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Religion: A Challenge to Liberalism Transcript

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Religion: A Challenge to Liberalism

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The aim of these lectures is to discuss in contemporary terms the complex dialectic between political liberalism and Christian belief. I say Christian belief since that is the faith community which I know and to which I subscribe but most, if not all of the issues described and analysed in these lectures, will apply to other religions too.

The fundamental issue can in fact be stated simply enough although it has many complex ramifications. Given that in the West the constitutional order of political liberalism or of liberal democracy creates the environment within which those with religious beliefs operate, what is it that privileges political liberalism when its effect may indeed be to refashion the nature of the religious beliefs held by many citizens of such an order and may well constrain the ways in which those beliefs are expressed and acted upon? In order to provide a focus for this issue let me quote from the important work of Stephen Macedo who argues in *Liberal Virtues* that:

“To accept the liberal settlement is to accept institutions, ideas and practices whose influence over our lives and our children’s lives will be broad, deep and relentless: family life, religious life and paradigmatically private associations take on the colour of liberal values.”

And

“Liberalism will succeed and become stable and robust where persons, their largest moral views, institutions and society as a whole become liberalised” (74)

Assuming for the moment that such a judgement is correct then this clearly raises deep questions about the legitimacy of a liberal order which has this effect and this will be the predominant theme of these lectures with a focus on how these issues impact on the nature of religious belief and religious life in a liberal society.

In order to answer the question of what it is that privileges political liberalism we need first of all to have some understanding of what is meant by the term “liberalism”. This is not at all an easy a question to answer and as we proceed with the lectures we shall see how complex and multifaceted liberal ideas are. However, as a starting position, we might say that political liberalism involves a commitment to individual freedom understood primarily as the absence of interference and coercion; political and civil equality; the view that individual freedom and equality can be best protected by a set of rights which will define an area of private life within which the individual should be free from the control of the state or for that matter from the potential coercion civil institutions including faith communities; a commitment to toleration of thought and action at least in so far as action does not coerce others so that individuals are free to pursue their own conception of the good free from coercion so long as that pursuit does not harmfully or coercively affect others; a view that there is a sharp distinction to be drawn between the public and the private or put another way between the state and society so that freedom, equality and rights provide a framework for the protection of private and voluntary practises against the encroachments of the state; and finally the view that it is not the function of the state to articulate or follow any specific conception of the good whether religious or ideological but rather that it exists to provide a neutral framework within which individuals pursue their own good in their own way. Citizenship in such a state is defined in terms of these principles and rights, it is not to be defined in terms of the pursuit of some collective good or goal whether religious, moral or ideological and one’s citizenship is not changed or modified by the comprehensive sets of beliefs including religious beliefs that one might hold and stays the same between individual citizens who may hold mutually incompatible sets of beliefs. The state, on the political liberal understanding of it, is broadly *nomocratic* rather than *teleocratic*. In these various ways, to quote Rawls’ formulation, liberalism puts the “right before the good”.

On the face of it such a form of liberalism might look attractive to the religious believer not least because of what it secures - namely religious toleration; the right to freedom of belief and the right to the expression of religious faith except when it harms or coerces others. The distinction between state and society and the parallel distinction between public and private gives the faith groups freedom within civil society to hold and, subject to the condition mentioned, express their beliefs. So it would seem that religious people gain a number of private and civil goods from membership of a liberal political order. It might therefore seem that, given these benefits, they have strong reasons to endorse the basic structure of a liberal order.

