



IN DEFENCE OF A POLITICS OF IMPERFECTION:
A POLITICAL PHILOSOPHICAL AND THEOLOGICAL RESPONSE TO THE
PARADOX OF TOLERANCE IN UK POLICY

A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in
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‘The story of England is the story of Christianity operating on a people...’
Danny Kruger, Member of Parliament

‘Those who in fields Elysian would dwell; do but extend the boundaries of hell.’
From Michael Oakeshott’s *The Tower of Babel*

In Memoriam

To my late friend and mentor Dr David Martin Jones (1950-2024), who will never get a chance to disagree with my conclusions.

*Our little systems have their day;
They have their day and cease to be:
They are but broken lights of thee,
And thou, O Lord, art more than they.*

(In Memoriam A.H.A. by Alfred Lord Tennyson)

Dedication

To my patron, Richard Smith, without whom this thesis would not exist.

And my father and husband, for their support and patience.

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Short Abstract

This thesis is a political philosophical and theological response to the ‘paradox of tolerance’ in the UK’s policy toward activity the state regards as a threat to liberty. It asks – how can the state defend liberty without undermining it? Is privileging a public doctrine intolerant, or can it help to secure liberty?

Chapter One provides an outline of the ‘paradox of tolerance’ in UK policy. By drawing on primary sources, this chapter identifies the ways in which the state has struggled to justify its interventions in defence of liberty, while upholding its commitment to the values of liberty and tolerance.

Chapter Two discusses a spectrum of multiculturalist arguments, arguing that the imperative of recognition (that provides the rationale for cultural accommodation and group rights) weakens the security of individual liberties and damages the legitimacy of state action in their defence.

Chapter Three discusses a spectrum of liberal arguments, arguing that theories striving for thinness or neutrality provide weak security for liberty, and that liberty is better secured by a supportive privileged public doctrine.

Chapter Four presents an opposing argument from Critical Race Theory that liberty requires the repudiation of the inherited order, but concludes that this approach poses a threat to liberty.

Chapter Five offers a critique of previous approaches and proposes an alternative approach grounded in traditional conservatism, qualified by a theological anthropology and eschatology. It argues that Christianity as an anti-perfectionist public doctrine is conducive to securing the conditions upon which liberty depends.

Chapter Six concludes that the approach developed in Chapter Five overcomes many of the difficulties of previous approaches and can provide a constructive interlocutor in contemporary policy debate.

Long Abstract

This thesis is a political philosophical and theological response to the ‘paradox of tolerance’ in the United Kingdom’s policy towards activity the state regards as subversive to liberal democracy. It looks to the political philosophical approaches (multiculturalism and liberalism) underpinning policy-thinking, to identify the sources of the state’s difficulties in taking action to protect liberties, without simultaneously undermining them. This thesis proposes that a ‘politics of imperfection’ – grounded in a theologically qualified traditional conservatism – goes some way to overcoming these difficulties. By arguing that liberty can only be achieved *within* order, the traditional conservative approach shifts the vantage point from which policymakers view the defence of liberty, justifying the defence of inherited tradition and the privileging of a suitable public doctrine. On this basis, this thesis argues that the privileging of Christianity as an anti-perfectionist public doctrine would support the cultivation of the antecedent conditions upon which liberty depends. I argue that this approach revives an historic perspective as an illuminating interlocutor for this ongoing contemporary public policy debate.

Chapter One introduces ‘**the problem**’ in British policy to which this thesis responds, by outlining how the ‘paradox of tolerance’ (as defined by Karl Popper) has played out in the UK’s policy response to activity it considers subversive, focusing on non-violent Islamist extremism. This chapter builds an historical outline of relevant policy discussion from 2001 until the present, by drawing on primary sources including *inter alia*: government reports, reviews, strategies and inquiries; political speeches; legislation and legal cases; and news reports. On the basis of this outline, this chapter identifies the ways in which the state has sought to justify its interventions, as compatible with its commitment to the values of liberty and tolerance; firstly, by defining British values as the substance of what it seeks to defend; secondly, through an official narrative that the state, in defending these values, possesses a pedigree as a neutral arbiter between conflicting groups in a diverse society; and thirdly, by justifying its interest in curbing *legal but harmful* activity. Further, it identifies officially documented and public concerns that these justifications do not suffice, and have resulted in both over- and underreach, suggesting a failure to strike the intended balance between protecting liberties from both extremists and the state.

Chapter One establishes the questions to which this thesis responds: how can the state defend liberty without undermining it? Is privileging a public doctrine intolerant, or can it help to secure liberty? The purpose of this thesis, therefore, is twofold: first, to examine the philosophical foundations of the policy debate, to identify the sources of the challenges identified in Chapter One; second, to develop an alternative approach, that draws on political theology to propose a resolution to said challenges.

Chapter Two – Multiculturalism – argues that the imperative of recognition, that is central to multiculturalist theories, stands in tension with individual liberties. This tension, I argue, imperils liberty and challenges the legitimacy of the state to act in its defence. The argument is structured as follows. First, to provide conceptual focus, I begin with an exegesis of Charles Taylor’s influential essay *Multiculturalism and the ‘Politics of Recognition’* (1992), arguing that equal recognition is a central requirement of the multiculturalist perspective. Second, I assess the liberal multiculturalism of Will Kymlicka, arguing that he cannot square his liberal commitment to autonomy with the requirement of equal recognition. Third, I assess the non-liberal multiculturalism of Bhikhu Parekh, who accepts that there must be limits to tolerance, but is similarly unable to justify those limits in a manner consistent with

the demand of equal recognition. I argue that, although Tariq Modood provides a nuanced counter-argument that responds to some of the difficulties identified in other approaches, his approach nonetheless provides weak security for liberty. Fourth, I assess theological arguments for multiculturalism, focusing on the perspective of Jonathan Chaplin. I conclude that while Christianity can support value-pluralism and the view that human beings are culturally-embedded creatures, Christian multiculturalism does not escape the general criticism of multiculturalist theories – namely, that the requirement of equal recognition undermines the security of individual liberty. The legitimacy of any intervention by the state in defence of liberty, setting limits on tolerance, can be challenged on the grounds that it undermines equal citizenship by denying recognition.

Chapter Three – Liberalism – argues that when liberal theories seek to avoid privileging liberalism as a public doctrine, they succumb to similar difficulties to multiculturalism – that is, they struggle to set limits on tolerance without opening the state to the accusation of coercive overreach. Concluding that the state cannot be neutral, I argue that the privileging of a supportive public doctrine provides better security for liberty. The argument is structured as follows. First, to provide conceptual focus, I begin with an exegesis of John Locke’s *Letter on Toleration* (1689) and John Stuart Mill’s *On Liberty* (1859). These texts introduce, at a philosophical level, themes already noted in the policy debate in Chapter One (disputing the government’s official narrative of the origins of liberal ideas). Second, I examine John Rawls’ proposal of a *thinner* liberal theory that seeks to avoid privileging a comprehensive public doctrine by prioritising the right over the good. I argue, however, that Rawls’ political conception of liberalism is not beyond contestation, even from those who subscribe to a reasonable public doctrine. Third, I consider the *laissez-faire* liberalism of Chandran Kukathas who (taking tolerance as his primary value) responds by advocating for radical normative withdrawal. I argue that Kukathas’ approach is not a viable liberal option, because it destroys all means of securing liberty. This leads us to a fourth option, namely, Brian Barry’s justification of liberalism as a privileged public doctrine. However, while Barry convincingly argues against the requirement of state-neutrality, I explore whether a non-secular alternative might be more suitable as a privileged public doctrine in the British context. Considering the positions of Chaplin and Rowan Williams, I examine Nigel Biggar’s argument that Anglicanism is a suitable and defensible candidate. I provisionally conclude, on the basis of Biggar’s compelling argument, that liberty conceived of *within* a supportive order can ameliorate some of the tensions identified in multiculturalism and liberalism.

Chapter Four presents an opposing argument – developed from Critical Race Theory (CRT) – arguing that equal freedom requires repudiation of, and *liberation from*, the inherited order. This approach provides an illuminating interlocutor because CRT is increasingly influential in British policy debate. However, I argue that this approach can have a deleterious effect on liberty and tolerance, further pointing to the conclusion that liberty must be secured *within* the inherited order.

The argument is structured as follows. First, to provide conceptual focus, I begin with an exegesis of Herbert Marcuse’s *Repressive Tolerance* (1965) and *An Essay on Liberation* (1969), and Paulo Freire’s *Pedagogy of the Oppressed* (1968). These texts illuminate themes in the later thought of CRT *inter alia*: the inherited order is biased towards those who have historically held power; neutrality sustains oppression; reforms perpetuate oppression, and thus a radical break with the inherited order is required to achieve liberation; liberation requires differential, not equal, treatment; whether a movement or view is tolerated depends upon whether it serves the cause of liberation; and finally, the anthropologically optimistic view that human nature is malleable and, thus, there are no inherent limitations preventing

society from being perfected. Second, identifying these themes in the arguments of Critical Race Theorists, with reference to contemporary examples, I argue that this approach advocates a position that liberals would regard as indefensibly intolerant. Critical Race Theory, I argue, does not aspire to *thinness* – but rather, views the imposition of their comprehensive doctrine as necessary to liberate the oppressed. As such, I argue that –unlike Anglicanism – CRT as a privileged public doctrine poses a threat to liberty because it is totalising and threatens secularity. Third, I turn to an exegesis of a theological argument in favour of CRT’s perspective – Black Liberation Theology (BLT) – focusing on three areas: the repudiation of tradition through the prioritisation of the authority of black experience; the rejection of original sin; and the utopian implications of an immanent eschatology. I argue that the political implications of BLT’s anthropology and eschatology are Pelagian, collapsing the *saeculum* and thereby threatening liberty. This, however, points towards the potential of a resolution in its opposite – that is, a theological anthropology and eschatology that can sustain liberty in the *saeculum*.

Chapter Five – Traditional Conservatism – conceiving of liberty as possible only *within* order, this chapter argues that a Pelagian politics of perfection destroys the antecedent conditions upon which liberty depends. This chapter argues that traditional conservatism, qualified by a theological anthropology and eschatology – as a politics of imperfection – offers a solution to many of the difficulties faced by previously discussed approaches. Further, I argue from the perspective of traditional conservatism, that it is justifiable to privilege an Augustinian Christianity as a privileged public doctrine because, as it resists the totalization of its own doctrine, it respects the *saeculum*, while empowering political authority to act in defence of liberty.

The argument is structured as follows. First, I begin with an exegesis of Michael Oakeshott’s critique of the ‘Politics of Faith’ (identified with Pelagianism) as hubristic, arguing that it threatens tradition, which offers a valuable source of practical knowledge. I disagree, however, with Oakeshott’s view that traditional conservatism need not depend upon any religious or metaphysical foundations. Rather, I argue that a theological qualification can strengthen traditional conservatism; theology rescues the approach from the criticism that it advocates uncritical conservation and tends towards relativism, by warning it against political idolatry and injecting it with the dynamism of the natural law.

Second, I turn to an exegesis of Edmund Burke’s critique of the French revolution (taken as an illustration of Pelagian politics) through his debate with Thomas Paine. I argue that: Burke’s argument offers a robust critique of the view that caused multiculturalism and liberalism to falter in imposing limits on tolerance – namely, the view that the sole source of political authority is the consent of the present generation; through Burke’s argument, we can view the question of securing liberty from a different vantage point – that we should look upstream to preserving and defending the antecedent conditions that make liberties possible, and transmissible to future generations; Burke offers a compelling argument that privileging Christianity as a public doctrine has the effect of defending the conditions of liberty, as by ordering society towards God as its final *telos*, each generation is reminded not to make an idol of their own will. I argue that Burke’s Christian foundations strengthen his traditional conservative position by rooting it in an anti-perfectionist theological anthropology and eschatology, while the influence of natural law provides a dynamism that allows for the achievement of goods in the *saeculum*. Finally, having argued from a traditional conservative perspective that it is justifiable to privilege Christianity as a public doctrine, over two subsections, I argue that an Augustinian anthropology and eschatology can provide a suitable anti-totalising privileged public doctrine that would: support liberty by restraining perfectionism; invigorate the role of judgement in the *saeculum* to take action against threats

to communicated goods; and reconceptualise how liberty should be preserved, focusing on particular conditions rather than abstract values.

Chapter Six – Responding to ‘The Problem’ – concludes by providing a summary of the argument, a response to anticipated criticism, and reflections on the policy debate from the perspective of this thesis’s conclusions. I conclude that a theologically qualified traditional conservative approach provides an illuminating new interlocutor in the policy debate. It proposes a paradigm shift in approach to ‘the problem’ that can aid policymakers in avoiding many of the philosophical tensions that led, over the last two decades, to difficulties justifying actions in defence of liberty. At the same time, its insistence on imperfectibility can serve as a standing rebuke to hubristic solutions and a warning amidst ever-present Pelagian temptations in politics that threaten our liberties. Ultimately, I argue, this approach revives a political philosophical and theological perspective with deep roots in English political history, and many centuries of experience responding to analogous challenges to those faced in contemporary policy. This thesis seeks to resurrect that perspective’s vocabulary and outlook as a means of expanding the intellectual horizon of current policy-thinking.

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1. Introduction: ‘The Problem’

This introductory chapter outlines ‘the problem’ to which this thesis responds. In *The Open Society and Its Enemies* (1945), Karl Popper famously articulated the ‘paradox of tolerance,’ as follows,

Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them.¹

The problem encapsulated by this ‘paradox’ has been of perennial interest throughout the twentieth and twenty-first centuries, whenever Western liberal democracies have been faced with groups or movements considered subversive. This is because they promote values perceived as contrary to, and corrosive of, the fundamental values upon which liberal democracies depend, or their objectives include the replacement of the existing order. How can liberal democracies secure and protect liberty and tolerance? What are the limits of the state’s legitimate authority to interfere with the rights and freedoms of illiberal individuals or groups? Writing towards the end of the Cold War, French Philosopher Jean-François Revel explained in *How Democracies Perish* (1985) why this poses a peculiar challenge for liberal democracies. Democracy, he writes,

can defend itself only very feebly; its internal enemy has an easy time of it because he exploits the right to disagree that is inherent in democracy. His aim of destroying democracy itself, of actively seeking an absolute monopoly on power, is shrewdly hidden behind the citizen’s right to oppose and criticize the system. Paradoxically, democracy offers those seeking to abolish it a unique opportunity to work against it legally [...] What we end up with in what is conventionally called Western society is a topsy-turvy situation in which those seeking to destroy democracy appear to be fighting for legitimate aims, while its defenders are pictured as repressive reactionaries. Identification of democracy’s internal and external adversaries with the forces of progress, legitimacy, even peace, discredits and paralyzes the efforts of people who are only trying to preserve their institutions.²

Given this inherent vulnerability, how can liberal democratic states justify the actions that secure liberty? In Popper’s view, it is unwise to preclude the possibility of suppressing those who cannot be kept in check by rational argument and public opinion, as he imagines a scenario in which it may

easily turn out that [such groups and movements] are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to anything as deceptive as rational argument, and teach them to answer arguments by the use of their fists.³

In other words, for Popper, liberal democracies should claim ‘in the name of tolerance, the right not to tolerate the intolerant.’⁴

However, as we shall see in the present and subsequent chapters, liberal democracies struggle to justify limits on tolerance, when doing so requires the privileging of any values or public doctrine, precisely because of the limits liberalism places on political authority. The result, in theory and practice – as Revel observed – is that those setting limits on tolerance to defend liberty and democratic institutions are easily ‘pictured as repressive reactionaries’ and

¹ Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

² Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), pp. 4-5.

³ Ibid.

⁴ Popper, *The Open Society and Its Enemies*, p. 581.

their efforts are ‘discredit[ed] and paralyze[d].’⁵ This is because, for liberal democracy, the threat of subversion lies in both directions: if the state is too tolerant, groups and individuals will trespass upon, and violate, each other’s liberties, potentially undermining the state’s ability to equally secure individual rights and freedoms; if the state asserts itself too strongly – by privileging a contested doctrine or values – it may stray beyond the jurisdiction of its own authority, and undermine liberal tolerance by discriminating against those who dissent from official doctrine. The way in which the British state has responded to this challenge provides a window into the way it has reckoned with this fundamental problem of authority and legitimacy: does the security of liberty require state neutrality, or does it depend upon the state privileging a public doctrine? While fascism and communism presented the primary subversive challenges of the twentieth century, as reflected in the remarks of Popper and Revel respectively, the threat of domestic Islamism and the challenges of increasing religious diversity have preoccupied British policymakers in the twenty-first. For this reason, an overview of the United Kingdom’s policy response provides a point of entry to explore how policymakers have contended with these questions in a specific context.

The purpose of this chapter is to outline the ways in which this policy debate has conceptualised and responded to this challenge, in order to draw out the underlying philosophical foundations, to be examined in subsequent chapters. Although a detailed examination of Islamist thought is beyond the scope of this thesis, it is necessary to provide requisite background to the policy debate. Firstly, we note that as a religio-political movement, Islamism is not monolithic. As such, the use of terminology referring to Islamism, its various groups and broader movement, remains inconsistent,⁶ and there is ongoing discussion over the degree to which Islamism should be regarded as a religious or political movement.⁷ Nevertheless, ‘Islamism’ is marked out by a distinct intellectual tradition with well-established sources, embodying groups varying widely in their methods, but moderately in their objectives.⁸ As Lorenzo Vidino explains,

the heterogeneity of the movement, which arguably encompasses both groups that employ horrifying violence to further a millenarian view of society and modern political organizations that participate in the democratic process and publicly reject violence, has made political Islam particularly difficult to grapple with.⁹

In other words, the challenge posed by Islamism is not limited to violent methods, but concerns its subversive objectives. Reflecting on this, for example, Damon Lee Perry makes a

⁵ Revel, *How Democracies Perish*, pp. 4-5.

⁶ Examples of varying terms used in the academic and government literature include, ‘Political Islam,’ ‘Islamism,’ ‘Islamic fundamentalism,’ ‘Islamist extremism,’ ‘Islamic extremism’; Damon Lee Perry, *The Global Muslim Brotherhood in Britain: Non-Violent Islamist Extremism and the Battle of Ideas* (London: Routledge, 2019), p. 1; cf. Innes Bowen, *Medina in Birmingham, Najaf in Brent: Inside British Islam* (London: Hurst, 2015); Machteld Zee, *Choosing Sharia? Multiculturalism, Islamic Fundamentalism & Sharia Councils* (The Hague: Eleven International Publishing, 2016).

⁷ For example, Machteld Zee argues that Islamism ‘is not a religious movement with political consequences. Rather, it is a political movement with religious consequences’ (Zee, *Choosing Sharia?* p. 60), while Bassam Tibi, akin to Emilio Gentile’s analysis of fascism as a political religion, understands Islamism within Hannah Arendt’s characterisation of twentieth century totalitarian movements, writing that ‘Islamist movements religionize politics and social issues’ (Bassam Tibi, *Islamism and Islam* (New Haven, CT: Yale University Press, 2012), p. 212); cf. Emilio Gentile, ‘Fascism as Political Religion,’ *Journal of Contemporary History*, Vol. 25, No. 2/3 (1990), pp. 229-251.

⁸ Raffaello Pantucci, *“We Love Death as You Love Life”: Britain’s Suburban Terrorists* (London: Hurst, 2015), p. 34; Lorenzo Vidino, *The New Muslim Brotherhood in the West* (New York: Columbia University Press, 2010), p. 114.

⁹ Vidino, *The New Muslim Brotherhood in the West*, p. 56.

distinction between ‘participationists’ and ‘rejectionists,’ to differentiate those who actively engage in social and political life, advocating change through participation in the democratic system, from those who employ non-democratic methods, including violence.¹⁰ Despite varying in their methods, these groups are broadly agreed on objectives, remaining ‘connected by a shared way of perceiving and evaluating the world.’¹¹ As Perry writes, there are some nuances in their beliefs and views on social and political issues. But whether it is to provide arbitration, television broadcasting, charity, community organisation, education, research, or advocacy for changes in law or policy, the stakes for them are the same: the embodiment of a distinctive Islamic worldview and associated values within the social and political structures of the British state, and within the cognitive structures of its people.¹²

When activity is illegal, the liberal state’s authority to intervene is clear. However, as detailed below, it is the state’s response to non-violent activity which most clearly illuminates how successive governments have contended with the fundamental questions distilled by the tolerance paradox and Revel’s remarks. The following outline of the British state’s policy response – through legislation, policy, official inquiries and political speeches – unravels how successive governments have: conceptualised the threat, and what is in need of protection; contended with the limits of state authority; and sought to justify the legitimacy of state interference against perceived threats, without undermining its liberal foundations.

An Outline of the British Policy Response¹³

As early as 2001, the British state identified a need to conceptualise an official baseline understanding of what needed to be preserved or promoted in an increasingly diverse Britain. Expressing concerns over the impact of unintegrated communities living parallel lives, the author of the Home Office’s independent review into community cohesion, Ted Cantle, observed,

there has been little attempt to develop clear values which focus on what it means to be a citizen of a modern multi-racial Britain, and many still look backwards to some supposedly halcyon days of a mono-cultural society, or alternatively look to their country of origin for some form of identity.¹⁴

There was, in Jonathan Chaplin’s words, a ‘cumulative shift in official thinking during New Labour years’ towards ‘civil assimilationism.’¹⁵ While this perspective prioritised ‘shared national identity and national values over ethnic and religious distinctiveness,’¹⁶ it conceptualized the neutral common ground in terms of human rights, which the New Labour

¹⁰ Damon Perry, *Mainstream Islamism in Britain: Educating for the “Islamic Revival”* (London: Counter Extremism Commission, 2019), p. 1.

¹¹ Ibid., p. 2.

¹² Ibid., p. 4.

¹³ The period outlined is 2001 until the present for two reasons; firstly, because this marks the beginning of a distinct period in British counter-extremism policy, following the Al Qaeda attack on the United States in September 2001; secondly, public political debate over the success or failure of multiculturalism has been prominent throughout the same period, and the two debates are interwoven in public discourse.

¹⁴ Ted Cantle, *Community Cohesion: A Report of the Independent Review Team* (London: Home Office, 2001), p. 9; here, as below, where I depend on Jonathan Chaplin’s account, it is indicated – cited in Jonathan Chaplin, *Multiculturalism: A Christian Retrieval* (London: Theos, 2011), p. 25.

¹⁵ Chaplin, *Multiculturalism: A Christian Retrieval*, p. 25.

¹⁶ Ibid.

government regarded as the ‘most important national values.’¹⁷ These values were enshrined through the creation of the Equality and Human Rights Commission (2007) and the Equality Act 2010.¹⁸ Human rights, they envisioned, would be the glue binding together a newly multicultural Britain. Like Cantele, in 2005, the chair of the Commission for Race Equality, Trevor Phillips, expressed concerns that multicultural Britain was ‘sleepwalking’ into segregation and warned of ‘walls going up’ around particular ethnic minority communities.¹⁹ The *Times* newspaper noted Phillips’ concerns that ‘tolerance of diversity’ had ‘harden[ed] into the effective isolation of communities.’²⁰ The following year, in a harbinger of political speeches to come, when announcing the creation of a Commission on Integration and Cohesion, the Secretary of State for Communities and Local Government claimed that Britain had moved on from a ‘consensus’ on multiculturalism.²¹

By the mid-2000s, the notion was emerging that a solution was to be found in an overarching definition of British values, which would bind diverse, segregated communities together.²² Even at this early stage in the policy debate, it is evident the government was beginning to test the limits of its own authority, attempting neither to overreach, nor underreach. Then Chancellor of the Exchequer Gordon Brown spoke of the need for the ‘common glue’ of a ‘Britishness which welcomes differences, but which is not so loose, so nebulous that it is simply defined as the toleration of difference and leaves a hole where national identity should be.’²³ Rather than grounding its understanding of ‘Britishness’ in the specificity of the existing historic British community, it was motivated by the need to construct a definition of ‘Britishness’ broad enough that diverse groups would find it amenable, without being so amorphous that it loses the ability to bind those groups together. By 2007, Prime Minister Tony Blair had taken the first steps towards the government defining British values. Speaking of a ‘duty to integrate,’ Blair laid out ‘our essential values,’ defined as ‘belief in democracy, the rule of law, tolerance, equal treatment of all, respect for this country and its shared heritage.’²⁴

In 2010, the year German Chancellor Angela Merkel unequivocally stated that multiculturalism had ‘utterly failed,’ the Conservative-Liberal Democrat coalition government brought thirteen years of New Labour to a close.²⁵ Nevertheless, the trajectory not only remained consistent, but was developed with greater clarity under the coalition government. In 2011, Prime Minister David Cameron set out his view on radicalisation and extremism at the Munich Security Conference, echoing Merkel’s view that conflicting value systems could not successfully coexist. Cameron stated,

Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and apart from the mainstream. We’ve failed to provide a vision of society to which they feel they want to belong. We’ve even

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ ‘Sleepwalking to segregation,’ *The Times*, 23 September 2005; here, as below, where I depend on Jonathan Chaplin’s account, it is indicated – cited in Chaplin, *Multiculturalism*, p. 26.

²⁰ Ibid.

²¹ Ruth Kelly, ‘Ruth Kelly’s speech on integration and cohesion,’ *The Guardian*, 24 August 2006; cited in Chaplin, *Multiculturalism*, p. 26.

²² Gordon Brown, ‘The Future of Britishness’ (London: Speech to the Fabian Society, 14 January 2006); ‘Brown speech promotes Britishness,’ *BBC News*, 14 January 2006; cited in Chaplin, *Multiculturalism*, p. 27.

²³ Gordon Brown, ‘The Future of Britishness’; cited in Chaplin, *Multiculturalism*, p. 27.

²⁴ Tony Blair, ‘Duty to Integrate: Shared British Values,’ (London: speech at Downing St, HM Government, 8 December 2006); cited in Jonathan Chaplin, *Multiculturalism*, p. 27.

²⁵ Matthew Weaver, ‘Angela Merkel: German multiculturalism has ‘utterly failed’’, *The Guardian*, 17 October 2010.

tolerated segregated communities behaving in ways that run completely counter to our values. So when a white person holds objectionable views, racist views for instance, we rightly condemn them. But when equally unacceptable views or practices come from someone who isn't white, we've been cautious frankly - frankly, even fearful - to stand up to them. The failure, for instance, of some to confront the horrors of forced marriage [...] This hands-off tolerance has only served to reinforce the sense that not enough is shared. And this all leaves some young Muslims feeling rootless. And the search for something to belong to and something to believe in can lead them to this extremist ideology.²⁶

The speech marked an explicit renunciation of the 'hands off tolerance' of value-neutral multiculturalism, in favour of the 'hands on tolerance' of Cameronite muscular liberalism. In the same speech, he explains

we need a lot less of the passive tolerance of recent years and a much more active, muscular liberalism. A passively tolerant society says to its citizens, as long as you obey the law we will leave you alone. It stands neutral between different values. But I believe a genuinely liberal country does much more; it believes in certain values and actively promotes them. Freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality. It says to its citizens, this is what defines us as a society: to belong here is to believe in these things.²⁷

In this speech, Cameron seeks to define what the state fundamentally considers worth protecting, and the normative baseline into which diverse communities must integrate. The coalition government, therefore, took steps to refine the concept of 'Britishness' and, in doing so, arrived at a definition of British identity reduced to an abstract set of liberal values.

That which did not meet this baseline was to be considered extreme. In the same year as the Munich Security Conference Speech, the Prevent Strategy was updated to encompass all forms of extremism.²⁸ Since Prevent is a strand of the CONTEST counter-terrorism strategy, and its aim is to prevent individuals from being drawn into terrorism, it is concerned with extremist ideology. Formalising the ideas expressed in Cameron's speech, the updated strategy therefore defines extremism as

vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.²⁹

In this way, extremism was defined as antithetical to British values. This broadened Prevent's realm of interest beyond the specific threat of violent extremism, to any activity – violent or non-violent – which may cause societal harm, such as segregation by choice.³⁰ However, this interest had to be carefully balanced with the right to fundamental freedoms of religion and speech. As the strategy states, 'The ideology of extremism and terrorism is the problem; legitimate religious belief emphatically is not.'³¹ By drawing this distinction, the strategy implies that 'legitimate' religious beliefs would not conflict with the definition of British values; in other words, the definition would be broadly acceptable to all reasonable diverse cultures across British society.

²⁶ David Cameron, 'PM's Speech at Munich Security Conference' (London: Cabinet Office, 5 February 2011).

²⁷ Ibid.

²⁸ HM Government, 'Revised Prevent Duty Guidance: For England and Wales' (London: Home Office, updated 1 April 2021).

²⁹ HM Government, 'Prevent Strategy' (London: HM Government, June 2011), p. 107.

³⁰ HM Government, 'Revised Prevent Duty Guidance: For England and Wales.'

³¹ HM Government, 'Prevent Strategy,' p. 1.

Section 26 of the Terrorism and Security Act 2015 (CTSA) placed statutory duty on all specified public bodies to prevent individuals from being drawn into terrorism, including ‘respond[ing] to the ideological challenge of terrorism.’³² As with the Prevent Strategy, this legislation was careful not to infringe upon the right to freedom of expression or religion. The strategy echoes the muscular liberalism of the coalition government, when it states

Challenging ideology is also about being confident in our own values - the values of democracy, rule of law, equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind. Challenge must be accompanied by advocacy for the very systems and values which terrorists in this country and elsewhere set out to destroy. To that extent, challenging ideologies is a collective responsibility.³³

However, it also states that the assertion of these values must be balanced with the duty to protect freedom of speech.

We remain absolutely committed to protecting freedom of speech in this country. But preventing terrorism will mean challenging extremist (and non-violent) ideas that are also part of a terrorist ideology. Prevent will also mean intervening to stop people moving from extremist groups or from extremism into terrorist-related activity.³⁴

The CTSA 2015 and Prevent Strategy demonstrate how policymakers cautiously navigated the limits of tolerance and tested the boundaries of their own authority to intervene in the realm of values, as they sought to balance several concerns: countering the perceived threat of Islamist extremism; defining what precisely was threatened and needed to be protected; ensuring that in countering the threat, the government remained within legitimate bounds; ensuring that policy did not compromise fundamental freedoms of religion and expression.

Thus, from 2001 until 2015, successive governments moved towards the consensus view that the solution required an abstract definition of British values that would be amenable across diverse, reasonable (that is, not extremist) communities or cultures. British values were to be regarded as both inclusive and defensive, because they served to protect and preserve Britain’s diversity. In this vein, in the same year the CTSA was passed, Cameron gave a speech in Birmingham outlining his understanding of the extremist threat and the motivation for tackling it. Cameron emphasised Britain’s multi-racial, multi-faith achievements, contrasting this with extremist ideology which threatens the liberal society which made such diversity possible. He stated

What we are fighting, in Islamist extremism, is an ideology. It is an extreme doctrine. And like any extreme doctrine, it is subversive. At its furthest end it seeks to destroy nation states to invent its own barbaric realm [...] But you don’t have to support violence to subscribe to certain intolerant ideas which create a climate in which extremists can flourish. Ideas which are hostile to basic liberal values such as democracy, freedom and sexual equality. Ideas which actively promote discrimination, sectarianism and segregation[...] And like so many ideologies that have existed before - whether fascist or communist - many people, especially the young, are being drawn to it. [...] We must be clear. The root cause of the threat we face is the extremist ideology itself.³⁵

Extremist activity is framed as a threat to Britain’s tolerant multi-racial, multi-faith, multicultural society. Combating extremism is presented, not as an act of intolerance on the part of the state, but as a legitimate action necessary to preserve tolerance and, ultimately,

³² Ibid.

³³ Ibid., p. 44.

³⁴ Ibid., p. 6.

³⁵ David Cameron, ‘Extremism: PM Speech’ (London: Prime Minister’s Office, 20 July 2015).

protect the rights and liberty of all. The 2015 Counter Extremism Strategy, published in the same year as Cameron's speech, provides further insight into how the government framed the legitimacy of its approach. 'Life in our country,' it stated, 'is based on fundamental values that have evolved over centuries, values supported and shared by the overwhelming majority of the population and underpinned by our most important national institutions.'³⁶ The strategy provides an historical narrative to underpin the legitimacy of the state's defence of British values, explaining that

our values are not exclusive to Britain, nor have they been arrived at by accident, or imposed from above. They have been shaped by our history. Our acceptance of the freedom of religious choice was born of religious conflict, which has taught us that the alternative to tolerance is violence and bloodshed. Our support for democracy developed over centuries as a guard against the abuse of power. Our belief in equality followed a history in which we have seen injustice, misery and damage caused by discrimination on the basis of religion, race, gender, disability and sexual orientation. These values are under attack from extremists operating at a pace and scale not before seen. We will meet this challenge with a more assertive approach to defeat extremists. We will challenge their ideology, and defend and promote the values that unite us, not just because we are proud of these values, but because they are the means by which we have made a diverse, multi-racial, multi-faith society succeed. Our society works because we have responsibilities as well as rights. We all have the freedom to live how we choose, but in return it is vital that we respect the choices made by others.³⁷

Significantly, this paragraph frames British values as emerging from a particular history, but not a particular tradition. In this account, freedom of religion emerges from the need for disinterested arbitration between conflicting Christian groups, rather than emerging from any distinctive Christian theological tradition. By presenting the historical narrative in this way, British values are framed as neutral and agnostic with respect to different traditions, allowing them to be broadly inclusive of, and amenable to, a diverse range of religious and cultural communities in modern Britain. In other words, whereas extremism threatens multicultural harmony, British values are presented as a binding force which must be protected. The new diverse communities of twenty-first century multicultural Britain are presented as equivalent to warring Christian denominations of the seventeenth century. The state's defence of British values is, therefore, nothing more substantive than acting as neutral arbiter to preserve tolerance and freedom of conscience between conflicting groups, in the face of extremists who wish to undermine the freedom of others. In this way, the state can frame its interest in *legal but harmful* activity as legitimate, rather than as the intolerant imposition of a particular doctrine or set of values on those who dissent.

According to this view, therefore, it is vital to the legitimacy of the state's interest and actions that counter-extremism interventions are carefully balanced with the protection of freedom of speech and religion. Failure to do so poses a threat to the credibility of the state's justification, as the government would be seen to undermine the very freedoms it seeks to protect from extremist subversion. Indeed, the British state has been challenged on precisely this point. For example, the editor of the website Islam21c, Dr Salman Butt, took the Home Office to court, after the Extremism Analysis Unit listed him among those 'expressing views contrary to British values.'³⁸ The Home Office had published this in a press release concerning its Prevent Duty Guidance (2015) for universities, intending to prevent students

³⁶ HM Government, 'Counter Extremism Strategy' (London: HM Government, October 2015), p. 9.

³⁷ Ibid.

³⁸ *Salman Butt v Secretary of State for the Home Department* [2017] EWHC 1930 (Admin).

from being radicalised on campus.³⁹ The Home Office alleged that Butt had provided a platform for extremists on the website, as well as expressing his own views contrary to British values; these included the view that homosexuality is a sin, and support for female genital mutilation (FGM).⁴⁰ This led to a legal challenge over whether the government's counter-extremism policy had unlawfully interfered with Butt's right to freedom of speech.⁴¹ In 2021, the Home Secretary issued an apology, and Butt was awarded damages.⁴² This case is just one example of how curbing *legal but harmful* extremism has proven fraught with difficulties. A prevalent criticism of the Prevent Strategy is that it is guilty of Islamophobic stereotyping. Judith Bruchhaus and Tahrir Abbas have argued, for example, that 'Prevent is perceived by British Muslims as disproportionately targeting Muslim communities through mass surveillance, the stigmatisation of religious identity, and the association of Islamic practices with radicalisation.'⁴³ In particular, as Paul Thomas has highlighted, Prevent's initial focus exclusively on Muslims continued to shape the perception that it stigmatises a single 'suspect community,' even as government policy later moved toward a more generalised focus on all forms of terrorism and extremism.⁴⁴ Despite the coalition government's broadening of the scope of Prevent, such criticism has not abated. Amnesty International, for example, has called for the programme to be scrapped on the grounds that it violates human rights.⁴⁵ Following the Shawcross Review (discussed below), the Muslim Council of Britain (MCB) accused the review of, among other things, 're-focus[ing] Prevent on Muslims' and creating 'a McCarthyite blacklist of Muslim groups.'⁴⁶ While an assessment of whether all of these criticisms are justified is not necessary for the purposes of the present argument, it serves to illustrate the degree of contestation over policy in this area, and the difficulties of developing a counter-extremism policy that would not result in the government overreaching or, to quote Revel, being 'pictured as repressive reactionaries.'⁴⁷

³⁹ 'Govt pays compensation to website editor falsely labelled 'extremist hate preacher' in press release,' *Press Gazette*, 30 September 2022.

⁴⁰ "'Prevent' counter-extremism strategy faces legal challenge,' *BBC News*, 6 December 2016.

⁴¹ *Salman Butt v Secretary of State for the Home Department* [2017] EWHC 1930 (Admin); *Salman Butt v Secretary of State for the Home Department* [2017] EWHC 2619 (QB); *Salman Butt v Secretary of State for the Home Department* [2019] EWCA Civ 256; *Salman Butt v Secretary of State for the Home Department* [2019] EWCA Civ 933.

⁴² 'Dr Salman Butt secures apology, substantial libel damages and costs against the Secretary of State for the Home Department,' *Bindmans*, 15 November 2021.

⁴³ Judith Bruchhaus and Tahrir Abbas, 'The suspect citizen: Institutional Islamophobia, prevent, and the British Muslim experience,' *The British Journal of Politics and International Relations* Vol 28, Issue 2 (November 2025), p. 475.

⁴⁴ Paul Thomas, 'Britain's Prevent Strategy: Always Changing, Always the Same?' in Joel Busher and Lee Jerome eds. *The Prevent Duty in Education* (London: Palgrave MacMillan, 2020), pp. 14, 16.

⁴⁵ 'UK: UN recognises human rights violations in controversial 'Prevent' strategy,' *Amnesty International*, 23 August 2024.

⁴⁶ 'Muslim Council of Britain Briefing on Proposed Changes to Prevent following the Shawcross Review,' *Muslim Council of Britain*, February 2023; it must be noted that the government severed ties with the MCB in 2009 after its deputy secretary-general signed a declaration that 'the government and critics of the MCB have interpreted as calling for violence against Israel and condoning attacks on British troops.' Indeed, this further illustrates the extent to which the government has struggled with the issues outlined in this chapter; 'Government suspends links with Muslim Council of Britain over Gaza,' *The Guardian*, 23 March 2009.

⁴⁷ For a response to Muslim groups' criticism of Prevent, arguing that they are overstated, see Rupert Sutton, *Preventing Prevent? Challenges to Counter-Radicalisation Policy on Campus* (London: Henry Jackson Society, 2015), pp. 44-64; Revel, *How Democracies Perish*, pp. 4-5.

From the necessity of balancing counter-extremism policies with the rights to freedom of expression and religion, arose a need to more precisely define Islamist extremist ideology, in order to distinguish it from ‘legitimate’ religious belief. This can be seen in the Prime Minister’s Task Force on Tackling Radicalisation and Extremism in the UK, for example, remarking that Islamism is a ‘distinct ideology which should not be confused with religious practice. It is an ideology which is based on a distorted interpretation of Islam, which betrays Islam’s peaceful principles, and draws on the teachings of the likes of Sayyid Qutb.’⁴⁸ This distinction was tested in a legal context by *Shakeel Begg v British Broadcasting Corporation* (2016). In an episode of *Sunday Politics*, presenter Andrew Neil alleged that the Chief Imam of Lewisham Islamic Centre, Shakeel Begg, was an Islamist extremist. As Begg sued the BBC for libel, the High Court had to decide whether historic statements made by Begg were indeed Islamist extremism.⁴⁹ Like the judge in this case, policymakers have had to make increasingly unprecedented considerations of Islamist thinkers, Islamic jurisprudence and theology, and the ideology of particular groups, in order to assess their compatibility with British values, and determine whether particular individuals or groups were expressing ‘extremist’ or ‘legitimate’ religious views. To this end, the Prime Minister requested a review of the Muslim Brotherhood. Authored by Sir John Jenkins and published in 2015, the review examined the foundational ideology and structures of the movement, at home and abroad. It concluded:

The Muslim Brotherhood have promoted a radical, transformative politics, at odds with a millennium of Islamic Jurisprudence and statecraft, in which the reconstruction of individual identity is the first step towards revolutionary change to established states and a secularised if socially conservative order.⁵⁰

The report noted that the method advocated by the Muslim Brotherhood in the United Kingdom emphasises engagement rather than violence. Nevertheless, Jenkins advised that while the government and the Muslim brotherhood may share a ‘common agenda’ against Al Qaeda and militant Salafism within the United Kingdom, the state’s engagement with the group

did not take account of Muslim Brotherhood support for a proscribed terrorist group and its views about terrorism which, in reality, were quite different from our own [...] aspects of Muslim Brotherhood ideology and tactics, in this country and overseas, are contrary to our values and have been contrary to our national interests and our national security.⁵¹

Jenkins thus concluded that, while the activity of non-violent Islamists may not violate the law, they are nonetheless counter-productive partners for government. One legitimate way in which the state found it could avoid furthering the objectives of extremist groups was to cease engaging with them on the grounds that their objectives were counter-productive and harmful to British society. Increasingly, therefore, the state showed an interest in better understanding these harms and instigated several investigations into the extremist exploitation of vulnerable sectors and institutions.

The following examples provide illustrations from three areas: charities, education and prisons. Within the charitable sector, in 2017 the Home Secretary, Amber Rudd, provided the main findings of an internal review into domestic Islamist activity, commissioned under David Cameron’s premiership. Rudd informed the House of Commons that some organisations ‘of extremist concern’ were ‘portray[ing]’ themselves as charities to increase their credibility and

⁴⁸ HM Government, ‘Tackling Extremism in the UK: Report from the Prime Minister’s Task Force on Tackling Radicalisation and Extremism’ (London: HM Government, December 2013), p. 1.

⁴⁹ *Shakeel Begg v British Broadcasting Corporation* [2016] EWHC 2688 (QB).

⁵⁰ John Jenkins, *Muslim Brotherhood Review: Main Findings* (London: House of Commons, 2015), para. 39.

⁵¹ *Ibid.*

exploit *zakat*. Rudd called for a more comprehensive approach to tackle domestic funding of extremism.⁵² In 2022 the Charity Commission published updated guidance on protecting charities from ‘abuse for extremist purposes.’⁵³ Within the education sector, the ‘Trojan horse’ scandal received much attention. Peter Clarke’s report on allegations of infiltration in Birmingham schools, published in 2014, found that while there was no evidence of violent extremism, there existed

a common ideological stance among key linked individuals in this enquiry, taking control of governing bodies and the implementation of conservative religious practices in schools where these individuals have influence, means there can be no doubt that what has happened has been driven by a desire to instill a particular style of religious ethos into these state non-faith schools.⁵⁴

Clarke found evidence of ‘co-ordinated, deliberate, and sustained action, carried out by a number of associated individuals, to introduce an intolerant and aggressive Islamic ethos into a few schools in Birmingham.’⁵⁵ Similarly, within the justice system, the 2016 Acheson Review into Islamist extremism in prisons identified a number of extremist threats – including *inter alia* – the availability of extremist literature, ‘self-styled emirs’ exerting control on the Muslim prison population, Islamist extremist prisoners engineering segregation, aggressive encouragement to conversion, the use of religious dress to prevent staff searches, and ‘exploitation of staff fear of being labelled racist.’⁵⁶

One way in which ‘harm’ came to be understood by policymakers, as seen in official inquiries and reviews, was the negative impact of extremism on the rights of minorities within minorities, particularly women, homosexuals and apostates. If extremism prevents these groups from exercising their rights as British citizens, including freedom of speech and religion, it opens the possibility of legitimate government intervention. For example, blasphemers, apostates or members of minority sects may be subject to violence or even murder for exercising their rights to freedom of speech and religion, as in the case of Asad Shah, an Ahmadiyyah Muslim who was murdered for ‘disrespecting Islam.’⁵⁷ In particular, the treatment of women – through forced marriage, honour-based violence, female genital mutilation (FGM) or sharia councils issuing discriminatory judgements – has constituted a long-standing concern. As early as 2008, a lecture given by the Archbishop of Canterbury Rowan Williams at the Royal Courts of Justice, on Islam and English Law, elicited a backlash from those who understood his remarks as advocating for the official accommodation of sharia law.⁵⁸ The government responded by clarifying the state’s position. ‘Our general position,’ they stated, ‘is that sharia law cannot be used as a justification for committing breaches of English law, nor should the principles of sharia law be included in a civil court for resolving contractual disputes.’⁵⁹ In practice, however, women whose

⁵² Amber Rudd, *Extremism: Statement made on 12 July 2017 - Statement UIN HCWS39* (London: UK Parliament, 2017).

⁵³ HM Government, ‘Protecting charities from abuse for extremist purposes’ (London: Charity Commission of England and Wales, updated 26 March 2024).

⁵⁴ Peter Clarke, *Report into allegations concerning Birmingham schools arising from the ‘Trojan horse’ letter* (London: House of Commons, 22 July 2014), p. 95.

⁵⁵ *Ibid.* p. 14.

⁵⁶ Ian Acheson, *Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice* (London: Ministry of Justice, August 2016), p. 6.

⁵⁷ ‘Asad Shah killing: ‘Disrespecting Islam’ murderer jailed,’ *BBC News*, 9 August 2016.

⁵⁸ Rowan Williams, ‘Civil and Religious Law in England: A Religious Perspective,’ *Ecclesiastical Law Journal* 10, Issue 3 (Cambridge: Cambridge University Press, September 2008), pp. 262-282.

⁵⁹ Raziat Butt, ‘Uproar as archbishop says sharia law inevitable in UK,’ *The Guardian*, 8 February 2008.

marriages are Sharia-only (that is, marriages that have not been legally registered in the United Kingdom) do not have access to the same rights as women whose marriages have been legally contracted. As a result, some found themselves at the mercy of sharia councils that would grant a divorce on discriminatory terms, which would be illegal in English law, without recourse to the civil courts.⁶⁰ Baroness Cox of Queensbury made repeated, but unsuccessful attempts to introduce legislation that would mitigate sharia council discrimination against women, including the Arbitration and Mediation Services (Equality) Bill 2011-2017, an amendment tabled to the Anti-Social Behaviour, Crime and Policing Bill 2013-2016, and the Marriage Act 1949 (amendment) Bills in 2017 and 2019. Such was the concern that in 2016, a Sharia Councils Inquiry was launched to gather further evidence.⁶¹ Giving evidence to the Home Affairs Select Committee on 1 November 2016, Maryam Namazie, representing the organisation One Law for All, asserted the right of women from Muslim backgrounds to be afforded equal freedoms under English law. She told members,

I think that [...] the accusation of Islamophobia is often used to silence any criticism of [sharia] courts that are highly discriminatory. I think we need to have one law for all. People have a right to religion - they absolutely do - and they have a corresponding right to be free from religion as well.⁶²

The final report of the Independent review into the sharia law in England and Wales, published in 2018, did not take a position on sharia law *per se*, but rather, stated that its purpose had been an examination of whether ‘sharia law is being misused and applied in a way that is incompatible with the domestic law in England and Wales, and in particular whether there were discriminatory practices against women who use sharia councils.’⁶³ While it concluded that closing sharia councils was not ‘viable,’ it recommended the registration of Islamic marriages and awareness campaigns to reduce the demand for sharia divorces, in turn, limiting power and opportunity for councils to make discriminatory rulings.⁶⁴ In doing so, they sought to mitigate the harm caused by discriminatory practices, without overreaching by interfering with the religious freedom of those who may choose to use sharia councils.

Likewise, the 2016 Casey Review into opportunity and integration highlighted ‘worrying levels of segregation and socio-economic exclusion in different communities across the country’ with ‘women in some communities [...] facing a double onslaught of gender inequality, combined with religious, cultural and social barriers preventing them from accessing even their basic rights as British residents.’⁶⁵ This included sexual minorities, as the report found that homosexuals within minority communities are ‘affected twice over when they also belong to a community that can be culturally intolerant of non-heterosexual identification.’⁶⁶ Building on the Casey Report, the 2018 Integrated Communities Strategy found that ‘there is some evidence that some sharia councils may be working in a discriminatory and unacceptable way - for example by seeking to legitimise forced marriage

⁶⁰ Emma Webb, *Fallen through the cracks: Unregistered Islamic marriages in England and Wales, and the future of legislative reform* (London: Civitas, 2020).

⁶¹ ‘Sharia Councils inquiry launched,’ *UK Parliament*, 24 June 2016.

⁶² House of Commons, ‘Oral Evidence: Sharia Councils - HC 389’ (London: Home Affairs Committee, 1 November 2016), Q. 33.

⁶³ Home Office, *The Independent Review into the Application of Sharia Law in England and Wales* (London: HM Government, 2018), p. 3.

⁶⁴ *Ibid.*, p. 5.

⁶⁵ Louise Casey, *The Casey Review: A review into opportunity and integration* (London: Department for Communities and Local Government, December 2016), p. 14.

⁶⁶ *Ibid.*

and making arrangements on divorce that are unfair to women.’⁶⁷ It reported that ‘people can be held back from integrating by cultural practices and attitudes,’⁶⁸ yet maintained

it is important to recognise that the freedom to practice religion needs to be balanced against the rights and freedoms of others. Striking that balance can be challenging, especially as social norms change. The government’s respect for faith communities will not prevent us vigorously promoting rights to equal treatment.⁶⁹

However, concerns were not assuaged, and the recommendations of the Sharia Inquiry were not acted upon. The issue of Islamic marriage was raised again in 2019 by Justice Secretary David Gauke in an open letter, signed by members from both sides of the House, expressing concerns ‘about the plight of many Muslim women in this country who are not officially married under English law’ who ‘suffer grave disadvantages because they lack legal protection’ due to sharia-only marriages.⁷⁰

As efforts continued to define extremism in terms that adequately reflected the challenge, and enable effective and legitimate action, the framing of extremism as *legal but harmful* emerged to justify state or institutional intervention. Concerns were raised that the existing definition of extremism did not sufficiently capture the *legal but harmful* aspect of the extremist phenomenon. In 2019 the Commission for Countering Extremism introduced a new term into the policy lexicon in their report *Challenging Hateful Extremism*. The commission defined ‘hateful extremism’ as follows:

Behaviours that can incite and amplify hate, or engage in persistent hatred, or equivocate about and make the moral case for violence; And that draw on hateful, hostile or supremacist beliefs directed at an out-group who are perceived as a threat to the wellbeing, survival or success of an in-group; And that cause, or are likely to cause, harm to individuals, communities or wider society.⁷¹

The term was later employed in the commission’s 2021 report *Operating with Impunity*, which argued that government needs to take an interest in extremist ideology more broadly, because the harm it causes to society is not limited to violence. In the foreword, Lead Commissioner Sara Khan noted that the government’s counter-extremism efforts to date had been ‘hampered by an ambiguous and incoherent counter extremism policy and approach.’⁷² This approach, the report argued, was flawed in two ways: first, due to the ‘lack of laws designed to capture the activity of hateful extremism, extremists have been able to exploit gaps in existing legislation;’⁷³ second, ‘the failure of our laws to keep pace with the evolving and modern-day hateful extremist threat,’ noting that polling demonstrates the public desire for more to be done to counter extremism.⁷⁴ Khan wrote

As a society, we have decided that hate crime and terrorism are sufficiently dangerous that, over the years, we have built a legal and operational framework to counter these

⁶⁷ HM Government, *Integrated Communities Strategy Green Paper* (London: HM Government, March 2018), p. 56.

⁶⁸ Ibid., p. 12.

⁶⁹ Ibid., p. 60.

⁷⁰ Webb, *Fallen through the cracks*, appendix.

⁷¹ This quotation has been adapted from its original bullet-point format; Commission for Countering Extremism, *Challenging Hateful Extremism: Summary Version* (London: HM Government, September 2019), p. 7.

⁷² Commission for Countering Extremism, *Operating with Impunity* (London: HM Government, February 2021), p. 1.

⁷³ Ibid.

⁷⁴ Ibid.

crimes. This report argues that the same is now needed to tackle hateful extremism, a distinct activity in its own right.⁷⁵

The report cites the case of Anjem Choudary as an illustration of this problem. Choudary had been the leader of the now-proscribed Islamist group Al Muhajiroun, which promoted theocratic views subversive to British ‘democratic rights and freedoms.’ As the commission report notes, the authorities had no legal means of preventing him from propagating these views, until he was eventually convicted in 2016 for a specific terror offence. ‘The lack of legislation to capture his extremist activity, that fell outside of terrorism,’ the report writes, ‘is an example of the continuing policy and legislative failure in restricting the dangerous extremist activity of such individuals.’⁷⁶ The report notes that there are many individuals and groups which similarly do not meet the threshold for a terror offence but whose activity is ‘helping to create a climate conducive to terrorism, hate crime and violence,’ and which is ‘eroding the fundamental rights and freedoms of our democratic society.’⁷⁷ The state should take an interest in this, the report argues, because such subversive groups intend to replace British democracy with an alternative system.⁷⁸

The report goes on to argue that previous attempts by the government to deal with ‘hateful extremism’ through counter-terrorism policy and legislation had been ‘futile and flawed’ because it employed the wrong tools.⁷⁹ Taking up the ‘harm’ argument already outlined, the commission argued that, as extremist groups seek to undermine fundamental rights, the government can legitimately intervene on the grounds of Human Rights legislation.⁸⁰ In particular, Article 17 of the European Convention on Human Rights (ECHR) – as incorporated into UK law by the Human Rights Act 1998 – states that no group or person has the ‘right to engage in any activity or perform any act aimed at the destruction of the rights and freedoms’ set forth in the Convention.⁸¹ The commission claims that this ‘provides democracies with a robust tool to protect themselves from extremist and anti-democratic activity which seeks to destroy such freedom and rights.’⁸² Indeed, similar arguments had been made previously, for example, in the claim that the discriminatory rulings of sharia councils were not compatible with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁸³ In line with this, the commission argued that the tools of counter-terrorism are too narrow and ill-suited to effectively and legitimately tackle the broader harms of extremism.⁸⁴ As a result, the report called for a clearer, narrower definition of ‘hateful extremism,’ insisting that this can be balanced with protections to avoid disproportionate negative implications for freedom of expression and civil liberties.⁸⁵ The Report states that

freedom of expression does not protect statements that unlawfully discriminate against, harass, or stir up violence or hatred against other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation. Nor is anyone permitted to use their right to freedom of expression to limit or

⁷⁵ Ibid.

⁷⁶ Ibid., p. 11.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ European Union Agency for Fundamental Rights, *European Convention on Human Rights – Article 17*.

⁸² Commission for Countering Extremism, *Operating with Impunity*, p. 11.

⁸³ Zee’s emphasis; Zee, *Choosing Sharia?* pp. 146-8.

⁸⁴ Commission for Countering Extremism, *Operating with Impunity*, p. 12.

⁸⁵ Ibid.

undermine the human rights of others. As case law demonstrates, freedom of expression may be restricted where the action in question will result in the denigration of the rights of others.⁸⁶

Anticipating concerns that this casts a wide net for unacceptable expression, the commission accepted that it is necessary to prevent ‘overreach’ that would infringe on freedom of expression, stating

Efforts to restrict hateful extremism should not be disproportionate nor restrict content and behaviours that fall outside of hateful extremism. There has, in recent times, been criticism of the policing of hate crime and hate incidents, and the authorities inappropriately being drawn into public debate on issues in relation to offence.

Ensuring the correct balance is critical; we must avoid ‘over-reach.’⁸⁷

Nevertheless, the report remains primarily concerned with underreach, which has allowed ‘extremists to persistently operate lawfully despite their dangerous activity.’⁸⁸ The commission recognised that the need to avoid subjective judgements required clear parameters to be set, and proposed setting a ‘high bar’ requiring ‘intent’ in relation to ‘specific serious harms.’⁸⁹ Furthermore, the commission criticised reliance ‘solely on legal measures,’ and argued that non-legal methods should be employed to curb ‘hateful extremism,’ and proposed the creation of a new framework to enable institutions and statutory bodies to respond to ‘hateful extremism.’⁹⁰

Published in February 2023, the Independent Review of Prevent conducted by Sir William Shawcross, expressed concerns that Prevent had overreached in some areas, and underreached in others. On one hand, the review concluded the programme was ‘not doing enough to counter non-violent Islamist extremism,’ arguing that it should not limit its interest to involvement in proscribed organisations, but also to non-violent domestic groups which ‘create an environment conducive to extremism.’⁹¹ In particular, the review raised concerns about the threat posed to freedom of speech by accusations of blasphemy and apostasy. A prominent example cited by the report is that of a non-Muslim school teacher from Batley, Yorkshire, who was forced into hiding after showing a cartoon of the Prophet Mohammed during a lesson on free speech. Shawcross wrote, ‘that a school teacher in a liberal democratic society was subject to threats and intimidation due to allegations of blasphemy is thoroughly shameful,’ and pointed to the potentially fatal consequences seen in the murder of French schoolteacher Samuel Paty, over similar allegations.⁹² Such examples demonstrate the negative impact extremism has on the freedoms of others, and poses a threat to the security of liberty that Shawcross argues should concern the state. ‘It is vital,’ he wrote, ‘that Prevent proactively seeks to address this ideological threat, given the serious challenge it poses to our national culture of free speech.’⁹³ The strategy must, he insisted, ‘give greater attention to so-called blasphemy narratives, which have a strong sectarian orientation and have consistently been connected to acts of terrorism.’⁹⁴ While Shawcross recommended that Prevent return to its original objective, of preventing ‘individuals from becoming terrorists or supporting

⁸⁶ Ibid., p. 16.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid., pp. 18, 90.

⁹¹ William Shawcross, *Independent Review of Prevent* (London: House of Commons, February 2023), p. 7.

⁹² Ibid., p. 147.

⁹³ Ibid.

