nature rather than ecclesiastical jurisdiction.

19. The Laws of Nature and of Nature's God

The phrase Laws of Nature and of Nature's God is especially revealing because it joins rational universality and transcendent sanction. The Declaration does not identify a specific church as the source of American political entitlement. Its religious vocabulary is deliberately general.

Legally, this permits natural rights to operate independently of denominational membership. The rights to life, liberty and the pursuit of happiness are not allocated according to confession. Government exists to secure rights, and its just powers derive from the consent of the governed.[9]

The constitutional structure therefore reverses the older confessional logic. Religion does not confer jurisdiction upon government; a universal moral order limits government. Nature becomes a language of constitutional restraint.

20. The French Declaration of 1789: Natural and Inalienable Rights

The French Declaration of the Rights of Man and of the Citizen of 26 August 1789 makes the legal transformation even more explicit. Its preamble refers to the natural, inalienable and sacred rights of man, and Article 2 identifies liberty, property, security and resistance to oppression among the natural and imprescriptible rights of man.[10]

The word sacred is significant. Revolutionary constitutionalism does not simply eradicate religious vocabulary. It transfers a form of sanctity from inherited institutions to universal rights. The object of reverence becomes the rights-bearing person.

Nature thereby performs a constituent function. Rights exist prior to and above ordinary legislation. The legislature is not their creator but is bound to respect them. This is a decisive step toward modern constitutional review.

21. Article 10 of the Declaration of 1789 and Religious Opinion

Article 10 of the Declaration provides the crucial connection between natural rights and religious liberty. It protects persons from being disturbed on account of their opinions, including religious opinions, subject to the condition that their manifestation does not disturb the public order established by law.[11]

This formula contains the architecture of modern freedom of religion. Belief and opinion are presumptively protected; manifestation may be regulated for legally defined public-order reasons. Religious difference is no longer itself a civil wrong.

The provision also marks a conceptual shift from toleration to right. The state does not merely permit minority religion. Religious opinion is located within the general liberty of the citizen. Nature, rights and religion therefore converge in a constitutional guarantee.

22. Natural Equality and the Decline of Confessional Status

The principle of natural equality undermined the legal organisation of society by inherited religious status. If persons are equal by nature, civil disabilities based solely upon religious membership require justification beyond tradition.

This did not immediately eliminate religious discrimination. Revolutionary and post-revolutionary legal orders remained inconsistent, and emancipation occurred unevenly. Nevertheless, the normative burden shifted. Confessional privilege increasingly appeared as an exception requiring defence rather than as the natural structure of political society.

[8]National Archives, Declaration of Independence: A Transcription, 4 July 1776, opening reference to the Laws of Nature and of Nature's God and the preambular statement concerning equality, the Creator and unalienable rights.

[9]National Archives, Declaration of Independence, 1776, stating that governments are instituted to secure rights and derive their just powers from the consent of the governed.

[10]Conseil constitutionnel, Declaration of Human and Civic Rights of 26 August 1789, Preamble and Article 2.

[11]Conseil constitutionnel, Declaration of Human and Civic Rights of 26 August 1789, Article 10, protecting opinions, including religious opinions, subject to public order established by law.

The transformation from subject to citizen is inseparable from this change. Citizenship becomes a civil status theoretically independent of theological identity. Nature universalises legal personality.

23. Nature and the Secularisation of Sovereignty

Enlightenment constitutionalism secularises sovereignty not necessarily by denying God but by relocating the proximate source of political authority. Sovereignty is grounded in the people, the nation, consent or the general will rather than the institutional church.

The French Declaration states in Article 3 that the principle of sovereignty resides essentially in the nation. The American tradition similarly grounds governmental legitimacy in the consent of the governed. Religious authority can inform moral conviction, but it no longer automatically translates into civil jurisdiction.[12]

This distinction is central to modern constitutionalism. Political legitimacy can coexist with religion without being administered by religious institutions. The state becomes institutionally autonomous while conscience becomes legally protected.

