

# Talking God

## The Legitimacy of Religious Public Reasoning

by Jonathan Chaplin

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**Jonathan Chaplin**

# foreword

On 24 July 2008, over six hundred Anglican bishops marched through central London. Carrying placards past Downing Street and the Houses of Parliament, they descended on Lambeth Palace to make their demands on behalf of the Millennium Development Goals. "Unless we address these gulfs between human beings, we cannot expect a future of stability or welfare for any of us," Archbishop Rowan Williams informed the assembled throng. Gordon Brown was among the audience and told them that he was "humbled" to be among men and women for whom he had "the utmost respect, the greatest admiration, and the highest affection."

How did the media respond? "The Anglican Communion served its world well yesterday by showing that, while the poor are always with us, we are never absolved of our responsibility to them," opined *The Daily Telegraph's* editorial. Where were the complaints? Where was the familiar chorus telling us that this was a shameful attempt by a self-appointed, religious minority to impose its view on a (supposedly) secular majority?

Now let us re-imagine the scene. 600 Catholic bishops from around the world converge on Westminster. They march round Parliament Square and down Victoria Street carrying pro-life banners, ending up outside Westminster Cathedral where they listen to speeches calling for an end to abortion. Cardinal O'Connor summarises the mood by saying that "If we fail treat the child in the womb with love and respect, how can we expect to treat the one out of the womb likewise?"

Gordon Brown joins them. He tells them that he has the utmost respect, greatest admiration and highest affection for them. He tells them, as he told the Anglican bishops, that this is one of the greatest public demonstrations of faith London has ever seen. And he pledges to do everything in his power to discharge the responsibilities of which they have reminded him.

Imagine, if you can, the public reaction. Imagine the outrage, the accusations of undemocratic bullying, the calls for French-style secularism. The comment pages would be log-jammed with sermons informing us that religion is a private affair, and that we shouldn't mix up the things of God and Caesar.

If this strikes the reader as fanciful, it is worth re-reading some of the comments made about the (entirely democratic) Christian engagement in the Human Fertilisation and Embryology debate earlier in 2008. *Talking God* quotes some of these and they do not make for edifying reading. Some commentators call for the total eviction of religion from

public debate – not very liberal but at least coherent – while others, admittedly more likely to be found in academia than the comment pages, permit religious participation but only under strict terms and conditions.

Both positions are adopted for reasons of apparent fairness, respect and equality. “To offer to our fellow citizens a reason we know they can never make sense of [i.e. one that is based on my religious commitment]... is in effect to say to them, ‘don’t think – trust me.’ It is to wield authority over them arbitrarily, to disrespect them in a very fundamental way.” Thus religious engagement in public issues, whether the Millennium Development Goals or the HFE bill, should be conducted in public (i.e. secular) terms or (better still) not conducted at all.

Both positions, Jonathan Chaplin argues in this essay, are wrong. Not only is public reasoning not necessarily secular but it can, in fact, be religious. The idea will be anathema to many but there are good examples to the contrary. As Chaplin reminds us, Archbishop Desmond Tutu routinely justified his opposition to apartheid by appealing to the status of human beings as ‘made in the image of God’. That was a very specific, confessional position but also one that was eminently public. Where, then, were the voices objecting to “Tutu’s theologically-laden reasoning... in principle?”

To be clear, Chaplin does not advocate theological candour in any and every debate. At most times and in most places, such openness will be inappropriate or unhelpful and at one moment in particular – the point at which representative deliberation ceases and an executive or legislative decision is officially justified to the public – it should be inadmissible.

But for the rest of the time it should be wholly permissible to “talk God” in public. Those who are motivated to do so will need wisdom to know when it is and isn’t appropriate to speak explicitly of their convictions. But they should be free to do so.

Such freedom will not generate harmonious and consensual debate. On the contrary, it is likely to result in a boisterous and contentious public square. But we should expect little else in a morally and culturally plural society and it is surely better to allow groups maximum opportunity to articulate their views than to silence them for failing some arbitrary and unjustifiable test of public reasoning.

The fact that this particular debate about the role of religious conviction in public debate shows no sign of abating is just one example of how the British public square is becoming a noisier – and more interesting – place. This essay does not pretend it will settle that debate but it does make an erudite, well-reasoned and, crucially, accessible contribution to it.

**Nick Spencer**

Director of Studies, Theos



# introduction - "theocracy" or "democracy"?

Until such time that she can establish, after years of therapy and demonstrated conduct, that she is no longer a lesbian living a life of abomination (see Leviticus 18:22), she should be totally estopped from contaminating these children.<sup>1</sup>

So intoned one Justice Henderson of the South Dakota Supreme Court in a 1992 case involving a child custody dispute between former spouses. The father had objected to a court order allowing the mother, a lesbian, to have unsupervised overnight visitations with her daughter. The Court took the father's side, overturning the order and requiring an investigation of the home circumstances. Justice Henderson offered his concurring opinion.

It is not only the judge's assumption that a mother who was a lesbian could not be trusted with her own daughter in her own home that causes us to recoil at this judgement. It is also his citation of a biblical text to support his legal reasoning: it is "see Leviticus 18:22" that most painfully offends our liberal democratic sensibilities. The state, we denizens of western democracies have confidently come to assume, is simply forbidden to invoke the authority of a particular religion to justify its actions. It routinely did so in the past – but modernity has put a stop to all that. We feel this acutely in the case of courts of law, which are supposed to embody an attitude of strict impartiality between the religious and the non-religious.

Those who today are calling ever more vociferously for religion to be kept out of the public realm seem driven by the fear that cases like this might occur (again) in Britain. Such a fear was passionately unleashed in February 2008 when the Archbishop of Canterbury was (mis)heard in a public speech to lawyers to be offering succour to the "implementation of Sharia law" in Muslim communities in Britain. The ferocious attacks which rained down upon his unsuspecting head reflected a visceral sense that some sacred boundary of liberal democratic principle was being violated. Thus Janet Daley in the *Daily Telegraph* (11 February) wrote: "In the contest between the principles of modern democracy and doctrines of faith, democracy and the rule of secular law must always win."

In fact, at least two sacred liberal democratic boundaries were thought to be placed in jeopardy by the Archbishop's legal speculations.<sup>2</sup> One was the principle of equality before the law – hence the frequent recitation of the mantra "one law for all" in column after column in the days after the speech. And not without reason: the principle of legal equality is a non-negotiable bedrock of liberal democracy. What it exactly means in

practice is not always as straightforward as its media sentinels implied at the time, but the principle itself is inseparably wedded to the very meaning of modern democratic citizenship.

The other boundary was the principle of public secularism – the assumption that public laws in a modern, religiously and culturally plural society cannot be justified by appeal to contested religious beliefs like Islam but must rest upon principles common to the whole society, namely “secular” ones. The philosopher Julian Baggini states the principle succinctly:

In a secular state, religion becomes invisible at the political level, even when still prevalent at the personal level. Secular governments and politicians do not invoke scriptures or religious authorities to defend their policies. Instead they speak to principles and concerns that all the population can share irrespective of their belief or non-belief.<sup>3</sup>

On this view, the legitimacy of a law to which all are subject must rest upon the assent of all, and only secular reasons are fit for that purpose. To allow legislation to be grounded in religious belief, even exceptionally, is to play fast and loose with the crowning political achievement of modernity – to abandon democracy for “theocracy.”<sup>4</sup>

The threat of “theocracy” is increasingly being invoked as the spectre hovering over renewed attempts by religion to shape the public realm. Such anxiety lies behind – well, actually very much to the fore of – a good deal of recent negative commentary on religiously-motivated interventions in public policy debates. Jackie Ashley was one of many journalists and politicians incensed by efforts of Roman Catholic cardinals in 2007 to influence the consciences of Catholic MPs over abortion law (there have been more since – these pesky clerics just will not go away). Her advice was uncompromising:

If any MP really thinks their personal religious views take precedence over everything else then they should leave the House of Commons. Their place is in church, mosque, synagogue or temple. Parliament is the place for compromises, for negotiations in a secular sphere under the general overhead light of the liberal tradition. So liberalism is privileged, is it? Yes. For without it, none of these religions... would have such an easy time. Cardinals, come to terms with the society we live in...<sup>5</sup>

Ashley objected to the “ferocity” of Scottish Cardinal Keith O’Brien’s claim that the current rate of abortion in Britain amounted to “two Dunblane massacres a day.” Now it will not only be secular-minded people who find such language inflammatory. The question of the appropriate *tone* of religiously-inspired political language in public policy debates is an important one and will be touched on later. But it is secondary to the deeper question of the *justification* of public policy, and that concerns the *content* of the public reasoning invoked as justification. It is the prospect that a public law, equally imposed on *all*, might be influenced by the contested (in some cases, despised) religious beliefs of *some*, that so offends the liberal democratic mind. Such an outcome is variously thought to be

politically divisive, disrespectful to the equally sincerely-held convictions of other citizens, conducive to clerical bullying, opening the door to the rule of irrational dogma, or just nakedly coercive. Jackie Ashley went so far as to imply that it would be “unconstitutional.”

In more measured tones, Baroness Warnock, who is a member of the Archbishop of Canterbury’s advisory group on medial ethics, asserted in *New Statesman* that Roman Catholic MPs would “have no business” opposing the 2008 Human Fertilisation and Embryology Bill on the basis of their faith. At least, they would be out of order doing so “unless they could find other reasons than their own religious convictions on which to base their opposition.” She concluded:

Society is not a religious organisation like a church. Laws must as far as possible be made in the interests, far wider than matters of faith, of all members of society, whether or not they hold any religious views... [L]egislators... must not ask, “What does my religion teach about this measure” but “Will society benefit from it in the empirical world?”<sup>6</sup>

Acknowledging the proper “influence” of the Judeo-Christian tradition in Britain, Baroness Warnock objected to religion exercising any “authority” over lawmaking: “we are not a theocracy, but a democracy... [I]t is parliament alone that gives law the authority.”

A rather different stance towards the role of religion in politics was expressed by the Bishop of Durham, NT Wright. In an interview in the same issue of *New Statesman*, he asserted that “There is a Christian view of politics, and whether or not the government knows it, it has a God-given duty to bring wise order and to facilitate human flourishing... To try to shut us up, to say, ‘You keep off the patch’ is totalitarian.”<sup>7</sup> In his Easter 2007 sermon, he specifically singled out the Embryology Bill as an example of dangerous scientific hubris, declaring that it “comes from a militantly atheist and secularist lobby... [bent on creating a] 1984-style world.”<sup>8</sup>

**Must we opt for either “theocracy” or “secularism”?**

Rival positions, then, are squaring up over the proper role of religion in democracy. But must we opt, as Baroness Warnock seems to imply, for either “theocracy” or “secularism”? The question is reminiscent of the line in the Nick Park film *Chicken Run* when a timorous inmate of Tweedy’s chicken farm responds to a resounding summons to attempt a hazardous breakout, or face certain death in the pie machine: “Are those the only choices?”

In the debate that must take place on the role of religion in democracy we will need to delve into a number of key questions:

- Why exactly is religiously-based speech so frowned upon in contemporary British political culture?

- Can we construct a framework for the role of religious belief in political debate that facilitates, even if it does not transcend, reasonable disagreement?
- Is there a model of civic discourse which allows us to live politically with our deepest differences rather than suppress them in the interests of a spurious and oppressive consensus?
- Might religious public reasoning actually *raise* the level and quality of public debate in Britain?

This essay is a modest contribution towards answering these questions. Its focus is quite specific and it is important to state at the outset what it will not address. It will not examine the sociological role of churches or other faith-based organisations in the public realm, or whether they should receive public funding or other benefits, or whether religion is more (or less) socially divisive than secularism. Nor will it address institutional “church-state” issues such as Establishment or Bishops in the House of Lords.<sup>9</sup> It will not consider, except by way of illustration, the substantive content of the public reasoning that religious believers might offer in public debate.

Nor will it say much about the massively influential role of the media as “gatekeeper” of what is thought to be appropriate public discourse. Whatever we make of how (or whether) the media fulfils that role, it is worth noting that politicians and public servants on the ground sometimes report a strange asymmetry between the attitudes of their fellow practitioners towards religion and those of the media. On the one hand, they find

***“Can it ever be legitimate to offer explicitly religious reasons in presenting public justifications for laws or public policies?”***

that their fellow practitioners often seem quite relaxed talking among themselves and with citizens about the positive role of religion: the contribution of faith-based organisations to poverty reduction or social cohesion; the need to accommodate religious belief and practice in law as far as possible; what the “public benefit” criterion might mean for religious charities; and so on.<sup>10</sup> On the other hand, when dealing with the media, practitioners frequently encounter a presumptively cool, indeed suspicious,

response to the claims of faith in public life.<sup>11</sup> This, at least, is the image often presented, notwithstanding the many religiously-inspired people working in newspapers and television.<sup>12</sup>

The precise concern of the essay is in a particular aspect of political discourse. The wider question to which it contributes is, “What kind of religiously-inspired political speech, if any, is legitimate in a modern liberal democracy?” The narrower question it addresses head-on is, “Can it ever be legitimate to offer explicitly *religious reasons* in presenting *public justifications* for laws or public policies?”

The question cannot be adequately addressed unless we first reach some clarity on exactly why liberal democracy is thought to mandate secular public reasoning in the first place. This issue is explored in the first three chapters.

Chapter 1 asks what is really meant by describing democracy as “secular.” It introduces a vital distinction between two senses of “secularism”, described by Archbishop Rowan Williams as “procedural” and “programmatic”. While broadly accepting this distinction, the chapter argues that there is no *purely* procedural democracy and that any democratic procedure bears the influence of some substantive perspective or other. The term “liberal secularism” is then introduced, not as a pejorative term but as referring to that version of procedural secularism which leans in a programmatic liberal direction. It is contrasted with “Christian secularism”, which is a version of procedural secularism leaning in a Christian direction.

Chapter 2 then argues that a misplaced understanding of “equality” lies behind the liberal secularist view of religion’s place in democracy. Liberal secularism claims that appeals to religion in political debate are inherently divisive, coercive, obfuscatory, suspect, or at least inferior. The heart of the liberal secularist view is that the very idea of “religious public reasoning” is a contradiction in terms: by definition, if reasoning is truly “public”, it cannot possibly appeal to something as particular and partisan as religious belief.

While respectful note is taken of the valid concerns motivating this view, a serious deficiency is confronted: liberal secularism proceeds from a defective conception of equality. It gets seriously wrong what mutual respect requires from equal citizens as they address one another. As a result, while it prides itself on making space for pluralism, in fact it contains unacknowledged exclusivist tendencies that work to close down legitimate diversity. If consistently applied, it would leave representative democracy discursively impoverished and inhospitable to counter-cultural minorities whose voices would be suppressed or marginalised.

Chapter 3 delves further into the nature of political reasoning and argues against the widespread liberal secularist assumption that religious reasoning is necessarily private, while secular reasoning is inherently public and thereby qualifies as the only legitimate mode of discourse among equal citizens. It suggests that, on closer inspection, whether any particular example of political reasoning actually is public is largely a contingent matter: *both* religious and secular reasoning might be more or less public, depending on the circumstances.

The essay then moves from critique to reconstruction. If liberal secularism gets the role of religious public reasoning in democracy wrong, can Christian secularism do any better?

Chapter 4 sketches a “Christian secularist” account of democratic debate. A defensible Christian view of representative democracy will not seek to straightjacket political debate but will defend maximum space for the expression of divergent forms of public

reasoning, both “religious” and “secular.” Equally, it will also support minimum but robustly enforced legal and procedural limits on such public reasoning.

Chapter 5 then confronts a crucial question evoked by the model set out in the previous chapter: in what specific institutional contexts is religiously-grounded public reasoning legitimate and appropriate? The answer given can be summed up as *candour in representation, restraint in decision*. A basic distinction is drawn in the policy process between the moments of representation and the moments of decision. The argument is that, in representative moments, overtly religious public reasoning should be permitted maximum leeway, but that in moments of constitutional decision, a valid principle of restraint on reasons does after all apply – though not only to religious reasons. While political actors may legitimately be influenced by faith-based motivations in their decisions, the *official public* justifications they present for such decisions may not appeal to any one faith perspective. To do so would breach the principle of “confessional silence.” This is not to propose a strategy of deception – believing one thing but saying something else in public – but simply to acknowledge the proper constraints of government office.

Against convention, the essay speaks of both “religious” and “secular” beliefs as species of the same genus, “faith”. Similarly, it also speaks of “faith-based political reasoning” to refer to public argumentation proceeding from either “religious” or “secular” beliefs. It does so on the assumption that both kinds of belief rest on presuppositions that are, in the last analysis, rationally unprovable (though not therefore “irrational”). They depend on exercises (not leaps) of faith. Reasoning is best understood as “faith seeking understanding” – whether that faith is “religious” or “secular”. So faith is not an *alternative* to reason but its *precondition*. This is a controversial claim, and unfortunately there isn’t space to defend it adequately here, even though it may irritate secularists who resent their beliefs being lumped together with religious beliefs as variants of “faith”.<sup>13</sup> But the stance taken here is attracting increasing support among contemporary philosophers (both religious and secular), and has recently been articulated in considerable length and detail by the influential Christian philosopher Charles Taylor in his major work *A Secular Age*.<sup>14</sup> It is far from an idiosyncratic position.