⁹⁴ Ibid., p. 148.

terrorism,⁹⁵ he maintained that combatting the ‘ideological causes of terrorism’ was in line with this objective.⁹⁶

However, while the review concluded that Prevent had underreached with respect to Islamist extremism, it found that the programme had overreached with respect to far-right extremism. Shawcross noted that far right extremism was understood in such broad terms that it encompassed ‘mildly controversial or provocative forms of mainstream, right-wing leaning commentary that have no meaningful connection to terrorism or radicalisation.’⁹⁷ Prevent, he wrote, should ‘be consistent in the threshold it applies across ideologies to ensure a proportionate and effective response.’⁹⁸ However, in his examination of the material produced by the Home Office’s Research Information and Communications Unit (RICU), Shawcross concluded that this was not the case. While its material ‘related to Islamist terrorism’ focused on the ‘most serious material relating to violent Islamist ideology,’ he found that ‘much of the material covering Extreme Right-Wing [sic] falls well below the threshold for even non-violent extremism.’⁹⁹ This included books ‘by mainstream British conservative commentators’ and ‘historic works of the Western philosophic and literary canon.’¹⁰⁰ He concluded

I have seen nothing to suggest that RICU has formally adopted an official policy of applying radically different standards to different ideologies. In practice, however, the bar for what RICU includes on Islamism looks to be relatively high, whereas the bar for what is included on Extreme Right-Wing is comparably low.¹⁰¹

Shawcross therefore concluded that the appropriate balance between countering extremism and protecting freedom of thought and expression had not been achieved, not least as the inconsistency was found to be ‘out of kilter’ with terrorism statistics.¹⁰²

In March 2024, the Conservative government responded to the findings of the Commission for Countering Extremism (2021) and the Independent Review of Prevent (2023) by publishing a new definition of extremism. This updated the 2011 Prevent Strategy to reflect ‘the evolution of extremist ideologies and the social harms they create.’¹⁰³ This definition was explicitly intended to deal with the challenge that ‘most extremist materials and activities are not illegal and do not meet a terrorism or national security threshold.’¹⁰⁴ Such groups, the government explained, are ‘operating lawfully’ while ‘seeking to replace our democracy with an Islamist or Nazi society respectively.’¹⁰⁵ The guidance states that these extremists are ‘openly advocating for the erosion of our fundamental democratic rights,’ and that ‘Their aim is to subvert democracy.’¹⁰⁶ According to the definition guidance, such groups and individuals aim to: deny individuals their full rights and opportunities; suppress freedom of expression; incite hatred; erode democratic institutions, social capital and social cohesion; and, potentially, commit acts of terrorism.¹⁰⁷ In combination with ‘engagement principles’ for government bodies (which provide the framework recommended by the

⁹⁵ Ibid., p. 6.

⁹⁶ Ibid., p. 158.

⁹⁷ Ibid., p. 7.

⁹⁸ Ibid., p. 24.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., p. 25.

¹⁰² Ibid., p. 7.

¹⁰³ HM Government, *New Definition of Extremism* (March 2024).

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

Commission for Countering Extremism), the new definition intends to ensure government departments do not provide a platform for, fund, or legitimise, any extremist groups, organisations or individuals.¹⁰⁸ The definition is intended to complement the CONTEST strategy by combating extremism, religious hatred, and promoting social cohesion and ‘democratic resilience.’¹⁰⁹ Anticipating familiar concerns that overreach would result in censorship, the government insisted the new definition ‘does not seek to stymie free speech or freedom of expression,’ or classify conservative views as extremist. Rather, the government sought to quell these concerns with reassurances that the new definition reflects the findings of *Operating with Impunity* that it is ‘possible to protect freedom of expression whilst countering some of the dangerous extremist activity taking place in Britain.’¹¹⁰

Designed to provide the government with a tool to challenge *legal but harmful* activity, extremism is defined as ‘the promotion or advancement of an ideology based on violence, hatred and intolerance.’¹¹¹ This broad definition subdivides the aims of extremism into three categories: the negation of rights and freedoms; the subversion of liberal democracy; and the creation of a permissive environment for extremism to flourish. Each is addressed in turn. The first aim of extremism, according to the new definition, is to ‘negate or destroy the fundamental rights and freedoms of others.’ This includes behaviour against a group or its members to ‘negate or destroy their rights to live equally under the law and free of fear, threat, violence, and discrimination.’ Such behaviour would include ‘using, threatening, inciting, justifying, glorifying or excusing violence towards a group in order to dissuade them from using their legally defined rights and freedoms.’¹¹² The second aim is to ‘undermine, overturn or replace the UK’s system of liberal parliamentary democracy and democratic rights.’ As the definition includes detailed examples, it is necessary to cite them in full:

- Advocating that the UK’s parliamentary democracy and democratic values and rights are not compatible with their ideology, and seeking to challenge, overthrow, or change our political system outside of lawful means.
- Using, threatening, inciting, justifying, glorifying or excusing violence towards citizens, in order to dissuade them from participating freely in the democratic process.
- Subverting the way public or state institutions exercise their powers, in order to further ideological goals, for example through entryism, or by misusing powers or encouraging others to do so.
- Using, threatening, inciting, justifying, glorifying or excusing violence towards public officials including our armed forces, police forces and members of local, devolved or national legislatures, in order to dissuade them from conducting their obligations freely and fearlessly, without external interference.
- Establishing parallel governance structures which, whether or not they have formal legal underpinning, seek to supersede the lawful powers of existing institutions of state.¹¹³

Finally, the third aim is to ‘intentionally create a permissive environment for others to achieve the results of (1) or (2).’ This includes: providing an uncritical platform for extremist individuals or groups, as defined above; facilitating those individuals or groups through endorsement, funding or other forms of support; disseminating their propaganda and

¹⁰⁸ Ibid.; HM Government, *Government’s Principles of Engagement*, 14 March 2024.

¹⁰⁹ HM Government, *New Definition of Extremism*, March 2024.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

narratives; attempting to radicalise, indoctrinate or recruit others to such an ideology; ‘consistent association’ with individuals or groups that promote this ideology, ‘without providing critical challenge to their ideology or behaviour’; and a ‘refusal’ to ‘rescind, repudiate or distance themselves’ from the extremists’ behaviour.¹¹⁴

As guidance makes clear, the lawful exercise of freedom of thought, conscience, religion, expression, and association, or engaging in lawful debate, protest or campaign for a change in law, is not considered extremist.¹¹⁵ ‘However,’ it states, ‘the advancement of extremist ideologies and the social harms they create are of concern, and the government must seek to limit their reach, whilst protecting the space for free expression and debate.’¹¹⁶ In doing so, it seeks a

proportionate balance between protecting our democratic right to freedom of expression and belief, and not curtailing the civil liberties and rights of people in the UK, whilst safeguarding them and our democratic institutions against the wide-ranging harms of extremism.¹¹⁷

However, this runs into the familiar challenge of distinguishing extremist from legitimate expression. The guidance on the definition suggests that extremist activity is to be identified by its ‘actively repressive approach,’ rather than merely ‘strong opposition and dislike,’ which remains protected.¹¹⁸ Following the Commission for Countering Extremism’s recommendation, the new definition guidance states that intention is key to distinguishing extremist from non-extremist activity, insisting the definition should not capture

political parties that aim to alter the UK’s constitutional makeup through democratic means, or protest groups which at times may cross into disruption but do not threaten our fundamental rights, freedoms, or democracy itself. Lawful expression of one’s beliefs, for example advocating for changes to the law by Parliament, exercising the right to protest, or expressing oneself in art, literature, and comedy, is not extremism.¹¹⁹

However, the ‘*legal but harmful*’ conceptualisation of extremism, while serving to justify state interest in legal extremist activity, has proved pliable. This is attested to, not only by the findings of the Shawcross review, but also by recent examples from outside the narrow remit of counter-extremism policy, as new political contexts have emerged. These examples have prompted renewed concerns of illiberal overreach, raising the question – has the framing intended to justify state intervention as legitimate, in a manner that avoids the perception of overreach, in fact led to overreach? For example, an initial draft of the Conservative government’s Online Safety Bill (2021-23) explicitly used the phrase ‘legal but harmful.’ This legislation would have placed a duty on online platforms to remove content that may be considered harmful to adults.¹²⁰ While the wording was removed due to its impact on free speech, the Commission for Countering Extremism recommended a ‘legal framework for hateful extremism’ be incorporated into the legislation.¹²¹ In 2025, the Labour government reportedly considered reintroducing the ‘legal but harmful’ clause, before international

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ HM Government, *Overview of expected impact of changes to the Online Safety Bill*, 18 January 2023.

¹²¹ Commission for Countering Extremism, *Operating with Impunity*, p. 15.

pressure from the United States over free speech concerns led them to backtrack.¹²² Concerns of overreach, however, were reignited after the legislation came into effect in July 2025.¹²³

Another example of such overreach can be found in ongoing public debate over the reporting of Non-Crime Hate Incidents (NCHIs). The Stephen Lawrence Inquiry (1999) recommended the police formally log ‘racist incidents’ that did not meet the criminal threshold, prompting the College of Policing (CoP) to introduce NCHIs.¹²⁴ This category of reporting was created not by act of parliament, but by the CoP’s Hate Crime Operational Guidance (2014).¹²⁵ Hate incidents are defined as ‘any incident which the victim, or anyone else, thinks is based on someone’s prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.’¹²⁶ The highly subjective reporting and recording of NCHIs has resulted in a number of high profile instances of police overreach, most notably *Miller v College of Policing* (2021).¹²⁷ The Judge, Justice Julian Knowles, stated in *Miller*’s case

There was not a shred of evidence that the Claimant was at risk of committing a criminal offence. The effect of the police turning up at his place of work because of his political opinions must not be underestimated. To do so would be to undervalue a cardinal democratic freedom. In this country we have never had a Cheka, a Gestapo, or a Stasi. We have never lived in an Orwellian society.¹²⁸

With these concerns in mind, the Conservative Home Secretary Suella Braverman introduced guidance with the aim of reducing the policing of speech through NCHIs.¹²⁹ However, in 2025 a leaked Home Office report – ordered by Home Secretary Yvette Cooper to inform the development of a new counter extremism strategy – recommended increasing the reporting of NCHIs.¹³⁰

A final example can be found in the ongoing public debate to establish an official definition of Islamophobia. In 2018, the All Party Parliamentary Group on British Muslims (APPG) published a report defining Islamophobia as ‘rooted in racism and [...] a type of racism that targets expressions of Muslimness or perceived Muslimness.’¹³¹ While this report insisted that freedom of speech and ‘criticism of religion is a fundamental right in an open society,’ it sought to draw a distinction between legitimate ‘fair criticism’ of Islam and Islamophobic speech.¹³² The APPG drew on a series of ‘tests’ proposed by Tariq Modood, which would serve to ‘[assess] whether what we are dealing with is ‘reasonable criticism’ of

¹²² Nick Gutteridge, ‘Starmer backs down on free speech law that could harm Trump trade talks,’ *Daily Telegraph*, 5 April 2025.

¹²³ Frederick Attenborough, ‘Protest footage blocked as online safety act comes into force,’ *Free Speech Union*, 26 July 2025.

¹²⁴ David Spencer, *Non-Crime Hate Incidents: A chilling distraction from the public’s priorities* (London: Policy Exchange, 2024), p. 9.

¹²⁵ Radomir Tylecote, *An Orwellian Society: Non-Crime Hate Incidents and the policing of speech* (London: Free Speech Union, 2021), p. 3.

¹²⁶ David Spencer, *Non-Crime Hate Incidents*, p. 23.

¹²⁷ For example, journalist Allison Pearson taking legal action against Essex Police after they investigated her for a tweet; Allison Pearson, ‘Why I’ve decided to take legal action against the police,’ *Daily Telegraph*, 25 February 2025.

¹²⁸ *R (Miller) v College of Policing* [2020] EWHC 225 (Admin).

¹²⁹ College of Policing, *New Code and guidance for non-crime hate incidents* (2 June 2023).

¹³⁰ Charles Hymas, ‘Leaked dossier reveals Home Office plans to revive non-crime hate incidents,’ *Daily Telegraph*, 27 January 2025.

¹³¹ APPG on British Muslims, *Islamophobia Defined: The Inquiry into a working definition of Islamophobia* (London: November 2018).

¹³² *Ibid.*, p. 11.

Islam and Muslims or a veiled attempt at Islamophobic speech.’¹³³ Suggesting that they have been guided by the ‘harm principle’ when considering the ‘appropriate limits to free speech,’¹³⁴ the authors of the report conceptually associate race and religion, such that criticisms of beliefs can be understood as inflicting racist harm on individual Muslims. The report explains

Recourse to the notion of free speech and a supposed right to criticise Islam results in nothing more than another subtle form of anti-Muslim racism, whereby the criticism humiliates, marginalises, and stigmatises Muslims.¹³⁵

Examples of such speech cited in the report include the claim that ‘Mohammed is a paedophile,’ as it is intended to harm ‘individual Muslims, and is not rooted in any meaningful theological debate but rather in a racist attempt to ‘other’ Muslims in general...’¹³⁶ Other examples of Islamophobic speech include the use of ‘symbols and images associated with classic Islamophobia,’ such as the claim that Islam was spread by the sword.¹³⁷ This definition, which was rejected by the Conservative government but adopted by the Labour party in 2019,¹³⁸ has been widely criticised by secular and religious organisations, atheists and dissenting Muslims, over concerns that its expansiveness poses a threat to freedom of speech, will prevent criticism of Islam, and constitute a ‘backdoor blasphemy law.’¹³⁹ Former head of Counter-Terrorism at Scotland Yard, Richard Walton, expressed concerns that the definition would ‘cripple’ counter terrorism, while former Independent Reviewer of Counter Terror Legislation (2001-2011) Lord Carlile of Berriew KC, likewise, wrote that the official adoption of this definition could lead to counter-terrorism policy being ruled unlawful.¹⁴⁰ Indeed, Lord Carlile remarked, ‘the last thing Sara Khan and her Commissioners need is a definition of the kind proposed by the APPG.’¹⁴¹ Further concerns were raised that the definition could strengthen extremists by stifling the voices of Muslim dissenters and critics.¹⁴² Adding to these concerns, in June 2025, a Turkish-born dissident burned a Quran outside of the Turkish Embassy in London, protesting the influence of sharia law on the Turkish government. He was convicted of a religiously aggravated public order offence.¹⁴³ The judge ‘did not accept’ the defence that his actions were intended as a criticism

¹³³ The five ‘test’ questions Modood proposed applying were: Does it stereotype Muslims by assuming they all think the same? Is it about Muslims or a dialogue with Muslims, which they would wish to join in? Is mutual learning possible? Is the language civil and contextually appropriate? Are there insincere or ulterior motives?; *ibid.*, p. 26.

¹³⁴ *Ibid.*, p. 11.

¹³⁵ *Ibid.*, p. 35.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, p. 57.

¹³⁸ ‘Government rejects Islamophobia definition ahead of debate,’ *BBC News*, 15 May 2019.

¹³⁹ Emma Webb ed. *Islamophobia: An Anthology of Concerns* (London: Civitas, 2019); National Secular Society, *Government launches ‘Islamophobia’ definition working group*, 3 March 2025; Ethan Croft, ‘Labour Islamophobia definition risks ‘blasphemy law by the back door,’ *Daily Telegraph*, 1 March 2025; Tim Dieppe, *Banning Islamophobia: Blasphemy Law by the Backdoor* (London: Free Speech Union, 2024); Haroon Siddique, ‘What is Islamophobia and why does the Tory government not accept definition?’ *The Guardian*, 27 February 2024; Gush Bhumbra, *Written Evidence to the Home Affairs Select Committee on Islamophobia (HCL0040)*; Institute for the Study of Civil Society (Civitas), *Written Evidence to the Home Affairs Select Committee on Islamophobia (HCL0043)*.

¹⁴⁰ Richard Walton and Tom Wilson, *Islamophobia – Crippling Counter-Terrorism* (London: Policy Exchange, 2019), p. 4.

¹⁴¹ *Ibid.*

¹⁴² Policy Exchange, *Written Evidence to the Home Affairs Select Committee on Islamophobia (HCL0038)*, para. 3.5.

¹⁴³ Tony Grew, ‘Man fined for ‘provocative’ Quran burning,’ *BBC News*, 2 June 2025.

of Islam, rather than as an attack on Muslims.¹⁴⁴ The leader of the Opposition, Kemi Badenoch, criticised the verdict as introducing ‘de facto blasphemy law’ against the ‘inalienable’ right to freedom of belief or unbelief.¹⁴⁵ Coskun has since been acquitted; although the Crown Prosecution Service sought to overturn the acquittal, it was ultimately unsuccessful.¹⁴⁶

Indeed, despite the conclusion drawn by Merkel and Cameron more than a decade earlier that multiculturalism had failed, it continues to be restated and debated. In 2023, for example, during a speech in the United States the Conservative Home Secretary Suella Braverman described multiculturalism as a ‘misguided dogma’ that was ‘undermining the stability and threatening the security of society.’¹⁴⁷ Braverman was criticised by Conservative MPs, including then Prime Minister Rishi Sunak, who rejected her claim.¹⁴⁸ After a quarter of a century, despite the flux of policy in this area, the problem of extremism has not abated—indeed, it has arguably worsened.¹⁴⁹ The same difficulties in justifying the legitimacy of the state imposing itself on illiberal minorities in defence of liberty, and the same concerns of over- and underreach, are repeated. This is most evident in the handling of so-called ‘hard cases’: that is, those behaviours (whether speech or action) which, though not illegal, the state regards as subversive or harmful (a threat to liberty and tolerance, and corrosive to liberal democracy more broadly). They are ‘hard’ precisely because they comprise the challenge with which the paradox of tolerance is concerned; these are the cases which ‘[exploit] the right to disagree that is inherent in democracy.’¹⁵⁰

In the chapters that follow, the existence of such cases is not to be understood as pointing to some inherent or insuperable deficiency in the political philosophical perspectives that have dominated policy thinking; the possibility of such cases is the price of the free society. There are no ‘hard cases’ in authoritarian regimes because tolerance is absent. Rather, how ‘hard cases’ are handled is taken to be *revealing*. All political perspectives in a liberty-respecting society must confront hard cases, but different philosophical approaches have respective weaknesses in dealing with them, as I shall argue in subsequent chapters. They offer a window into the philosophical tensions, inconsistencies and contestation that direct the flow of policy in this area. On the surface, policy appears dynamic and ever-changing, but the same philosophical tensions lie beneath, resulting in repetition of the same difficulties over time.

Responding to the Problem

This is ‘the problem’ to which this thesis seeks to respond: How can the British state secure liberty without subverting its own foundational liberal commitment to tolerance? Is the privileging of a public doctrine an intolerant imposition, or is it conducive to securing liberty? While all governance requires pragmatic judgements, balancing principles, and perfect solutions will always lie beyond reach (as argued in Chapter Five), we can nevertheless look to identify sources of tensions that may be restraining policy in this area, and expand the philosophical horizon of the policy debate in search of a resolution that will

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ ‘CPS loses bid to overturn Quran burner’s acquittal,’ *BBC News*, 27 February 2026.

¹⁴⁷ Sophie Wingate, ‘Braverman: Multiculturalism has ‘failed’ and threatens security,’ *The Independent*, 26 September 2023.

¹⁴⁸ Ben Quinn, ‘Rishi Sunak rejects Braverman claim multiculturalism has failed,’ *The Guardian*, 28 September 2023.

¹⁴⁹ ‘UK National Threat Level raised to SEVERE,’ HM Government, 1 May 2026.

¹⁵⁰ Revel, *How Democracies Perish*, pp. 4-5.

ease them. In response, therefore, the purpose of this thesis is twofold: first, to understand the dynamics of ‘the problem’ through an examination of its philosophical foundations (Chapters Two to Four). Second, to carve a novel path forward (Chapter Five). This thesis, firstly, contends that the philosophical foundations of the policy debate contribute to difficulties in effectively securing liberty. Secondly, it argues that there are under-utilised philosophical and theological resources within the British political tradition that can ameliorate some of the underlying tensions to better secure liberty.

Before proceeding, it is necessary to provide two brief notes. Firstly, at the heart of this debate is the question of whether a tolerant state must be *neutral*, or whether the defence of liberty would benefit from the privileging of a supportive *public doctrine*. The use of these terms require clarification. ‘Neutral’ is used to refer to a deontologically neutral state that seeks to prioritise the right over the good (a *political* conception), in contrast to one which justifies its policies according to a substantive conception of the good (a *comprehensive* conception). The scope of the political conception is limited to matters of public justice, as we shall see in the discussion of Rawls in Chapter Three; it is a state which does not take a comprehensive position on the good, and being agnostic between philosophical or religious doctrines, would regard it as an illegitimate coercive imposition if the state were to ask a person or group of people to profess, accord with, or assimilate to, a particular doctrine. While it maintains philosophical and religious neutrality, this does not mean the state is *morally* neutral.¹⁵¹

A further distinction can be made between neutrality and impartiality. Jonathan Quong’s distinction between *perfectionist* and *anti-perfectionist* helps us to understand this difference. Perfectionist state policies have the *effect* of encouraging or promoting a particular way of life over others, while state policies that are impartial in effect are anti-perfectionist. By distinguishing between justification and intent, Quong clarifies that a state which privileges a comprehensive doctrine need not be coercive (perfectionist).¹⁵² Rather, a doctrine can be comprehensive and anti-perfectionist – that is, the impartiality of state policies may be justified by appealing to a particular conception of the good. Throughout the thesis ‘neutral,’ therefore, is used with the deontological sense (associated with the political conception) to be distinguished from ‘impartiality’ which is used to refer to even-handedness (associated with anti-perfectionism).

For further conceptual clarity, Quong’s political philosophical terminology (*perfectionist* and *anti-perfectionist*) must be distinguished from the political theological terms *perfectible* (the belief that society can be perfected by human effort) and *imperfectible* (the belief that it cannot, due to original sin). A ‘politics of imperfection,’ for example, as argued for in Chapter Five, is an approach that rests on a belief in *imperfectibility*. These theological perspectives, as I shall argue, have political implications for the degree to which a comprehensive doctrine, when privileged, is coercive; for example, a belief in perfectibility lends itself to coercive perfectionist policy. Finally, we can distinguish between neutrality of intent and effect; a state may *intend* to maintain neutrality (or impartiality) but fail in execution, as I argue in Chapter Three, it inevitably does. This thesis will argue that the state cannot be neutral, but that a degree of impartiality can be supported by a privileged public doctrine that secures liberty. ‘Public doctrine’ is used to refer to a constellation of

¹⁵¹ Quong illustrates this with the claim ‘Bob has a right to that banana.’ It is a moral claim about Bob’s moral status, but it does not imply anything ‘about what has inherent or intrinsic value in human life, nor are any metaphysical beliefs invoked or entailed in making this statement about Bob and the banana.’ Even a state that seeks doctrinal neutrality will make certain moral assumptions pertaining to justice. Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), p. 14.

¹⁵² Quong, *Liberalism without Perfection*, pp. 14, 19.

metaphysical, anthropological, epistemological, eschatological and ethical assumptions. A 'public doctrine' may be religious or secular, more or less comprehensive, more or less coercive, perfectionist or anti-perfectionist. This thesis argues that not all public doctrines are conducive to supporting or justifying the defence of liberty when privileged by the state or informing policy thinking; indeed, some may be detrimental to that end.

Secondly, it is necessary to note what is meant by 'political theology,' and why this thesis regards it as a valuable resource. Political theology can be understood in several ways. In the broadest sense, as Eric Gregory writes, 'political theology' may refer to anything to do with religion and politics, focusing on 'power, legitimacy and church-state issues regarding liberty and accommodation.'¹⁵³ Michael Kessler, for example, describes it as 'the collection of stories we tell ourselves about our nature as humans, our aspirations for order and justice in light of the sacred, and what, thereby, constitutes and limits legitimate rule over our collective lives.'¹⁵⁴ Another understanding, as Luke Bretherton notes, has been associated with those who 'raid the Christian archive to furnish themselves with categories and concepts for reflection on modern politics,' in acknowledgement that 'much of the language and conceptual grammar of political life has its roots in theological beliefs and practices.'¹⁵⁵ The father of this type of political theology, Carl Schmitt, writes 'All significant concepts of the modern theory of the state are secularized theological concepts not only because of their historical development – in which they were transferred from theology to the theory of the state [...] but also because of their systematic structure.'¹⁵⁶ This broadly aligns with an understanding characterised by Gregory as that which '[identifies] shared concepts between political philosophy and theology, and then makes inferences about both by tracing how theological beliefs, practices and innovations have illuminated changes in political ideals and arrangements.'¹⁵⁷ In this respect, political theology, writes Bretherton, is not synonymous with 'Christian political philosophy' because that would fail to 'capture the ways non-Christians have taken up the theological archive for reflection on politics.'¹⁵⁸ However, beyond this 'postsecular' or 'nonconfessional approach,' is political theology understood as 'reflection on the nature and form of political life in response to Jesus Christ as the revelation of God.'¹⁵⁹ This is, Bretherton writes,

woven into and out of the theological anthropology, that is, the articulation of what humans are as creatures and sinners who are redeemed and fulfilled in and through Jesus Christ and in the power of the Holy Spirit. Theological anthropology constitutes the normative basis of political theology.¹⁶⁰

Nicholas Wolterstorff describes political theology 'not [as] a branch of theology, but a species of political theory, namely *theological* political theory.'¹⁶¹ That is, while confessional, its

¹⁵³ Eric Gregory, 'Christianity and the Rise of the Democratic State,' in Michael Kessler ed. *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), p. 100.

¹⁵⁴ Michael Kessler, 'Introduction,' in *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), p. 1.

¹⁵⁵ Luke Bretherton, *Christ and the Common Life: Political Theology and the Case for Democracy* (Michigan: Wm. B. Eerdmans Co., 2019), pp. 23-24.

¹⁵⁶ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 1985), p. 38.

¹⁵⁷ Gregory, 'Christianity and the Rise of the Democratic State,' p. 100.

¹⁵⁸ Bretherton, *Christ and the Common Life*, p. 24.

¹⁵⁹ *Ibid.*, pp. 21, 24.

¹⁶⁰ *Ibid.*, p. 21.

¹⁶¹ Nicholas Wolterstorff, *The Mighty and the Almighty: An Essay on Political Theology* (Cambridge: Cambridge University Press, 2014), p. 112.

subject is ‘not God but the state.’¹⁶² Similarly, the ‘truer’ sense of the term, Gregory writes, is more ‘theologically ambitious’ and relates to the ‘political interpreted theologically.’¹⁶³ This latter understanding ‘resists the reduction of religion to morality and the general suspicion of God-talk,’ he writes, and is ‘unapologetically *theological* political theology.’¹⁶⁴

This thesis does not limit itself to a single understanding of political theology. Rather, it concurs with Paul Billingham and Jonathan Chaplin, when they note that there has emerged a ‘rich and extensive literature’ both political and theological, in response to the ‘normative political questions generated by the deepening religious diversity of both Western and non-western societies,’ and political theory would be strengthened if it engaged with ‘religious contributions to normative theorizing’ on contemporary debates that are ‘increasingly being shaped by religion.’¹⁶⁵ At points, therefore, the argument of this thesis draws attention to the theological origins of political philosophical approaches; at others, it argues that political theology can play an integral role in finding a solution to ‘the problem,’ by supplying corrections at a foundational – that is, anthropological, metaphysical and eschatological – level. In the former sense, it draws on nonconfessional historical arguments, but in the latter, leans toward the confessional. Overall, the approach of this thesis may be best described, in Bretherton’s words, as ‘Christian political philosophy’ or in Wolterstorff’s as ‘*theological* political theory.’

Chapters Two and Three identify the philosophical sources of ‘the problem’ in multiculturalism and liberalism, drawing the provisional conclusion that liberty is better secured by a supportive public doctrine. Chapter Four introduces a recent interlocutor in British public debate – Critical Race Theory – that offers a radical repudiation of the inherited order; we argue that its conception of freedom as *liberation from* the inherited order threatens the conditions upon which liberty depends. The argument culminates in Chapter Five, which contends that liberty must be secured *within* the inherited order. This chapter argues that a theologically qualified traditional conservatism – privileging Christianity as an anti-perfectionist public doctrine – can ameliorate some of the philosophical difficulties that affect policy in this area, to enable a more confident defence of liberty. In Chapter Six, we conclude by reflecting on the policy debate in light of our conclusions, suggesting a paradigm shift in how the problem can be approached by policymakers.

¹⁶² Ibid.

¹⁶³ Gregory, ‘Christianity and the Rise of the Democratic State,’ p. 101.

¹⁶⁴ Ibid.

¹⁶⁵ Paul Billingham and Jonathan Chaplin, ‘Introduction to the Special Issue on Religious Diversity, Political Theory, and Theology: Public Reason and Christian Theology,’ *Social Theory and Practice*, Vol. 47, No. 3, pp. 451, 455.

2. Multiculturalism

As outlined in Chapter One, policymakers explicitly reference multiculturalism and liberalism as the two philosophical approaches underpinning the policy debate. In the sources, these poles are presented as more or less binary, characterised on one hand by the ‘hands off tolerance’ of relativistic multiculturalism, and on the other, by the normatively-assertive ‘hands on tolerance’ of muscular liberalism. However, as we shall see through an examination of the underlying academic debates within, and between, these two approaches, the intellectual terrain is far more nuanced than the policy debate’s caricature suggests. As George Crowder explains, multiculturalism has often been associated by its critics with the idea that

truth or morality is relative to culture, that each culture has its own standards of truth or moral rightness, and that consequently all cultures are equal in moral and intellectual status. If that is so then it seems to follow that all cultures should be accorded equal respect. Where multiple cultures are present in the same society none is more authoritative than any other and all should be recognized equally.¹⁶⁶

However, although it is this ‘popular’ impression of multiculturalism that muscular liberal policy assumes as its adversary, multiculturalist approaches are less straightforwardly relativistic in their intention than this suggests. Indeed, the opposition between the two approaches is more nuanced. **C**onsidering questions of ‘harm’ from different philosophical vantage points, both liberal and multicultural approaches have advocates for limited state-intervention, as well as those who argue for a more muscular approach. Indeed, some theorists have more in common with opponents of their approach than its allies. The protracted debate between Will Kymlicka, whose multicultural approach is minimally assertive, and Chandran Kukathas, whose liberal perspective illustrates the extremity of normative withdrawal, provides just one example of how ‘popular’ expectations can be subverted by the realities of the underlying academic debate.

Rather than straightforward relativism, multiculturalist approaches are characterised by the value they place in cultural ‘recognition,’ which they regard as vital for human flourishing and integral to equal citizenship. Rather than advocating for a ‘hands off’ approach, therefore, multiculturalists hold that the state should actively seek to remedy the cultural injustice that results from misrecognition. Machteld Zee notes that the objective of multiculturalism is to construct a society which reduces the harm caused by a lack of recognition.¹⁶⁷ Multicultural theorist Tariq Modood similarly explains that ‘accommodation and recognition are what multiculturalism is about.’¹⁶⁸ Even though, as we shall see, the multiculturalists discussed accept that recognition must be limited, and balanced with other considerations, it remains a central – if not *the* central – concept of this approach. The imperative of recognition is the rationale for accommodation, and, without it, there can be no cultural injustice that requires a group-focused remedy. In addition to justifying remedial action, the imperative of recognition restrains the authority of the state from asserting one public doctrine (such as liberalism) over and against the comprehensive doctrines held by its citizens, even where such doctrines conflict with established political and cultural norms – to do so would be to violate group authenticity, deny them recognition, and undermine their equal citizenship. The ‘hard cases’ for this approach, therefore, are those in which a claim for group recognition conflicts with individual liberties. In such cases, where multiculturalists

¹⁶⁶ George Crowder, *Theories of Multiculturalism* (Cambridge: Polity, 2013), p. 17.

¹⁶⁷ Machteld Zee, *Choosing Sharia? Multiculturalism, Islamic Fundamentalism & Sharia Councils* (The Hague: Eleven International Publishing, 2016), p. 12.

¹⁶⁸ Tariq Modood, *Multiculturalism: A Civic Idea* (Cambridge: Polity, 2013), p. 156.

seek to balance the requirement of recognition with other principles – such as freedom of speech or conscience – they open themselves to the charge that they, like muscular liberals, are guilty of denying recognition and undermining equal citizenship. It is multiculturalists' handling of these 'hard cases,' rather than softer multicultural policies (such as funding of faith schools and minority-group community centres, state consultation with religious and ethnic bodies, and court translation) that concern us, because they reveal the tensions within the approach with respect to 'the problem' encapsulated by the 'paradox of tolerance.'

This chapter first provides a preliminary outline of how 'recognition' is understood, and its centrality within this approach, through the influential account of Charles Taylor. Second, it provides an exegesis of the perspectives of prominent multiculturalist theorists – Will Kymlicka, Bhikhu Parekh and Tariq Modood – and assesses the strength of their response to 'hard cases,' revealing the tension between the imperative of equal recognition and individual liberties. The reasons for focusing on these thinkers are as follows: Kymlicka and Parekh represent a liberal and non-liberal multicultural perspective, respectively, illustrating a spectrum within the approach; Parekh, furthermore, offers criticisms of Kymlicka's argument that provide points of reference for an assessment of his own argument; while Kymlicka (like Taylor) is a Canadian rather than British theorist, his liberal argument directly engages Chandran Kukathas, and therefore provides a helpful point of comparison in the subsequent chapter; and finally, Modood, as a British theorist, has directly engaged with, and provides a more nuanced approach to, the policy debates outlined in Chapter One. Together with the arguments examined in Chapter Three, the choice of thinkers allows us to survey the tensions within, and between, the approaches underlying the policy debate outlined in Chapter One. Third, we explore theological support for the multicultural perspective, focusing particularly on the prominent contribution of Jonathan Chaplin. Theological contributions to political philosophical arguments vary by approach. In the case of multiculturalism, political theology is particularly pertinent because the former's emphasis on recognition tends away from the privatising of religious sentiments. From its post-secular perspective, multiculturalism is *de facto* open to perspectives of faith, and as Gerard Ryan has argued, theological contributions may have the potential to contribute to a more rounded theory of recognition.¹⁶⁹ Chaplin's argument, moreover, provides a point of reference for continuing discussion of theological perspectives on liberal public reason in Chapter Three. Finally, we conclude that multiculturalists' struggle to respond to 'hard cases' in a manner consistent with the requirement of recognition threatens the security of individual liberty. While all multiculturalists ultimately accept the need to limit recognition, balancing it with other considerations (autonomy, freedom of conscience, religion, speech, sex-based rights), the importance they place on recognition as integral to equal citizenship, and the moral seriousness they attribute to its denial, weakens the assurances they can provide to secure individual liberty against the demands of the group.

Multiculturalism as a Politics of Recognition

In his influential 1992 essay, Charles Taylor identifies the importance of 'recognition' as central to the multiculturalist approach, and alleviating the harm inflicted by misrecognition as its central concern. While ideas about 'recognition' have a long and varied history prior to Hegel, it is the influence of his novel notion of the intersubjectively constituted self that is

¹⁶⁹ Gerard Ryan, 'Charles Taylor and the Political Recognition of Difference as a Resource for Theological Reflection on Religious Recognition,' *Open Theology*, Vol. 2 (2016), p. 907.

particularly relevant here.¹⁷⁰ In contrast to the atomised ‘hypostatized state of nature’ associated with liberal anthropology, Hegel and his heirs regard humans as fundamentally intersubjective beings, formed in and through their relationships with others. There are no asocial self-interested beings; there is no primordial state of nature governed only by strategic considerations. Human beings are always already social, and their social interactions, according to Hegel, are always already ethical.¹⁷¹ The self is thus dialectically, relationally and reciprocally constituted. Stephen Houlgate, who emphasises the phenomenological significance of Hegel’s position, explains that ‘*self-consciousness does not come first*, but emerges from and is inseparably connected to consciousness of what is *other* than the self.’¹⁷² In Hegel’s words, it is not merely that ‘Self-consciousness achieves its satisfaction only in another self-consciousness,’ but that self-consciousness ‘exists only in being acknowledged.’¹⁷³ There is, therefore, no ‘self’ prior to relations with others.

While Alex Honneth is critical of Taylor identifying the struggle for recognition with normative modern multicultural identity politics,¹⁷⁴ his description of the relationship between recognition and self-esteem nonetheless sheds light on the value multiculturalists place in recognition. Honneth writes

The connection between the experience of recognition and one’s relation-to-self stems from the intersubjective structure of personal identity. The only way in which individuals are constituted as persons is by learning to refer to themselves, from the perspective of an approving or encouraging other, as beings with certain positive traits and abilities. The scope of such traits – and hence the extent of one’s positive relation-to-self – increases with each new form of recognition that individuals are able to apply to themselves as subjects. In this way, the prospect of basic self-confidence is inherent in the experience of love; the prospect of self-respect, in the experience of legal recognition; and finally, the prospect of self-esteem, in the experience of solidarity.¹⁷⁵

These patterns of positive recognition, for Honneth, are necessary pre-requisites for self-realisation.¹⁷⁶ The converse of this is implied by the phenomenological seriousness of recognition in the constitution of the self according to Hegel. As Taylor explains,

a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible

¹⁷⁰ See Risto Saarinen, *Recognition and Religion: A Historical and Systematic Study* (Oxford: Oxford University Press, 2016), p. 215; Maijastina Kahlos, Heikki J. Koksinen, and Ritva Palmén, eds. *Recognition and Religion: Contemporary and Historical Perspectives* (London: Routledge, 2019).

¹⁷¹ D. Clifton Mark, ‘Alex Honneth, *The Struggle for Recognition*,’ in Jacob Levy ed. *The Oxford Handbook of Classics in Contemporary Political Theory* (Oxford: Oxford University Press, 2016); cf. Alex Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity: 1996), p. 7-10.

¹⁷² Stephen Houlgate, ‘Why does the development of self-consciousness in Hegel’s “phenomenology” make “recognition” necessary?’ *Archivo di Filosofia*, 2009, Vol. 77, No.2/3 (2009), p. 19.

¹⁷³ Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford University Press, 1977), pp. 110-111.

¹⁷⁴ These are beyond the scope of the present chapter but see e.g. D. Clifton Mark, ‘Alex Honneth, *The Struggle for Recognition*.’

¹⁷⁵ Alex Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity: 1996), p. 173.

¹⁷⁶ *Ibid.*, p. 174.

picture of themselves. Nonrecognition or misrecognition can inflict harm, be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.¹⁷⁷ Misrecognition, therefore, has existential ramifications that are far worse than failing to show ‘due respect’ – it produces a malign contortion of the self.¹⁷⁸ ‘It can inflict a grievous wound,’ writes Taylor, ‘saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe to people. It is a vital human need.’¹⁷⁹ Thus, if the self is relationally constituted, and relations are shaped by a particular culture, the self is not prior to culture, and culture is an integral part of the authentic constitution of the self. Recognition of culture, thus, becomes fundamental to self-realisation.

Taylor sees the historical emergence of the ‘politics of recognition’ – with its respect for authenticity— in both the ‘politics of equal dignity,’ with its commitment to individual rights, and the ‘politics of difference.’ At the end of the eighteenth century, he argues, individualised identity emerged alongside ‘an ideal, that of being true to myself and my own particular way of being.’¹⁸⁰ Human beings came to be understood as possessing a moral ‘voice within.’¹⁸¹ From this intuitive understanding of conscience, Taylor argues, the idea of authenticity developed.¹⁸² As the ‘moral accent’ became displaced, feelings came to take on ‘independent and crucial moral significance’ as ‘something we have to attain if we are to be true and full human beings.’¹⁸³ Just as previously the relationship with God was considered ‘essential to full being,’ Taylor argues, this ‘subjective turn in moral culture, a new form of inwardness’ gave primary importance to the connection with one’s inner self.¹⁸⁴ Taylor writes

This powerful moral ideal has come down to us. It accords moral importance to a kind of contact with myself, with my own inner nature, which it sees as in danger of being lost, partly through the pressures toward outward conformity, but also because in taking an instrumental stance toward myself, I may have lost the capacity to listen to this inner voice. It greatly increases the importance of this self-contact by introducing the principle of originality; each of our voices has something unique to say. Not only should I not mold my life to the demands of external conformity; I can’t even find the model by which to live outside myself. I can only find it within.¹⁸⁵

The new salvation was to be found by ‘recovering authentic moral contact with ourselves.’¹⁸⁶ Taylor identifies Johann Gottfried Herder as an important progenitor of this outlook, because of his view that human beings each have ‘an original way of being human.’¹⁸⁷ As the Herderian anthropology of cultural embeddedness sits comfortably with the Hegelian priority of relationality, Herder is often cited by multiculturalist thinkers. Parekh, for example, praises him for making the cultural community the ‘starting point of moral and political philosophy,’¹⁸⁸ writing that for Herder

¹⁷⁷ Charles Taylor, *Multiculturalism and “the Politics of Recognition”* (Princeton, NJ: Princeton University Press, 1992), p. 25.

¹⁷⁸ *Ibid.*, p. 26.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*, p. 28.

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*, p. 29.

¹⁸⁵ *Ibid.*, p. 30.

¹⁸⁶ *Ibid.*, p. 29.

¹⁸⁷ *Ibid.*, p. 30.

¹⁸⁸ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Hampshire: Palgrave Macmillan, 2006), p. 67.

the influence of culture permeated the individual's ways of thinking, feeling and judging, food, clothes, bodily gestures, way of talking, and manner of holding himself or herself together, pleasures, pains, values, ideal, dreams, nightmares, forms of imagination, and aesthetic and moral sensibilities. Human beings felt at home and realized their potential only within their own culture and were awkward and profoundly disoriented outside of it...¹⁸⁹

As 'no man could be outside of his cultural community,' writes Parekh, 'membership of it was a basic human need just as much as food or physical security.'¹⁹⁰ Culture, in other words, came to participate in the existential seriousness of recognition for the intersubjectively constituted self.

As Isaiah Berlin explains, Herder's pluralism was not a mere observation of multiplicity, but a belief in the 'incommensurability' and 'incompatibility' of the 'equally valid ideals' and values of different cultures and societies.¹⁹¹ By implication, there could be no universal standard for all.¹⁹² Reflecting on Herder's description of cultures as being 'like flowers in a garden,' Parekh observes that he had an almost 'religious reverence for diversity.'¹⁹³ However, Herder's perspective does not lead inevitably to the view that it is good for a diversity of cultures to co-exist within a single country. In fact, it is possible to draw the opposite conclusion, that unique cultures should be protected from dilution or extinction, just as a botanist might wish to protect the diversity of plant species that can only survive in separate habitats.¹⁹⁴ Nevertheless, as Crowder notes, this 'conception of cultures as incommensurable wholes, impervious to criticism from the outside, is a staple assumption of cultural relativism.'¹⁹⁵ As we shall see from the approaches discussed below, the view that human beings are culturally embedded, and that recognition of a person's culture is fundamental to their wellbeing or self-realisation, is a shared tenet of multicultural approaches, even where they do not subscribe to cultural relativism.

The basis of a multiculturalist critique of muscular – assimilationist – liberalism can be glimpsed, as Taylor writes,

With the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of this individual or group, their distinctiveness from everyone else. The ideal is that it is precisely this distinctiveness that has been ignored, glossed over, assimilated to a dominant majority identity. And this *assimilation is the cardinal sin against the ideal of authenticity*.¹⁹⁶

In other words, to treat everyone identically is to deny them recognition of their differences; assimilation is oppressive, as it erases authentic identities by subsuming and disfiguring them. As redistributive action came to be accepted as a means of securing equality for those held back from accessing their rights due to socioeconomic factors, Taylor argues that differential treatment can be similarly applied to secure equality for those similarly hampered by cultural factors.¹⁹⁷ This, he argues, is consistent with respecting the dignity of persons. From the perspective of the 'politics of recognition,' the difference blind principle of equal dignity

¹⁸⁹ Ibid., p. 69.

¹⁹⁰ Ibid.

¹⁹¹ Isaiah Berlin, *Three Critics of the Enlightenment: Vico, Hamann, Herder* (London: Pimlico, 2013), pp. 218-219.

¹⁹² Ibid., p. 219.

¹⁹³ Parekh, *Rethinking Multiculturalism*, p. 69.

¹⁹⁴ Ibid., p. 71.

¹⁹⁵ Crowder, *Theories of Multiculturalism*, p. 24.

¹⁹⁶ My emphasis; Taylor, *Multiculturalism and "the Politics of Recognition,"* p. 38.

¹⁹⁷ Ibid., p. 39.

‘negates identity by forcing people into a homogenous mold that is untrue to them.’¹⁹⁸ Taylor writes

This would be bad enough if the mold were itself neutral [...] But the complaint generally goes further. The claim is that the supposedly neutral set of difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture [...] only minority or suppressed cultures are being forced to take alien form. Consequently, the supposedly fair and difference-blind society is not only inhuman [...] but also, in a subtle and unconscious way, highly discriminatory.¹⁹⁹

This, he writes, underpins the suspicion that liberalism may indeed be ‘a particularism masquerading as the universal,’²⁰⁰ and does not offer – as it professes – neutral common ground upon which all cultures can co-exist.²⁰¹ Using the fallout from the 1988 publication of the *Satanic Verses*, a notorious ‘hard case’ demonstrating the conflict between Islamic blasphemy laws and Western liberal freedom of expression, as an example, Taylor argues that liberalism is not as neutral as many of its proponents assume. Many Muslims, he argues, are more keenly aware that

Western liberalism is not so much an expression of the secular, postreligious outlook that happens to be popular among liberal *intellectuals* as more an organic outgrowth of Christianity [...] The division of church and state goes back to the earliest days of Christian civilization [...] The very term *secular* was originally part of the Christian vocabulary.²⁰²

Thus, according to this view, difference-blind liberalism is not as universal, or neutral, as liberal theorists claim. Instead, it is an oppressive imposition of a comprehensive doctrine on cultural minorities, which denies them recognition, distorting or inhibiting the realisation of their authentic self. As Taylor writes, this ‘can inflict damage on those who are denied it [...] The projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized.’²⁰³ Minorities must, therefore, struggle to resurrect their authentic self-image. Drawing a comparison with post-colonial arguments, Taylor points to Frantz Fanon’s perspective as an illustration of this struggle; the colonised person must purge themselves of the deprecating image imposed on them by the coloniser.²⁰⁴ Mirroring decolonisation, practical ‘recognition’ in diverse societies means altering the curriculum, replacing the canon of ‘dead white males’ with women, ethnic and cultural minorities, developing Afrocentric rather than Eurocentric resources for black students.²⁰⁵ This is because excluded minorities are, ‘either directly or by omission,’ given a ‘demeaning picture of themselves, as though all creativity and worth inhered in males of European provenance.’²⁰⁶ Taylor writes

Enlarging and changing the curriculum is therefore essential not so much in the name of a broader culture for everyone as in order to give due recognition to the hitherto excluded. The background premise of these demands is that recognition forges identity, particularly in its Fanonist application: dominant groups tend to entrench their

¹⁹⁸ Ibid., p. 43.

¹⁹⁹ Ibid.

²⁰⁰ Ibid., p. 44.

²⁰¹ Ibid., p. 58; one example Taylor notes specifically is the lack of universal acceptance of the liberal distinction between public and private.

²⁰² Ibid., p. 62.

²⁰³ Ibid., p. 36.

²⁰⁴ Fanon is discussed in Chapter Four; Taylor, *Multiculturalism and “the Politics of Recognition,”* p. 65; Frantz Fanon, *The Wretched of the Earth* (London: Penguin, 2001).

²⁰⁵ Taylor, *Multiculturalism and “the Politics of Recognition,”* p. 65.

²⁰⁶ Ibid.

hegemony by inculcating an image of inferiority in the subjugated. The struggle for freedom and equality must therefore pass through a revision of these images. Multicultural curricula are meant to help this process of revision'²⁰⁷

This rests on the idea that diverse cultures will be 'on more or less the same footing' if 'distorting factors' are removed.²⁰⁸

One possible means of removing those distorting factors could be the normative withdrawal of the state to avoid the imposition of any comprehensive vision of the good – liberal, or otherwise. As we shall see in Chapter Three, this raises a host of problems. This, however, is not the approach taken by Taylor or fellow multiculturalists, who are not opposed to the state taking morally thick and contestable, even coercive, actions in order to remedy what they perceive as cultural injustice. However, it must be noted that Taylor's position is not relativistic, presuming equal value of all cultures; he insists that his approach does not require a 'favourable judgement on demand,' on the grounds that this would be demeaning, rather than constituting genuine respect or proper recognition.²⁰⁹ He writes

For real judgements of worth suppose a fused horizon of standards [...]; they suppose that we have been transformed by the study of the other, so that we are not simply judging by our own familiar standards. A favourable judgement made prematurely would not only be condescending but ethnocentric. It would be to praise the other for being like us.²¹⁰

Seeking to navigate a route between universalism and relativism, Taylor's pluralist vision is one in which dialogue between cultures creates a broader perspective, allowing meaningful interaction without collapsing differences. Rather than default judgements of equal value, he proposes cultivating a 'sense of our own limited part in the whole human story,' and being open, as a result, to 'displace our horizons' through understanding the other.²¹¹ This rests on a degree of normative and epistemic humility, as he writes, that 'it requires above all [...] an admission that we are very far away from that ultimate horizon from which the relative worth of different cultures may be evident.'²¹² This humility – the view that one is not in possession of complete truth, or should be open to the truths present in other cultures – can be seen, in particular, in Parekh and Chaplin's arguments. Taylor's account, which has been widely influential on subsequent multicultural arguments, provides insight into 'recognition' as a central requirement of any multicultural theory. As we shall see below, it is the principle that comes into conflict with individual rights, and as such, provides an illuminating conceptual focus in the following examination of two prominent multicultural arguments, beginning with that of Canadian theorist Will Kymlicka.

Will Kymlicka's Liberal Multiculturalism

Crowder writes, 'The liberal tradition is both a natural ally of multiculturalism and in tension with it. Although it is dedicated to accommodating ways of life, liberalism does this within a framework that also places limits on cultural accommodation.'²¹³ In many ways, Kymlicka's argument is illustrative of these uneasy tensions. Writing in the context of a specific Canadian national debate regarding the cultural rights of native and Québécois communities, as per

²⁰⁷ Ibid., p. 65-66.

²⁰⁸ Ibid., p. 66.

²⁰⁹ Ibid., p. 70.

²¹⁰ Ibid., p. 70-71.

²¹¹ Ibid., p. 73.

²¹² Ibid.

²¹³ Crowder, *Theories of Multiculturalism*, p. 39.

Taylor's argument, Kymlicka attempts to extend the logic of redistributive justice to cultural recognition. For this reason, Crowder locates him within the egalitarian liberal tradition, as it regards 'values as requiring the active intervention of the state for their advancement rather than a laissez-faire reliance on individual enterprise.'²¹⁴ In other words, where Kymlicka argues that there can be liberal justification for remedial intervention to offset 'cultural disadvantage,' he parts ways with liberals such as Rawls, for whom liberal legitimacy must be grounded in some degree of neutrality with respect to the good, and would find the accommodation of 'cultural rights' unconscionable.²¹⁵

Kymlicka's argument is characterised by two features, which stand in tension. The first is his view that cultural membership is a 'primary good' that is necessary for human flourishing.²¹⁶ In Kymlicka's view, leading one's life 'from the inside, in accordance with our beliefs about what gives value to life' is a precondition for the good life.²¹⁷ This, for Kymlicka, is the basis of the requirement of recognition: to live one's life *authentically*, he argues, 'individuals must therefore have the resources and liberties needed to live their lives in accordance with their beliefs about value, without fear of discrimination or punishment.'²¹⁸ This provides the rationale for group-based accommodation. The second precondition of the good life is autonomy, which Kymlicka identifies as a central, fundamental principle of liberalism.²¹⁹ Indeed, he goes so far as to describe individual freedom of choice as liberalism's 'defining feature,' and thus it is fair to assume Kymlicka would maintain that any approach which dispenses of autonomy could not qualify as liberal at all.²²⁰ Autonomy, for Kymlicka, means freedom to exit is as important as freedom to access one's culture. It requires that one must possess the ability to reassess one's beliefs or ends. 'Individuals must therefore have the conditions necessary to acquire an awareness of different views about the good life,' writes Kymlicka, 'and an ability to examine those views intelligently [...] These liberties enable us to judge what is valuable, and to learn about other ways of life.'²²¹ A liberal society, therefore, must not coerce individuals to hold any particular vision of the good, and must allow proselytization, heresy, apostasy, freedom of expression, and access to information and education.²²²

These two premises are brought together in Kymlicka's argument that 'societal cultures are important to people's freedom, and that liberals should therefore take an interest in the viability of societal cultures.'²²³ Although Kymlicka makes no mention of Honneth, the latter provides an argument that may support this view. Honneth argues that full autonomy depends on recognition, writing that

unless one presupposes a certain degree of self-confidence, legally guaranteed autonomy, and sureness as to the value of one's own abilities, it is impossible to

²¹⁴ Ibid., p. 44.

²¹⁵ Ibid.; cf. Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell Publishing, 1996); Ronald Dworkin, 'Liberalism' in Stuart Hampshire ed. *Public and Private Morality* (Cambridge: Cambridge University Press, 1978); Peter de Marneffe, 'The Slipperiness of Neutrality,' *Social Theory and Practice*, Vol. 32, No. 1 (January 2006), pp. 17-34.

²¹⁶ Crowder, *Theories of Multiculturalism*, p. 47; Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), p. 166.

²¹⁷ Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), p. 81.

²¹⁸ Ibid.

²¹⁹ Ibid.; Crowder, *Theories of Multiculturalism*, pp. 47-48.

²²⁰ Kymlicka, *Multicultural Citizenship*, p. 80.

²²¹ Ibid., p. 81.

²²² Ibid., p. 82.

²²³ Ibid., p. 80.

imagine successful self-realization, if that is to be understood as a process of realizing, without coercion, one's self-chosen life-goals.²²⁴

In Honneth's view, a lack of recognition shackles the self from realising its potential; true freedom requires liberation from 'inner barriers as well as psychological inhibitions and fear.'²²⁵ This freedom, as Honneth describes it, is a 'form of trust directed inward, which gives individuals basic confidence in both the articulation of their needs and the exercise of their abilities.'²²⁶ This 'positive relation-to-self' is gained through recognition, he writes, as 'the freedom associated with self-realization is dependent on prerequisites that human subjects do not have at their disposal, since they can only require this freedom with the help of their interaction partners.'²²⁷ Indeed, if assuming an Hegelian or Herderian anthropology, one could argue that freedom cannot be experienced or realised in abstraction, but only within the medium of one's culture and relations. In this framing, if there is to be freedom at all, it must exist within culture. However, this understanding of autonomy stands in tension with Kymlicka's liberal emphasis on the primary importance of autonomous choice, which sits uneasily with the unchosen character of culture. As we shall see, Kymlicka must ultimately choose between his two primary goods.

Seeking to make his argument compatible with the liberal emphasis on autonomy, Kymlicka argues that 'Cultures are valuable, not in and of themselves, but because it is only through having access to a societal culture that people have access to a range of meaningful options.'²²⁸ This qualification is in line with the liberal importance placed on choice; as beliefs and cultures are fallible, it is necessary that we should be free to revise our ends in light of new information.²²⁹ It is not, however, a free marketplace of cultures governed by an invisible hand, but rather one in which there is a role for government in protecting cultures from 'debasement or decay,' to ensure a variety of goods remain on offer.²³⁰ He writes,

For meaningful individual choice to be possible, individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They also need access to a societal culture. Group-differentiated measures that secure and promote this access may, therefore, have a legitimate role to play in a liberal theory of justice.²³¹

Here, Kymlicka runs into difficulty. If people need 'access to a societal culture,' one could argue that any culture would suffice. Why should a minority need access to their own culture, when they could assimilate to the majority hegemonic culture? To this, Kymlicka responds

This sort of proposal treats the loss of one's culture as similar to the loss of one's job. Language training for members of a threatened culture would be like worker retraining programmes for employees of a dying industry. We do not feel obliged to keep uncompetitive industries afloat in perpetuity, so long as we help their employees to find employment elsewhere, so why feel obliged to protect minority cultures, so long as we can help their members find another culture?²³²

Cultures, he argues, are not as interchangeable as jobs. 'We should treat one's culture as something that people can be expected to want,' writes Kymlicka, and 'Leaving one's culture,

²²⁴ Alex Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity: 1996), p. 174.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Kymlicka, *Multicultural Citizenship*, p. 83.

²²⁹ Ibid., pp. 80-81.

²³⁰ Ibid., p. 83.

²³¹ Ibid., p. 84.

²³² Ibid.

while possible, is best seen as renouncing something to which one is reasonably entitled.²³³ While he maintains that it is possible for some people to change cultures or become ‘cosmopolitan,’ he argues that the possibility should not be overstated. Integration, he writes, is ‘rarely easy.’²³⁴ Indeed, he accepts that it is a costly process and ‘there is a legitimate question whether people should be required to pay those costs unless they voluntarily choose to do so.’²³⁵ However, the *de jure* right to leave one’s culture or assume a new one at will means little if cultural embeddedness limits the freedom *de facto* to do so. This poses a problem for Kymlicka’s argument, as his justification for preserving a ‘range of meaningful options’ is predicated on the possibility of autonomous choice. Yet there is no cross-cultural consensus valuing autonomy. Indeed, in some cultures the cost of leaving could be as severe as death, in cases of apostasy. This tension between autonomy and cultural embeddedness in Kymlicka’s argument proves to be a significant weakness when tested against ‘hard cases.’

As already noted, it is the ‘hard cases,’ rather than softer multicultural policies, that reveal the tension between the requirement of cultural recognition (group rights) and individual rights and liberties. Feminist critic Susan Moller Okin, for example, argues that protecting cultural rights when religious or minority cultures ‘clash with the norm of gender equality,’ is ‘inconsistent with the basic value of individual freedom, which entails that group rights should not trump the individual rights of its members.’²³⁶ Indeed, she argues that this conflict finds its primary manifestation in sex discrimination, as the customs often defended and protected by claims to ‘cultural rights’ are those that disproportionately affect women – such as FGM, polygamy, child and forced marriages.²³⁷ This conflict between women’s rights and multiculturalism has also been raised by Machteld Zee, in her study of sharia councils in the United Kingdom. Zee observed that ‘the basic requirement of arbitration, voluntary agreement, is not always met,’ and there is ‘evidence for the fact that refusal to settle a family dispute in a sharia council can amount to threats and intimidation.’²³⁸ First-hand accounts of women’s experiences of sharia courts support these concerns, recounting discrimination in areas of custody, divorce, inheritance, marital asymmetry and captivity, domestic violence, disregard for the rulings of civil courts, safeguarding concerns, and financial exploitation.²³⁹ Indeed, Zee argues that permitting these councils to operate is not compatible with international human rights law, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).²⁴⁰ As Elham Manea has argued, legal pluralism leaves women ‘vulnerable to discriminatory laws, customs and norms,’²⁴¹ and ‘once the state starts to situate rights within the framework of a group rather than within the individual, the likely outcome will be *segregation, inequality and discrimination*.’²⁴² In other words, protecting illiberal practices in the name of ‘cultural rights’ serves only to perpetuate discrimination against women – and other minorities – within minority communities, by denying them equal recourse to the rights available to citizens from the majority community,

²³³ Ibid., p. 86.