24. Nature, Religion and the Birth of State Neutrality

State neutrality is not a single Enlightenment doctrine, but the period supplies several of its intellectual foundations. Natural equality denies that a denomination possesses superior civil status by nature. Natural rights limit governmental competence. Natural religion reduces the political need for doctrinal uniformity. Scepticism counsels epistemic restraint. Toleration separates civil peace from theological agreement.

Together these developments create a presumption that public power should not decide religious truth merely because it can. The state's task becomes the protection of civil rights and public order rather than the salvation of souls.

Modern neutrality goes further by addressing indirect discrimination, equal access to public benefits and institutional impartiality. Yet its conceptual ancestry lies partly in this Enlightenment redefinition of nature and jurisdiction.

25. The Paradox of Natural Religion

Natural religion could emancipate conscience from ecclesiastical monopoly, but it could also become exclusionary. When a rational belief in God was treated as a minimum condition of morality, atheism or non-theistic belief could remain outside full civic respectability.

The paradox is important. A doctrine designed to reduce sectarian conflict may still discriminate if the state identifies a preferred metaphysical baseline. The legal problem is not solved merely by replacing detailed dogma with a generalised theism.

Modern freedom of religion and belief resolves the issue through a broader category of conscience. Protection extends to theistic, non-theistic and atheistic beliefs and to the right not to profess a religion. In this respect contemporary law completes a universalising movement that much Enlightenment thought began but did not finish.[13]

26. The Paradox of Nature as a Legal Argument

Nature is similarly double-edged in law. Natural-rights discourse has supported emancipation, but claims about natural difference have also been used historically to defend exclusion, hierarchy and unequal status.

The legal lesson is methodological. Nature does not speak in self-executing legal propositions. Human beings interpret nature through normative frameworks. A constitutional order must therefore distinguish between universal rights claims and assertions that convert contingent social arrangements into allegedly natural necessities.

Humean scepticism, Kantian autonomy and rights-based constitutionalism together suggest a disciplined approach: descriptive claims about nature must not displace the normative requirement of equal justification.

27. Religion as Conscience Rather Than Corporate Privilege

One of the most important Enlightenment legal transformations is the movement from religion as corporate status to religion as individual conscience. Under confessional systems, religious bodies could

[12]Conseil constitutionnel, Declaration of Human and Civic Rights of 26 August 1789, Article 3, locating the principle of sovereignty essentially in the Nation.
[13]United Nations Human Rights Committee, General Comment No. 22 on Article 18 ICCPR; OHCHR international standards on freedom of religion or belief, explaining that Article 18 protects theistic, non-theistic and atheistic beliefs and the right not to profess a religion.

possess jurisdiction, privileges and disabilities attached to membership. The rights paradigm gradually relocates the legal centre of gravity in the person.

This does not eliminate collective religious freedom. Churches and communities continue to require institutional autonomy. But their legal protection increasingly derives from the freedom of persons to associate and manifest belief rather than from a claim to sovereign religious jurisdiction.

The move is visible from Locke's voluntary church to modern guarantees of individual and collective manifestation. Nature supports the transition because natural rights attach to persons before institutional affiliation.

28. From Toleration to Freedom of Religion

Toleration is structurally weaker than freedom. It presupposes an authority that permits what it might otherwise suppress. A right, by contrast, constrains the authority itself.

The Enlightenment contains both models. Voltaire often speaks the language of toleration; Locke moves toward jurisdictional limitation; the Declarations of 1776 and 1789 translate natural entitlement into constitutional principle. The historical trajectory is therefore from discretionary accommodation to legally protected liberty.

This distinction remains essential in contemporary law. A religious minority does not enjoy freedom because a government happens to be benevolent. Freedom exists where law limits governmental interference and provides remedies when that boundary is crossed.

29. Public Order as the Boundary of Religious Manifestation

The French formula of 1789 anticipates a persistent modern problem: the distinction between protected belief and regulable manifestation. Religious freedom cannot be absolute in its external effects because conduct may conflict with the rights of others, public safety or public order.