Finally, an inter-faith caveat. While the essay speaks of “religious public reasoning”, it needs to be acknowledged that this is being understood from the standpoint of Christianity. Some might have preferred the term “Christian public reasoning”, and that would not be incorrect as a description of what this essay is about. The choice to use the word “religious”, however, has been made in the hope and expectation that adherents to other religions will find at least a few echoes of the ideas in this essay in their own approaches to the questions raised. The essay does not, however, presume to speak on their behalf.

# introduction - references

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2. See Jonathan Chaplin, "Law, Faith and Freedom: A Critical Appreciation of Archbishop Williams' Lecture," Fulcrum website February 2008. <http://www.fulcrum-anglican.org.uk/page.cfm?ID=278>. A revised and expanded version, "Legal Monism and Religious Pluralism: Rowan Williams on Religion, Loyalty and Law," appears in *International Journal of Public Theology* 4 (2008), pp. 418-441.
3. Julian Baggini, "The rise, fall and rise again of secularism," *Public Policy Research* 12.4 (2006), pp. 204-212.
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7. Sholto Byrnes, "Jesus will appear again as judge of the world and the dead will be raised," *New Statesman*, 10 April 2008.
8. "The Uncomfortable Truth of Easter," 23 March 2007, Durham Cathedral.
9. On these questions see, e.g., David Fergusson, *Church, State and Civil Society* (Cambridge University Press, 2004); Evangelical Alliance, *Faith and Nation* (Evangelical Alliance, 2006); Andrew Partington and Paul Bickley, *Coming Off the Bench* (Theos, 2007).
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11. Among recent examples too numerous to mention, see Nick Cohen, "A cast-iron case for a secular society," *Comment is free, The Observer*, 3 August 2008; Polly Toynbee, "Faith schools may be Blair's most damaging legacy," *Comment is free, The Guardian*, 2 September 2008.
12. For the case for the defence, see Mark Thompson's Theos Public Theology Lecture, "Faith, Morality and the Media" ([campaigndirector.moodia.com/Client/Theos/Files/MarkThompsonSpeech.doc](http://campaigndirector.moodia.com/Client/Theos/Files/MarkThompsonSpeech.doc)).
13. I note, however, that Andrew Copson of the British Humanist Association supports the idea of teaching Humanism within the RE curriculum of state schools ("Face to Faith," *The Guardian*, 17 May 2008). I do too, and I agree that the study of Humanism belongs with the study of religions and other worldviews.
14. Charles Taylor, *A Secular Age* (Harvard University Press, 2007). A minefield of epistemological questions is opened up by the position taken here. They are addressed in, for example, John Paul II, *Faith and Reason* (Catholic Truth Society, 1998); and in two Protestant works: Alvin Plantinga and Nicholas Wolterstorff, eds., *Faith and Rationality: Reason and Belief in God* (University of Notre Dame, 1983); Roy Clouser, *The Myth of Neutrality: An Essay on the Hidden Role of Religious Belief in Theories*, rev. ed. (University of Notre Dame Press, 2005).

# democracy and “secularism”

When God woke up, it was as shocking as hearing a knocking on a coffin lid at a funeral.<sup>1</sup>

“God’s awakening,” in the form of the revival of public religion over the last two decades – even in supposedly secularised societies – caught many liberal secularist observers on the hop. Many greeted it as a direct threat to liberalism, and its unanticipated crashing of the democratic party left many scrambling to make sense of a profoundly changing discursive landscape.

No-one needs any reminder that some manifestations of religion in public life are troubling and some of them are deadly.<sup>2</sup> This essay, however, proceeds from a recognition that religion can make a positive contribution to public life. Some of what is now called “public religion”<sup>3</sup> – religion that intentionally seeks to shape the public square – is an essentially healthy response to a sustained marginalisation of religious speech and identity in certain western democracies. Some of it is evidence of a long-overdue internal renewal of religious communities leading to a new engagement in public struggles for justice. Whatever is propelling religious citizens into the political arena today, the awakening is forcing both liberal secularists and religious believers to reappraise their assumptions about the appropriate norms of civil discourse.

A familiar response of liberal secularists, and others, to the new public religion is that liberal democracy mandates “secularism”. They seem to have no less an authority on their side than the European Court of Human Rights (ECHR) which, in a landmark judgement in 2003 supporting the Turkish government’s decision to dissolve an Islamic party, affirmed the view that “the principle of secularism” was a necessary presupposition of democracy.<sup>4</sup> Indeed, as recently as July 2008, the Turkish Constitutional Court heard another case brought (unsuccessfully this time) by the Chief Prosecutor against the governing Justice and Development Party for alleged “anti-secularist” activities.

What exactly is meant by “secularism” here? We return to the ECHR’s use of the term in a moment (and again in Chapter 5). For now it will suffice to introduce a basic distinction between two different senses of the term secularism: secularism as a controlling ideology shaping state action, and secularism as a governmental stance of even-handedness between different faith communities.

The former Soviet Union was an aggressively “secularist” state in the former sense; the Indian state is constitutionally “secularist” in the second. These two examples are, in fact, different points on what is really a broad spectrum of possibilities. Thus the French and Turkish states lean towards the first while the USA and UK stand close to the second: the contrast being exemplified in their contrasting attitudes towards the public wearing of head-scarves by Muslim women.

Moreover, any individual state may, in a painful game of constitutional “Twister”, try to straddle more than one point on the spectrum. The Indian state itself is more complex than the simple designation above suggests. It disavows any constitutional privileging of religion yet uneasily accommodates Muslim, Hindu and Christian “personal law”, and was unable to forestall the emergence of an aggressively Hindu nationalist government in the 1990s. Church-state jurisprudence in the USA reveals the influence both of religious pluralism and French-style secularism (*laïcité*), while in the UK the presence of two established churches has helped curtail moves in the latter direction.<sup>5</sup> The landscape is complex. If, however, we read the distinction as gesturing towards two pronounced tendencies rather than fixed positions, it serves a useful purpose.

## two kinds of secularism

Archbishop Rowan Williams has termed these two tendencies “programmatic” and “procedural” secularism.<sup>6</sup> The former intentionally imposes a secularist faith on the public realm and works to privatise religious faith as much as possible, while the latter seeks to allow all faith perspectives equal access to the public realm but claims to confer no political privilege on any. The former has been called “secular fundamentalism”,<sup>7</sup> and the latter “inclusive secularism”.<sup>8</sup>

Procedural secularism seeks to adopt a posture of impartiality or neutrality towards rival faith perspectives. It is neatly summarised and commended in a publication of the British Humanist Association (BHA):

A secular state is not an atheist state. It does not seek to impose atheist beliefs and institutions...[but] protects the right of all its citizens to hold their own beliefs, religious or non-religious or anti-religious... A society governed by a secular state is...not a society dominated by secular beliefs and values in contrast to religious beliefs and values. It is not the ‘godless’ society which some religious believers imagine and fear... A society governed by a secular state is therefore a diverse society... [A] secular state is one which is even-handed between different systems of faith and belief, while resisting the attempts of any group of believers to turn the state into a vehicle for, or to gain undue privilege for, their religion or their beliefs... [It is] a neutral state in an open society.<sup>9</sup>

Something like this seems to be implied in the model of “Christian secularism” recommended by Nick Spencer in *“Doing God”: A Future for Faith in the Public Square*.<sup>10</sup> Christian secularism, of course, offers a distinctive theological foundation for such a position. That foundation, as Spencer notes, is the confession that, since only God is sovereign, human political authorities must know their place. They must humbly acknowledge that they are not the source of ultimate truth, nor the sole or highest object of their citizens’ loyalty. So they must stand back and allow their citizens to decide whom they will worship, and how.

It has been claimed, not only by advocates of Christian secularism, that this limiting of the pretensions of the state is the most distinctive contribution of Christianity to western political thought and experience.<sup>11</sup> But whatever its historical roots, the model of an even-handed state as described by the BHA above can be and indeed is adopted by adherents of quite different faiths – including, of course, the faith of Humanism.

It seems, then, that we have an attractive candidate for a model of the proper place of religion in a modern society. A procedural secularism committed to openness, toleration, neutrality and pluralism, in which all faith perspectives enjoy equal freedom and respect, seems very well-positioned to secure wide inter-faith endorsement.

**Procedural secularism is never just procedural.**

This essay broadly endorses procedural secularism as the best general platform for the contribution of religion to political debate. But we cannot, unfortunately, head for home just yet. This is because, even with the best of intentions, procedural

secularism is never just procedural. The procedural framework itself – the design of the arena within which political debate occurs – inevitably discloses the impact of certain substantive political commitments. Consider two examples of how supposedly neutral procedural rules of democracy aren’t neutral at all.

First, party funding. It is not possible to draw up rules for the funding of political parties without taking a substantive view on the relative value of economic freedom over political freedom. Those who favour unlimited (or only lightly regulated) private funding for parties place a higher value on the freedom of individuals or corporations to use their money as they choose, than they do on the freedom of under-resourced minority groups to gain equitable access to political power. In such a “free market” of political donations, the weakest won’t get a fair hearing. Wherever our own opinions lie in this debate, we cannot deny they involve making a substantive commitment to a particular vision of the public good.

Second, free speech. In its 2003 judgement mentioned above, the ECHR concluded that even to *campaign* for the introduction of Islamic personal law was incompatible with the principles of liberal democracy. To many this would seem a draconian restriction of the right to free speech of European Muslims, but to the Court it was simply an implication of the principle of fairness. The Court thought it followed directly from the state’s duty to

treat all religions impartially. To campaign for a change in the law mandated by religious belief subverts that duty, it held. The general idea of procedural secularism does not in itself resolve that disagreement. It requires taking a substantive view of the relative value of free speech over that of religious integrity.

So substance will bleed into procedure however tight the constitutional tourniquet. The religious “neutrality” or “even-handedness” of a procedurally secular state will always be a neutrality “from the standpoint of” some particular, contested political vision.

Thus, where society is pervasively secularised – where public life and institutions are principally governed as if transcendent religious authority is irrelevant – it will in practice almost inevitably lean towards programmatic secularism, *if only by default*. Equally, in a society where public life and institutions are principally governed as if biblical authority were binding, it will in practice almost inevitably appear to be Christianised, also by default.

Some careful definitions are now in order. A procedurally secular state leaning (whether intentionally or not) towards *liberal* political commitments will be called “liberal secularism”. A procedurally secular state leaning (whether intentionally or not) towards *Christian* political commitments will be called “Christian secularism”.

Admittedly, the term “Christian secularism” may strike some as a contradiction in terms. It does not mean a society in which the church compromises with, or even “blesses” a secularist faith, but rather one in which Christians acknowledge a plurality of faith communities and expect the state to treat them even-handedly. We might have chosen the term “Christian pluralism” instead.<sup>12</sup> But liberal secularists also lay claim to being defenders of “pluralism” so that might seem presumptive. The question of which perspective is, at the end of the day, more pluralistic will be a matter of judgement, and such a judgement is offered in chapter 4.

## default secularism

Liberal secularism has just been defined as a procedurally secular state leaning towards liberalism, “whether intentionally or not”. It is an important question whether, in Britain today, liberal secularists really do *intend* to privilege liberal political commitments – whether their ambitions amount to a “programmatic secularism”.

The BHA document just cited evidently thinks not. But some religious observers are claiming that liberal secularists are quite deliberately working to extend their controlling ambitions into areas of social life hitherto left to the free play of pluralism (or still shaped by the residual influence of Christianity). For example, it has been argued that the *Equality Act* of 2005 is being illegitimately deployed to press human rights law well beyond its original function of protecting individuals against arbitrary state power, into the service of a transformative project aimed at refashioning religious communities in the image of liberal secularism.<sup>13</sup>

Indeed, there seems little doubt that at least a minority of supporters of such “progressive” legislation are consciously waging a campaign to coerce religious communities to fall into line with a secular libertarian social morality. They certainly celebrated a landmark victory when the Labour government forced Catholic adoption agencies to subordinate their longstanding convictions about parenting to the anti-discriminatory imperatives of the Equality Act.<sup>14</sup>

Yet *most* supporters of measures like these do not see themselves as part of any secularising bandwagon (even though they may be unwitting fellow travellers on it). And some secularists, while fully open about their advocacy of “secularism”, do not see this as in any way inimical to the flourishing of religion. For example, Julian Baggini, recording the “rise” of secularism since the Enlightenment and then its “fall” in the last couple of decades in western societies, now calls for its “rise again” as a basis for a renewed civic settlement in which religion will make a proper and valuable contribution to public debate, while knowing its limited place. His vision of “secularism renewed” – like that of the BHA’s *The Case for Secularism* – is in no sense covert, but nor is it motivated by a desire to extirpate religion from public life.

Clearly, the degree to which liberal or Christian or other commitments acquire dominance in a system of procedural secularism will differ from country to country, era to era, even issue to issue.

One possible test of which worldview is in the ascendancy in any particular society is what restrictions on freedoms are thought to need justification and which not. For example, under liberal secularism, there will generally be a presumption that maximum space should be ceded to individual freedom – for example, the freedom to buy as much energy as one can afford. In such a society, those who wish to argue for significant restrictions on free individual economic exchange in order, for example, to reduce greenhouse gas emissions will face an uphill struggle persuading policy-makers that, in this case, the public good of climate stability trumps individual choice. Or consider the challenge facing those who, in a society in which Christian secularism was in the ascendant, might seek to restrict the rights of (parent-controlled) faith schools to receive public funding. They too would have their work cut out in persuading policy-makers that, in this case, the public good of uniform educational provision trumps parental freedom.

There seems to be abundant evidence that in post-war Britain liberal secularism has clearly achieved the ascendancy over Christian secularism (or any other contender). Whether, like Callum Brown, we judge the critical advance to have occurred decisively in the 1960s or to have been made at some earlier date, the current supremacy of liberal secularism in public life seems hard to deny.<sup>15</sup>

It is important to recognise that this has not come about principally through some conscious and malign conspiracy to seize control of the state and refashion society in the image of the True Secular Faith. Rather it has occurred mainly as a result of the unintended outcome of the penetration of liberal secularist thinking in the largely well-meaning day-

to-day decisions and practices of a wide range of public actors, including politicians, judges, bureaucrats, journalists, heads of corporations and NGOs, and – dare we say it – the odd church leader.

So it is not helpful to decry the objectives of secularists like Baggini (as distinct to those of, for example, Polly Toynbee) as part of a concerted assault on religion *per se*. Rather they should be greeted as a considered attempt to promote the public good in challenging conditions of pluralism – one made in good faith, but inviting a robust but respectful critical rejoinder.

The case developed in this essay does not *depend* on there being a militant campaign to do down religion in the public realm. It only assumes that in an extensively secularised society, where public discourse is overwhelmingly framed in secularist terms, public policy will tend more or less in the direction of liberal secularism just by standing up and breathing.

## swimming upstream

A situation of default liberal secularism will leave religious minorities – and other counter-cultural groups – struggling to win an effective hearing in major public policy debates. They will be “discursively disadvantaged”.

William Galston is an influential American liberal thinker who supports wide freedom for minorities. Yet even he acknowledges the constraints such minorities will nevertheless face:

[T]hink of the social space constituted by liberal public principles as a rapidly flowing river. A few vessels may be strong enough to head upstream. Most, however, will be carried along by the current. But they can still choose where in the river to sail and where along the shore to moor. The mistake is to think of the liberal regime’s public principles as constituting either a placid lake or an irresistible undertow. Moreover, the state may seek to mitigate the effect of its public current on the navigation of specific vessels whenever the costs of such corrective intervention are not excessive.<sup>16</sup>

In other words, minority communities are publicly *tolerated* by the political community but not *integrated into* it as active participants in shaping its destiny. The image of isolated vessels struggling upstream against a powerful current is hardly likely to shore up minority communities’ sense of themselves as “free and equal”.

A parallel conclusion is arrived at by Baggini, who is both a secularist and an atheist. He rejects the idea that liberal secularism requires atheism or that the former should privilege the latter:

Secular neutrality applies as much to atheists as [religious] believers. Just as it is not acceptable to premise a political policy argument on the teachings of the Bible or the Koran, so it is unacceptable to argue for a public policy on the basis of God's non-existence.

Thus far he is endorsing procedural secularism. Yet he goes on to concede a crucial asymmetry in the deliberative circumstances of atheists and religious believers:

**Secular discourse helps inculcate into public debate a "practical atheism" – not necessarily a rejection of God's existence, only of God's relevance for human affairs like politics.**

[R]eligious vocabulary has been absent from public discourse in a way in which atheist vocabulary has not. A secular discussion of human rights, for example, is couched in terms which both the religious and non-religious can accept. However, there are few distinctly atheist beliefs or concepts this discourse must admit, while there are rather more religious ones it cannot include. So although secular discourse is not the same as atheist discourse, it is closer to the natural mode of expression of atheism than to that of religion.<sup>17</sup>

Quite so. We might say that secular discourse helps inculcate into public debate a "practical atheism" – not necessarily a rejection of God's existence, only of God's relevance for human affairs like politics.

This asymmetry is evidently a cause for concern for religious citizens who aspire to live what Christian philosopher Nicholas Wolterstorff calls a "religiously-integrated existence,"<sup>18</sup> or what centuries of Christian piety have simply called a "faithful" existence – a life shaped as far as possible, in all its expressions both private and public, by one's religious faith. But it should *also* be a cause for concern for *secularist citizens* who proclaim a commitment to "inclusion".

## conclusion

This chapter has introduced an important distinction between two kinds of secularism. Procedural secularism seeks to maintain a public square open to many faiths and the many kinds of public reasoning such faiths inspire. Programmatic secularism seeks to establish the dominance of a secularist worldview in the public square.