²³⁴ Ibid., p. 85.

²³⁵ Ibid.

²³⁶ Susan Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton, NJ: Princeton University Press, 1999), pp. 9, 11.

²³⁷ Ibid., p. 14.

²³⁸ Zee, *Choosing Sharia?* p. 120.

²³⁹ Emma Webb, *Fallen through the Cracks: Unregistered Islamic Marriages in England and Wales, and the future of legislative reform* (London: Civitas, 2020).

²⁴⁰ Zee’s emphasis; Zee, *Choosing Sharia?* pp. 146-8.

²⁴¹ Elham Manea, *Women and Shari’a Law* (London: IB Taurus, 2016), p. 88.

²⁴² Manea’s emphasis; *ibid.* p. 54.

effectively reducing them to a ‘secondary category of citizen.’²⁴³ These critics argue that multiculturalism cannot be consistent with a liberal rights-respecting position. As Manea argues, ‘protecting citizens, especially women and minorities, on an equal basis requires a *secular, democratic, and singular legal order based on respect for civil and human rights*.’²⁴⁴ While we will return to secular liberalism in Chapter Three, at present it suffices to note that Okin regards Kymlicka’s argument as illustrative of this conflict between multiculturalism and women’s rights.²⁴⁵ She argues, against Kymlicka, that it should be conceded that women *might* be much better off if the culture into which they were born were either to become extinct (so that its members would become integrated into the less sexist surrounding culture) or, preferably, to be encouraged to alter itself so as to reinforce the equality of women – at least to the degree to which this value is upheld in the majority culture.²⁴⁶ Kymlicka seeks to respond to such ‘hard cases’ by arguing that liberal endorsement of ‘certain group-differentiated rights for ethnic groups and minorities,’ should be ‘conditional and qualified.’²⁴⁷

This is because Kymlicka acknowledges that the ‘demands of some groups exceed what liberalism can accept.’ Liberal democracies, he writes, ‘can accommodate and embrace many forms of diversity, but not all.’²⁴⁸ Firstly, democracies cannot tolerate groups that place internal restrictions on the basic civil and political rights of its members. Individuals must retain the ‘freedom and capacity to question and possibly revise the traditional practices of their community.’²⁴⁹ He acknowledges that some groups do not agree with this and may ‘resist such a system because it might imply that the internal structure of their community should be reorganized according to liberal standards of democracy and individual freedom.’²⁵⁰ These include groups that may deny education to girls, refuse women the right to vote, or restrict religious freedom.²⁵¹ To tolerate such groups would undermine the liberal justification for valuing cultural membership, that is, culture enables choice about how one lives one’s life.²⁵² This is where Kymlicka must draw the limit of his tolerance: a liberal society cannot tolerate cultural groups that are not internally liberal. ‘I have defended the right of national minorities to maintain themselves as culturally distinct societies,’ he writes, ‘but only if, and in so far as, they are themselves governed by liberal principles.’²⁵³ Evidently, this is open to the charge that such a requirement is an oppressive illiberal imposition which trespasses upon the authenticity of cultural minorities. Kymlicka recognises this when he writes

surely what some minorities desire is precisely the ability to reject liberalism, and to organize their society along traditional, non-liberal lines? Is this not part of what makes them culturally distinct? If the members of a minority lose the ability to enforce religious orthodoxy or traditional gender roles, have they not lost part of the *raison d’être* for maintaining themselves as a distinct society?²⁵⁴

²⁴³ Ibid., p. 88.

²⁴⁴ Manea’s emphasis; *ibid.*

²⁴⁵ Moller Okin, *Is Multiculturalism Bad for Women?* pp. 20-22.

²⁴⁶ Okin’s emphasis; *ibid.*, pp. 22-23.

²⁴⁷ Kymlicka, *Multicultural Citizenship*, p. 152.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Ibid., p. 153.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

Nevertheless, Kymlicka defends his position by rejecting the proposition that tolerance is an end in itself, an absolute fundamental value of liberalism.²⁵⁵ In this, he positions himself against the *laissez-faire* liberalism of Chandran Kukathas whose approach is discussed in depth in Chapter Three. Arguing that tolerance is indeed the primary liberal value, Kukathas' 'ethic of reciprocal noninterference' advocates for complete normative withdrawal.²⁵⁶

Kukathas argues that there is

no need to look for alternatives to liberalism or to jettison the individualism that lies at its heart. We need rather, to reassert the fundamental importance of individual liberty or individual rights and question the idea that cultural minorities have collective rights.²⁵⁷

Kymlicka is critical of Kukathas' *laissez-faire* approach, comparing it to the Ottoman millet system. Such a society is not liberal, argues Kymlicka, as it was effectively a 'federation of theocracies,' with little to no religious freedom or freedom of conscience.²⁵⁸ By failing to protect individual rights and ceding control to minority cultures, the state effectively abandons individuals to potential oppression and intolerance. Kymlicka agrees that this is incompatible with liberalism. He writes,

Religious tolerance in the West has taken a very specific form – namely, the idea of individual freedom of conscience. It is now a basic individual right to worship freely, to propagate one's religion, to change one's religion, or indeed to renounce religion altogether. To restrict an individual's exercise of these liberties is seen as a violation of a fundamental human right.²⁵⁹

Thus, when tested against the 'hard cases' posed by intransigently illiberal minorities, Kymlicka resolves to prioritise autonomy over the 'primary good' of cultural membership. However, this leaves him open to the criticism that a state adopting his approach would in fact privilege, and impose, a particular understanding of the good, and that such cultural recognition is superficial at best, or oppressive at worst.

However, because Kymlicka wishes to maintain the view that culture is a 'primary good,' it is difficult for him to justify the state's imposition of a comprehensive liberal doctrine. Indeed, he acknowledges that liberals have become increasingly uncomfortable with imposing liberal principles as it is perceived as 'a form of aggression or paternalistic colonialism.'²⁶⁰ On the one hand, he claims that his approach 'does not mean that liberals can impose their principles on groups that do not share them.'²⁶¹ On the other, he argues that 'this does not mean that liberals should stand by and do nothing' if a minority group behaves in an 'illiberal way.'²⁶² Attempting to resolve this tension, his proposal is far from robust, merely suggesting 'liberals outside should lend their support to any efforts the group makes to liberalize their culture.'²⁶³ Rather than acting 'coercively,' he proposes 'offering various incentives for liberal reforms,' arguing that 'liberals can push for the development and

²⁵⁵ Ibid., p. 154.

²⁵⁶ Ibid., p. 155.

²⁵⁷ Chandran Kukathas, 'Are there any Cultural Rights?' *Political Theory*, Vol. 20, Issue 1 (1992), p. 107; Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford: Oxford University Press, 2003).

²⁵⁸ In this, Kymlicka and Manea agree; Kymlicka, *Multicultural Citizenship*, p. 157; Manea, *Women and Shari'a Law*, p. 95.

²⁵⁹ Kymlicka, *Multicultural Citizenship*, p. 156.

²⁶⁰ Ibid., p. 167.

²⁶¹ Ibid., p. 165.

²⁶² Ibid., p. 168.

²⁶³ Ibid.

strengthening of international mechanisms for protecting human rights.’²⁶⁴ The weakness of this light-handed proposal does not satisfy the requirements of autonomy set by Kymlicka, nor does his prioritisation of autonomy in the face of ‘hard cases’ satisfy the requirements of ‘recognition’ set by his acknowledgement of culture as a primary good. However, as already noted, Kymlicka’s argument addresses a specific Canadian context. He is concerned primarily with the cultural rights of ‘national minorities’ (native communities) that have no parallel in British society. Indeed, he distinguishes these communities from immigrant communities, arguing that it is ‘more legitimate to compel [their] respect for liberal principles.’ He writes

I do not think it is wrong for liberal states to insist that immigration entails accepting the legitimacy of state enforcement of liberal principles, so long as immigrants know this in advance, and nonetheless voluntarily choose to come. A more complicated case involves long-standing ethnic groups or religious sects who have been allowed to maintain certain illiberal institutions for many years, even many generations.²⁶⁵

Yet, although this may be more consistent with his defence of autonomy, it is difficult to see how Kymlicka can identify cultural membership as a ‘primary good,’ while so easily dispensing with it in the case of immigrant communities. Again, Kymlicka opens his argument to the charge of denying recognition. Perhaps to downplay the comprehensiveness of imposing autonomy on minority cultures, he states that all cultures are liberal by degree, and thus liberalisation should not be alien to any culture.²⁶⁶ However, this is unlikely to convince critics, such as Parekh, who prioritise cultural recognition and reject the universality of liberal claims. Thus, Kymlicka is ultimately unable to resolve the tension between his two primary goods. In its more robust interpretation, his argument resembles Cameronite muscular liberalism, more than Taylor’s ‘politics of recognition.’ This weakness of Kymlicka’s argument highlights the difficulty in maintaining a commitment to autonomy alongside cultural recognition, since to protect autonomy from those who reject it, it is necessary to set limits on what can be accommodated. Such an imposition remains open to the charge of withholding recognition.

Bhikhu Parekh and Non-Liberal Multiculturalism

To examine whether a non-liberal perspective fares better at resolving this tension, we now turn to the argument of Bhikhu Parekh, whom Bristol School theorist Tariq Modood hails as both his mentor, and the foremost British theorist of multiculturalism.²⁶⁷ Parekh makes three criticisms of Kymlicka that provide a point of reference for assessing his own argument.

Firstly, he argues that the latter ‘advances the strange theoretical argument,’ that immigrants have ‘waived’ the right to their culture ‘by voluntarily leaving their country of origin.’²⁶⁸ As we have already argued, Parekh agrees that ‘Since culture is for Kymlicka a primary good, it is difficult to see how one can abandon one’s right to it any more than one’s life or liberty.’²⁶⁹ Secondly, Parekh argues that Kymlicka’s argument cannot convince a non-liberal. ‘Liberal beliefs and values,’ he observes,

have no authority over nonliberal members of society. The only reason for asking nonliberals to respect these is that they represent the beliefs and values of the majority,

²⁶⁴ Ibid., pp. 168-169.

²⁶⁵ Ibid., p. 170.

²⁶⁶ Ibid., p. 171.

²⁶⁷ Patrick Nash, *British Islam and English Law: A Classical Pluralist Perspective* (Cambridge: Cambridge University Press, 2022), p. 47.

²⁶⁸ Bhikhu Parekh, *Rethinking Multiculturalism*, p. 103.

²⁶⁹ Ibid.

a form of moral positivism that violates their integrity and makes a falsely homogenized majority the arbiter of moral values.²⁷⁰

The non-liberal, he writes, can easily complain of ‘moral intolerance.’²⁷¹ Indeed, Parekh observes that this problem is precisely why Rawls sought to distinguish political from comprehensive liberalism (examined in Chapter Three).²⁷² Thirdly, he argues that Kymlicka is ambiguous about the philosophical status of his propositions. On the one hand, Parekh argues, Kymlicka claims his arguments ‘represent basic liberal beliefs,’ while ‘at other times he takes them to be general truths about human life and argues or implies that, because liberalism is based on them, it is truer or more rationally defensible than other political doctrines.’²⁷³

These criticisms reflect two foundational arguments of Parekh’s approach: an anthropology of cultural embeddedness (from which he draws the requirement of equal recognition) and a rejection of monism. He holds that human beings are fundamentally relational creatures who are never able to completely transcend the influences of our culture. He writes

Human beings are culturally embedded in the sense that they grow up and live within a culturally structured world, organize their lives and social relations in terms of its system of meaning and significance, and place considerable value on their cultural identity. This does not mean that they are determined by their culture in the sense of being unable to critically evaluate its beliefs and practices and understand and sympathise with others, but rather that they are deeply shaped by it, can overcome some but not all of its influences and necessarily view the world from within a culture, be it the one they have inherited and uncritically accepted or reflectively revised or, in rare cases, consciously adopted.²⁷⁴

Parekh frames his own argument as diverging from Herder’s position in two ways. Firstly, he holds that Herder is too idealistic in viewing culture as a ‘tensionless whole,’ ignoring class, gender, and so on.²⁷⁵ This reflects Parekh’s rejection of an ‘essentialist’ understanding of cultural groups.²⁷⁶ As Patrick Nash explains, Parekh (and the Bristol School) deny that culture ‘has any fixed, a priori essence comparable to an ascertainable individual, corporation or state.’²⁷⁷ Groups should not be regarded as homogenous.²⁷⁸ Thus, Modood explains, ‘minority identities are continually changing and reinventing themselves,’ constituted not only in relation to each other, but in relation to the majority culture.²⁷⁹ Nevertheless, it does not follow from this view that groups or cultures are irrelevant.²⁸⁰ This compliments Parekh’s second criticism of Herder, for ‘cherish[ing] a culturally plural *world* but not a culturally plural *society*.’²⁸¹ Herder’s ‘aestheticization of diversity renders it mute and passive,’ he argues, as cultures sit

²⁷⁰ Ibid., p. 105.

²⁷¹ Ibid., p. 107.

²⁷² Ibid.

²⁷³ Ibid., p. 105.

²⁷⁴ Ibid., p. 336.

²⁷⁵ Ibid., p. 73.

²⁷⁶ Patrick Nash, *British Islam and English Law: A Classical Pluralist Perspective* (Cambridge: Cambridge University Press, 2022), p. 55; Modood, *Multiculturalism*, p.102.

²⁷⁷ Nash, *British Islam and English Law*, p. 55.

²⁷⁸ This view is shared by Modood. See also, Tariq Modood, ‘Anti-essentialism, Multiculturalism and the ‘Recognition’ of Religious Groups,’ *Journal of Political Philosophy*, Vol. 6, Number 4 (1998), pp. 378-399; Nash, *British Islam and English Law*, p. 55.

²⁷⁹ Modood, ‘Anti-essentialism, Multiculturalism and the ‘Recognition’ of Religious Groups,’ p. 397.

²⁸⁰ Ibid., p. 397.

²⁸¹ Parekh, *Rethinking Multiculturalism*, p. 73.

‘side by side with nothing to say to each other,’ haunted by ‘cultural miscegenation.’²⁸² In other words, Herder’s understanding of cultures does not satisfy Parekh because it does not sufficiently appreciate the relationality of human identities. Parekh writes

Human beings are at once both natural and cultural beings, sharing common human identity but in a culturally mediated manner. They are similar and different, their similarities and differences do not passively coexist but interpenetrate, and neither is ontologically prior or morally more important.²⁸³

This anthropological foundation informs Parekh’s view that there can be no universal conception of the good life,²⁸⁴ which in turn leads to his rejection of moral monism – including Christianity and liberalism – because it holds that ‘only one way of life is fully human, true or best, and that all other forms are defective to the extent that they fall short of that.’²⁸⁵ Parekh writes, for example, that while ‘Christianity is right to claim uniqueness and even self-sufficiency, it is wrong to claim that it exhausts all possible forms of religious goodness, that there is no salvation outside of it, and that all other religions are misguided or inferior.’²⁸⁶ Likewise, he argues that liberalism developed in a ‘cultural milieu suffused with centuries of Christian influence,’ through which it ‘imbibed’ Christian ‘categories of thought, imagery, self-understanding and manner of relating to other’s ways of life and thought.’²⁸⁷ Liberalism was, therefore, cut from the same monistic cloth. He explains,

Liberals represented the ‘light,’ and the rest lived in darkness; they had discovered the truly human way of life, others left much to be desired. Human history was a struggle between good and evil represented respectively by liberty, individuality and rationality on the one hand, and despotism, collectivism, blind customs and social conformity on the other. Like pre-Christian Europe, preliberal Europe lived in ‘dark ages.’²⁸⁸

However, as we shall argue towards the end of this chapter, Christian pluralist and multiculturalist thinkers would, of course, reject Parekh’s characterisation.

Nevertheless, from his understanding of liberalism as having emerged from this monistic Christian context, Parekh argues that, as liberalism advanced through modern states, it ‘consolidate[d] itself both politically and ideologically’ and ‘create[d] an individualist moral and political culture,’ by ‘dismantling traditional institutions, communities and ways of life, with liberals providing the necessary ideological justification.’²⁸⁹ As Patrick Nash explains, Parekh holds that the purported neutrality of liberalism ‘masks a ‘large hidden agenda’ of liberal reordering whereby all alternative worldviews across every area of life are subsumed and rendered anodyne.’²⁹⁰ Accordingly, Parekh describes its imposition on Western populations as the ‘domestic counterpart of the colonial experience.’²⁹¹ The ‘hermeneutic disaster’ of monism, he argues, leads liberalism to be ‘primarily judgemental’ with a ‘biased frame of reference’ that causes it to ‘view differences as deviations, as expressions of moral pathology.’²⁹² In contrast to this, Parekh argues, ‘a way of life cannot [...] be judged good or bad without taking full account of the system of meaning, traditions, temperament and the

²⁸² Ibid., p. 73.

²⁸³ Ibid., p. 239.

²⁸⁴ Ibid., p. 47.

²⁸⁵ Ibid., p. 16.

²⁸⁶ Ibid., p. 32.

²⁸⁷ Ibid., p. 33.

²⁸⁸ Ibid.

²⁸⁹ Ibid., p. 34.

²⁹⁰ Nash, *British Islam and English Law*, p. 49; Parekh, *Rethinking Multiculturalism*, p. 85-86.

²⁹¹ Parekh, *Rethinking Multiculturalism*, p. 34-35.

²⁹² Ibid., p. 49.

moral and emotional resources of the people involved.²⁹³ Akin to Taylor, Parekh argues that discussions of equality are flawed when they rest on an account of human nature that sidelines the importance of culture.²⁹⁴ In other words, for Parekh, this anthropological correction should lead to an appreciation of plural goods. Parekh is, therefore, critical of liberals who have begun to appreciate cultural embeddedness (such as Kymlicka), but continue to ‘absolutize liberalism.’²⁹⁵ Even these liberal theorists, he argues, demonstrate a ‘persistent tendency to make [liberalism] their central frame of reference, divide all ways of life into liberal and nonliberal, equate the latter with illiberal, and to talk of tolerating and rarely of respecting or cherishing them.’²⁹⁶ To ‘do justice to alternative ways of life and thought,’ he argues, liberals ‘need to break away from this crude binary distinction.’²⁹⁷ Like Taylor, Parekh argues that such an imposition on non-liberal minorities cannot be justified.²⁹⁸

Even a procedural liberalism that makes minimal demands is, for Parekh, no neutral arbiter between diverse conceptions of the good.²⁹⁹ The possibility of neutrality is precluded by the intersubjective anthropology characteristic of multicultural perspectives. As there can be no pre-cultural, or pre-relational human being, human institutions or systems cannot be exorcised of their particularity. As a result, ‘A morally and culturally neutral state which makes no moral demands on its citizens and is equally hospitable to all cultures and conceptions of the good is logically impossible.’³⁰⁰ Therefore, Parekh writes

a morally and culturally non-coercive state is a fantasy. Some states might, of course, be less coercive than others, but no state can be wholly free of moral and cultural biases and the concomitant coercion on those who disapprove of its structure or actions [...] Since the structure and exercise of political authority are never morally neutral, the unity of a political community cannot rest on procedural foundations alone.³⁰¹

Parekh’s conclusions thus far are twofold: first, that equality requires cultural recognition; and second, that state neutrality is impossible. This places a challenging requirement on Parekh’s argument: equal citizenship requires that a non-neutral state impartially accord equal recognition to doctrinally diverse – even conflicting – groups. Given the impossibility of a neutral state, how can this be achieved without incurring the charge of moral intolerance (non-recognition) that he levels at Kymlicka? Parekh’s description of his vision for multicultural society is reminiscent of Taylor’s, described above. As a ‘common culture is vital to the unity and stability of a multicultural society and good relations between its members,’ he accepts the state cannot be disinterested in fostering national unity.³⁰² However, the state also lacks the authority to ‘officially [engineer]’ that common culture.³⁰³ Instead, Parekh argues, the state should facilitate encounters between cultures.³⁰⁴ This marks the difference between a monistic and multicultural society. He writes,

While the government should not directly intervene in intercultural interaction and seek to influence its outcome, it should ensure that the interaction takes place under

²⁹³ Ibid., p. 47.

²⁹⁴ Ibid., p. 239.

²⁹⁵ Ibid., p. 109-10.

²⁹⁶ Ibid., p. 110.

²⁹⁷ Ibid.

²⁹⁸ Ibid., pp. 111-112.

²⁹⁹ Ibid., p. 111.

³⁰⁰ Ibid., pp. 201-202.

³⁰¹ Ibid., p. 202.

³⁰² Ibid., p. 222.

³⁰³ Ibid.

³⁰⁴ Ibid.

conditions of equality. It should not be culturally neutral or indifferent but even-handed, empowering all cultural voices to participate in a common dialogue.³⁰⁵

In such a society, Parekh argues, religious individuals would not be expected to ‘abstract away’ their beliefs and be guided by secular reasoning.³⁰⁶ The separation this implies between public and private, religious and political, he argues, ‘sits ill at ease with religious consciousness,’ and prevents religious individuals from living a ‘whole and integrated’ life, as their secular counterparts do.³⁰⁷ This, for Parekh, is discriminatory and violates the principle of equal citizenship.³⁰⁸

This ‘misrecognition’ can only be ‘countered,’ Parekh argues, through a ‘rigorous critique of the dominant culture and radically restricting the prevailing inequalities of economic and political power.’³⁰⁹ Like Taylor, he argues that one way to do this is through a ‘critique of the Eurocentric and in that sense monocultural content and ethos of much of the prevailing system of education.’³¹⁰ Such an education, he claims, ‘breed[s] arrogance, insensitivity and racism.’³¹¹ A multicultural education, on the other hand, would introduce works from outside of the Western canon, ‘supplemented by works that explore the structures and forms of experiences of historically marginalized groups such as women, slaves, the poor, the oppressed, migrants and colonial subjects.’³¹² ‘Respect for a person,’ Parekh explains, ‘involves locating him against his cultural background, sympathetically entering his world of thought, and interpreting his conduct in terms of its meaning.’³¹³ A multicultural education would, he argues, equip individuals to take part in multicultural dialogue.³¹⁴ Inculcating this capacity requires institutional change, since

the politics of culture is integrally tied up with the politics of power because culture is itself institutionalized power and deeply imbricated with other systems of power. Cultural self-esteem cannot be developed and sustained in a vacuum and requires appropriate changes in all major areas of life.³¹⁵

Furthermore, achieving equality ‘may require different treatment.’³¹⁶ Anticipating the concerns of his critics, Parekh accepts that differential treatment could be disingenuously applied in discriminatory ways, but believes this can be guarded against with a requirement that any departure from identical treatment is grounded in specific justifications, although how qualifying justifications are decided remains unclear.³¹⁷ Furthermore, to those who may express concerns that collective rights may infringe the rights of the individual, he counters that individual rights can also be misused to damage communities, arguing ‘not all individual rights always trump collective rights.’³¹⁸

To clarify what recognition means for Parekh in practice, and its implications for group-based accommodations, we turn to Parekh’s response to two notorious ‘hard cases’: female genital mutilation (FGM) and the *Satanic Verses* controversy. With respect to the former,

³⁰⁵ Ibid.

³⁰⁶ Ibid., pp. 323-324.

³⁰⁷ Ibid., p. 323.

³⁰⁸ Ibid., p. 324.

³⁰⁹ Ibid., p. 343.

³¹⁰ Ibid., p. 225.

³¹¹ Ibid., p. 226.

³¹² Ibid., p. 229.

³¹³ Ibid., pp. 240-241.

³¹⁴ Ibid., p. 229.

³¹⁵ Ibid., p. 343.

³¹⁶ Ibid., p. 242.

³¹⁷ Ibid., p. 257.

³¹⁸ Ibid., p. 216.

Parekh's position relies on distinctions drawn between three types of FGM. The first involves the removal of the prepuce and tip of the clitoris; the second, excision or clitoridectomy, removing the clitoris and part of the labia minora; and the third, infibulation or Pharaonic circumcision, involving the removal of the clitoris, labias minora and majora, and stitching the vulva closed, leaving an opening for urination and menstruation.³¹⁹ Regarding the first, Parekh argues that, as there is no obvious reason to treat female and male circumcision differently, all society can insist upon is that it is performed by a qualified professional 'under public supervision and medically acceptable conditions.'³²⁰ However, Parekh states that the second and third offend against 'basic human and universal values' and the 'operative public values' of society, because they inflict irreversible damage, are sexist, violate the integrity of the child, risk her life, and remove a source of pleasure.³²¹ In Parekh's view, when minors are concerned, the extent of harm inflicted outweighs any arguments put forth in its favour.³²² Where consenting adults are concerned, he likens it to other body modification procedures.³²³ However, as even adults could experience social or cultural pressure if FGM were permitted, he argues that, on balance, the best course of action would be a universal ban on the procedure, with the possibility of exceptions in cases where it is clearly voluntary and grounded in deeply held beliefs.³²⁴ This would, he argues, send the message that society disapproves of the practice.³²⁵ In summary, in the case of FGM, Parekh argues that the physical harm caused by permitting the practice, outweighs the cultural harm of prohibiting it; the individual right trumps the collective right.

With respect to the *Satanic Verses*, Parekh argues the opposite: the cultural harm inflicted by publishing blasphemous literature outweighs the harm caused to an individual by depriving him of his right to freedom of expression. In questioning whether Rushdie should be free to write blasphemous literature that offends against deeply held Muslim beliefs,³²⁶ Parekh disputes that writers have a right to unrestrained expression, asking why 'art should be privileged over morality and religion.'³²⁷ 'No literary work,' he writes, 'can be exempt from moral and social responsibility and norms of decency.'³²⁸ Thus, while Parekh claims that freedom of speech is 'one of the highest values' he also maintains that it is 'not as inviolable as is sometimes made out.'³²⁹ Explaining his position by drawing an analogy with an author who writes offensively about the Holocaust, Parekh provides insight into his criteria for tolerating creative expression. He writes

We cannot honestly say that the author was pursuing truth, deepening our understanding of the inmates of concentration camps, or furthering the cause of human progress. We cannot invoke the writer's right to self-expression either, for its very basis and rationale are in dispute.³³⁰

Thus Parekh reveals three 'rationales' that, in his opinion, qualify art or writing for free expression: pursuing truth, deepening understanding of others, and furthering progress. Further, he claims defenders of free expression tend to be 'men of ideas' who 'assume that what is good

³¹⁹ Ibid., pp. 275-6.

³²⁰ Ibid., p. 276.

³²¹ Ibid.

³²² Ibid.

³²³ Ibid., pp. 278-9.

³²⁴ Ibid., p. 279.

³²⁵ Ibid.

³²⁶ Ibid., p. 317.

³²⁷ Ibid., pp. 317-18.

³²⁸ Ibid., p. 318.

³²⁹ Ibid.

³³⁰ Ibid.

for them is necessarily good for society as a whole.’³³¹ Parekh regards this as ‘philosophically suspect,’ suggesting that it serves the interest of those men, but not necessarily the majority.³³² In other words, he implies that the limits of expression should be determined by considerations of societal or communal, rather than individual, flourishing.

A liberal might respond that the inverse is true – the purpose of freedom of expression is to protect the individual or minority against the tyranny of majority opinion and culture.³³³ Indeed, John Stuart Mill anticipated ‘the enemy of free discussion’ who says ‘that there is no necessity for mankind in general to know and understand all that can be said against or for their opinions by philosophers and theologians,’ as such things are ‘not needful for common men.’³³⁴ On the contrary, in his foundational defence of free speech, Mill argues that free expression does not primarily benefit ‘men of ideas,’ but serves to protect the lone dissenting voice, the common man and the eccentric against the dominant culture and the tyranny of custom. No group has the authority to silence the expression of another. Mill writes, ‘If all of mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be in silencing mankind.’³³⁵ Akin to Kymlicka’s argument, one reason for this is that the predominant opinion or practice of any community – national or otherwise – may be incorrect; hence, Mill writes, ‘All silencing of discussion is an assumption of infallibility.’³³⁶ Indeed, authors like Rushdie might provide a service by puncturing such assumptions. In the same vein, Paul Cliteur cites several examples alongside the Rushdie case – the Rudi Carrell affair in Germany, the Danish Cartoon affair, and the terrorist attack on the offices of satirical magazine Charlie Hebdo – as examples of extrajudicial limitations on freedom of speech caused by pressure or violent threats from the domestic or international Islamic community. Cliteur argues that universalist liberal values should not be compromised, arguing that multiculturalists

present their approach as “empathic”, but from a freethinking perspective, they are paternalistic and patronizing. In reality, contrary to how it may appear, they adopt a kind of neocolonialist attitude of condescension. They think “the Other” cannot discuss their religious convictions in the same critical way as is possible in the West.³³⁷

To highlight what he sees as the absurdity of this multiculturalist position on free expression, he compares it to arguing that ‘criticizing *Mussolini* is beyond the pale because you have to be respectful to Italians.’³³⁸

This points to an inconsistency in Parekh’s argument, as he would agree with Mill on this final point; the belief that ‘no political doctrine or ideology can represent the full truth of human life’ stands at the centre of Parekh’s approach.³³⁹ Indeed, it is grounded in his anthropological foundations and forms the basis of his criticism of monism, and his criticism of intolerant religious groups who claim to be in ‘possession of divinely vouchsafed infallible truths which they are not at liberty to compromise.’³⁴⁰ Parekh suggests such intolerant groups should not be tolerated if they seek to impose their beliefs on others, as this betrays an ‘inability

³³¹ Ibid., p. 319.

³³² Ibid.

³³³ John Stuart Mill, *On Liberty, Utilitarianism and Other Essays* (Oxford: Oxford University Press, 2015), p. 19.

³³⁴ Ibid., p. 38.

³³⁵ Ibid., p. 19.

³³⁶ Ibid.

³³⁷ Paul Cliteur, *Theoterrorism v. Freedom of Speech: From Incident to Precedent* (Amsterdam: Amsterdam University Press, 2019), p. 135.

³³⁸ Ibid., p. 154.

³³⁹ Bhikhu Parekh, *Rethinking Multiculturalism*, p. 338.

³⁴⁰ Ibid., p. 334.

to accept [those who disagree with them] as equals and respect their integrity, and forfeits its claims to their tolerance and good will.’³⁴¹ As intolerant groups lack commitment to multicultural reciprocity, in ‘[refusing] to engage in open-minded dialogue with other points of view and respect majority decisions,’ Parekh argues, they ‘[defeat] the very grounds for welcoming [them].’³⁴² Indeed, he goes so far as to suggest that such groups could have their freedom ‘legitimately restrict[ed]’ and, in ‘exceptional cases,’ banned.³⁴³ His prioritisation of community harmony, therefore, leads to confused conclusions. On the one hand, authors like Rushdie may be silenced for offending the cultural sensitivities of those who dictate that the speech of others must align with their own religious beliefs. On the other, those who impose their beliefs on others and refuse to engage in dialogue may not be tolerated. Yet, it is the feelings of such a group that Parekh prioritises over the free expression of authors like Rushdie. Parekh argues that free speech ‘is not the only great value and needs to be balanced against such others as avoidance of needless hurt, social harmony, humane culture, protection of the weak, truthfulness in the public realm, and self-respect and dignity of individuals and groups.’³⁴⁴ Yet, it is intolerant groups, who wish to place demands and restrictions on others, who are most likely to feel hurt by the expression of others. On application, it is difficult to see how Parekh’s reasoning could resist capitulating to their demands that the speech of others be curtailed in the interests of recognition, for the sake of inter-community harmony. Furthermore, as Parekh’s non-essentialist view of cultural groups recognises the complexity of intersecting identities, it is a particular problem for his approach if the prioritisation of community harmony has negative implications for minorities within minorities – such as women, homosexuals, apostates and dissenters – since these are also in need of recognition. If Parekh wishes to avoid the dominance of majorities within minorities over their own group or the broader population – which would violate the latter’s authenticity – he needs to establish conditions to secure reciprocity. However, as we shall see, in seeking to do so, Parekh faces similar difficulties as those faced by Kymlicka – as universal recognition requires reciprocity, but the conditions for securing reciprocity limit recognition.

On the one hand, Parekh accepts that a multicultural society will accommodate some practices which ‘offend against the values of the majority.’³⁴⁵ If a society, he writes, ‘disallowed all that it disapproved of, it would be guilty of moral dogmatism and extreme intolerance and would miss the opportunity to take a critical look at its own values and practices.’³⁴⁶ As ‘none can claim to be privileged over others,’ he writes, ‘they must accept the need for compromise and accommodation.’³⁴⁷ On the other hand, he also accepts that a multicultural society must place some limits on tolerance.³⁴⁸ Society ‘cannot tolerate [practices] indiscriminately,’ he writes, because it has ‘a duty both to raise the voice against morally outrageous practices and to safeguard the integrity of its own moral culture.’³⁴⁹ Therefore, to secure the reciprocity necessary to foster an harmonious diverse society, Parekh proposes a ‘constitutionally enshrined bill of rights guaranteeing liberty of conscience and religious freedom and banning state imposition of religion,’ and that religious people be ‘required to respect the principles of

³⁴¹ Ibid., p. 333.

³⁴² Ibid., p. 334.

³⁴³ Ibid.

³⁴⁴ Ibid., p. 320.

³⁴⁵ Ibid., p. 264.

³⁴⁶ Ibid.

³⁴⁷ Ibid., p. 333.

³⁴⁸ Ibid., p. 264.

³⁴⁹ Ibid.

equal citizenship and democratic decision-making as the necessary preconditions of political participation.³⁵⁰ However, this raises several challenges to Parekh's argument.

Firstly, he falls foul of his own criticism of Kymlicka – namely, he is unclear about the philosophical status of his propositions. The basis, justification, authority and content of the 'moral culture' is left unclear. In his discussion of FGM, he speaks of 'basic human and universal values,' and 'operative public values,' which are publicly endorsed or institutionally embodied. However, while these values may be subject to critique (perhaps the rigorous critique Parekh advocates), because they are historically situated they are likely influenced by the monistic philosophies he criticises.³⁵¹ Seen in his criticism of Kymlicka's emphasis on autonomy, Parekh holds that 'cultures are too deeply woven into the lives of their members to be jettisoned at will.'³⁵² On this basis, Parekh accepts that Britain has been profoundly shaped by Christianity in its 'moral life, myths, politics, moral discourse, literature and self-understanding' and cannot simply 'leap out of its cultural skin.'³⁵³ Additionally, he recognises that asking Britain to do so would cause 'widespread resentment,' because it would deny 'the bulk of its citizens their history.'³⁵⁴ Since it is therefore inevitable that Christianity would inform the 'moral culture,' Parekh seemingly advances his own 'strange' line of argument – that values influenced by unauthoritative monism should be regarded as authoritative for the purposes of establishing the limits of tolerance. However, a retort to this interpretation may run as follows. While Christianity might constitute a temporarily dominant influence, in Parekh's vision the moral culture would be reconfigured bottom-up through multicultural dialogue. Nevertheless, to speak of a 'moral culture' or 'operative public values' assumes that some workable authoritative consensus can be reached. However, it is unclear how such a consensus could be reached in a deeply diverse society where all values and goods remain contested, and contestable. Even in a culture of dialogue, reciprocity and respect, there is no reason to conclude this would lead to sufficient agreement to give authority to any public values to set the limits of tolerance. Even if Parekh expects minimal consensus to emerge, it would be open to his own criticisms of procedural liberalism – namely, that it is an unauthoritative imposition which undermines equal recognition. We have seen Parekh argue that asking citizens to abide by beliefs and values of the majority 'violates their integrity and makes a falsely homogenized majority the arbiter of moral values.'³⁵⁵ If the 'moral culture' or public values are not decided by the majority, by whom are they decided? Indeed, Parekh's assessment of the Rushdie case implies that the expression of the individual would be made subservient to the harmony of the whole. This, surely, violates Parekh's own principle of equal citizenship.

This leads to a second criticism. Parekh proposes securing reciprocity by enshrining certain rights. Parekh describes the conditions for reciprocity: communities must be open-minded and engage in dialogue; have respect for majority decisions; recognise that no group possesses the complete truth; accommodate, and compromise with, others; refrain from imposing beliefs and practices on others. These five conditions coincide with valued principles, such as liberty of conscience, religious freedom, and respect for the principles of equal citizenship and democratic decision-making. None of the above are uncontested. Indeed, as Parekh observes in his own criticism of liberalism, there are many non-liberal groups in modern diverse societies that would surely contest the primacy of these values.³⁵⁶ As already noted, an approach can be stress-tested by its response to 'hard cases'; it is precisely such groups,

³⁵⁰ Ibid., p. 333.

³⁵¹ Ibid., p. 259.

³⁵² Ibid., p. 198.

³⁵³ Ibid., p. 259.

³⁵⁴ Ibid.

³⁵⁵ Ibid., p. 105.

³⁵⁶ Ibid., pp. 111-112.

believing they are in possession of absolute truth, that are unlikely to prioritise reciprocity over conversion or domination. It is easy to see how such groups could abuse Parekh's reasoning to silence their critics and opponents. Parekh argues that claims of absolute truth are a 'wholly false reading of religion,' as no 'religion is or can wholly be divine in the sense of it being altogether free of human mediation.'³⁵⁷ However, Parekh cannot ask others share this view, to use his own words, as it 'sits ill at ease with religious consciousness.' To ask religious individuals to behave towards others in a manner that does not accord with their deeply held views would, no less than liberalism, prevent them from living a 'whole and integrated life.' If such groups are restricted or banned, Parekh's approach is even more open to accusations of intolerance. Indeed, how accommodating is a multicultural approach predicated on a rejection of the sort of absolute truth claims central to religious faith? Furthermore, while Parekh acknowledges that limits must be drawn, it is unclear how those limits are – or can be – justified in a manner consistent with the rest of his argument. Like Kymlicka, Parekh struggles to reconcile the tensions within his own premises – between the requirement of equal recognition, and the need to secure reciprocity. Ultimately, to secure the reciprocity needed for equal recognition, Parekh must set conditions which limit recognition to those willing to reciprocate. As a result, Parekh's argument remains open to the criticism that it is coercive, or even oppressive, for withholding recognition from certain intolerant or illiberal groups who reject his multicultural vision and refuse to reciprocate. He is, thus, haunted by the spectre of his own criticisms of Kymlicka (and of liberalism more broadly) – what authority can his vision of reciprocal recognition have over non-multiculturalist members of society who reject it? Is the demand of reciprocation not a coercive violation of their equal citizenship?

Tariq Modood's proposal of multiculturalised moderate secularism and 'multicultural nationalism' offers a counterargument to these criticisms, arguing for balancing group recognition with individual rights, within an existing historically rooted public culture. His approach navigates a path between radical secularism (with its strict relegation of religion to the private sphere) and radical multiculturalism (reminiscent of the *millet* system, which is vulnerable to intra-group oppression). The following outlines Modood's position, arguing that, while his argument is more coherent and nuanced than Parekh's, it nevertheless retains elements of the difficulties outlined above – born of the requirement of recognition – that contribute to the insecurity of liberty.

Like other multiculturalists, Modood regards recognition as a central concern. Indeed, the view that recognition is a vital component of equality drives the imperative of accommodation and the rationale for group rights. Modood is concerned particularly with ethno-religious accommodation and, like Taylor and Honneth, he holds that religious identities are 'closely tied to a person's sense of dignity, respect and self-identity,' and thus group rights are 'necessary for the fuller realisation of' freedom.³⁵⁸ Modood views multicultural recognition 'as an extension of the concept of equality, [...] based on the giving and taking of equal respect by groups.'³⁵⁹ He defines multiculturalism as

the idea that equality in the context of "difference" cannot be achieved by individual rights or equality as sameness, but has to be extended to include the positive inclusion

³⁵⁷ Ibid., p. 334.

³⁵⁸ Tariq Modood, 'Multiculturalism without Privileging Liberalism,' in Liav Orgad and Ruud Koopmans eds. *Majorities, Minorities and the Future of Nationhood* (Cambridge: Cambridge University Press, 2023), p. 205; Tariq Modood and Thomas Sealy, *The New Governance of Religious Diversity* (Cambridge: Polity, 2024), p. 117.

³⁵⁹ Sam Taylor Hill, Tariq Modood and John Denham, 'Multicultural Nationalism: Saving the White Working Class from Blue Labour,' *Political Quarterly*, Vol. 96, No. 3 (July/September 2025), p. 563.

of marginalized groups marked by race and their own sense of ethnocultural identities.³⁶⁰

Multiculturalism, therefore, ‘grows from an initial commitment to racial equality’ into the position that ‘allows minorities to publicly oppose negative images of themselves in favour of positive self-definitions and institutional accommodations.’³⁶¹ As such, in Modood’s words, the Bristol School holds that

equality must be extended beyond uniformity of treatment and made to include respect for difference, recognition of public-private interdependence rather than their dichotomisation [...], public recognition and institutional accommodation of minorities, a reversal of racialisation, exclusion and marginalisation, and a remaking of national citizenship so that everyone may have a sense of belonging to it.³⁶²

In this spirit, Modood advocates for a ‘moderate secularism’ not unlike the positions espoused by Jonathan Chaplin (‘jurisdictional secularism’) and Rowan Williams (‘procedural secularism’), outlined in the present and following chapter. Unlike radical secularism (such as *laïcité* in France) which banishes religion from the public sphere, moderate secularism ‘sees organised religion not just as a private benefit but also as a potential public good or national resource, [...] which the state can, in some circumstances, assist to realise...’³⁶³ Modood notes that moderate, rather than radical, secularism is already the prevalent arrangement in Western Europe;³⁶⁴ indeed, an ‘historically evolved and evolving compromise with religion,’ he writes, ‘is the defining feature of Western European secularism...’³⁶⁵ On this model, religion is not to be viewed as a unique aspect of social life that must be kept separate from the state.³⁶⁶ Moderate secularism is therefore thicker than other forms of secularism, and is open to state-religion connexions (SRCs) that can facilitate recognition of religious identities.³⁶⁷ This may include ‘input into a legislative forum’ like the House of Lords, partnering in the delivery of education, health and care services, and building social capital.³⁶⁸

Modood argues that this presence of SRCs in Western European states (as per Alfred Stepan’s twin tolerations and Cecile Laborde’s *Divinita*, discussed in Chapter Three) need not ‘compromise the autonomy of politics.’³⁶⁹ He, therefore, proposes further extending the Church of England’s constitutional privileges to recognise other faiths.³⁷⁰ The ‘weak’ establishment of the Church of England, he argues, has already come to play an ecumenical interfaith role, and thus it should be possible to ‘treat the claims of all religions in accordance with multicultural equality’ without disestablishment.³⁷¹ Far from alienating Muslims, he notes that the church establishment has been a ‘valuable interfaith ally’ in helping minority faiths get a ‘foothold in the public sphere,’ and to disestablish it in the name of neutrality would ‘foreclose’ what he sees as a more inclusive option – that is, a ‘pluralistic thickening,’

³⁶⁰ Tariq Modood, ‘A Multicultural Nationalism?’ *Brown Journal of World Affairs* (Spring/Summer 2019), p. 234.

³⁶¹ Ibid.

³⁶² Modood and Sealy, *The New Governance of Religious*, pp. 114-115.

³⁶³ Tariq Modood, *Essays on Secularism and Multiculturalism* (London: Rowman and Littlefield International, 2019), p. 180.

³⁶⁴ Ibid., pp. 147, 198-199.

³⁶⁵ Ibid., p. 147.

³⁶⁶ Ibid., p. 145.

³⁶⁷ Modood, ‘Multiculturalism without Privileging Liberalism,’ p. 99.

³⁶⁸ Modood, *Essays on Secularism and Multiculturalism*, p. 148.

³⁶⁹ Ibid., p. 196.

³⁷⁰ Modood, ‘A Multicultural Nationalism?’ p. 238.

³⁷¹ Modood, *Essays on Secularism and Multiculturalism*, p. 148.

extending SRCs to include minority faiths, into what could be described as a plural establishment.³⁷² This ‘additive’ rather than ‘subtractive’ approach to recognition may involve the state funding of faith schools, political representation and minority legal orders in family law, marriage, divorce and arbitration.³⁷³

Through this multiculturalising of moderate secularism, Modood proposes to ‘[rethink] the national story’ in what he terms ‘multicultural nationalism.’³⁷⁴ The aim of multicultural nationalism, he explains, is to ‘create a coherent and cohesive nation by seeking to accommodate the interest and rights of different groups, allowing people to assert group identities within an inclusive multicultural idea of Britishness.’³⁷⁵ The majority culture, in Modood’s view, already has a degree of recognition; the proposal is to extend that valued recognition to minorities.³⁷⁶ This recognition, he argues, should include the white British working class, as a means of ameliorating alienation that drives the populist right.³⁷⁷ This means respecting them as ‘legitimate contributors to national dialogue’ and challenging stereotypes depicting them as ‘inherently reactionary, uneducated or resistant to multiculturalism.’³⁷⁸ Modood therefore includes the ethnic majority within the remit of recognition because he regards multiculturalism as a multidirectional ‘mode of integration’ that goes beyond accommodation to the ‘re-making of national identity so that all citizens can have a sense of belonging.’³⁷⁹ It does not imagine that citizens will ‘always get along,’ however, it seeks to ‘[moderate] division and [expand] common ground.’³⁸⁰ It strives to ‘repair social cohesion, remedy injustices and empower our citizens’ to feel as if they are part of the nation.³⁸¹ Rather than cultural assimilation, it involves a ‘two-way or multi-way adaption’ through multilogue.³⁸² The goal is to create an inclusive national identity through institutional accommodation, and remaking the public space, so that individuals should be able to ‘hold, adapt, hyphenate, fuse, and create identities’ as ‘members of sociocultural, ethno-racial and ethno-religious groups, as well as national co-citizens.’³⁸³

To the liberal objection that this breaches state neutrality, he responds that it is an ‘impossible condition to fulfil.’³⁸⁴ Like the other multiculturalists discussed in this chapter, Modood holds that the liberal state is not neutral.³⁸⁵ Chapter Three concurs with and supports Modood on this point. All states, he writes, will have a ‘historical-cultural character’ and ‘draw on a specific set of ethical, political and legal traditions.’³⁸⁶ No state, he argues, can be

³⁷² Modood and Sealy, *The New Governance of Religious Diversity*, p. 103; Modood, ‘Multiculturalism without Privileging Liberalism,’ p. 220; Modood, ‘A Multicultural Nationalism?’ p. 240.

³⁷³ Although rulings would not be legally binding; Modood and Sealy, *The New Governance of Religious Diversity*, p. 138.

³⁷⁴ Modood, ‘Multiculturalism without Privileging Liberalism,’ p. 219.

³⁷⁵ Sam Taylor Hill, Tariq Modood and John Denham, ‘Multicultural Nationalism: Saving the White Working Class from Blue Labour,’ *Political Quarterly*, Vol. 96, No. 3 (July/September 2025), p. 563.

³⁷⁶ Modood, ‘A Multicultural Nationalism?’ p. 235.

³⁷⁷ Hill, Modood and Denham, ‘Multicultural Nationalism: Saving the White Working Class from Blue Labour,’ pp. 562, 565.

³⁷⁸ *Ibid.*, pp. 568, 569.

³⁷⁹ Modood, ‘A Multicultural Nationalism?’ p. 233.

³⁸⁰ Hill, Modood and Denham, ‘Multicultural Nationalism: Saving the White Working Class from Blue Labour,’ p. 563, 567.

³⁸¹ *Ibid.*, p. 567.

³⁸² Modood, ‘A Multicultural Nationalism?’ pp. 236-237.

³⁸³ Modood, ‘Multiculturalism without Privileging Liberalism,’ p. 218.

³⁸⁴ Modood, *Essays on Secularism and Multiculturalism*, p. 186.

³⁸⁵ Modood, ‘A Multicultural Nationalism?’ pp. 235.

³⁸⁶ Modood, *Essays on Secularism and Multiculturalism*, pp. 186-187.

culturally neutral; all states support a particular language(s), religious calendar of national holidays, the teaching of religion or the funding of state schools, arts, sports, and leisure activities.³⁸⁷ Modood would agree with Parekh, as noted above, that a country cannot leap out of its cultural skin. Every society, Modood explains, has a ‘right to create a public culture’³⁸⁸ and multiculturalism – by virtue of its recognition of the normative and political importance of identities – is well placed to understand why majorities would feel anxious about identity change.³⁸⁹ Indeed, Modood holds that it is legitimate for liberal democratic states to promote the national majority culture and heritage, providing this is not done in a ‘non-minority accommodating way.’³⁹⁰ It must not be coercive or discriminatory.³⁹¹ It must operate not only within the constraints imposed by individual freedoms, but also with respect for ‘ethno-racial, ethno-cultural, and ethno-religious group identities.’³⁹² Multicultural nationalism, he writes, ‘recognizes the legitimacy of the majority culture,’ however, ‘it denies the majority the right to refuse the accommodation of minorities simply because that accommodation runs counter to the majority culture.’³⁹³

Modood therefore envisages a multi-way process of engendering a new multicultural national identity, within the existing majority culture as the ‘normative context within which claims of minority accommodation are made.’³⁹⁴ Expanding on Parekh, he explains that operative public values (OPVs) reflect a ‘particular historical and moral legacy’ and are not unbiased. Britain’s OPVs, he explains, are not exclusively liberal, and include conservative, Christian, collectivist and nationalist elements.³⁹⁵ These OPVs provide the context for the ‘multilogue.’ To understand what this entails, it is helpful to look to the example given by Modood of successful ‘two-way learning’ in the context of these OPVs: the *Satanic Verses* and Danish Cartoon affairs.³⁹⁶ He observes that when it became evident that there was little support for blasphemy laws, or extending them to include Islam, Muslim activists ‘started framing their demands in terms of legislation against incitement to religious hatred to complement the racism laws.’³⁹⁷ While European newspapers republished the cartoons in solidarity, he notes that British publications did not ‘on the grounds that such publications would give gratuitous offence.’³⁹⁸ The ‘Muslim agency’ triggered by these controversies is given by Modood as an example of Muslims’ ‘struggle for recognition’ as they ‘responded to such hostilities and articulated their misrecognition.’³⁹⁹ Modood is clear that multiculturalism ‘does not make space for law breaking, for faith-inspired political communal violence or for the assertion of faith-based legal systems like Sharia or Jewish law above the law of the land except by individual consent.’⁴⁰⁰ Nevertheless, while recognition does not mean that violence against Salman Rushdie is permitted, it might mean restrictions on an individual’s freedom to publish images and writing regarded as blasphemous by the Muslim community.

³⁸⁷ Modood, ‘Multiculturalism without Privileging Liberalism,’ p. 218.

³⁸⁸ Ibid., p. 214.

³⁸⁹ Ibid., p. 217.

³⁹⁰ Modood, ‘A Multicultural Nationalism?’ p. 235.

³⁹¹ Ibid., p. 236.

³⁹² Ibid.

³⁹³ Ibid.

³⁹⁴ Modood, ‘Multiculturalism without Privileging Liberalism,’ pp. 213-214.

³⁹⁵ Ibid., p. 212.

³⁹⁶ Ibid., p. 213.

³⁹⁷ Ibid.

³⁹⁸ Ibid.

³⁹⁹ Modood, *Essays on Secularism and Multiculturalism*, pp. 75, 78.

⁴⁰⁰ Hill, Modood and Denham, ‘Multicultural Nationalism: Saving the White Working Class from Blue Labour,’ p. 562.

Modood's multicultural recognition, however, is not absolute. He explicitly recognises the need to balance individual liberties with group claims. Over-emphasis on group rights, he accepts, can be 'overly restrictive' of individual freedoms, and thus individual rights may need to be strengthened with respect to freedom of religion, conscience and autonomy (for example, if a person finds it difficult to convert to another faith, reject religion, or marry outside of their ethno-cultural group).⁴⁰¹ The state, he argues, may legitimately intervene to prevent intra-group domination, such as discrimination against women or minorities within minorities.⁴⁰² Akin to Parekh's rationale for securing reciprocity, Modood argues that intra-group oppression 'breaches the norm of multilogue' and 'restricts democratic debate.'⁴⁰³ However, Modood is explicit that this does not mean his view aligns with liberal individualism; individual rights, in his view, do not 'automatically' trump group rights.⁴⁰⁴ Instead, the balancing between individual and group rights is a constant negotiation through multilogue. For example, while recognising the tension between women's and group rights, rather than securing the former outright, he suggests that gender equality and universal norms of human rights should be part of the multilogue on religious freedom. The state's role should be 'to support the multilogical character of debates and reforms rather than to bring an external imposition that members of the community will not be able to accept.'⁴⁰⁵ Another illuminating example is Modood's approach to sharia courts. He describes fears that accommodating sharia courts is a 'slippery slope to the 'Talibanization of British law'' as 'scaremongering.'⁴⁰⁶ Sharia courts, he argues, should operate consistently with human rights, gender equality and child protection. They must operate on a voluntary basis, he argues, under no compulsion or social pressure to use them instead of civil courts, and adjudicators must be trained and qualified in Islamic knowledge as well as relevant British law.⁴⁰⁷ However, where there are issues, he explains, they should be approached in 'sensitive ways' rather than by 'picking a fight with Muslims.'⁴⁰⁸ The 'guiding norm,' he explains, in all cases where one group is disproportionately affected (as in the banning of ritual slaughter) is 'talking to rather than at.'⁴⁰⁹ Recognition, he explains, must be 'multiplex' and thus racial, gender, sexual and religious identities all have their own needs for recognition that the state should endeavour to meet.⁴¹⁰ Modood's vision, therefore, is one of 'continuous dialogue' and compromise.⁴¹¹

There are several aspects of Modood's position that are upheld by the argument put forward in the following chapters of this thesis: a rejection of radical secularism as a doctrine less suited to securing liberty than an alternative that does not banish religion from the public sphere; recognition that human beings are embedded creatures for whom culture is important; viewing church establishment as compatible with religious tolerance; holding that it is legitimate for the state to promote the majority heritage and culture, and that this is compatible with non-discrimination; and holding that liberty does not depend upon state neutrality, which is unattainable. However, while Modood provides a more coherent response to the issue of balancing group recognition with individual rights compared to the theorists

⁴⁰¹ Modood and Sealy, *The New Governance of Religious Diversity*, p. 153.

⁴⁰² Ibid., p. 154.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid., p. 153.

⁴⁰⁵ Ibid., p. 156

⁴⁰⁶ Modood, *Essays on Secularism and Multiculturalism*, p. 138.

⁴⁰⁷ Ibid., pp. 138, 140.

⁴⁰⁸ Ibid., p. 140.

⁴⁰⁹ Modood and Sealy, *The New Governance of Religious Diversity*, p. 140.

⁴¹⁰ Ibid., pp. 125-126.

⁴¹¹ Modood, *Essays on Secularism and Multiculturalism*, p. 136.

previously discussed, several criticisms can be made of his argument that suggest he does not entirely overcome the difficulties of other approaches. Firstly, while he gives more explicit consideration to securing individual rights against inter- and intra-group oppression, his approach provides poor security for them. Modood writes that the state may intervene to protect individual rights. In the case of sharia courts, he states that they should operate without compulsion and consistently with gender equality and child protection laws. However, he cannot guarantee women's and children's rights in advance if they do not automatically trump group rights, but are instead open to perpetual negotiation. This risk can be seen most clearly in his response to the *Satanic Verses* affair as, like Parekh, this is an instance in which Modood appears willing to surrender the individual right of expression to the demands of a religious group. A critic might readily point to this as an example of the state leaving individual rights vulnerable to inter- (or, in the case of Rushdie, arguably intra-) group oppression. This approach provides meagre security for any right, if it holds no more weight than a 'say' in the multilogue.

Secondly, this is compounded by the suggestion that multicultural nationalism would not accord recognition and inclusion to those who 'reject the whole idea of a diverse nation, those who want to maintain race-based advantage or organise far-right parties.'⁴¹² Denying recognition to those who reject the multiculturalist doctrine – and its vision for remaking society – is arguably no less open to the charge of 'moral intolerance' than the assimilationist muscular liberalism that multiculturalists reject. This statement appears to run counter to the spirit of Modood's claim that the majority does not have the 'right to refuse the accommodation of minorities simply because that accommodation runs counter to the majority culture.'⁴¹³ As noted, the moral seriousness of cultural recognition is such that individual rights do not inherently outweigh it. Given this, denying it to groups because they 'reject the whole idea of a diverse nation' leaves the approach open to the charge that it violates their equal citizenship. Modood's multilogue offers a forum even to those who hold illiberal views, to negotiate for group rights that may conflict with the freedoms of others (such as the freedom to satirise the Islamic prophet Mohammed). It therefore appears to be inconsistent to deny, in advance, inclusion to those who reject the multiculturalist aspiration of a diverse society or do not wish to participate in 'multi-way' integration. It is difficult to see how the approach could consistently deny inclusion to those who wish to maintain 'race-based advantage' while offering it to those who, for example, wish to maintain a sex-based advantage within their own community (as, potentially, in the case of sharia courts).

This is not to query the importance of groups, culture or religion. Indeed, some softer multiculturalist policies might be less problematically justified on the grounds of a right to association (such as public funding of religious state schools) or on pragmatic grounds (such as the use of court translators). Rather, as with other multiculturalist theories, the point of contention – with respect to 'the problem' outlined in Chapter One – relates to the imperative of recognition, and the group rights it entails. Even if multiculturalists place limits on recognition, as Modood does, and regard it as a principle to be balanced among others, individual liberties are nevertheless up for negotiation and thereby their security is weakened. Multiculturalists cannot guarantee the security of individual liberties. Individual rights *may* sometimes lose to group demands for recognition; if this were not the case, multiculturalists would be able to secure them in advance. The failure to do so is, in effect, an admission that this approach cannot wholly prevent some intra- or inter-group oppression, because even if multiculturalists value voluntariness or consent, their approach is not willing to guarantee it.