However, matters are by no means as straightforward as this. Perhaps the fundamental reason is that the role of religion in such a state is *privatised* and as such is changed and part of our subsequent discussions will be about the assessment of this claim. For the moment, however, the religious critic of political liberalism will argue that the definition of the political or the public realm in terms of rights, freedom and equality together with the view that comprehensive doctrines such as religious ones can have no direct place in the public sphere effectively dismisses religion from the public realm and consigns it to purely private belief. However, from a religious point of view this is entirely unsatisfactory because for most religious believers those beliefs are essential to their sense of their personal identity and worth and indeed may be the most important features of their lives, making their lives worth living and endowing those who hold such beliefs with a sense of their significance and worth. Religious commitments are “ground projects” to use Bernard Williams’ words. Such projects nourish a sense of personal identity and worth and give one a reason for living. Ground projects do not have to be of a religious character but certainly religious beliefs would be instances of such projects. At the same time the very same people are citizens of a liberal democratic order the policy outcomes of which, against the background of a liberal constitutional order, may well be incompatible with their own understanding of the identity constituting beliefs which they hold. How are we to understand the nature of citizenship in a liberal democratic order and how the demands of such a form of citizenship mesh with religious and identity constituting beliefs? The claim might well be that in fact liberalism assumes that the religious believer can be virtually schizophrenic - holding to the truth of certain beliefs - for example about sexuality or war- while at the same time having to leave in abeyance those beliefs when, as a citizen, the religious believer enters debates about policy in the public realm. An apt description of this sense of dissonance which is appropriate to the political context under discussion is in W.E. Connolly’s phrase the “bicameral self.” How can a politically liberal account of citizenship understood as independent of comprehensive doctrines be justified to someone who holds a set of these doctrines to be true and for whom these are central to his/her motivation and identity.

What would make him or her agree to accept the outcomes of debates in the public realm from which their own doctrinal beliefs are excluded?

Another way of putting this point would be that for the religious believer the justification of liberalism is in terms of private goods such as religious freedom whereas both such a person and, indeed, the political liberal might well want to have a broader sense of justification for a liberal order which justifies it in public, impartial and universal terms and not just in terms of private benefits. The problem, however, is how far, if at all, the justification of such an order can engage with the beliefs of religious people as opposed to privatising them and in fact ignoring them in the public realm. No doubt, for example, the writings of Locke and many other who have contributed to the development of liberalism, religious faith and theological beliefs have played a significant role in the justification of a liberal order. This aspect of liberal justification has however been eclipsed in favour of a view that sees the liberal constitutional order as being free standing in respect of comprehensive beliefs and needing justification in a way that does not put those beliefs into the primary reasons for the legitimacy of such a free standing order. The problem with this is that if the justification of liberalism does not engage directly with the identity constituting beliefs of significant groups of the population in terms of how the beliefs are in fact entertained by those who hold them then it might well seem that central liberal principles such as general respect for persons and the requirement to justify the exercise of political authority by all who are subject to it (Waldron) would be compromised. This point has been well made although in a rather ambiguous manner by Thomas Nagel who accepts most of the precepts of political liberalism when he says:

“We should not impose arrangements, institutions or requirements on other people on grounds that they could reasonably reject (where reasonableness is not simply a function of the independent rightness or wrongness of the arrangements in question, but genuinely depends on the point of view of the individual in question to some extent.” (Nagel page 221)

This implies that in relation to a religious person political liberalism should be justified in such a way that engages with the beliefs of that individual – but the crucial qualification is “to some extent.” So the issue then becomes: “To what extent” and the answer to this is given in the earlier part of the passage with the appeal to reasonableness. So what will be crucial, as we shall see, is whether there is some kind of neutral account of reasonableness or does reasonableness turn out to mean those beliefs which are held in a liberal manner so that political liberalism can engage with the comprehensive beliefs of individuals – but only if they are held in a liberal way. In which case the process of justification seems to be circular. This idea of reasonableness in belief and its connection with broader conceptions of rationality will prove to be of central importance in our enquiry.

As we shall see, some have argued that because liberal states reflect a pluralistic society in which people have very different conceptions of the good, the basis of legitimacy of citizenship has to be seen as being based on a morally *thin or shallow* basis. That is to say that the justification of a liberal political order should not appeal to substantive moral values which are controversial in a pluralistic society. If liberalism invoked such values then it would become part of the problem of pluralism. It can only represent itself as the solution to the problem if in fact it is justified on thin and general grounds which are either universally acknowledged or at least very widely acknowledged in a pluralistic society whatever else people within such a society might disagree about. Assuming this to be true for the moment there is then a clear issue as to why a religious believer who holds to a thick or constitutive moral point of view should feel obliged to defer to the policy outcomes of a political order the basis of which is, of necessity, morally more shallow- needing as it does to be compatible with a wide range of pluralistic views. Again the same question arises: What is the basis of legitimacy of such a liberal order and what is it that privileges it? How does an account of the moral basis of such an order relate to the first order, thick moral beliefs of many of its citizens and particularly those of a religious persuasion? One way of putting the dilemma for the political legitimacy of a liberal order is how are we to understand the relationship between agent relative reasons – rooted in ones personal beliefs and ground projects on the one hand and what Nagel calls agent neutral reasons- those which are rooted in some generally accepted idea of reasonableness rather than being rooted in personal or community based forms of belief. The liberal order is one of universal rules impartially and equally applied so does the justification of this impersonal order have to be secured via general and shared forms of reason and rational justification, that is to say via what might and has been called public reason or can the justification of such an order be secured through engaging with people’s comprehensive beliefs including their fundamental religious convictions?