While this essay favours (a Christian account of) procedural secularism as the better starting point, this chapter has argued that procedure and substance cannot be neatly separated. Rather, the substance of particular faith-based forms of public reasoning will inevitably influence the procedural rules of the democratic game. It has also argued that, today, liberal secularism is clearly dominant in public life, not necessarily as a result of a

malign conspiracy but simply as the default mode of an extensively secularised culture. Those who wish to contribute forms of religious public reasoning to political debate therefore find themselves swimming upstream.

This consequence cannot be entirely avoided. Indeed, if Christian secularism became dominant (again), liberal secularists would find themselves in an analogous position. Yet it is still possible to work for as much even-handedness between public faiths on the part of the state as is possible. It matters greatly what is the dominant tendency at work in a system of procedural secularism, whether that tendency is acknowledged, and whether it is inhibiting deliberative fairness. The next chapter argues that a key factor inhibiting such fairness in our society is a flawed liberal secularist view of “respect” and, behind it, of “equality”.

# chapter 1 - references

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- 9 BHA, *The Case for Secularism: a neutral state in an open society* (2007), pp. 6-7.
- 10 Nick Spencer, *Doing God* (Theos, 2006), p. 37.
- 11 Williams, "Secularism, Faith and Freedom"; Oliver O'Donovan, *The Desire of the Nations* (Cambridge University Press, 1996); Sheldon Wolin, *Politics and Vision*, expanded ed. (Princeton University Press 2004), ch. 4. It hardly needs to be said that under "Christendom" Christian churches frequently did not "stand back and allow their citizens to decide whom they will worship." For the theology behind the most egregious failures, see Perez Zagorin, "The Christian Theory of Religious Persecution", chapter 2 of *How the Idea of Religious Toleration Came to the West* (Princeton University Press, 2003).
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- 13 For a clarification of the issues, see Jonathan Chaplin, "Understanding Liberal Regimes of Tolerance," *Ethics in Brief* 11.6 (Spring 2007). For evidence to support the claim, see Julian Rivers, "Law, Religion and Gender Equality," *Ecclesiastical Law Journal* 9 (2007), pp. 24-52.
- 14 See Terry Sanderson, "A better Blair legacy," *Comment is free, The Guardian* 3 May 2008; Polly Toynbee, "Homophobia, not injustice, is what really fires the faiths," *The Guardian*, 9 January 2007. For a less polemical defence of the government, see Madeleine Bunting, "Retreat on adoption and the Equality Act will crumble," *The Guardian*, 23 January 2007.
- 15 Callum Brown, *The Death of Christian Britain: Understanding Secularisation 1800-2000* (Routledge, 2001).
- 16 William Galston, "Two Concepts of Liberalism," *Ethics* 105 (1995), pp. 530.
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# equality: of people or reasons?

The previous chapter argued that the laudable goal of an even-handed treatment of religious and secular faiths in public discourse isn't as easy to attain as some liberal secularists think. Where liberal secularism is culturally dominant, procedural secularism will likely slide into programmatic secularism as a matter of course, if not intent.

To acknowledge the factual constraints imposed by programmatic liberal secularism is a good start. But in itself this will not be enough to bring about a more level playing field for citizens who wish to reason religiously. For there are seriously problematic assumptions about "public reasoning" operating below the surface of political debate, and these need to be unearthed and critically examined if the playing field is to be truly levelled. These assumptions have been heavily shaped by modern liberal political thought, and this chapter and the next bring some of them to the surface and explain where they have misled us about the proper role of religion in democracy. We will need to explore in some detail exactly how liberal thinkers have come to understand the nature and operation of public reasoning. This chapter considers the role that underlying concepts of *respect* and *equality* play in the liberal secularist view. The next chapter examines whether religious reasoning can, against the expectations of liberal secularists, be truly *public*.

## reasons and respect

For liberal secularists, the only form of reasoning in political debate that can truly pass muster is "public" reasoning. Public reasoning, they hold, is not simply reasoning that takes place in some public forum (say, the media or parliament) or is addressed in a general way to "the public." What makes political reasoning legitimate is not its audience but its content.

The central anxiety among liberal secularists is about the *justification* of laws. Their primary concern is not so much with any particular law that might be introduced as a result of the influence of religion – such as a restrictive abortion law or a radical policy on climate change – but rather with the nature of the reasons offered to justify them.

Liberal secularists don't deny that all kinds of disputed substantive reasons will be thrust forward in the bear pit of political debate. The Jubilee 2000 campaign, for example, flatly rejected the IMF's "supply-side" reasoning that debt cancellation had to be tied to fiscal

conditions designed for advanced western economies. Disagreements like this, liberal secularists recognise, are the stuff of democratic politics.

But they then proceed to set an extremely demanding threshold for what is to count as an acceptable form of justification for any policy. They do so because of a very specific understanding of the relation between *reasons* and *respect* – of what it means for *reasoning* citizens to *respect one another as free and equal*.

Now we might be forgiven for supposing that we have adequately respected our fellow citizens in political debate if we have *listened to them* – given them a decent hearing – and granted them an *equal right to vote* when the debate has reached its conclusion. For example, Christians may profoundly reject radical libertarian arguments for maximum freedom of choice for women over their pregnancies or corporations over their investment decisions. Yet they will, one hopes, wish to show them the courtesy of hearing them out when a debate is under way and the respect of recognising their equal right to determine its political outcome.

But liberal secularists set the bar of respect much higher than this. It is not enough, they hold, that laws must be passed only after proper public debate, and by a democratic decision-procedure in which every citizen is equally free to speak or vote. It is not only the *constitutional procedure* that must respect citizens' freedom and equality. The *proffered justification* of the law also has to meet a stern test of acceptability. For a reason to count as "public" it must appeal to political principles which are *available to all reasonable citizens*. What might this mean?

By "available to all reasonable citizens" liberal secularists don't mean that public reasons must in fact be *accepted* by all citizens (that they are thought to be the *right substantive* reasons), but only *acceptable in principle* (that they are thought to be the *right kind of reasons*).

The "right kind of reason" must be both *intelligible* to any reasonable citizen, and *recognisable* as based on public canons of validity. A public reason will be one that *makes sense* to any reasonably informed citizen and that is *open to inspection* by any such citizen regardless of their religious or secular faith perspective. For example, they might say, an argument for (or against) a change in the legal upper time-limit for an abortion may not invoke the concept of the "sanctity" of life. "Sanctity" is a religiously-loaded word – strictly, it doesn't just mean "very high human value," but "holiness"; a status conferred on something by God. They would rule the idea out as "inaccessible" to any citizen who did not believe in God.

Liberal secularists conclude that only reasons that meet this stern test (of "universal acceptability") truly honour the freedom and equality of their fellow citizens.<sup>1</sup> To offer to our fellow citizens a reason we know they can never make sense of, or assess for themselves, is in effect to say to them, "don't think – trust me." It is to wield authority over them arbitrarily, to disrespect them in a very fundamental way.

Religious believers should not dismiss out-of-hand the appeal of this argument. Imagine that a Radical Ecology party, surging ahead on an explosion of popular angst about global warming, proposes a draconian transport policy aimed at slowing climate change. The policy would ban the use of private cars in all major city centres, levy huge taxes on road-use and air travel, and lavish massive public subsidies on trains and coaches, raising income tax by 10% to pay for it all.

Suppose the party wins a parliamentary majority and introduces the policy. The environment minister stands with the Prime Minister outside 10 Downing Street and solemnly declares: "This policy is mandated by our faith in Earth as a Living Organism from whose hand we and all living creatures receive life and sustenance and to whom due reverence is owed. If we do not act to preserve the environment, Earth's judgement will surely fall upon us and the human species will rightly be found wanting for its irresponsibility."

Clearly many people would recoil at this justification, despite the fact that the party came to power by legal means and enjoyed a working majority in the House of Commons, the locus of sovereignty in the British constitution. They would object, it seems, because the reason given seems to be *a confession of faith*, not a reason every citizen could find intelligible and recognisable as a valid basis for public policy. It would appear, to such people, to be what I called earlier "the rule of irrational dogma." Half the country would immediately cry, "Not in my name."

**If many citizens have to submit to laws based on reasons they find inherently irrational or arbitrary, then the legitimacy of the law, and perhaps of the very political order itself, are called into question.**

Note, incidentally, that this scenario would be strictly comparable to an argument, say, against same-sex marriage by a hypothetical Christian Nation party, citing "Leviticus 18:22" – or "the authority of the Bible" – as its clinching reason.

Both types of reason, so liberal secularists argue, are inadmissible. Since they cannot be available to all citizens, to offer them as reasons for public laws is to disrespect many of the citizens who will be subject to those laws.

What are we to make of this view? Let it be said immediately that from a Christian standpoint the concern with justification is not at all trivial. On a Christian view of democracy, it is highly desirable that as many citizens as possible be able, indeed encouraged, to grasp the rationale behind the laws being imposed upon them and, if possible, to affirm that rationale.<sup>2</sup> If many citizens have to submit to laws based on reasons they find inherently irrational or arbitrary, then the legitimacy of the law, and perhaps of the very political order itself, are called into question. Christians, like anyone else, should certainly seek to offer justifications for their favoured policies which reach *as wide a public as possible*.

So from a Christian point of view, then, we can define a “public justification” as one that at least sincerely *aims* to persuade a large proportion of our fellow citizens. It may *in fact fail* to persuade some, perhaps many, but so long as a conscientious effort has been made the Christian citizen has surely discharged her responsibilities adequately.

But liberal secularists set the bar very much higher than this. It is not enough to *try* to come up with a public justification, we must *succeed* – or remain silent. Liberal philosopher Gerald Gaus responds to the definition of public justification just offered thus: “my intuitions about the requirements of respect are better expressed by Master Yoda: ‘Do or do not. There is no try.’”<sup>3</sup>

Liberal secularists adopt an “exclusivist” stance towards religious reasons. On this view *any* kind of religiously-based reasoning is morally inadmissible in political debate.<sup>4</sup> It is, they protest, a breach of “civic virtue.”

Among the best known and most uncompromising contemporary British exclusivists are philosophers AC Grayling, Simon Blackburn and Brian Barry, broadsheet columnists Polly Toynbee and Matthew Parris, and “new atheist” polemicists Richard Dawkins and Christopher Hitchens.<sup>5</sup> But one does not have to be a militant secularist to subscribe to an exclusivist position. Generous-spirited secularists like Julian Baggini can also favour a version of it.

As it happens, within the academy, a growing number of liberal political thinkers have recently been edging towards a markedly more “inclusivist” position. Many are now prepared to admit religiously-based reasoning as legitimate in political debate, albeit under certain conditions. Some have even begun to acknowledge its positive contribution to the functioning of constitutional democracy in the past – names like William Wilberforce, Abraham Lincoln, William Gladstone, Martin Luther King, Desmond Tutu or Corrie Aquino are cited here – and its potential to do so in the future.

One is William Galston, cited above. Galston argues for a “liberal pluralism” which creates space for many different public voices, including religious ones.<sup>6</sup> Another is Princeton philosopher Jeffrey Stout. In his influential book *Democracy and Tradition* he presents a powerful case for including religious voices in political debate in order to preserve their capacity to inject robust critical thinking into democratic discourse.<sup>7</sup> Stout praises President Abraham Lincoln’s momentous Second Inaugural, which is an explicitly theological interpretation of the American Civil War in terms of divine providence and judgement, as a “paradigm of discursive excellence.” The influential German social philosopher Jürgen Habermas is another.<sup>8</sup> There are many more.<sup>9</sup>

Indeed it may be the case that a thoroughly exclusivist position will soon be held by only a small minority of academic political philosophers. Whether this will, in turn, shape the debate at a more popular level remains to be seen. But it is clear that in wider public debate, such as takes place in the media or on the floor of many western parliamentary chambers, a more “exclusivist” position remains in fashion.

## respect and equality

The exclusivist argument about reasons and respect is deceptively simple. It goes like this:

1. A liberal democracy is based on the principle of political equality;
2. Political equality means that citizens should adopt a duty of respect towards one another in political debate;
3. The duty of respect requires that citizens only offer reasons for the public policies they advocate that everyone equally can find intelligible and acceptable in principle;
4. Religious reasons can only be found intelligible and acceptable by some citizens, and indeed are repudiated by many;
5. Therefore, religious reasons should not be employed to justify public policies, and:
6. To employ religious reasons to justify a policy – to seek “justification by faith alone” – is disrespectful and inadmissible.

Put more simply, the argument says: “to respect me as an equal, you have to speak in my language; if you lobby for policies based on reasons I can’t possibly agree with, you sweep my views aside and thereby diminish and disrespect me.” The assumption is that “my” language is also “our” common language.

But notice the curious twist in this argument. From a seemingly innocent and widely-accepted principle of *equal respect*, liberal secularists claim to derive a principle which justifies *unequal treatment* of different kinds of political speech. A religiously-based argument for a public policy ends up facing additional burdens other kinds don’t.

Liberal secularists think they can generate out of the principle of respect what political scientists call a “gag rule” – a rule restricting the kinds of reasons which can properly be used in political debate. Now, it actually *is* the case that some important gag rules can be derived from the idea of equal respect. If we respect our fellow-citizens, we won’t ignore them, dismiss them as of no account, misrepresent them, slander them, or incite hatred against them (and there are laws against the latter two kinds of disrespect).

But the gag rule which liberal secularists try to derive from the equality principle seems straightforwardly discriminatory. If imposed it would amount to a significant constraint on the freedom of expression of those citizens whose political views reflect religious convictions – their freedom and equality would thereby be seriously compromised. Not only would religious citizens find themselves swimming against the discursive stream, they would find themselves accused of offending against the very rules of proper political discourse – of being “bad citizens.” At this point, liberal secularists seem to stand accused of the very same “exclusivism” with which they sometimes charge religion.

Some liberal secularists try their level best to make such a gag rule seem palatable to religious citizens. In his later writings, the American liberal philosopher John Rawls, for example, came to depart from his earlier exclusivism and argue for what he calls a “wide view of public reason” in which religious believers are quite entitled to bring forward religious reasons in political debate. In fact, he generously suggested, they may do so *at any time*.

But then he entered a debilitating “proviso”: if citizens bring religious reasons into public debate, they must *also* find arguments which every other citizen will consider reasonable – “public reasons.”<sup>10</sup> Robert Audi proposes another version of the same idea: religious citizens can introduce religious reasons in public debate, so long as they *also* bring with them at least one self-respecting “secular reason.”<sup>11</sup> These would-be inclusive liberals, in a sincere effort to show greater respect to religious reasons than is done by some of their exclusivist secular colleagues, nevertheless end up adopting a patronising attitude towards religious reasons. They treat them essentially as minors who can’t enter adult political debate unaccompanied. They need to be chaperoned by grown-up “secular” reasons.

Let’s recall why this might be less than desirable, to say the least, for those who wish to live a “religiously-integrated existence”.

What, after all, is the problem with simply accepting the prevailing terms of discourse of the society we find ourselves in? Isn’t Christianity, for example, an “incarnational” religion that immerses itself in its inherited culture and speaks the *lingua franca* of that culture? Why the insistence on speaking publicly in our *own* religious language?

The problem is identified in an instructive way by British theologian Oliver O’Donovan in the course of a response to the views of Catholic philosopher Jacques Maritain. In the early 1950s Maritain called for religious believers to reason politically on the basis of a shared “democratic secular faith.”<sup>12</sup> O’Donovan notes correctly that Christians will, as a matter of fact, sometimes find themselves sharing common political principles with others. But he issues this caution: “Granted, the church may always make the best of any coincidence of political doctrine between Christians and non-Christians that it lights upon; but ‘making the best’ means *making the evangelical content of the doctrine clear, not veiling it in embarrassment.*”<sup>13</sup>

The argument is that if “evangelical public reasoning” can’t go out unchaperoned, Christian citizens will be compelled to veil it in the interests of consensus and acceptability. If they succumb to an obligation to offer justifying reasons in a secular public vernacular alongside any religious one, they will undermine the authenticity of their religious reasoning. For those whom Wolterstorff calls “religiously-integrated citizens” this will lead to religious “dis-integration”.

It's worth noting, in passing, that exactly the same problem in reverse could face secularists living in an overwhelmingly religious society. It has been widely noted, for example, that it is almost impossible for would-be presidential hopefuls in the USA to concede that they are atheists. If they are, and if their atheism drives their political convictions, they cannot freely speak in an authentically atheist language. They are under pressure to adopt the dominant language of public life, namely some Christian (or Judeo-Christian) "civil religion" and so veil their secularist faith. If religious citizens justifiably resent being coerced into speaking an alien secularist Esperanto, they will – they should – appreciate that secularists will equally resent being forced to speak an alien theistic Esperanto.<sup>14</sup>

## equality of persons, not reasons

The injunction that religious reasons must always be chaperoned in political debate by secular ones trades on a subtle but far-reaching shift in the meaning of political equality.

The principle of political equality quite properly applies to *persons* – each should have an equal *standing* in the political community and an equal *voice* in political debate. The principle is hugely important to constitutional democracy and Christians have powerful reasons of their own to support it.<sup>15</sup> When it was first fought for in early modern Europe it was seen as the enemy not of faith but of feudalism, of a medieval conception of natural social hierarchy which trapped people in a condition of inherited subordination.