⁴¹² Hill, Modood and Denham, 'Multicultural Nationalism: Saving the White Working Class from Blue Labour,' p. 562.

⁴¹³ Modood, 'A Multicultural Nationalism?' p. 236.

Those groups who wish to trespass on the rights of others can demand to do so on the grounds of recognition; if the state refuses to tolerate this, and seeks to secure individual rights against that group, the latter can claim the state's action is an illegitimate imposition that denies them recognition and undermines their equal citizenship. This is a challenging point of tension within multiculturalist theories; a state seeking to secure individual liberties, or to defend the political order (including a multicultural nationalist one) from a perceived subversive challenge, are – by its multiculturalism's own measure – easily pictured as 'repressive reactionaries.' That is, they are vulnerable to the charge of moral intolerance, having undermined equal citizenship through the denial of recognition. As all the multiculturalists discussed thus far hold that recognition must be limited, a state implementing this approach will inevitably have to deal with this charge; it should be expected that every intervention by the state can be morally litigated as a violation of equal recognition. As such, the requirement of recognition potentially aggravates 'the problem' outlined in Chapter One, as any state implementing multiculturalism risks weakening its authority to defend individual rights and liberties.

A Christian Multiculturalist Response

As any multicultural argument advocating equal recognition would be weakened if it required monotheists to compromise their commitment to theological truth, it would pose a significant challenge if the predominant Western religion – Christianity – was as antithetical to a pluralist perspective as Parekh suggests. Indeed, arguments put forth by Christian thinkers challenge Parekh's characterisation of Christianity as monistic, and may even strengthen his overall position if Christianity's influence on the 'moral culture' or OPVs permits pluralism. Although not addressing Parekh's argument directly, James Orr challenges the 'Inconsistency Charge' underpinning the former's claim that Christianity is monistic, by arguing that monotheism can be compatible with value-pluralism. As Orr notes that, while there may be 'intuitive force' to the assumption that there will be conceptual conformity between a person's theory of value and their wider metaphysics, this characterisation fails to distinguish between the structure and source of value.⁴¹⁴ On the contrary, he argues that Christian axiologies – such as that of Aquinas – are able to make such a distinction, by regarding God as the ultimate source of diverse created goods. As Orr writes, 'Christian theology – particularly in the Western tradition - has adopted a particularly sanguine and clear-eyed view of our fragmentary and fallen grasp of moral truths.'⁴¹⁵ Indeed, far from being incompatible with value-pluralism, Christianity may strengthen its foundation, by offering a metaphysical bulwark against self-defeating relativism.⁴¹⁶ Orr observes that, when trying to avoid this collapse into relativism, empirical pluralist theories – such as Berlin's – are particularly prone to the naturalistic fallacy.⁴¹⁷ The most compelling route out of this conceptual challenge would be to adopt a metaphysics – Aristotelian or Thomistic – which empiricists are unlikely to accept.⁴¹⁸ Therefore, far from a monistic caricature, Christianity offers a solution to this conceptual problem, as it can indeed support

⁴¹⁴ James Orr, 'Berlinian Pluralism and Abrahamic Monotheism,' *Political Theology*, Vol. 18, Issue 5 (2017), p. 443.

⁴¹⁵ *Ibid.*, p. 455.

⁴¹⁶ *Ibid.*

⁴¹⁷ *Ibid.*, p. 448.

⁴¹⁸ *Ibid.*

the basic insight that the ends human beings pursue are irreducibly diverse, that no single value can serve as the universal benchmark for every other, and that there are moral scenarios to which no rational decision-procedure can adequately resolve...⁴¹⁹ Similarly, on Augustinian grounds, Kristen Deede Johnson disputes the ‘commonplace’ assumption that ‘Christianity is opposed to difference, inasmuch as it purports to offer the one way to universal truth to which all people must adhere in order to find salvation.’⁴²⁰ Akin to Orr, she argues the ‘uniqueness of a Christian ontology’ is compatible with diverse created goods; since the ‘primary political society’ with which Christians are concerned is the ‘Heavenly City,’ its ‘exclusivity need not determine who can be involved in the earthly city.’⁴²¹ While we will return to Augustine in due course, for present purposes we note the implications of Deede Johnson’s observation that a Christian ontology is capable of reconciling unity with difference, as difference is a permanent fact of human existence, to be reconciled only in the *eschaton*.⁴²² Thus, Deede Johnson summarises her pluralistic entreaty that ‘We need to rediscover Augustine’s Heavenly City as the place in which unity and diversity, harmony and plurality can come together in ways that are not possible outside of participation in the Triune God.’⁴²³ While such arguments suggest that Christianity can support pluralism, they do not permit relativism. As Robin Lovin argues, human beings pursue a multiplicity of goods, in households, schools, families, cultural institutions, associations, corporations, churches, as well as political institutions.⁴²⁴ Nevertheless, he maintains

the transcendent point of reference remains important. A pluralist political theology that acknowledges the variety of human goods and gives a realistic account of the multiple contexts in which they are created and maintained would be less tempted to the idolatry of the state that was characteristic of modern political theology, but it will not be a political *theology* unless it can also give some account of the ultimate unity of the good.⁴²⁵

Contrary to Parekh’s claims, this selection of examples serves to illustrate the ways in which Christian thinkers have drawn on the ‘deep resources’ of political theology to challenge monistic-value theories.⁴²⁶ Yet, because of their metaphysical and ontological foundations, Christian pluralists are equipped to resist a collapse into relativism.

Nevertheless, while value-pluralism and multiculturalism are related, they are not identical; Christian support for the ‘politics of recognition’ requires more than the belief that ‘the ends human beings pursue are irreducibly diverse.’ Gerard Ryan takes this further step, providing theological support for the imperative of recognition. ‘For the religious oriented person,’ he writes, ‘any interpersonal recognition of the other recognizes that the religious vocation of the other is an essential part of their personhood.’⁴²⁷ On theological grounds, Ryan agrees with Taylor’s understanding of the self as ‘dialogically shaped,’⁴²⁸ as living

⁴¹⁹ Ibid., p. 441.

⁴²⁰ Kristen Deede Johnson, *Theology, Political Theory and Pluralism: Beyond Tolerance and Difference* (Cambridge: Cambridge University Press, 2010), p. 183.

⁴²¹ Ibid., p. 184.

⁴²² Ibid.

⁴²³ Ibid., p. 248.

⁴²⁴ Robin Lovin, ‘The Future of Political Theology: From Crisis to Pluralism,’ in *Political Theology for a Plural Age*, ed. Michael Jon Kessler (Oxford: Oxford University Press, 2013), p. 188.

⁴²⁵ Ibid., p. 196.

⁴²⁶ Orr, ‘Berlinian Pluralism and Abrahamic Monotheism,’ p. 442.

⁴²⁷ Ryan, ‘Charles Taylor and the Political Recognition of Difference as a Resource for Theological Reflection on Religious Recognition,’ p. 907.

⁴²⁸ Ibid., p. 919.

one's vocation is 'not a lone or moral exercise, but a deeply inter-relational and communal activity.'⁴²⁹ Rather than conceiving of human beings as atomised selves, and identity formation 'as an autonomous enterprise not requiring a formative relationship with others,'⁴³⁰ the self emerges through 'a relational interaction with the other, whereby the fashioning of the self is not the sole project of that individual.'⁴³¹ Religious recognition, he writes, means 'exposing oneself to the religious vocation of the other.'⁴³² Given the providential nature of vocation, this recognition has a transcendent dimension. It is, he argues, 'necessary within a wider presentation of the multidimensional recognition of an individual.'⁴³³ With caveats, support for this perspective may be found in Risto Saarinen's detailed account of the history of religious recognition.⁴³⁴ As Saarinen writes, religious recognition is a 'relational act that involves and redefines its participants.'⁴³⁵ While historic understandings of religious recognition are not identical to the 'Hegelian view of equal and mutual recognition,' Saarinen sees them reflected in the latter's emergence.⁴³⁶ In particular, Saarinen notes that one of the distinctive features of religious recognition is the 'constitutive relationality of personhood.'⁴³⁷ He explains,

The person of the recognizer, as well as that of the recognizee, is not a stable, autonomous substance, but is constantly shaped and produced shaped and produced in the networks of social bonding and the changes of mind [...] In the intellectual history of religious recognition, the lack of equality is to some extent compensated by the rich imagery of the relational self that becomes attached to the relational other.⁴³⁸

This 'constitutive relationality,' Saarinen argues, 'was conspicuous [sic] before modernity and postmodernity.' Yet, he writes, 'Contemporary political and philosophical theories sometimes overstate the achievements of modernity, assuming that relationality and fluctuating subjecthood were only invented in late modern times.'⁴³⁹ Thus, while it is important not to overstate the resemblance, it is possible to draw the modest conclusion that Hegelian and religious recognition share common ground in the 'constitutive relationality' of the self. Yet, Saarinen's observations could also be taken as support for the opposite conclusion, as religious recognition transforms and reconfigures personal identity in relation to the divine. This is quite different from a theory that casts recognition of cultural identity as a moral imperative. However, this is precisely the move Ryan makes. For Ryan relational anthropology is not a mere phenomenological observation – like Taylor, he argues for the 'moral seriousness of misrecognition.'⁴⁴⁰ Ryan's conclusion, therefore, goes beyond mere acceptance of the existence of plural goods, to recognition of another's identity as a moral imperative. Understood through the prism of vocation, the contribution of religious recognition, according to Ryan, has the potential to '[widen] the interaction and horizon of recognition theories beyond the material world and its concerns,' encompassing the dialogical

⁴²⁹ Ibid., p. 911.

⁴³⁰ Ibid., p. 920.

⁴³¹ Ibid., p. 911.

⁴³² Ibid., p. 907.

⁴³³ Ibid.

⁴³⁴ Risto Saarinen, *Recognition and Religion: A Historical and Systematic Study* (Oxford: Oxford University Press, 2016), p. 246.

⁴³⁵ Ibid.

⁴³⁶ Ibid., p. 251.

⁴³⁷ Ibid., p. 252.

⁴³⁸ Ibid.

⁴³⁹ Ibid., p. 247.

⁴⁴⁰ Ryan, 'Charles Taylor and the Political Recognition of Difference as a Resource for Theological Reflection on Religious Recognition,' p. 912.

relationship between human beings and God.⁴⁴¹ The imperative of recognition, moreover, has an epistemically humbling (or even agnosticising or relativising) effect, as Ryan argues it reminds ‘theology of the potential dangers of using universalist language’ that fails to recognise the particularity of the individual.⁴⁴²

Taken together, these illustrations challenge Parekh’s characterisation of Christianity; theological arguments have been made in support, not only of value-pluralism, but for ‘recognition.’ A prominent example of theological support for multiculturalism is that of Jonathan Chaplin, who – like Modood – opposes relegating religious motivations and contributions to the private sphere. Indeed, he argues that such contributions are increasingly important as the global resurgence of religion renders programmatic secularism inappropriate,⁴⁴³ since it reduces religion to ‘a matter of individual, subjectively chosen private belief,’ rather than a ‘body of thick communal commitments and practices that have shaped, and may shape, the public realm.’⁴⁴⁴ This latter reality challenges the possibility that particulars can be stripped back, leaving only a neutral secular realm.⁴⁴⁵ Like non-religious multiculturalists, Chaplin maintains that secularism is far from neutral, but rather is a comprehensive doctrine, embodying a distinct and particular worldview.⁴⁴⁶ As he notes, its neutrality has been disputed from several directions by *inter alia* postmodern philosophy, radical feminism, postcolonial theory, and resurgent public religion.⁴⁴⁷ In this new post-secular context, he argues, there is need for an alternative that does not disadvantage diverse religious contributions.⁴⁴⁸

Before turning to examine Chaplin’s proposed alternative – ‘jurisdictional secularism’ – it is helpful to outline his theology of multiculturalism. This can be divided into three categories: first, theological reasons, grounded in scripture, for supporting multiculturalism; second, historical sources demonstrating the provenance of tolerance within the Christian tradition, pre-dating its elaboration in foundational non-religious liberal texts; and third, the argument that politics is natural rather than remedial. One motif of Chaplin’s theology of multiculturalism is a ‘theology of universal creatureliness.’⁴⁴⁹ At once, Christianity affirms particular identities as gifts from God, as well as recognising our common humanity.⁴⁵⁰ Ethnic, religious and cultural divides are transcended by ‘the common habitation of all human beings and cultures in a shared order of creation established and sustained by God.’⁴⁵¹ Belief in the ‘fundamental unity of the human race,’ Chaplin argues, has its basis in creation, as all human beings are made in the image and likeness of God, and are called to be stewards of the Earth (Genesis 1).⁴⁵² In this Chaplin finds a ‘cultural mandate’; that is, an invitation by God to ‘rise to the task of cultural formation.’⁴⁵³ Cultural diversity is thus understood as willed by

⁴⁴¹ Ibid., p. 909.

⁴⁴² Ibid., p. 910.

⁴⁴³ Jonathan Chaplin, *Faith in Democracy: Framing a Politics of Deep Diversity*, (London: SCM Press, 2021), pp. 5, 63-64.

⁴⁴⁴ Ibid., p. 58.

⁴⁴⁵ Ibid., p. 59.

⁴⁴⁶ Ibid.

⁴⁴⁷ Ibid., p. 63.

⁴⁴⁸ Ibid., pp. 62-67; cf. Modood, ‘Anti-essentialism, Multiculturalism and the ‘Recognition’ of Religious Groups,’ p. 297.

⁴⁴⁹ Jonathan Chaplin, *Multiculturalism: A Christian Retrieval* (London: Theos, 2011), p. 50.

⁴⁵⁰ Ibid., p. 50.

⁴⁵¹ Ibid., p. 49.

⁴⁵² Ibid.

⁴⁵³ Ibid.

God, with each people or nation possessing ‘specific cultural talents.’⁴⁵⁴ In line with this, Chaplin interprets the story of the Tower of Babel as a critique of arrogant imperial power seeking to impose or coerce uniformity by political means.⁴⁵⁵ In response to mankind’s hubris, God ‘[unleashes] the decentralising power of linguistic diversity.’⁴⁵⁶ Cultural diversity is, therefore, an aspect of creatureliness and part of God’s will for creation, and is thwarted at our own peril. For Chaplin, this is further confirmed by the Incarnation, in which he sees a ‘radical reaffirmation of the goodness of created human nature as such, and, Jesus being Jewish, also of the value of cultural identity (John 1.1-14).’⁴⁵⁷ Furthermore, there are multicultural implications of Chaplin’s view that ‘the common solidarity of all human creatures in sin’ is represented by the universality of the Fall.⁴⁵⁸ As all creatures are prey to ‘moral distortions,’ evil and idolatry, peoples should exercise cultural humility – ‘critical patriotism’ – leading to a ‘national narrative’ that has been ‘humbled by [...] repentance and grace,’ and resists the ‘corruption of cultural diversity into mutual suspicion and enmity.’⁴⁵⁹

In other words, recalling Ryan’s warning against universalistic language, Chaplin argues that there is a scriptural basis for epistemic humility, guarding against making idols of national identity, or hubristic aspirations to enforce uniformity in contradiction to the divine plan. A Christian multiculturalism ‘of integrity’ would therefore not seek to minimise differences between traditions or beliefs, as it is ‘sheer sentimentality,’ Chaplin writes, ‘to deny the existence of these deep differences of belief among rival religions.’⁴⁶⁰ A denial of difference leads not to tolerance, he argues, but to ‘mutual disrespect.’⁴⁶¹ Christians, on the contrary, have a ‘powerful reason to celebrate those aspects of aspects of *cultural* diversity which arise from the historical unfolding of God’s good gifts in creation.’⁴⁶² Chaplin takes this argument further still, concluding that this humility should compel ‘Christians to be receptive to the truths that may be grasped in other religions.’⁴⁶³ Chaplin mandates the sort of openness to other traditions that would be amenable to Parekh. Indeed, his argument could be used to defend the permissibility of Christianity’s influence on the ‘moral culture.’ Although Chaplin holds that only individuals – not nations – can be saved, he argues that cultures can nonetheless bear the marks of the ‘cumulative impact of transformative activities of Christian communities living out what they took to be the social imperatives of the Gospel.’⁴⁶⁴

Consequently, an ‘historically aware multiculturalism,’ he writes,

will not see doing justice to ethnic and religious minorities as requiring the marginalisation of Christianity in British public life. On the contrary, there is an important sense in which the nation’s capacity (at its best) to embrace diverse cultures has been significantly enhanced by the cumulative impact of the Christian faith.⁴⁶⁵

According to Chaplin, therefore, the accommodation of other traditions and doctrines need not sideline Christianity. This, however, does not imply support for church establishment.⁴⁶⁶

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid., p. 50.

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid., p. 51.

⁴⁵⁹ Ibid., pp. 51-52.

⁴⁶⁰ Ibid., p. 52.

⁴⁶¹ Ibid.

⁴⁶² Ibid., p. 53.

⁴⁶³ Ibid.

⁴⁶⁴ Ibid., p. 54.

⁴⁶⁵ Ibid., p. 55.

⁴⁶⁶ Jonathan Chaplin, *Faith in Democracy: Framing a Politics of Deep Diversity*, (London: SCM Press, 2021), p. 73.

On the contrary, Chaplin is opposed to the government imposition or privileging of Christianity, which he regards as an ‘unredeemed hangover’ from ‘Pagan Roman political theology.’⁴⁶⁷ Rather, he identifies his own position of multicultural tolerance with the political theologies of dissenting protestant thinkers of the seventeenth century, who ‘systematically challenged’ this hangover ‘on theological grounds,’ and thereby laid ‘new foundations [...] for a defence of the religious impartial state and religious freedom.’⁴⁶⁸ Chaplin thus challenges the ‘dominant narrative of modernity’ that religious toleration is the exclusive product of the Enlightenment, and thus dependent on banishing religion to the private sphere. Rather, he argues that ‘public toleration of diverse theologies was itself birthed in theology.’⁴⁶⁹ One source Chaplin draws upon in support of this argument is Roger Williams’ *The Bloudy Tenent of Persecution for the Cause of Conscience* (1644), whose theological argument for religious toleration, freedom of speech and the jurisdictional separation of church and state predates Locke’s *Letter Concerning Toleration* (1686).⁴⁷⁰ The latter, Chaplin argues, recasts into rational language arguments that have their origin in an ‘explicitly Christian political theology.’⁴⁷¹ As Robert Louis Wilken concurs, Locke lived a generation after Williams, and his ‘writings on religious freedom draw on ideas advanced by the English Baptists and other dissenters.’⁴⁷² Chaplin summarises these dissenting theological arguments as follows: the only worship God finds acceptable is freely given, not coerced; while the fundamentals of faith are known, there is no comprehensive certainty on belief and practice; all human beings are created in the image of God, with the capacity to acquire knowledge of God, and thus restrictions on religious freedom would frustrate ‘a universal, divinely bestowed human possibility’; freedom of belief is a collective entitlement that can only be realised through fellowship, in voluntary association and a rejection of spiritual individualism; and the government does not have the authority to impose penalty on those who accept or reject any particular faith.⁴⁷³ As we shall see in our examination of Locke in Chapter Three, such arguments have come to be associated with liberalism, but as Chaplin argues, given their theological origins, the toleration they espouse need not depend on the privatisation of religious sentiment. While these dissenting arguments challenged the notion of ‘officially Christian territorial nations,’ they have also undermined the claim that toleration is an historical achievement solely of secular liberalism.⁴⁷⁴ However, as we shall see in the following chapter, these observations have also been leveraged by Christians in support of forms of liberalism. While Chaplin acknowledges that the ‘Christian nation view’ – that liberal democracy arose from Christian culture and must be ‘replenished by these Christian sources’ – can be partly vindicated, he maintains that there is no biblical or theological support for a state partial to a particular religion.⁴⁷⁵

Furthermore, while Chaplin and Locke share a common influence in the protestant dissenters, Chaplin rejects the voluntarism associated with contractarian liberalism. Like Taylor and other multiculturalists, Chaplin rejects a non-relational anthropology. Though an ardent defender of democracy, he rejects the voluntaristic view that the purpose of the

⁴⁶⁷ Ibid., p. 68.

⁴⁶⁸ Ibid.

⁴⁶⁹ Ibid.

⁴⁷⁰ Ibid., p. 70.

⁴⁷¹ Ibid.

⁴⁷² Robert Wilken, ‘The Christian Roots of Religious Freedom,’ in *Christianity and Freedom, Vol. 1: Historical Perspectives*, ed. Timothy Samuel Shah and Allen D. Hertzke (Cambridge: Cambridge University Press, 2016), p. 77.

⁴⁷³ Chaplin, *Faith in Democracy*, pp. 70-72.

⁴⁷⁴ Ibid., p. 71.

⁴⁷⁵ Ibid., p. 73.

political community is *constructed* by the people – that is, it has the ‘right to create political community and political authority *ex nihilo*.’⁴⁷⁶ On the other hand, he rejects a traditional conservative position, which he characterises as the view

that it is *tradition*, not the popular will, that tells us what the purpose of the political community is. That purpose might be construed as the protection of historical property entitlements, the preservation of customary social order, the maintenance of national character or defence against enemies...⁴⁷⁷

Conservatism, writes Chaplin, regards tradition as the ‘repository of accumulated, tested wisdom of centuries,’ to which ‘the present generation must defer; it cannot simply be set aside by Johnny-come-lately popular assemblies wielding their rights, reason and will.’⁴⁷⁸ In his view, this is not a theologically acceptable position, because it makes an idol of tradition – a claim we will return to and reject (with qualifications) in Chapter Five.⁴⁷⁹ Instead, Chaplin holds the view that politics is natural (associated with Thomism) rather than remedial (associated with Augustinianism). The latter regards political authority as a ‘work of divine damage limitation’ after the Fall.⁴⁸⁰ It is, as Chaplin writes, a position associated with realism, cautioning against utopian ambitions or the ‘wholesale refashioning of society.’⁴⁸¹ Chaplin rejects this view on the grounds that it does not ‘adequately capture many tasks that have been widely and rightly recognised as necessary to the realisation of a minimum level of justice in society.’⁴⁸² By contrast, he views politics as ‘arising from recurring inclinations in social human nature’ irrespective of the Fall.⁴⁸³ For this reason, he rejects both voluntarism and traditionalism – idolising the popular will and tradition respectively – because he holds that the political community has an inherent God-given *telos*, that is ‘public justice.’⁴⁸⁴

Complementing his theology of multiculturalism, Chaplin proposes an approach that he terms ‘jurisdictional secularism.’ Unlike ‘exclusivist’ secularism which pushes religious faith ‘to the margins of public life,’⁴⁸⁵ jurisdictional secularism does not favour any particular faith, but ‘aspires to relate to all of them ‘even-handedly’ or ‘impartially.’⁴⁸⁶ Chaplin regards his approach as a species of ‘political secularism,’ that is, the view that the state should remain impartial with respect to all conceptions of the good and comprehensive doctrines – including secularism itself – thus ‘mitigat[ing] civil conflict in religiously divided societies.’⁴⁸⁷ A jurisdictionally secular state, writes Chaplin,

should not *assume to itself the authority* to assess the legitimacy of religious beliefs. If the state has no valid claim to such authority, it has no licence to favour or disfavour any faith, or all faiths. Jurisdictional secularism requires the state to deal even-handedly (not necessarily identically) with whatever faiths may be present within its territory; majority or minority; traditional or recent; indigenous or migrant; familiar or strange.⁴⁸⁸

Thus, Chaplin provides a theologically-grounded argument, resonating with the perspectives of Parekh and Modood, that would require ‘institutional *intent* to treat plural faiths

⁴⁷⁶ Ibid., p. 15.

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid., p. 13.

⁴⁸¹ Ibid., pp. 13-14.

⁴⁸² Ibid., p. 14.

⁴⁸³ Ibid., p. 13.

⁴⁸⁴ Ibid., pp. 12-13.

⁴⁸⁵ Ibid., p. 64.

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid., pp. 63-64.

⁴⁸⁸ Ibid., pp. 64-65.

impartially and the existence of principles and procedures to make that outcome more likely than not.⁴⁸⁹ However, this approach may struggle to convince co-religionists who disagree with the scriptural justification for multiculturalism, who eschew epistemic humility, or refuse to reciprocate in this shared vision of a diverse society. Indeed, it is least likely to convince the most intolerant in society. How, in a diverse society where even the multicultural doctrine is subject to contestation, can the state determine the boundaries of tolerance with authority? A multiculturalist might suggest that, through dialogue and participation, an authoritative set of OPVs will be reformed in a manner that is more accommodating to minority cultures. This process might take the form of David Barclay's practical proposal of cultivating 'political friendships,' for example, which takes explicit inspiration from Chaplin's thought.⁴⁹⁰ Barclay envisages a public square in which 'deep public identities' can be freely articulated, with no prior conditions set on participation, such as the use of neutral language.⁴⁹¹ This might draw support from Deede Johnson's pluralist 'theology of public conversation,' which envisages a pluralist society in which 'differences come together in rich conversation.'⁴⁹² Since 'identities are embodied and practiced,'⁴⁹³ her conception of conversation is not limited to verbal communication, but includes 'interaction between ways and manners of life.'⁴⁹⁴ Deede Johnson justifies this on Augustinian grounds, calling on citizens to orient themselves away from their 'preoccupation with themselves' toward the 'enjoyment of God and love of others which constitute their proper end.'⁴⁹⁵ In her vision, parties to public conversation should be able to speak from 'the particularity and fullness of [their] own identity and beliefs' and be 'open to being persuaded by the other, to changing [their] convictions and practices, in small or large ways, and even to being converted to different beliefs and manners of life.'⁴⁹⁶ The objective, however, is not 'consensus and harmony at the cost of' recognising 'particularity and difference.'⁴⁹⁷ Therefore, while political friendships and public conversation may strengthen democracy and civil society, and foster cohesion, it is doubtful that such dialogue will result in a consensus sufficient to justify the limits of tolerance in a society of deep diversity. Furthermore, even if consensus could be reached by participants in public dialogue, it will not be able to satisfy all. As recognition is necessarily limited, there will always be those to whom it is denied, and therefore any limits on tolerance will remain open to the charge of non-recognition. Those who do not respect the freedoms or beliefs of others, and are not open to reciprocal engagement, are most likely to exclude themselves from such conversations even if there are no prior conditions prohibiting their participation. Yet, it is such groups that are likely to place the greatest strain on the tension within multiculturalism— between the requirement of recognition and individual liberties – that makes it difficult to justify limits on tolerance.

As noted, it is possible – including from a Christian perspective – to accept that human beings are culturally embedded creatures, and to support a measure of value-pluralism. However, the 'basic insight that the ends human beings pursue are irreducibly diverse' need not lead to the conclusion that the state must accord recognition to minorities as groups, as a vital aspect of equal citizenship. Oliver O'Donovan's description of 'pluralism' as a 'metaphysic of society' sheds light on this move, as he writes, it is

⁴⁸⁹ Ibid., p. 65.

⁴⁹⁰ David Barclay, *Making Multiculturalism Work* (London: Theos, 2013), pp. 9, 13.

⁴⁹¹ Ibid., p. 11.

⁴⁹² Deede Johnson, *Theology, Political Theory and Pluralism*, p. 248.

⁴⁹³ Ibid., p. 235.

⁴⁹⁴ Ibid.

⁴⁹⁵ Ibid., pp. 222-223.

⁴⁹⁶ Ibid., p. 235.

⁴⁹⁷ Ibid., p. 241.

at once a way of reading the world and a way of reacting to it. It is as though the coming of new demographics were a moment of metaphysical disclosure, an underlying reality we had overlooked suddenly became clear, and we are disillusioned by our simple idea that society is based on things held in common.⁴⁹⁸

In the case of Parekh (although not all multiculturalists) this disclosure demands an epistemic compromise. However, it is a compromise that multiculturalists cannot demand religious citizens accept. Further, if one does not accept this relativising ‘metaphysical disclosure,’ why move from the observation of pluralism to the imperative of recognition? The imperative is of such moral seriousness that equal citizenship is seen to depend upon it, and individual rights are not guaranteed to trump it. It is of such seriousness that multiculturalists are content for the state to make morally thick decisions and take coercive actions that *intend* to bring all cultural groups onto an equal footing. Yet, they also acknowledge that recognition will need to be limited to secure reciprocation, or because one group’s claim may conflict with that of another group, or an individual. If recognition cannot be accorded to all, while it may be regarded as important or desirable, it cannot be *necessary* for equal citizenship. However, if it is not necessary, why not limit it in advance by guaranteeing individual rights, particularly if one wishes to ensure that membership of a particular cultural or religious group is voluntary? As multiculturalists accept that tolerance must be achieved within the context of a non-neutral state, can the importance of culture to individual citizens not be satisfied by the less problematic right to association? Indeed, as I argue in Chapters Three and Five, it is possible for the state to privilege a public doctrine that recognises human beings are creatures for whom culture is important, and tolerates a measure of pluralism, without committing to the requirement of recognition and its attendant challenges.

This, in turn, points to a second criticism. Lesslie Newbigin argues that it is doubtful whether a ‘society which has abandoned the belief that truth can be known and has settled for a purely subjective view of truth,’

can long sustain its integrity in the face of claims of those who have a firm commitment to some vision of the truth. As I write, the press is full of cries of outrage from Western liberal writers and critics in the face of the Muslim reaction to Salman Rushdie’s book *The Satanic Verses*. But it is doubtful whether these cries have behind them anything that can withstand the determined onslaught of those who hold firm beliefs about the truth.⁴⁹⁹

This touches on the challenge posed by those who hold firm beliefs about the truth and wish to impose them on others, rejecting the multiculturalist vision of diversity and reciprocation. As shown above, multiculturalists recognise this challenge and therefore acknowledge the need to limit recognition. However, this opens them to the charge multiculturalists have made against liberals – namely, that the imposition of a particular doctrine on minority groups violates their authenticity. Any limitation on recognition – whether to defend multicultural diversity from intolerant detractors, to secure reciprocity or individual liberties – is open to their own charge of moral intolerance undermining equal citizenship. Indeed, by adding the consideration of recognition, multiculturalists expand the grounds on which the state can be accused of such intolerance. This is an accusation that even a multiculturalist state – modelled after the approaches discussed in this chapter – cannot escape. Even when counted as a principle among others to be balanced, the imperative of recognition means individual liberties cannot be guaranteed in advance, thereby lessening their security. Further, it weakens the state’s authority to intervene in defence of individual liberties, as doing so is liable to be morally litigated. A multiculturalist might respond that all political theories must contend

⁴⁹⁸ Oliver O’Donovan, ‘Reflections on Pluralism,’ *Princeton Seminary Bulletin* (2008), p. 55.

⁴⁹⁹ Lesslie Newbigin, *The Gospel in a Pluralist Society* (London: SPCK, 1989), p. 244.

with such trade-offs. While this is true, theories possess specific tensions that have particular consequences. In the case of multiculturalism, the imperative of recognition aggravates ‘the problem’ outlined in Chapter One. It not only weakens the security of individual liberty; as any imposition on a group commits the ‘cardinal sin against the ideal of authenticity,’⁵⁰⁰ any accusation of non-recognition also potentially ‘discredits and paralyzes efforts of people who are only trying to preserve’ democratic institutions from those who wish to abolish them, and protect ‘tolerant society against the onslaught of the intolerant.’⁵⁰¹

⁵⁰⁰ Taylor, *Multiculturalism and “the Politics of Recognition,”* p. 38.

⁵⁰¹ Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), pp. 4-5; Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

3. Liberalism

Chapter Two argued that multicultural arguments provide an unsatisfactory response to ‘hard cases’ because they struggle to justify limits on tolerance due to value they place in equal recognition. In Chapter Three, we examine liberal arguments to assess how they fare by comparison. As liberal literature is vast, and a full survey of all relevant arguments is beyond the scope of this chapter, the arguments examined are included where they are influential, illustrative, and particularly pertinent to the argument.⁵⁰² To provide conceptual focus for the discussion that follows, we begin with two foundational liberal arguments from John Locke and John Stuart Mill, on the limits of state authority and the ‘harm’ principle. On this foundation, we examine John Rawls’ influential argument for *political* liberalism, arguing that, while his liberalism is *thinner* than most, he does not entirely avoid contestable claims, suggesting a difficulty with seeking to prioritise the right over the good. This provides further conceptual focus to assess two contrasting liberal arguments: Chandran Kukathas’ argument for radical normative withdrawal, and Brian Barry’s explicitly comprehensive egalitarian approach. As Kukathas and Kymlicka have engaged extensively with each other’s thought, so too Barry directly responds to their arguments; these authors are addressed because the disagreements between them (and the multiculturalists in Chapter Two) are particularly illuminating with respect to ‘the problem’ outlined in Chapter One. Suggesting that the Kukathas’ argument is not coherent, we conclude that liberalism cannot avoid prioritising a conception of the good, that could be contested. Proceeding on this basis, we argue that, while Barry’s argument is better equipped to handle ‘hard cases’ and therefore offers satisfactory security for liberty, there may be an alternative that is more conducive to this end. Thus, we turn to an examination of Christian responses to these arguments, focusing in particular on Nigel Biggar’s argument in favour of Anglicanism as a privileged public doctrine supportive of liberal outcomes. Ultimately, our argument points to the conclusion that liberty and tolerance are best secured and sustained *within* certain conducive conditions, supported by an appropriate doctrine, rather than in terms of *liberation from* all strictures.

Liberalism and the Limits of State Authority

John Locke’s *Letter on Toleration* (1689), in which he sets out his foundational argument for liberal tolerance, is particularly pertinent for our purposes as it concerns the protection of the individual from both the tyranny of a single sect and the coercive power of government, by demarcating the proper boundaries of state- and church- authority.⁵⁰³ Moreover, the context of seventeenth century conflicts to which it is addressed, as noted in Chapter One, provide the background to the government’s narrative justification of its authority as an arbiter between

⁵⁰² For example, the arguments of Ronald Dworkin, Richard Rorty, Martha Nussbaum and Joseph Raz, in particular, have all made important and influential contributions to the debates discussed. However, by virtue of needing to limit the scope and complexity of this chapter, in order to maintain the flow of argument, they are not included: Martha Nussbaum, *Liberty of Conscience: A Defence of America’s Tradition of Religious Equality* (New York: Basic Books, 2008); Joseph Raz, ‘Autonomy, Toleration, and the harm principle,’ in Susan Mendus ed. *Justifying Toleration: Conceptual and Historical Perspectives*, (Cambridge: Cambridge University Press, 1988), pp. 115-176; Ronald Dworkin, ‘Liberalism,’ in Stuart Hampshire ed. *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), pp. 113-143; Stephen Mulhall and Adam Swift, *Liberals and Communitarians: Second Edition* (Oxford: Blackwell Publishing, 1996).

⁵⁰³ John Locke, *Second Treatise of Government and A Letter Concerning Toleration* (Oxford: Oxford University Press, 2016), p. 125.

rival doctrines.⁵⁰⁴ Yet, whereas the government's account suggests liberalism arose as a solution not affiliated with, and independent from, any particular doctrine, Locke in fact provides religious justifications for his reasoning, supported by biblical passages, despite the overall philosophical character of his argument.⁵⁰⁵ Firstly, Locke defines the proper remit of the state, by arguing that the 'Jurisdiction of the Magistrate' cannot, and should not, have authority over the 'Salvation of Souls.' This is because, he argues, God has not granted authority to human beings to compel others in matters of religion, and thus even the consent of the people cannot invest this power in a secular authority. It is neither legitimate, nor effectual, for the government to compel the inner life through physical threats, the confiscation of property, imprisonment or other 'torments.'⁵⁰⁶ As a person's soul is in their own keeping, a secular authority can have no more duty to force an individual in this regard than the state can force a man to be rich or healthy.⁵⁰⁷ Indeed, Locke observes, even 'God himself will not save men against their wills.'⁵⁰⁸ From the view that the individual is responsible for his own soul, it follows for Locke that individuals must be able to freely associate for the purpose of caring for their souls.⁵⁰⁹ In line with Locke's contractarian voluntarism, as Edward David writes, Locke takes a 'decidedly *anti-corporate* position [...] with respect to the church.'⁵¹⁰ A church is a 'free and voluntary society,' as 'No body is born a Member of a Church.'⁵¹¹ No one, writes Locke, 'by nature is bound unto any particular Church or Sect, but every one joins himself voluntarily to that Society in which he believes he has found that Profession and Worship which is truly acceptable unto God.'⁵¹² The jurisdiction of the church – that is, the care of souls – should be respected by the state, and in turn, the church should not trespass beyond its legitimate jurisdiction into that of the state.

Religious authority is properly confined to church affairs in this way 'because the Church it self is a thing absolutely separate and distinct from the Commonwealth.'⁵¹³ Locke's tolerance is maintained by the proper separation of these jurisdictions. The boundaries between the two, he writes, ought to be 'fixed an immovable.'

He jumbles Heaven and Earth together, the things most remote and opposite, who mixes these Societies; which are in their Original, End, Business, and in every thing, perfectly distinct, and indefinitely different from each other.⁵¹⁴

These jurisdictions, for Locke, reflect the proper order of society, grounded in theological and anthropological reality. 'Every man has an Immortal Soul,' he writes,

capable of Eternal Happiness or Misery; whose Happiness depending upon his believing and doing those things in this Life, which are necessary to the obtaining of Gods Favour, and are prescribed by God to that end; it follows from thence [...] That the observance of these things is the highest Obligation that lies upon Mankind, and

⁵⁰⁴ HM Government, *Counter-Extremism Strategy* (London: Home Office, 2015), p. 9.

⁵⁰⁵ Robert Louis Wilken, 'The Christian Roots of Religious Freedom,' in Timothy Shah and Allen Hertzke eds. *Christianity and Freedom: Vol I: Historical Perspectives* (Cambridge: Cambridge University Press, 2016), p. 79.

⁵⁰⁶ Locke, *Second Treatise of Government and A Letter Concerning Toleration*, pp. 129-130.

⁵⁰⁷ *Ibid.*, p. 139.

⁵⁰⁸ *Ibid.*

⁵⁰⁹ *Ibid.*

⁵¹⁰ Edward David, 'Church Autonomy and the *corpus mysticum* tradition,' *Canopy Forum* (6 May 2021).

⁵¹¹ Locke, *Second Treatise of Government and A Letter Concerning Toleration*, p. 130.

⁵¹² *Ibid.*

⁵¹³ *Ibid.*, p. 137.

⁵¹⁴ *Ibid.*

that our utmost Care, Application, and Diligence, ought to be exercised in the Search and Performance of them.⁵¹⁵

Meanwhile, man's bodily existence is provided for by the state. Locke writes,

Men have also their Temporal Lives here upon Earth; the State whereof being frail and fleeting, and the duration uncertain; they have need of several outward Conveniences to the support thereof, which are to be procured or preserved by Pains and Industry. For those things that are necessary to the comfortable support of our Lives, are not the spontaneous Products of Nature, nor do offer themselves fit and prepared for our use.⁵¹⁶

Therefore, the state can have no legitimate authority over matters of the soul, and tolerance requires its withdrawal from coercion in matters of religion. At the same time, the church must respect the state's authority over, and provision for, temporal existence.

As already noted in Chapter Two, the roots of Locke's ideas can be found in Christian thought. As both Chaplin and Wilken have observed, the intellectual background to Locke's argument can be found among anabaptists and protestant dissident thinkers such as Roger Williams.⁵¹⁷ Indeed, as Wilken writes, Locke was a 'latecomer to the project of religious freedom, and his key ideas are found in earlier writers.'⁵¹⁸ Indeed, the lineage of religious freedom extends back to early Christian communities who developed novel arguments defending themselves against persecution in the Roman Empire.⁵¹⁹ As Timothy Shah has argued, despite the early Church Fathers lacking the immediate 'conceptual and propositional equipment' to defend religious freedom, they nevertheless did so.⁵²⁰ This innovation took place, even though such arguments were not easily 'pulled out of the conceptual storehouses of classical philosophy or apostolic Christianity.'⁵²¹ Despite this, the early church did indeed put forth a 'principled doctrine' of *libertatem religionis*, which Shah argues was grounded in

a voluntarist and personalist view of the nature of religion. Framed in terms of an individual power or right to adhere to the religion of one's own choice, religious freedom belonged to every human being *qua* human being, not just to Christians.⁵²²

Furthermore, he notes, early Christian apologists – such as Tertullian – 'emphasised that religious liberty had necessarily communal and public dimensions, along with interior and individual dimensions – that is, *libertas ecclesiae* as well as *libertas personae*.'⁵²³ Further, as Wilken writes,

There had always been a dualism in Western Christianity between religious and political authority. The church as a corporate body was distinct from the body politic and had its own legal institutions, forms of organization, and offices.⁵²⁴

Although Augustine's distinction between *Civitas Dei* and *Civitas Terrena*, which we will return to in Chapter Five, does not correspond to Locke's church and state distinction, it nonetheless distinguishes the temporal role of all earthly authority from the heavenly city, and

⁵¹⁵ Ibid., p. 154.

⁵¹⁶ Ibid.

⁵¹⁷ Wilken, 'The Christian Roots of Religious Freedom,' p. 62.

⁵¹⁸ Ibid.

⁵¹⁹ Ibid.

⁵²⁰ Timothy Samuel Shah, 'The Roots of Religious Freedom in Early Christian Thought,' in Timothy Shah and Allen Hertzke eds. *Christianity and Freedom: Vol I: Historical Perspectives* (Cambridge: Cambridge University Press, 2016), p. 43.

⁵²¹ Ibid.

⁵²² Ibid., p. 54.

⁵²³ Ibid.

⁵²⁴ Wilken, 'The Christian Roots of Religious Freedom,' p. 74.

regards the two cities as pursuing different ends.⁵²⁵ As Wilken writes, even though Locke's arguments are more philosophical, and his understanding of 'rights' more developed, his argument 'cannot be understood without reference to Christianity.'⁵²⁶ While Locke's argument is an 'elaboration of how Christians should treat those who hold a different confession,' it nevertheless arises from a particular Protestant perspective, rather than from a neutral position.⁵²⁷

As Edward David notes, in contrast to the *corpus mysticum* tradition (which regarded the church – and subsequently the commonwealth – as a mystical body), Locke's understanding of both church and state is markedly voluntaristic. This 'might also be thought to represent a minimal, or straightforwardly scriptural, Protestant theology,' writes David, 'The core of this theology was Locke's belief that the individual should attend to his own salvation.'⁵²⁸ David argues, when 'detached from a minimal Christian theology,' Locke's account becomes the 'voluntary association' of later secularised liberal theories; that is, 'groups of consenting individuals who voluntarily come together for self-identity-building reasons, enjoying the state's (tacit) approval insofar as negligible harm is caused to others.'⁵²⁹ Nevertheless, this voluntaristic liberal conception, he writes, 'finds its proximate roots in Locke's "true church."⁵³⁰ Thus, as Patrick Deneen has argued, Locke's *Letter* 'betrays the extent to which the liberal order rests upon a necessary theological basis.'⁵³¹ Furthermore, Locke's more developed articulation of the rights of the self-owning sovereign individual derives much from preceding developments in theories of natural rights, such as that of Hugo Grotius.⁵³² As Richard Tuck writes,

Grotius was committed to a much more individualistic theory of the state than any of his Protestant contemporaries. The rights enjoyed by the atomic individuals in the Grotian state of nature filled out the moral world: the state possessed no rights which

⁵²⁵ There is no single interpretation of the implications of Augustine's the two cities for Church-State relations. As Luke Bretherton writes, 'How to navigate the church-world distinction that Augustine is trying to articulate has divided political theologies down the centuries, with some adhering to a sharp division between church and world and others holding to a blurry line of demarcation.' Luke Bretherton, *Christ and the Common Life: Political Theology and the Case for Democracy* (Michigan: Wm. B. Eerdmans Co., 2019), p. 414; see also Rex Martin 'The Two Cities in Augustine's Political Philosophy' in *Journal of the History of Ideas*, Vol. 3, No. 2, (1973), pp. 195-216; Ferenc Hörcher, *A Political Philosophy of Conservatism: Prudence, Moderation and Tradition* (London: Bloomsbury, 2021), p. 26; Augustine, *City of God* (London: Penguin, 2003).

⁵²⁶ Wilken, 'The Christian Roots of Religious Freedom,' p. 81.

⁵²⁷ Ibid., p. 79; Cf. David Fergusson, 'The Reformed Tradition and the Virtue of Tolerance,' in William Storrar and Andrew Morton eds. *Public Theology for the 21st Century* (London: T & T. Clark International, 2004) and John Bowlin, *Tolerance among the Virtues* (Princeton, NJ: Princeton University Press, 2016).

⁵²⁸ Although a detailed discussion is beyond the scope of the present chapter, Edward David elaborates on another interesting point of comparison with Locke, that is, the transference of the *corpus mysticism* from the Church to the State. By contrast, Locke offers a starkly de-mystified conception of both church and state; Edward David, 'Church Autonomy and the *corpus mysticum* tradition,' p. 2.

⁵²⁹ Ibid., p. 3.

⁵³⁰ Ibid.

⁵³¹ Patrick Deneen, 'The Great Combination: Modern Political Thought and the Collapse of the Two Cities,' in Michael Jon Kessler ed. *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), p. 52.

⁵³² Cf. Ruben Alvarado, *Common Law and Natural Rights: The Question of Conservative Foundations* (Aalten, NL: Wordbridge, 2009), p. 31.

those individuals had not formerly possessed, and was the same kind of moral entity as them.⁵³³

While a holistic account of Locke's influences is beyond the scope of the present chapter, it suffices to demonstrate the particularity and religiosity of his perspective, in contrast to the government's characterisation of the seventeenth century solution to religious conflict as one of neutral arbitration.

Therefore, Locke's argument for tolerance remains more comprehensive, in its foundations and practice, than later liberal theories. This can be seen in Locke's expectation that this tolerance will be maintained by a prerequisite common moral culture, and the way in which he sets the limits of tolerance. Firstly, for example, Locke writes that 'Ecclesiastical men' ought to remind their congregations of 'Duties of Peace and Good-will to all men,' exhort both private persons and public officials to 'Charity, Meekness and Toleration,' and to 'temper' any 'unreasonable Averseness of Mind.'⁵³⁴ In other words, Locke expects that liberal tolerance and maintenance of respect for the respective jurisdictions of authority will be supported by particular virtues.⁵³⁵ Secondly, Locke anticipates the challenge of 'hard cases,' when he rhetorically asks whether his argument means that civil authorities would have to tolerate 'Churches' carrying out 'heinous Enormities,' such as child sacrifice.⁵³⁶ It does not, he argues, as that which is ordinarily unlawful is not excused by virtue of the act being committed under the auspices of religion. On the other hand, nor does Locke accept that 'sins' should be regarded as crimes.⁵³⁷ To illustrate this in argument with modern 'hard cases,' one might imagine that Locke would reject the practice of FGM or child marriage, on the grounds that those actions are unlawful, and are not permitted simply because they are committed by the Muslim community. Likewise, he would likely disagree with Parekh's assessment of the Rushdie Affair, or the arrest of a person for burning a Quran, on the grounds that it is not the role of the state to prevent blasphemy. This, he might argue, is no more a concern of the state than covetousness or idleness.⁵³⁸ In the same vein, Locke is aware of the need to prevent subversion of the liberal society, as he reserves the right not to tolerate any 'Sect' whose doctrines would 'undermine the Foundations of Society,'⁵³⁹ whose 'Opinions [run] contrary to human Society' or to that which is 'necessary to the preservation of Civil Society.'⁵⁴⁰ One might imagine, therefore, that Locke would be unlikely to tolerate Islamists who publicly advocate for the replacement of the liberal democratic state with a totalising Sharia Law-governed state. One might respond that those opinions that qualify as subversive are a matter of opinion, and thus Locke leaves ajar a door through which intolerance might enter. However, it might be countered that it is a pragmatic necessity – as Popper himself maintained – to retain such a provision in the event that the conditions of tolerance and liberty are fundamentally threatened. As Locke's remarks suggest, he is aware that an excess of tolerance may pose a threat to society's stability and liberty's security. Within his own historical context, Locke is specifically concerned with those teaching that princes should be dethroned if they differ in religion, that dominion of 'all things belongs to themselves,' and those who 'deliver themselves up to the Protection and Service of another Prince.'⁵⁴¹ This, he argues, would mean giving way to 'foreign Jurisdiction' and 'suffer[ing]

⁵³³ Richard Tuck, *Natural Rights Theories* (Cambridge: Cambridge University Press, 1979), p. 63.

⁵³⁴ Locke, *Second Treatise of Government and A Letter Concerning Toleration*, p. 137.

⁵³⁵ Cf. John Bowlin, *Tolerance among the Virtues* (Princeton, NJ: Princeton University Press, 2016).

⁵³⁶ Locke, *Second Treatise of Government and A Letter Concerning Toleration*, p. 147.

⁵³⁷ *Ibid.*, p. 50.

⁵³⁸ *Ibid.*

⁵³⁹ *Ibid.*, p. 157.

⁵⁴⁰ *Ibid.*

⁵⁴¹ *Ibid.*, pp. 157-158.

his own people to be listed, as it were, for Soldiers against his own Government.’⁵⁴² Likewise, and further implying the inextricability of Christianity to Locke’s argument, Locke would not tolerate atheists – as ‘The taking away of God,’ he writes ‘though but even in thought, dissolves all.’⁵⁴³ As John Gray notes, Locke’s liberal tolerance ‘found it hard to cope with people who failed to share the categorical morality of Christianity.’⁵⁴⁴ Nevertheless, despite the comprehensiveness of Locke’s position, his demarcation of the jurisdictions of church and state set the course for future *thinner* liberal theories, as we shall discuss later in this chapter.

Before we turn to those theories, another influential argument that similarly sets the conceptual trajectory of future liberal theories (and policy) is John Stuart Mill’s articulation of the ‘harm principle’ in *On Liberty* (1859) which establishes a rationale for tolerance and its limits. As already mentioned in Chapter Two, Mill is concerned to protect individual freedom from the tyranny of custom. In other words, where Locke is concerned to limit the authority of the state, Mill is also concerned to protect the individual from being trespassed upon by others, and by the majority culture. Mill’s argument for individual liberty against dominant custom and opinion is grounded in the view that, as human beings are fallible, dissent can be corrective, thus benefiting the whole of society. As he writes, the suppression of expression is an evil that impoverishes

posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if it is wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.⁵⁴⁵

Indeed, he argues that plurality – across ages, countries, churches, parties, and so on – should shake faith in any presumption of infallibility on the part of the culture into which one was merely born by chance.⁵⁴⁶ Mill reminds readers that opinions held in their own time ‘will be rejected by future ages,’⁵⁴⁷ and that they should think themselves no different from those of previous ages whose views are now thought of as absurd.⁵⁴⁸ He admonishes, ‘Orthodox Christians who are tempted to think that those who stoned to death the first martyrs must have been worse men than they themselves are, ought to remember that one of those persecutors was Saint Paul.’⁵⁴⁹ Thus, as for Kymlicka, it is a liberal necessity for Mill that one should be able to revise one’s ends.

Furthermore, freedom of speech, he argues, is a necessary condition for knowledge itself, as only then can the truth of a proposition be rationally tested.⁵⁵⁰ For these reasons, Mill favours a society that allows for ‘different experiments of living’ in which ‘free scope should be given to the varieties of character, short of injury of others,’ and where the ‘worth of different modes of life’ can be proved practically.⁵⁵¹ This is because, in order to hear the most plausible contrary arguments, Mill believes it necessary that views are heard from those who actually

⁵⁴² Ibid., p. 158.

⁵⁴³ Ibid., p. 59.

⁵⁴⁴ John Gray, ‘Pluralism and Toleration in Contemporary Political Philosophy,’ *Political Studies*, Vol 48 (2000), p. 323.

⁵⁴⁵ John Stuart Mill, *On Liberty, Utilitarianism and Other Essays* (Oxford: Oxford University Press, 2015), p. 19.

⁵⁴⁶ Ibid., p. 20.

⁵⁴⁷ Ibid.

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid., p. 27.

⁵⁵⁰ Ibid., p. 21.

⁵⁵¹ Ibid., p. 56.

believe them, rather than in the abstract from teachers.⁵⁵² Akin to multiculturalist assertions noted in the previous chapter, Mill writes that most commonly individuals possess ‘only half-truths’ and thus ‘unity of opinion, unless resulting from the fullest and freest comparison of opposite opinions, is not desirable.’⁵⁵³ Diversity, writes Mill, is therefore ‘not an evil but a good.’⁵⁵⁴ Consequently, ‘despotism of custom’ is ‘the standing hindrance to human advancement.’⁵⁵⁵ Mill writes,

He who lets the world for his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgement to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision.⁵⁵⁶

In other words, extending Locke’s view that the ‘Care of Souls’ should not be subject to the authority of the state, Mill is concerned to protect individuality more broadly from external interference. As he writes, human nature ‘is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of inward forces which make it a living thing.’⁵⁵⁷ Although Mill’s argument is philosophical, rather than theological, he entreats

many persons, no doubt, sincerely think that human beings thus cramped and dwarfed, are as their maker designed them to be; just as many have thought that trees are a much finer thing when clipped into pollards, or cut out into the figures of animals, than as nature made them. But if it be any part of religion to believe that man was made by a good Being, it is more consistent with that faith to believe, that this Being gave all human faculties that they might be cultivated and unfolded, not rooted out and consumed, and that he takes delight in every nearer approach made by his creatures to the ideal conception embodied in them, every increase in any of their capabilities of comprehension, of action, or of enjoyment.⁵⁵⁸

It is of central importance for Mill that individual flourishing must be protected from being trespassed upon by the state, custom, tradition and the opinions of fellow citizens. Yet, like Locke, Mill recognises that tolerance depends upon limits, to prevent one person’s freedoms from infringing upon another’s. Thus, Mill articulates the harm principle as follows

The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people. But if he refrains from molesting others in what concerns them, and merely acts according to his own inclination and judgement in things which concern himself, the same reasons which show that opinion should be free, prove also that he should be allowed without molestation, to carry his opinions into practice at his own cost.⁵⁵⁹

As Cécile Laborde explains, for Mill the ‘the promotion of someone’s good, against his wishes, is never a good reason to interfere with his liberty. Such paternalism is wrong because it usurps people’s judgement about how they should live their lives.’⁵⁶⁰ States which comprehensively privilege religious doctrine, she notes, violate the harm principle, ‘by regulating and intruding

⁵⁵² Ibid., p. 37.

⁵⁵³ Ibid., p. 55.

⁵⁵⁴ Ibid., p. 55.

⁵⁵⁵ Ibid., p. 69.

⁵⁵⁶ Ibid., p. 58.

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid., p. 61.

⁵⁵⁹ Ibid., p. 55.

⁵⁶⁰ Cécile Laborde, *Liberalism’s Religion* (Cambridge, MA: Harvard University Press, 2017), p. 143.

on the self-regarding dimensions of individuals' lives, by enforcing a comprehensive view of the right and the good on them.'⁵⁶¹

These two foundational arguments establish two points of reference that frame subsequent liberal theories, examined in this chapter. Firstly, the demarcation of jurisdictions limits the authority of the state, such that it cannot not involve itself in the 'Care of Souls.' Secondly, this is broadened by Mill, from religious belief to the protection of individual conviction. As Laborde observes, and we shall see in the following arguments, this leads to the view that enforcing any comprehensive view constitutes a harm. Furthermore, both Locke and Mill ground their arguments in anthropology – that is, the view that human nature is sovereign over itself and the state is thus naturally limited in its authority with respect to individual conscience. In light of this, both thinkers also recognise that liberty and tolerance must be secured by limits, to prevent individuals from interfering with the rights and freedoms possessed by others. Even when detached from theological foundations, this idea, as we have noted, finds roots in preceding Protestant thought. These early arguments, while comprehensive in Rawlsian terms, nevertheless establish the conceptual foundations for subsequent liberal elaboration.

Political Liberalism and Public Reason

John Rawls sought to formulate a theory of liberalism that was *thinner* than that of Locke or Mill – one in which the right is prior to the good – on the grounds that 'reasonable pluralism,' as he observed, is a 'permanent condition of a democratic society.'⁵⁶² In a society in which individuals are free to apply their own reason, equally subject to the 'burdens of judgement,' it is inevitable that they will come to affirm a variety of comprehensive doctrines, including the major religious, philosophical and moral doctrines – 'not all of which can be true (indeed none of them may be true),' but all of which should be tolerated.⁵⁶³ Consequently, Rawls argues the state cannot be justified in privileging one comprehensive doctrine over any other, and should remain agnostic with respect to, not only religious, but all comprehensive doctrines – including liberalism. Rawls expects this will be supported by reasonable individuals who will recognise that it is 'unreasonable for us to use political power' to 'repress' reasonable comprehensive views that differ from their own.⁵⁶⁴ However, this raises a question, echoing Popper, to which Rawls' theory must provide the answer: 'How,' he asks, 'is it possible for there to exist over time a just and stable society of free and equal citizens who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?'⁵⁶⁵ In other words, if it is not legitimate for the state to prioritise the good over the right, Rawls' theory must propose an approach which secures liberty while avoiding comprehensiveness, in order to maintain the priority of the right over the good.

Rawls' answer is *political* liberalism. Unlike his earlier, more doctrinally comprehensive *Theory of Justice*, Rawls proposes a vision of liberalism that is limited to the political or procedural, thus avoiding 'claims to universal truth, or claims about the essential nature and identity of persons,' and remaining independent of 'controversial philosophical and religious doctrines.'⁵⁶⁶ Rawls' political conception would apply only to the 'basic

⁵⁶¹ Ibid.

⁵⁶² John Rawls, *Justice as Fairness: A Restatement* (India: Belknap Harvard, 2001), p. 33.

⁵⁶³ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), p. 59-60.

⁵⁶⁴ Ibid., p. 61.

⁵⁶⁵ Ibid., p. xxxvii.

⁵⁶⁶ John Rawls, 'Justice as Fairness: Political not Metaphysical,' *Philosophy and Public Affairs*, Vol. 14, No. 1. (Summer, 1985), p. 223; John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999).

structure of society,' that is, 'the main political and social institutions [that] fit together into one system of social cooperation.'⁵⁶⁷ In taking this basic structure alone as its subject, it seeks to be as *thin* as possible, without sacrificing justice, stability, freedom and equality for all.