This dilemma is what Leo Strauss calls the *theologico-political* problem in that we seem to have two competing moral outlooks each claiming a basic hold on the loyalty of citizens and each having fundamentally different forms of authority and fundamentally different *sources* for those forms of authority. In the case of political liberalism in a pluralistic society it might seem that those sources of authority have to be non religious and based upon some kind of rational and public appeal; in the case of the religious believer the sources of authority may be based upon faith and upon taking some scripture and traditional interpretations of that scripture as fundamental. The basis of the authority of political liberalism has to be rooted in “public reason” to use Rawls’ term which does not directly include religious doctrines; the basis of the authority of a religious moral conception may well be an act of private faith and commitment and the taking of a set of scriptures and a set of traditions as authoritative. So, in the view of a thinker like Strauss modern liberalism poses a version of the conflict or tension between Athens and Jerusalem: between reason and belief; between publicly accessible claims for the exercise of legitimate authority and those that are based upon faith seen as a personal and a private commitment. In the view of Strauss there is a gap between these two forms of authority which cannot be bridged: *Inter auctoritatem et philosophum nihil est medium*.

As such the issue of the relationship between religious belief and liberalism poses major challenges for both political liberalism and for the religious citizen of a politically liberal order.

For political liberalism it poses the challenge of what is the basis of the legitimacy of such an order such that it can privilege political liberalism over the deeply held belief systems of a great many of its citizens. It raises the question in a rather acute form. Central to the history of liberalism has been the distinction between state and society and also the protection of freedom of belief. These commitments entail that the role of the state in relation to society or civil society should be highly constrained so that a vigorous civil society can exist without state regulation. If, however, political liberalism, even if unintentionally, reshapes the nature of belief at both the individual and the corporate level in faith communities what then remains of the centrality of the distinction between state and civil society? Political liberalism can also reshape the character of the citizen in the sense that it may require the individual to forgo acting on the beliefs which seem to that person to be central to the worth of his/her life as understood by that person. The reason for this lies quite deep within political liberalism and has to do with the link between legitimacy and public justification. It has been central to liberalism that its legitimacy as a type of regime depends upon the consent of those over whom the regime claims

authority. As Jeremy Waldron puts the point:

“Liberals demand that the social order should in principle be capable of explaining itself at the tribunal of each person’s understanding.” (Macedo page 41)

Political liberalism relies on the consent of the governed, an idea which goes back at least to John Locke’s Second Treatise on Civil Government. Given the importance of consent it follows that it would be inconsistent for a liberal constitutional order to be imposed by power or by fiat. It has to be justified not least to those whose beliefs may be put under strain by it. There have to be *reasons* given for the type of state in order to secure consent to it. These reasons which constitute the justification of a politically liberal order have to be public and shared. It follows from this that claims to political authority based upon personal faith or divine revelation cannot be part of public reason in a liberal society. Hence, the condition that justificatory reasons have to be public implies an account of the nature of knowledge which, by default, rules out faith based claims about the public realm as falling within public reason. So the central legitimising device for political liberalism namely its public justification by means of public reason in effect rules out the legitimacy of religious claims in public political deliberation. So again the role of religion in a liberal society requires that these claims about the nature of knowledge can be vindicated and, as we shall see in the subsequent lectures this is no easy task.

