

## CASE STUDY

# Liberalism, Religion and the Public Sphere

RAYMOND PLANT

The cardinal fact which faces us today is the religious heterogeneity of the modern State. Toleration has not yet produced all its fruits; perhaps it is nowhere quite complete. Still it is clear that a uniform State religion has departed.

J. N. Figgis, *Churches in the Modern State* (1913)

The establishment of the Church of England has, from its inception, posed central questions about the relationship between church, nation, politics and society. These questions have engaged divines as diverse as Hooker, Pusey, Coleridge, Creighton, Keble, Temple, Gore, Figgis, and Scott-Holland. Some of these thinkers have adopted a 'Christian Nation' approach, which embodies a high doctrine of the place and vocation of the church in society, claiming that the church has the task and the duty to define and articulate the fundamental ethical principles that should govern both private and public morality. Protagonists of the Christian nation approach to the relationship between church and state differ in the intensity with which they organize their case, but their message is essentially the same. In *The Idea of a Christian Society*, T. S. Eliot argued in favour of the idea of a natural order which the church could articulate, and which even non-Christians could accept, just because it would be an appeal to a *natural* order and that this would be the basis of what he called a 'Christian organisation of society'.<sup>1</sup> Such a view requires considerable theological justification. There has to be a basis to the claim that the church has a morally privileged position in society, such that it can claim some moral authority not just over its own members, but in the nation as a whole. This cannot just be understood as being the result of historical contingency. Rather it also has to rest on some theological claims about the nature of the church and of the society and state to which it ministers and witnesses. A church aspiring to speak for the nation and having a privileged position in the state needs to have a social and political theology: a theological understanding of the nature of the society and the state within which it operates. Any such social and political theology now will have to take full account of the degree of ethnic, religious and cultural pluralism in modern society. Unless the church has a clear grasp of the political impact of this pluralism it is not likely to be able to relate to it and its consequences in

a constructive and realistic manner. One central element of a concern with the growing pluralism of modern society is with what could be the basis of social unity in a society marked by this diversity. A national church ought to have this question high on its agenda, because it is not at all clear how social unity in a pluralistic society relates to specifically religious understandings of the unity of society.

One very plausible answer to the question about social unity is given by modern liberalism: that the unity of modern society is not to be found in shared substantive ideas about what the human good and human flourishing consist in, but rather in the framework within which individuals pursue their diverse goods. This framework will concern the basic rights that people should have, the equal concern and respect with which they should be treated, the claim that the state should be as neutral as possible between different and divergent conceptions of the good, and with protecting human choice and autonomy. In this sense the focus of social unity has moved from the *good* to *procedure*, or *rules*: from a sense of a common good to shared procedures facilitating the pursuit of individual goods. The common good is this framework, rather than shared substantive goals. From the perspective of political liberalism this is what we share in common, not a substantive idea of the good and human flourishing and human virtue. If this is becoming an important conception of what it is that gives unity to society, then a national church has to learn how to address this issue if it is to speak about what we do and do not have in common as citizens. On this view of political liberalism, it is important to distinguish between what we have in common as citizens – the framework of laws and rights protecting freedom – and what we might or might not have in common as private adherents of particular faiths. Citizenship and the religious life are not co-extensive and the virtues relative to each are not at all the same.

A new form of public philosophy is becoming increasingly prominent in British society, which is dominated by modern liberal principles, particularly relating to human rights, the relative moral neutrality of the state and the centrality of the idea of individual autonomy. Earlier forms of liberalism had not detached liberal principles so much from substantive moral values; they were highly moralized and often indebted to natural law and ideas about the natural goods of human life. Modern liberalism contains far less of this, and, from the point of view of modern liberal thinkers, for very good reasons. The closer liberal principles are allied to conceptions of the good, the less likely will it be that liberalism can act as the basis of social unity in a society which is marked by a high degree of dissensus over substantive moral views. The liberalism with which I am concerned in this case study is primarily a response to pluralism and not a developed and rich moral doctrine on its own, which might well preclude it from dealing with the problems of pluralism.