'Our exercise of political power,' writes Rawls,

is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideas acceptable to their common human reason. This is the liberal principle of legitimacy.⁵⁶⁸

Legitimacy would be achieved through an 'overlapping consensus' in public reason, supported by reasonable comprehensive doctrines, while remaining independent – or floating free from – any one of them.⁵⁶⁹ To achieve this, Rawls proposes a 'device of representation' that will facilitate 'agreement subject to conditions that appropriately limit what they can put forward as good reasons.'⁵⁷⁰ In this proposed mode of reasoning, individuals shroud themselves with the 'veil of ignorance' – behind which they stand stripped of all contingencies, assuming no knowledge of their beliefs, race, sex or social position – in order to access what Rawls calls the 'original position.'

The reason the original position must be abstract from and not affected by the contingencies of the social world is that the conditions for fair agreement on the principles of political justice between free and equal persons must eliminate the bargaining advantages that inevitably arise with the background institutions of any society from cumulative social, historical, and natural tendencies. These contingent advantages and accidental influences from the past should not affect agreement on the principles that are to regulate the institutions of the basic structure itself from the present into the future.⁵⁷¹

Rawls insists that this abstraction has no metaphysical import, in other words, that it 'does not imply the self is ontologically prior to [these] facts about persons.'⁵⁷² He contrasts this position with that of comprehensive liberalism, in which the value of autonomy applies 'to the whole of life.'⁵⁷³ Rather, Rawls argues the individual is to be regarded as autonomous in purely *political* terms; he claims that his position 'affirms political autonomy for all but leaves the weight of ethical autonomy to be decided by citizens severally in light of their comprehensive doctrines.'⁵⁷⁴

However, while Rawls' theory is certainly thinner than other liberalisms, critics have argued that it fails in its objective to avoid comprehensiveness. Firstly, as Kymlicka has noted, Rawls' proposition of *political* autonomy assumes that people can be 'communitarians in private life, and liberals in public life.'⁵⁷⁵ Yet, envisaged in the lives of real people, it is not clear how an individual who rejects autonomy as a general value could accept it politically.⁵⁷⁶ For example, as Paul Billingham has observed, a Christian might struggle to endorse the notion of *political* autonomy if they hold that freedom is defined, not by acting in accordance with

⁵⁶⁷ Rawls, *Justice as Fairness*, p. 10.

⁵⁶⁸ Rawls, *Political Liberalism*, p. 137.

⁵⁶⁹ *Ibid.*, p. 15.

⁵⁷⁰ *Ibid.*, pp. 24-25.

⁵⁷¹ *Ibid.*, p. 23.

⁵⁷² *Ibid.*, p. 27.

⁵⁷³ *Ibid.*, p. 78.

⁵⁷⁴ *Ibid.*

⁵⁷⁵ Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995). p. 160.

⁵⁷⁶ *Ibid.*

one's own will, but by adhering to the moral order.⁵⁷⁷ Perhaps we are to imagine that all reasonable people – irrespective of public doctrine – will place some general value in autonomy, or at least value it for the sake of political expediency. It would seem so, as Rawls argues that political values can be held in common, irrespective of differences in comprehensive doctrine, because they are ‘very great values.’ By this, Rawls means that they form the basis of social life; the ‘very groundwork of our existence.’⁵⁷⁸ They are the fundamental basis of free, reasonable and informed public inquiry, since they involve

fundamental concepts of judgement, inference, and evidence, but also the virtues of reasonableness and fair-mindedness as shown in adhering to the criteria and procedures of commonsense knowledge and the methods and conclusions of science when not controversial, and in respecting the precepts governing reasonable political discussion.⁵⁷⁹

However, as this passage illustrates, Rawls presents liberal values and the scientific method as basic social and political necessities that all reasonable people would accept. Indeed, this may be so – but they are certainly not as incontestable as he implies. Rawls suggests that, as many doctrines are not fully comprehensive, and can allow ‘lots of slippage,’ this may allow for them to cohere to the public conception in a variety of ways.⁵⁸⁰ Further, he argues that an individual may appreciate that the political conception accomplishes a public good in a democratic society, and that where incompatibilities arise, adjustments and revisions to the comprehensive view may occur over time.⁵⁸¹ However, Rawls seems to envisage compromise *towards* liberal values, and presupposes openness to this on the part of reasonable people. However, while reasonable people *may* recognise the expediency of political liberalism, in increasingly diverse societies, the realm of unreasonable doctrines may be larger than Rawls imagines. Indeed, it is precisely the unreasonable doctrines that provide the ‘hard cases’ against which liberty must be secured.

One might conclude, therefore, that Rawls’ theory is more comprehensive than he intends. Indeed, this is the view of communitarian critic Michael Sandel, who describes Rawls’ original position as a ‘hypothetical social contract [...] even more imaginary than most.’⁵⁸² For, Sandel writes, it imagines ‘beings who never really existed,’ who have been ‘struck with the kind of complicated amnesia necessary to the veil of ignorance [...] it imagines an event that never really happened, involving the sorts of beings who never really existed.’⁵⁸³ As we have already noted, Rawls denies that the original position has any metaphysical content, arguing that it claims no more reality than kings or queens in a play.⁵⁸⁴ However, one may reasonably ask what use is a device that imagines creatures who have never, and can never, exist? Sandel maintains that Rawls’

conception of the person can neither support his theory of justice nor plausibly account for our capacities of agency and self-reflection; justice cannot be primary in the way

⁵⁷⁷ Paul Billingham, ‘Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism,’ *Social Theory and Practice*, Vol. 47, No. 3 (2021), p. 539.

⁵⁷⁸ Rawls, *Justice as Fairness*, p. 189.

⁵⁷⁹ *Ibid.*, p. 190.

⁵⁸⁰ *Ibid.*, p. 193.

⁵⁸¹ *Ibid.*

⁵⁸² Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1998), p. 105.

⁵⁸³ *Ibid.*

⁵⁸⁴ Rawls, *Political Liberalism*, p. 27.

deontology requires, for we cannot coherently regard ourselves as the sort of beings the deontological ethic requires us to be.⁵⁸⁵

In other words, for Sandel, it is impossible to account for the agency Rawls presupposes while prioritising the right over the good. In a similar way, John Gray criticises the incoherence of deontic liberalism more generally, when he writes

It is not by accident that the notion of neutrality has been associated with deontic liberalism. Neutrality *requires* the priority of the right over the good. If the good can be shown to come before the right neutrality is an impossibility. That such a deontic reconstruction of liberal political morality cannot be carried through is – in my opinion – one of the truly demonstrative reasonings in political philosophy.⁵⁸⁶

For Gray, therefore, any attempt to construct a theory in which the right is prior to the good is doomed to incoherence and failure. This poses two problems for political liberalism. Firstly, it suggests political liberalism will be inevitably more comprehensive than Rawls intends. Secondly, while it may be taken for granted that ‘unreasonable’ people would object to Rawls’ proposal, more significantly, it challenges the expectation that even ‘reasonable’ people will generally be amenable to an approach that seeks to prioritise the right over the good.⁵⁸⁷

This is further illustrated by disagreement within the theological response to political liberalism. Like Sandel, Oliver O’Donovan rejects the premise that basic principles can be arrived at through a method of abstract reasoning. Public reason seeks to ascertain practical principles. However, O’Donovan argues, such principles are ‘rational dispositions,’ and ‘like all rational dispositions, they are culturally rooted, which is to say that they are attributes not of individuals in isolation but of whole communities and their traditions.’⁵⁸⁸ Such principles cannot be established in abstraction; human beings do not reason in abstraction, they reason within historical communities. Thus, O’Donovan argues, Rawls’ ‘public reason’ is neither ‘reason’ nor is it ‘public,’ as it is characterised by privation. ‘It refuses,’ O’Donovan argues, to admit moral identities formed behind its back, in private. The publicity of public reason, it appears, is less like the town square we imagine lying before our front door, more like a walled and barbed-wired garrison, bristling with warnings against entry by unauthorized personnel. It is a public conceived as another kind of privacy.⁵⁸⁹

Billingham counters O’Donovan’s criticism, noting that the ‘overlapping consensus’ was intended precisely to avoid the exclusion of *thick* convictions. ‘Political liberalism,’ writes Billingham,

does not demand that one leave one’s comprehensive doctrine behind when entering the public realm, in order to appeal to a pool of reasons that are disconnected from one’s

⁵⁸⁵ Sandel, *Liberalism and the Limits of Justice*, p. 65.

⁵⁸⁶ Gray, ‘Pluralism and Toleration in Contemporary Political Philosophy,’ p. 326.

⁵⁸⁷ These criticisms of liberalism broadly align with those levelled by Radical Orthodoxy – associated most notably with John Millbank, Graham Ward, and Catherine Pickstock. Christopher Insole summarises, ‘The Radical Orthodoxy critique of political liberalism is that it is symptomatic of an ontological nihilism; this amounts to a sense that the fundamental reality of the universe is a violent competitive struggle between opposing wills, bent upon their own self-assertion. Ontological nihilism breeds an environment of atomistic loneliness and violence. We find ourselves living in a disenchanted and flattened universe...’ (Insole, *The Politics of Human Frailty* (London: SCM Press, 2004), pp. 127-8). An entire chapter could have been devoted to the application of Radical Orthodoxy to the question with which we are concerned. However, as it would overly complicate the argument, and due to limitations on length, it is beyond the scope of the present thesis; cf. Graham Ward ed. *The Postmodern God: A Reader* (Oxford: Blackwell, 1997) and John Millbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Blackwell, 2013).

⁵⁸⁸ Oliver O’Donovan, ‘Reflections on Pluralism,’ *Princeton Seminary Bulletin* (2008), p. 58.

⁵⁸⁹ *Ibid.*, p. 56.

fundamental beliefs. Instead, one should endorse the conception as coherent with, or even supported by, one's comprehensive doctrine.⁵⁹⁰

Rather than splitting their 'public and private identity,' Billingham writes, they should have a 'unified identity that *includes* a desire to cooperate with others on terms all can accept.'⁵⁹¹ However, as the original position asks individuals to reason while imagining themselves free of all contingent characteristics, including comprehensive doctrines, it is not clear how this method of reasoning can be used to reach a consensus amenable to, and meaningfully supported by, beliefs which have been excluded from the initial reasoning process. At best, it might be hoped, or tenuously expected, that all *reasonable* comprehensive doctrines will support *reasonable* principles that have been ascertained in their absence. Even if this were true, one might ask whether such support, by virtue of being secondary, would be rendered superficial and fragile. Furthermore, as we have already noted, the content of *reasonableness*, according to Rawls' description, if not distinctively liberal, is at least not beyond contestation.

This leads to a fundamental question – are comprehensive doctrines to be considered unreasonable if they cannot support political liberalism, or is political liberalism rendered unviable if widely held comprehensive doctrines cannot support it? If the former, there would be no way to judge whether the overlapping consensus can be broadly inclusive of diverse comprehensive doctrines, because doctrines would be deemed unreasonable by definition if they do not support political liberalism. This would open political liberalism to the criticism that it is indeed more narrowly comprehensive than intended, and measured against its own objectives, is hardly suitable for the kind of diverse society it is designed to accommodate. However, if the latter is affirmed, it is necessary to examine whether such comprehensive doctrines can, in fact, support political liberalism. Given that the 'success of political liberalism depends on whether an overlapping consensus can be realised,' it is surprising, as Paul Billingham has noted, that such little attention has been given to whether reasonable religious doctrines – Christianity, in particular – are able to support it.⁵⁹² As he observes, it would pose a serious challenge to political liberalism if it could 'only be achieved through the demise of one of the largest and most historically and culturally influential comprehensive doctrines within contemporary liberal democratic societies.'⁵⁹³ As we shall see, while Christians may have good reasons to support *political* liberalism, there are nevertheless a variety of ways in which Christianity can relate to liberal perspectives. Thus, as the illustrative arguments below suggest, while Christians might provide qualified support for political liberalism, disagreement remains.

Billingham, for example, offers several arguments suggesting it is possible for Christians to support political liberalism without compromising their religious views.⁵⁹⁴ Firstly, he identifies the providentialist view – that God is the source of political authority – as *prima facie* in conflict with any theory which seeks to locate authority in consent.⁵⁹⁵ Yet, Billingham suggests this can be resolved by distinguishing between the 'generative source of political authority,' and 'the legitimacy of exercises of political power.'⁵⁹⁶ In light of this distinction, there is 'no contradiction,' he writes, 'in holding both that governments must enact laws that fulfil the liberal principle of legitimacy and that God's authorisation is the ultimate source of

⁵⁹⁰ Billingham, 'Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism,' p. 526.

⁵⁹¹ Ibid.

⁵⁹² Ibid., pp. 519, 522.

⁵⁹³ Ibid., p. 523.

⁵⁹⁴ Ibid.

⁵⁹⁵ Ibid., p. 529.

⁵⁹⁶ Ibid.

those governments' authority and purpose.'⁵⁹⁷ However, if one regards God as the source of political authority, why support political liberalism, rather than use state power to 'deter sin' and 'promote piety'?⁵⁹⁸ Billingham's second argument provides a response, namely, that 'liberalism follows Christianity in desacralising politics,'⁵⁹⁹ as political authorities are limited to the domain authorised by God.⁶⁰⁰ Christianity, he writes, renders 'political identities [...] secondary and relativised,' as 'politics has no salvific power,' and 'achieves only penultimate goods, by issuing penultimate judgements.'⁶⁰¹ As it is a Christian view that politics should not seek to establish the Kingdom of God, so too, argues Billingham, is it a 'central political liberal tenet [...] that in light of pluralism citizens should not seek to enforce their understanding of the good through politics, but should instead cooperate with others on the basis of reasons acceptable to all.'⁶⁰² Indeed, as Billingham observes, 'one might argue that this is what Christian political conduct in the saeculum involves.'⁶⁰³ However, he notes that while the desacralisation of politics rejects 'coercive salvationist' policies, it does not follow that Christians would reject all 'religiously-grounded political advocacy or [endorse] the need for a distinctively political conception of justice.'⁶⁰⁴ In other words, it does not necessarily follow that Christians would support political liberalism's 'distinctive claims about justice, stability and legitimacy.'⁶⁰⁵

Nevertheless, there are those who do offer theological support for an inclusive public reason, and political liberalism. Kevin Vallier, for example, grounds his support of public reason in the Christian ideal of reconciliation. He proposes 'Christian reconciliationism' as a *via media* between Augustinian agonism and Thomistic perfectionism,⁶⁰⁶ defining agonism as 'pessimism about what political institutions can achieve, given the reality of human sinfulness,' and perfectionism as 'the claim that the state should promote the authentic human good,' grounded in 'optimism about what political institutions can achieve, *despite* the reality of human sinfulness.'⁶⁰⁷ Between these, he argues, 'Christian reconciliationism aims to establish the political order as a *moral order* [but] rejects attempts to use the political order to promote the full, authentic human good, temporal or spiritual.'⁶⁰⁸ In line with Rawls' political liberalism, this position holds that 'moral and legal rules imposed upon persons can be justified by appeal to the subjective moral reasons of each person.'⁶⁰⁹ It recognises 'that persons, despite their sin, possess a moral nature and a sense of justice that can be relied upon to stabilize moral and political order.'⁶¹⁰ In Vallier's view, public justification through the use of public reason offers a means of reconciliation between Christians and non-Christians who disagree over the organisation of social life.⁶¹¹ Similarly, Christopher Insole offers a theological defence of political liberalism, which he defines as the 'conviction that politics is ordered toward peaceful

⁵⁹⁷ Ibid.

⁵⁹⁸ Ibid., p. 530.

⁵⁹⁹ Ibid., p. 532.

⁶⁰⁰ Ibid., p. 530.

⁶⁰¹ Ibid.

⁶⁰² Ibid., p. 532.

⁶⁰³ Ibid.

⁶⁰⁴ Ibid.

⁶⁰⁵ Ibid.

⁶⁰⁶ Kevin Vallier, 'Christian Reconciliation through the Public Use of Reason,' *Social Theory and Practice*, Vol. 47, No. 3 (2021), pp. 549-550.

⁶⁰⁷ Ibid., p. 552.

⁶⁰⁸ Ibid., p. 550.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid., p. 551.

⁶¹¹ Ibid., p. 550.

co-existence [...], and the preservation of the liberties of the individual within a pluralistic and tolerant framework, rather than by a search for truth (religious or otherwise), perfection and unity.’⁶¹² Like Locke, Insole maintains that ‘society is not mandated to attempt to save human souls by the use of public power.’⁶¹³ He is, therefore, concerned to limit ‘the scope of the use of public power,’ on the grounds that human beings are ‘frail, imperfect, complex and that we are neither angels nor demons.’⁶¹⁴

However, as Billingham observes, the role of government – whether negative (restraining evil and preventing injustice) or positive (promoting virtue and the common good) – is a ‘central debate’ in political theology.⁶¹⁵ As a result, there are a variety of theological perspectives that do not support political liberalism. Nicholas Wolterstorff, for example, as Billingham also notes, illustrates the ‘negative’ view of the role of government.⁶¹⁶ In Wolterstorff’s view, given Christianity’s emphasis on the dignity of the person, made in God’s image, Christians have good reasons to support the liberal polity,⁶¹⁷ as it gives ‘high priority to preventing and avoiding violations of persons.’⁶¹⁸ Wolterstorff argues that the governing idea behind civil liberties – such as freedom of religion, association and speech – is ‘not so much the *great good* of being free to form and act on one’s convictions [but] the great evil of having one’s personhood seriously attacked or invaded...’⁶¹⁹ He argues growing recognition, in the sixteenth and seventeenth centuries, that the violation of persons is an evil, led to the acknowledgement ‘that the religious pluralization of their societies meant that forcibly cultivating in others their understanding of human wellbeing would require more and more pervasive violations of persons.’⁶²⁰ In Wolterstorff’s view,

God desires that justice be done in a world where human beings often treat each other unjustly. It presupposes that God desires that injustice be curbed. To this end, God commissions or appoints the state to function as his servant for punishing, deterring, and protecting against wrongdoing.⁶²¹

The state is, thus, in Wolterstorff’s view, commissioned by God to be the ‘supreme rights-protecting institution in society.’⁶²² As such, it must also honour, and be limited by, the rights possessed by individuals.⁶²³ This does not mean Wolterstorff regards the state’s authority as limited to the negative, as he accepts that governments may legitimately pursue the common good beyond the basic requirements of justice, if it possesses ‘authority from below’ permitting it to do so.⁶²⁴ However, Wolterstorff rejects political liberalism on the grounds that, in Insole’s words, ‘Rawls is creating an implicit political community (of Rawlsians) with their own ‘unspoken’ comprehensive conception of the good which coerce Wolterstorff out of the public

⁶¹² Christopher Insole, *The Politics of Human Frailty: A Theological Defence of Political Liberalism* (London: SCM Press, 2004), p. 41.

⁶¹³ Ibid.

⁶¹⁴ Ibid., p. 41.

⁶¹⁵ Billingham, ‘Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism,’ p. 533.

⁶¹⁶ Ibid.

⁶¹⁷ Nicholas Wolterstorff, ‘Do Christians have good reasons for supporting liberal democracy?’ *The Modern Schoolman* 78 (January/March 2001), p. 243.

⁶¹⁸ Ibid., p. 247.

⁶¹⁹ Ibid., pp. 246-247.

⁶²⁰ Ibid., p. 248.

⁶²¹ Nicholas Wolterstorff, *The Mighty and the Almighty: An Essay in Political Theology* (Cambridge: Cambridge University Press, 2014), p.113.

⁶²² Ibid.

⁶²³ Ibid.

⁶²⁴ Ibid., p. 114.

forum.’⁶²⁵ Insole is critical of Wolterstorff’s argument that Rawls’ vision would prevent religious individuals living an ‘integrated existence,’ even comparing him to an Elizabethan puritan, that is,

the citizen who expects and claims political actions to be justified by distinctively and irreducibly religious reasons, reasons that arise from a special authority supposed to derive from scripture, a particular tradition or inspiration, which cannot be assented to by someone who does not assent to this authority.⁶²⁶

While the comparison may be extreme given Wolterstorff’s liberalism, Insole is criticising the ‘desire to be able to use always irreducibly religious reasons when discussing the use of public power,’ because he argues there are theological grounds for appealing to non-theological reasons.⁶²⁷ Aligning his defence of political liberalism with Richard Hooker’s theological fight against puritanism, Insole’s theological anthropology resists the absolutising of religious reasons, as he holds it is possible for a religious person – fallen but rational – to participate in public reason without sacrificing a fully ‘integrated existence.’⁶²⁸ Insole argues that the reciprocity of the original position can be supported on two grounds: firstly, ‘our created dignity which bestows us with freedom and the use of reason,’ and secondly, ‘the frailty and vulnerability of our shared human condition, all of us complicit in sin, and dependent upon the grace of God.’⁶²⁹ He writes, ‘our fallen vision of the Kingdom, through a glass darkly, should lead us to an appreciation of the enormous complexity of framing good laws, and the need for even scripture and inspiration to be interpreted through (fallible) reason and tradition.’⁶³⁰ Insole argues that human beings are capable of transcending their respective doctrinal positions in order to cooperate toward peaceful coexistence.⁶³¹ This leads Insole to support political liberalism. However, as we shall discuss in Chapter Five, the sources he employs may also be taken in support of a traditional conservative perspective.

In contrast with both Wolterstorff and Insole, the ‘positive’ view of government can be illustrated by David Hollenbach’s view that the state should promote the common good. While Hollenbach recognises as achievements the emergence of the values of tolerance and non-judgementalism as ‘expressions of a developing commitment to the equal dignity of all persons,’ he is critical of the ‘engrained’ suspicion that ‘pursuing stronger notions of shared goods will lead to oppression and violence.’⁶³² While he recognises the fear of coercion is not without ‘strong warrants,’ he suggests that ‘these warrants are historical, not eternal, truths.’⁶³³ The view that ‘people are safest when no one can interfere with their pursuit of their own understandings of the good,’ Hollenbach believes, has led to ‘communal interaction’ being viewed ‘with suspicion.’⁶³⁴ This ‘inappropriately directed fear of tyranny,’ he argues, has resulted in ‘a fear of any form of social connectedness or interdependence of persons in society.’⁶³⁵ Instead, he argues that a Christian view of the full human good, despite being distinguished from the political good, remains relevant to public life.⁶³⁶ He writes,

⁶²⁵ Insole, *The Politics of Human Frailty*, p. 51.

⁶²⁶ Ibid., p. 62.

⁶²⁷ Ibid., p. 63.

⁶²⁸ Ibid., p. 61.

⁶²⁹ Ibid., p. 60.

⁶³⁰ Ibid., p. 63.

⁶³¹ Ibid., p. 41.

⁶³² David Hollenbach, *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002), p. 32.

⁶³³ Ibid., p. 33.

⁶³⁴ Ibid., p. 57.

⁶³⁵ Ibid., pp. 57-58.

⁶³⁶ Ibid., p. 134.

All aspects of public life can be real though imperfect reflections of the fullness of communion that is the ultimate Christian hope. Though Christians reject coercive use of the state to implement the Kingdom of God, they see themselves called to work for the transformation of social life into a more fitting reflection of the good that is their ultimate hope.⁶³⁷

This ‘transcendent vision of the common good,’ he writes, ‘does not contradict the shared goods that can be attained in history.’⁶³⁸ Hollenbach describes his approach as a ‘pluralistic-analogical understanding’ of the common good; it respects the ‘different forms of interrelationship and community in which human beings achieve their good in history,’ without any of ‘these forms of community [being] absolutized or allowed to dominate all others.’⁶³⁹

While it is beyond the scope of the present argument to examine the disagreements between these – and other – approaches in greater detail, they serve to illustrate the internal theological disagreements over variations of liberalism, and the role of government. While it is evident that Christians may have theological reasons to support political liberalism, such disagreements within a predominant reasonable comprehensive religious doctrine casts doubt on the viability of an overlapping consensus, not least as one might expect Christianity to be the most agreeable religious doctrine, given the historical roots of liberalism within Christian societies, and its resonance with categories of Christian thought. However, as Billingham notes, Christianity is unable to ‘baptise’ political liberalism – nor ‘any other political theory.’⁶⁴⁰ There will, writes Billingham,

always be tensions between faithful Christianity and any particular political theory or programme, because the distorting effects of sin and ambiguities of moral judgement are abiding features of life in this age. Christians should always be wary of [resolutions] that seek to manufacture a complete harmonisation of loyalties, identities, and commitments. The church acts as a standing rebuke to the state’s ever-present temptation to offer a complete community.⁶⁴¹

Indeed, he observes with irony that the Rawlsian view ‘might require Christians to place more faith in politics than is theologically warranted,’ noting that it ‘might be that the biggest obstacle to Christian membership of the overlapping consensus is precisely the level of *faith* that Rawls’s view demands.’⁶⁴² Ultimately, however, the political conception is not beyond contestation, even from those who subscribe to a reasonable public doctrine. As critics have suggested, Rawls’ political conception does not entirely avoid comprehensive claims. From this, we now turn to examine two contrasting liberal approaches representing divergent paths forward: Chandran Kukathas, who seeks to formulate an even *thinner* liberalism than that of Rawls, and Brian Barry who, accepting the impossibility of neutrality, seeks to justify a comprehensively secular approach.

Chandran Kukathas’ *Laissez-Faire* Liberalism

Kukathas argues that public reason will always be subject to fundamental disputes. Indeed, this is to be expected, he argues, as liberalism recognises ‘the public sphere as one in which

⁶³⁷ Ibid.

⁶³⁸ Ibid.

⁶³⁹ Ibid., p. 136.

⁶⁴⁰ Billingham, ‘Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism,’ p. 542.

⁶⁴¹ Ibid., p. 542.

⁶⁴² Ibid., p. 544.

the existence of disagreement cannot be denied, wished away, or suppressed.⁶⁴³ On this basis, Kukathas is critical of other liberal theories, including that of Rawls, for remaining too comprehensive in their presupposition of an overarching society which *tolerates* minorities. In doing so, he argues, they cannot help but ‘compel’ and ‘manipulate’ those that do not abide by the ‘fundamental moral principles of the wider society.’⁶⁴⁴ By this account, even Rawls’ political liberalism retains too much comprehensiveness by holding onto the minimum vestiges of the liberal order in the basic structure. Therefore, unlike Kymlicka, who places autonomy at the centre of his liberal theory, Kukathas seeks to construct a theory of liberalism in which tolerance is primary.⁶⁴⁵ As such, for our purposes, Kukathas’ argument serves as a valuable illustration of the negative implications for the security of liberty of an approach that seeks to avoid coercion through complete normative withdrawal by the state.

There are three main reasons why Kukathas regards tolerance as the primary liberal value. Firstly, he argues it is ‘implicated in the very foundations of liberalism – insofar as liberalism is committed to the use of free public reason.’⁶⁴⁶ Secondly, tolerance recognises fallibility, countering ‘moral certitude,’⁶⁴⁷ as it acknowledges that ‘there is no authority with any independent access to the truth of the matter.’⁶⁴⁸ Thirdly, he argues that tolerance is a condition of reason, ‘for restrictions on the public use of reason, besides harming those who seek to reason publicly, also undermine the authority of reason itself.’⁶⁴⁹ Thus, Kukathas argues that tolerance should be the primary liberal value, as it is ‘the condition of rational inquiry and therefore of moral inquiry.’⁶⁵⁰ On this basis, Kukathas seeks to formulate a liberal theory which assumes no common standpoint at all.⁶⁵¹ As he writes, the purpose of liberal theory is to ‘[divine] political rules from a standpoint which owes its allegiance to no particular interest – past, current or prospective,’⁶⁵² while holding that ‘Historical priority does not confer on a community the right to continued existence.’⁶⁵³ Therefore, ‘rather than conceive of the public realm as embodying an established standpoint of morality which reflects a desirable level of stability and social unity,’ Kukathas proposes that ‘we should think of the public as an area of convergence of different moral practices [...] the public realm is the product of interaction among these various ways.’⁶⁵⁴ He explains this vision through the notion of the ‘moral commons.’⁶⁵⁵ The ‘rules of the commons,’ that arose through the interaction between communities in areas where there were conflicts over the use of common resources, established ‘networks of agreements establishing rights of use.’⁶⁵⁶ More than a balance of power or compromise, Kukathas argues, agreements became internalised ‘as more basic norms

⁶⁴³ Chandran Kukathas, ‘Cultural Toleration,’ *Nomos* Vol. 39 (1997), p. 81; cf. Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom*.

⁶⁴⁴ *Ibid.*, pp. 78, 82.

⁶⁴⁵ Or, indeed, the liberal theorist Joseph Raz, whose comprehensive, perfectionist liberalism takes autonomy as its primary value; Joseph Raz, ‘Autonomy, Toleration and the harm principle,’ *Issues in Contemporary Legal Philosophy: The Influence of H.L.A. Hart*, edited by Ruth Gavison (Oxford: Oxford University Press, 1987).

⁶⁴⁶ Kukathas, ‘Cultural Toleration,’ p. 80.

⁶⁴⁷ *Ibid.*, p. 79.

⁶⁴⁸ *Ibid.*

⁶⁴⁹ *Ibid.*, p. 80.

⁶⁵⁰ *Ibid.*, p. 86.

⁶⁵¹ *Ibid.*, p. 83.

⁶⁵² Chandran Kukathas, ‘Are There Any Cultural Rights?’ *Political Theory*, Vol. 20, No. 1 (February 1992), p. 112.

⁶⁵³ *Ibid.*

⁶⁵⁴ Kukathas, ‘Cultural Toleration,’ p. 84.

⁶⁵⁵ *Ibid.*

⁶⁵⁶ *Ibid.*

governing social relations.’⁶⁵⁷ Over time this ‘acquires the character of a public space without sovereign power – unowned but governed by norms which circumscribe behaviour within it.’⁶⁵⁸ However, as toleration characterises such an arrangement, stability and social unity would intentionally ‘[fall] short of the permanence or durability many thinkers seek’ through the institutionalisation of values.⁶⁵⁹

To understand how this might look in application, it is helpful to examine Kukathas’ responses to anticipated objections. Firstly, there is the possibility that such a society would degenerate into a ‘mosaic of tyrannies’ in which members of vulnerable groups – such as women, children, and dissenters – would have harms inflicted on them, such as FGM.⁶⁶⁰ Indeed, Kukathas admits, and accepts, that his *laissez-faire* proposal could result in the toleration of ‘intolerable’ practices:

there would in such a society be (the possibility of) communities which bring up children unschooled and illiterate; which enforce arranged marriages; which deny conventional medical care to their members (including children); and which inflict cruel and “unusual” punishment. All of this is possible in the name of toleration.⁶⁶¹

Nevertheless, this is a price Kukathas is willing to pay for protection against outside authorities; he writes, ‘we should be wary of conceding to established authorities the right to intervene in the “intolerable” practices of minorities because there is little assurance that the power will not be abused.’⁶⁶² He therefore advocates for tolerance even where there is ‘clear evidence of terrible practices,’ favouring persuasion, which he deems less ‘damaging’ than ‘invasion by an external power.’⁶⁶³ This is tempered with the expectation that interactions between communities of varying moral outlooks will naturally lead to the ‘elimination of dubious outlooks,’ however, it is unclear why Kukathas believes this would transpire. Indeed, in the absence of any common moral standpoint or overarching authority, one might rather expect the spread of intolerant views, as the strong prevail over the weak.⁶⁶⁴

A second objection is that rational inquiry does not require more than a minimal commitment to toleration. Indeed, as per Mill’s argument discussed above, internal minorities stand to benefit most from secured rights, as these would enable them to participate in moral discourse and reasoning. Yet, Kukathas rejects this, reiterating the foundations of his approach; ‘it still presupposes,’ he writes, ‘that some ultimate moral authority is both desirable and feasible,’ and such a ‘presupposition,’ he maintains, ‘is not defensible.’⁶⁶⁵ Furthermore, Kukathas believes it is of greater concern that there can be ‘no assurance the dominant authority will not abuse its moral authority to persecute dissenters.’⁶⁶⁶ Liberty of conscience, he reasons, requires equal respect not only for dissenters, but for ‘those who wish to remain loyal to their traditions and practices.’⁶⁶⁷ Any interference from authorities against such traditions and practices would violate that liberty of conscience.⁶⁶⁸ Even basic civil rights, such as the right to education, he argues, do not necessarily serve or further moral inquiry. Rather, he argues, such rights may place ‘significant limitations on this process by denying to some the right to

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

⁶⁵⁹ Ibid., p. 85.

⁶⁶⁰ Ibid., pp. 87-88.

⁶⁶¹ Ibid., p. 87.

⁶⁶² Ibid. p., 88.

⁶⁶³ Ibid., p. 89.

⁶⁶⁴ Ibid.

⁶⁶⁵ Ibid., p. 90.

⁶⁶⁶ Ibid.

⁶⁶⁷ Ibid.

⁶⁶⁸ Ibid.

practice what they now only preach.’⁶⁶⁹ In other words, allowing communities to practice their intolerant customs – including the denial of education – is a preferable condition for moral inquiry than the conditions that could be secured by the external imposition of civil rights. Indeed, he argues, illiberal groups would not be able to properly demonstrate the merits of their traditions if they were not allowed to practice them, and moral inquiry would suffer as a result, as those traditions would be removed from the free marketplace of competing ways of life.⁶⁷⁰

However, the marketplace Kukathas describes is far from free, if the individual’s ability to exit can be limited by the coercion of their group and community. Kukathas is clear that he believes liberal individualism must uphold the ‘*inalienable right to leave*,’ but precludes the possibility of guaranteeing this right.⁶⁷¹ Kukathas rejects at the outset the possibility of any authority which could secure individual rights, including the right to leave. Furthermore, whatever the supposed benefits there may be to moral or rational inquiry of being able to practice traditions which violate the autonomy of others, these surely do not outweigh the cost to the ‘conditions of reason’ when individual access to rational inquiry is insecure at best, and prevented at worst. Kukathas’ response is no answer at all. He appears to simply accept, as the price of tolerance, the possibility of groups tyrannising their members. This outcome is, surely, not coherent with the rationale of Kukathas’ approach. Furthermore, it is unclear why Kukathas appears to view the violation of the individual by the group as less problematic than the tyranny of the ‘established authorities.’ As we have seen, such concerns led Kymlicka to protect autonomy. Yet, there is no such recourse available to Kukathas, for whom there can be no legitimate overarching authority to secure rights and freedoms. Furthermore, he argues that liberal individualism does not need cultural rights to accommodate diversity, because it is ‘[wary] of the power of majorities over minorities,’⁶⁷² and recognises that community interests matter ‘because individuals do.’⁶⁷³ Implicit in Kukathas’ anti-essentialist view of groups is an understanding that community authority originates, not in a right to perpetuation or existence, but in ‘the acquiescence of its members.’⁶⁷⁴ However, as acquiescence depends on voluntariness, community authority must be underwritten by the right to exit. Yet, Kukathas’ proposal empowers groups to oppress their members without recourse to any overarching authority, thus eliminating any means of securing that right. In addition, as we have seen, Kukathas’ individualist position denies that groups can have any ‘moral primacy’ of their own, as groups are ‘mutable historical formations’ not ‘fixed and unchanging entities in the moral and political universe.’⁶⁷⁵ Cultural rights are objectionable to Kukathas, in part, because ‘groups may generate entitlements, but entitlements can also create groups.’⁶⁷⁶ Yet, if Kukathas wishes to avoid the ossification of communities in this way, it is surely counter-productive to empower the group against the individual. As Brian Barry observes, ‘we may ask reasonably if there is any significant difference between what [Kukathas] advocates and what he rejects.’⁶⁷⁷

As Barry argues, group rights can be created by omission as well as commission.⁶⁷⁸ For example, Kukathas argues that parents should be permitted to create permanent ritual scars on their children in accordance with traditional practice. However, Kukathas cannot make distinctions of this kind without creating a cultural right. As Barry writes,

⁶⁶⁹ Ibid.

⁶⁷⁰ Ibid., p. 91.

⁶⁷¹ My emphasis; *ibid.*, p. 117.

⁶⁷² Kukathas, ‘Are There Any Cultural Rights?’ p. 107.

⁶⁷³ Ibid., p. 112.

⁶⁷⁴ Ibid., p. 117.

⁶⁷⁵ Ibid., pp. 110, 112.

⁶⁷⁶ Ibid., p. 112.

⁶⁷⁷ Brian Barry, *Culture and Equality* (Cambridge: Polity, 2001), p. 141.

⁶⁷⁸ Ibid.

if we are not to have special exemptions of this kind, the rule must be that motive is irrelevant. The implication is that what is legal is – simply – scarring, so that parents could inflict scars on their children out of carelessness or malice and be as much beyond the reach of the law as those that did it in accordance with some tradition.⁶⁷⁹

If such distinctions cannot be made, then FGM inflicted on a child under the guise of tradition would be treated in the same way as if it were inflicted as an act of ‘pure sadism.’⁶⁸⁰ Barry writes that, for Kukathas

there is no need for ‘cultural rights’ in the form of special exemptions, because virtually anything that members of a cultural minority might wish to do in pursuit of their beliefs or norms would be legal for anybody to do under the extremely permissive set of rules enforced by the state.⁶⁸¹

In Barry’s view, which we discuss in detail below, this is not consistent with liberal principles; anti-paternalistic libertarianism might believe the state has ‘no business saving adults from themselves,’ he writes, yet it ‘is quite another matter to hold, as Kukathas does, that it is no business of the state to save children from their parents.’⁶⁸² As we shall see below, Barry holds that arguments like Kukathas’ ‘systematically enfeeble’ the ‘rights of the individuals to protection against groups that liberal states ought to make it their business to guarantee.’⁶⁸³ Indeed, the end point of this reasoning, Barry concludes, is not only moral anarchy, but lawlessness.⁶⁸⁴ Finally, a third challenge anticipated by Kukathas, asks, ‘if it is legitimate for illiberal subgroups to prevent their own members from forming liberal subgroups within that minority, why is it not legitimate for liberals to prevent illiberal subgroups from forming in their midst?’⁶⁸⁵ Again, Kukathas reiterates his position: there are no grounds for ‘assuming there is an established “we” in the form of the state which possesses the authority to determine how far to tolerate dissenting groups within its midst.’⁶⁸⁶ The state ‘encompasses’ these groups but it ‘is not their creator or their shaper.’⁶⁸⁷ Domestic society, he argues, should be akin to an international society, and that ‘demands to view it as something “thicker” should be resisted.’ This, importantly, includes ‘resisting demands that the central authority take an active interest in shaping or constructing society to ensure that communities which comprise it conform to particular substantive values.’⁶⁸⁸

Evidently, there are several points of incoherence in Kukathas’ approach. Firstly, his vision requires that one value is held in common – tolerance – yet he precludes possibility of any architecture to secure or sustain it, beyond unjustified expectations laid upon the ‘moral commons.’ Secondly, Kukathas does not allow for a first-person plural on a national level, but has no difficulty in imagining it at a group level. In his rejection of cultural rights, Kukathas argues that internal diversity and the inessential nature of groups does not negate their existence. Yet, such diversity and mutability on the national level leads him to conclude there is no common standpoint. Indeed, he rejects claims of historical priority, instead envisioning a country as a *tabula rasa*. To paraphrase Sandel, Kukathas imagines the sort of society that never has, and never can, exist. Thirdly, Kukathas’ justification for the primacy of tolerance –

⁶⁷⁹ Ibid., p. 144.

⁶⁸⁰ Ibid.

⁶⁸¹ Ibid., p. 142.

⁶⁸² Ibid.

⁶⁸³ Ibid., p. 125.

⁶⁸⁴ Ibid., pp. 133, 143.

⁶⁸⁵ Ibid., p. 93.

⁶⁸⁶ Kukathas, ‘Cultural Toleration,’ p. 94.

⁶⁸⁷ Ibid.

⁶⁸⁸ Ibid., p. 98.

on which his entire approach rests – is that it is a necessary condition of reason.⁶⁸⁹ Yet, as we have noted, members of intolerant groups would be deprived of the conditions of rational and moral inquiry, without recourse to externally enforceable rights – including the right to exit – in the name of tolerance. As we have seen, this undermines the rationale of Kukathas’ argument. If tolerance is primary because it establishes the conditions of reason, but in practice toleration deprives individuals of the conditions of reason, on what basis can the conditions of reason be an argument for independently valuing toleration? Finally, having criticized cultural rights for entrenching groups, in the name of individualism, Kukathas would allow the group uncheckable power over the individual. Ultimately, his argument is a self-defeating recipe for ‘the tolerant [being] destroyed, and tolerance with them.’⁶⁹⁰ As Barry has argued, Kukathas’ position amounts to little more than ‘moral anarchy.’⁶⁹¹ Kukathas’ argument illustrates the incoherence of radical normative withdrawal. It suggests, in other words, liberty and tolerance would be better secured by a *thicker*, more comprehensive approach – the question that remains is whether such an approach can be justified in a manner consistent with liberal foundations.

Brian Barry’s Comprehensive Egalitarian Liberalism

Barry’s egalitarian liberalism, by contrast, is consciously comprehensive. Defending the legitimacy of privileging liberal values, he argues plainly that ‘It would, after all, be a little surprising if liberalism did not betray a bias towards liberty.’⁶⁹² Barry is critical of other liberal theorists for equating, and conflating, neutrality with legitimacy. He writes,

Liberalism is, indeed, culturally ‘thinner’ than other normative systems - a feature for which it is, of course, often criticised by anti-liberals. But a liberal cannot coherently believe that liberal principles should themselves be compromised to accommodate the demands of anti-liberals. There is, indeed, a remarkably pervasive view that liberalism is to be equated with moral relativism.⁶⁹³

Barry argues that it is a ‘lazy’ criticism to argue that liberalism is not neutral, as no attempt is made to specify what ‘complete cultural neutrality’ would look like or explain why liberalism should have to commit to it.⁶⁹⁴ Barry gives the example of Tariq Modood, who has criticised liberalism in this way because it asks Islam to give up its public aspirations.⁶⁹⁵ To this, Barry retorts that ‘the giving up of public ambitions is precisely what neutrality between religions does require, to the extent that those ambitions would, if realised, violate the conditions of equal treatment.’⁶⁹⁶ Indeed, the demand that a religion’s public ambitions be fulfilled is precisely to ask that ‘one particular set of doctrines, or one particular religious authority, should be granted a privileged position.’⁶⁹⁷ If the incompatibility of a religious doctrine with liberalism constitutes evidence against liberalism’s neutrality, he writes

we have to ask how on earth the condition of cultural neutrality could ever possibly be instantiated. It would seem that for liberalism – or any other doctrine for that matter – to be culturally neutral, there would have to be no existing (or possible?) world-view

⁶⁸⁹ Ibid., p. 82.

⁶⁹⁰ Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

⁶⁹¹ Barry, *Culture and Equality*, p. 133.

⁶⁹² Ibid., p. 122.

⁶⁹³ Ibid., p. 283.

⁶⁹⁴ Ibid., p. 27.

⁶⁹⁵ Ibid., p. 28.

⁶⁹⁶ Ibid.

⁶⁹⁷ Ibid., p. 52.

with which it conflicts. Since this is manifestly absurd, the assertion that liberalism is not culturally neutral asserts something that could not conceivably be denied.⁶⁹⁸

Liberalism, Barry believes, has been waylaid by the red herring of neutrality. Instead, he argues, liberalism should pursue *fairness*, which is not to be identified with neutrality. As we have seen in Kukathas' approach, the pursuit of the latter can undermine the former.

Kukathas, in Barry's view, was wrong to imagine that there could be an 'alternative understanding of liberalism that would accommodate 'deep cultural diversity' by withdrawing standard protections for individuals or putting the force of the state behind practices that violate basic liberal tenets of freedom and equality.'⁶⁹⁹ Rather, Kukathas should have concluded that liberalism cannot accommodate deep diversity.⁷⁰⁰ Cultural diversity, Barry argues, cannot be an 'unqualified good,' because some groups will behave in ways that are 'severely inimical to the interests' of their members.⁷⁰¹

...once we follow the path opened up by that thought, we shall soon arrive at the conviction that diversity is desirable to the degree, and only to the degree, that each of the diverse groups functions in a way that is well adapted to advance the welfare and secure the rights of its members. But that is precisely a liberal position.⁷⁰²

Indeed, it is not far from Kymlicka's ultimate conclusion. Defining liberalism as a doctrine concerning 'the way in which states should treat people,'⁷⁰³ Barry argues that liberalism is a fair means of solving conflicts, offering equal treatment to all parties.⁷⁰⁴ Pragmatically, Barry recognises that liberalism cannot provide a 'magic bullet' capable of 'creat[ing] harmony without any need for sacrifices by the parties.'⁷⁰⁵

In light of this, Barry seeks to provide a principled comprehensively liberal approach to heterogeneity, by defending basic liberal principles. He notes that, while some may feel 'hard done by' or treated unfairly due to the egalitarian emphasis on equal opportunities, 'the question that has to be asked is what merit there is in these complaints.'⁷⁰⁶ Just as speed limits, for example, 'inhibit only those who drive fast,'⁷⁰⁷ Barry argues that the equal application of the law is not inherently unfair if it impacts people differently because of their beliefs or practices.⁷⁰⁸ The argument that inequality of impact is indicative of unfairness, he argues, is not 'derived from a more sophisticated conception of justice than that previously found in political philosophy. It is merely a mistake.'⁷⁰⁹ However, Barry leaves open the possibility of policies that make some exceptions to provide special benefits on the basis of group membership. From an egalitarian perspective, he argues, if an individual is not responsible for their disadvantage – if they are disabled, affected by low income, or poor housing – it is permissible to create policies to remedy that disadvantage.⁷¹⁰ Such policies, however, would need to be careful not to be over- or under-inclusive.⁷¹¹ For example, he argues that concentrating on black individuals in a deprived area would be under-inclusive because it

⁶⁹⁸ Ibid., p. 27.

⁶⁹⁹ Ibid., p. 128.

⁷⁰⁰ Ibid.

⁷⁰¹ Ibid., p. 134.

⁷⁰² Ibid.

⁷⁰³ Ibid., p. 123.

⁷⁰⁴ Ibid., p. 25.

⁷⁰⁵ Ibid.

⁷⁰⁶ Ibid.

⁷⁰⁷ Ibid.

⁷⁰⁸ Ibid., p. 34.

⁷⁰⁹ Ibid.

⁷¹⁰ Ibid., p. 114.

⁷¹¹ Ibid.

would ignore those of other racial backgrounds suffering similar deprivation. Meanwhile, a policy that indiscriminately focuses on all members of a group can be over-inclusive, because while the average of that group may be deprived, there will be some members who are not deprived.⁷¹² This can be illustrated by a recent discussion over whether pensioners should receive a winter fuel allowance, because age is not indicative of wealth.⁷¹³ While Barry could be accused of privileging those from certain groups in a way that is incompatible with fundamental equality, he makes an important distinction between arguments for cultural rights that intend ‘to perpetuate cultural differences,’⁷¹⁴ and his proposal which facilitates equal opportunity to create ‘an assimilationist virtuous circle.’⁷¹⁵ This, he argues, ‘is in sharp contrast with the rationale of the kind of group-based policies advocated by the theorists of multiculturalism.’⁷¹⁶ Nevertheless, whatever weaknesses there may be in Barry’s defence of exceptions, they would not affect his overall argument for privileging liberalism.

Barry argues, against Kukathas, that liberalism does not require an independent principle of ‘toleration’ to prevent it from becoming oppressive, because freedom of association is already a core tenet of liberalism. ‘It is no part of liberalism,’ writes Barry, ‘to insist that every group must conform to liberal principles in its internal structure.’ It is this mistaken view that has led critics and liberals alike to argue that liberalism needs ‘some sort of escape-clause to accommodate diversity.’⁷¹⁷ Liberalism, he argues, allows a ‘good deal of discretion’ in raising children, but that power is limited to protect children from physical harm, regardless of whether inflicting harm is customary.⁷¹⁸ Liberal societies may differ with respect to the scope of how much self-governing power is given to associations, families, and corporations. However, what marks a liberal society is the acknowledgement that associations are a valuable means of individual fulfilment, and that ‘a group that does not have the power to set its own course cannot be expected to have much life in it.’⁷¹⁹ However, this commitment to association is tempered by the primary commitment to individual freedom. Unlike Kukathas, Barry acknowledges the need to protect the individual being trespassed upon by the group, as he writes, a liberal society ‘cannot turn a blind eye to the potential that associations and communities have for abusing, oppressing and exploiting their members.’⁷²⁰ This is best illustrated by Barry’s criticism of Charles Taylor’s response to the Rushdie Affair.

The problem is not that it is hard to think of compromises, as Taylor suggests. The problem is, rather, that it would be utterly revolting from a liberal point of view, to compromise on the proposition that Rushdie should not suffer a legal penalty for writing *The Satanic Verses*. Compromise over liberal principles is not, and cannot be, a liberal value.⁷²¹

Indeed, for Barry, liberal principles are not mere local prejudice, but have universal moral weight. This means that the decision not to punish Rushdie, or hand him over to the Islamic Republic of Iran, should not be regarded as grounded in the claim that freedom of expression is ‘the way we do things here,’ but rather ‘that this is the way things ought to be done everywhere: we do things that way here not because it is part of our culture but because it is

⁷¹² Ibid., p. 115.

⁷¹³ Joshua Nevett, ‘Millionaires shouldn’t get winter fuel cash, ministers says,’ *BBC News*, 30 May 2025.

⁷¹⁴ Barry, *Culture and Equality*, p. 117.

⁷¹⁵ Ibid., p. 116.

⁷¹⁶ Ibid.

⁷¹⁷ Ibid., pp. 147-148.

⁷¹⁸ Ibid., p. 124.

⁷¹⁹ Ibid., p. 117.

⁷²⁰ Ibid.

⁷²¹ Ibid., p. 283.

the right thing to do.’⁷²² In other words, Barry believes society should privilege liberalism, because liberalism is an objectively preferable way of organising society; that is to say, liberalism in Britain is objectively better than Islamism in Iran. Echoing Locke’s argument that sin is no business of the state, Barry writes, ‘liberal norms entail that, while cocking a snook at the Koran may be an offence against good taste, it is not an offence of which the law should take cognizance, and that anyone who killed Rushdie would deserve to be treated as a common murderer.’⁷²³ While Parekh may accuse Barry of monism, it is unlikely that Barry would regard this as a criticism.⁷²⁴ Indeed, principled ‘bias towards liberty’ is precisely Barry’s objective. Barry’s rejection of neutrality offers a response to the ‘paradox of tolerance’: the liberal state is justified in being biased towards liberty, and does not undermine its foundations by limiting tolerance. This approach offers a more robust defence of liberty than approaches that are constrained by the requirements of recognition or neutrality (or *thinness*). It thus points to a way forward through the difficulties of justification outlined in Chapter One, by offering a confident dismissal of those who ‘[discredit]’ as ‘repressive reactionaries’ the defenders of liberal democracy and individual liberties, by arguing that it is justifiable for the state to defend the ‘tolerant society against the onslaught of the intolerant.’⁷²⁵ Among the approaches discussed, Barry’s approach therefore appears to be a step in the right direction. In his defence of free association, we see a liberal commitment to the value of groups; nor need it exclude religion entirely from the public sphere, providing those beliefs or practices do not violate the principle of equal treatment, limit others’ freedoms or seek to overthrow the liberal settlement. Barry is aware that his approach will not eliminate difficult questions (or ‘hard cases’), such as the degree to which the state will tolerate non-violent Islamist extremist preachers, and the extent to which this can be balanced with the individual’s right to freedom of expression. Indeed, Barry’s pragmatic view that liberalism is no ‘magic bullet’ may be amenable to theological perspectives already mentioned.

The strength of this approach is that it ameliorates the difficulties in justifying state action in defence of liberty, enabling a more confident approach. A weakness is that it may consequently be prone to overreach in its enforcement of liberal doctrine, reigniting concerns discussed in previous chapters. In this respect, Barry’s approach lessens, rather than wholly overcomes, the challenge encapsulated by the ‘paradox of tolerance.’ However, as the argument so far has moved us to the conclusion that the deontologically neutral state is impossible, and that the security of liberty would be served by a public doctrine that is biased toward it, we may ask: in an increasingly post-secular society, might there be a suitable non-secular alternative to Barry’s secular liberalism that is even more conducive to supporting liberal outcomes? Could a Christian approach introduce a measure of humility that would restrain liberal overreach, while maintaining the confidence of Barry’s approach?

A Christian Liberal Response

Rowan Williams is critical of ‘programmatic’ secularism, defined as an ‘empty public square of merely instrumental liberalism, which allows maximal private licence.’⁷²⁶ Programmatic secularism, he writes, implies ‘the almost value-free atmosphere of public neutrality and the public invisibility of specific commitments is enough to provide sustainable moral energy for

⁷²² Ibid., p. 284.

⁷²³ Ibid., p. 280.

⁷²⁴ Ibid.

⁷²⁵ Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), pp. 4-5; Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

⁷²⁶ Rowan Williams, *Faith in the Public Square* (London: Bloomsbury, 2015), p. 27.

a properly self-critical society.⁷²⁷ As noted in Chapter Two, like Williams, Chaplin has also argued that such an arrangement is unsuitable for a religiously diverse Britain.⁷²⁸ In the same vein, while otherwise disagreeing with Williams (as we shall see), Nigel Biggar agrees that, as the ‘Spectre of Religious War stalks the land once again,’⁷²⁹ the secularist response, in seeking to expel religion from public discourse, risks ‘mirror[ing] the doctrinaire intolerance that it despises,’ and becoming ‘mother of what it fears.’⁷³⁰ While Barry’s approach is not programmatically secular, as it rejects value-free public neutrality and does not strictly banish religion from the public sphere, his mode of secularism is more restrictive than some Christian thinkers would consider desirable in an increasingly post-secular society.⁷³¹ However, there is disagreement within Christian perspectives over which alternatives are desirable and justifiable: should the public sphere be more argumentative, where deep identities are freely expressed within an impartial state, or should the established church furnish the liberal state with a privileged public doctrine capable of providing the moral and metaphysical resources to secure liberty? Both Chaplin and Williams maintain a commitment to a form of secularism. Williams proposes ‘procedural secularism,’ that is, a model that envisages an ‘argumentative public square,’ with the state as an even-handed broker.⁷³² No religious doctrine would be solely privileged or beyond criticism, but all would be ‘attended to as representing the considered moral foundation of the choices and priorities of citizens.’⁷³³ Such a public space would be ‘noisier and untidier’ than ‘one where everyone agrees what will and will not ‘count’ as an intervention in public debate.’⁷³⁴ Indeed, elsewhere (and at the time, controversially) Williams has advocated for a degree of accommodation for Sharia Law within English law.⁷³⁵ As we have already noted in Chapter Two, Chaplin’s notion of ‘jurisdictional secularism’ regards secularism as one worldview among others, and arguing that it should not be privileged in the programmatic sense.⁷³⁶ Like Chaplin, Williams’ position is both theological and historically grounded, while of a more Augustinian than Thomistic hue.⁷³⁷ Christian identity, he argues, is ‘irreducibly political in the sense that it defines a *politeia*, a kind of citizenship (Philippians 3:20).’⁷³⁸ However, its ‘existence and integrity,’ he argues, ‘are not bound to the successful realisation of this citizenship within history.’⁷³⁹ Consequently, ‘There does not have to be a final and sacred political order created for the integrity of the Church to survive.’⁷⁴⁰ Christian identity and the church are therefore independent of transient political arrangements, with ultimate loyalty given to God above the

⁷²⁷ Ibid.

⁷²⁸ Jonathan Chaplin, *Faith in Democracy: Framing a Politics of Deep Diversity*, (London: SCM Press, 2021), pp. 5, 63.

⁷²⁹ Nigel Biggar, ‘Not Translation, but Conversation: Theology in Public Debate about Euthanasia’ in Nigel Biggar and Linda Hogan, *Religious Voices in Public Places* (Oxford: Oxford University Press, 2009), p. 151.

⁷³⁰ Ibid., pp. 152-3.

⁷³¹ Barry’s approach may be categorised as comprehensive quasi-perfectionist; Quong, *Liberalism without Perfection*, pp. 14, 19.

⁷³² Williams, *Faith in the Public Square*, p. 27.

⁷³³ Ibid.

⁷³⁴ Ibid.

⁷³⁵ Rowan Williams, ‘Civil and Religious Law in England: A Religious Perspective,’ *Ecclesiastical Law Society* (2008).

⁷³⁶ Chaplin, *Faith in Democracy*, pp. 64-65.

⁷³⁷ Williams, *Faith in the Public Square*, pp. 28-29.

⁷³⁸ Ibid., p. 29.

⁷³⁹ Ibid.

⁷⁴⁰ Ibid.

civitas.⁷⁴¹ While this leads him to conclude that Christianity should not be a privileged public doctrine, it does not follow that Christian conviction should be banished from the public realm as, he argues, ‘immense damage is done to the moral energy of a liberal society’ when larger commitments and visions are ‘forgotten or repressed by the supposedly neutral ideology of the public sphere.’⁷⁴²

Not dissimilarly, Cécile Laborde responds to criticism that public reason is too exclusive of religious sentiment, by arguing that the ‘state should be secular so that citizens do not have to be secular.’⁷⁴³ The ‘nonestablishment of religion by the state,’ she writes, ‘is what allows [citizens] to freely exercise the rights associated with freedom of conscience.’⁷⁴⁴ Laborde advocates for what she terms ‘minimal secularism.’⁷⁴⁵ Rather than asking whether reasons are intelligible according to their own standards, Laborde argues that the criteria should be public ‘accessibility.’⁷⁴⁶ Firstly, ‘the demand of accessibility’ in public reason would only apply to the ‘narrow class of state officials,’ and not ordinary citizens who could continue to express their deep commitments in public debate and civil society.⁷⁴⁷ It, thus, narrowly applies only to those who officially justify laws and policies. Secondly, Laborde notes that ‘accessibility does not map onto the secular/religious divide.’⁷⁴⁸ Therefore, religious views are not ‘singled out, because they are not uniquely special from the point of view of accessibility.’⁷⁴⁹ For example, she notes that, with respect to accessibility, there is no ‘epistemic difference’ between personal testimony and divine revelation.⁷⁵⁰ Meanwhile, ‘many religiously inspired ideas can be *detached*,’ she argues, ‘from the doctrine from which they originate,’ in order to be made ethically or politically accessible.⁷⁵¹ Nevertheless, some arguments will be less publicly accessible than others, such as providentialism.⁷⁵² However, it is doubtful that these adapted secular arrangements would satisfy critics, such as O’Donovan or Wolterstorff. If one maintains that the right cannot be prior to the good, approaches like that of Williams cannot escape the criticism levelled at Rawls: namely, that whatever procedures are established to ensure even-handedness, they cannot evade the accusation of coercion, as the outcomes of public reason can never be beyond contestation, and amenable to all. In this, we might agree with Kukathas’ premise while rejecting his conclusion. As Nigel Biggar writes, public reason cannot be made to ‘float free’ of a comprehensive doctrine that nourishes and supports it, because it

⁷⁴¹ Ibid.