Contemporary liberal secularists have, however, tried to apply the principle not just to persons but to *reasons*, and in a strikingly counter-intuitive way. We might think that the natural way to extend the principle of equality to reasons would be to say that, like persons, *all reasons shall be given equal status* in political debate. That would have the effect of *opening up* political debate to new ideas.

But in liberal secularism the extension careens off in an entirely different direction. Instead, the argument is that only those reasons which are *equally accessible to all citizens* can be admitted to political debate. But this has the unintended effect of *closing down* political debate, excluding ideas that cannot pass this artificially stringent test.

This is a distortion of the original meaning of political equality. Consider this. When we offer our fundamental reasons for (or against) a policy, of course we necessarily reject, and so exclude, other people's fundamental reasons for (or against) it. We *disrespect* those reasons because we think they are not conducive to the public good. Just as the law should be "no respecter of persons," so political debate should be "no respecter of reasons." In both cases, they should get what they deserve – which might be praise or blame.

But in disrespecting a fellow citizen's reasons we don't disrespect *her*. On the contrary, we actually show our fellow citizens *more* respect by critically engaging with their preferred

political reasons in public forums than we do by ruling such reasons out-of-order in advance.

Equally, we show them greater respect by offering them *our* deepest reasons for a policy than we would by presenting reasons we can't fully identify with ourselves. In both ways, we demonstrate that we take our fellow citizens with full seriousness. And we expect them to do the same for us. This is true civic reciprocity among free and equal citizens.

A Christian perspective summons us back to the original meaning of political equality. Yale law professor Stephen Carter states the point well:

***What is needed is a willingness to listen, not because the speaker has the right voice but because the speaker has the right to speak.***

What is needed is not a requirement that that the religiously devout choose a form of dialogue that liberalism accepts, but that liberalism develops a politics that accepts whatever form of dialogue a member of the public offers... What is needed...is a willingness to *listen*, not because the speaker has *the right voice* but because the speaker has *the right to speak*.<sup>16</sup>

## conclusion

This chapter has argued that contemporary liberal accounts of “respect” and “equality” have the unintended effect of closing down legitimate political debate rather than opening it up to diverse voices.

The key reason for this is that liberal secularism is unhealthily preoccupied with the *content* of reasons offered as public justifications for laws or policies. Behind this preoccupation is a misplaced application of the principle of equality. The principle calls for equal treatment for persons. It does not mandate, impossibly and illiberally, that reasons should be equally accessible to all hearers. What is more, in political debate persons should be accorded proper respect, but reasons should be prepared to take whatever drubbing (or praising) they deserve in the bear-pit of political debate.

The restraints that liberal secularists would impose on religious reasons are discriminatory. Religious reasons in politics have as much civic legitimacy as secular ones. The question addressed in the next chapter is whether religious political reasoning, even if legitimate, can successfully speak beyond its host community and into wider society. Can it be truly “public?”

# chapter 2 - references

- 1 Rawls expresses this technically as “the liberal principle of legitimacy.” According to this principle, citizens must justify their favoured laws to one another “in terms which each could reasonably expect that others might endorse as consistent with their freedom and equality.” *Political Liberalism* (Columbia University Press, 1993), p. 218.
- 2 See Christopher Eberle, *Religious Convictions in Liberal Politics* (Cambridge University Press, 2002).
- 3 Review of Eberle, *Religious Convictions*, in *Notre Dame Philosophical Reviews*, 8 March 2003. But see note 9 below.
- 4 They do not say it should be *legally* inadmissible.
- 5 A representative broadside would be the following interview with Simon Blackburn: “Against the grain: Religion should be kept out of politics,” *The Independent*, 5 April 2007.
- 6 William Galston, *Liberal Pluralism* (Cambridge University Press, 2002); *The Practice of Liberal Pluralism* (Cambridge University Press, 2005).
- 7 Jeffery Stout, *Democracy and Tradition* (Princeton University Press, 2004), ch. 3.
- 8 See, for example, Jürgen Habermas, “Religion in the Public Sphere,” *European Journal of Philosophy* 14.1 (2006), pp.1-15.
- 9 See the successive development from exclusivism to inclusivism in the following works of Gerald F. Gaus: *Justificatory Liberalism* (Oxford University Press, 1996); Review of Christopher Eberle, *Religious Conviction in Liberal Politics* (<http://ndpr.nd.edu/review.cfm?id=1214>); “The Place of Religious Belief in Public Reason Liberalism” (<http://www.ppe-journal.org/Gaus/Gaus-ReligiousBeliefsInLiberalPolitics.pdf>).
- 10 John Rawls, “The Idea of Public Reason Revisited”, in John Rawls, *Collected Papers* (Columbia University Press, 1999), pp. 584, 591-3. Rawls claims that his notion of “public reason” does not require such reasons to be “secular” but many critics have found that claim unpersuasive.
- 11 Audi and Wolterstorff, *Religion in the Public Square* (Rowman and Littlefield Publishers, 1996), p. 25. See also Robert Audi, *Religious Commitment and Secular Reason* (Cambridge University Press, 2000). For a comparison of the two, see Jonathan Chaplin, “Beyond Religious Restraint: Defending Religiously-Based Arguments in Law and Public Policy,” *University of British Columbia Law Review* 33/3 (2000), pp. 617-646; and Paul J. Weithman, *Religion and the Obligations of Citizenship* (Cambridge University Press, 2002), chapters 6-7.
- 12 Jacques Maritain, *Man and the State* (University of Chicago Press, 1951), pp. 108ff.
- 13 Oliver O’Donovan, *The Desire of the Nations* (Cambridge University Press, 1996), p. 219 (emphasis added).
- 14 See Nick Spencer, *Neither Private Nor Privileged*, chapter 1.
- 15 See Duncan Forrester, *On Human Worth: A Christian Vindication of Equality* (SCM, 2001).
- 16 Stephen Carter, *The Culture of Disbelief* (Basic Books, 1993), p. 230.

# can religious reasoning be “public”?

Why do liberal secularists interpret political equality in the counter-intuitive way described in the last chapter?

The fundamental reason is that they take it as self-evident that religious reasoning is inescapably private, while secular reasoning is inherently public. They think that while religious reasons necessarily exclude some people, secular arguments can embrace everyone, since religious citizens can also accept them. A religious justification for a policy will necessarily alienate many but a secular justification will be just fine with everyone, religious citizens included.

A twofold response to this assumption presents itself: first, that secular reasons are no more or less tribal than religious ones; second, that religious reasons can sometimes be public.

## what is a “secular” reason?

The first thing to observe is that what counts as a “religious reason” or a “secular reason” may not, after all, be as clear as we might suppose. Many would assume that a reason is “religious” if it mentions God or some transcendent religious authority, while a reason is “secular” if it doesn’t. But the matter turns out to be rather more complicated than that.

Consider this technical definition of a secular reason by Robert Audi. A secular reason is “one whose normative force does not evidentially depend on the existence of God (or on denying it) or on theological considerations, or on the pronouncements of a person or institution *qua* religious authority.”<sup>1</sup> That is, a secular reason not only won’t *mention* religious sources but won’t *depend on* them. Audi’s concern here seems to be that someone might offer a political reason which doesn’t mention God but which does, after all, rest upon a religious source.

But what might it mean for a political reason to “rest upon” a religious source? Consider the following two statements:

- A. Governments must abide by the principle of the rule of law.
- B. Jesus is Lord.

The second – the earliest recorded Christian confession – is obviously a religious statement, but is the first one “secular”? Suppose we combine them:

C. Governments must abide by the principle of the rule of law because Jesus is Lord.

This is also a religious statement, and it would clearly be false to say that its *first clause* is “secular” just because it shares the same wording as statement A.

Now suppose a parliamentarian who believes statement C asserts, during a debate, statement D:

D. The Serious Fraud Office’s suspension of its investigation into alleged Saudi bribes to British Aerospace was wrong because it breached the principle of the rule of law, and governments must abide by that principle.

Suppose the parliamentarian is a Christian (a “religiously-integrated” rather than a “nominal” one). Has she uttered a “secular” statement? Surely not. For *this* speaker, *that* statement is ultimately religiously-grounded, even though no “religious” words were spoken. And this is the case even if the religious sub-clause “because Jesus is Lord” didn’t enter her mind at that moment, for on reflection she would indeed recall that the deepest reason why she believed statement A was statement B.

This may come as a shock to some liberal secularists. The idea that the confession, “Jesus is Lord”, might play any role whatsoever in the thinking of a Christian MP on something as seemingly mundane (in the sense of “this-worldly”) as the activities of the UK Serious Fraud Office might come to them as, well, a revelation.

Yet this is indeed how some Christian MPs – and many Christian citizens – actually think. It is also similar to how some Muslim political activists think, even those we sometimes patronise as “moderates”. Many such Muslims are right now busily searching their own sacred texts to see what perspective their theological principles offer them on the legitimacy and nature of the rule of law or accountable government.

But while liberal secularists may not have parallels to sacred texts, they still think on the basis of “secular confessions” – such as “the moral autonomy of the rational individual” or “the sovereign will of the people.” Whether they recognise it or not, liberal secularists approach questions even as “mundane” as the activities of the SFO in the light of such confessions.

We can go further still. For the secularist MP sitting next to our Christian parliamentarian, statement D probably would be *heard as secular*. But that only means that this hearer is quite naturally slotting it into his own conceptual framework (or would do on reflection). In his framework, governments must abide by the rule of law, not “because Jesus is Lord,” but “because the supreme moral autonomy of the individual requires it” (or some similar reason). These two MPs happen to agree on statement A. But A *means* something importantly different to the one than to the other.

So is statement A “secular”? That depends on who is uttering it and who is listening to it. The point here is simply that we cannot tell whether a statement is “religious” or “secular” just by examining the *words* that make it up. We have to consider what the speaker intends, what the hearer receives, and how each relates the statement to their larger worldviews.

An important implication follows: religious speakers who want to avoid “secularist” language – who want to be religiously-integrated – don’t have to lead with their deepest religious reasons. To employ principles like “the rule of law” or “human rights” isn’t to “veil” one’s true beliefs, but only to refrain from putting them fully on display at that moment.

In Britain today, for the vast majority of purposes, citizens or politicians who want to defend the rule of law can do so just by invoking the principle, on its own, as a widely accepted and constitutionally-embedded element of our political culture. So our Christian parliamentary speaker can criticise the suspension of the SFO investigation just by appealing to “the rule of law”. That is a sufficient public reason. It’s both intelligible and testable by any of her fellow citizens. She need not add “because Jesus is Lord” to her statements.

This means that when she says in parliament, “government must uphold the rule of law”, she is speaking *no less authentically as a Christian* than when, addressing the Parliamentary Christian Fellowship, she says “government must uphold the rule of law because Jesus is Lord.”

## levels of reasons

This is not to say that she *may not* utter that fuller (unchaperoned) statement in parliament, as liberal secularists insist. It is only to say that if she does not, she is not necessarily “veiling her convictions in embarrassment”. This is so, we now see, because there are actually two levels of “reasons” at work in these utterances.

“Because Jesus is Lord” is a religious reason. We might call it an ultimate reason or, as Richard Rorty puts it, part of our “final vocabulary”.<sup>2</sup> “Because governments should uphold the rule of law”, in contrast, is not an ultimate reason. It is a proximate constitutional reason valid in this political system. For a religiously-integrated Christian, the reason “Jesus is Lord” grounds the principle of the rule of law,<sup>3</sup> while *that* principle then grounds the specific conclusion, “the SFO was wrong to suspend the investigation”. This conclusion thus enjoys a two-tiered grounding.

In fact, we could if we wanted spell out other intermediate or parallel levels of reasons (e.g., “because the UK has signed the OECD’s Anti-Bribery Convention”, “because the Manifesto committed the party to strengthen the rule of law”, etc.). Each of these reasons supports more specific ones above it, or buttresses ones next to it. The many component

parts of any chain of ethical reasoning are complexly (and not always coherently) related, and this applies as much in political debate as anywhere else.

Precisely which reasons are best advanced in any particular deliberative context depends on a wide variety of factors (some of which will be explored later). But the fact that ultimate religious reasons are not articulated during deliberation does not thereby make the reason or the policy conclusion actually offered “secular” in the sense of being separated from or antithetical to faith.

What then is a truly “secular reason?” It is one which proceeds from or “rests on” secularist faith convictions, such as the belief in “the moral autonomy of the rational individual” or “the sovereign will of the people;” whether or not these are stated explicitly.

It is quite possible, therefore, to apply exactly the same logic to the public reasoning of secularly-minded citizens or politicians. Suppose the secularist MP mentioned above intervenes in the debate. Suppose he uttered statement D. He has clearly uttered a public reason, one which all his hearers can in principle recognise as such. And from his point of view it is also “secular.” But it is not public *because it is secular*. It is public for the same reason it would have been public when uttered by his Christian colleague, namely that it is widely acknowledged in British political culture. It is public more because of its context than its content.

This means it would be wrong of him to turn to a Christian colleague who had uttered statement D and say, “Thank you for joining the club and speaking in a secular language the rest of us can make sense of!” Her response should be: “I wasn’t speaking in a secular language, only a public one.” Conversely, she wouldn’t then be justified in retorting: “And by the way, thank you for keeping *your* secularist beliefs to yourself!” To which his response should be: “I was doing no such thing, I just didn’t articulate them at that moment.” In this case it is not that the faith basis is *not present in* the justifying reason, but only that it is *not presented*.

## reasons: public, but not secular

Julian Baggini comes tantalisingly close to this position. On the one hand, he echoes familiar liberal secularist anxieties, insisting that “[s]ecularism is the most powerful bulwark against sectarianism we have.” He writes:

Because it demands that we only discuss in the civic sphere what we share and leave out the personal beliefs that divide us, it forces us to the common ground. . . . [I]t does not require us to leave behind our personal convictions to do so: everyone brings their personal beliefs to the secular table. The trick is that we find a way of expressing them in universalist and not particularist terms.<sup>4</sup>

Now if by “common ground” or “in universalist terms” Baggini simply means that we should strive to make ourselves understandable to as many of our hearers as possible – that we should work towards “public justification” – then no one should object. In actual fact, however, he means more, as becomes clear when he goes on to discuss the question of abortion.

A devout Catholic is obviously going to be strongly influenced by her religious beliefs on the subject, and when she is speaking in Parliament, these beliefs will come through. But, vitally, she must find some way of expressing them in terms that everyone can understand and appreciate. If she says, ‘we should not allow abortion because it is against the teachings of the Roman Catholic Church’ she has failed to make an argument that has any purchase beyond her own faith. If she argues for the sanctity of human life in terms which are not specific to the tenets of Roman Catholicism, then she is making a contribution to the secular debate, *even though at root her basic commitments are grounded in religion*.<sup>5</sup>

We can appreciate Baggini’s recognition that a religious MP’s basic commitments may be “grounded in religion”. He accepts that such an MP may argue for “the sanctity of human life.” But he insists that the MP may do so only “in terms that everyone can understand and appreciate.”

Now admittedly, a bare appeal to “the teachings of the Roman Catholic Church” may be a perfectly intelligible reason but it clearly doesn’t go very far in meeting the definition of “public justification” suggested in the previous chapter. (That said, has anyone ever heard a Catholic MP rely *only* on that reason? It’s an easy target.)

The real problem with Baggini’s argument can be seen in his insistence that any argument for the “sanctity” of human life must be presented in “universalist terms”. But who is to decide what qualifies as “universal”?

Suppose a Catholic MP invokes the concept of “human dignity” as an argument against abortion. This concept does indeed have wide purchase for both religious and secularist believers – which is a key reason why it is the term most commonly invoked by Catholic MPs in abortion debates. The term “human dignity” is “public” in the sense that it is as a matter of fact widely recognised across convictional divides.

Is this to speak in what Baggini calls “universalist” terms? Not exactly. The term is analogous to the concept of “the rule of law” discussed earlier. Both terms are broadly intelligible and acceptable in our political culture, even if many citizens can no longer offer a strong foundation for them. Both have wide purchase, so that invoking them is certainly helpful – perhaps even sufficient – for presenting a “public justification”.

But, as with “the rule of law”, “human dignity” means importantly different things according to the worldview of the speaker. Papal social encyclicals since Vatican II are

replete with the term, but when read in the context of the distinctive moral theology of those documents, it’s evident that “human dignity” means something very different to what it means in, for example, the writings of philosopher Immanuel Kant, for whom it means something like “the supreme moral autonomy of the rational individual”.

We can now see why it would be misleading to designate terms like “human dignity” a “secular” language. This is what Baggini implies when he refers to the need for Catholic MPs to “make a contribution to the secular debate.” “Human dignity” is better described as an eminently “public” language.

Exhibit A, then, is something which liberal exclusivism hasn’t fully reckoned on. A reason can be *public* without being *secular*.<sup>6</sup> What, then, of the other side of the coin? Can we also identify a *public reason* which is not just “not secular”, but explicitly *religious*?

## reasons: religious, and public

Consider the language of those whom I listed earlier as respected, religiously-inspired contributors to constitutional democracy. Archbishop Desmond Tutu, for example, routinely justified his opposition to apartheid by appealing to the status of human beings as “made in the image of God”.

Here we have a justifying reason being offered in public for a specific and controversial policy stance, one which would imply radical changes in the law affecting every South African citizen and which would be backed by the coercive apparatus of the state. It is a prime candidate for testing against the liberal doctrine of “restraint on reasons”.

Quite clearly, Tutu’s reason is not only religious but *eminently public*. None of his listeners scratched their heads and asked him what he meant. His reasoning was perfectly intelligible to every citizen in the land – including the white Christian defenders of apartheid who did all in their power to silence him.