It can be argued that such liberalism as is developing in the UK responds to

a situation in which traditional values and institutions, including those involving religion, are either changing or eroding at least so far as the public world is concerned. Since the Reformation, the Church of England has been inextricably linked with a political and social settlement which has over the centuries received a substantial degree of historical and traditional legitimacy. It is represented in Parliament; the monarch is its Supreme Governor, its rites are used in state occasions. There are also many studies, such as Peter Laslett's *The World We Have Lost*,<sup>2</sup> and Gordon Schochet's *Patriarchalism and Political Thought*,<sup>3</sup> which demonstrate the close relationship of the Church of England to social organization and how over a very long period its catechism played a significant role in the shaping of social and political attitudes. The church was also, and still is, heavily involved in education, and for a very long time the role of the parson was central in organizing simple types of schooling in his parish. Thus the church has been part of a traditional and habitual way of life. It was part of what Hegel called *Sittlichkeit* – the ethical life of the community. Of course, tradition is not just some kind of homogeneous given. Traditions can be interpreted in more than one way. There has, however, been an appeal to tradition by both church and state as a basis for legitimacy. Pluralism makes such appeals much more problematic in the modern world. Why is this so?

We can no longer appeal to tradition as the sole or primary basis of a public philosophy. The authority of tradition has become highly problematic. Once you can ask the question 'What authority does tradition have?' then tradition has lost its authority, because if we answer the question by invoking reasons why we should carry on in the traditional manner, then the authority of the tradition has actually transferred itself to *those* reasons, and will depend on the plausibility of those reasons. I am not decrying the power of the evocation of a tradition. Indeed evocations of tradition can be very moving – but only because they make explicit what is still present in a habitual way of life to which people are attached or are laments for a lost way of life. Nonetheless, once an understanding of a tradition has become contested and subject to widely different interpretations, as happens in a pluralistic society embodying a wide range of standpoints, then it cannot be appealed to in a straightforward way as the basis of legitimacy. Thus, the argument for a purely traditional approach to the legitimacy of institutions and as a basis for social unity is now deeply problematic. Second, to be a basis for public life and its unity, tradition has to embrace the whole of the community, but in modern Britain there are now many religious, ethnic and cultural communities which either do not share, or have not shared, in a traditional understanding of the public life of Britain. Such pluralism makes it very difficult to appeal directly to an established tradition.

We still need some basis for social unity in a diverse society, and tradition can no longer fulfil that role. One possibility that is emerging and developing in Britain is the liberal approach. The liberal position as a basis for social

unity means essentially that the basic institutions and policies of the state find their legitimacy not in habit, tradition, or a uniquely religious justification, but in terms of protecting equal rights. These rights are in turn justified in the protection that they afford to significant human choices and human interests which serve the goal of human autonomy. In addition, the state should be as neutral as possible between different and self-chosen conceptions of the good. The only justification for the state intervening to prevent the pursuit of a conception of the good by an individual would be that that conception of the good would, if realized, prevent other people from pursuing their conception of the good. Liberty is to be restricted only for the sake of liberty. Institutions and policies are not to be justified in terms of some dominant conception of the good or some specific conception of human flourishing, as might be found in a Christian perspective. Rather the central thing is autonomy and the set of rules which provide the framework within which autonomous choice can be pursued. To quote John Rawls, a fully articulated liberalism will put the 'right before the good'.<sup>4</sup> It is concerned with the rules or framework for individual autonomy rather than with the goals and purposes of society. These are a matter of individual choice. Hence liberalism in this sense is deontological rather than teleological; nomocratic rather than telocratic.

If this is so, then several things follow. First of all it means that a concern for equal rights and autonomy is the default position of public debate within a liberal society. Thicker and, for example, religiously based ideas about virtue and the good get edged out of social and political debate, whether it is about the age of consent for gays, abortion, assisted suicide or Sunday trading. The question is no longer about the rightness or wrongness of gay sex so much as the issue of equal rights: why should the age of consent for gay sex be different from that of heterosexuals? We are no longer talking about virtue, but rather about equal rights which, it might be claimed, are the dominant 'virtue' of liberalism.