⁷⁴² Ibid., p. 35; This position may be amenable to those who advocate ‘convergence’ over ‘consensus,’ agreeing with Rawls that legitimate laws need to be publicly justified, but disagreeing that public reasons should emerge from a consensus. Instead, they argue that laws can be publicly justified to different citizens in different ways, in accordance with their respective comprehensive doctrines, thus carving out space for religious reasoning in public discourse; Paul Billingham, ‘Convergence Liberalism and the problem of disagreement concerning public justification,’ *Canadian Journal of Philosophy* (Vol 47, No. 4), p. 541.

⁷⁴³ Laborde, *Liberalism’s Religion*, p. 125.

⁷⁴⁴ Ibid.

⁷⁴⁵ Ibid., p. 124.

⁷⁴⁶ Ibid.

⁷⁴⁷ Ibid.

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid., p. 125.

⁷⁵⁰ Ibid.

⁷⁵¹ Ibid., p. 126.

⁷⁵² Cécile Laborde, ‘On the Parity between Secular and Religious Reasons,’ *Social Theory and Practice*, Vol. 47, No. 3 (2021), p. 586.

is not entirely common. It is not neutral. It does not float free of the larger comprehensive humanist doctrines that support it. On the contrary, these larger doctrines give rise to significant disagreements within the terms of public reason.⁷⁵³ Furthermore, while reasonable comprehensive doctrines may agree superficially on the humanist value of equal dignity, Biggar observes, they will soon run into deep disagreements rooted in their differing anthropological, doctrinal and moral premises.⁷⁵⁴ *Contra* Modood's argument for plural establishment, Biggar argues that public institutions simply 'cannot simultaneously affirm a variety of worldviews without sounding impossibly dissonant and incoherent.'⁷⁵⁵ Chaplin, however, objects that dissonance will be 'curtailed by virtue of the inherent tendencies towards coherence,' within the civil service, parliamentary and judicial process.⁷⁵⁶ Indeed, he argues, a degree of incoherence persists despite contemporary Anglican establishment.⁷⁵⁷ One could argue, as Chaplin does, that 'the outcome of a contested deliberative sphere cannot be predicted in advance,' and that dissonance is the price we must pay for a free public realm.⁷⁵⁸

However, three challenges can be posed to Chaplin's criticism. Firstly, 'tendencies toward coherence' provide weak security for the very liberty and tolerance that make such public deliberations viable. Secondly, his observation that some incoherence persists despite contemporary Anglican establishment might be taken to suggest that Christian establishment allows room for reasonable pluralism. Thirdly, while particular mid-level principles of political morality, such as freedom of conscience and religion (as well as consequent institutional procedures for state religious impartiality), might feasibly be supported by more than one comprehensive doctrine, they will remain controversial and open to contestation in a diverse free society. As Biggar writes, liberalism 'is not a view from nowhere.'⁷⁵⁹

Liberal space is not indefinite. It is bounded by certain moral convictions which are expressive of a certain understanding of human beings. Some worldviews will not support a liberal ethos; and some will actually corrode it. So if a liberal ethos is to survive, supportive views have to be fostered by public institutions, and corrosive ones (somehow) suppressed.⁷⁶⁰

Unreasonable doctrines, he argues, will pose a persistent threat to the liberal order, and therefore, the virtues of tolerance, 'of being ready to meet others halfway, of reasonableness, and of fairness comprise political capital that can depreciate and constantly needs to be renewed.'⁷⁶¹ Thus, Biggar writes,

Liberal public institutions that would survive [...] cannot afford to take a neutral position on ethics and anthropology. Nor can they afford to be neutral with regard to which larger views of the world dominate public culture, since some of these are positively subversive of liberal ethics and anthropology. Liberal public institutions therefore need to foster worldviews that commend the virtues necessary for liberal

⁷⁵³ Nigel Biggar, 'Why the 'establishment' of the Church of England is Good for a Liberal Society', in Mark Chapman, Judith Maltby and William Whyte, ed. *Church Establishment: Past, Present and Future* (London: Bloomsbury, 2011), p. 5.

⁷⁵⁴ Ibid.

⁷⁵⁵ Nigel Biggar, *Between Kin and Cosmopolis: An Ethic of the Nation* (Oregon: Cascade Books, 2014), p. 35.

⁷⁵⁶ Jonathan Chaplin, *Beyond Establishment: Resetting Church-State Relations in England* (London: SCM Press, 2022), p. 144.

⁷⁵⁷ Ibid.

⁷⁵⁸ Ibid.

⁷⁵⁹ Biggar, 'Why the 'establishment' of the Church of England is Good for a Liberal Society,' p. 4.

⁷⁶⁰ Ibid., p. 4.

⁷⁶¹ Ibid., p. 3.

public discourse to flourish. They need to do this because, as Rawls rightly observed, there are illiberal barbarians inside the gates; and within living memory their number has been known to grow to democratically dominant proportions.⁷⁶²

While the character of institutional procedures and the mid-level principles that guide them might be indirectly shaped by a comprehensive doctrine (such as through historical or present influence of, for example, liberal or Christian participation in public life), this offers fragile guarantees for the future security of the liberties that rely upon them. In a deeply diverse society, there will be groups whose (cultural, religious, or philosophical) doctrines are not conducive to, or even actively seek to subvert, those institutional conditions of liberty. The ideal of the state dealing even-handedly with its citizens irrespective of their religion, allowing religious freedom, and respecting freedom of conscience and expression, as ‘hard cases’ attest, are not views from nowhere. As Biggar has argued, these mid-level principles of political morality can be more assuredly sustained and secured if the state and its institutions privilege a public doctrine which supports and renews them. Doing so would establish a ‘bias towards liberty,’ justifying and cultivating the conditions and virtues that allow liberty to flourish.⁷⁶³ Privileging such a doctrine would not undermine the state’s even-handedness – respect for freedom of conscience, speech and religion— but would rather serve to underpin and secure them.

Two questions remain: which doctrine is best suited to serve this purpose in the British context, and is it defensible? Biggar argues that in Britain, Anglicanism as a privileged public doctrine is the most suitable candidate for several reasons. Firstly, it is ‘structurally humanist,’ in that it affirms the dignity of the human being made in the image of God, ‘a dignity intensified by God’s assumption of human flesh in the Incarnation.’⁷⁶⁴ This ‘high vision’ views human beings as the creatures of a benevolent divine intelligence,⁷⁶⁵ and the world as ‘possess[ing] a given rationality that is there for rational beings to grasp.’⁷⁶⁶ This provides a foundation for social co-operation, ‘since human beings are not only rational but finite and fallible, and since they are made to flourish in society, their reasoning needs to be social: they need to reason *together*.’⁷⁶⁷ In this, Biggar aligns with Insole’s theological anthropology, while reaching a different conclusion. Biggar argues that privileged Anglicanism can provide a robust anthropological and metaphysical foundation for liberal outcomes, securing liberty and tolerance. Secondly, Anglican establishment has the resources to endow the public realm with liberal virtues, such as, Biggar writes,

openness to being taught and corrected, since it sees humans as finite and fallible; readiness to confess conversational dishonesty, since it also sees them as sinners; respect for others as potential speakers of the truth, since it regards everyone as a potential medium of God’s Word; tolerance of strange and unwelcome views, since finitude and fallibility preclude the identity of the familiar and the true; patience with frustrations in understanding, since truth is as much self-revealing as grasped, and since faith sustains the hope that what is now seen through a glass darkly shall yet be seen face to face; and forgiveness as a reaction to conversational injustice, since all victims are perpetrators too.⁷⁶⁸

Unlike Rawls, Biggar is not shy about the need to privilege these virtues, as – like Barry – he has no theoretical need to be. However, several objections might be made of Biggar’s proposal.

⁷⁶² Ibid., pp. 5-6.

⁷⁶³ Barry, *Culture and Equality*, p. 122.

⁷⁶⁴ Biggar, ‘Why the ‘establishment’ of the Church of England is Good for a Liberal Society,’ p. 7.

⁷⁶⁵ Ibid.

⁷⁶⁶ Ibid.

⁷⁶⁷ Ibid.

⁷⁶⁸ Ibid., p. 8.

Firstly, as Biggar himself expects, his claim that Christianity supports liberalism could be regarded as idealistic given Christianity's illiberal history. Biggar does not deny historical instances of illiberalism, but responds that 'no human institution of longstanding can display an historical record that is entirely consistent with its anthropological and moral principles. Sin infects institutions – including churches – as well as individuals.'⁷⁶⁹ Societies and institutions are liberal by degrees, yet the Anglican church has an established humanist tradition.⁷⁷⁰ Biggar points, for example, to the seventeenth century's Great Tew Circle, which championed reason at a time of religious conflict.⁷⁷¹ Diversity, Biggar argues, needs to be 'contained and disciplined by the nation's public affirmation of a particular worldview.' This is because 'cultural nature, like physical nature, abhors a vacuum.'⁷⁷² If the national community does not 'actively commit itself to a view of reality that includes a high estimation of human dignity and freedom,' he argues, 'then an alternative, non-humanist view will come to prevail, first in popular assumptions and then in law and policy.'⁷⁷³

Another likely objection is that privileging one religion in a plural society is unacceptable, coercive and oppressive. This is certainly the view of Chaplin who, challenging Biggar, maintains that the 'state lacks the jurisdiction to explicitly offer any *de jure* endorsement of any world view or comprehensive doctrine.'⁷⁷⁴ Chaplin argues, rather, that non-state institutions – such as associations, families, schools, and churches – are better placed to create the liberal humanist ethos, and that 'anti-humanist world views,' will only 'gain a greater purchase on the state' if Christians and other religious groups 'deliberately opt to retreat from conscientious, faith-based democratic engagement.'⁷⁷⁵ However, as we have already argued, this provides few guarantees for the security of liberty when faced with 'hard cases.' Furthermore, whether *de jure* or *de facto*, privileging a contestable worldview appears inevitable; the question is whether Anglicanism is a justifiable and suitable privileged public doctrine for British liberal democracy. It need not be assumed that privileging one religion is inherently discriminatory against, or coercive towards, those who do not profess it. As Alfred Stepan has noted, liberal democracies do not require a strict separation of church and state.⁷⁷⁶ Rather, what they require is the construction of 'twin tolerations,' between religious and democratic institutions.⁷⁷⁷ Indeed, Laborde argues that religious establishment is not necessarily incompatible with her vision of minimal secularism or its condition of accessibility.⁷⁷⁸ To illustrate this, she provides two fictional ideal examples of permissible minimally secular states: *Secularia* and *Divinitia*.⁷⁷⁹ Biggar's proposal aligns with the latter, which Laborde writes 'recognises one religion, but not in a way that infringes on the equal citizenship of nonadherents.'⁷⁸⁰ *Divinitia* is minimally secular in that it 'broadly honours and respects citizens as free and equal,' and 'provides them with accessible reasons for its actions;

⁷⁶⁹ Ibid., p. 9.

⁷⁷⁰ Ibid.

⁷⁷¹ Ibid., p. 11.

⁷⁷² Biggar, *Between Kin and Cosmopolis*, p. 27.

⁷⁷³ Ibid.

⁷⁷⁴ Chaplin, *Beyond Establishment*, p. 145.

⁷⁷⁵ Ibid., pp. 142-143, 145.

⁷⁷⁶ Alfred Stepan, 'Muslims and Toleration: Unexamined Contributions to the Multiple Secularisms of Modern Democracies,' in Alfred Stepan and Charles Taylor eds. *Boundaries of Toleration* (New York: Columbia University Press, 2014), p. 270.

⁷⁷⁷ Ibid., p. 269.

⁷⁷⁸ Laborde, *Liberalism's Religion*, pp. 150-151.

⁷⁷⁹ Ibid., p. 151.

⁷⁸⁰ Ibid.

it respects their personal liberty; and it secures their equal citizenship.’⁷⁸¹ Laborde identifies the Anglican establishment as a partial Divinitia: the law is decided by parliamentary democracy and justified in secular terms; the church possesses no executive role in lawmaking; the ‘operative content of British civic identity is avowedly secular (without being secularist)’; and the ‘formal establishment’ of the Church of England does ‘not provide its members with special rights and privileges (with the exception of reserved seats in the House of Lords)’; nor does it deny minorities rights, on the contrary, it has ‘provided the template [...] out of which the British state has negotiated multicultural and multireligious differences.’⁷⁸² In other words, freedom and tolerance depend upon secularity, not *secularism*. In this, Christianity and liberalism can align. As Luke Bretherton has argued, secularity is a ‘political good that serves the formation of sustaining a common life amid difference, disagreement, and asymmetries of power. It entails commitment to the formation of *mutual* rather than *neutral* ground.’⁷⁸³ Theologically, he writes, ‘the secular is that-which-is-not-eschatological and not that-which-is-not-religious.’⁷⁸⁴ Secularity – which Anglicanism can support, thus understood – ‘enables political and economic structures to be contingent [and] enables a plurality of forms of life to emerge...’⁷⁸⁵ Taken together, these arguments suggest that Anglicanism as a privileged public doctrine in the British context is, at least, not unjustifiable.

With Anglicanism as a privileged public doctrine, Biggar recognises that some individuals ‘will find themselves in a public order that affirms a worldview that is more or less different from their own; and will feel somewhat irritated by it.’⁷⁸⁶ Citizens will be required to practice tolerance when confronted with ‘difference or foreignness in public institutions and rituals,’ indeed, ‘difference is a normal feature of social life, and tolerance is, after all, a classic liberal virtue.’⁷⁸⁷ However, Biggar argues that this is not incompatible with liberal freedoms, but rather, upholds and secures them. The privileging of a public doctrine is not an offence against equal dignity, nor does it ‘imply lack of due respect.’⁷⁸⁸ Indeed, one might argue that Anglican church establishment institutionalises the validity of religious contributions to public discussion, while simultaneously possessing the anthropological and metaphysical resources to prevent the totalising of its own doctrine in the public sphere.⁷⁸⁹ Certainly, Biggar himself cites polling that suggests adherents to non-Christian faiths are not in favour of disestablishment.⁷⁹⁰ However, while this argument might be weakened by Anglicanism’s overall decline, it can be countered with an argument in favour of Anglicanism’s historical priority.⁷⁹¹ Irrespective of current congregational numbers, Anglicanism is embedded in British constitutional history, or, as Biggar writes, it is the ‘sitting, and, not unworthy candidate.’⁷⁹² Chaplin has criticised Biggar on the grounds that ‘Historical provenance does not itself prove

⁷⁸¹ Ibid., p. 152.

⁷⁸² Ibid., p. 153.

⁷⁸³ Luke Bretherton, *Christ and the Common Life* (Michigan: Eerdmans, 2019), p. 254.

⁷⁸⁴ Ibid., p. 256.

⁷⁸⁵ Ibid.

⁷⁸⁶ Biggar, ‘Why the ‘establishment’ of the Church of England is Good for a Liberal Society,’ p. 18.

⁷⁸⁷ Ibid.

⁷⁸⁸ Ibid., pp. 18-19.

⁷⁸⁹ Ibid., p. 16; Modood, for example, argues that Anglican Church establishment provides a useful model of State-minority relations; Tariq Modood, ‘Anti-Essentialism, Multiculturalism & the ‘Recognition’ of Religious Groups,’ *The Journal of Political Philosophy* Vol. 6, No. 4 (1998), p. 297.

⁷⁹⁰ Biggar, ‘Why the ‘establishment’ of the Church of England is Good for a Liberal Society,’ p. 16.

⁷⁹¹ Gabriella Swerling, ‘Archbishop of Canterbury says decline in church attendance is ‘personal failure,’ Daily Telegraph, 13 June 2023.

⁷⁹² Biggar, ‘Why the ‘establishment’ of the Church of England is Good for a Liberal Society,’ p. 14.

contemporary legitimacy.⁷⁹³ However, two arguments can be made against Chaplin. Firstly, increasing diversity does not liquidate the pre-existing shared culture; institutions are not a cultural or moral *tabula rasa*.⁷⁹⁴ Secondly, the mere fact of Anglicanism's historical priority is not the only argument supporting of Biggar's position.

Biggar strengthens his position with two further theological arguments. Firstly, he suggests that Anglican Christianity is more suitably equipped to secure liberal outcomes than programmatically secularist liberalism, by identifying an anthropological error at the heart of modern liberal thinking; the 'fantasy of Enlightenment philosophers,' he writes, 'that human beings are rational beings.'⁷⁹⁵ On the contrary, Biggar argues, historical reflection demonstrates that 'human beings are disturbingly susceptible to being spell-bound and driven by self-destructive passions.'⁷⁹⁶ Liberalism's 'rationalist overestimation' of human nature – seen particularly in Kukathas' argument – results in 'degradation.'⁷⁹⁷ This error reconceives of liberty as licence, rather than recognising the conditions upon which it relies.⁷⁹⁸ This is an observation shared by Catholic post-liberal philosopher Patrick Deneen.⁷⁹⁹ Anthropological individualism and the voluntarist conception of choice marked a shift in the conception of liberty, Deneen writes, as

Liberty was fundamentally reconceived, even if the word was retained. Liberty had long been believed to be the condition of self-rule that forestalled tyranny, within both the polity and the individual soul. Liberty was thus thought to involve discipline and training in self-limitation of desires, and corresponding social and political arrangements that sought to inculcate corresponding virtues that fostered the arts of self-government.⁸⁰⁰

Bereft of supportive virtues and habits, the libertarian society becomes 'self-subverting.'⁸⁰¹ By contrast, Biggar's theological anthropology recognises mankind as both fallen and made in the image of God, thus capable of reason. In recognising this, far from antithetical to liberty and tolerance, an Anglican privileged public doctrine could serve as their guarantor. This, writes Biggar,

must be the prevailing cultural context in which laws and policies are made, and in which individuals exercise a responsible freedom, not an arbitrary one. And if that is what we need as a national society, then that is what our national institutions and public rites should affirm. That is, we need a certain humanism to be established by the national authorities as a public orthodoxy.⁸⁰²

Secondly, Biggar provides an anthropological justification for qualified particularistic love and affection toward one's national institutions and culture. The imperative this implies counters Kukathas' argument against the claims of historical priority.⁸⁰³ Biggar argues that Christian

⁷⁹³ Chaplin, *Beyond Establishment*, p. 45.

⁷⁹⁴ Even Parekh recognises the significance of this historical priority when he writes, 'Since Britain cannot leap out of her cultural skin, to deny the Christian component of its identity a privileged status is wrong (because it denies the bulk of its citizens their history) and likely to provide widespread resentment' (Bhikhu Parekh, *Rethinking Multiculturalism* (Hampshire: Second Edition, Palgrave Macmillan, 2006), p. 259).

⁷⁹⁵ Biggar, *Between Kin and Cosmopolis*, p. 28.

⁷⁹⁶ Ibid.

⁷⁹⁷ Ibid., p. 29.

⁷⁹⁸ Cf. Williams, *Faith in the Public Square*, p. 24.

⁷⁹⁹ Patrick Deneen, *Why Liberalism Failed* (New Haven: Yale University Press, 2018), p. 37.

⁸⁰⁰ Ibid., pp. 23-24.

⁸⁰¹ Biggar, *Between Kin and Cosmopolis*, p. 28.

⁸⁰² Ibid.

⁸⁰³ This is expanded upon in detail in Chapter Five.

love does not neglect the importance of immediate bonds of love and attachments. Providing a corrective to rationalist anthropology, he argues that ‘Christians should begin [...] with the concept of the human being as creaturely.’⁸⁰⁴ Fallible, limited and timebound, ‘ours is a responsibility of creatures, not of gods,’ he argues, and therefore, ‘we are able only to benefit some, not all; and there might be some to whom we are more strongly obliged by ties of gratitude, or whom we are better placed to serve on account of shared language and culture or common citizenship.’⁸⁰⁵ Biggar argues that the ‘proper objects of our respect and care’ include institutions and customs. Finite human beings grow up in a particular time and place, Biggar argues, and are

inducted into particular forms of life by her family and by other institutions – schools, churches, clubs, workplaces, political parties, public assemblies. These institutions and their customs mediate and embody certain apprehensions of the forms of human flourishing – that is, basic human goods – that are given in and with the created nature of human being. It is natural, therefore, that an individual should feel special affection for, loyalty toward, and gratitude to those communities, customs, and institutions that have benefitted her by inducting her into human goods.⁸⁰⁶

Patriotic love, which justifies partiality to inherited traditions, however, is qualified by the recognition that nations must not become idols.⁸⁰⁷ As such, it not only justifies a confident defence of liberty and the inherited liberal order, it also encourages a measure of humility that may discourage overreach. Biggar’s argument is not totalising or theocratic. Like Williams, he maintains that loyalty to God ultimately supersedes loyalty to one’s country. Nevertheless, Biggar’s argument suggests that, in the British context, Anglicanism is a suitable public doctrine for securing liberty. As Newbigin writes, ‘The demand for freedom of thought and expression must itself rest on some firmly held belief about the origin, nature, and destiny of human life. If it has no such foundation it will prove powerless in the face of those who have firm beliefs about the truth.’⁸⁰⁸ Christianity offers a resilient foundation to secure liberty and tolerance against the ‘hard cases,’ because it is better resourced with anthropological and metaphysical safeguards to prevent the totalising of its own doctrine by maintaining secularity, while resisting a collapse into relativism.

Conclusion to Part One

In Chapter One, we noted the ways in which policymakers have struggled to justify placing limits on activity that the state regards as subversive. Rejecting the ‘hands off’ tolerance associated with neutrality, successive governments sought to justify a more muscular approach. Echoing the ‘harm principle,’ it developed the notion of *legal but harmful* activity. Framing itself as a doctrinally neutral arbiter, the state sought to justify curbs on legal activity, if such activity causes harm either to society or individuals. However, this justification proved expansive and prone to overreach. Indeed, as criticisms of the Islamophobia definition illustrated, this overreach has the potential to stymie the state’s original intent to curb subversive extremist activity. As noted at the beginning of Chapter One, policymakers continue to contend with this peculiar problem of liberal democracy – whether by over- or underreach, it is besieged in both directions by the possibility of subverting its own foundations. As stated, the purpose of Chapters Two and Three has been to

⁸⁰⁴ Biggar, *Between Kin and Cosmopolis*, p. 5.

⁸⁰⁵ *Ibid.*, p. 6.

⁸⁰⁶ *Ibid.*, pp. 6-7.

⁸⁰⁷ *Ibid.*, p. 9.

⁸⁰⁸ Lesslie Newbigin, *The Gospel in a Pluralist Society* (London: SPCK, 2014), p. 244.

examine how these challenges in securing liberty arise from tensions within the debate's philosophical foundations. Both chapters point to the same conclusion, namely, that a completely 'hands off' deontologically neutral approach is neither desirable nor achievable.

For multiculturalists, the requirement of recognition stands in tension with individual liberties. Furthermore, as multiculturalists hold that the state cannot be neutral, and recognition must be limited (both to balance this imperative with other principles and to secure the multicultural reciprocity through which co-citizens respect each other's diversity), the state cannot but remain open to the charge that it denies recognition to some, and thus undermines their equal citizenship. Zee writes,

even multiculturalists draw the line of equality and value somewhere: the value of culture for minorities should be duly recognised by members of the majority culture and not doing so is a *bad cultural trait* and should be changed. Imposition of majority norms at the cost of authentic minority culture is *bad*. Being from a white majority and not, or not fully, recognising someone's non-white minority identity, is *bad*. It is arrogant, condescending, intolerant, and bordering on racist and discriminatory. Interestingly, this bad, or to some abhorrent, practice of nonrecognition is part of a culture, a culture which, assuming Herderian philosophy underlying multiculturalism to be correct, is important to its members, and is thus a source of *good*.⁸⁰⁹

As argued, the imperative of recognition weakens the security of individual liberty. Imposition by the state is unavoidable, and commits the 'cardinal sin' of multiculturalism – it violates authenticity by denying recognition. This accusation potentially 'discredits and paralyzes efforts of people who are only trying to preserve' democratic institutions and the liberties they secure, protecting 'tolerant society against the onslaught of the intolerant.'⁸¹⁰

Tension within liberalism, this chapter has argued, contributes to the challenge outlined in Chapter One in a different way: it is uncomfortable with the imposition of its own doctrine on those who dissent from it. Yet, the attempt to maintain liberal outcomes without privileging liberalism – by seeking an arrangement in which the right is prior to the good – does not succeed in placing itself beyond contestation. While liberalism might aspire to even-handedness, fairness, or *thinness*, it cannot avoid privileging itself. As we have argued, liberalism emerges from, and is dependent upon, particular anthropological and metaphysical foundations that support and sustain liberal outcomes. In this, multiculturalist critics are correct in pointing to liberalism's particularity, even if they turn a blind eye to their own. To avoid this, Kukathas advocated for the state's radical normative withdrawal, and in doing so, provided us with an illustration of how such an approach wholly undermines the security of liberty. This leads us to the conclusion that liberalism must embrace its particularity, and dispense – as Barry does – with the notion that legitimacy requires ever increasing proximity to neutrality. In the context of the policy debate, this would mean dispensing with the narrative of doctrinally neutral arbitration and recognising liberalism's substantive claims. Without doing so, the state will inevitably struggle to justify a more muscular approach, and will clinically pursue curbing 'legal but harmful' activity without confidence in its authority to make effective judgements. However, we noted that, while this approach is strengthened in its confidence, it would benefit from a measure of institutionalised humility to discourage overreach. In exploring which doctrine might be most conducive to securing liberty, we argued that secular liberalism is not the only defensible option in a British context. Rather, we have argued with Biggar, that Anglicanism provides an appropriate 'sitting' privileged public

⁸⁰⁹ Machteld Zee, *Choosing Sharia? Multiculturalism, Islamic Fundamentalism & Sharia Councils* (The Hague: Eleven International Publishing, 2016), p. 31.

⁸¹⁰ Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), pp. 4-5; Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

doctrine; unlike (particularly programmatic) secular liberalism, Anglican Christianity possesses inherent safeguards to prevent the totalisation of its own doctrine, maintaining secularity and plurality, supported by firm anthropological, eschatological and metaphysical foundations. We have argued that this, far from being an infringement upon the equality of those who do not subscribe to Anglicanism, would secure their freedoms more resiliently. In accepting creaturely, embedded human nature over an abstract anthropology, such an approach acknowledges that liberty and tolerance do not exist in a vacuum. This conclusion is further strengthened in Chapter Five, from a traditional conservative perspective, which argues that liberty can only be achieved *within* the inherited order. However, first we turn to an examination of Critical Race Theory, which holds – on the contrary – that freedom is predicated on a radical repudiation of, and *freedom from*, that inherited order.

4. Critical Race Theory: A Repudiation of the Inherited Order

The argument so far has pointed to the conclusion that state neutrality with respect to the good is neither possible nor desirable, and thus liberty and tolerance are best secured through the privileging of a supportive public doctrine anchored to Christian foundations, communicated through the fabric of Britain's inherited order – that is, through public institutions, education, tradition and customs. It has been suggested that this foundation may offer more resilient security for liberal outcomes, compared with approaches that seek to privilege the right over the good or that avoid privileging a contestable public doctrine on the basis that it would be coercive toward those who do not assent to it. Rejecting an abstract anthropology in favour of a theological anthropology of the human being as creaturely and relational, limited but rational, we have suggested that liberty must be achieved *within* order, rather than conceptualised as *liberation from* it.

This conclusion, however, is alien to the policies discussed in Chapter One, which avoid acknowledging the particularity of liberal values. Instead, successive governments have pursued the narrative of neutral arbitration between contemporary communities, justifying the privileging of abstract values by appealing to a duty to mitigate 'legal but harmful' behaviour. However, as we noted in Chapter One, 'harmful' is a flexible term, open to new interpretations in changing political contexts. As the state has shown itself reluctant to acknowledge the particularity of its inherited tradition, it is less able to identify and resist non-liberal influence on interpretations of 'harm' that undermine its original liberal objective – to preserve liberty. Indeed, such a political context emerged in the 2020s, as a new interlocutor – Critical Race Theory (CRT) – entered the policy debate as an influential force. In contrast to the conclusion drawn by the previous chapter, CRT understands the freedom and accommodation of minorities to be predicated on a repudiation of the inherited order. Critical race theorists argue that the established order is systemically biased towards those who have historically held power. Indeed, they argue that oppression of minorities is so intransigently embedded within the inherited order that it resists incremental change through reforms, meaning that only complete political, institutional, and psychological severance can fundamentally transform society and liberate the oppressed. Freedom, therefore, depends upon a radical break with the inherited order, its institutions and societal structures. In this respect, it touches a nerve within liberalism – the discomfort with privileging liberal doctrine.

Thus, CRT's contribution to our discussion is relevant for several reasons: it has become an influential voice in the British public policy debate; it is concerned with whether and how the state and public institutions should be altered to accommodate the presence of minority identities; its conception of liberation offers a radical critique of neutrality; and the optimism of its revolutionary anthropology leads to a conclusion antithetical to the one drawn at the close of the previous chapter. For these reasons, it is a suitable interlocutor for the contrasting counterargument offered in Chapter Five. To this end, following the structure of previous chapters, we begin with an exegesis of the arguments of two thinkers – Herbert Marcuse and Paulo Freire – whose perspectives provide a conceptual framework for the subsequent discussion of CRT's critique of neutrality, and repudiation of the inherited order. In order to draw out the contrasts between CRT and other approaches discussed in this thesis, by illuminating ideas underpinning the arguments examined later in this chapter, a detailed exegesis of two arguments is more valuable than a superficial overview of several. Following this exegesis, we turn to a discussion of CRT's critique of liberal neutrality, arguing that this approach's radical view of liberation leads to intolerant overreach, and undermines liberty by repudiating the very conditions that secure it. Noting theological opposition to this approach, the chapter closes with an examination of a supportive theological perspective – Black Liberation Theology – arguing that its contribution serves to illuminate the significance of

anthropological and eschatological foundations for understanding the limits of politics in relation to the conditions conducive to liberty.

A Critique of Pure Tolerance and Liberation *from* the Inherited Order

CRT is distinct from, but influenced by, the Critical Theory developed by the Frankfurt School in the post-war period, which synthesised Marxist thought with developments in sociology and psychoanalysis. While it is beyond the scope of this chapter to provide a detailed analysis of the influence of this body of thought – such as that of Max Horkheimer and Theodore Adorno – exegesis of Herbert Marcuse’s *Repressive Tolerance* (1965) and *An Essay on Liberation* (1969) and Paulo Freire’s *Pedagogy of the Oppressed* (1968) illuminates CRT arguments discussed in this chapter. Occupied by the same concerns that motivated Popper, in *Repressive Tolerance*, Marcuse is concerned to prevent the rise of fascism within liberal democracies, such as the United States.⁸¹¹ However, in contrast with liberalism, Marcuse argues that equal treatment frustrates the cause of liberation and perpetuates oppression. The aspects of Marcuse’s argument which illuminate our discussion of CRT can be summarised as follows: advanced liberal democracies, such as the United States, are oppressive, preventing the fulfilment of human freedom; reform will only perpetuate existing power imbalances, and thus revolutionary actions are required to facilitate complete severance from the oppressive established order; this requires partisan intolerance toward opinions and movements that do not serve the cause of liberation; and this must be accompanied by a psychological break with the old order, if the utopian potential of liberation is to be realised within history.

Central to Marcuse’s argument is his criticism of the ‘pure’ or ‘non-partisan’ tolerance associated with liberal neutrality – that is, the equal treatment of ‘attitudes and ideas’ irrespective of whether they are ‘damaging.’⁸¹² Marcuse laments, for example, the United States’ equal toleration of movements of peace and hate, communism and fascism, intelligent and ‘stupid’ opinions, truth and falsehood.⁸¹³ As we have seen in Chapter Three, the liberal principle of non-discrimination is justified on the grounds that no side has a monopoly on truth or moral insight.⁸¹⁴ As such, all views must be ‘submitted to ‘the people’ for its deliberation and choice.’⁸¹⁵ However, Marcuse challenges the premise upon which, he argues, this rationale rests:

[that] the established society is free, and that any improvement, even a change in the social structure and social values, would come about in the normal course of events, prepared, defined, and tested in free and equal discussion, on the open marketplace of ideas and goods.⁸¹⁶

For this rationale to work, Marcuse argues, ‘the people must be capable of deliberating and choosing on the basis of knowledge, that they must have access to authentic information, and that, on this basis, their evaluation must be the result of autonomous thought.’⁸¹⁷ However, in his view, this is not the case. Rather, he argues that individuals are not the ‘tabulae rasa’

⁸¹¹ Herbert Marcuse, ‘Repressive Tolerance,’ in Robert Wolff, Barrington Moore and Herbert Marcuse, *A Critique of Pure Tolerance* (London: Jonathan Cape Ltd., 1965), p. 123.

⁸¹² *Ibid.*, p. 99.

⁸¹³ *Ibid.*, pp. 99-108.

⁸¹⁴ *Ibid.*, p. 108.

⁸¹⁵ *Ibid.*

⁸¹⁶ *Ibid.*, p. 106.

⁸¹⁷ *Ibid.*, pp. 108-109.

assumed by the liberal argument; instead, they are ‘indoctrinated by the conditions under which they live and think and which they do not transcend.’⁸¹⁸

In Marcuse’s view, this is because the power imbalance in society favours the established order.⁸¹⁹ This can be understood in light of Marcuse’s dialectical view that ‘it is the whole which determines the truth.’⁸²⁰ The state, he explains, has the power to set limits on what forms of opposition to the status quo will be tolerated, whereas tolerance for state policies, in his view, are extracted from citizens. The state, for example, extends tolerance only to dissenters who foreswear violent opposition.⁸²¹ Radicals are tolerated providing they do not move from speech to action.⁸²² Non-violence, he writes, is ‘not only preached to but exacted from the weak,’ while the state is permitted (through policing and prisons) to use violence.⁸²³ Even voting, he argues, entrenches this imbalance by fostering the appearance of democratic rights, when political options are limited.⁸²⁴ This is because right and wrong, true and false are ‘predefined wherever they affect the vital interests of society.’⁸²⁵ Marcuse might observe this in, for example, the British State defining as extremist any view which disavows democracy or the rule of law, as mentioned in Chapter One. In his view, these conditions create the appearance of toleration while limiting the field of expression and opposition.⁸²⁶ By monopolising the power to set the limits of toleration, the state imposes certain background limitations.⁸²⁷ As such, he argues, in a repressive society (which, in his view, includes the United States), ‘even progressive movements threaten to turn into their opposite to the degree to which they accept the rules of the game.’⁸²⁸ Marcuse elaborates on this in psychological terms in *One Dimensional Man* (1964) through the concept of repressive desublimation. This is the notion that advanced capitalist industrial societies manipulate the desires and pleasures of individuals in order to maintain social control, preventing genuine progress toward liberation. By creating the illusion of freedom, consumerism, entertainment and propaganda maintain the oppressive established order.⁸²⁹ Under these conditions, the indiscriminate treatment of opinions and movements ‘actually protects the already established machinery of discrimination.’⁸³⁰ The house always wins, because the state is playing with loaded dice.

Therefore, as pure tolerance only serves to perpetuate the oppressive status quo, Marcuse argues, it perverts tolerance’s original liberatory objective to allow individuals to develop their thoughts freely, and to claim their rights ‘against established authority and opinion.’⁸³¹ Thus the liberal rationale for equal treatment, he writes, ‘no longer prevails, when tolerance is administered to manipulated and indoctrinated individuals.’⁸³² Allowed to

⁸¹⁸ Ibid., pp. 112-3.

⁸¹⁹ Ibid., p. 107.

⁸²⁰ Ibid., p. 97.

⁸²¹ Ibid., p. 106.

⁸²² Ibid., p. 100.

⁸²³ Referencing Frantz Fanon’s argument in *Wretched of the Earth* (see below) that passivity serves the side of the oppressor, Marcuse urges against the *a priori* renunciation of violence; Marcuse, ‘Repressive Tolerance,’ p. 116.

⁸²⁴ Ibid., p. 98.

⁸²⁵ Ibid., p. 109.

⁸²⁶ Ibid., p. 100.

⁸²⁷ Ibid., p. 111.

⁸²⁸ Ibid., p. 97.

⁸²⁹ Herbert Marcuse, *One Dimensional Man* (London: Routledge, 1991), pp. 59-86.

⁸³⁰ Marcuse, ‘Repressive Tolerance,’ p. 99.

⁸³¹ Ibid., pp. 98, 104.

⁸³² Ibid., p. 104.

run its course, such a society will only ever see ‘an improvement in the direction determined by the particular interests which control the whole.’⁸³³ This has serious implications, as by preserving the repressive society it ‘render[s] men immune against other and better forms of life.’⁸³⁴ In other words, it precludes the utopian possibility of ‘creating an existence without fear and misery.’⁸³⁵ Such is the weight of the loaded dice, in Marcuse’s view, that the path to utopian possibilities can only be opened by a ‘rupture’ with the inherited order. This requires radical action, as it cannot ‘be accomplished within the established framework of abstract tolerance and spurious objectivity because these are precisely the factors which precondition the mind *against* the rupture.’⁸³⁶

While Marcuse concedes that pure tolerance is preferable to ‘institutionalized intolerance,’ he suggests that a third option is available to reverse the power dynamics that preserve the status quo – liberatory tolerance.⁸³⁷ Marcuse argues that the practice of tolerance was ‘always partisan,’ and thus ‘intolerant toward the protagonists of the repressive status quo.’⁸³⁸ On this basis, to restore its original ‘political locus,’ he argues that tolerance must not ‘protect false words or wrong deeds which demonstrate that they contradict and counteract the possibilities of liberation.’⁸³⁹ Liberatory tolerance thus involves the ‘systematic withdrawal of tolerance toward regressive and repressive opinions and movements’ under pressure from the people.⁸⁴⁰ Indeed, it involves the withdrawal of tolerance from ‘regressive movements *before* they become active.’⁸⁴¹ He, therefore, advocates

the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armament, chauvinism, discrimination on the grounds of race and religion, or which oppose the extension of public services, social security, medical care, etc.⁸⁴²

Further, the ‘restoration of freedom of thought,’ in Marcuse’s view, ‘may necessitate new and rigid restrictions on teachings and practices in the educational institutions which, by their very methods and concepts, serve to enclose the mind within the established universe of discourse and behaviour...’⁸⁴³ While Marcuse sees value in ‘indiscriminate tolerance’ in ‘harmless debates, in conversation, in academic discussion,’ in science and private religion, he reasons that

society cannot be indiscriminate where the pacification of existence, where freedom and happiness themselves are at stake: here, certain things cannot be said, certain ideas cannot be expressed, certain policies cannot be proposed, certain behaviour cannot be permitted without making tolerance an instrument for the continuation of servitude.⁸⁴⁴

In other words, the ‘rupture’ requires the subversion of the status quo through the active suppression of that which is considered detrimental to the cause of liberation. Whether an opinion or movement is tolerated or suppressed, depends upon whether it serves or prevents

⁸³³ Ibid., p. 107.

⁸³⁴ Ibid., pp. 124-125.

⁸³⁵ Ibid., p. 96.

⁸³⁶ Ibid., p. 113.

⁸³⁷ Ibid., pp. 112-3.

⁸³⁸ Ibid., p. 99.

⁸³⁹ Ibid., pp. 96-97, 102.

⁸⁴⁰ Ibid., p. 115.

⁸⁴¹ Ibid., pp. 123-124.

⁸⁴² Ibid., p. 114.

⁸⁴³ Ibid.

⁸⁴⁴ Ibid., p. 102.

liberation.⁸⁴⁵ Marcuse is explicit that ‘Liberating tolerance, [...] would mean intolerance against movements from the Right and toleration of movements from the Left.’⁸⁴⁶ He explains

the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, and opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed or suppressed. [...] today tolerance appears again as it was in its origins, at the beginning of the modern period – a partisan goal, a subversive liberating notion and practice. Conversely, what is proclaimed and practiced as tolerance today, is in many of its most effective manifestations serving the cause of oppression.⁸⁴⁷

Since ‘liberation,’ for Marcuse, is a ‘specific historical process in theory and practice,’ he argues that it has its ‘right and its wrong, its truth and its falsehood.’⁸⁴⁸ As such, he does not regard his proposal as institutionalised intolerance by another name, because this discrimination is justified by the liberatory end it serves.

Marcuse’s view of artistic expression serves to elucidate the practice of liberatory tolerance in relation to the historical dialectic. While he argues that artistic expression must never be censored, Marcuse redefines as ‘pseudo-art’ anything which stands in the way of liberation. Unlike art, pseudo-art can be censored. Indeed, what ‘was once art,’ he writes, may become ‘pseudo-art,’ as what once expressed protest and thus served liberation may come to represent a regressive political message once the historical dialectic has progressed.⁸⁴⁹ Although Marcuse is referring here specifically to artistic expression, his argument clarifies his understanding of liberatory tolerance more broadly: whether something is tolerated, or not, depends on whether it hinders or advances the process of liberation in the *present*. In other words, it involves an ongoing and all-encompassing process of repudiation that, over time, purges all that stands in the way of emerging utopian possibilities. In this way, liberatory tolerance operates as a teleocratic re-ordering principle that does not stop at politics and culture but aspires to transform human nature itself. Marcuse articulates this more explicitly in his 1969 *Essay on Liberation*, in which he envisages the possibilities of revolutionary transformation and its utopian objective. This essay demonstrates Marcuse’s anthropological optimism in his belief in the malleability of human nature, which can be transformed – and liberated – through an historical process, if only the right conditions and incentives are created. Marcuse is critical of previous Marxist and critical theories for refraining from ‘utopian speculation,’ settling instead for constitutional changes.⁸⁵⁰ This is because the ‘world of human freedom,’ in his view, ‘cannot be built by the established societies, no matter how much they may streamline and rationalize their dominion.’⁸⁵¹ Such societies, he writes, have ‘perfected controls required to sustain’ their power, and ‘generate needs, satisfactions, and values which reproduce the servitude of human existence.’⁸⁵² As such, in order to avoid the perpetuation of exploitative conditions, servitude and domination, he writes, the ‘rebellion would’ have to ‘[take] root in the very nature, the “biology” of the individual.’⁸⁵³ The revolution would need to hack mankind’s ‘instinctual structure’ in order to

⁸⁴⁵ Ibid., p. 119.

⁸⁴⁶ Ibid., pp. 122-123.

⁸⁴⁷ Ibid., p. 95.

⁸⁴⁸ Ibid., p. 101.

⁸⁴⁹ Ibid., p. 103.

⁸⁵⁰ Herbert Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1969), p. 3.

⁸⁵¹ Ibid., p. 6.

⁸⁵² Ibid.

⁸⁵³ Ibid., p. 5.

‘transform the existing society into a free society’ by ‘reach[ing] into a dimension of human existence hardly considered by Marxian theory.’⁸⁵⁴

Marcuse, therefore, wishes to see a qualitative change not just in society, but in the very ‘infrastructure of man.’⁸⁵⁵ Servitude, he argues can ‘be broken only through political practice which reaches the roots of containment and contentment in the infrastructure of man, a political practice of methodological disengagement from and a refusal of the Establishment, aiming at a radical transvaluation of values.’⁸⁵⁶ This, he argues, requires a ‘break with the familiar’ – political, moral, social, institutional – so that the ‘organism may become receptive to the potential forms of a nonaggressive, nonexploitative world.’⁸⁵⁷ Marcuse thus envisions a ‘new type of man,’ with a ‘new sensibility,’ expressive of the instincts oriented toward freedom and the abolition of oppression and injustice.⁸⁵⁸ Such ‘radical political practice,’ he acknowledges, ‘involves cultural subversion.’⁸⁵⁹ It is intended to subvert the means by which the existing society ‘reproduces itself’ and thus amounts to ‘total revolution.’⁸⁶⁰ Nevertheless, he maintains that ‘in a democracy such a right is vested in the people.’⁸⁶¹ In summary, therefore, Marcuse argues that the achievement of freedom, and the end of oppression, requires the radical repudiation of the inherited order; indeed, freedom is conceived as *liberation from* that order. At the most fundamental level – moral, psychological and anthropological – he proposes severance from the past, as a prerequisite for an ‘existence without fear and misery.’⁸⁶² He regards this as an historical possibility, that cannot be achieved through incremental reform, but only through revolutionary rupture.

Although there is no suggestion that Freire’s influential *Pedagogy of the Oppressed* (1968) influenced Marcuse’s *Essay on Liberation*, they emerge from a common philosophical and political milieu, and share an interest in psychological liberation.⁸⁶³ In particular, Freire’s account of the psychological impact of oppression, and his method for cultivating a liberated critical consciousness, provide further points of reference for our discussion of CRT. Freire is critical of what he calls the ‘antidialogical approach’ to education. He associates this approach with what he terms the ‘banking model,’ referring to the traditional arrangement in which an authoritative teacher imparts knowledge to the student. He argues that this model ‘transforms students into receiving objects,’ and ‘indoctrinat[es] them to adapt to the world of oppression.’⁸⁶⁴ One way in which it hinders ‘the radical transformation of reality’ is by mythicising oppressed experience.⁸⁶⁵ For example, the oppressed may be led to justify their suffering as the will of God rather than the result of an exploitative ‘order’ which serves ‘the

⁸⁵⁴ Ibid., pp. 16-17.

⁸⁵⁵ Ibid., p. 4.

⁸⁵⁶ The term ‘transvaluation of values’ is appropriated from Nietzsche, originally referring to the re-evaluation of inherited values – particularly from Christianity – in light of whether they have serve or hinder human life; Friedrich Nietzsche, *The Twilight of the Idols and The Antichrist*, Vol. 16 of *The Complete Works of Friedrich Nietzsche*, ed. Oscar Levy, trans. Anthony Ludovici (London: T. N. Foulis, 1911); Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1969), p. 6.

⁸⁵⁷ Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1969), p. 6.

⁸⁵⁸ Ibid., pp. 19, 23-4.

⁸⁵⁹ Ibid., p. 10.

⁸⁶⁰ Marcuse, ‘Repressive Tolerance,’ p. 116.

⁸⁶¹ Ibid., p. 114.

⁸⁶² Ibid., p. 96.

⁸⁶³ While Freire was not part of the Frankfurt School, his work has much in common with the school, such as his dialogical approach, influences drawn from psychoanalysis and Marxism, and an interest in liberation through the cultivation of critical consciousness.

⁸⁶⁴ Paulo Freire, *Pedagogy of the Oppressed* (London: Penguin, 2017), pp. 50, 51.

⁸⁶⁵ Ibid., p. 152.

interests of the oppressors whose image they have internalized.’⁸⁶⁶ Freire characterises the psychological effects of this model in terms of ‘cultural invasion.’ Like ‘invaders,’ he writes, the elite ‘penetrate the cultural context of another group, in disrespect of the latter’s potentialities,’ and ‘impose their own view of the world upon those they invade and inhabit the creativity of the invaded by curbing their expression.’⁸⁶⁷ Akin to multicultural arguments discussed in Chapter Two, Freire holds that cultural conquest leads to the ‘inauthenticity of those who are invaded.’⁸⁶⁸ He explains,

The social *I* of the invaded person, like every social *I*, is formed in the social-cultural relations of the social structure, and therefore reflects the duality of the invaded culture. This duality [...] explains why invaded and dominated individuals at a certain moment of their existential experience, almost “adhere” to the oppressor *Thou*. The oppressed *I* must break with this near adhesion to the oppressor *Thou*, drawing away from the latter in order to see him more objectively, at which point she critically recognizes herself to be in contradiction with the oppressor. In so doing, he “considers” as a dehumanizing reality the structure in which he is being oppressed.⁸⁶⁹

Freire’s own ‘dialogical method’ is offered as an ‘antidote’ to this approach, by helping the oppressed to break this adhesion to the oppressor. He does so by eliminating the teacher-student imbalance in power and authority which inhibits the emergence of a critical liberated consciousness.⁸⁷⁰ A liberatory pedagogy, therefore, must be led by the oppressed themselves, focusing on the authority of their lived experience. ‘Political action,’ he writes, ‘on the side of the oppressed must be [...] action *with* the oppressed.’⁸⁷¹ Liberation is not in the gift of revolutionary leadership, but rather emerges through the cultivation of a critical consciousness (*conscientização*).⁸⁷² In this process, only the oppressed have authority in the act of liberation; from the oppressor it requires a ‘profound rebirth’ involving ‘conversion to the people.’⁸⁷³ This encompasses awareness of social, political and economic oppression and the ability to question and challenge oppressive structures. In Freire’s vision, students and teachers are co-educators, in the ‘task of unveiling [...] reality,’ and thus ‘coming to know it critically.’⁸⁷⁴ To do so, it employs a method of problematisation, ‘posing reality as a problem’ to the oppressed, as a means of ‘critical analysis of a problematic reality.’⁸⁷⁵

This combination of reflection (theory) and practice which constitutes Freire’s ‘*praxis*,’ is intended to facilitate a revolutionary transformation of social structures.⁸⁷⁶ Akin to Marcuse’s vision, Freire offers a programme of continuous problematisation and repudiation to facilitate *liberation from* the oppressive order. The objective of liberation becomes a totalising ordering principle. The authority of an argument, for example, depends not upon whether it is true, but whether it is ‘*on the side of freedom*,’ rather than ‘*against it*.’⁸⁷⁷ Likewise, restraints imposed upon former oppressors by the formerly oppressed do ‘not constitute *oppression*’ because an ‘act is oppressive only when it prevents people from

⁸⁶⁶ Ibid., p. 39.

⁸⁶⁷ Ibid., p. 125.

⁸⁶⁸ Ibid., p. 126.

⁸⁶⁹ Ibid., pp. 126-127.

⁸⁷⁰ Ibid., p. 121.

⁸⁷¹ My emphasis; *ibid.*, p. 40.

⁸⁷² Ibid., p. 41.

⁸⁷³ Ibid., pp. 34-35.

⁸⁷⁴ Ibid., p. 43.

⁸⁷⁵ Ibid., p. 141.

⁸⁷⁶ Ibid., p. 99.

⁸⁷⁷ Ibid., p. 53.

becoming more fully human.’⁸⁷⁸ Indeed, Freire argues that by freeing themselves, the oppressed also liberate their oppressors by making them more fully human, even if the latter do not feel that they have been liberated because they are ‘conditioned by their experience of oppressing others.’⁸⁷⁹ This is because the oppressors are used to ‘humanity’ being their ‘exclusive right,’ their possession as ‘inherited property,’ and thus experience the ‘humanization’ of others as ‘subversion.’⁸⁸⁰ Thus, ‘Acts which prevent the restoration of the oppressive regime,’ Freire explains, ‘cannot be compared with those which create and maintain it.’⁸⁸¹

In summary, the following conceptual themes emerge from our exegesis: the inherited order is biased toward those who have historically held power; equal treatment (neutrality) sustains oppression; the inherited order ‘invades’ the oppressed consciousness, manipulating it into submission; reforms perpetuate the oppressive system, and thus, only complete repudiation of the inherited system will result in liberation; this repudiation requires differential treatment, or even intolerance towards regressive opinions or groups; liberation requires that the order be re-weighted against the oppressors, but this inversion of the power imbalance does not constitute oppression; indeed, it actually liberates the oppressors; whether a view or movement is tolerated or privileged depends on whether it serves or hinders the progress of liberation, or – put differently – whether such things repudiate the inherited order; and finally, the anthropologically optimistic view that human nature is malleable, and can be transformed, rendering the elimination of ‘fear and misery’ achievable within history. In the following discussion of CRT’s critique of liberalism, these themes serve to elucidate the foundational philosophical differences between these two approaches. In particular, these themes shed light on how CRT justifies policies that liberals would regard as intolerant, and ultimately, how CRT’s totalising approach undermines the conditions of liberty in pursuit of *liberation from* the oppressive inherited order.

Critical Race Theory: A Critique of Liberalism

CRT’s objections to the foundational characteristics of liberalism – colour-blindness, equal treatment, value-neutrality – bear similarities to those levelled by multiculturalists. Indeed, they share an understanding of the self as inter-subjectively constituted, and dispute liberalism’s claims to neutrality, viewing it as a harmful imposition on minorities. However, unlike the multiculturalists discussed in Chapter Two, who aspire to afford all equal recognition, critical race theorists do not aspire to doctrinal *thinness* – rather, they view the imposition of their comprehensive doctrine as necessary to liberate oppressed minorities. In other words, critical race theorists avoid the conflict faced by multiculturalists – between their embedded anthropology (and rejection of the neutral state) and the requirements of equal recognition – by viewing the imposition of their own doctrine as justified, in service of liberation. However, in doing so, we shall argue, CRT advocates for intolerance and undermines the conditions of liberty.⁸⁸²

⁸⁷⁸ Ibid., pp. 30-31.

⁸⁷⁹ Ibid.

⁸⁸⁰ Ibid., p. 33.

⁸⁸¹ Ibid., p. 31.

⁸⁸² Critical Race Theorists argue that liberal societies such as the United States and United Kingdom exhibit systemic racial bias. This charge remains contested. For example, the findings report from United Kingdom’s Commission on Race and Ethnic Disparities (2021) challenged the claim, stating that while ‘impediments and disparities do exist,’ Britain is not ‘deliberately rigged against ethnic minorities.’ It is beyond the scope of this thesis to assess the validity of charges of systemic, institutional or structural racism within specific British institutional contexts. Indeed, such an

Originating within legal studies in the United States, CRT emerged as a critique of the incremental approach of the civil rights movement in the 1970s. Critical race theorists rejected the ‘colour-blind principle,’ famously articulated in Martin Luther King’s appeal that people should be ‘judged [not] by the colour of their skin, but by the content of their character.’ Gary Peller, for example, characterises the colour-blind approach as the view that all racial consciousness is a negative that must be overcome, thus associating ‘progress with the transcendence of racial consciousness.’⁸⁸³ It views racism as individual prejudice, an act of the private will, ‘prejudging a person according to mythological stereotypes.’⁸⁸⁴ The wrong of racism, according to this perspective, is identified with ‘irrationalism,’ that is, ‘the problem with prejudice is that it obscures the work of reason by clouding perception with beliefs rooted in superstition.’⁸⁸⁵ As it is a ‘deviation from a universal norm of objectivity,’ it ‘can be practiced against anyone, and anyone can be its victim, regardless of their particular historical circumstances or power relations.’⁸⁸⁶ Therefore, according to the colour-blind view, Black Nationalists such as Malcolm X would be viewed as morally equivalent to white supremacists – as both value racial consciousness, both are racist.⁸⁸⁷ Viewed from the ‘vantage point of race neutrality’ anyone can be a perpetrator or a victim of racism.⁸⁸⁸ It follows from this understanding of racism that the solution to segregation is integration; the ‘cure for discrimination,’ writes Peller, ‘is equal treatment according to neutral norms.’⁸⁸⁹ In other words, the universal application of impersonal, neutral criteria should be sufficient to eradicate racism from American society, while any differential treatment on the basis of race – positive or negative – is objectionable because it deviates from the neutral ‘impersonality of merit.’⁸⁹⁰ This, of course, is the view of liberal theorists, such as Brian Barry.

However, Peller rejects this on grounds similar to Marcuse’s critique of pure tolerance, arguing that the ‘rational’ standard to which the colour-blind approach appeals is far from culturally neutral. On the contrary, he argues that colour-blindness is a ‘self-justifying ideology of privilege and status.’⁸⁹¹ Akin to multiculturalists such as Taylor or Parekh, Peller argues that rational neutrality is the ‘particular cultural rhetoric’ of white North American and European men.⁸⁹² Thus, any demand to integrate to that standard is the ‘manifestation of white supremacist ideology.’⁸⁹³ It is, he argues, asking a black man to become a ‘white black-man.’⁸⁹⁴ Far from progress, it is to be regarded as a ‘sort of painless

assessment belongs to another discipline, and is beyond the scope of political theology. This chapter does not deny the existence of racism, and its argument does not rely on an assessment of the validity of specific charges; rather, it is concerned with the implications of a particular philosophical approach for the security of liberty, in relation to ‘the problem’ defined in Chapter One. It is, therefore, not concerned with the validity of the charge of systemic racism, but rather with consequences for liberty of the approach to eliminating it. HM Government, *Commission on Race and Ethnic Disparities: The Report* (London: HM Government, March 2021), pp. 8, 34.

⁸⁸³ Gary Peller, ‘Race-Consciousness,’ in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), p. 127.

⁸⁸⁴ *Ibid.*, p. 129.

⁸⁸⁵ *Ibid.*

⁸⁸⁶ *Ibid.*, pp. 130-131.

⁸⁸⁷ *Ibid.*, p. 127.

⁸⁸⁸ *Ibid.*, p. 131.

⁸⁸⁹ *Ibid.*, p. 129.

⁸⁹⁰ *Ibid.*, pp. 131-2.

⁸⁹¹ *Ibid.*, p. 133.

⁸⁹² *Ibid.*, p. 142.

⁸⁹³ *Ibid.*, p. 135.

