

Liberalism, Blasphemy and Religion.

By John William Tate

The modern contours of the debate concerning the relationship between church and state were established in 1689 by Locke in *A Letter Concerning Toleration*, and discussion of the issue has not advanced one millimeter beyond Locke's treatment even though over three hundred years have passed. (Fish 1997: 2255).

Liberal democracies embody two competing political traditions – liberalism, which in various forms places a priority on individual liberty, and democracy, which defends the sovereign capacities of political majorities. This paper focuses on the liberal tradition and the complexities it encounters when confronting minority religious and cultural claims. At a philosophical level, democrats have little trouble dealing with minority claims. For instance, Jean-Jacques Rousseau believed the highest duty of a citizen was conformity to the general will, and those who failed to display this virtue must be “forced to be free” (Rousseau 1968, Bk. I, ch. 7: 63-64). In other words, because of its emphasis on the sovereign rights of political majorities, democrats are often willing to allow minority issues to be resolved by a broader collective. It is only liberals, with their philosophical commitment to the rights of individuals and minorities, often *against* the power of majorities, who are likely to experience philosophical difficulty in such instances, and seek ways to protect individual and minority rights in a political context where sovereign majorities wield significant power. For liberals, political constitutions incapable of being momentarily altered by democratic majorities are often a favoured source of protection for individual and minority rights.

Yet what happens when the clashes between minorities and democratic majorities are intractable because they involve unconditional commitments on both sides? In such instances, neither side can give ground without betraying their own fundamental value commitments. Such intractable conflicts can be seen where issues of *blasphemy* are at stake. For religionists, what is at stake in such instances is the honour and integrity of their God, and depending on their response, often their own salvation. For secularists,

particularly in liberal democracies, what is at stake are fundamental political rights to freedom of speech and conscience. Given the agonistic nature of such a confrontation, evident in the fact that neither side can concede anything to the other without diminishing something fundamental in themselves, solutions consistent with civil peace are not always evident.

As the Rushdie and recent Danish Cartoons affairs indicate, such clashes over the issue of blasphemy can occur *within* liberal democracies and the cost can sometimes be in human lives. Liberals are divided on the best way to accommodate such endemic and volatile differences in order to avoid such bloodshed. The liberal tradition has its origins in seventeenth century England and emerged precisely in response to such circumstances of religious conflict. The overriding political question was how civil peace could be secured within a polity when its inhabitants were fundamentally divided over questions of religion. A political response emerged in the work of John Locke which emphasized a strategy of “privatization” and “separation,” where matters of religion were reduced to private questions of individual conscience, and where such questions were thoroughly separated from civil concerns centered on the public sphere. More recently a different sort of liberalism has emerged, identifying strongly with an ideal of multiculturalism, and insisting that the best way to deal with such conflict is to prioritize a value of equal respect. In instances involving blasphemy, for instance, this value of equal respect would trump competing values of free speech, insisting that individuals should not blaspheme if this violates the equal respect of others (cf. Parekh 1990: 705-08; Rostbøll 2009: 629, 631-632, 633, 634, 636, 642, 643). Various liberals have endorsed this priority placed on equal respect over other liberal values (: Taylor, 1994: 41; Galeotti 2010: 5-6). Each of these strategies was designed to produce a liberal political framework capable of preventing individual differences degenerating into civil disorder. We will consider each in turn.

Privatization and Separation

John Locke is widely considered one of the founding fathers of the liberal tradition (Laslett 1963: 103; Macpherson 1962: 262; Seliger 1968: 45; Plamenatz 1972: 252). Locke began his philosophical career ruminating on what he perceived to be an overriding political problem. This was the problem of how to secure civil peace in a polity where individuals are fundamentally divided in their most earnest convictions (Locke 1967: 117-121; Locke 1993a: 186). In Locke's time, these convictions were religious ones, and the differences they induced between individuals were, in Locke's view, likely to lead to violent conflict (Locke 1967: 117-121, 160-61).