The only justification for resisting equal rights from the point of view of political liberalism is to be found in making a case that lowering the age of consent will produce some kinds of objective harms to other people – harms which can be acknowledged by all independently of any system of belief. For example, some religious critics of the liberalization of the age of consent for gay sex have joined forces with secular critics by arguing that the rate of sexually transmitted infection will increase. The argument based upon a specifically religious conception of the good has been displaced by arguments about objective harm which does not depend particularly on religious belief. Religious critics of assisted suicide have also used secular arguments against it, rather than thicker religious arguments based upon a conception of the good. These include arguments about the coarsening of the doctor–patient relationship, or the fear that people in this position might be pressurized by avaricious relatives into seeking to terminate their lives. Common cause is made with secular views to produce a kind of universal or common set of

reasons, rather than invoking reasons of a specifically religious character. There are many other public policy issues where this logic also applies.

We can see, then, some reticence within the British churches about using specifically religious arguments in pursuit of policy objectives. At the same time, this has been set in a theoretical context by a number of liberal thinkers, particularly John Rawls, who focuses on the fact of pluralism in modern societies.<sup>5</sup> By this he means that people in modern societies differ in their conceptions of the good, and therefore social unity and the legitimacy of social and political institutions cannot be founded on just one conception of the good. Rawls calls religious and metaphysical beliefs in which ideas of the good are embedded 'comprehensive doctrines', and in our society no comprehensive doctrine can be taken as the sole source of legitimacy.

In this situation, the best that we can look for is an 'overlapping consensus' in which institutions and public policy are justified in terms of conceptions which can (not necessarily will) be affirmed by individuals and groups from the point of view of the comprehensive doctrines which they affirm. So, for example, there might well be an overlapping consensus about basic rights in the modern world, including the right to life and religious freedom. There will not be one unique justifying conception of the good underlying such a rights-based doctrine, rather it may be affirmed from people each within their own comprehensive doctrine. Allied to this is the idea of public reason: namely, a set of reasons that will be taken to count in public debate irrespective of which comprehensive doctrine an individual accepts, if any. In a sense this gives the philosophical reason why religious people in public forums like the House of Lords have founded their arguments in relation to contentious issues of public policy on arguments which one does not have to be religious to accept. Discussions about the relationship between gay sex and public health, or the effect of assisted suicide on the doctor-patient relationship, might be seen as part of public reason in that they can be debated and tested by empirical evidence, a process which is independent of one's world-view or comprehensive doctrine. Nevertheless, they are reasons that can be accepted within different and incommensurable comprehensive doctrines. In a society marked by a high degree of pluralism, it is necessary to develop a conception of public reason which will transcend the reasons embedded in first-order comprehensive doctrines over which, given the fact of pluralism, we cannot expect agreement.

Adherents of comprehensive doctrines may, in their own communities of belief based upon those doctrines, still deploy the reasons which are specific to those doctrines, for example disciplining members whose actions may have flouted those doctrines. Such disciplining might, for example, mean exclusion, excommunication, or the denial of access to religious rites, and these sanctions will be justified by reasons and conceptions of virtuous conduct internal to these communities. The matter is, however, quite different in

the public sphere. While a church might want, for example, to discipline a member on the grounds of homosexuality because such activity contravenes the conception of sexuality endorsed within that religious group, nevertheless, in the public sphere deliberation about public policy in relation to gays has to be based upon public reason and not on conceptions of virtue and vice drawn from comprehensive doctrines.

What follows is that religious beliefs have to be seen essentially as a *private* matter, since conceptions of virtue and human flourishing central to those religious beliefs have to be understood as internal and to have no direct purchase on the public realm. This is the case even when adherents of a religion interpret it to make intrinsic demands about the organization of the social and political order. These demands might be as general as a concern with basic forms of political organisation or with what types of conduct might be permitted in society: for example abortion, gay sexuality, and assisted suicide. In so far as the arguments deployed in favour of these positions are drawn from comprehensive doctrines, they can have no purchase in the pluralistic public realm. In this sense the liberal position might be thought to endorse the privatization of religion.