Did his reasoning satisfy the liberal secularist norm of civic respect? Tutu’s decisive reason was that apartheid had to be abolished because it denied the image of God in black South Africans (and whites, he would always add). Was that reason one which all citizens could in principle recognise as the sort of reason honouring their freedom and equality? It is hard to recall any western liberal secularists claiming that it didn’t do *that*.

Could all citizens in principle recognise its rational validity? Not at all. Non-Christians, and especially non-theists, would have thought the biblical doctrine of the image of God irrational and untestable. They would have offered very different reasons for opposing apartheid, and they did. Why, then, did they not resist Tutu’s theologically-laden reasoning as objectionable in principle?

Surely the simple answer is that they respectfully acknowledged it as a perfectly legitimate rhetorical resource for mobilising people behind political change. It was the authentic public language of a significant section of the citizenry because the great majority of South Africans at the time self-identified as Christians. How could it have been disrespectful for black Christian citizens to address their fellow citizens in the language most naturally expressing their highest political aspirations and their deepest public identity?

It turns out, then, that not only are there public reasons which are not secular, but there are also *religious reasons* which are quite clearly *public in the relevant sense*: not as “testable in principle for rational validity by all citizens;” but as authentic articulations of a community’s vision of the public good.

We might ask, incidentally, why liberal secularists uniformly affirm Desmond Tutu as a hero of liberal democracy (and they do) but uniformly denounce Catholic Cardinals who appeal to *the very same* biblical doctrine in opposing what they see as another form of legalised violence: abortion (those “Dunblane massacres”).

As far as I can see, liberal secularists do not have any remotely convincing answer to that question – other than that they happen to support racial equality but oppose restrictions on a “woman’s right to choose.” Public secularism is just fine when it works in favour of *their* favoured causes but unacceptable when it doesn’t. My point, however, is not to impale liberal secularists on the stake of their own public inconsistencies – they could quite easily return the compliment on religious believers – but to draw the obvious conclusion from the foregoing: the liberal secularist insistence that a legitimate political justification must meet their restrictive definition of “public accessibility” cannot stand.

Whether a justifying reason is in principle recognisable by all citizens as intelligible or accessible or testable is largely a contingent matter depending on the circumstances in which it is presented. Liberal secularists suggest it is an epistemological question: it depends on the inner cognitive content of the reason. It isn’t. It’s a sociological question: it depends on what the audience happens to know or understand or be willing to accommodate.

## living with dissensus

It will be rare today for *any* really important justifying reason to be equally accessible to *all* citizens, even “in principle.” Indeed, as societies become ever more religiously and morally plural, we should be prepared for, not a growing consensus on the most important justifying reasons, but a growing dissensus.

Yet one of the ironies of the liberal secularist position is that while it ostensibly defends the rights of dissenters to be heard in public debate, what really drives it is a hidden premium placed on consensus. This assumption is critically exposed by Wolterstorff in his instructive exchange with Audi. Audi proceeds on the assumption that publicly accessible

reasons are *in principle* readily available to all citizens of a liberal democracy – that is, citizens who are “fully rational people in possession of the facts.”

But, as Wolterstorff points out, the extent and intensity of disagreements in a morally plural society make this an unattainable goal, since in every case there will, as a matter of fact, be *some* fully rational citizens with all the facts at hand who will reject those justifying reasons.<sup>7</sup> Indeed, we might add, in some cases there will be many. The very concept of the “fully rational citizen” is mythical, an idealised fiction pressed into the service of an unwarranted prejudice towards public religion.

Wolterstorff observes that liberals like Audi use terms like rational, rationality, reason or reasonable in an uncritical Enlightenment sense, taking it for granted that the outputs of rational thinking will be universally endorseable. But rationality will not, as he puts it, “winnow out diversity” or “leave sufficient consensus to serve as the basis of [political] decisions.”<sup>8</sup>

The quest for a “common set of political principles to which all rational citizens can in principle assent” is, after all, a misguided one:

[T]he reasonable thing for [us] to expect, given any plausible understanding whatsoever of “reasonable and rational,” is *not* that all reasonable and rational citizens would accept those principles, but rather that *not all* of them would do so. It would be utterly unreasonable for [us] to expect all of them to accept them... What is reasonable for [us] to expect is that [our] proposals will stir up controversy and dissent.<sup>9</sup>

**The very concept of the “fully rational citizen” is mythical, an idealised fiction pressed into the service of an unwarranted prejudice towards public religion.**

The possibility of a universally accepted set of secular political principles is still widely entertained by liberal secularists. For Wolterstorff, however, liberal secularists are still naively aspiring towards “the politics of a community with a shared perspective,” whereas “we must learn to live with a politics of multiple communities.”<sup>10</sup>

## conclusion

What Wolterstorff’s “politics of multiple communities” might look like in practice will be explored in the next two chapters. The chief aims of this chapter were two. The first was to cast doubt on a defining claim of liberal secularism: that religious reasons are inadmissible (or at least need chaperoning) as justifying reasons for public policy because they are intrinsically private and inaccessible, whereas secular reasons are inherently available to all.

The second aim was to show how religious reasons can, after all, be eminently public – whether or not they show their colours. In fact, *both religious and secular reasons might be more or less public* depending on the context in which they are presented.

If so, then the foundation for exclusivism collapses. We do not disrespect our fellow citizens by presenting religiously-based justifying reasons to them. On the contrary, for any citizen to present their deepest reasons for a policy to their fellow citizens is to treat them as grown-ups, capable of responding in a mature and respectful way to the reality of deep difference. That is what it means to dignify our fellow citizens as “free and equal”.

# chapter 3 - references

- 1 Audi and Wolterstorff, *Religion in the Public Square*, p. 26 n. 26.
- 2 Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge University Press, 1989), p. 91.
- 3 See, e.g., Julian Rivers, "Government," in Michael Schluter & John Ashcroft, eds., *Jubilee Manifesto* (Inter-Varsity Press, 2005), pp. 138-153.
- 4 Baggini, "The rise, fall, and rise again of secularism," p. 210.
- 5 Baggini, "The rise, fall, and rise again of secularism," p. 210.
- 6 For examples of "public but not secular" reasoning, see: Nigel Biggar, "God' in Public Reason," *Studies in Christian Ethics* 19.1 (2006), pp. 9-20; Michael Banner, "Why and how (not) to value the environment," in his *Christian Ethics and Contemporary Moral Problems* (Cambridge University Press, 1999), pp. 163-203; Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (Cambridge University Press, 2007).
- 7 Audi and Wolterstorff, *Religion in the Public Square*, p. 154.
- 8 *Ibid.*, p. 161.
- 9 *Ibid.*, p. 99.
- 10 *Ibid.*, p. 109.

# making democracy pluralistic

What does all this imply for how democratic debate should function in practice?

At this point in the essay we move from a critical analysis of liberal secularism to a constructive elaboration of Christian secularism. What practical model of democratic representation does Christian secularism imply?

Chapter 3 argued that we should free ourselves from the liberal secularist restraint on invoking religious reasons as justifications for laws or public policies. This chapter suggests that a Christian secularist view of democratic representation will ungrudgingly allow maximum possible space for the expression of divergent, unpredictable, even disturbing forms of public reasoning, both religious and secular.

In the course of criticising it, Julian Baggini summarises well the position to be defended here:

Traditional [= “programmatically”] secularism...has to go. In its place must be a public domain in which religion is allowed back in. The idea is not to create conflicts of belief, but to allow disagreements to be resolved openly, without people feeling the need to deny the differences in the fundamental convictions that shape their views. The secret of a harmonious society in which different religious and non-religious beliefs are held is not for everyone to remain silent on the things that divide us, but to discuss differences openly in a spirit of mutual respect and understanding.<sup>1</sup>

He then adds, “For atheists this is not an appealing prospect.” His particular worry is the widespread liberal secularist fear of “sectarianism”, already noted in chapter 3. But the aim of “allowing disagreements to be resolved openly rather than remaining silent on what divides us” is at the heart of the model this essay is commending.

## accepting deliberative openness

What will happen if we go down this road? Will there, as liberal secularists warn, be a reckless free-for-all in which absolutely anything can be said in political debate?

Not at all. For a start, political deliberation should continue to operate fully within the law, and this will rule out any political reasoning which slanders opponents, incites to hatred, violence or terrorism, or indulges in xenophobic or racist rhetoric. Laws against such types

of speech exist and must be rigorously enforced. The prosecution in 2006 of radical Islamist “Sheikh” Abu Hamza al-Masri, an imam who between 1997 and 2003 had come to dominate Finsbury Park Mosque, for breaching laws against incitement to murder and racism, was wholly justifiable.<sup>2</sup>

Such legal constraints may need tightening, or loosening, from time to time. Setting such boundaries is never a morally or politically neutral decision. Where they are set discloses a society’s current judgement of what counts as unacceptable potential public harm, and this will often be controversial (as a look at the 2003 ECHR judgement will show in chapter 5).

In addition to legal restraints on political speech, the main formal deliberative settings of any constitutional democracy have rules in place constraining inappropriate political language, such as those governing election campaigns or debates in the House of Commons or Council chambers. The Rev. Dr. Ian Paisley could call the Pope the Antichrist in his Free Presbyterian churches but not in the Commons chamber or the Northern Ireland Assembly. Such rules and conventions are indispensable to civil discourse. They should be maintained and adjusted as new conditions require.

Within such legal or procedural boundaries, however, there should be no discouragement or disparagement of the free articulation of faith-based political views in democratic deliberative contexts. Archbishop Williams describes the likely outcome of accepting this principle as “a crowded and argumentative public square which acknowledges the authority of a legal mediator or broker whose job it is to balance and manage real difference.”<sup>3</sup>

The question arises, however, whether this might feed an already turbulent identity politics, and fracture the political community into a thousand self-enclosed tribes. Might it not, in other words, undermine constructive deliberation rather than enhance it?

It’s worth pausing to take stock of just how deep faith-based differences really are. Some might suspect that religious citizens are artificially exaggerating these differences simply in order to create space for their own interventions. But the observation that we are increasingly faced with irreconcilable convictional fissures is not only being made by religious observers. During the debate over the Embryology Bill, Polly Toynbee quite rightly noted: “Every day in parliament, fundamentally different world views do battle. Politics is all about the clash of moral universes.”<sup>4</sup>

Certainly the contest is laid bare acutely in the field of bio-ethics, where adherents to fundamentally incompatible convictions about the origin and ending of human life are engaged in a tense and often bitter stand-off over how or whether to regulate the new medical technologies.

But it is no less evident in economics, where a neo-liberal economic theory, dominant in the global economy and the leading business schools (at least until the 2008 financial

crunch), is ranged against an array of rival faith-based paradigms, such as social economics, post-colonialism, feminism, and radical ecology.

There is simply no getting away from the fact that public policy debates on these issues are wracked with deep divisions which show no sign of abating. We must, of course, seize whatever opportunities for consensus-building or co-belligerence come our way. But an adequate conception of democratic representation must deal with the most difficult cases of democratic disagreement, not just the easy cases of democratic convergence.

## negotiating differences

The political question facing us is how such deep differences can be negotiated in a way that enables democratic deliberation to produce better rather than worse outcomes. Paul Valley underscores the immensity of the task:

The key question is can we now find a way of creating something positive and healthy from this crucible, or are we sleepwalking into an age of confrontation and blind defensiveness... We need to do something more than contain or translate that which we fear and do not understand. We need to find a balance which maintains the secularist separation of church and state but which allows the thinking and acting of religions to play their part in shaping the post-atheist culture which is forming all round us. It is the search for a new political language, and it is a massive and vital task.<sup>5</sup>

Where might such a balance lie? Is it possible to design a set of deliberative arrangements which avoid both the Scylla of imposed secularist uniformity and the Charybdis of unconstrained ideological fragmentation?

Implicitly endorsing Archbishop Williams' appeal for a procedural secularism, Stephen Heap summons us all to rise to the challenge of finding a way through:

A key to a more creative future might be in that word secular, which does not mean a space where there are no absolutes, but one where together we learn to face the undoubtedly real and disturbing conflicts our opposing claims create. It means a level of public discourse in which truth and truth claims are dealt with without ridicule but with a deep acknowledgement that we disagree, at times profoundly so, and yet somehow have to survive together on the same plot of land. Creating such properly secular spaces is a major challenge to which we must rise if our conflicting allegiances are not to tear us apart.<sup>6</sup>

In rising to this challenge we can learn something from the "agonistic" conception of democracy.<sup>7</sup> This defines political debate not as a quest for stable consensus but as an ongoing contest of rival standpoints. Attempts to maintain a supposed ideological

consensus on core policy principles risk foreclosing valuable – perhaps even prophetic – critique from the margins. It might silence perfectly legitimate, if unorthodox, interventions in debates over matters as diverse as the reform of the NHS (where Alternative Medicine or the Hospice Movement might have something unexpected to say), the rate of immigration (on which visible minorities themselves might buck a naïve multiculturalism), or the regulation of abortion (where the divergent voices of disabled people need to be attended to).

Democratic theorist Sheldon Wolin warns that the liberalism of thinkers such as John Rawls will unwittingly shut out such unorthodox, dissonant voices:

[Rawls' model of] "reasonable pluralism" converts differences from a threat to an accomplice of stability, co-opting them so that in the end they are eviscerated, absorbed into a consensus that requires smoothing off the rough, possibly irrational edges of difference.<sup>8</sup>

*Attempts to maintain a supposed ideological consensus on core policy principles risk foreclosing valuable – perhaps even prophetic – critique from the margins.*

In the light of this, all of us, whether religiously or secularly motivated, need to reckon with, and indeed encourage, the practice of what might be termed "confessional candour" in political debate.<sup>9</sup> In a political culture characterised by clashing religious and secular world views, democratic debate will be stifled and left impoverished if we discourage the articulation of the deeper convictions leading people to take the conflicting policy stances they do.

By contrast, the confident assertion of rival justifying reasons, religious and secular, leaves the door open to innovative, critical, indeed radical interventions that can challenge the tendency for liberal democracy to slide into conformism, complacency, even oppression.

Let it be said immediately that the objective of such confessional candour can never be merely expressive, as if the point of political debate were simply to put one's deepest convictions on public display. That would be merely indulgent. The point is to raise the level and deepen the quality of political discourse.

Confessional candour may be seen by others as disruptive. But a willingness to countenance such an adversarial stance within democratic debate fulfils the vital norm of mutual respect far better than an adherence to the cramping liberal doctrine of restraint. As theologian Timothy Jackson puts it:

It is an irony of civility that at times more sincere respect is shown to others by confronting them with revolutionary possibilities and transformative vocabularies than by assuming the status quo.<sup>10</sup>

This is not to imply that a “clash of moral universes” will be to the fore in all or even most moments of political debate. The conflict will often remain below the surface. The political (as distinct to the philosophical) debate about climate change has not yet reached the level of an open contest between, for example, the modernist worldview of human mastery over nature, the biblical worldview of human stewardship of nature, and the eco-centric worldview of human deference to nature. For the most part the debate has stayed at the level of skirmishes over attainable targets for reducing carbon footprints. Nonetheless, such a worldview contest lurks in the corners of the debate and could be propelled into the centre at any time – which might actually enhance the quality of the debate.

In other cases, a worldview conflict may be difficult to discern, or just absent. For example, it’s not easy to see a clash of moral universes behind the question of whether UK government debt should be pegged at exactly 40% of GDP or rise slightly above it during a recession.

The question of whether or not it is appropriate to exercise confessional candour will depend on a variety of circumstances. There will be many occasions on which either the internal logic of a political argument, the external conditions in which it is presented, the anticipated hostility of the audience, or simply the limited opportunities, capacity or skill of the speaker, will make such candour inappropriate or unattainable. Indeed, the “normal” stance in most contexts of political debate will be to exercise confessional self-restraint. Nobody wants everyday debates to be saturated with confessional language. But decisions on whether to exercise confessional restraint must be reserved to the discretion of the speaker concerned and not be dictated by restrictive liberal notions of what counts as civic virtue.

Liberal secularism is right to warn that no stable constitutional democracy is sustainable without *some* minimal agreement, at least over the principles justifying the structures of representative democracy itself. Christian secularism would certainly agree with that. But whatever policy consensus will emerge from such structures may sometimes only follow a protracted, vigorous, potentially turbulent, even temporarily destabilising, exchange of justifying reasons. In the absence of a universal common ground of shared political reasons, and in the presence of an ever deeper diversity of public faiths, this seems inescapable.

## pluralism and Islam

For many British citizens today, the spectre haunting this entire discussion is, of course, the rise of political Islam. To commend “democratic pluralism” without even mentioning the place of Muslims in British politics would seem to ignore what for many is the elephant in the room.

An instructive way to address this question is to unpack the landmark judgement of the European Court of Human Rights referred to earlier. In 2003, the ECHR upheld a 1998 decision by the Constitutional Court of Turkey to dissolve an Islamic party, the Refah Partisi, on the grounds that it was “a centre of activities contrary to the principles of secularism,”<sup>11</sup> principles that are guaranteed by the Turkish constitution. The Refah party was the largest party in a coalition government at the time of its dissolution, having won 22% of the vote in the 1995 general election (and 35% in subsequent local elections).<sup>12</sup>

To dissolve a democratically-elected governing party is a drastic intervention on the part of any court, making it all the more remarkable that the ECHR would uphold it. There were many complex factors involved in the case. Among them were the facts that the version of “secularism” protected by the constitution was a strongly “programmatic” one,<sup>13</sup> and that the military had assumed to itself a leading role in defending such secularism.