⁸⁹⁴ *Ibid.*

genocide.⁸⁹⁵ Peller can reach this conclusion because critical race theorists regard race as socially constructed, and thus bound up with characteristics that a liberal might regard as mutable and unconnected to race.⁸⁹⁶ For example, in her influential 1989 paper *Mapping the Margins*, Kimberlé Crenshaw explains the way in which identity can be understood as both socially constructed and significant. Crenshaw rejects both essentialism and what she calls ‘vulgar constructionism,’ which views identity categories – such as black, white, male or female – as meaningless because they are socially constructed.⁸⁹⁷ On the contrary, she argues that they are relevant, and it is vital to think ‘about the way in which power has clustered around certain categories and is exercised against others.’⁸⁹⁸ The concept of ‘intersectionality,’ coined by Crenshaw, further elucidates this point. As Richard Delgado and Jean Stefancic write, intersectionality ‘means the examination of race, sex, class, national origin, and sexual orientation and how their combination plays out in various settings. These categories – and still others – can be separate disadvantaging factors.’⁸⁹⁹ For Crenshaw, ‘intersectionality’ provides a means of ‘mediating the tension between assertions of multiple identity and the ongoing necessity of group politics.’⁹⁰⁰ Her stated objective, in language similar to Freire’s, is to ‘unveil the processes of subordination’ and ‘the people who are privileged by them.’⁹⁰¹ Crenshaw’s approach thus ‘presumes that categories have meaning and consequences’ not because they have an essentialised existence, but because of the values attached to those categories within social hierarchies.⁹⁰² In other words, because critical race theorists understand identity as socially constructed, the distinction between mutable and immutable characteristics is dissolved.

The claim that integration is comparable to genocide can be understood against this background. This is further clarified by Neil Gotanda’s concept of ‘culture-race.’ Culture-race is bound to social, economic and cultural practices, including ‘all aspects of culture, community, and consciousness’ as well as custom, belief, intellectual and artistic traditions, institutions, churches, colleges, and so on.⁹⁰³ By disconnecting race from social, economic and cultural practice, he argues, colour-blind integrationists deny the cultural content of race, and afford it no significance.⁹⁰⁴ Thus, far from being neutral, Gotanda argues, the goal of integration is homogeneity defined according to the hegemonic white culture.⁹⁰⁵ An illustration of this understanding can be found in the APPG report which – as we have seen in Chapter One – defines Islamophobia as ‘rooted in racism.’ For example, the report quotes academic evidence submitted by Narzanin Massoumi, David Miller, Tom Mills and Hilary Aked: ‘If ‘race’ is a fiction created when certain ethnic heritage or cultural practices attach

⁸⁹⁵ Ibid.

⁸⁹⁶ Ibid., p. 138.

⁸⁹⁷ Kimberlé Crenshaw, ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Colour,’ in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), p. 375.

⁸⁹⁸ Ibid.

⁸⁹⁹ Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (New York: NYU Press, 2017), p. 58.

⁹⁰⁰ Crenshaw, ‘Mapping the Margins,’ p. 375.

⁹⁰¹ Ibid.

⁹⁰² Ibid.

⁹⁰³ Neil Gotanda, ‘A Critique Of “Our Constitution is Color-Blind,”’ in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), p. 269.

⁹⁰⁴ Ibid., p. 270.

⁹⁰⁵ Ibid., p. 271.

social advantage or disadvantage, it is hard to see religious identity as ontologically distinct from ‘race.’⁹⁰⁶ Thus, Islam is framed as a ‘culture-race.’ Accordingly, demands on Muslims to integrate – or criticisms of certain beliefs or practices – can be understood as a form of racism that should not be tolerated. According to this perspective, irreverent or blasphemous works such as Rushdie’s *Satanic Verses*, might be considered Islamophobic and suppressed. Lecturers might find themselves accused of Islamophobia for teaching about incidents involving satirical depictions of Islam’s prophet Mohammed.⁹⁰⁷ Someone burning a Quran as an act of protest or criticism of religious doctrine could find their actions interpreted as a racially-motivated attack on Muslims.⁹⁰⁸ In these three cases, a liberal critic might respond that the conflation of religious beliefs (which should be open to criticism) and race (an immutable characteristic protected from discrimination by equality legislation) results in overreach, leading to restrictions on freedom of expression and conscience. Indeed, in the case of Hamit Coskun – who was convicted for burning a Quran in 2025 – critics argued that the ruling effectively revived blasphemy laws and infringed the right to free expression.⁹⁰⁹

However, critical race theorists simply do not accept the premise of this criticism. As Peller notes, the two contrasting views of what constitutes racism and racial progress are the result of ‘fundamentally different set[s] of beliefs and perceptual categories...’⁹¹⁰ The colour-blind integrationist perspective is universal, individualist, purportedly neutral, a-racial and rational (ignoring contextual factors such as power structures), whereas the critical race theorists view ‘time-bound, messy, and inherently particular social relations [...] as the central ground from which to perceive race.’⁹¹¹ A critical race theorist, therefore, might respond to the liberal critic of the Islamophobia definition by arguing that such a narrow definition of racism does not take into account the broader social, institutional and historical context of power relations, and thus serves to excuse and uphold oppression. By locating racism (and oppression generally) in the power structures of society and unconscious biases, rather than the private will, critical race theorists argue that racism cannot be remedied if it is addressed only in the narrow sense. On this basis, for example, Neil Gotanda argues that the abolition of Jim Crow segregation, which recognised racism within the prejudice of private citizens, was limited in its ‘effectiveness’ in ‘promoting social change,’ as it ‘offer[ed] no vision for attacking less overt forms of racial subordination.’⁹¹² ‘Colour-blind constitutionalists,’ he complains, ‘live in an ideological world where racial subordination is ubiquitous yet disregarded – unless it takes the form of individual, intended, and irrational prejudice.’⁹¹³ Similarly rejecting the narrow understanding of racism, Delgado and Stefancic write, ‘our system, by reason of its structure and vocabulary, is ill equipped to redress certain types of wrong.’⁹¹⁴ Society, they argue, has one word (racism) for a complex phenomenon that involves

⁹⁰⁶ All Party Parliamentary Group on British Muslims, *Islamophobia Defined: The inquiry into a working definition of Islamophobia* (London: APPG on British Muslims, 2018), p. 39.

⁹⁰⁷ Fiona Hamilton, ‘Professor driven out over false Islamophobia claims criticises university,’ *The Times*, 23 June 2025; Greer wrote a book about the incident, entitled *Falsely Accused of Islamophobia: My Struggle Against Academic Cancellation* (Washington, DC: Academica Press, 2023).

⁹⁰⁸ Tony Grew, ‘Man fined for ‘provocative’ Quran burning,’ *BBC News*, 2 June 2025.

⁹⁰⁹ Ibid.

⁹¹⁰ Peller, ‘Race-Consciousness,’ p. 137.

⁹¹¹ Ibid., pp. 138, 142.

⁹¹² Gotanda, ‘A Critique Of “Our Constitution is Color-Blind,” p. 269.

⁹¹³ Ibid., p. 266.

⁹¹⁴ Delgado and Stefancic, *Critical Race Theory*, p. 31.

biological racism; intentional racism; unconscious racism; microaggressions; nativism; institutional racism; racism tinged with homophobia or sexism; racism that takes the form of indifference, coldness, or implicit associations; and white privilege, reserving favors, smiles, kindness, the best stories, one's most charming side, and invitations to real intimacy for one's own kind or class.⁹¹⁵

Like Marcuse, critical race theorists argue that colour-blindness will allow us to redress only externally egregious racial harms, ones that everyone would notice and condemn. But if racism is embedded in our thought processes and social structures as deeply as many [critical race theorists] believe, then the "ordinary business" of society – the routines, practices, and institutions that we rely on to do the world's work – will keep minorities in subordinate positions.⁹¹⁶

According to this perspective, equal treatment perpetuates racism by excluding from its narrow field of vision the broader complex phenomenon. Thus, reforms such as the abolition of Jim Crow segregation can be seen as protecting the structures of oppression, rather than dismantling them. As Gotanda writes, 'modern color-blind constitutionalism supports the supremacy of white interests and must therefore be regarded as racist.'⁹¹⁷ In believing that racial justice can be achieved by transcending racial consciousness, it in fact leaves the architecture of racism intact. It fails to recognise that racism is subtly and intractably embedded within society and its institutions, and thus the solution must address those structures by – to use Marcuse's word – causing a 'rupture' with the oppressive inherited order. As Peller summarizes

Integrationists located the roots of racism in consciousness, in the cognitive distortion of stereotype and prejudice. In contrast, the [black] nationalist perception of whites and blacks as occupying different national spaces entailed a view of racial domination as located in the particular power relations between black and white communities, in the exteriors of social life rather than the interiors of consciousness. Given the focus on social context rather than consciousness, the "cure" for racial domination could not be centred on education and interracial contact to dispel stereotypes; instead, it depended on the transformation of power relations between black and white communities, or, in other words, on the achievement of "black power."⁹¹⁸

Thus, the critical race theorists and their heirs in policy hold that it is not enough to be non-racist – one must be anti-racist.⁹¹⁹ Critical race theorists' proposals, therefore, follow the pattern of Marcuse and Freire, offering solutions on two levels: psychological (cultivating a critical consciousness, and in the case of white individuals, addressing unconscious bias to become cognisant of privilege) and structural or institutional (the practice of 'liberatory tolerance' through affirmative action and the repudiation of the inherited order). Both methods, we shall argue, lead to coercive and intolerant overreach.

Like Marcuse, Delgado and Stefancic claim that such a system is impervious to reform, writing 'when we are tackling a structure as deeply embedded as race, radical measures are in order – otherwise the system merely swallows up the small improvements one has made, and everything goes back to the way it was.'⁹²⁰ Derrick Bell's concept of 'interest convergence' illustrates this point. In 1954, in the landmark case *Brown v Board of*

⁹¹⁵ Ibid.

⁹¹⁶ Ibid., p. 27.

⁹¹⁷ Gotanda, 'A Critique Of "Our Constitution is Color-Blind,"' p. 272.

⁹¹⁸ Peller, 'Race-Consciousness,' p. 143.

⁹¹⁹ For example, Owen Jones, 'Ibram X Kendi on why not being racist is not enough,' *The Guardian*, 15 August 2019. cf. 'Anti-Racism,' Victoria and Albert Museum, undated; 'Anti Racist Statement,' Lewisham Council, undated.

⁹²⁰ Delgado and Stefancic, *Critical Race Theory*, p. 65.

Education, the United States Supreme Court ruled that racial segregation in public schools was unconstitutional. While this was heralded as a significant step towards racial progress in America, Bell argued that the ruling was influenced, not merely by moral or legal considerations, but by the broader interests of the majority white population. In other words, it only occurred because it served white interests at the time. The ‘interest convergence’ thesis, therefore, holds that progress in racial justice occurs when the interests of the oppressed minority converge with those of the hegemonic power.⁹²¹ This creates the impression of progress, while in fact it preserves the existing power structure, and the hegemony remains intact. As Marcuse argued, anything which maintains continuity with the oppressive inherited order will be insufficient to facilitate liberation. Even advancements serve the status quo and militate against the transformation of society. Bell, therefore, advocates for ‘racial realism,’ that is, the recognition that racism is an enduring feature of society,⁹²² and challenging the ‘ideology of racial equality’ which he argues, is blind to the ‘recurring aspects of our subordinate status.’⁹²³ According to this view, meaningful progress requires a fundamental shift in the distribution of power.

Critical race theorists argue that the ‘system’ – the inherited order - in white societies serves the purpose of preserving the material and psychological privileges of the hegemonic group, who have historically possessed power and profited from it.⁹²⁴ The concept of ‘whiteness’ is central to their understanding of how the system perpetuates oppression, and how it should be repudiated. Kehinde Andrews defines whiteness as

a set of ideas produced by the racist political and economic system, and as long as that system remains intact it will always continue to reproduce delusions that prevent all of us from seeing the brutal reality of the social order we inhabit. There is no reasoning with Whiteness; instead we must destroy the system that creates it.⁹²⁵

Whiteness – which masquerades as the neutral standard – perpetuates white privilege. This is a concept first articulated by Peggy McIntosh in her 1988 essay *White Privilege: Unpacking the Invisible Knapsack*, where she compared white privilege to the already-established idea of male privilege. She writes, ‘since hierarchies in our society are interlocking, there was most likely a phenomenon of white privilege which was similarly denied and protected.’⁹²⁶ She describes white privilege as ‘like an invisible [...] knapsack of special provisions, maps, passports, codebooks, visas, clothes, tools and blank checks.’⁹²⁷ White people were taught to think of themselves as individuals whose ‘moral state’ depends on individual moral will, and of their lives as ‘morally neutral, normative, and average.’ As a result, the oppressiveness of white privilege is ‘unconscious’ and goes unacknowledged. Like Peller and Gotanda et al., McIntosh argues that white people are trained to view racism as ‘individual acts of meanness’ rather than ‘invisible systems conferring dominance’ to the white group.⁹²⁸ This blindness

⁹²¹ Derrick Bell, ‘*Brown v. Board of Education* and the Interest Convergence Dilemma,’ in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), pp. 20-28.

⁹²² Derrick Bell, ‘Racial Realism,’ in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), p. 308.

⁹²³ Ibid.

⁹²⁴ Delgado and Stefancic, *Critical Race Theory*, pp. 8-9.

⁹²⁵ Kehinde Andrews, *The Psychosis of Whiteness: Surviving the Insanity of a Racist World* (London: Allen Lane, 2023), p. xvi.

⁹²⁶ Peggy McIntosh, ‘White Privilege: Unpacking the Invisible Knapsack.’ *Peace and Freedom Magazine* (Philadelphia: Woman’s League for Peace and Freedom, July-August 1989), pp. 10-12.

⁹²⁷ Ibid.

⁹²⁸ Ibid.

serves only to perpetuate privilege, and thus domination and oppression, making the system resilient to change by gradual reform. As mentioned, one of the measures critical race theorists propose is the cultivation of a critical consciousness, in both the oppressed and oppressor. Judith Katz's 1978 *White Awareness*, for example, a forerunner to Robin DiAngelo's popular *White Fragility*, seeks to overcome that blindness among the white population. Katz argues that racism is

perpetuated by Whites through their conscious and/or unconscious support of a culture and institutions that are founded on racist policies and practices. The racial prejudice of White people coupled with the economic, political, and social power to enforce discriminatory practices on every level of life – cultural, institutional, and individual – is the gestalt of White racism.⁹²⁹

How, then, can white individuals be '[converted] to the people'?⁹³⁰ Echoing Freire's critical pedagogy, training and workshops have been devised to address unconscious bias, alongside a proliferation of practical resources, some authored by 'diversity practitioners,' to teach white people how to become anti-racists, by addressing their white privilege.⁹³¹ Unconscious bias training, as defined by one government source,

typically aims to raise awareness of the potential biases and cognitive shortcuts that may negatively affect decision-making and behaviour in the workplace. The intent is usually to reduce both explicit and implicit bias towards members of particular groups that share characteristics protected under law and change behaviour.⁹³²

However, the implementation of this training within private companies, educational and public institutions – including the civil service – has led to criticism.⁹³³ Indeed, these criticisms are rooted in the liberal understanding of harm, discussed in previous chapters. Firstly, critics argued that encouraging people to be conscious of their differences may damage social cohesion and undermine the principle of colour-blind equality. For example, in 2020 the Conservative government announced that it would be phasing out this training within the civil service, citing evidence that it may in fact have 'detrimental effects.'⁹³⁴

Secondly, concerns were raised that this training – particularly when mandatory – has a detrimental impact on freedom of expression and conscience, by compelling individuals to accept a contested philosophical perspective with which they may disagree. For example, a survey conducted by the Free Speech Union found almost two-thirds of staff who undergo this training 'conceal what they really thought for fear of losing their job.'⁹³⁵ In October

⁹²⁹ Judith Katz, *White Awareness* (Oklahoma: Oklahoma University Press, 1978), p. 10.

⁹³⁰ Freire, *Pedagogy of the Oppressed*, pp. 34-35.

⁹³¹ For example, Robin DiAngelo, *White Fragility: Why it's So Hard for White People to Talk About Racism* (London: Penguin, 2018); Ibram X. Kendi, *How To Be an Anti-Racist* (London: Penguin, 2019); Vanisha Parmer and Aseia Rafique, *White Allies Matter: Conversations about Racism and How to Effect Meaningful Change* (London: Hero, 2022); Regina Jackson and Saira Rao, *White Women: Everything You Already Know About Your Own Racism and How to Do Better* (London: Penguin, 2022); Otecha Uwagba, *Whites: On Race and Other Falsehoods* (London: HarperCollins, 2020); Emma Dabiri, *What White People Can Do Next: From Allyship to Coalition* (London: Penguin, 2021); June Sarpong, *The Power of Privilege: How White People can Challenge Racism* (London: HarperCollins, 2020).

⁹³² UK Government, 'Written Ministerial Statement on Unconscious Bias Training,' (London: Cabinet Office, 2020).

⁹³³ For example, *ibid.*; Christine Ro, 'The complicated battle over unconscious bias-training,' *BBC News*, 29 March 2021.

⁹³⁴ UK Government, 'Written Ministerial Statement on Unconscious Bias Training.'

⁹³⁵ Thomas Harris, *The EDI Tax: How Equity, Diversity and Inclusion is Hobbling British Business* (London: Free Speech Union, 2024); Frederick Attenborough, 'Diversity training "forces workers to hide beliefs" for fear of losing job,' *Free Speech Union*, 1 April 2024.

2020, Conservative Minister for Equalities – now Leader of the Opposition – Kemi Badenoch, addressed the teaching of ideas such as ‘white privilege’ within the education sector, objecting to the ‘teaching of contested political ideas as if they are accepted fact.’⁹³⁶ She added, ‘any school which teaches these elements of critical race theory as fact, or which promotes partisan political views [...] is breaking the law.’⁹³⁷ Indeed, polling published in June 2025 by the Office for Students, found that one in five academics report not being able to teach controversial views, suggesting that the privileging of a particular philosophical perspective is having a negative impact on academic freedom.⁹³⁸ Precisely this concern motivated the passing of the Higher Education (Free Speech) Act in May 2023,⁹³⁹ although its implementation was then halted by the subsequent Labour government.⁹⁴⁰ In these criticisms, we see a conflict between two understandings of ‘harm,’ conceptualised according to their respective philosophical foundations. On the one hand, the liberal perspective views the privileging and imposition of such a contested perspective as a discriminatory violation of individual conscience and the principle of equality; on the other, critical race theorists view the imposition of whiteness – masquerading as colour-blind equality or neutrality – as harmful, and believe the imposition of their perspective is morally justified.

For critical race theorists, the harm of whiteness, to use Freire’s language, is its invasive effect on the black consciousness. This understanding of the detrimental psychological impact of whiteness is shaped by influences such as W.E.B Du Bois and Frantz Fanon. For example, in his 1903 work *The Souls of Black Folk*, Du Bois details the experience of being a black American through his concept of ‘double consciousness.’ Black Americans, he writes, are ‘born with a veil, and gifted with second-sight in this American world [...] a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world.’⁹⁴¹ The black individual views himself through the eyes of others, as well as his own: ‘an American, a Negro; two souls, two unreconciled strivings; two warring ideas in one dark body, whose dogged strength alone keeps it from being torn asunder.’⁹⁴² He does not want to Africanize America, nor does he want ‘bleach his Negro soul in a flood of white Americanism’; rather, he longs for ‘self-conscious manhood,’ to ‘merge’ the two selves into a ‘truer self.’⁹⁴³ Postcolonial writer Frantz Fanon describes the deforming psychological impact of colonialism in similar terms. In his 1955 work *Black Skin, White Masks*, Fanon provides a psychological and philosophical analysis of the effect of racism on black consciousness, by internalising the racism of the majority white society. ‘Europe,’ he writes, ‘has a racist structure.’⁹⁴⁴ By ubiquitously representing the black individual as inferior, the message white society conveys is ‘whiten or perish.’⁹⁴⁵ The black

⁹³⁶ Vincent Wood, ‘Teachers presenting white privilege as fact are breaking the law, minister warns,’ *The Independent*, 21 October 2020.

⁹³⁷ Ibid.

⁹³⁸ ‘OfS publishes free speech guidance as polling shows one in five academics do not feel free to teach controversial views,’ *Office for Students*, 19 June 2025.

⁹³⁹ Arif Ahmed, Nigel Biggar, Eric Kauffman, Doug Stokes, *Higher Education (Freedom of Speech) Bill: Response to second reading debate, House of Lords 28 June 2022* (London: Free Speech Union, 2022); Higher Education (Freedom of Speech) Act 2023.

⁹⁴⁰ Sally Weale, ‘Labour halts Tory law on freedom of speech in English universities,’ *The Guardian*, 26 July 2024.

⁹⁴¹ W.E.B Du Bois, *The Souls of Black Folk* (Oxford: Oxford University Press, 2008), p. 8; cf. Freire, *Pedagogy of the Oppressed*, p. 127.

⁹⁴² Ibid., p. 8.

⁹⁴³ Ibid., p. 9.

⁹⁴⁴ Frantz Fanon, *Black Skin, White Masks* (London: Penguin, 2021), p. 72.

⁹⁴⁵ Ibid., p. 80.

person's lived experience is as an 'object among other objects.'⁹⁴⁶ Drawing on the Hegelian understanding of the intersubjectively constituted self, discussed in Chapter Two, Fanon argues that the black person is deformed by the lack of recognition afforded to him by white society. He writes, 'Ontology does not allow us to understand the being of the black man, since it ignores the lived experience. For not only must the black man be black; he must be black in relation to the white man [...] The black man has no ontological resistance in the eyes of the white man.'⁹⁴⁷ Similarly, in *The Wretched of the Earth* (1961) Fanon describes the impact of colonialism on the psychology of the oppressed as 'a systematic negation of the other person.'⁹⁴⁸ Recalling his own experience of being denied recognition, he writes, 'I made up my mind, since it was impossible to rid myself of an *innate complex*, to assert myself as a BLACK MAN. Since the Other was reluctant to recognize me, there was only one answer: to make myself known.'⁹⁴⁹ Although Fanon is describing the colonial experience, his analysis nevertheless became influential on critical race theorists' understanding of the experience of racial minorities living in historically white countries. In this vein, the proposed solution to address this has been understood, analogously, as a species of decolonisation. In other words, to employ Marcuse's phrasing, 'liberatory tolerance' is employed to invert the oppressive dynamic of the inherited order – through affirmative action, and by exorcising the material legacy of oppression from institutions and the public square, repudiating the past to facilitate a 'rupture' in the present.

One means of achieving this is the practice of affirmative action. In this regard, Cheryl Harris' understanding of 'whiteness' as a form of property clarifies how critical race theorists envisage deconstructing and overthrowing structural whiteness. Harris writes, 'In ways that are so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset.'⁹⁵⁰ White identity,' she writes,

conferred tangible and economically valuable benefits, and it was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof.

Whiteness – the right to white identity as embraced by the law - is property if by "property" one means all of a person's legal rights.⁹⁵¹

Thus, Harris writes, even though the white working class 'did not collect increased pay as part of white privilege,' there were other public and psychological advantages they received that were not 'paid in direct income.'⁹⁵² Echoing Marcuse, Harris argues that whiteness has proven 'resilient and adaptive to new conditions.'⁹⁵³ She, therefore, proposes delegitimising 'the property interest in whiteness' through affirmative action.⁹⁵⁴ In other words, affirmative action operates like the redistribution of property or wealth, by dismantling the privilege embedded in American society since its inception.⁹⁵⁵ Agreeing with Peller and Gotanda that formal 'colour-blind' equality does not address the structural disadvantages that perpetuate

⁹⁴⁶ Ibid., p. 89.

⁹⁴⁷ Ibid., p. 90.

⁹⁴⁸ Frantz Fanon, *Wretched of the Earth* (London: Penguin, 2001), p. 200.

⁹⁴⁹ Fanon, *Black Skin, White Masks*, p. 95.

⁹⁵⁰ Cheryl Harris, 'Whiteness as Property,' in Kimberlé Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas ed. *Critical Race Theory: Key Writings That Formed the Movement* (New York: The New Press, 1995), p. 277.

⁹⁵¹ Ibid., p. 280.

⁹⁵² Ibid., p. 284.

⁹⁵³ Ibid., p. 288.

⁹⁵⁴ Ibid., pp. 287-288.

⁹⁵⁵ Ibid., p. 288.

oppression, affirmative action would truly equalise treatment by ‘redistributing power and resources in order to rectify inequities and to achieve real equality.’⁹⁵⁶

However, a liberal – such as Barry – would argue that this is a policy of institutionalised discrimination. Indeed, this is the view of critics of affirmative action policies, such as discrimination against white job applicants in universities and public services.⁹⁵⁷ One high profile example of pushback against differential treatment occurred in 2025, after the Sentencing Council published new guidelines instructing that pre-sentence reports should ‘normally be considered necessary if the offender belongs to [...] an ethnic minority, cultural minority, and/or faith minority community.’⁹⁵⁸ In March 2025, the Labour Justice Secretary Shabana Mahmood wrote to Lord Justice Davis, the Chairman of the Sentencing Council, to express concern that these guidelines ‘[offend] the principle of fair treatment before the law.’⁹⁵⁹ Mahmood went on to argue

The appearance of differential treatment before the law is particularly corrosive, and its impact could easily be counterproductive. A Muslim woman, like me, is safer in this country when she is treated no differently to her fellow citizens, regardless of the colour of her skin or the nature of her faith.⁹⁶⁰

Harris, however, anticipates this objection, arguing that the removal of white privilege would not ‘be implemented under an ideology of subordination’ that would systematically disadvantage whites. However, she argues this in the spirit of Freire. As already noted, like Harris, Freire expected that those who have come to view ‘humanity’ as their exclusive ‘inherited property,’ would regard such a reversal as subversive rather than liberatory. Harris similarly reasons

Whites are not an oppressed people and are not at risk of becoming so. Those whites who are disadvantaged in society suffer not because of their race but in spite of it. [...] Affirmative action does not institute a regime of racialized hierarchy in which all whites, because they are white, are deprived of economic, social, and political benefits. It does not reverse the hierarchy; rather, it levels the racial privilege.⁹⁶¹

In other words, Harris argues that discriminatory policies are not oppressive, because they are equalising. To explain this reasoning, we can recall Freire’s argument that an act is oppressive ‘only when it prevents people from becoming more fully human.’⁹⁶² By this reasoning, discrimination liberates the oppressor. It is only because white people are ‘conditioned by their experience of oppressing others,’ to appropriate Freire’s words, that they experience affirmative action as discrimination. However, while this defence is consistent with Harris’ philosophical premises, it is unlikely to satisfy her critics. Indeed, CRT proposes indefensible discrimination from the liberal perspective. This is because, as we have already noted, the foundations of the two approaches are irreconcilable. For the liberal, differential treatment is discriminatory, whereas for the critical race theorist, it is liberatory. For the liberal, imposing a contested doctrine in this manner constitutes an unjustifiable infringement upon individual liberty, whereas for the critical race theorist, it is justified by the necessity of liberation.

As already noted, the liberatory principle is absolute. When implemented, critics have argued that it amounts to the privileging of a contested and coercive public doctrine. For

⁹⁵⁶ Ibid., p. 289.

⁹⁵⁷ Tim Sigsworth, ‘Cambridge University ‘discriminates’ against white job seekers,’ *Daily Telegraph*, 14 June 2025.

⁹⁵⁸ Shabana Mahmood, *Letter to Lord Justice Davis: The Imposition of Community and Custodial Sentences Guideline*, 20 March 2025.

⁹⁵⁹ Ibid.

⁹⁶⁰ Ibid.

⁹⁶¹ Harris, ‘Whiteness as Property,’ p. 289.

⁹⁶² Freire, *Pedagogy of the Oppressed*, p. 31.

example, following the Black Lives Matter protests in 2020, institutions across British society began implementing policies that would decentre the hegemonic culture and right historic wrongs.⁹⁶³ To this end, prominent institutions began carrying out audits of their collections and altering the public environment accordingly. These included local authorities,⁹⁶⁴ museums,⁹⁶⁵ libraries,⁹⁶⁶ historic royal palaces,⁹⁶⁷ the Palace of Westminster,⁹⁶⁸ Canterbury Cathedral,⁹⁶⁹ and the Church of England.⁹⁷⁰ Universities renamed buildings,⁹⁷¹ and reading lists and libraries were similarly ‘decolonised.’⁹⁷² Critics objected that, through such policies, these institutions were imposing a contested public doctrine. For example, after the National Trust published a report in September 2020 detailing purported links between properties, and slavery and colonialism,⁹⁷³ concerns were raised that the Trust had ‘acted outside’ its ‘charitable purposes,’ leading to an investigation by the Charity Commission.⁹⁷⁴ Although the Charity Commission concluded in the Trust’s favour, this illustrates the public dispute over

⁹⁶³ e.g. Craig Simpson, ‘Exclusive: British Museum removes bust of slave-owner founder Sir Hans Sloane,’ *Daily Telegraph*, 24 August 2020; Hannah Mays, ‘British Museum moves bust over slave links,’ *The Times*, 25 August 2020.

⁹⁶⁴ Mayor of London, ‘The Commission for Diversity in the Public Realm’, London Assembly, undated; Craig Simpson, ‘Changing ‘offensive’ streets names could cost residents hundreds,’ *Daily Telegraph*, 24 June 2021.

⁹⁶⁵ Craig Simpson, ‘Natural History Museum to review potentially ‘offensive’ Charles Darwin collection,’ *Daily Telegraph*, 5 September 2020; Craig Simpson, ‘Exclusive: British Museum removes bust of slave-owner founder Sir Hans Sloane,’ *Daily Telegraph*, 24 August 2020; Hannah Mays, ‘British Museum moves bust over slave links,’ *The Times*, 25 August 2020.

⁹⁶⁶ Malini Roy, ‘Reopening and reinterpretation – our Front Hall busts’ (London: British Library, 28 August 2020); news reports suggested displays and collections would be altered to reflect the libraries inclusive stance, such as replacing ‘eurocentric’ maps (Craig Simpson, ‘Exclusive: British Library’s chief librarian claims ‘racism is the creation of white people,’ *Daily Telegraph*, 29 August 2020).

⁹⁶⁷ James Robinson, ‘King backs review into Royal Family’s historical links to slavery,’ *Sky News*, 6 April 2023.

⁹⁶⁸ Christopher Hope, ‘Sir Lindsay Hoyle calls for review of Parliament’s statues and paintings after Black Lives Matter protests,’ *Daily Telegraph*, 12 June 2020.

⁹⁶⁹ Henry McDonald, ‘C of E should rethink portrayal of Jesus as white, Welby says,’ *The Guardian*, 26 June 2020; Ben Ellery, ‘Canterbury Cathedral resists Welby’s move against statues linked with slavery,’ *The Times*, 6 February 2021; cf. ‘Archbishop of Canterbury Justin Welby criticises delay in removing slavery plaque,’ *BBC News*, 8 February 2022.

⁹⁷⁰ Church Commissioners, ‘Church Commissioners publish full report into historic links to transatlantic chattel slavery and announces new funding commitment of £100m in response to findings,’ *Church of England* (London: Church of England, 2023).

⁹⁷¹ Student News, ‘Equality, Diversity and Inclusion – an update’ (Edinburgh: University of Edinburgh, 2020); ‘Edinburgh University renames David Hume Tower over ‘racist’ views,’ *BBC News*, 13 September 2020; Max Clements, ‘University rename student halls named after former Prime Minister William Gladstone,’ *Liverpool Echo*, 9 June 2020; ‘Clare College Cambridge changes ‘colony’ name over slavery connotation,’ *BBC News*, 28 June 2022.

⁹⁷² Ewan Somerville, ‘University of Cambridge library ‘blacklists harmful books’ in decolonising drive,’ *Daily Telegraph*, 21 October 2023.

⁹⁷³ This report was highly criticised over the poor quality of its historical research, and the inaccuracy of its conclusions, see: Charles Moore, ‘The National Trust’s shameful manifesto,’ *The Spectator*, 26 September 2020; ‘The Interim Report on colonialism and slavery,’ *Restore Trust*, undated; Sally-Anne Huxtable, Corrine Fowler, Christo Kefalas and Emma Slocombe, eds. *Interim Report on the Connections between Colonialism and Properties now in the Care of the National Trust, Including Links with Historic Slavery* (Swindon: National Trust, 2020).

⁹⁷⁴ UK Government, ‘Charity Commission finds National Trust did not breach charity law,’ *Charity Commission*, 11 March 2021.

whether these institutions were privileging a contested philosophical perspective, and whether they should be allowed to do so.⁹⁷⁵ Indeed, a similar example can be seen in the British Library's response to accusations that they were 'engaging in politically partisan campaigning,' as they argued that their 'commitment to anti-racism is a matter of basic human decency' and thus compatible with their commitment to 'party political neutrality.'⁹⁷⁶ Nevertheless, critics disagreed, maintaining that these institutions were privileging ideas grounded in a controversial doctrine. The Conservative Government, for example, took the view that such behaviour represented an intolerant attitude toward Britain's past and threatened her heritage, with Conservative Minister for Housing, Communities and Local Government, Oliver Dowden, introducing a 'retain and explain' policy in January 2021, with the aim of protecting England's heritage from vandalism or removal.⁹⁷⁷

In summary, therefore, our criticism of CRT as a privileged public doctrine runs as follows. Firstly, unless one accepts the philosophical premises of its approach, its advocacy for differential treatment is discriminatory and intolerant. Moreover, its approach to inculcating critical consciousness – through, for example, unconscious bias training – trespasses upon individual freedom of conscience because it seeks to 'unveil' a contested philosophical position as truth in institutional and educational settings. Secondly, the privileging of this doctrine in public institutions, or by the state, will have a detrimental impact on freedom of expression. Indeed, advocates of the approach anticipate contestation, dismissing those who oppose it as seeking to maintain their own privilege. Yet, for those who disagree, it presents a coercive and oppressive infringement of their liberties. For this reason, if CRT's understanding of harm – as that which hinders liberation – influences the government's definition of 'legal but harmful' activity, it would be a recipe for intolerance and overreach. Thirdly, CRT undermines the anthropological, metaphysical and eschatological foundations upon which, as argued in Chapter Three, liberty can be secured. As we have argued, critical race theorists do not aspire to *thinness* – but rather, believe the imposition of their comprehensive doctrine is justified, since it is necessary to liberate the oppressed. The objection levelled by critics against CRT-inspired policies is precisely that the approach is ideologically totalising, and does not respect difference of opinion, or freedom of conscience and expression. This is because CRT's teleocratic approach places the whole political and societal order in service of its liberatory objective. To borrow Christopher Insole's words, it 'tramples upon the frailty and vulnerability of our shared human condition' no less than the Elizabethan puritans with whom Richard Hooker took issue.⁹⁷⁸ Indeed, critical (race) theorists have been popularly described as 'the new puritans.'⁹⁷⁹ With absolute confidence that the imposition of their perspective is necessary to create an 'existence without fear or misery,' they eschew the epistemic humility that arises from a recognition of human imperfectibility, believing it justified to use political and institutional apparatus for the 'task of unveiling' a purported truth that others contest.⁹⁸⁰

⁹⁷⁵ Ibid.

⁹⁷⁶ British Library Press Office, 'Response to media misrepresentation of the British Library' (London: British Library, undated).

⁹⁷⁷ Ministry of Housing Communities and Local Government, 'Press release: New Legal Protections for England's heritage,' HM Government, 17 January 2021.

⁹⁷⁸ Christopher Insole, *The Politics of Human Frailty: A Theological Defence of Political Liberalism* (London: SCM Press, 2004), p. 63.

⁹⁷⁹ Andrew Doyle, *The New Puritans: How the Religion of Social Justice Captured the Western World* (London: Constable, 2022).

⁹⁸⁰ Paolo Freire, *Pedagogy of the Oppressed* (London: Penguin, 2017), p. 43; Marcuse, 'Repressive Tolerance,' p. 96.

This represents precisely the kind of ‘absolutization and theologization of the State’ which, Charles Mathewes observes, both liberalism and Christianity fear.⁹⁸¹ As such, CRT falls prey to that perennial pretension, identified by Mathewes, to ‘[present] themselves as *final* and absolute communities.’⁹⁸² In doing so, they demonstrate an eschatological impatience that endeavours to prematurely collapse the *saeculum* – that is, the temporal age before the coming of the Kingdom of God in the *eschaton*. On this point, the difference between liberalism’s church-state distinction, and Augustine’s distinction between *Civitas Dei* and *Civitas Terrena* is illuminating. For Augustine, the two cities are defined by opposing orientations, or loves.⁹⁸³ The will and affections of the inhabitants of the City of God are oriented toward God and submitted to the divine will, passing as pilgrims through the *saeculum*, their souls destined to be the ‘living stones’ of the heavenly Jerusalem.⁹⁸⁴ Meanwhile the citizens of the earthly city are pridefully oriented toward the self and worldly gains. The two cities exist simultaneously, growing side by side, until the coming of the Kingdom of God when – as in the Parable of the Tares – their inhabitants will be separated (Matthew 13:24-43).⁹⁸⁵ Short of the *eschaton*, human societies and their institutions, including the church, remain a *corpus permixtum*, mixed and unperfected.⁹⁸⁶ Government, being remedial and providential, can secure co-operation, peace, stability and the goods of earthly existence, but the perfection appropriate to the *eschaton* remains beyond reach.⁹⁸⁷ Thus, as we already noted, Bretherton distinguishes secularism (‘that-which-is-not-religious’) from secularity (‘that-which-is-not-eschatological’).⁹⁸⁸ Secularity is appropriate to politics in the *saeculum*, because it acknowledges fallen mankind’s imperfectibility. Therefore, even though CRT does not seek to impose religious truth, secularity is absent from its totalising approach, as – albeit philosophically – it seeks to ‘save human souls by the use of public power.’⁹⁸⁹ In doing so, it undermines the conditions upon which, as argued in the previous chapter, liberty depends. However, as suggested by the Church of England’s readiness to accept ideas derived from this approach, the theological foundations of this criticism are not undisputed.⁹⁹⁰ Indeed, black liberation theologians argue for an alternative anthropological and eschatological perspective that supports CRT. A discussion of their perspective serves to further illuminate the political implications for liberty of an optimistic anthropology and consequent eschatological impatience.

Black Liberation Theology: A ‘Theology of Revolution’

At the height of the Black Lives Matter movement, the Church of England commissioned a report from the Archbishop’s Racial Justice Task Force, entitled *From Lament to Action*

⁹⁸¹ Charles Mathewes, ‘Augustinian Christian Republican Citizenship,’ in Michael John Kessler ed. *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), p. 229; Mathewes does not apply this argument to CRT.

⁹⁸² *Ibid.*, p. 226.

⁹⁸³ Herbert Deane, *The Political and Social Ideas of St Augustine* (New York: Columbia University Press, 1966), p. 30.

⁹⁸⁴ *Ibid.*, pp. 29-30, 33.

⁹⁸⁵ Burgess, *Edmund Burke’s Battle with Liberalism*, p. 103.

⁹⁸⁶ Deane, *The Political and Social Ideas of St Augustine*, pp. 78, 221.

⁹⁸⁷ *Ibid.*

⁹⁸⁸ Luke Bretherton, *Christ and the Common Life* (Michigan: Eerdmans, 2019), p. 256.

⁹⁸⁹ I am applying Insole’s description of puritanism; Insole, *The Politics of Human Frailty*, p. 41.

⁹⁹⁰ Henry McDonald, ‘C of E should rethink portrayal of Jesus as white, Welby says’, *The Guardian*, 26 June 2020; ‘From Lament to Action: The Report of the Archbishops’ Anti-Racism Taskforce’, Church of England, (London: Church of England, 2021).

(2021). Its recommendations included a mandatory module on Black Theology for all ordinands.⁹⁹¹ Given the institutional status of the Church of England as the established church, Black Liberation Theology (BLT) – and the arguments it can provide in support of the CRT approach – are politically pertinent. As we shall see, that BLT and CRT share much in common is unsurprising given their shared historical and philosophical influences. Both, for example, are critical of the ‘colour-blind’ civil rights movement, and are influenced by the Black Power movement, the Critical Theory of the Frankfurt School, and Freire’s critical pedagogy. Additionally, other influences on BLT lead to conclusions broadly compatible with CRT’s, including *inter alia*: the social gospel movement of the twentieth century, particularly Walter Rauschenbusch; the social-anthropological thought of Ludwig Feuerbach; and the progenitor of liberation theology, Latin American theologian Gustavo Gutiérrez.⁹⁹² What remains of this chapter, therefore, provides an exegesis of BLT in three areas pertinent to our argument: firstly, the philosophical – rather than theological – foundations of BLT’s repudiation of the authority of tradition; secondly, how its rejection of the doctrine of original sin supports an optimistic anthropology; and finally, how its immanent eschatology advocates historical perfectibility and eschews secularity. The purpose of this exegesis is twofold: firstly, to show that BLT’s support for CRT is primarily philosophical, rather than theological; secondly, to elucidate the political implications of a theological anthropology and eschatology that markedly contrasts with that of the previous chapter; and thirdly, to provide points of reference for further critique in Chapter Five.

Before turning to an exegesis of why BLT takes black experience as its primary authority, it is helpful to note some central ways in which BLT aligns with CRT. Foremost, BLT rejects ‘colour-blindness.’ Anthony Reddie, for example, agrees that ‘colour blind’ demands for integration are marked by cultural racism.⁹⁹³ Robert Beckford concurs

Cultural racists recast the language of cultural diversity in order to promote exclusion and hegemony. A useful way of describing what is happening is to say that cultural racism recodes racism. That is, cultural rationales are used to maintain political hegemony over Black communities by substituting the fixed language of race with the fixed language of culture.⁹⁹⁴

Reddie objects, therefore, to ‘colour blind’ theology because it ‘does not see colour in its hermeneutical or interpretive engagement with the Christian faith.’⁹⁹⁵ Far from neutral, he argues, ‘colour blind’ theology originates in Greek and Pauline dualism, which ‘downplay’ the importance of the material body.⁹⁹⁶ By contrast, ‘Black Theology wants to argue for the particularity of Blackness; meaning that it is in our very Blackness that God is not only revealed, but also understood within the realms of our Blackness and the experiences that emerge from being Black.’⁹⁹⁷ The ‘radical appropriation of Blackness,’ writes Reddie, ‘lies at the heart of the Black theology enterprise.’⁹⁹⁸ Thus, like Du Bois and Fanon before him,

⁹⁹¹ Black Theology and Black Liberation Theology are used interchangeably. I follow the source; The Archbishop’s Anti-Racism Taskforce, *Lament to Action* (London: Church of England, 2021), p. 33.

⁹⁹² Anthony Reddie, *Working Against the Grain: Re-imaging Black Theology in the 21st Century* (London: Routledge, 2014), p. 23.

⁹⁹³ Anthony Reddie, *Is God Colour-Blind?* (London: SPCK Publishing, 2020), p. 13.

⁹⁹⁴ Robert Beckford, *Dread and Pentecostal: A Political Theology for the Black Church in Britain* (Oregon: Wipf and Stock, 2011), p. 85.

⁹⁹⁵ Anthony Reddie, *Is God Colour-Blind?* p. 14.

⁹⁹⁶ *Ibid.*, p. 15.

⁹⁹⁷ *Ibid.*

⁹⁹⁸ *Ibid.*, p. 16.

Reddie entreats ‘please see me as a Black male,’ asking that his blackness be ascribed the same positive value traditionally reserved for ‘Whiteness and White people.’⁹⁹⁹

Like CRT, therefore, BLT is concerned with liberating the black consciousness from the oppression of whiteness. The father of Black Theology, James Cone, particularly credits the influence of the Black Power movement. Cone writes that BLT emerged from ‘the black power consciousness,’ as a ‘theological enterprise defined of, for, and by black people in the struggle for freedom.’¹⁰⁰⁰ Listing radical figures such as Stokely Carmichael and Malcolm X among his influences, Cone defines Black Power as ‘complete emancipation of black people from white oppression by whatever means black people deem necessary.’¹⁰⁰¹ Like Marcuse and Freire, for Cone, liberation is the sole imperative. Like Fanon and Du Bois, Cone understands Black Power as a humanising force, demanding that black people be treated as a ‘thou’ rather than an ‘other.’¹⁰⁰² Black consciousness, Cone argues, ‘is the key to the black man’s emancipation from his distorted self-image.’¹⁰⁰³

Furthermore, like critical race theorists, Cone argues that all white people are complicit in racism, and denounces even white liberals who, despite their good will, remain ‘white to the core of [their] being.’¹⁰⁰⁴ Such complicity is almost inescapable because ‘racism is so embedded in the heart of American society that few, if any, whites can free themselves from it.’¹⁰⁰⁵ Thus, echoing Freire’s language of ‘conversion to the people,’ Cone writes that on the rare occasion that a white individual does ‘experience conversion’ they must ‘die to whiteness’ and be ‘reborn anew in order to struggle *against* white oppression and *for* the liberation of the oppressed.’¹⁰⁰⁶ With a more optimistic tone, Reddie similarly writes that while ‘White people may be prone to collusion with Whiteness,’ they are not ‘predetermined to be constrained by it.’¹⁰⁰⁷ White people, Reddie writes, may ‘turn away from the privileges of Whiteness’ as men can ‘turn away from the privilege of patriarchy.’¹⁰⁰⁸ Therefore, ‘White English Christianity,’ argues Reddie, ‘must commit to a radical and ruthless critique of its Whiteness.’¹⁰⁰⁹ This involves ‘deconstructing whiteness’ and ‘decolonising’ theology.¹⁰¹⁰ The objective is to decentre whiteness, which he defines as

a process of changing the point of focus for the articulation of experience and the production of knowledge. In this new epistemological enterprise, the initial point of departure is no longer the centre, but is instead a subversive and systematic shift to the margins.¹⁰¹¹

Like CRT, this involves the political and the psychological. Firstly, there must be institutional change. For example, Reddie writes,

⁹⁹⁹ Ibid., p. 15.

¹⁰⁰⁰ James Cone, *God of the Oppressed* (New York: Orbis Books, 1997), p. 221.

¹⁰⁰¹ Cone’s emphasis removed; James Cone, *Black Theology and Black Power* (New York: Orbis Books, 2019), p. 6.

¹⁰⁰² Ibid., p. 8.

¹⁰⁰³ Ibid., p. 22.

¹⁰⁰⁴ Ibid., p. 32.

¹⁰⁰⁵ Ibid., p. 27.

¹⁰⁰⁶ Cone’s emphasis; Cone, *God of the Oppressed*, p. 222.

¹⁰⁰⁷ Reddie, *Is God Colour-Blind?* p. 51.

¹⁰⁰⁸ Ibid.

¹⁰⁰⁹ Ibid., p. 111.

¹⁰¹⁰ Anthony Reddie, ‘Dealing with the Two Deadly Ds: Deconstructing Whiteness and Decolonizing the Curriculum of Theological Education,’ in Anthony Reddie and Carol Troupe eds. *Deconstructing Whiteness, Empire and Mission* (London: SCM Press, 2023), pp. 52-71; see also in the same volume, David Clough, ‘Deconstructing Whiteness in the UK Christian Theological Academy,’ pp. 27-38.

¹⁰¹¹ Reddie, ‘Dealing with the Two Deadly Ds: Deconstructing Whiteness and Decolonizing the Curriculum of Theological Education,’ p. 59.

Decolonizing the curriculum in its broadest sense is the deconstruction of the normative frameworks of the established canon of Western intellectual work, in order to remove the contamination and desecration of knowledge and truth that has been impacted by White supremacy, which in turn arose from the phenomena of empire and colonialism.¹⁰¹²

Secondly, it involves the cultivation of a critical consciousness. Indeed, Reddie cites Freire's concept of 'conscientização' as influential on his own theological pedagogy.¹⁰¹³ The priority of BLT is to 'emancipate the gospel from its "whiteness"' and, like CRT, to 'change the structures of power.'¹⁰¹⁴ In the spirit of Black Power, BLT fosters an attitude that affirms 'the essential worth of blackness.'¹⁰¹⁵ It seeks 'rapid radical changes in life under dehumanizing systems,' by any means necessary.¹⁰¹⁶ In other words, as Cone describes it, BLT is a 'theology of revolution.'¹⁰¹⁷

A Repudiation of Tradition: Christological Praxis and *Sola Experientia*

BLT's reasons for supporting CRT's approach, however, are not primarily theological. BLT's emphasis on black (oppressed) experience as its primary authority serves as an illustration, as Cone, helpfully, provides an account of the intellectual background to his own understanding of black experience as authoritative. He begins by agreeing with Feuerbach on the anthropological character of theological speech.¹⁰¹⁸ This has a relativising effect, as theology is not to be viewed as a disinterested, objective, 'universal language,' which can be separated from a particular social setting, people or their aspirations.¹⁰¹⁹ Taking his lead from Feuerbach, Cone explains

What people think about God cannot be divorced from their place and time in a definite history and culture. While God may exist in some heavenly city beyond time and space, human beings cannot transcend history. They are limited to the specificity of their finite nature. And even when theologians claim to point beyond history because of the possibility given by the Creator of history, the divine image disclosed in their language is shaped by their place and time. Theology is *subjective* speech about God, a speech that tells us far more about the hopes and dreams of certain God-talkers than about the Maker and Creator of heaven and earth.¹⁰²⁰

However, Cone argues that where Feuerbach stopped short by applying this insight to contemplation alone, Marx carried it further by applying it to the transformation of society.¹⁰²¹ For Cone, Marx discloses the 'the ideological character of bourgeois thought,' by drawing a connection between intellectual and material power in society. 'Ideas,' Cone writes, 'do not have an independent existence but are from beginning to end a social product.'¹⁰²² Thus he writes,

¹⁰¹² Ibid., pp. 55-56.

¹⁰¹³ 'Freire's concern for the radical and revolutionary intent of education as the basis for socio-political change forms the underlying epistemological framework for my pedagogical approach to teaching and engaging in practical theology'; *ibid.*, p. 61.

¹⁰¹⁴ Cone, *Black Theology and Black Power*, pp. 36-37.

¹⁰¹⁵ Ibid., p. 9.

¹⁰¹⁶ Ibid., p. 36.

¹⁰¹⁷ Ibid.; Ludwig Feuerbach, *The Essence of Christianity* (New York: Prometheus Books, 1989).

¹⁰¹⁸ Cone, *God of the Oppressed*, p. 37.

¹⁰¹⁹ Ibid., p. 36.

¹⁰²⁰ Ibid., pp. 37-38.

¹⁰²¹ Ibid., p. 38.

¹⁰²² Ibid.

The task of philosophy is not merely to interpret the world but to change it. Truth is a question not only of what is but of what ought to be. What *is*, is determined by the existing societal relations of material production, with the ruling class controlling the means of production as well as the intellectual forces which justify the present political arrangements. What *ought to be* is defined by what can be through the revolutionary praxis of the proletarian class, overthrowing unjust societal conditions. Thus the future is introduced into the historical process, wherein thought is shaped by open human possibilities.¹⁰²³

Truth is, therefore, to be found between theory and practice – that is, *praxis*.¹⁰²⁴

For Cone, his position is further bolstered by sociological emphasis on the reciprocity of ideas and social reality.¹⁰²⁵ Where Marx revealed that ‘the ideological distortion of bourgeois thought [...] could be overcome through the revolutionary praxis of the proletariat,’ sociologists showed that ‘*all* thinking is necessarily dependent upon a social *a priori*.’¹⁰²⁶ Cone argues that, because this suggests ‘God-ideas’ are not ‘objective and universal,’ theologians must ‘face the relativity of their thought processes.’¹⁰²⁷ This account explains why Cone ascribes primary authority to black lived experience. From this philosophical line of reasoning, Cone can argue that theology is filtered through social realities.¹⁰²⁸ Black and White Theologies are thus socially constructed relative to structures of power and are inextricable from their respective social matrices.¹⁰²⁹ Thus, Cone argues, theology is ‘political language,’ as it cannot be separated from the political and social status of those speaking about God.¹⁰³⁰ White Theology’s emphasis on the ‘universal character of the human condition’ is therefore a means by which the oppressors ‘justify their own particular status in society.’¹⁰³¹ While White Theology is complicit in the perpetuation of whiteness and white privilege, BLT by contrast serves a liberatory objective.

As Reddie writes, challenging whiteness and white power, while affirming the ‘sanctity of blackness,’ is at the heart of BLT.¹⁰³² Thus, he writes, it takes as its starting point [...] the reality of being a Black person in a world run by powerful White people for their own benefit. In the case of Black Theology, one begins with reflections on Blackness and the Black experience, which are placed alongside an ongoing dialogue with holy Scripture and the resultant traditions that emerge from within Christianity.¹⁰³³

This shifts the authority away from both scripture and tradition towards the primacy of lived experience. As Cone writes ‘Black Theology knows no authority more binding than the experience of oppression itself. This alone must be the ultimate authority in religious matters.’¹⁰³⁴ BLT, therefore, ‘is not prepared to accept any doctrine of God, man, Christ, or Scripture that contradicts the black demand for freedom now.’¹⁰³⁵ Akin to Marcuse and Freire, authority is determined solely by service to liberation. Conversely, the tenets of White

¹⁰²³ Ibid.

¹⁰²⁴ Ibid.

¹⁰²⁵ Ibid., p. 40.

¹⁰²⁶ Ibid.

¹⁰²⁷ Ibid., p. 41.

¹⁰²⁸ Ibid., p. 39.

¹⁰²⁹ Ibid., p. 41.

¹⁰³⁰ Ibid.

¹⁰³¹ Ibid., p. 136.

¹⁰³² Reddie, *Is God Colour-Blind?* p. 48.

¹⁰³³ Ibid., p. xii.

¹⁰³⁴ Cone, *Black Theology and Black Power*, p. 135.

¹⁰³⁵ Ibid., p. 136.

Theology are discredited as unauthoritative – indeed, untrue – because they do not serve the cause of liberation. Any scripture or tradition which hinders liberation must be discarded, as we shall see below in relation to the doctrine of original sin and traditional Christian eschatology. As Cone writes,

Black Theology must say: “If the doctrine is compatible with or enhances the drive for black freedom, then it is the gospel of Jesus Christ. If the doctrine is against or indifferent to the essence of blackness as expressed in Black Power, then it is the work of the Anti-Christ.” It is as simple as that.¹⁰³⁶

Black Theology, he writes, ‘is not prepared to discuss the doctrine of God, man, Christ, Church, Holy Spirit – the whole spectrum of Christian theology – without making each doctrine an analysis of the emancipation of black people.’¹⁰³⁷

The emphasis of later thinkers on the authority of black experience owes much to Cone’s influence. Hence Reddie understands Black Theology as ‘the radical re-interpretation of the revelation of God in Christ, in light of the struggles and suffering of Black existence in order that de-humanized and oppressed people might see in God the basis of their liberation.’¹⁰³⁸ Like Cone, Reddie defends what might be termed *sola experientia*, that is, an eisegetical interpretation of scripture in light of the higher authority of black experience. BLT, Reddie writes,

gives priority to the reality of Black experience [...] Whilst there is a dialectical tension between the normativity of the holy text and the contingency of the human context, there is nonetheless a contested reality between the horizon of the historical narratives and the encounter with the divine that operates in front of the written page, emanating from the lived experiences of the reader.¹⁰³⁹

Thus, Reddie argues, the ‘Bible has no authority other than that which the church [...] has given it.’¹⁰⁴⁰ As such, black experience is to be regarded as the ‘site for an alternative and ongoing form of revelation,’ through which the text is interpreted.¹⁰⁴¹ As the *praxis* of BLT, according to Reddie, is for the ‘sole purpose of black existential liberation and the ultimate fullness of life as promised by Jesus,’¹⁰⁴² truth and authority come to be defined as that which serves liberation.

Christology plays a central role in this *praxis*. A key tenet of BLT is the identification of Christ with the oppressed.¹⁰⁴³ As Cone writes, ‘the Christological importance of Jesus must be found in his blackness.’¹⁰⁴⁴ Reddie argues that White Theology has typically spiritualised Christ, downplaying his nature as an historic person.¹⁰⁴⁵ By ignoring ‘contextual particularity’ with respect to ‘class, gender, ethnicity, sexuality or economics,’ Reddie argues that white theologians have focused on ‘more generic, spiritual and theological concerns that would appear to transcend’ differences.¹⁰⁴⁶ This has resulted in a colour-blind Christology that Reddie rejects. Instead, he wishes to reclaim Christ’s particularity from abstract

¹⁰³⁶ Ibid.

¹⁰³⁷ Ibid.

¹⁰³⁸ Reddie, *Is God Colour-Blind?* p. 57; Reddie cites this definition from Michael N. Jagessar and Anthony Reddie, eds. *Black Theology in Britain: A Reader* (London: Equinox, 2001), p. 1.

¹⁰³⁹ Reddie, *Working Against the Grain*, pp. 25-26.

¹⁰⁴⁰ Ibid., p. 51.

¹⁰⁴¹ Ibid., p. 26.

¹⁰⁴² Ibid., p. 17.

¹⁰⁴³ Ibid., p. 80.

¹⁰⁴⁴ Cone, *Theology of Black Liberation*, p. 120.

¹⁰⁴⁵ Reddie, *Working Against the Grain*, p. 39.

¹⁰⁴⁶ Ibid., p. 40.

Christologies, which, he claims, have perpetuated white privilege and black oppression.¹⁰⁴⁷ Reddie emphasises Christ's status as a colonized and oppressed Jew, which in the modern context would make him 'black.'¹⁰⁴⁸ Rather than the image of Jesus 'refracted and distilled into a particular image of normalized Whiteness and Eurocentric hegemony,' Christ emerges as a 'black hero.'¹⁰⁴⁹ Accordingly, Reddie is critical of black Christians who have 'imbibed' Eurocentric, Greek 'thought forms' at the 'expense' of authentic, black epistemologies.¹⁰⁵⁰ An example of an authentic black epistemology, in Reddie's estimation, can be found in the radical Christology of Robert Beckford. Beckford's incorporation of the Rastafarian concept of 'dread' into his theology – encapsulated in the statement 'Jesus is Dread' – offers a window into BLT's understanding of the close relationship between Christology and *praxis*.