It could be argued that the passing of the 1998 Human Rights Act (HRA), which came into force in 2000, is (along with related legislation like the 2004 Civil Partnerships Act) the clearest endorsement of the development of a liberal polity in Britain. Many of the issues that have historically been linked to particular accounts of the virtues and human flourishing within comprehensive doctrines are now to be seen as matters of basic and equal rights. The HRA provides an institutional basis for the idea of public reason, in that many social and political issues now have to be debated in the terms set out in the Act, rather than in terms of reasons embodied in disputed comprehensive doctrines. In so far as religious people do not engage with the reasons underlying the Act, and made explicit in the European Convention on Human Rights (ECHR) their views will, in effect, be ignored in the public realm. While the churches gained some exemptions from the HRA in relation, for example, to church schools where it would be possible to deny appointments on religious grounds without being regarded as being discriminatory, this does not breach the public-private divide which a liberal polity sets up because the school might be seen as not being a public authority in the full sense to which the Act applies. It is likely that such exemptions will not survive for long. At the time of writing, the government has proposed new Sexual Orientation Regulations which forbid any religious group offering services from discriminating against customers on the grounds of their sexual orientation.<sup>6</sup> In due course, government may also seek to force religious groups which are in receipt of state funding for welfare activities to follow the terms of the HRA concerning non-discrimination in employment. In this sense the public sphere may come to shape the private sphere, but *not* the other way round.

It might be thought that some of these difficulties for religious belief in a liberal society are overdone, because there is in fact a bridge between public and private reason available through natural law. The natural law is accessible for those who believe through faith and revelation, but it is available also to the secular intelligence through deliberation. Aquinas argued in *Summa Contra Gentiles*<sup>7</sup> that in using his intellect, he was deploying a universal faculty shared with pagans, and therefore he could share a perspective with them. This approach might lead us to recognize that in a pluralistic society there is a need for public reason as the basis of social unity but that, properly understood, the demands of public reason will cohere with religious conceptions through the idea of natural law and indeed natural rights. There is a bedrock of values lying either *behind* different pluralistic moralities or *implicit* within them, and from these deep shared 'natural' conceptions we could distil a sense of public reason which would not divide the public and the private. The churches could articulate this natural law-based public reason and still witness to social union from a specifically religious standpoint. This is very much a modern form of the conception lying behind the views of T. S. Eliot and others.<sup>8</sup>

Critics of this approach will, however, argue that while it might very well be possible to agree on a very basic set of natural values, these will be very far from constituting a workable idea of public reason in a pluralistic society. There are two reasons for this. Agreement on 'natural' principles might only be possible in virtue of their almost total vacuity. We might well all accept that murder is wrong and agree that this is not disputed whatever the degree of pluralistic disagreement. However, as it stands, this principle helps us very little because the dispute between pluralistic positions is about what actually counts as murder. Is abortion murder? Is assisted suicide murder? Capital punishment? Different pluralistic moralities will find different answers to these questions from within their own comprehensive doctrines, and agreement on the thin 'natural' principle will not survive attempts to 'thicken' up that principle into a set of values to underpin public policy.

The second reason is that such natural principles and values do not cover the whole field of pluralistic contention in modern societies. First of all, in respect of sexuality, some comprehensive doctrines will regard gay sexual relations as unnatural and to be condemned on that basis, while others in society will not see the issue in that way at all, and will in any case want to question the whole assumption that what is natural is good and what is unnatural is wrong. There are many natural things in this world which we can hardly regard as good – death being one example. Second, we may just have a straight dispute between a claim that one protagonist regards as natural, which is rejected by the opposing side. There is nowhere else to go in terms of a moral resolution of the problem. One person may regard a woman's right to control her own fertility and to choose whether or not to carry a foetus to term as a natural right; others will dispute the moral basis of this position. So

it would be very difficult to justify the claim that there is a bridge available between public reason and private comprehensive doctrines via the notion of a natural set of goods and rights. It seems that even if such goods and rights are recognized in a 'thin' sort of way, issues of dispute and incommensurability will return once the attempt is made to make such principles more substantial.

A number of problems about the liberal polity which I have described remain for its protagonists to address. One problem for liberals is how adherents of comprehensive doctrines can come to feel a sense of loyalty to, and the legitimacy of, a liberal polity whose public sphere is marked by public reason, the central elements of which are not the reasons with which adherents to comprehensive doctrines feel the greatest sense of identity. To put the matter bluntly: why should an adherent of a comprehensive doctrine which embodies the belief, say, that gay sex is wrong, unnatural or perverted be prepared to subordinate this judgment to the demands of public reason? It is the comprehensive doctrine, after all, to which the adherent has the greatest sense of loyalty.