The case pointedly raises the question of exactly where the boundary of deliberative openness should be drawn in a constitutional democracy.

Prior to entering government, leading members of the Refah Partisi had made public statements implying support for the imposition of Sharia law on the whole of Turkey, or at least introducing a system of “legal pluralism” which would have granted public standing to Sharia law in certain civil matters. A few members had even made statements which seemed to imply the prospect of using violent methods to establish an Islamic state.

However, the party’s manifestos made no such official commitments, and by the time it entered government it had repudiated any such extreme tendencies. It made no efforts to turn Turkey into an Islamic state or impose “legal pluralism”, and proclaimed its commitment to the principle of “secularism”. The anxieties created by the party’s recent history were not groundless. Yet it is arguable that the right course would have been to allow the “disciplines of democracy” to continue to take their course, thus preventing the re-emergence of any violent tendencies, rather than to subvert the wishes of a significant proportion of the electorate by simply declaring their party unconstitutional.<sup>14</sup>

Legal analyst Kevin Boyle raises the question of whether a constitutional democracy may permit a political party to campaign for far-reaching changes to its constitutional structure. Here, I think, some careful discriminations need to be made – more than were made in the ECHR’s judgement, which at one point baldly asserted that “sharia is incompatible with the fundamental principles of democracy, as set forth in the Convention.”<sup>15</sup> This assertion betrays an ignorance of the variety and complexity of Islamic legal traditions, *aspects* of which are quite compatible with constitutional democracy as we have come to understand it. Indeed, in concurring opinions, three judges cautioned against the use of such unqualified generalisations in a formal legal document.<sup>16</sup>

A constitutional democracy committed to freedom of speech and association should surely operate on what has been called a “presumption of liberty” towards the expression of dissenting views. The Communist Party was never made illegal in Britain, and nor has the British National Party been, odious though they may be to most Britons. But suppose the BNP won 25% of the popular vote at a general election, hauling in a large tranche of parliamentary seats – not an entirely fanciful prospect, as it won seven seats in the May 2007 city council elections in Stoke-on-Trent. Would there be a case for taking legal action to close the party down? Surely the right course, again, would be to redouble democratic efforts to reverse the party’s fortunes by persuasion and electoral mobilisation.

Is it a breach of the core principles of constitutional democracy for an Islamic party to argue for the introduction of “legal pluralism” in Britain?<sup>17</sup> Surely not – even though to introduce such a system could amount to a radical (and for many unacceptable) change in the constitutional rights of some Muslim citizens, especially women.<sup>18</sup> Again, the wise course would seem to be renewed democratic persuasion rather than draconian constitutional intervention.

There is even a case for suggesting that the “presumption of liberty” ought to be adopted when such a party openly campaigned for the introduction of an Islamic constitution in the UK. For one thing, campaigning for such an objective would only responsibly be deemed a “clear and present danger” to the future of constitutional democracy where such a party appeared close to achieving substantial parliamentary representation. And if an openly Islamic party in an overwhelmingly Islamic society like *Turkey* found it necessary to repudiate such an objective long before reaching that point, the prospect is hardly likely to loom large in the UK in any credible future scenario.

To reiterate a point made earlier: an unambiguous line must be drawn where a party practices or endorses violent or other unconstitutional means to achieve political power. If ever there was a case for a constitutional democracy to dissolve such a party, it was surely Germany in the early 1930s. Had the Weimer Republic been able to summon up the strength to shut down the Nazi party before 1933, by force if necessary (and it would have been), the history of the last century would have looked entirely different. To paraphrase William Galston, a liberal democracy is “not a suicide pact”. A constitutional democracy needs to be prepared to defend itself by force against such a “clear and present danger” of comprehensive subversion. On any reasonable assessment, however, Turkey was nowhere near such a tipping point in 1998. It was much further from it in 2008.

As of now, only a small minority of European Muslims seem interested in establishing their own Islamic political parties. The Islamic Party of Britain, a “moderate” initiative founded in 1989 in the aftermath of the Rushdie Affair, contested seats until 2003 when it concluded the time was not ripe for such activities.<sup>19</sup> One suspects that this was partly a prudent decision to lie low following the events of 9/11. But fear of prejudice is a bad reason for Muslims to hold back from articulating their deepest convictions. Conceivably, that prospect might change. After all, some British Christians have felt sufficiently marginalised

by the mainstream parties to have set up a Christian political party, the Christian People's Alliance.<sup>20</sup> Is it out of the question that an initiative like the Islamic Party of Britain might begin to acquire momentum again – perhaps out of a tactical desire to outflank the extremist Islamist fringe? Initiatives like these might work to support moves already well under way at the scholarly level to identify an authentically Islamic conception of constitutional democracy – perhaps even a “Muslim secularism.”<sup>21</sup>

A resurgent British Islamic party seems unlikely in the near future, and I have no interest in encouraging it (but nor, as a Christian, any standing to discourage it). But if such moves are made by British Muslims, the response of their fellow citizens will be a test case of how inclusive British constitutional democracy really is.

In any event, whether or not British Muslims take any such steps, the way to demonstrate that they are publicly esteemed as “free and equal” citizens is not to launch a campaign of programmatic secularism in which religion is privatized and thereby trivialized, but rather to ensure a procedural secularism which not only tolerates, but positively encourages, constructive contributions from a variety of faith perspectives to the common discernment of the public good. And a Christian version of procedural secularism will likely be better placed to engage with British Muslims than a liberal secularist one.

Anglican Bishop Michael Nazir-Ali has recently issued pointed warnings against a shallow multiculturalism which, he charges, undermines the Christian foundations of British public life.<sup>22</sup> Those sentiments continue to be debated by religious and secular-minded citizens alike.<sup>23</sup> Although questions can be posed to Nazir-Ali's account, the following nuanced statement is quite compatible with the argument being developed here, and might expect to receive wide endorsement from people of faith in Britain. He writes:

We are now...in a global context where we will not be able to escape the problems raised by faith for public life. The question...is not “should faith have a role in public life?” but what *kind* of role it should have. Every temptation to theocracy, from every side, must be renounced. There is no place for coercion where the relationship of the state to religion is concerned. But there is room for persuasion; to argue our case in terms of the common good and human flourishing, and to show how these depend on our spiritual vision...Religious leaders, for their part, will seek to guide their peoples in the light of their faith and to seek to make a contribution to public life on the same basis...[Recognising the jurisdiction of sharia law] in terms of public law is fraught with difficulties...At the same time, it should be possible for Muslims to contribute to the development of a common life by bringing *maqasid*, or principles of the sharia, to bear on the discussion. These have to do with the protection of the individual and of society and can be argued on their own merits without attempting to align two very different systems of law.<sup>24</sup>

## conclusion

This chapter has sketched out a model of democratic representation and deliberation informed by a Christian version of procedural secularism. It has ventured the unlikely claim that such a model might actually turn out to be more pluralistic – more open to the free expression of diverse forms of public reasoning – than a version informed by liberal secularism. The argument is that, given the reality and increasing intensity of faith-based political differences, equal respect for diverse citizens implies an acceptance of deliberative openness and a willingness to live with profound clashes of moral conviction rather than trying to circumvent them in pursuit of a premature consensus.

This implies a model of democratic debate in which deep differences are allowed to come to the fore and not artificially suppressed in the interests of an illusory stability. The claim is that the quality of debate might actually improve if citizens were encouraged to disclose what really drives their policy aspirations. The response to the political aspirations of Muslims in a country like Britain can serve as a test case of whether a democracy is really open to a true pluralism of voices.

No doubt many liberal secularists – and some religious citizens – will greet the version of democratic pluralism presented here with considerable alarm. Their concerns may not be groundless. None of the available routes through the choppy waters of our current condition of pluralism are risk-free. And it will not, admittedly, be the aim of the final chapter to reassure the secular (or the religious) that the noisy deliberative pluralism envisaged here will, in fact, be an easy ride – business as usual apart from a few confessional trumpet-blasts from the backbenches. It won't. Instead, what it hopes to do is to disabuse them of some of their worst fears or, at least, to identify a more precise target for their counter-arguments.

# chapter 4 - references

- 1 Baggini, "The rise, fall and rise again of secularism," p. 210.
- 2 The mosque is now known as North London Central Mosque. A new Board of Trustees and a new management team were installed in 2005 (see <http://www.nlcentralmosque.com>). Hamza was barred from the mosque in 2003 and is currently in jail serving a seven-year sentence, from where he has been unsuccessfully fighting extradition to the U.S. See <http://news.bbc.co.uk/1/hi/uk/7096244.stm>.
- 3 Williams, "Secularism, Faith and Freedom".
- 4 Polly Toynbee, "Religion doesn't rule in this clash of moral universes," *The Guardian*, 25 March 2008.
- 5 Paul Valley, "Private spheres, public squares," *Third Way* 31.5 (June 2008), p. 17. By "secularist separation of church and state," I take Valley to be alluding to "procedural secularism".
- 6 Stephen Heap, "Face to faith," *The Guardian*, 24 May 2008.
- 7 For a theological analysis of "agonistic democracy" see Kristen Deede Johnston, *Theology, Pluralism, and Political Theory* (Cambridge University Press, 2007).
- 8 Sheldon Wolin, "The Liberal/Democratic Divide: On Rawls' Political Liberalism," *Political Theory* 24.1 (1996), p. 103.
- 9 See Jonathan Chaplin, "Speaking from Faith in Democracy," *Evangelical Review of Society and Politics* 2.1 (2008), pp. 16-31. Similarly, in *Doing God* Nick Spencer calls upon all participants in public debate to "show your workings" (p. 70).
- 10 "The Return of the Prodigal," in Weithman, ed., *Religion and Contemporary Liberalism*, p. 197.
- 11 The case of *Refah Partisi (The Welfare Party) and Others v. Turkey*.
- 12 For an analysis of this case, see Kevin Boyle, "Human Rights, Religion and Democracy: The Refah Party Case," *Essex Human Rights Review* 1.1 (2004), pp. 1-16.
- 13 *Refah Partisi (The Welfare Party) and Others v. Turkey*, paras. 40, 47, 125, 128. The Constitution oscillates between procedural and programmatic secularism, implying that a commitment to the former presupposes a commitment to the latter. It was very regrettable that the ECHR's judgement did not address this confusion (see e.g., paragraph 93).
- 14 This is Boyle's argument in "Human Rights, Religion and Democracy: The Refah Party Case." The fact that the Turkish state already had a long track record of dissolving minority parties disliked by the military – decisions overturned by the ECHR on more than one occasion – lends support to his judgement.
- 15 *Refah Partisi (The Welfare Party) and Others v. Turkey*, para. 123; cf. paras. 97-103.
- 16 Ibid., "Concurring Opinion of Judge Ress Joined By Judge Rozakis," and "Concurring Opinion of Judge Kovler".
- 17 See the case of *Refah Partisi (The Welfare Party) and Others v. Turkey*, para. 75.
- 18 See Jonathan Chaplin, "Legal Monism and Religious Pluralism".
- 19 See <http://www.islamicparty.com>.
- 20 Sikhs have also recently begun to discuss the possibility of a Sikh political party. Dominic Casciani, 'British Sikhs find voice in political party', BBC website: <http://news.bbc.co.uk/1/hi/uk/3104948.stm>.
- 21 For an instructive exchange on this, see Anshuman A. Mondal, "A Muslim middle way?" in *Prospect* (August 2008), pp. 34-37; Ed Husain, "British Subjects – not God's," in *Prospect* (September 2008), pp. 21-2.
- 22 Michael Nazir-Ali, "Breaking Faith With Britain," *Standpoint* Issue 1 (June 2008), pp. 45-47. In the same vein, see Aidan Nichols, "Christianity, secularization and Islam," *Standpoint* Issue 2 (July 2008), pp. 44-47.
- 23 Jonathan Chaplin, "Has Multiculturalism Had Its Day? Towards a Christian Assessment," *Ethics in Brief* 12.6 (Spring 2008), with a response by Jenny Taylor.
- 24 Nazir-Ali, "Breaking Faith," p. 47.

# candour in representation, restraint in decision

The central question this essay has addressed is: “can it ever be legitimate to offer explicitly *religious reasons* in presenting *public justifications* for laws or public policies?”

So far the essay has made two main claims. The first, developed in chapters 2 and 3, is that the principal liberal secularist argument for excluding such reasons is invalid. The second, begun in chapter 4, is that the candid articulation of faith-based justifying reasons (both religious and secular) is not only constitutionally legitimate but may have the potential to enrich democratic debate.

This chapter continues the second claim by addressing two crucial remaining questions. In what contexts are religiously-based justifying reasons *appropriate*? And *who* is entitled to utter them?

## the moral purpose of the state

The principal argument of this section is that “the representative sphere” – the term will be defined shortly – should be maximally open to “confessional candour” but that it will not always, and perhaps not normally, be contextually appropriate to practice such candour.

An important first step in this argument is to recognise that there is, after all, one highly important kind of “restraint” on the content of political reasoning with which we must now reckon. The point has been implicit in the discussion but now needs to be made explicit: legitimate political reasoning is *reasoning oriented to the moral purpose of the state*.<sup>1</sup>

In the *Theos* essay, *Neither Private Nor Privileged*, Nick Spencer describes the moral purpose of the state as the promotion of the “public good”. There are other candidates. In the tradition of Catholic Social Teaching and in Christian Socialism this moral purpose is often referred to as the “common good” or “social justice”.<sup>2</sup> In Protestant traditions, the terms “justice” or “civil justice” tend to be invoked. In neo-Calvinism, “public justice” is the favoured term.<sup>3</sup> Oliver O’Donovan draws on the pre-modern classical Christian tradition and speaks of “public judgment” as the state’s moral purpose.<sup>4</sup>

Although there is no *Theos* party line on the matter, for the sake of continuity we will follow Nick Spencer and opt for “public good”. Whatever term we use, however, is less important than the fact that each attempts to capture the defining moral objective of the state, its *raison d’être*.

Sceptics will immediately counter that this is naïve idealism. They will retort that states as we know them don't pursue "moral" objectives at all but only material imperatives such as self-defence, elite enrichment, economic expansion or simply violent domination. A formidable chorus of contemporary voices agrees with them. Some of these voices are Christian. Christian philosopher Alasdair McIntyre claims that the modern state has become an impersonal mechanism of interest-brokerage and bureaucratic control, incapable of embodying moral purposes.<sup>5</sup> Theologian William Cavanaugh asserts that from its very inception the modern state was driven by a lust for violent control of society and today postures as an alternative "Messiah"<sup>6</sup>. Both argue that only small-scale communities can express moral purposes. These are forceful and insightful critiques. So often we see the modern state swerving far away from any moral purpose and becoming little more than a trough in which all sorts of private interests stick their snouts, or falling under the hegemony of a controlling faction which subordinates the public good to sectional interests or ideological fantasies. We should never invest unrealistic hopes in the capacity of states to advance moral goods.

Yet critiques like these in fact tacitly presuppose what a "good" state would look like. An exposure of how states deviate from moral purposes assumes some positive idea of what those purposes should be. Whenever we identify the state's pathologies, we quickly recognise these as distortions of what *healthy* states should be doing. Indeed, we cannot understand the state as a *human* institution unless we identify what precisely it is supposed to contribute to human flourishing. And that, inevitably, is a moral question.<sup>7</sup>

If the state stands under an obligation to pursue a moral purpose, important implications follow for the conduct of political discourse. In speaking of the moral purpose of the state, we are talking not so much about a negative "restraint" on such discourse (a prohibition) as a positive civic duty (an injunction). The idea is that political reasoning has its own intrinsic rules of appropriateness arising from the very character of the state as the institution "called" to promote the public good. And in the Christian tradition, that "calling" is viewed as coming from God.<sup>8</sup>

It is helpful to reflect on the expectations regarding political discourse that arise as soon as we enter the political realm. When speaking within or to the institutional sphere of the state, we unavoidably find ourselves having to articulate some notion of what the public good requires. The state *just is* that sphere of human life which by its very nature is oriented to ("called to") the care of the public good – however badly it actually does so.

Now when any individual is engaged in political action they may, in fact, be covertly promoting their own or their group's private interests. But they will at least need to appear to justify their policy as somehow contributing to the good of the whole public. Otherwise they will promptly be accused of sectionalism. Even President Robert Mugabe felt compelled to justify his authoritarian and oppressive acts as somehow securing the "public good" of the nation of Zimbabwe. It is because this rhetoric was so clearly exposed as a cynical cover for defending the interests of his own corrupt faction, that power began to slip from his hands in 2008.

Even in stable liberal democracies, those who enter politics in bad faith, seeking the narrow interests of their own group and simply faking a concern for some public principle, still try to make others believe they are genuine. Some political thinkers – rational choice theorists – have tried to explain political behaviour merely in terms of reciprocal economic exchange, but no practising politician can get away for long with being seen to act on such self-interested motivation without invoking public censure. As soon as we step within the institutional frame of the state we are bound by the imperatives of that context to strive for the public good, however dishonestly or incompetently or ignorantly we may actually do so.

The institutional context of political reasoning unavoidably shapes what counts as appropriate political reasoning. We can say, then, that *responsible political reasoning* will intentionally address itself specifically to the requirements of the public good.