The Enlightenment contribution lies in reversing the presumption. The burden is no longer on the dissenter to prove entitlement to exist. The state must identify a civil reason for restriction.

This approach is recognisably present in modern Article 18 of the International Covenant on Civil and Political Rights and Article 9 of the European Convention on Human Rights. Manifestation may be restricted only under legally defined conditions and for specified legitimate aims.[14]

30. Contemporary International Law and the Enlightenment Legacy

Article 18 of the International Covenant on Civil and Political Rights protects freedom of thought, conscience and religion, including the freedom to have or adopt a religion or belief and to manifest it individually or collectively, in public or private. The Human Rights Committee has emphasised that the provision protects theistic, non-theistic and atheistic beliefs as well as the right not to profess a religion.[15]

This formulation demonstrates how far modern law has moved beyond natural religion as a preferred rational theology. The protected object is not metaphysical correctness but freedom of conscience.

At the same time, the Enlightenment architecture remains visible. Internal conviction enjoys particularly strong protection; external manifestation can be regulated for public reasons; religious difference does not alter basic civil status; and public authority must justify coercion within a universal legal framework.

31. Article 9 ECHR and the Juridification of Pluralism

The European Convention on Human Rights similarly protects freedom of thought, conscience and religion. In Kokkinakis v Greece, the European Court of Human Rights described religious freedom as one of the foundations of a democratic society and connected it with the pluralism that is inseparable from democracy.[16]

This jurisprudence converts an Enlightenment political aspiration into judicially enforceable law. Pluralism is no longer merely a philosophical virtue; it becomes a constitutional criterion used to evaluate state interference.

The relationship between nature and religion is now mediated through dignity, autonomy, equality and democratic necessity rather than through eighteenth-century natural theology. Yet the underlying displacement of state theological authority remains.

[14]International Covenant on Civil and Political Rights, Article 18(3); European Convention on Human Rights, Article 9(2).

[15]Office of the United Nations High Commissioner for Human Rights, International Covenant on Civil and Political Rights, Article 18.

[16]European Court of Human Rights, Kokkinakis v Greece, 25 May 1993, Application no. 14307/88, judgment finding a violation of Article 9 and identifying freedom of religion as a foundation of democratic society.

32. From Natural Law to Human Rights Law

Modern human-rights law does not simply reproduce classical natural law. Its norms are enacted in constitutions and treaties, interpreted by courts and implemented through positive institutions. Nevertheless, the idea that certain rights limit public power because they belong to persons as such retains a recognisable natural-rights inheritance.

The Enlightenment therefore contributes to a paradoxical development. Natural norms are translated into positive law precisely so that they can effectively constrain positive law. Constitutional and international rights turn philosophical claims about universal human entitlement into legal standards with institutional remedies.

Religious freedom is a paradigmatic example. What began as an argument against persecution becomes a justiciable right governed by legality, proportionality, equality and procedural protection.

33. Nature, Environment and Religion: A Distinction Necessary for Modern Law

The contemporary expression religion and nature can also suggest environmental law, but that is distinct from the principal Enlightenment problem examined here. Enlightenment nature is primarily epistemic, moral and juridical: it concerns the order of the world, human nature and natural normativity.

Nevertheless, an indirect connection exists. The Enlightenment desacralisation of some aspects of nature contributed to modern scientific and technological control, while other strands preserved ideas of natural order and human embeddedness in the world. Contemporary environmental constitutionalism sometimes reintroduces intrinsic value, ecological limits and intergenerational duties into legal reasoning.

The historical comparison cautions against a simple opposition between religious and secular views of nature. Both religious and Enlightenment traditions contain competing conceptions of stewardship, dominion, rational use and intrinsic order. Legal doctrine selects among these through constitutional and statutory norms rather than philosophical labels alone.

34. The Legal Relevance of Enlightenment Deism Today

Deism itself has little direct role in contemporary constitutional doctrine, but its historical function remains important. It showed how religious language could be detached from exclusive institutional authority and reformulated as a universal rational vocabulary.