It might be argued that we have to distinguish here between two different points, the first being the justification of the basic constitutional structure of a liberal polity, the second being the justification of particular policies produced after deliberation within the institutions of that constitutional structure. Given the salience of this distinction, it could then be argued that there might be questions about loyalty at the constitutional level which are not the same as loyalty at the level of accepting policy outcomes from within that constitutional settlement. I may accept for good reasons a liberal constitutional structure and yet from within my comprehensive doctrine object very strongly to a particular policy outcome of the political process – for example the liberalization of the law governing the age of consent. However, this will not really do. Both of these levels engage the same issues that I have been discussing because there is not a clear distinction between policy and constitution in the areas on which I have focused. We might take the policy issues that I have raised, such as homosexual rights, as examples of particular policies, but they are likely to be resolved in terms of conceptions drawn from the HRA and ECHR, which are constitutional documents. There is no sharp demarcation between policy and constitutional structures and procedures in such cases. Both will engage public reason and neither can be regarded as being legitimated by just one comprehensive doctrine – although the Rawlsian hope as outlined is that they will be endorsed by comprehensive doctrines in their own ways and from perspectives arrived at through an overlapping consensus. So we cannot respond to the question about legitimacy and loyalty by saying that basic adherence is to constitutional structures rather than to particular policy outcomes developed within that constitutional structure because both engage public reason (despite Rawls' hesitation about constitutional principles in this regard). In so far as they still



lead to the privatization of comprehensive doctrines and beliefs, the question of loyalty and legitimacy remains.

It seems that the liberal has two ways of answering this question. The first is easily stated. It is that we have to find a firm basis for social unity in a modern complex and pluralistic society in public reason. We cannot find it in comprehensive doctrines, just because it is precisely the plurality and incommensurability of comprehensive doctrines that gives rise to the problem of social unity in the first place. If this is so, and if the adherent of a comprehensive doctrine is concerned about social unity and solidarity, then so far as public policy is concerned he or she will be prepared to subordinate the demands of his/her comprehensive doctrine to the demands of public reason. So while I may regard abortion as killing or even murder, I will be prepared to entertain this as a private belief and as a citizen subordinate that private belief to the demands of public reason and social unity. A great deal depends on whether or not a concern for social unity plays the central role that the liberal believes that it does in a modern pluralist society and whether this concern is part of what reasonableness means. It is, of course, open to the adherent of a comprehensive doctrine to say that what matters to him or her is to witness in the public realm to the truth of that doctrine irrespective of the effect that this will have on social unity. From this point of view, the place of social unity in the scheme of liberal values raises exactly the same questions as public reason: what is the basis for subordinating private belief to public reason and its demands? The same is true of social unity.

The second point is, as we have seen, to appeal to the idea of reasonable comprehensive doctrines. However, in this context the issue is rather different. An adherent to a comprehensive doctrine may take broadly one of two attitudes to his/her belief in that doctrine. The first is when the belief is a fundamentalist one. This stance entails first, that I know (from my own point of view) that my doctrine is true, and second, that I do not recognize that it is reasonable for others to disagree with it. There are, in my view, no good grounds for that disagreement. The second attitude of belief is that, while I believe my comprehensive doctrine to be true, I can recognize that it is reasonable for others to disagree with it: it may after all be based on more than empirical evidence, on faith, on revelation, etc. These are not problematic for *my* belief but I can recognize that they are for *others*. Belief in this second sense is 'reasonable' (to use Rawls's terminology) in contrast to a fundamentalist approach to belief which cannot accept that it is reasonable for others to disagree with it. If we adopt the reasonable approach to belief then we may also adopt what Nagel calls epistemological restraint.<sup>9</sup> That is to say that, while from my own point of view I may live my life according to my basic beliefs, nevertheless I recognize that it is not reasonable for me to demand the same of others in society who reasonably disagree with my belief system. Hence, so far as public deliberation is concerned, we have to shift from private comprehensive beliefs to concepts and evidence which have a

degree of inter-subjective endorsement, or public reason. Public reason as a basis for social unity follows from the idea of holding beliefs in a reasonable manner.