Locke's strategy for ensuring civil peace in this context of endemic division was one of "separation" and "privatization." He wished to separate or remove religion from all contact with the public sphere of civil authority and instead confine it to the realm of private individual conscience and voluntary church attendance. His *Letter Concerning Toleration*, published in 1689 in the wake of England's Revolution of 1688, was primarily an account of this process of separation and privatization, where religion was limited to the private sphere, subject to individual choice, and the state was limited in its capacity to intervene on matters of religion, only doing so when civil interests (separate from religion) were at stake (cf. Locke 1993b: 397-410). Let us consider these two limits on state and religion in turn.

Concerning the limits on the state in relation to religion, consider the following examples. Locke conceded that the state could prohibit animal sacrifice in religious practice, but only for the sake of the civil interest of preserving public food supplies (Locke 1993b: 415). The intrinsic rights and wrongs of animal sacrifice was not the state's concern – rather, it must remain "indifferent" on such issues (Locke 1993a: 192, 193, 195). Similarly, when it came to the practice of idolatry, the state could not prohibit such practice, but rather must tolerate it, irrespective of its theological merits, since the practice was not "prejudicial to other men's rights" nor did it "break the public peace of societies" (Locke 1993b: 417). In each case, the state could only intervene on matters of

religion when civil interests (separate from religion) were at stake. On matters of religion itself it was to remain “indifferent” and therefore impartial.

Concerning the limits on religion, Locke insisted that churches could not invade the civil rights of their members, nor could they overstep their private limits to insist, at a public political level, that “dominion is founded in grace” or that “faith is not to be kept with heretics” (Locke 1993b: 397-405, 425). All the churches Locke proscribes in the *Letter* are those that overstep these private limits, and seek to exercise political authority in the name of religion (cf. *ibid*: 424-26). Once again, therefore, religion is only proscribed or limited on civil grounds. This is the case even when Locke’s proscription extends to Catholics and atheists. Catholics are proscribed because they owed their allegiance to a foreign power (Locke 1993a: 197, 202-03) and atheists are proscribed because they could not be trusted to abide by their “promises, covenants and oaths” (Locke 1993b: 426) – in neither case are they proscribed for theological reasons. Thus we see that John Gray, John Dunn and Jeremy Waldron are in error when they suggest that Locke proscribed atheists and/or Catholics because their views were at odds with his personal religious convictions (cf. Gray 2000a: 323-24; Gray 2000b: 2; Dunn 1990: 15; Dunn 1991: 180, 181; Waldron 2002: 225-28, 240, 246).¹

Thus we see that Locke’s separation doctrine involves two limits – a limit on the church and a limit on the state, where each limit is imposed for civil reasons alone. The privatization doctrine refers to one half of this separation – the limits on the church. Locke referred to separateness of church and state, based on these two limits, as follows:

[T]he Church itself is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies, which are in their original, end, business, and in everything perfectly distinct, and infinitely different from each other. (Locke 1993b: 403. Cf. *ibid*: 393).

¹ Waldron provides textual evidence that although Locke was willing to proscribe Catholics in the *Essay Concerning Toleration*, by the time of the *Letter* he was willing to tolerate them (Waldron 2002: 218-23).

Locke's Contemporary Legacy

Locke's strategy of privatization and separation also characterizes the work of later liberals like John Rawls. Within his doctrine of *political liberalism*, Rawls made a fundamental distinction between the "political" and the "non-political" or the "public" and "non-public" spheres of a well-ordered society (Rawls 2005: xix, 137, 220n). He relegated all comprehensive religious doctrines to the non-political/non-public sphere and insisted that, when it came to matters of public deliberation, all citizens should refrain from making substantive judgments concerning the intrinsic qualities of these religious faiths, and instead consider them solely on civil grounds – i.e. in terms of their relation to the public principles of justice (ibid: xxviii, 60-63, 114, 210-11, 216-17).