Thus, legitimate items on the agenda of political debate will be concrete instances of what the public good consists in (e.g., a more sustainable balance of energy sources); what promotes or obstructs it (e.g., the widespread collapse of family life); what the state is competent to do to contribute to its realisation (e.g., whether equal pay for women is best secured by corporate or union initiative or requires new legislation); and how practically it should discharge the duty for which it is competent (e.g., what size of budget or design of administration is needed to pursue any of the above).

This doesn't mean that there is already some "off the peg" agreed account of what the public good actually is or the means to attain it. On the contrary, this question will be at the heart of many political debates. But it does imply that many kinds of reasoning are to be discouraged, not so much as morally illegitimate or civically substandard, but rather as *inappropriate for the political forum* – as revealing a misunderstanding of what the state is actually for.

A very important conclusion now beckons. If the agenda of legitimate political debate, and legitimate state action, is determined by the requirements of the public good, then what is *not* on that agenda is the *truth of contending faith perspectives* (religious or secular).

It's helpful here to think of the term "agenda" quite literally. The formal agenda of the Houses of Parliament, the Cabinet and its committees, political party meetings, local authorities, public bodies, and so on, will contain many items relating to particular aspects of the public good (even when that term isn't actually used). Some will be mundane, others far-reaching. But they will not, or should not, contain items such as: "Protocols for registrars of marriage: the merits of the biblical case for same-sex marriage;" or: "Reforming the Financial Services Authority: applying Islamic principles;" or: "Ministerial media briefing: how to defend the secular humanist case for abortion policy."<sup>9</sup> This is not to imply that the truth or otherwise of any kind of faith position doesn't affect the public good, only that it is not *the business of the state* to decide whether, or how, it does. We return to this point below.

On this narrow but hugely important point, liberal secularism converges with Christian secularism.

## candour in representation

The constitutional force of this point will become clearer shortly. First, however, we need to explore how far confessional candour might legitimately go.

The proposal is that in the *representative sphere* of politics, free rein should be allowed for citizens to bring their rival faith perspectives to bear on the task of discerning the public good. But what precisely comprises “the representative sphere”?

For a start, it includes any public forum in what is now called the realm of “civil society” – media debates; policy statements of NGOs or churches; much of the blogosphere. In reality, most liberal secularists don’t object (or not as strongly) to the articulation of faith-based political reasoning outside the formal sphere of politics. Rawls, for example, was quite laid back about citizens appealing to “comprehensive doctrines” in what he called “the background culture.”<sup>10</sup>

On the model being proposed, rival believers may, in such settings, certainly justify their favoured policies by appealing to faith-based political reasoning. Indeed, if a statement by a faith-based NGO (religious or secular), and even more a church, did not at some point make the faith basis of their policy statements explicit, we would think they had lost their identity.

Whether it is advisable, or prudent, or effective for individual citizens to do so in the realm of civil society is essentially a matter of context. Those who do decide to exercise confessional candour in these contexts will need to reflect on the appropriate manner in which they do so. No complete set of guidelines could ever be drawn up here as situations and personalities are so different. One obvious maxim would be that the manner in which any confessional statement is made should be consonant with its content. This surely means, at least, that any religiously-inspired pronouncement should abide by the following norms: it should be respectful towards other views even when such views are being severely criticized; scrupulously accurate in describing opposing positions; modest about the wisdom of those making the pronouncement even when it is asserted confidently; constructive in tone even when attacking some defective or unjust policy; and conducive to further debate and the realisation of consensus, rather than foreclosing either.

Placards and loud hailers, for example, are usually poor transmitters of confessional truth. Statements that simply assert the truth of a faith-based viewpoint without going on to unpack the public good reasons flowing from them, or without acknowledging the presence of other sincerely-held perspectives, will generally not be persuasive. Platitudinous or sanctimonious declarations – whether religious or secular – are always

unhelpful. Bare appeals to a specific religious text or authority will rarely impress. What's more, since most citizens actually want their arguments to persuade, they won't lead with their religious convictions if they know this will instantly deprive them of all influence over an important and pressing matter of justice.

## from civil society to state

Confessional candour, then, is legitimate (if not always appropriate) in the realm of *civil society*. Many liberal secularists would be quite content to see religious citizens confine their confessional candour to this realm, and some religious citizens seem only too happy to oblige. But the representative sphere should also be understood to include aspects of the *formal sphere of politics*. One of these is the *deliberative activities of parliaments* (or other representative assemblies). Here too, religiously-based justifying reasons may – on the model being proposed here – be quite legitimately invoked without constitutional censure.

MPs, for example, when acting in their capacity as representatives, may freely voice their own confessional convictions in political debates as they see fit, without breaching any norm of civic virtue. Indeed, it is hard to see why they should not be permitted to do so *at every stage* of the deliberative process involving legislation or government policy. This means that they may not only freely voice their deepest convictions but also freely *vote* according to those convictions.<sup>11</sup>

An obvious constraint in the British system is, of course, the rigorous party discipline enforced from the whips' offices. There is, however, a valuable tradition of allowing party members greater freedom on certain "moral" questions ("matters of conscience"), as was seen recently in the government's decision (albeit reluctant) to grant a free vote to Labour MPs on key parts of the Embryology Bill. But Polly Toynbee was quite right to point out that the distinction between "moral" and other issues is arbitrary and, for governing parties, often self-serving. All political issues are "moral". The implication she drew from this, however, was that a free vote on this Bill should be disallowed. The implication of the model being sketched here is the very opposite: there should be more not less scope for MPs to "vote with their consciences"; and not only on the narrow range of issues conventionally classified as "moral". The model, then, implies a substantial relaxation of party discipline, acknowledging that this will make for a rougher parliamentary ride for important pieces of government legislation.

The prospect of MPs voting according to their religious consciences has recently scandalised media commentators like Jackie Ashley, Matthew Parris and, of course, Polly Toynbee. But on the model of democratic representation being commended here, it is entirely permissible for an elected representative of the people to appeal to their own religiously-formed conscience in deciding how to justify a particular policy (so long as they did not deceive their voters about those convictions when campaigning for election). If it is right for Christian MPs to rely on their religious conscience in opposing the

Iraq war – and does anyone recall hearing secularists crying foul when some did just that? – it is equally legitimate for them to rely on it in opposing abortion (or, to bring this more up to date, in supporting tighter regulation of banking).

In any case, secular-minded MPs routinely and inevitably rely on *their* consciences – sometimes against the views of their own constituents – in justifying the policies *they* favour. If political debate is indeed, as Polly Toynbee puts it, a contest of moral universes, there seem no credible grounds for laying heavier burdens on some (religious ones) than others (secular ones). Imposing asymmetrical requirements on religious and secular MPs is arbitrary and indefensible. The stock secularist response – that secular moral visions are “rational” whereas religious ones aren’t – just doesn’t stand up.

So Julian Baggini is needlessly restrictive when, after conceding that “[t]here is [no] reason why a senior politician shouldn’t acknowledge the importance of her religious faith,” he cautions, “although she would need to be very careful not to invoke these beliefs as justifications for where [she stands] on policy.”<sup>12</sup> That would seem to invite disingenuousness, albeit unwittingly: politicians can concede they are motivated by religious beliefs but must conceal *where* those beliefs *actually make a difference*.

For similar reasons we should repudiate an important conclusion reached by Jürgen Habermas. Habermas accepts that ordinary citizens are free to invoke religious reasons in political debate, at least in the sphere of civil society. Indeed he welcomes such reasoning as a potentially valuable democratic resource. Yet he insists that state officials, including MPs, are under a more stringent duty. He writes:

Every citizen must know that only secular reasons count beyond the institutional threshold that divides the informal public sphere from parliaments, courts, ministries and administrations... However, the institutional thresholds between the “wild life” of the political public sphere and the formal proceedings within political bodies are also a filter that from the Babel of voices in the informal flows of public communication *allow only secular contributions to pass through*. In parliament, for example, the standing rules of procedure of the house must empower the president to have religious statements or justifications *expunged from the minutes*.<sup>13</sup>

Thankfully, the rules of the British Parliament confer no such power on the Speaker: no one is empowered to censor what goes into Hansard. Habermas’ drastic proposal would erase religiously-inspired parliamentary speech from official memory, effectively branding it constitutionally illegitimate.

The model implies that we can go yet further: even *members of the government* may present faith-based justifying reasons during the deliberative process.<sup>14</sup> Thus, for instance, our Radical Ecology environment minister should indeed be free to confess, *during parliamentary debate*, that the deepest reason for her proposed radical climate change policy is that “Earth demands it.” That particular reason may not normally make for very successful persuasion, but that is a question of deliberative skill and judgement, not of civic virtue or constitutional propriety.

Equally, even a Prime Minister, arguing in a debate (say) for a military intervention, may invoke not only the bare principles of just war thinking but also their deeper theological grounds. Would that such an idea had at least occurred to Christian Prime Minister Tony Blair.

No doubt some may fear that all of this will open the floodgates to faith-based deliberative anarchy. So it is worth reiterating that the main argument being developed here is *against* arbitrary exclusions of such faith-based speech, not *for* a saturation of political debates with confessional language. “Public good reasoning” would continue to be the “normal fare” of politics.

Here it is salutary for British readers to recall that moving in the direction suggested by this model is hardly entering uncharted territory for a western democracy. The most pervasive examples of faith-based political reasoning in modern Europe – routinely ignored by our often insular British commentariat – are the Christian Democratic political parties represented in several European legislatures for many decades. Such parties have normally included explicitly confessional language in their programme of principles or manifestos (although they have grown rather shy of doing so in recent years).<sup>15</sup>

***When MPs enter parliament or government, they are under no civic obligation to downplay the confessional convictions they freely vented outside parliament.***

A party elected on such a programme is surely not under any obligation suddenly to lapse into secular Esperanto upon entering office. To be sure, government ministers will, in deliberative processes, need to strike a prudent balance between expressing their party’s own confessional principles and speaking as representatives of a government responsible for the whole citizenry. Thus, for example, when proposing a reform to human rights legislation, a Christian Democratic party would

generally be wise to place at the forefront an appeal to widely understood terms like human dignity and equality rather than “the image of God”. Or, when introducing an extension of parental choice in public education, it might succeed better in speaking for the whole nation if it justified the change as a way of striking a better balance among legitimate educational stakeholders rather than as a means to secure wider freedom for religious conscience. But there is nothing new about this particular balancing act between distinctive party principles and the discourse suitable for governance.

My intention here is not to call for Christian political parties in the UK. The argument of this essay is neutral on that question. Rather, my point is simply to give a concrete illustration of why, when MPs enter parliament or government, they are under no civic obligation to downplay the confessional convictions they freely vented (if they did) outside parliament.

Post-war European democracies have suffered under faith-based political reasoning for decades and yet, amazingly, have survived just as well as, if not better than, the British one. Confessional candour somehow did not precipitate constitutional collapse.

## public good reasoning

If the example of Christian Democratic governing parties is not enough to calm the nerves of deliberatively-challenged readers, we should underline again the crucial point about the moral purpose of the state. Harnessing faith-based reasoning *to the task of discerning the public good* will already discourage a great deal of possibly inappropriate faith-based language.

The House of Commons is not a suitable venue for a discussion of the doctrine of the Trinity. Nor, for that matter, is the House of Lords, in spite of the fact that the presence of 26 Anglican bishops might actually make for a very enlightening (or at least entertaining) discussion of that theme.

There was a time, of course, that a correct understanding of doctrines such as the Trinity (or more explosively, the Eucharist) was thought to be vital to the public good. To cut a long and tortuous story very short, both liberal secularists and Christian secularists have now come to see that, whether or not it is the case that public good is helped by a right understanding of the Trinity,<sup>16</sup> the state is simply incapable – incompetent in both senses of the word – of ruling on the matter.

On this the ECHR, in the 2003 judgement discussed earlier, states the precise point well: “the State’s duty of neutrality and impartiality [among beliefs] is incompatible with any power on the State’s part to assess the legitimacy of religious beliefs. . . and . . . requires the State to ensure mutual tolerance between opposing groups.”<sup>17</sup> John Locke made a similar point in his famous *Letter Concerning Toleration*, written over three centuries earlier, when he asserted, “Neither the right nor the art of ruling does necessarily carry along with it the certain knowledge of other things; and least of all the true religion.” Equally, he was right to insist that “the public good is the rule and measure of all law-making.”<sup>18</sup>

The same principle applies to secular faiths. The House of Commons is not a suitable venue for a discussion of the truth of Secular Humanism, Marxism, Deconstructionism, or the Gaia Hypothesis. A Communist MP in the 1930s who treated his fellow parliamentarians to a lengthy disquisition on Historical Materialism as the basis for a true view of human labour during a debate on a shortening of the working week might well have been interrupted with cries of, “Stop preaching and get to the point: do you support the law or not, and why?” The rules of assemblies like the House of Commons or Congress may permit MPs to indulge themselves in this way, but the norms of proper political discourse will discourage it.

Faith perspectives, then, may quite legitimately be brought explicitly into play in political debates, even in venues like Parliament, *insofar as they bear upon public policies which are thought to promote the public good*. Archbishop Tutu's confession that black South Africans were "created in the image of God" advanced the public good because it spoke immediately and forcefully to a very specific public good question: the injustice of the legislation maintaining apartheid. If the speaker genuinely seeks to explain why his favoured policy advances the public good, then he does not violate any civic duty by *also* explaining how his public good reasons flow out of his faith-based reasons.

But at this point a tricky question remains: may a faith-based reason be appealed to as the *only* justifying reason? Could there, in other words be "*public justification by faith alone*"? Again, given the logic of the model being proposed, it is hard to see how this could be deemed constitutionally illegitimate, even though, for the reasons mentioned already, it may not be very advantageous.

There may, perhaps, be occasions where the speaker, perhaps for lack of opportunity to do otherwise, or for failure of imagination, simply cannot come up with any justifying reason other than an ultimate faith perspective. Or, where a debate has deadlocked, speakers may find themselves forced back to their deepest motivations to explain their stances. For example, a secular economic libertarian, concluding that an argument with Old Labourites and Radical Ecologists on the reform of the World Trade Organisation had reached deadlock, might end up confessing: "At the end of the day, I oppose this measure because I attach supreme importance to the absolute moral right of each individual to enter into any economic exchange they choose. That is why I must vote against it."

Such cases will be very rare, however. For the most part, political debates will operate at the level of statement A above: "Governments have a duty to uphold the principle of the rule of law, and therefore...." They will not often approach the point at which it is necessary to add "because Jesus is Lord," or "because the sovereign will of the people commands it." If they do, however, citizens or MPs should not be censured for presenting a faith-based grounding for the public good reasons they are commending.

So there could indeed be rare cases of "justification by faith alone," though they would struggle to qualify as "public."

Yet the more significant point is this: the *only* kind of reasons that it is *obligatory* to present are "public good reasons". These are reasons that articulate some reasonably clear conception of the scope of the public good, its basic conditions and needs, the principal threats posed to it, and why such a conception demonstrably supports the specific legislative or policy proposal in discussion.

Legitimate political arguments should contain sound public good reasons, and the presentation of such reasons is all that is strictly required in political debate. But they are demanding enough. And to reiterate once more: while it is not normally necessary or appropriate to present the faith basis in which one's public good reasons are anchored, such "unaccompanied" public good reasons are not thereby "secular".

## restraint in decision

This chapter has argued, so far, for “candour in representation”. The other half of the argument is to call for “restraint in decision”.

This involves an argument as to why the state, notwithstanding everything that has been said so far, should refrain from *officially presenting* faith-based grounds for the decisions it takes. This principle should apply whether these are legislative, executive, or judicial decisions. The proposal is that, at moments of constitutional “decision” – local council resolutions, parliamentary votes on bills, Cabinet decisions, rulings of public agencies, for instance – states should adopt a posture of “confessional silence.”<sup>9</sup> This is indeed a principle of restraint, but it is not a concession to secularism.

We have been speaking so far about deliberation taking place in “the representative sphere” – both civil society and the deliberative forums of the state. But there comes a point at which representative deliberation ceases and an executive or legislative decision is taken and then presented to the public as the official position of the state. At that moment, the state, as it were, clears its throat, straightens its back, and speaks *as the state* to and on behalf of the entire citizenry.

*At that constitutionally unique moment, a vital principle of restraint upon state officials and official statements does indeed come into play. The representative sphere can and must accommodate a plurality of voices, but when the state speaks qua state it must speak with one voice: the voice of the political community itself. And that community lacks the competence to endorse a particular faith perspective.*

***The representative sphere can and must accommodate a plurality of voices, but when the state speaks qua state it must speak with one voice.***

At the *executive* level, the moment might, for example, occur in Cabinet when a vote is taken (or arguments summarised by the Prime Minister). Cabinet minutes may or may not record the deliberations leading up to a decision, but they will and should record the decision and the grounds for it to be presented in public and to the public.

The announcement of such a decision should refrain from citing any faith-based convictions – religious or secular – which underlay the arguments presented in its favour by some Cabinet members or MPs. It may only cite the political reasons – the *public good reasons* – justifying it.

This is not at all to try to divorce a policy decision from the deliberative process that led up to it. There should be no attempt to conceal the presence of faith-based justifying reasons in that process – if there had been an open debate in which a plurality of voices were heard, that would in any case be impossible. The restraint follows simply from the recognition that a vital limit has been reached – a limit on the kind of reasons the state is authorised to approve.

Consider an important example of a breach of this principle. American political scientist Rogers M. Smith conducted an assessment of whether the public rhetoric of President George W. Bush amounted to a responsible use of Christian political language.<sup>20</sup> Smith is an inclusivist, and discloses that in the past he has defended the entitlement of Christian politicians like President Bush to vent their confessional convictions in public.