This means that the ideal of public reason will appeal to, and provide, a basis for the legitimacy of, and loyalty to, both constitutional principles and policies on the part of those who hold to their comprehensive doctrines in a reasonable way. Another way of making the point is that the ideal of public reason will appeal to those who hold their comprehensive beliefs in a *liberal* way – that is recognizing the reasonableness of disagreement. If this is so then there are two problems for the liberal here. The first is that this seems to imply that the argument about public reason is part of a *circle* of justification rather than being in any sense *foundational*. Liberal-minded people will hold their comprehensive doctrines in a liberal-minded way and will endorse public reason as the liberal response to reasonable pluralism. Those who do not hold their beliefs in this way – the unreasonable or fundamentalists – may of course end up being coerced by liberal policies based upon the demands of public reason. Indeed, at the time of writing this is a very live issue in British politics when all sorts of institutions are being urged by the Government to challenge fundamentalist Islamic beliefs. Does the liberal position possess the moral resources to justify this coercion of the unreasonable? The more liberalism is seen as a way of coping with diversity, the thinner its authority might be seen to be, particularly by those who hold comprehensive doctrines in an unreasonable manner; the richer and thicker liberalism is, however, the more it will seem to be one among a range of competing comprehensive doctrines and may be seen as part of the problem of pluralism rather than the solution to it.

The same issue about reasonableness applies also to liberalism in a more positive way. A liberal may well accept that communities of all sorts, among them communities of faith, are a very important setting for human development, including the development of autonomous choice which might be seen as a central value of liberalism.<sup>10</sup> It might be seen as a necessary background for choice in that individuals are not just born, but develop in all kinds of social settings including communities. They derive a sense of identity and worth through this developmental process and the intellectual and moral resources to make choices and to follow a conception of the good. At least they do if the communities in which they develop are of a reasonable sort – that is if they teach the comprehensive doctrines on which they are based in a reasonable, tolerant and open manner. Within a liberal society the value of community as essential to human development may well be recognized but such communities have to be liberalized. There may be a programme for the liberalization of faith groups – for example, requiring that faith schools adhere to the national curriculum founded on the development of choice, autonomy, tolerance, respect for other faith groups, or in other words ‘reasonableness’. But liberal political thought has to have some basis for

justifying this liberalization to the adherents of faith groups who might not otherwise communicate their faith to a new generation in a reasonable way.

It would be quite wrong to think that liberalism as a developing public philosophy in the UK is without its problems and that all the problems are on the side of faith groups. In some sense, as I suggested earlier, if we see liberalism as the emerging public philosophy, it is a public philosophy which, whether intentionally or unintentionally, will reshape the nature of private belief too. The difficulty for liberalism is that the richer it becomes as a moral and political belief system, the more like one of the competing comprehensive doctrines it becomes. Yet it is often proposed as a way of dealing with the clash of comprehensive systems. Obviously it cannot do that if it too has become one of the comprehensive doctrines itself.

As we have seen, for the liberal all of this is a consequence both of the fact of pluralism and the decline of a traditional public philosophy which has lost its legitimacy with the demise of the way of life that engendered it. Both of these pose fundamental questions for the Christian churches, and most acutely for the Church of England as the established church in England. It is the embodiment of a comprehensive doctrine and is also at the heart of national institutions in Parliament and in relation to the monarchy. How does it respond to the fact of pluralism and the challenge of a new public philosophy? It somehow has to speak to a pluralistic nation from within a comprehensive doctrine, and in a situation in which public morality and the law have moved decisively away from an understanding of public life and institutions as being founded on a particular comprehensive doctrine.

There are certainly no easy answers to these questions. Appeal to tradition is unlikely to help. Take for example the reform of the House of Lords. If there is a further reform taking the Lords in a more democratic direction, this is going to raise basic questions about the role of the bishops in the Lords in the face of a more, or indeed wholly, democratic House. If the argument is put for religious, but not exclusively Anglican, representation, that is bound to raise the question of what types of religious beliefs should have *ex officio* representation in the legislature and what role the Church of England would then have as the national church if other religions (and not just other Christian denominations) had such a role. It would also mean confronting head-on many of the points made in this case study about whether the adherents of comprehensive doctrines should have a public and political voice as *adherents* of such doctrines as opposed to *citizens* with a commitment to public reason.