All of these things are challenges to the coherence of liberal views about personal and group freedom and also require a liberal political order to be underpinned by a strong sense of its overall legitimacy in order to justify these possible effects. Again to put the point in Bernard Williams’ terms which reflect the idea that political liberalism is often seen as Kantian in origin and with a strong commitment to impartiality and non discrimination:

“There can come a point at which it is quite unreasonable for a man (*sic*) to give up, in the name of the impartial good ordering of the world of moral agents, something which is a condition of his having any interest in being around in the world at all.”

For the religious believer it poses the question of how far the believer can hold to his or her faith with integrity while being a citizen of a politically liberal order and what weight can and should the religious believer, who holds that his/her beliefs are true, place upon liberal values such as the importance of the basis of social unity, toleration, respect for diversity, recognition of the legitimacy of disagreement, and respect for the rights of others even when exercising those rights might be regarded from such a religious perspective as morally objectionable. Is it possible to find a common basis of legitimacy on which citizens as believers and non-believers can in fact agree in a way that respects the integrity of the beliefs of all parties? Or is it more a matter of existential choice? Thus, for example, Carl Schmitt maintained that a commitment to liberalism was much like a commitment to a set of religious beliefs and as such is a matter of faith and commitment and on neither side can there be seen to be a rational foundation for the beliefs in question and neither side can claim a normative privilege in respect of the other. Ultimately what grounds a political order in Schmitt’s view- whether it is liberal or theocratic- is will and its exercise through power as, in a sense, the dark side of a fundamental existential choice. Such a position would be very uncomfortable for the liberal just because consent is usually thought to be integral to liberalism and the idea that liberal principles can, at least in principle, be justified to all members of a liberal society.

The problem is, however, deeper than just this. In so far as there is a fundamental difference between religious claims and those of political liberalism and different sources of authority for such claims then some, notably Leo Strauss have argued that far from liberalism being privileged, in fact religion may be on stronger ground. The reason for this is that liberalism has to be able to find some rational basis for its political conceptions just because it wants to go on and do two things. Positively, it wants to utilise a conception of public reason as an agreed basis for deliberation about public policy and it is at least arguable, despite Rawls’ protests to the contrary, that public reason has to be grounded in some broad conception of rationality. Negatively, political liberalism has to use some kind of epistemological basis for barring religious and other comprehensive forms of belief from the public realm. In order to do this, as we have seen, it has to invoke some idea of broad publicly accessible rationality as a basis for discriminating between those beliefs that can be regarded as permissible in the public realm and those that are not. The problem for liberalism is then this: can liberalism justify itself in terms of its own, at least implicit, conception of reason and what indeed would support such a conception of reason? If not, it has to be seen as an assertion of power resulting from some kind of basic existential choice. The problem does not apply to religion in the same way, so the argument goes, because the ideas of faith and revelation are internal to religion. Religion does not attempt to do what liberalism on this view tries and fails to do namely to give itself some rational basis while eschewing comprehensive doctrines and acknowledging and indeed celebrating diversity and pluralism rather it accepts that its own basis is one of faith in a way that liberalism cannot without revealing a deep inconsistency at its heart.

It would be true to say, I think, that many political liberals are rather astonished at the persistence of the religious challenge to the liberal political order. Many liberal thinkers have pointed out the ways in which liberalism emerged out of the chaos of the wars of religion in the 16th and 17th centuries with liberal democratic orders coming to be seen as a solution to the problems created by contending and incompatible ways of life which had led to such misery and destruction. Many liberals have thought that the relationship between liberalism and religion would fade into insignificance either because religious faith itself would be undermined by the growth of secular thought- itself a consequence of liberal political orders and thus religion would diminish in significance or, alternatively, those still holding religious beliefs would be prepared to hold them privately, outside the public realm and to endorse a political order which secured them freedom of belief in exchange for tolerance of others and respect for the rights of those of whom they disapproved. This has not, however, happened. If we just take the case of the United Kingdom in recent years there have been many occasions when religious belief and political order have clashed and both sides have felt that the resolution of these clashes has not been satisfactory with liberals arguing that too many concessions have been made to religions not just in public policy but also in terms of constitutional order as, for example in the UK, exemptions under the Human Rights Act show. At the same time many in the Churches and indeed adherents of non Christian beliefs believe that the state is now pursuing a secularist agenda.