His assessment concludes that some of Bush's major pronouncements clearly amount to a constitutionally inappropriate use of confessional language. This is because of their explicit invocation of a providentialist theology of American destiny to justify some of his most controversial decisions, notably the invasions of Afghanistan and Iraq.

The specific reasons why Smith finds this inappropriate are, first, that it contains inconsistencies with some of Bush's other leading political commitments, and, second, that such language serves, in his rhetoric, to close down critical debate and dissent. We might say that, on Smith's analysis, Bush's rhetoric doesn't work hard enough to present public justifications for policies that the speaker thinks will be widely acceptable to the largest number of citizens.<sup>21</sup> Smith does acknowledge that Bush also uses other kinds of reasons, such as national security or humanitarian ones, though these, he thinks, are not sufficient to exonerate the misplaced providentialist rhetoric.

The critique implied by the foregoing argument is simpler than Smith's: Bush's rhetoric is offering a confessional grounding for an official act of state. He is breaching the principle of confessional silence.

On the model being developed here there could be no objection to a politician invoking a providentialist reading of national destiny *in the representative sphere*. A Congressman, for example, is free (if ill-advised) to invoke "America's divine calling" in a debate for (or against) a particular foreign policy initiative, say, a deployment of armed forces, or an increase in the overseas aid budget. But when presidents present *official* justifications for *government* policy, in a State of the Union message, for instance, they should abide by the principle of restraint.<sup>22</sup>

The same principle applies even more clearly at the *judicial* level. Court judgements are state decisions, and they too must refrain from citing any faith-based considerations that may have played a role in the chain of legal reasoning leading up to the judgement.

Such a faith-based consideration may, in fact, have materially influenced the train of thought of an individual judge or magistrate (or juror). But as long as the published judgement itself relies, as it always should, only on the facts of the case and the law, it is not illegitimate for a judge's *interpretation* of both facts and law to have been materially influenced by their own moral (and behind them, their faith-based) convictions.

It is true that the margin for interpretation in judicial reasoning is much narrower than it is when, for example, elected politicians apply their party's basic political principles in public policy. But suppose we were to insist that a judge should absolutely cordon off her

legal reasoning from any knowledge she may have of, say, biblical morality. We would then equally have to say that she should completely cordon it off from, say utilitarian, positivist or evolutionary morality. Even if this were constitutionally desirable, it is hard to see how it could be cognitively feasible. Nonetheless, the publicly recorded court judgement may not itself refer to any such faith-based groundings.

When the *legislative* process passes from the deliberative to the decisional stage, a similar restraint is also mandated.

When Members of Parliament vote, there is no official record of the precise reasons why they voted, and nor could there be. Any reasons already voiced in debate will in any case be recorded in Hansard and, on the view being proposed here, Hansard may turn out to contain some quite interesting examples of faith-based political reasoning – both religious and secular.<sup>23</sup>

Again, the key question is how the passing of a bill is *officially justified to the public as an act of state*. That could, perhaps, take place in a preamble, though many preambles are short and platitudinous, and some bills don't have them or need them.

More importantly it will take place as ministers and MPs present justifications of the bill to citizens, whether in Parliament, departmental statements, press releases, the media or elsewhere (hopefully not only on the couches of a breakfast TV studio). Such official public justifications of legislation or other policy acts should adopt the norm of confessional restraint being proposed, and confine themselves to "public good reasoning". They would take the form: "While the government recognises that a great variety of reasons – secular and religious – have served to persuade MPs and Ministers of the merits of this proposal, government claims authority to approve it because it advances the public good in *this* specific way (e.g., it safeguards public health by...)."

Irrespective of precisely how the minister in question justifies the policy, the fact remains that faith-based official justifications for state decisions are out of place even if chaperoned by public good reasoning. They are inappropriate in principle. Faith, both religious and secular, may be explicitly and unashamedly introduced into public deliberations, even formal ones such as those of a parliament, but it must step into the background when those deliberations move from the representative sphere to the moment of constitutional decision.

**Faith-based official justifications for state decisions are out of place even if chaperoned by public good reasoning. They are inappropriate in principle.**

## conclusion

This chapter has outlined some practical implications of a version of democratic pluralism informed by Christian secularism.

The first is the need to be prepared for “confessional candour” – a readiness to articulate the faith basis guiding particular examples of public reasoning. It has been argued that this should be accepted at all points in the representative sphere, which includes both the realm of civil society and the deliberative sphere of the state. The goal is to give up the chimera of establishing “neutral ground” and instead work towards exploring the possibility of “mutual ground” – from which each participant can speak from faith and be heard in good faith.

The second is that at moments of constitutional decision, a principle of restraint does come into play. Because the state lacks the competence to adjudicate on matters of faith, it should adopt a posture of “confessional silence” when it presents public justifications for its official actions. To overstep this restraint is to breach a very important principle of political morality. This principle derives from the limits inherent in the moral purpose of the state itself – the promotion of the public good. That purpose does not include determining the truth of matters of faith.

It’s worth emphasising that this does not imply either a *minimal* state or a *neutral* state, only a *limited* one – one limited to promoting the public good (however wide a role for government that entails). It envisages a state which humbly recognises that it lacks the calling and competence to adjudicate confessional claims or express a preference for one over another, even while acknowledging that its representative sphere needs to be thickly informed by a range of confessional convictions. Indeed, if the representative sphere is indeed as confessionally candid as suggested here, the various religious and moral considerations that are thought to support a particular state act will be clear for all to see.<sup>24</sup>

These are not the only implications deriving from the model of pluralism proposed here, but hopefully they point towards other possible outworkings. Some who accept the broad thrust of the model might contest some of the detailed suggestions described here. For example, we can imagine some practising politicians, including religious ones, being uncomfortable with precisely where the line between representation and decision has been drawn. Such details are, of course, up for debate, and Christians will disagree on them as much as others.

# chapter 5 - references

- 1 I use the term “state” to refer, not just to “institutions of state” (legislature, executive, judiciary, etc.), but to the whole political community consisting of both government and citizenry (what is traditionally referred to as “the polity”).
- 2 Catholic Bishops of England and Wales, *The Common Good and the Catholic Church’s Social Teaching* (1996); Richard Tawney, *Equality* 4th ed. (Unwin Books, 1952).
- 3 This happens to be my favoured term as well, though I won’t elaborate it here. See Jonathan Chaplin, “Defining Public Justice in a Pluralist Society,” *Pro Rege* (March 2004), pp. 1-10.
- 4 Oliver O’Donovan, *The Ways of Judgment* (Eerdmans, 2005).
- 5 Alasdair McIntyre, *Dependent Rational Animals* (Open Court, 1999), chapter 11; “Politics, Philosophy and the Common Good,” in Kelvin Knight, ed., *The McIntyre Reader* (University of Notre Dame Press, 1998), pp. 235-254.
- 6 William T. Cavanaugh, *Theopolitical Imagination* (T & T Clark, 2002).
- 7 Further, there is no hard and fast distinction between “moral” and “material” motivations. For example, it is necessary to the pursuit of the moral end of the public good that states are able to raise taxes, or defend their territory against aggressors. But how states raise taxes and defend their territory are, inescapably, moral questions.
- 8 For the pre-modern Christian tradition, see Oliver O’Donovan and Joan Lockwood O’Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100 – 1625* (Eerdmans, 2000); for the modern tradition, see John Witte, Jr. and Frank S. Alexander, *The Teachings of Modern Christianity on Law, Politics and Human Nature*, 2 vols. (Columbia University Press, 2005).
- 9 As it happens, the British Parliament will occasionally have on its agenda the business of its Ecclesiastical Committee which considers legal changes affecting the Church of England. But this is a constitutional oddity arising from Establishment which I won’t comment on here. In any case, doctrinal matters do not come before Parliament.
- 10 Rawls, *Political Liberalism*, p. 220.
- 11 A similar conclusion is implied by Bikhu Parekh, *Rethinking Multiculturalism*, p. 322.
- 12 Baggini, “The rise, fall, and rise again of secularism,” p. 211.
- 13 Jürgen Habermas, “Religion in the Public Sphere,” p. 10. Emphasis added.
- 14 There is in the British system the practical issue not only of party discipline but also of collective ministerial responsibility, which will considerably narrow the range of justifications government ministers are in fact able to voice in public settings. The model implies a measure of relaxation here too.
- 15 See Thomas Kselman and Joseph A. Buttigieg, eds., *European Christian Democracy* (University of Notre Dame Press, 2003); Emiel Lamberts, ed., *Christian Democracy in the European Union 1945/1995* (Leuven University Press, 1997).
- 16 Michael Nazir-Ali actually mentions the Trinity as one of the core doctrines at the root of the legacy of Christian political thought that has shaped Britain. “Breaking Faith With Britain,” p. 45. That is a plausible view. He does not conclude from this that the doctrine of the Trinity must therefore receive constitutional endorsement today.
- 17 The case of *Refah Partisi (The Welfare Party) and Others v. Turkey*, para. 91.
- 18 John Locke, *A Letter Concerning Toleration* (1689), ed. James H. Tully, (Hackett Publishing Company, 1983), pp. 36, 39. For the development of theories of toleration before Locke, see David Fergusson, *Church, State and Civil Society* (Cambridge University Press, 2004), chapter 4; and Zagorin, *How the Idea of Religious Toleration Came to the West*.
- 19 This term is coined by Oliver O’Donovan in Craig Bartholomew et al, eds., *A Royal Priesthood? The Use of the Bible Ethically and Politically. A Dialogue with Oliver O’Donovan* (Paternoster Press, 2002), p. 313. For him, however, it is a criticism.
- 20 Rogers M. Smith, “Religious Rhetoric and the Ethics of Public Discourse: The Case of George W. Bush,” *Political Theory* 36/2 (2008), pp. 272-298.
- 21 That is, however, a matter of judgement. Some might reply that, in fact, Bush’s popularity lay precisely in his skill at articulating the core political convictions (or at least intuitions) of a majority of Americans.

- 22 For an intriguing account of the thinking behind the choice of religious rhetoric used by President Bush, see the following address given by Michael Gerson, his principal speech-writer for many years: [http://www.eppc.org/printversion/print\\_pub.asp?pubID=2237](http://www.eppc.org/printversion/print_pub.asp?pubID=2237). Smith, however, thinks Gerson offers a selective account of the religious rhetoric actually used by the president.
- 23 While this would make Jürgen Habermas distinctly uncomfortable, it might make for slightly more engaging reading for the rest of us.
- 24 And even if there has been no confessional candour in the deliberative process, the content of laws or decisions will *in any case* betray the influence of such convictions.

# conclusion

This essay has tried to sketch a realistic model of public discourse that fully acknowledges the depth of convictional difference among contemporary British citizens and yet holds out the prospect of serious and successful political communication across convictional divides. It has argued that liberal secularism unjustifiably relegates religiously-grounded public reasoning to second-class status even when it does not disallow it outright. The essay has proposed instead a more inclusive model of democratic representation. In this model, those political actors who believe, for whatever reasons, that they must practice “confessional candour” should not be patronised, mocked or censured for doing so, but rather encouraged to draw on their faith-based reasoning to *enrich* their “public good arguments” rather than *bypass* the difficult task of formulating them. The model also endorses a crucial principle of confessional silence at the point when the state speaks as state to justify publicly its official decisions. Liberal secularists will no doubt be able to endorse *that* principle, at least.<sup>1</sup>

The following concluding remarks suggest themselves, one addressed to Christians, the other to liberal secularists.

The Christians in question are those who worry that this essay’s encouragement of representative pluralism and recommendation of confessional silence at moments of constitutional decision might be “selling the pass” on the Christian legacy underlying British political culture. Among them may be those sympathetic towards a “Christian nation” position, in which the British state is seen as having an inherited duty to maintain, where possible, the Christian foundations of the British political system and to protect its contemporary constitutional expressions.<sup>2</sup> Others might be those favouring a “Christian state” (or “confessional state”) stance, which would seek an official constitutional confession of Christian faith or divine authority.

Clearly, the logic of the argument developed here works against the notion of a “confessional state” as just defined. It does not, however, need to deny that as a matter of historical fact, the British state has historically been formed in a broadly Christian culture and still bears its marks. But it would resist the implication that the contemporary British state has a right or duty to preserve that Christian heritage *by officially showing partiality* to the Christian faith (e.g., by upholding the established status of the Church of England).

It should be clear, however, that the argument does not rule out – on the contrary it encourages – the possibility that there could (again) be a wide and deep penetration of

constitutional law, legislation, or government practice, by Christian political principles. How far that proved *actually* – and beneficially – to be the case would depend on a huge number of contingencies, including how large the Christian community was relative to other faith communities, and, equally importantly, the extent to which Christian citizens sought to live a “religiously-integrated existence” and what “religious integration” in politics was actually thought to imply in concrete policy terms (a much-disputed matter, of course).

On the other hand, even given a large, faithful, politically literate and well-mobilised community of Christian citizens, numerous prudential and strategic questions would arise as to how far, and where, such political influence ought *in fact* to be wielded. Not every constitutionally legitimate opening for political influence will be judged theologically commendable or strategically prudent. Much work needs to be done to reflect on how Christians should exercise whatever political influence they actually have at any one time. The fall-out from the serious strategic misjudgements of the “Religious Right” in the USA – the result of what two former activists now admit was being “blinded by might”<sup>73</sup> – stands as a salutary warning against wielding new-found electoral power in the absence of a clear (Christian) conception of the constraints of democratic policy-making.

The remarks to liberal secularists are these. This essay has refrained from using the term “liberal secularist” as a scare word. Liberal secularism is one among several secularist worldviews worthy of respect, from which religious believers have learned and can still learn, and whose adherents have contributed and continue to contribute an enormous amount of good to the public life of this country.

*Perhaps both sides can spend more time considering how each can learn from the other’s “best practice” in public reasoning, and less time berating the other’s worst practitioners.*

Some liberal secularists will indeed see a “programmatic extension” of secularism as implied by the logic of their own position. We can hope, however, and have some grounds to expect, that liberal secularists as well as Christians will be strongly committed to a system of procedural secularism, even as all sides recognise that such a system will inevitably tilt one way or another depending on the relative cultural predominance of one or other worldview.

At the same time we would invite liberal secularists to be frank about their strategic political objectives.

If they wish to advance their secularist worldview in British public policy, they should say so openly. And we would also urge them to disavow publicly any attempt to rid public life of religious influence or speech – as indeed some have already done. Finally, if they could also bring themselves to acknowledge that secularism is a faith akin to that of religion, a more elevated and constructive debate might emerge than we sometimes see rehearsed even in our more sophisticated broadsheet columns.

Perhaps both sides can spend more time considering how each can learn from the other’s “best practice” in public reasoning, and less time berating the other’s worst practitioners. The thrust of the account, however, has been to put the onus of justification on those who would restrict the scope of religious public reasoning and take it away from those who would widen it. The hope is that we can move beyond a situation in which religious citizens constantly feel the need to justify their faith-based interventions in political debate while secular-minded citizens just get on with the job unburdened by such a task.

But merely establishing a level playing-field for both religious citizens and others is, of course, only the beginnings of an answer to the question of what religious public reasoning might positively contribute to the demanding political challenges facing us today. Identifying the nature of that contribution would require a shift of focus away from the formal issue of legitimacy to substantive issues such as the content of justice and human rights, the requirements of solidarity, and the scope of personal freedom. And on those “weightier matters,” religious public reasoning, informed by its rich and deep traditions of practice and reflection, has an enormous amount to offer – as well as much more to learn. And as religious citizens both speak and listen in forums of public reasoning, they may also help restore something which is a necessary condition of a healthy constitutional democracy but increasingly draining away – namely faith in political debate.

# conclusion - references

- 1 Of course, some think that they invented it – but it is too late in the day to start that argument now.
- 2 This seems to be the drift of Nazir-Ali's "Breaking Faith with Britain." He does make clear, however, that the influence of Christian faith can be brought to bear effectively on public life in the absence of any constitutional privilege for the church (p. 47).
- 3 Cal Thomas and Ed Dobson, *Blinded by Might? Can the Religious Right Save America?* (Zondervan, 1995).

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# Talking God

## The Legitimacy of Religious Public Reasoning

What role should religious people play in public life? In particular, should they be permitted to appeal to their own faith commitments in public debate?

The majority of commentators appear to think not. Should religious believers wish to participate, they argue, they must use "public reasoning" which, by definition, cannot be religious.

Not so, argues Jonathan Chaplin, in this timely and important essay. Not only is public reasoning not necessarily "secular" but it can be, and often has been, religious.

That will not mean that "confessional candour" has a place in every political discussion. But it does mean that religious people should be at liberty to articulate their core convictions if they wish to, and that the public square should be as open as possible to "God talk". Religious arguments, rightly used, will always enrich political debate.

*"Talking God represents an important and helpful resource for those of us trying to work out what it means to integrate our faith with political life."*

*Gary Streeter MP*

*"Dr Chaplin's contribution is right at the centre of a crucial present day debate - ecclesial and political. He clears out the clutter and clarifies the arguments - a must read for anyone who is waking up to how serious this 21st century debate is."*

*John Battle MP*

*"The contribution of faith communities to public policy debates is proving increasingly controversial in a society which is both pervasively secularised and religiously plural. This report provides a clear and compelling account of how that contribution can be both theologically authentic and politically constructive."*

*Archbishop Peter Smith*