This helped create political documents capable of invoking a Creator or providential order without establishing a specific church. The American Declaration is the most visible example. The constitutional state could use religiously resonant language while leaving denominational questions outside the legal conditions of citizenship.

Modern constitutionalism often prefers a more explicitly neutral vocabulary, yet the historical pattern explains why religious references and secular institutional structures are not necessarily contradictory.

35. The Legal Relevance of Enlightenment Scepticism Today

Scepticism contributes to constitutionalism by limiting claims of epistemic monopoly. When ultimate truth is contested, coercion requires reasons that can be translated into public and legal categories.

This does not mean that law must treat all beliefs as true. Courts routinely determine facts and apply norms. The relevant restraint concerns the state's competence to declare theological truth for the purpose of allocating civil rights.

Modern religious-freedom doctrine embodies this distinction. Courts generally assess sincerity, conduct, legal burdens and competing rights without deciding whether a religion's metaphysical propositions are true. That institutional posture is one of the clearest descendants of Enlightenment epistemic restraint.

36. Religion, Nature and Constitutional Identity

A difficult modern question concerns constitutional identity. States may possess historical religious traditions while also committing themselves to equality and freedom of conscience. The Enlightenment does not offer a single solution because its thinkers ranged from deists and sceptics to advocates of civil religion and defenders of continued establishment.

Its enduring contribution is analytical rather than prescriptive. Historical identity cannot by itself settle the scope of present governmental power. The state must distinguish cultural inheritance from coercive jurisdiction.

Nature and natural equality provide the universalising counterweight. Whatever the historical religion of a political community, the civil status of persons cannot legitimately depend upon theological conformity in a rights-based constitutional order.

37. The Transformation of the Sacred

The Enlightenment is often described as a process of disenchantment, but legal history reveals a more complex transformation. The sacred does not simply disappear. It is partially relocated.

The French Declaration calls human rights natural, inalienable and sacred. Political legitimacy itself acquires quasi-sacral language through sovereignty, nation, rights and constitutional founding. The American Declaration invokes a Creator while converting that theological reference into a universal theory of rights and consent.

The legal significance is that objects formerly protected through sacred institutional status become protected through constitutional normativity. The person, conscience and rights take the place formerly occupied by confessional privilege.

38. The Central Juridical Synthesis

The relationship between religion and nature in the Enlightenment can therefore be expressed as a juridical synthesis. Nature universalises; religion particularises and transcends; law mediates between them.

Natural law and natural rights create standards beyond enacted command. Natural religion reduces dependence on confessional revelation. Scepticism limits claims of certainty. Toleration restrains coercion. Popular sovereignty relocates political authority. Constitutional rights finally translate these intellectual movements into positive law.

The synthesis is not harmonious in every thinker. Rousseau's civil religion threatens coercion; Locke excludes atheists; Voltaire's deism can be paternalistic; Hume destabilises natural theology; Kant sharply distinguishes nature from freedom. The value of the Enlightenment lies precisely in this productive conflict, from which modern religious liberty emerged.

39. Final Assessment

Religion and nature were not opposing concepts in the Enlightenment. Their relationship was reconstructed. Nature became a source of universal normativity and rational inquiry; religion was progressively separated from exclusive ecclesiastical jurisdiction and relocated within conscience, morality and voluntary association.

The legal consequence was a transformation of sovereignty. Government ceased, in principle, to derive unlimited competence from religious truth. Political authority had to justify itself through civil purposes, natural rights, consent and public reason. Religious belief ceased to be merely a status administered by the state and became an aspect of protected individual freedom.

The constitutional documents of 1776 and 1789 crystallised this transformation in different forms. The American Declaration joined nature and God as foundations of universal rights; the French Declaration secularised natural rights while expressly protecting religious opinion. Contemporary human-rights law carries the development further by protecting religion, non-religion and conscience within a common legal framework.

The deepest Enlightenment legacy is therefore not the replacement of religion by nature. It is the creation of a legal order in which neither revelation nor nature can operate as unexamined commands. Both must be mediated through reason, rights, jurisdiction and equal civil freedom.

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