It might be argued that Anglicanism has the moral and theological resources to address these problems, because while the Christian Nation approach has, at various times, been important to the church's understanding of its mission as the established church in England, there has nevertheless been an important alternative strand of more pluralistic thinking in the history of the church. The most vigorous defender of a pluralist conception

of both the church and politics was the Mirfield monk, J. N. Figgis, and it is worth considering what his thought, developed in the early twentieth century, can contribute to the modern debate about the Anglican church, pluralism and the unity of society. There is certainly quite a bit of overlap between his conception of modern society and Rawlsian political liberalism, although their routes to these not dissimilar views are very different. It was central to Figgis's view that the church was no longer coextensive with the nation.<sup>11</sup> He argued that the modern state should provide the framework within which different and competing religious groups and denominations should have the greatest degree of freedom subject to similar freedom for other groups. They should be free and autonomous in their beliefs, liturgies, rituals, and internal order and discipline. It was not for the church to seek laws to impose its own conception of the good or virtue on the nation as a whole. For example, the church could have a very high doctrine of marriage, and could impose draconian sanctions on its own members who divorced, but it was not the function of the church, no longer coterminous with the nation, to impose that 'thick' doctrine on the rest of society. So far this looks quite like Rawlsian public reason and the distinction between the citizen and the adherent to private comprehensive doctrines.

There is however a difference, although Figgis is very inexplicit about the crucial detail of this. Namely where do we draw the line between crime and sin? A sin is defined religiously within the religious group whereas crime has to reflect the values of society as a whole, which almost certainly will not be dominated by religious conceptions. Divorce might be a sin within a comprehensive doctrine but we should not seek to criminalize it; murder is a sin within a comprehensive doctrine but so it is across society. Lying behind Figgis' pluralism is still some idea of a substantive social morality which would transcend group differences, including group differences about morality. As David Nicholls argues in *The Pluralist State*: 'Figgis' theory of a secular state assumes that Christians and non-Christians can agree on a broad political ethic, while disagreeing in their theological or metaphysical pictures of the world.'<sup>12</sup> For Rawls, such a political ethic arises out of public reason and has no metaphysical foundation, although people from different comprehensive doctrines may endorse it each from their own point of view. Figgis, however, has nothing like this to hand. Nicholls argues that he may implicitly be appealing to a natural law/natural order conception supporting his pluralism as the basis of a political ethic and the unity of society, but he certainly does not make this clear. If, however, that is what he has in mind, it would be necessary to tackle some of the deep problems with natural law to which I referred earlier. This does, however, look to be the only coherent approach to a religious view of pluralism if one wants to reject Rawlsian public reason on the theological grounds that it privatizes religion, or more tendentiously turns religion into a hobby. Transforming religion into a hobby, or reinstating it to a proper place within a liberal society, is a

## REDEFINING CHRISTIAN BRITAIN

problem with which the church will have to grapple and it will not do so by ignoring the deep problems with the standard intellectual resource open to it in this context – namely the natural law and natural order as the basis for political morality and social union, and as the bridge between those of faith and those without.

### Notes

1 T. S. Eliot, 1939, *The Idea of a Christian Society*, London: Faber & Faber. See also 'Towards a Christian Britain', *The Listener*, 10 April 1941, pp. 524–5; 1943, 'Christianity and Natural Values', *Christian Newsletter*, 3 September 1943.

2 Peter Laslett, 1965, *The World We Have Lost*, London: Methuen.

3 Gordon Schochet, 1975, *Patriarchalism and Political Thought*, Oxford: Oxford University Press.

4 John Rawls, 1972, *A Theory of Justice*, Oxford: Oxford University Press.

5 John Rawls, 1996, *Political Liberalism*, New York: Columbia University Press.

6 'Emboldened Churches join Forces to Scupper New Law on Gay Rights', *The Times*, 2 December 2006; 'The Government must not buckle over Gay Rights', *Observer*, 3 December 2006.

7 Thomas Aquinas, 1988, *St. Thomas Aquinas on Politics and Ethics*, trans. and ed. Paul E. Sigmund, New York: Norton, pp. 1–13.

8 Eliot, 'Christianity and Natural Virtues'.

9 Thomas Nagel, 'Moral Conflict and Political Legitimacy', *Philosophy and Public Affairs*, 16(3) (1987), 215–240.

10 Will Kymlicka, 1989, *Liberalism, Community and Culture*, Oxford: Oxford University Press.

11 J. N. Figgis, 1913, *Churches in the Modern State*, London: Longmans, Green and Co.

12 David Nicholls, 1975, *The Pluralist State*, London: Macmillan, p. 105.