We saw Locke engage in precisely such a strategy when it came to animal sacrifice, idolatry, Catholicism and atheism. Each philosopher is adopting a strategy of separation and privatization, thereby removing matters of contention from the public sphere, and each does so for the same reason of securing civil peace in an environment of endemic difference . As Rawls puts it:

Political liberalism sees its form of political philosophy as having its own subject matter: how is a just and free society possible under conditions of deep doctrinal conflict with no prospect of resolution? (ibid: xxviii. Cf. ibid: xviii).

Equal Respect

The sort of liberalism that prioritizes equal respect can allow for no such separation and privatization of religious differences. Rather, because religion is the subject of such "equal respect," and because such "equal respect" must be acknowledged and affirmed at a public level, it requires that religion become an object of negotiation and accommodation in the public sphere. It is the argument of this paper that such negotiation and accommodation will become the occasion of interminable and intractable dispute because of the way in which "equal respect" gives rise to irresolvable issues.

Of course, one can plausibly suggest that *all* liberal citizens would endorse a right to equal respect. But while this is true, few would agree on what this “equal respect” required in practice (i.e. the extent of accommodation required) or what beliefs or practices were entitled to such a right. This is because such judgments presuppose a prior judgment concerning what is *worthy* of equal respect, which (involving as it does intrinsic evaluations) necessarily arises from personal viewpoints centered on individual conscience. Yet as Locke tells us, there is “nothing so indifferent which the consciences of some or other do not check at” (Locke 1993a: 191). The result is interminable and intractable dispute because the claims of conscience, so “often happening to be contrary one to another” must necessarily “produce contrary laws” (ibid). The result, Locke says, is that , “...a toleration of men in all that which they pretend, out of conscience, they cannot submit to will wholly take away all the civil laws, and all the magistrate’s power....” (ibid). Thus we see how a general assertion of a right to “equal respect” will produce interminable and intractable dispute, because there is no criterion internal to “equal respect” capable of deciding competing claims to this same value.

This is not the case with a right to free speech. This is because although individuals may disagree about the propriety of such a right, there can be no dispute as to what such a right would entail in practice, since unlike equal respect, the content of the right, and what it applies to, would not be in dispute. Every speech act is, after all, an exercise in free speech. The application of such a right would not, therefore, be open to interminable dispute, even though the consequences of this exercise may give rise to conflict and unrest, as individuals find the speech of others abhorrent.

However, from the perspective of our first liberal strategy above, if individuals have sufficiently “privatized” their faith, separating it from civil concerns, then they should have sufficient critical distance from their faith to concede others free speech rights at a civil level even if they find such speech abhorrent at a personal level. Anything less than such a public/private distinction in the minds of liberal citizens means they have fallen short of full compliance with the separation doctrine. In this way, therefore, the separation and privatization doctrines ensure civil peace by insisting that individuals

accept at a civil level what they find abhorrent at a private level. This would not be possible in the case of “equal respect,” since all such evaluations of what is worthy of respect being subject to rights claims, they must become a matter of public deliberation, with the result that there is no means to privatize what we find abhorrent, instead subjecting all to civil dispute.

Conclusion

In a society fundamentally divided between rival faiths, blasphemy gives rise to agonistic and, often, violent civil conflict. In such contexts, a conflict between “free speech” and “equal respect” is unavoidable since, given either the permission or proscription of blasphemy, one or the other must prevail. When confronted by such conflict, liberals divide on whether free speech or equal respect should have priority. It has been argued that the strategy of privatization and separation with which the liberal tradition began is more capable of dealing with such a clash than more recent liberalism prioritizing “equal respect.” This older liberalism still allows for the diversity characteristic of multiculturalism, but does so in ways more conducive to civil peace, by relegating such diversity to a private sphere where it is no longer a matter of civil dispute.

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