In Britain, in some ways, the Human Rights Act and the Equality Act have been rather a catalyst for both sides of this argument. Before the HRA the nature of liberal democracy in the UK was perhaps more a matter of *ethos* rather than *rules* and fudges can be made in the context of interpreting what it might be thought that an ethos requires in order for it to be maintained. This is not the case, however, when an ethos is in fact turned into a set of rules- the circumstances under which what is embedded in an ethos is made fully explicit. Many jurists have taken the view that the Human Rights Act which incorporates most of the European Convention of Human Rights into UK law provides for the protection of the basic values of a liberal

democratic society and makes cases raising questions about how these values actually work in a liberal society and what adherence to them is held to entail justiciable in a way that was not the case before. The transition from ethos to rules has been a matter of making what was implicit explicit. The rules and their interpretation have focused attention on some of the stresses and strains of the relationship between political liberalism and religious belief. There are many examples of this within the recent history of the issue in the UK and in Europe more generally such as the following:

The new law in France about whether to ban a full face veil worn by some Muslim women. And the law in Belgium which bans the Burka.

Debates in the UK arising out of the Equality Act about the rights of religious groups to discriminate in recruitment terms in favour of those in sympathy with and in some cases belief in the doctrines and practices embodied in a particular religion and particularly in relation to sexual morality.

The decision of Roman Catholic adoption agencies to close down rather than offer children for adoption by gay and lesbian couples as the law requires them to do.

Controversies over the wearing of religious symbols in both public sector workplaces and indeed private sector organisations such as British Airways. In the same context the judgement by the European Court of Human Rights requiring the removal of crucifixes from the walls of classrooms in publicly funded schools on the grounds of discrimination

The disciplining of a nurse who in the UK offered to pray for a patient who was in her care in hospital.

The requirement that rooms in guest houses which are also private homes must be available to gay and lesbian couples even if such relationships are against the religious and moral beliefs of those offering the accommodation.

The role and function of faith schools in a liberal democratic order when such schools are largely publicly funded.

The very categorical rejection by Lord Justice Laws in the Appeal Court by an employee of Relate, a relationship counselling service, dismissed because he would not offer counselling to gay couples on the grounds of his religious beliefs. This judgment led Lord Carey, the previous Archbishop of Canterbury to claim that religious people were in fact being forced out of the public realm because they were prevented from acting on their conscientious convictions and because the public realm was being forced more and more into a framework of equal rights which made it impossible to hold conscientious views about the types of behaviour to which the exercise of such rights led.

The statement reported in Le Monde on May 12th 2010 by M.Besson the French minister for Immigration, Integration and National Identity that Imams hoping to officiate in mosques in France would have to attend one of two public universities to learn how to articulate and propagate their Islamic beliefs in a way compatible with French political values and republican conceptions of civic virtue.

Finally there have been the suggestions of the Archbishop of Canterbury that consideration should be given to the question of whether there might be a place for some elements of Sharia law as a form of respect to Islamic identity within the civil law arrangements in the UK—a suggestion which led to a barrage of criticism.

Some of these points might seem to be rather low key and, indeed, parochial compared to a more fundamental and international challenge and that is the challenge of Islamic religious fundamentalism to political liberalism. This is true but the issues are in a sense the same: what is it that privileges a liberal political order? What authority can it legitimately claim and what is the scope of that authority over the institutions of civil society including those of the faith communities? Can this authority be based on anything more than an act of will and the willingness to use power to maintain a liberal society? Some will argue that if it is the latter then liberalism is in a state of terminal incoherence since it has been seen to be central to liberalism that power is exercised by consent and that such consent is secured via rational deliberation. If, however, the existential will and the power to maintain it lies at the basis of liberalism then many of the features of liberalism which have been thought to differentiate it favourably from other political doctrines look to be very insecure indeed. Others have, however, argued that only the assertion of power by liberal democracies will in fact save them in the face of the existential challenge from fundamentalists—whether religious, cultural, political or all three. On this basis the idea of deliberating about the normative basis for liberalism in the face of the threats to it is, as Carl Schmitt argued was the case with political liberalism during Weimar, a kind of failure of nerve and therefore a central weakness of liberalism which is intrinsic to it just because of its commitment to democratic and deliberative forms of justification for its claimed legitimacy.

In the domestic context it might be argued that the Human Rights Act in fact provides the basic principles governing the public realm. It promulgates a set of rights and principles. It also might be regarded as providing the basic framework of public reason by which I just mean at this stage of the argument the set of considerations which have to be taken into account and respected in deliberation about basic public policies. Basic to this understanding of the public realm is the commitment to the idea of equality between people as citizens in that they share the same set of civil and political rights. Some of these rights like the right to freedom of religious belief are taken to be absolute. So it might be thought that citizens holding religious beliefs would in fact welcome such protection. However, as Carter argues, typically such arrangements domesticate religious beliefs and then in fact exclude them from the public realm. We need to see why in general why this might be thought to be so although more detailed consideration will follow in other lectures. First of all freedom of religious belief in the European Convention on Human Rights Article 9 is absolute, but this is not the case with the freedom to express, manifest or act on religious beliefs which, because such expression has an impact on others,

becomes conditional and in particular becomes conditional on the protection of the rights of others. There can be no legitimate exercise of the freedom to express, manifest or act on religious belief if this infringes the rights of others. So for example, remonstrations from a religious perspective about abortion, euthanasia, sexual practices, and the nature of marriage, may adversely affect the rights of others to determine what should happen to their bodies or to take part in sexual practices of their choice with a partner of their choice so long as it is not below the age of consent which, because of equal rights, will be the same for both sexes. In the view of many religious believers, faithfulness to their religious beliefs, their sense of integrity, will require them not just to entertain the private belief that such and such a sexual practice is wrong but to witness in the public realm to that wrongness. Such witness could well infringe the rights of others. In addition, the sorts of arguments which are held to count in the public realm will also tend to exclude religious beliefs. Basic to liberal principles governing the public realm are freedom (in the negative sense as the absence of coercion), equality and basic rights. These cannot in general be undercut by theologically based arguments about the wrongness of actions pursued within the realm of personal liberty, equality and basic rights unless it can be shown that such acts harm others. But these harms in turn have to be understood either in terms of similar freedoms equalities and rights of others such that harm is an infringement of one or more of these things or alternatively are justified as harms upon a widely shared basis such as health but not on a more limited basis like a religious or spiritual account of harm. So to engage in the public realm really means engaging on the public realm's own terms and leaving religious beliefs outside the public sphere. I might still regard a particular sexual practice as morally wrong because it is forbidden by my religion and its practice as morally harmful to those engaged in it or affected by it, but these have to be treated as private beliefs because they do not form part of the deliberative discourse of the public realm and the values underpinning it. Also at stake here, as the example of health given a moment ago shows, is that religious and theological arguments fall outside of public reason on what might be called epistemological grounds. We can use health/ill health as a criterion of harmfulness because it is a value that we all share and it can be reasoned about in terms of publicly available evidence. This is not the case, so it is said, with an account of harm that is morally or theologically based. These are to be treated as private claims on this view and, as such cannot be part of *public* reason.

As we have seen, however, religious beliefs are seen as identity conferring/identity constituting - so the reshaping of these beliefs by engagement with the liberal public realm or by their exclusion from it is bound to be a deep issue for people of faith - unless they already hold those beliefs in a liberal manner. Just to take one example. Christianity has at its heart the doctrine of the Incarnation and as such many Christian thinkers have taken the view that a public dimension to Christian belief is intrinsic to it because Incarnation provides the key to understanding the link between God and the world including the world of human history, politics, morality and culture. A religion based upon the Incarnation has to have some intrinsic public dimension. Why should I subordinate those beliefs which I see as essential to my identity to the demands of a liberal political order whose justification may seem to me to be either shaky or unknown and which, whatever it is, may well be perfectly capable of being subjected to a theological critique from a faith based perspective? To deny that role for belief is to change the self understanding of the belief from the believer's perspective. If this is correct then political liberalism, far from protecting private belief, in fact changes it in perhaps an unintended but de facto manner. As we shall see as these lectures proceed, these are many examples of this happening within the framework of political liberalism.