Beckford's Dread Christology provides insight into BLT's 'new epistemological enterprise.'¹⁰⁵¹ As truth is grounded in lived experience and discovered through *praxis*, the statement 'Jesus is Dread' should not be understood as an abstract statement of objective truth. Beckford's Christology, as part of his 'Liberation Theological Praxis,' can be understood in psychological Freirean terms, as it seeks to summon the revolutionary critical consciousness that will sever the connection with the old oppressive order, which includes traditional Christian doctrine. Dread, he writes, is an 'existential reality' which 'emerges through a particular process that begins with acknowledging the truth of one's concrete existence: the concrete nature of being black,'¹⁰⁵² which is the 'awakening of Black consciousness.'¹⁰⁵³ He writes,

...dread combines elements of the religious with the socio-political. It is a religious experience concerned with social improvement in general and Black emancipation in particular. To be 'dread' is to be concerned with a sophisticated analysis of experience that is married to social transformation.¹⁰⁵⁴

In other words, Dread Christology facilitates Black *conscientização* and repudiates the oppressive society. As Reddie writes, Beckford's Dread Jesus

serves to strike fear and foreboding into the heart of the body politic of White polite, corrupt imperial hegemony. A Jesus who is dread is everything an upper middle-class dominated establishment bound English church cannot conceive or countenance. A Jesus who is dread is an oppositional, Caribbean rebel Jesus who denounces all who sit at the heart of hypocritical imperial power and their commonplace rhetoric of assimilation, integration and polite conformity.¹⁰⁵⁵

It is not enough, Reddie writes, for Christ to be depicted as black; a Christ whose 'ontological self remains imprisoned within White ethnocentric norms is *almost* as dangerous as the White supremacist Christ of Western Church history.'¹⁰⁵⁶ A superficially black Christ would continue to perpetuate whiteness, whereas Dread Jesus, whose character is ontologically black, fundamentally subverts the status quo. In other words, in decentring whiteness and emancipating black consciousness by making it the source of authority, BLT's decolonized Christology is intended to facilitate 'rupture' with the inherited oppressive order. As Cone

¹⁰⁴⁷ Ibid., p. 43.

¹⁰⁴⁸ Ibid., p. 45.

¹⁰⁴⁹ Ibid., pp. 80-81.

¹⁰⁵⁰ Ibid., p. 50.

¹⁰⁵¹ Reddie, 'Dealing with the Two Deadly Ds: Deconstructing Whiteness and Decolonizing the Curriculum of Theological Education,' p. 59.

¹⁰⁵² Beckford, *Dread and Pentecostal*, p. 161.

¹⁰⁵³ Ibid., p. 162.

¹⁰⁵⁴ Ibid., p. 167.

¹⁰⁵⁵ Reddie's emphasis; Reddie, *Working Against the Grain*, p. 82.

¹⁰⁵⁶ Ibid., p. 85.

writes, ‘There is no truth in Jesus Christ independent of the oppressed,’ he writes, and ‘to know Jesus is to know him as revealed in the struggle of the oppressed for freedom.’¹⁰⁵⁷

BLT, therefore, agrees with CRT in its view that freedom (and equality) requires liberation from the oppressive whiteness of the inherited order, and that the means of doing so involves discarding and repudiating that which does not serve the liberatory objective. However, it does so on philosophical rather than theological grounds. Indeed, one of Liberation Theology’s most ardent critics, Pope Benedict XVI – then Cardinal Joseph Ratzinger – explained this succinctly when he wrote: ‘every affirmation of faith or of theology is subordinated to a political criterion, which in turn depends on the class struggle, the driving force of history.’¹⁰⁵⁸ The mistake of this ‘hermeneutic,’ he explains, is ‘not in bringing attention to a political dimension of the readings of scripture, but in making of this one dimension the principal or exclusive component.’¹⁰⁵⁹ This criticism can be applied to Black Liberation Theology. While black liberation theologians would dismiss Ratzinger’s criticism, on the grounds that his ‘White Theology’ is unauthoritative, their countercriticism carries no weight if one rejects their premise. Indeed, Ratzinger does reject it, having criticised the use of ‘concepts uncritically borrowed from Marxist ideology.’¹⁰⁶⁰ This is not, however, to suggest that ‘liberation’ and ‘Christian liberty’ are unimportant, indeed, Ratzinger affirms their scriptural and theological foundations. Rather, the mistake arises from the view that ‘there is no truth but the truth in the struggle of the revolutionary class.’¹⁰⁶¹ In the case of BLT, the revolutionary class are the oppressed racial minority. The struggle is presented as a necessary law of history, he argues, and thus one can act ‘scientifically’ for or against the cause of liberation.¹⁰⁶² As a result, the ‘authoritative interpretation of the church’ is accordingly ‘denounced as classist’— or, in the case of BLT, as racist.¹⁰⁶³ In other words, the problem is not in valuing liberty, but in the adoption of liberation as a totalising objective. As Ratzinger observes ‘the aspiration for justice often finds itself the captive of ideologies which hide or pervert its meaning, and which propose to people struggling for their liberation goals which are contrary to the true purpose of human life.’¹⁰⁶⁴ As we shall argue, this pursuit of liberation to the exclusion of all else risks undermining the conditions that can secure liberty. In what remains of this chapter, I argue that the political implications of BLT highlight how anthropological optimism and eschatological haste, by eschewing secularity, threaten the conditions upon which liberty depend.

The ‘Science of Redemption’ and the Rejection of Original Sin

Chapter Three suggested that a theological anthropology – which regards human beings as fallen, imperfectible but rational creatures – deters the aspiration to perfect society this side of the *eschaton* through the imposition of the kind of totalising doctrine that quashes liberty.

¹⁰⁵⁷ Cone, *God of the Oppressed*, p. 31.

¹⁰⁵⁸ Congregation for the Doctrine of the Faith, ‘Instruction on Certain Aspects of the “Theology of Liberation,”’ The Holy See, 6 August 1984.

¹⁰⁵⁹ Ibid.

¹⁰⁶⁰ Ibid.

¹⁰⁶¹ Ibid.

¹⁰⁶² Ibid.

¹⁰⁶³ Ibid.

¹⁰⁶⁴ Ibid.

BLT, however, rejects the traditional doctrine of original sin on the grounds that it conflicts with the objective of black liberation.¹⁰⁶⁵ As Reddie writes,

Using Black experience as their starting place, as opposed to the strictures of doctrine and tradition, this leads Black theologians to depart from many of the traditional ways of understanding the meaning of the Christian faith. Black theology places the primacy on the reality of black experience and not on the Bible or Christian tradition or Church history.¹⁰⁶⁶

On this basis, Reddie reworks the doctrine of original sin to develop a more optimistic anthropology that accords with BLT's earthly objectives. For Reddie, the 'problem' with the doctrine 'lies in its general disregard for context or the particular nature of human life as it is lived in certain contexts and times and places in history.'¹⁰⁶⁷ It is a 'sick joke,' he writes, to suggest that those who are suffering are equal in sin to those persecuting them.¹⁰⁶⁸ Rejecting the universality of original sin as 'cosmic' and transcending history, Reddie prefers to anchor his understanding of sin in 'the concrete and the material, within specific situations and contexts that take seriously that some people are definitely more guilty than others...'¹⁰⁶⁹ Reddie writes,

Unlike the conventional notion of original sin in which it is hard to discern any serious ethical or pastoral charge one could make to those who oppress others and those who are oppressed as, after all, we are equally guilty of falling below the exalted standards of God, now we have a more concrete and specific sense of sin. For sin is that which separates us not from God, but rather from each other.¹⁰⁷⁰

Although Walter Rauschenbusch would not be in complete agreement with Reddie, the former's *A Theology of the Social Gospel* (1917) sheds light on this reworking of original sin.

In this work, cited by Reddie as an influence on BLT, Rauschenbusch reconceptualises sin not just as a personal failing, but as a heritable stain that can be embedded within societal structures.¹⁰⁷¹ Rauschenbusch rejects the doctrine of original sin, which he argues does not originate in scripture.¹⁰⁷² He argues that viewing sin as a case of 'faulty equipment,' resulting from a 'fatal debasement at the beginning of history,' has been detrimental to mankind's progress.¹⁰⁷³ This is because, by implicating all humanity in 'uniform corruption,' the doctrine made sin 'so complete that all evil resulting from personal sins seems trivial and irrelevant.'¹⁰⁷⁴ Driven by social concern, therefore, Rauschenbusch argues that 'when we retard the progress of mankind, we retard the revelation of the glory of God.'¹⁰⁷⁵ However, rather than rejecting the idea of heritable sin outright, Rauschenbusch reworks it; sin is transmissible across the generations, but it can be eradicated. Having rejected original sin in favour of an optimistic anthropology that favours social progress, Rauschenbusch argues that theology 'ought to be the science of redemption and offer

¹⁰⁶⁵ Cone's understanding of sin is more complex than Reddie's but nevertheless subjugates the doctrine to the objective of black liberation. Reddie's account is sufficient for the purposes of the present argument; Cone, *Theology of Black Liberation*, pp. 104-108.

¹⁰⁶⁶ Reddie, *Is God Colour-Blind?* p. 94.

¹⁰⁶⁷ Ibid., p. 98.

¹⁰⁶⁸ Ibid., p. 100.

¹⁰⁶⁹ Ibid., p. 101.

¹⁰⁷⁰ Ibid., p. 103.

¹⁰⁷¹ An influence Reddie acknowledges; Reddie, *Working Against the Grain*, p. 23.

¹⁰⁷² Walter Rauschenbusch, *A Theology for the Social Gospel* (Kentucky: Westminster John Knox Press, 1997), p. 42.

¹⁰⁷³ Ibid., pp. 58-59.

¹⁰⁷⁴ Ibid., p. 59.

¹⁰⁷⁵ Ibid., p. 49.

scientific methods for the eradication of sin.¹⁰⁷⁶ Like an ‘epidemic disease’ he argues that it should be isolated and studied in order to understand how it propagates and spreads.¹⁰⁷⁷ Sin, he argues, ‘favours institutions and laws which permit unrestricted exploitation and accumulation.’¹⁰⁷⁸ Thus, rooting it out involves identifying ‘the lines of communication and contagion by which sin runs vertically down through history, and horizontally through the strata of contemporary society.’¹⁰⁷⁹ Sin, Rauschenbusch writes, is transmitted through social tradition, by evil habits passed on through social example, socialising children into the vices of adults.¹⁰⁸⁰

Just as syphilitic corruption is forced on the helpless foetus in its mother’s womb, so these hereditary social evils are forced on the individual embedded in the womb of society and drawing his ideas, moral standards, and spiritual ideals from the general life of the social body.¹⁰⁸¹

Sin thus becomes ‘lodged in social customs and institutions,’ and spreads through laws, doctrines, art, literature, and manners.¹⁰⁸² Moreover, he observes that sin is preserved by its ‘profitableness.’¹⁰⁸³ Indeed, Rauschenbusch’s account of sin bears resemblance to CRT and BLT’s account of systemic ‘whiteness’ proving resilient on account of the privileges it imparts on those who have historically held power.¹⁰⁸⁴

Rauschenbusch is not a liberation theologian, and as Robert Song has highlighted, it is important not to overstate Rauschenbusch’s belief in perfectibility.¹⁰⁸⁵ However, his argument serves to illustrate how the rejection of original sin leads to an optimistic view of human political potential – or, indeed, how the doctrine is rejected *because* it is seen as a hindrance to human political aspirations. Rather than looking to the figure of Adam to understand sin, Rauschenbusch looks to the person of Christ and the Kingdom of God.¹⁰⁸⁶ He envisages the latter as a ‘commonwealth of labour’ under the reign of God. Its ‘institutions of life must be fundamentally fraternal and co-operative,’ he writes, ‘if they are to train men to love their fellowmen as co-workers.’¹⁰⁸⁷ Rauschenbusch’s resolution to the question ‘if our will is so completely depraved, where do we get the freedom on which alone responsibility can be based?’ is to insist that the equipment was never faulty at all.¹⁰⁸⁸ For this reason, he thinks mankind is capable of systematically rooting out sin. BLT agrees, albeit on the grounds that the universality of sin conflicts with the more radical imperative of black liberation. It is, nevertheless, grounded in the same anthropological optimism. As Ratzinger observes in relation to liberation theology, a ‘scientific’ approach to the ‘transformation of society’ presupposes the possibility of ‘attaining the ends proposed.’¹⁰⁸⁹ However, as we shall see in Chapter Five, with respect to Reinhold Niebuhr’s response to the same question,

¹⁰⁷⁶ Ibid., p. 57.

¹⁰⁷⁷ Ibid.

¹⁰⁷⁸ Ibid., p. 54.

¹⁰⁷⁹ Ibid., p. 57.

¹⁰⁸⁰ Ibid., p. 60.

¹⁰⁸¹ Ibid.

¹⁰⁸² Ibid., pp. 60, 81.

¹⁰⁸³ Ibid., p. 66.

¹⁰⁸⁴ Indeed, Cone writes ‘sin of whites is the definition of their existence in terms of whiteness.’ Cone, *Theology of Black Liberation*, p. 107.

¹⁰⁸⁵ Robert Song, *Christianity and Liberal Society* (Oxford: Oxford University Press, 1997), p. 73.

¹⁰⁸⁶ Rauschenbusch, *A Theology for the Social Gospel*, p. 48.

¹⁰⁸⁷ Ibid., p. 54.

¹⁰⁸⁸ Ibid., p. 59.

¹⁰⁸⁹ Congregation for the Doctrine of the Faith, ‘Instruction on Certain Aspects of the “Theology of Liberation.”’

Rauschenbusch's conclusion is far from the only possible answer. Indeed, it was disputed by Augustine, after the fourth-century heretic Pelagius similarly concluded that 'Adam's sin did not affect the natural abilities of later human beings, whose similarities to Adam are [...] voluntary, not congenital.'¹⁰⁹⁰ While Augustine's disagreement with Pelagianism was theological, the suggestion that human beings are by their own volition perfectible has political implications. Indeed, as argued below, such an optimistic anthropology leads to an immanent eschatology. In turn, this threatens liberty by overstepping the limits placed on mankind in the *saeculum*.

Immanent Eschatology and Utopian Possibilities

As with original sin, Rauschenbusch's argument sheds light on the eschatological implications of rejecting the doctrine of original sin. In his view, a traditional Christian eschatology was influenced by extraneous ideas drawn from dualistic Greek religion, which sought immortality and degraded earthly existence.¹⁰⁹¹ This desire for an immortal heavenly future, he argues, was motivated by contingent political and economic conditions, namely, the subjugation of the early Christian community in Rome.¹⁰⁹² As those conditions changed, he observes, the need for eschatological hope reduced. Indeed, because Rauschenbusch rejects original sin, there is nothing to prevent human nature from achieving the 'millennial hope' of creating an ideal social life of peace and justice on earth.¹⁰⁹³ Thus Rauschenbusch writes, 'Since the first century the divine Logos has taught us the universality of Law, and we must apply it to the development of the Kingdom of God.'¹⁰⁹⁴ Cone reasons similarly, asking why Christians must 'behave as if the present were a fixed reality not susceptible of radical change?'¹⁰⁹⁵ For Cone, the preoccupation with 'other worldly' reality has corrupted black churches.¹⁰⁹⁶ It has, he writes, led them to accept injustice, or indeed, to believe that suffering is beneficial.¹⁰⁹⁷ Like the early Christians in Rauschenbusch's account, Cone argues that, rather than 'seeking to change the earthly state, [black Christians] focus their hopes on the next life in heaven.'¹⁰⁹⁸ By contrast, BLT does not believe Christians should 'reconcile [themselves] to the things of the present that contradict [Christ's] presence.'¹⁰⁹⁹ Rather, Cone writes

We believe that something *can* be done about this world, and we have resolved to die rather than deny the reality expressed [sic] in black self-determination. With this view, heaven is no longer analyzed the way it used to be. Heaven cannot mean accepting injustice [sic] of the present because we know we have come home over yonder. Home is where we have been placed *now*, and to believe in heaven is to refuse to accept hell on earth.¹¹⁰⁰

¹⁰⁹⁰ Eugene TeSelle, 'Pelagius, Pelagianism,' in Allan D. Fitzgerald ed. *Augustine through the Ages: An Encyclopedia* (Michigan: Wm. B. Eerdmans, 2009), p. 633; cf. Edward Dowler, *Theological Ethics* (London: SCM Press, 2011), p. 6.

¹⁰⁹¹ Rauschenbusch, *A Theology for the Social Gospel*, p. 212.

¹⁰⁹² *Ibid.*, p. 213.

¹⁰⁹³ *Ibid.*, p. 224.

¹⁰⁹⁴ *Ibid.*, p. 225.

¹⁰⁹⁵ Cone, *A Theology of Black Liberation*, p. 140.

¹⁰⁹⁶ Cone, *Black Theology and Black Power*, p. 137.

¹⁰⁹⁷ *Ibid.*; cf. Freire, *Pedagogy of the Oppressed*, p. 39.

¹⁰⁹⁸ *Ibid.*, p. 138.

¹⁰⁹⁹ Cone, *A Theology of Black Liberation*, p. 140.

¹¹⁰⁰ *Ibid.*, pp. 140-141.

Cone explains that, if eschatology means God is ‘uninvolved in the suffering of men because he is preparing them for another world, then [BLT] is not eschatological.’¹¹⁰¹ It is ‘not concerned with the “last things” but with the “white thing.”’¹¹⁰² BLT, he proclaims, ‘is an earthly theology!’¹¹⁰³ Therefore, BLT

refuses to embrace any concept of God that makes black suffering the will of God [...] It is not permissible to appeal to the idea that God’s will is inscrutable or that the righteous sufferer will be rewarded in heaven. If God has made the world in which black people must suffer, and if he is a God who rules, guides and sanctifies the world, then he is a murderer.¹¹⁰⁴

Like Rauschenbusch, Cone resolves this problem of theodicy by proposing an immanent eschatology, grounded in the belief that there is no hereditary roadblock preventing complete liberation through *praxis*. To believe otherwise is unacceptable to Cone, because to do so would betray the cause of black liberation by justifying black oppression. Heaven is ‘irrelevant for Black Theology,’ he writes.¹¹⁰⁵ Instead, its eschatological outlook means ‘making [the world] what it ought to be’ and refusing any eschatology which deflects from present injustice; ‘It will not be deceived by images of pearly gates and golden streets; because too many earthly streets are covered with black blood.’¹¹⁰⁶

This immanent eschatological perspective is open to utopian possibilities. Like Marcuse, Cone speaks of the need for a new ‘value-system’ emerging from *praxis*, believing that BLT stands at the ‘threshold of a new order’ for the oppressed.¹¹⁰⁷ The father of Liberation Theology, Gustavo Gutiérrez – whose thought has been influential on BLT – explains that this new order, or utopia, requires a ‘repudiation of a dehumanizing situation’ and a ‘complete rejection which attempts to strike at the roots of evil.’¹¹⁰⁸ This is why, like Marcuse, Gutiérrez explains, ‘utopia is revolutionary and not reformist.’¹¹⁰⁹ Without original sin to restrain it, the possibility of worldly utopia – of complete liberation from the sources of oppression – can be achieved by human effort. Central to that effort is a repudiation of the oppressive inherited order. As Freire wrote in his foreword to an edition of Cone’s *A Theology of Black Liberation*, praising it as a model of his own pedagogy,

The dominated and silenced classes can speak the word only when they take history into their own hands and dismantle the oppressive system that crushes them. Through revolutionary praxis, with critical and vigilant leadership, the dominated classes learn to “proclaim” their world, thus discovering the real reasons for their past silence. Hence, the eminently political nature of black theology in the United States and of the theology of liberation in Latin America.¹¹¹⁰

¹¹⁰¹ Cone, *Black Theology and Black Power*, p. 139.

¹¹⁰² Ibid.

¹¹⁰³ Ibid.

¹¹⁰⁴ Ibid., p. 140.

¹¹⁰⁵ Ibid.

¹¹⁰⁶ Ibid., pp. 142-143.

¹¹⁰⁷ Ibid., pp. 146, 152.

¹¹⁰⁸ Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation* (New York: Orbis, 2013), p. 222.

¹¹⁰⁹ Ibid.

¹¹¹⁰ Paolo Freire, ‘Foreword,’ in James Cone, *Theology of Black Liberation* (New York: Orbis, 1987), p. x.

Thus, for Cone as for Marcuse and Freire, ‘black liberation means a radical break with the existing political and social structures and a redefinition of life along the lines of black power and self-determination.’¹¹¹¹ It requires a ‘total break with the white past.’¹¹¹²

Liberation for BLT, therefore, is not a project of a divine future but an immanent project of human history. As Cone writes ‘There is no true liberation independent of the struggle for freedom in history.’¹¹¹³ Placing hope in an eschatological future only serves to distract from the necessity of ‘revolutionary praxis to change the world.’¹¹¹⁴ Like Marcuse and Freire, BLT’s *praxis* subjugates all to the liberatory objective. This is reflected in Cone’s ‘black ethic of liberation’ in which the permissibility of an action is determined solely by whether it serves or hinders liberation; the answer to the ‘question “What am I to do?” can be stated simply,’ writes Cone, ‘be a liberator of Christ, because that is what you are!’¹¹¹⁵ Nothing escapes subordination to the liberatory objective because, to apply Ratzinger’s criticism of liberation theology, the ‘ideological core borrowed from Marxism [...] exercises the function of a ‘determining principle.’¹¹¹⁶ Although BLT’s philosophical influences are not limited to Marxism, Ratzinger’s criticism stands, since its ideological core exerts itself over theology as a law ‘true of necessity.’¹¹¹⁷ It is totalising in that it is ‘reflected in all spheres of existence: religious, ethical, cultural, and institutional,’ and in ‘each of them this law constitutes the determining element.’¹¹¹⁸

Ratzinger’s criticism of liberation theologians applies equally to BLT, namely, that their approach is one of ‘temporal messianism,’ which ‘[secularizes] the Kingdom of God’ by ‘[absorbing it] into the immanence of human history.’¹¹¹⁹ It represents an attempt at ‘the self-redemption of man.’¹¹²⁰ He writes,

Faced with the urgency of certain problems, some are tempted to emphasize, unilaterally, the liberation from servitude of an earthly and temporal kind. They do so in such a way that they seem to put liberation from sin in second place, and so fail to give it the primary importance it is due.¹¹²¹

As Cardinal Müller, commenting on Ratzinger’s criticism, writes ‘Utopianism [...] is unchristian in its understanding of salvation. Christians understand that salvation comes not from the perfecting of the class structure of society, but from the conversion of individual hearts.’¹¹²² This is, of course, not to say that Christianity is uninterested in the plight of the oppressed. On the contrary, Ratzinger demonstrates that liberation is a Christian theme with biblical foundations.¹¹²³ Neighbourly love and charity are of the utmost importance, indeed, both Eric Gregory and Luke Bretherton – to take just two examples – find valuable insights

¹¹¹¹ Cone, *God of the Oppressed*, p. 179.

¹¹¹² Ibid., p. 179.

¹¹¹³ Ibid., p. 139.

¹¹¹⁴ Ibid., p. 39.

¹¹¹⁵ Ibid., pp. 189-190.

¹¹¹⁶ Congregation for the Doctrine of the Faith, ‘Instruction on Certain Aspects of the “Theology of Liberation.”’

¹¹¹⁷ Ibid.

¹¹¹⁸ Ibid.

¹¹¹⁹ Ibid.

¹¹²⁰ Ibid.

¹¹²¹ Ibid.

¹¹²² Gerhard Cardinal Müller, ‘Ratzinger and the Liberation Theologians,’ *First Things*, 1 March 2023.

¹¹²³ Congregation for the Doctrine of the Faith, ‘Instruction on Certain Aspects of the “Theology of Liberation.”’

in liberation theologies even if they do not endorse their political program.¹¹²⁴ However, as Ratzinger notes, what is ‘theologically unacceptable’ and ‘socially dangerous’ is the misuse of ‘Holy Scripture and theology’ to ‘absolutize and sacralize a theory concerning the socio-political order.’ That order, he argues, is

Of its very nature [...] always contingent. By sacralizing the revolution – mixing up God, Christ and ideologies – they only succeed in producing a dreamy fanaticism that can lead to even worse injustices and oppression, ruining in the praxis what the theory had proposed.¹¹²⁵

As Ratzinger intimates, by making an idol of their liberatory objective, BLT risks destroying liberty.

In conclusion, both black liberation theologians and critical race theorists would argue that the privileging of their comprehensive doctrine is justified on the grounds of necessity. Liberation requires it. The totalising nature of their proposal offers a politics of perfection, made possible by a Pelagian anthropology and immanent eschatology, that fails to respect limits of politics in the *saeculum*. They eschew secularity, to borrow Insole’s words, through the ‘use [of] public power to effect, by political means, a perfectionist and coercive programme for the salvation of souls.’¹¹²⁶ This criticism applies even if salvation is understood in philosophical terms as earthly liberation. Therefore, as a privileged doctrine it poses a threat to liberty – insisting that even theology and the church are at the disposal of its liberatory objective. Anyone who opposes their perspective, or defends continuity with the inherited order, becomes an enemy not only of the oppressed, but of the necessary progress of the historical dialectic. By placing everything in service of liberation, CRT and BLT advocate intolerance towards anything that hinders that cause. In doing so, again to appropriate Insole’s words, they ‘[trample] upon the frailty and vulnerability of our shared human condition.’¹¹²⁷ Insole’s description of puritanism can be applied to CRT and BLT, as both ‘combine the black and white ability to see the evil of the rest of the world, along with a confidence in their own regeneration...’¹¹²⁸ This confidence, rooted in anthropological optimism and eschatological impatience, leads to a repudiation of the inherited order which, I argue in Chapter Five, recklessly endangers the conditions upon which liberty depends for its security. From a liberal perspective – indeed, from any perspective that rejects CRT’s justification – it advocates for unjustifiable intolerance and discrimination. Far from its original intention, the notion of ‘legal but harmful’ could become highly coercive under the philosophical influence of this approach, since anything which does not serve the cause of liberation (including the spiritual, institutional, cultural, intellectual and material inheritance of the allegedly oppressive order) could be considered ‘harmful.’ Furthermore, CRT is firmly opposed to any defence of the existing order against the subversive intentions of others. This

¹¹²⁴ E.g. Gregory writes that attention paid to the Gutiérrez’s ‘appropriation of Marxism and socialism has obscured the centrality of his understanding of political love,’ and wishes to emphasise ‘the richness of his exploration of love and a theology of the neighbour for political ethics,’ in Eric Gregory, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago: University of Chicago Press, 2010), pp. 189-192; cf. Bretherton notes the importance of listening the cries of the oppressed, in Luke Bretherton, *A Primer in Christian Ethics: Christ and the Struggle to Live Well* (Cambridge: University of Cambridge Press, 2023), pp. 91-107.

¹¹²⁵ Joseph Cardinal Ratzinger and Vittorio Messori, *The Ratzinger Report* (San Francisco: Ignatius Press, 2018), p. 190.

¹¹²⁶ Insole is describing the puritanism, not CRT; Insole, *The Politics of Human Frailty*, p. 55; in this respect it may be categorised as comprehensive perfectionist; Quong, *Liberalism without Perfection*, pp. 14, 19.

¹¹²⁷ Insole, *The Politics of Human Frailty*, p. 63.

¹¹²⁸ *Ibid.*, p. 57.

has the potential to exacerbate the state's difficulty in justifying its response to intolerant or even violent extremist threats, because any attempt to defend the inherited order from subversion is viewed as perpetuating oppression. As such, the state is drained of the authority to defend liberty from those who might wish to undermine it. Therefore, whereas aspirations to doctrinal *thinness*, discussed in previous chapters, ran into difficulties and could not offer resilient security for liberty, CRT's truly comprehensive approach leads to precisely the kind of intolerance, and threat to liberty, which this thesis seeks to guard against. Therefore, in the following chapter, we continue our critique of totalising Pelagian political doctrines and propose an alternative approach to securing liberty, grounded in a politics of imperfection.

5. Traditional Conservatism: A Defence of the Inherited Order

Before arriving at the crux of our argument, it is helpful to summarise the argument so far. Chapters Two and Three argued that the challenge outlined in Chapter One (that the ‘defenders’ of liberty are easily ‘pictured as repressive reactionaries,’ hampering and ‘discredit[ing]’ the legitimacy of state intervention) is aggravated by the requirements of recognition and neutrality. As a neutral state is not possible, we argued that liberty is best secured *within* order sustained by a supportive public doctrine, and provisionally concluded that Anglican Christianity is a well-qualified candidate – anthropologically, eschatologically and historically – in the British context. In Chapter Four, we introduced a challenge to this perspective, in the form of CRT’s repudiation of the inherited order, supported by BLT’s theological anthropology and eschatology. However, we concluded that CRT’s view that freedom requires *liberation from*, and repudiation of, the inherited order, and its teleocratic ordering of all things toward that objective, is an affront to the *saeculum*. As such, it justifies intolerance and subverts the conditions upon which – I argue in this chapter – liberty depends. This chapter continues our critique of this as a Pelagian perspective, instead arguing for a politics of imperfection that seeks to secure liberty *within* the inherited order. Drawing on sources from traditional conservatism, qualified by a particular theological anthropology and eschatology, we will build on Biggar’s perspective, arguing for the privileging of a public doctrine supportive of conditions capable of sustaining and securing liberty. In the subsequent concluding chapter, we will draw out the implications of this approach as a response to ‘the problem’ with a reflection on the policy debate outlined in Chapter One.

It is beyond the scope of this chapter to review the perspectives that fall under the ‘conservative’ umbrella. Rather, we are concerned with constructing an approach by drawing on selected arguments from two prominent thinkers – Edmund Burke and Michael Oakeshott – for their defence of tradition against the ideological politics of perfection. Much of traditional conservative thought has been devoted to the dangers of such ideological movements, separated by centuries but united in their Pelagian aspirations to perfect society. Indeed, it is in this sense that Russell Kirk defines this species of conservatism as the ‘negation of ideology.’¹¹²⁹ Whereas the term ‘ideology,’ when used by critical (race) theorists in the previous chapter, referred to ideas that cement and perpetuate the status quo, for traditional conservatives ‘ideology’ is used to refer to the belief in (and programme to achieve) earthly perfectibility. In other words, they would identify each other’s approaches as ‘ideology.’ However, although traditional conservatives reject the ‘unscrupulous optimism’ (to use Roger Scruton’s term) of such ideologies, they should not be mistaken for unqualified pessimists; they believe mankind is capable of many good things, even if this is chastened by recognition that human nature is such that hopes should not be set too high.¹¹³⁰ This belief in mankind’s imperfectibility encourages the exercise of caution and prudence, making judgements based on the past experience of many generations.¹¹³¹ Indeed, inherited tradition – broadly understood – is valued precisely because it is cumulative tried and tested wisdom, refined over many generations. As Roger Scruton writes, traditional conservatism views tradition, not as ‘arbitrary rules and conventions,’ but ‘answers that have been discovered to enduring questions.’¹¹³² Kirk calls this the ‘principle of prescription,’ – a belief in the normative and epistemological value of things established by

¹¹²⁹ Russell Kirk, *The Politics of Prudence* (Chicago: Gateway, 2023), p. 18.

¹¹³⁰ Roger Scruton, *The Uses of Pessimism* (London: Atlantic, 2010), p. 22.

¹¹³¹ Kirk, *The Politics of Prudence*, pp. 21–26; cf. Ferenc Hörcher, *A Political Philosophy of Conservatism: Prudence, Moderation and Tradition* (London: Bloomsbury, 2020).

¹¹³² Roger Scruton, *How to be a Conservative* (London: Bloomsbury, 2014), p. 21.

antiquity and ‘immemorial usage.’¹¹³³ In this respect, tradition is to be understood broadly – encompassing aspects of the inherited order, such as law, institutions, and culture. According to this perspective, we are not born as individuals in a state of nature, but into a web of relationships in a particular historical and cultural context. For the traditional conservative, there can be no liberty prior to, or apart from, an order that secures it; liberty is only conceivable *within* order. As Roger Scruton writes, where ‘Liberals saw political order as issuing from individual liberty; conservatives saw individual liberty as issuing from political order.’¹¹³⁴ According to this perspective, we are not abstract individuals who enter into an imagined social contract, but historical creatures who inherit a particular society; ‘legitimacy,’ writes Scruton, is ‘given by inheritance rather than created by choice.’¹¹³⁵ Challenging the view that the legitimacy of a public doctrine depends upon consent, the traditional conservative view shifts the locus of authority in such a way that it sidesteps the difficulties of justification discussed in Chapters Two and Three. That is not to say that traditional conservatives regard democratic consent as unimportant, but rather that they challenge the view that nothing need be considered except the present generation.

Consequently, as we shall see in our discussion of Burke’s conflict with revolutionary Thomas Paine, traditional conservatism offers an entirely different vantage point for viewing liberty (and how to secure it), compared with those discussed in previous chapters. Furthermore, Kirk identifies three further tenets of traditional conservatism that highlight why this approach is particularly valuable to our inquiry: an affection for the ‘intricacy of long established’ institutions and ‘modes of life’ (the ‘principle of variety’); a recognition that ‘permanence and change must be recognized and reconciled’; and a belief in ‘restraints on power’ and ‘passions,’ as a *via media* between tyranny and anarchy.¹¹³⁶ As such, firstly, traditional conservatism is nomocratic rather than teleocratic, valuing plurality and respecting the *saeculum*. Secondly, as it regards inherited tradition as a vector of wise counsel, it favours reform and continuity, viewing the repudiation of the inherited order as reckless. Finally, in seeking a *via media* between tyranny and anarchy, traditional conservatives have honed their response, in various historical circumstances, to precisely the ‘problem’ with which we are concerned – how best to secure liberty without undermining it. As such, it is an ideal candidate from which to construct an alternative to the approaches discussed and critiqued in previous chapters.

Constructing this alternative, however, depends upon exegesis of key arguments: firstly, of Oakeshott’s critique of rationalism; and secondly, of Burke’s critique of French revolutionary ideology. The purpose of this exegesis is to provide a detailed account of the traditional conservative perspective, highlighting the ways in which it offers a critique of the approaches discussed in previous chapters and provides the basis for a response to the ‘problem’ outlined in Chapter One. Arguing that the traditional conservative approach is strengthened by a theological qualification, we turn to a discussion of the ways in which theological arguments – including Niebuhr’s Christian Realism – can support and condition this perspective. In doing so, we continue our critique of CRT – and its anthropological and eschatological support from BLT – as Pelagian, and engage with anticipated criticism of the traditional conservative approach. This chapter contends that, when qualified by a particular theological anthropology and eschatology, by respecting the *saeculum*, traditional conservatism can ameliorate ‘the problem’ that has plagued policymakers. It is capable of

¹¹³³ Kirk, *The Politics of Prudence*, p. 21.

¹¹³⁴ Roger Scruton, *Conservatism: An Invitation to the Great Tradition* (New York: St Martin’s Press, 2017), p. 31.

¹¹³⁵ *Ibid.*, p. 26.

¹¹³⁶ Kirk, *The Politics of Prudence*, p. 22-26.

permitting plurality, without collapsing into paralysing relativism. It unties the hands of policymakers by resolving difficulties of legitimacy and restoring the role of judgement. Capable of defending its own particularity, I argue, it is better positioned than other approaches to defend the conditions upon which liberty depends. Harbours no pretence to completeness or finality, this argument proposes a paradigm shift in how ‘the problem’ of securing liberty is approached, rather than a definitive solution. It is, ultimately, an argument from the perspective of traditional conservatism – as a politics of imperfection qualified by theology – for the privileging of Christianity as a public doctrine in the United Kingdom.

Michael Oakeshott’s Critique of Pelagian Politics

Michael Oakeshott is critical of what he calls the ‘politics of faith.’ The word ‘faith’ for Oakeshott does not refer to religious faith; rather, it identifies a style of politics common to utopian projects, characterised by a belief that the proper object of society is the perfection of mankind, and thus a belief in the perfectibility of society. In *Politics of Faith and the Politics of Scepticism* (1996), Oakeshott describes this style of politics as undergirded by a ‘doctrine of cosmic optimism.’¹¹³⁷ It holds that mankind is redeemable within history; salvation can be procured by human activity.¹¹³⁸ Although Oakeshott did not have CRT in mind, in light of the argument set out in Chapter Four, it can be identified with this style of politics; not least as the ‘politics of faith’ justifies intolerance because dissidence becomes sin. Eric Voegelin’s notions of ‘gnosticism’ and ‘immanentism’ shed further light on this point; it is a style of politics which seeks to immanentise the *eschaton*, expediting the arrival of heaven on earth, through the ‘mystical work of self-salvation’ and the creation of a ‘terrestrial paradise.’¹¹³⁹ In his review of Hannah Arendt’s *The Origins of Totalitarianism*, for example, he describes the essence of totalitarianism as an immanentist creed seeking to transform not only society but human nature itself.¹¹⁴⁰ In a description that resonates with Marcuse’s aspirations to remodel the ‘infrastructure of man,’ Voegelin explains that, rather than remedying specific social ills, the immanentist aims to

create a millennium in the eschatological sense through the transformation of human nature. The Christian faith in transcendental perfection through the grace of God has been converted – and perverted – into the idea of immanent perfection through an act of man.¹¹⁴¹

As Scruton explains, Voegelin understood political gnosticism as

...the tendency to import the transcendental directly into the real, and to demand that the ‘final end’ of the world be present here and now. Voegelin thought of this as the primary religious heresy against which Christianity had battled since its inception on the Cross.¹¹⁴²

¹¹³⁷ Michael Oakeshott, *The Politics of Faith and the Politics of Scepticism* (London: Yale University Press, 1996), p. 23.

¹¹³⁸ Ibid., p. 23, 27.

¹¹³⁹ Eric Voegelin, *The New Science of Politics* (Chicago: Chicago University Press, 1952), p. 129; cf. Scruton, *The Uses of Pessimism*, p. 63.

¹¹⁴⁰ Eric Voegelin, ‘The Origins of Totalitarianism,’ *The Review of Politics*, Vol. 15, No. 1 (Jan., 1953), p. 74; see also Tsoncho Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr* (Montreal: Montreal Review, 2018), pp. 268-169; cf. Eric Voegelin, *The New Science of Politics*, p. 152.

¹¹⁴¹ Voegelin, ‘The Origins of Totalitarianism,’ p. 74; also quoted in Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr*, p. 268; Herbert Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1969), p. 4.

¹¹⁴² Scruton, *The Uses of Pessimism*, p. 63.

Thus, what Oakeshott calls the ‘politics of faith,’ for Voegelin, involves the ‘gnostic murder’ of God.¹¹⁴³ The attempt to assail the *saeculum* can be understood as a futile act of usurpation. Such efforts to immanetise the *eschaton*, Voegelin writes

cannot be carried out in historical reality, [and so] Gnostic revolutionaries must inevitably institutionalize their partial or total success in the existential struggle to compromise with reality; and whatever emerges from this compromise – it will not be the transfigured world envisaged by Gnostic symbolism.¹¹⁴⁴

While Oakeshott was not a religious thinker, he identifies the ‘politics of faith’ with Pelagian heresy in terms similar to Voegelin.

For Oakeshott, Pelagianism is a useful diagnostic term for identifying the style of politics with which he takes issue. He associates it, for example, with Sir Francis Bacon – who he calls the ‘chief architect’ of modern Pelagian thought.¹¹⁴⁵ In Oakeshott’s view, Bacon aspired to restore the prelapsarian state of perfection lost in the Fall, and the methodical reversal of man’s imperfection (original sin) through human agency (the scientific method) rather than by Divine Providence.¹¹⁴⁶ The same can be seen, as noted in Chapter Four, in those aspiring toward ‘scientific methods for the eradication of sin,’ or the achievement of ‘an existence without fear and misery.’¹¹⁴⁷ Oakeshott’s criticism of Pelagian politics is most vividly illustrated by his retelling of the Tower of Babel (Genesis 11) which, he writes, tells of ‘a titanic assault upon heaven’ by the citizens of Babel, who seek to invade and capture paradise.¹¹⁴⁸ Oakeshott finds in the story of Babel ‘a deformed expression of that nostalgic longing to be delivered from postlapsarian exile and to return to the Lost Garden.’¹¹⁴⁹ Nimrod is characterised as the ‘leader of a cosmic revolution whose enterprise is not only doomed to failure but entails the destruction of all the virtues and consolations of the *vita temporalis*,’ as illustrated in the confusion of tongues.¹¹⁵⁰ In other words, in his eschatological haste, by teleocratically ordering society towards his ideological objective, Nimrod repudiates and destroys the conditions through which goods can actually be achieved in the *saeculum*. Consciously reflecting the ideological utopian movements of the twentieth century, Oakeshott’s retelling describes a totalitarian city re-ordered to serve the singular project of building the tower. Babel is strewn with slogans such as ‘Build for the People’s Paradise,’ where degrees are offered in Tower Technology and Tower Studies, and liturgies in a New Theology by bishops who describe God as a miser for withholding paradise.¹¹⁵¹ Eventually, when the impatient citizens of Babel storm the tower *en masse*, ‘What had been designed to be a stairway to paradise had become the tomb of an entire people.’¹¹⁵² The re-telling closes by summarising the moral of the parable, in the form of an inscription from a Babelian poet: ‘Those who in fields Elysian would dwell; do but extend the

¹¹⁴³ Voegelin, *The New Science of Politics*, p. 131.

¹¹⁴⁴ *Ibid.*, p. 152.

¹¹⁴⁵ Oakeshott, *The Politics of Faith and the Politics of Scepticism*, p. 52; cf. Francis Bacon, ‘New Atlantis,’ in *Three Early Modern Utopias: Utopia, New Atlantis and the Isle of Pines* (Oxford: Oxford University Press, 2008), pp. 149-186.

¹¹⁴⁶ Oakeshott, *The Politics of Faith and the Politics of Scepticism*, p. 53; cf. Peter Harrison, *The Fall of Man and the Foundations of Science* (Cambridge: Cambridge University Press, 2007).

¹¹⁴⁷ Walter Rauschenbusch, *A Theology for the Social Gospel* (Kentucky: Westminster John Knox Press, 1997), p. 57; Marcuse, ‘Repressive Tolerance,’ p. 96.

¹¹⁴⁸ Michael Oakeshott, *On History* (Indiana: Liberty Fund, 1999), p. 188.

¹¹⁴⁹ *Ibid.*, p. 189.

¹¹⁵⁰ *Ibid.*

¹¹⁵¹ *Ibid.*, pp. 198, 200.

¹¹⁵² *Ibid.*, p. 210.

boundaries of hell.’¹¹⁵³ The Pelagian city commits heresy by seeking to usurp the throne of God. As Kirk writes

The catastrophic events of [the twentieth] century [...] have caused some of us to inquire whether there is not something fundamentally wrong with philosophical and scientific and sociological postulates which promise us *the terrestrial paradise but promptly deliver us at the gates of terrestrial hell*.¹¹⁵⁴

By degrees, this style of politics can be glimpsed in various totalising historical and contemporary movements, religious and secular – whether sixteenth century Puritanism and BLT, the French Revolution or CRT. While it does not apply, for example, to all multicultural or liberal views, echoes of this style might be identified in any theory that imagines it is in possession of an objective (recognition, autonomy, tolerance) which will perfect societal arrangements, and thereby limit the need for ongoing judgement. Oakeshott’s most incisive criticism of this style of politics, however, was directed at rationalism, and it is through this critique that he elaborates his defence of tradition.

Rationalism, for Oakeshott, is Pelagian because it is perfectionist; the rationalist, he argues, believes that ‘unhindered’ reason can serve as an ‘infallible guide in political activity.’¹¹⁵⁵ Everything can be decided according to first principles; an optimal programme for society can be scientifically or rationally discerned. With ‘no sense of the cumulation of experience,’ and ‘never [doubting] the power of his ‘reason,’ Oakeshott explains, the rationalist believes in a planned society, wishing to begin ‘*de novo*.’¹¹⁵⁶

Each generation, indeed, each administration, should see unrolled before it the blank sheet of infinite possibility. And if by chance this *tabula rasa* has been defaced by the irrational scribbles of tradition-ridden ancestors, then the first task of the rationalist must be to scrub it clean.¹¹⁵⁷

As rationalism is presentist in this way, Oakeshott explains, it is the ‘enemy of authority, of prejudice, of the merely traditional, customary or habitual.’¹¹⁵⁸ All is brought before the ‘tribunal of [the rationalist’s] intellect.’¹¹⁵⁹ The rationalist, Oakeshott writes, has a ‘deep distrust of time, an impatient hunger for eternity and an irritable nervousness in the face of everything topical and transitory.’¹¹⁶⁰ The attraction to the universal, abstract, boundless and perfectible, is matched by an aversion to the particular, which is polluted by impermanence and imperfection. This manifests as eschatological impatience. Thus like Voegelin, Oakeshott regards this ‘cast of mind’ as ‘gnostic,’¹¹⁶¹ as those who subscribe to it believe they are in possession of a ‘philosopher’s stone’ with the alchemical power to perfect society.¹¹⁶² Furthermore, he describes the rationalist as possessing ‘a finely-tempered, neutral instrument, [...] a well-trained rather than [...] educated mind.’¹¹⁶³ By this he means that it is oriented toward the salvific application of technical knowledge, at the expense of practical wisdom.

¹¹⁵³ Ibid.

¹¹⁵⁴ My emphasis; Russell Kirk, *Enemies of the Permanent Things* (Rhode Island: Cluny Media, 2016), p. 168.

¹¹⁵⁵ Michael Oakeshott, *Rationalism in Politics and Other Essays* (Indiana: Liberty Fund, 1962), p. 8.

¹¹⁵⁶ Ibid., p. 6.

¹¹⁵⁷ Ibid., p. 9.

¹¹⁵⁸ Ibid., p. 6.

¹¹⁵⁹ Ibid., p. 8.

¹¹⁶⁰ Ibid., p. 7.

¹¹⁶¹ Ibid., p. 6.

¹¹⁶² Ibid., p. 20.

¹¹⁶³ Ibid., p. 7.

He argues that this is an epistemically limited perspective, as it dismisses the authority of an entire source of knowledge to be found in tradition.¹¹⁶⁴

Therefore, Oakeshott presents his own defence of the epistemic value of tradition in opposition to the presentist politics of perfection, and illustrates his argument through two analogies demonstrating the value of practical knowledge. Firstly, Oakeshott draws an analogy with cooking. ‘What is true of cookery,’ he writes, ‘[...] is no less true of politics: the knowledge involved in political activity is both technical and practical.’¹¹⁶⁵ Technical knowledge is learned from the book and mechanically applied, whereas practical knowledge can neither be taught nor learned, but only imparted and acquired. It exists only in practice, and the only way to acquire it is by apprenticeship to a master – not because the master can teach it (he cannot), but because it can be acquired only by continuous contact with one who is perpetually practising it.¹¹⁶⁶

In other words, practical knowledge emerges from exposure to custom and tradition; this way of doing things may appear imprecise and uncertain, but it has nevertheless been proven effective by experience.¹¹⁶⁷ A second analogy, given by Oakeshott in *On Being Conservative*, is that of a workman with his tools. Tools, he writes, are not designed for a specific job, and then discarded, with new tools being reinvented for each job. Instead, tools are re-used, and a skilled man uses an existing stock of tools for each new challenge. Many tools, he writes, have been used for many generations, and their versatility proven.¹¹⁶⁸ In this essay, Oakeshott argues that what is true of tools is true of conduct: routines may be improved, but it is familiarity (through custom and tradition) that makes them useful.¹¹⁶⁹ In other words, this suggests a shift away from theories which seek to implement a plan according to certain principles (technical knowledge) to a focus on the character of society (and its individual members) in the practice of tradition. Oakeshott is, therefore, critical of Pelagian rationalism because, in its epistemic hubris, it eschews tradition as a source of intergenerationally imparted wisdom. Furthermore, by repudiating tradition as inferior, he argues that the rationalist destroys the ‘only external inspiration capable of correcting his error; he does not merely neglect the kind of knowledge which would save him, he begins by destroying it. First he turns out the light and then complains that he cannot see.’¹¹⁷⁰

Oakeshott, furthermore, associates this self-redemptive style of politics with a declining belief in Divine Providence.¹¹⁷¹ Mankind sought certainty by relying on himself, he writes, as

...where Providence was not available to correct the mistakes of men it was all the more necessary to prevent such mistakes [...] its provenance is a society or a generation which thinks that what it has discovered for itself more important than what it has inherited, an age over-impressed with its own accomplishment and liable to [...] illusions of intellectual grandeur..¹¹⁷²

Like Nimrod in his retelling of the Tower of Babel, the rationalist in Oakeshott’s description is portrayed as a usurper. Consequently, he disinherits himself of his own traditions, the

¹¹⁶⁴ Ibid., p. 11.

¹¹⁶⁵ Ibid., p. 13.

¹¹⁶⁶ Ibid., p. 15.

¹¹⁶⁷ Ibid.

¹¹⁶⁸ Michael Oakeshott, ‘On Being Conservative,’ in Russell Kirk ed. *The Portable Conservative Reader* (Middlesex, Penguin, 1982), p. 582.

¹¹⁶⁹ Ibid., p. 583.

¹¹⁷⁰ Oakeshott, *Rationalism in Politics and Other Essays*, p. 37.

¹¹⁷¹ Cf. Congregation for the Doctrine of the Faith, ‘Instruction on Certain Aspects of the “Theology of Liberation.”’

¹¹⁷² Oakeshott, *Rationalism in Politics and Other Essays*, p. 23.

wisdom of previous generations. This, Oakeshott argues, is impoverishing, as technical knowledge alone is insufficient. It does not translate into the desired results. He writes

...the politicians of Europe pore over the simmering banquet they are preparing for the future; but, like jumped-up kitchen-porters deputizing for an absent cook, their knowledge does not extend beyond the written word which they read mechanically – it generates ideas in their heads but no tastes in their mouths.¹¹⁷³

Precise technical knowledge, without seemingly uncertain or superfluous practical wisdom, is impotent; without tradition, the principles cannot be digested. As he writes,

The predicament of our time is that the Rationalists have been at work for so long on their project of drawing off the liquid in which our moral ideals were suspended (and pouring it away as worthless) that we are left only with the dry and gritty residue which chokes us as we try to take it down.¹¹⁷⁴

Tradition, therefore, should be regarded as a valuable and authoritative source of wisdom for guiding judgement, in acknowledgement that the theories of any present generation are limited by the imperfection of human nature.

However, as per Scruton's remarks, a politics of imperfection does not lead to unqualified pessimism.¹¹⁷⁵ As the title of his book suggests, Oakeshott contrasts the 'politics of faith' with the 'politics of scepticism.' The latter, on the presumption of fallibility, he writes, regards governing as a 'specific activity' detached from the pursuit of human perfection.¹¹⁷⁶ It is, he argues, a style that regards order as fragile and prone to decay; it is a politics of repair, that does not seek to impose a 'comprehensive purpose on government.'¹¹⁷⁷ While Oakeshott's own position is closer to the 'politics of scepticism' than 'faith,' he argues that it is prone to 'understate the occasion.'¹¹⁷⁸ He explains this through another cooking analogy, as the sceptic, he writes, is one who believes that 'like garlic [...] government should be so discreetly used that only its absence is noticed.'¹¹⁷⁹ This characterisation could be applied to political liberalism, for example. Oakeshott, however, prefers a *via media* between the two styles – in what he calls, a region of movement, 'not a point of central repose.'¹¹⁸⁰ Oakeshott describes one who subscribes to this *via media* as follows:

He has a closer affinity to scepticism than to faith, and he has the advantage of the sceptic in his ability to recognise change and emergency. His needs are knowledge and judgement: knowledge of the polarity of the politics within which he moves, and judgement to recognise the proper occasions and directions of movement.¹¹⁸¹

In other words, Oakeshott advocates for a pragmatic position which recognises limitations but is not constrained to a purely negative view of the role of government. However, while Oakeshott uses Christian points of reference to frame his argument, he does not believe conservatism must rely on any particular beliefs – such as natural law or providential order.¹¹⁸² Rather, he defines it in terms of a disposition

to prefer the familiar to the unknown, to prefer the tried to the untried, fact to mystery, the actual to the possible, the limited to the unbounded, the near to the distant, the sufficient to the superabundant, the convenient to the perfect, present laughter to

¹¹⁷³ Ibid., p. 27.

¹¹⁷⁴ Ibid., p. 41.

¹¹⁷⁵ Roger Scruton, *The Uses of Pessimism* (London: Atlantic, 2010), p. 22.

¹¹⁷⁶ Oakeshott, *The Politics of Faith and the Politics of Scepticism*, p. 31.

¹¹⁷⁷ Ibid., pp. 33-34.

¹¹⁷⁸ Ibid., p. 36.

¹¹⁷⁹ Ibid.

¹¹⁸⁰ Ibid., pp. x, 121.

¹¹⁸¹ Ibid., p. 124.

¹¹⁸² Oakeshott, 'On Being Conservative,' pp. 585-586.

utopian bliss. Familiar relationships and loyalties will be preferred to the allure of more profitable attachments; to acquire and to enlarge will be less important than to keep, to cultivate and to enjoy; the grief of loss will be more acute than the excitement of novelty or promise. It is to be equal to one's own fortune, to live at the level of one's own means, to be content with want of greater perfection which belongs alike to oneself and one's circumstances.¹¹⁸³

Thus he maintains, with the sceptic, that governing is a 'specific and limited activity' that 'does not begin with 'a vision of another, different better world.'¹¹⁸⁴ The role of government, he writes, is not to 'buckle on armour and seek dragons to slay,' but moderation, restraint, and reconciliation – the keeping of an 'even keel.'¹¹⁸⁵ The 'intimations of government,' he writes, 'are to be found in ritual, not in religion or philosophy; in the enjoyment of orderly and peaceable behaviour not in the search for truth or perfection.'¹¹⁸⁶

In this way, Oakeshott's middle path between 'faith' and 'scepticism' might be described as a kind of *political* conservatism, due to his insistence that it does not require the support of a particular doctrine. It may be true that it could be broadly supported by those who do not believe in specific doctrines, such as Divine Providence or original sin, however, two comments can be made. Firstly, the argument for the epistemic value of tradition rests on epistemic humility grounded in imperfectibility, and it is this belief that acts as a bulwark against the temptation to 'slay dragons' or perfect society. Although Oakeshott's argument does not need to meet political liberalism's requirement of *thinness* – that is, its legitimacy does not depend upon it being amenable to all – his view would not be accepted by those who disagree with his implicit anthropological premise. It would be supported more readily by some doctrines than others. In that respect, it cannot be completely independent of certain assumptions. Biggar's criticism of public reason, therefore, could be applied to Oakeshott's argument – that it cannot float free of its premises. The same can be said of Oakeshott's implication that the value or wisdom of a ritual can be distinguished from (or sustained without) the philosophical or religious milieu from which it emerged. It may retain its practical value in the short term, but it would be vulnerable when cut off from its source. Oakeshott might respond that, by arguing 'the intimations of government' are not to be found 'in religion or philosophy,' he simply means it is not the role of government to 'search for truth or perfection.' However, as we have argued in previous chapters, there is theological support for Oakeshott's view that this is not the proper purpose of government. In other words, his conclusion is compatible with the privileging of Christianity as a public doctrine, and may in fact be strengthened by it. Secondly, a critic might point out that not all traditions are equal; advocates of FGM, for example, might view it as a wise tradition because it controls female sexuality, while a liberal critic would regard both the practice and motivation as abhorrent. This poses a problem in a multicultural society, as a critic might ask: firstly, is such an approach not committed to the mindless preservation of any tradition, falling prey to relativism; secondly, without some means to judge between traditions, how can a traditional conservative argue for privileging one in particular? However, as we shall argue below, traditional conservatives such as Burke (and Kirk) maintain a belief in an 'enduring moral order,' or natural law.¹¹⁸⁷ As a result, they retain a capacity to make both pragmatic and value judgements, allowing for reforms that remain consistent with tradition.¹¹⁸⁸

¹¹⁸³ Ibid., p. 569.

¹¹⁸⁴ Ibid., pp. 586, 591.

¹¹⁸⁵ Ibid., p. 594.

¹¹⁸⁶ Ibid., p. 591.

¹¹⁸⁷ Kirk, *The Politics of Prudence*, p. 19.

¹¹⁸⁸ Ibid., pp. 21-26.

English traditional conservatism, therefore, offers a very different vantage point for our inquiry, compared to those discussed in previous chapters because it defends partiality toward England's particular inheritance, not only as compatible with, but as conducive to preserving liberty. To provide a preliminary explanation of this difference, before turning to Burke, we recall Biggar's defence of affection toward one's national institutions and culture in Chapter Three. Although not a traditional conservative thinker, in his essay *Is Patriotism a Virtue?* (1984) Alastair MacIntyre supports such a preference for, and loyalty toward, the inherited traditions of one's own country.¹¹⁸⁹ He explains why this view fundamentally differs from the liberal position: while patriotism is inherently exclusive and relational (I can only feel patriotic toward *my* country), the liberal moral standpoint requires impersonal judgement, unaffected by contingent facts, such as place of birth or parentage.¹¹⁹⁰ According to the latter, patriotism cannot be a virtue because it is inherently partial and exclusive.¹¹⁹¹ This demand for impartiality inevitably makes it difficult, in a diverse society, to justify the privileging of any inherited tradition or doctrine that possesses historical priority. Indeed, he argues that any liberal attempt to square the commitment to impartiality with patriotism emasculates the latter into empty slogans.¹¹⁹² This, arguably, can be seen in the attempt to distil, into an abstract definition of 'British values,' the minimum that the state can defend while still presenting itself as a neutral arbiter. 'According to the liberal account,' MacIntyre argues, it is as irrelevant '*where or from whom* I learn the principles and precepts of morality' as it would be for 'the content of mathematics and the nature of my commitment to mathematical truths.'¹¹⁹³ On the contrary, he argues that *where* and *from whom* we learn is not only relevant, but indispensable. Akin to Biggar, MacIntyre argues that morality is learned within communities with a shared history, with appeal to canonical texts, connected to the ways in which the community has responded to previous situations, apprehended in intimate connection with specific institutional arrangements, in a particular social order, in a 'socially specific and particularised form.'¹¹⁹⁴ While not all liberal arguments demand such abstraction, they tend to regard 'emancipation' from social, political and economic bonds as a necessary condition of freedom.¹¹⁹⁵ Yet, MacIntyre argues, it is precisely *within* those 'bonds' that moral freedom is to be found, as without them, the moral agent is extinguished; he is 'doomed to rootlessness, to be a citizen of nowhere.'¹¹⁹⁶ MacIntyre explains

For central to those goods is the enjoyment of one particular kind of social life, lived through a particular set of social relations and thus what I enjoy is the good of *this* particular social life inhabited by me and I enjoy *it* as what *it* is. It may well be that it follows that I would enjoy and benefit equally from similar forms of social life in other communities; but this hypothetical truth in no way diminishes the importance of the contention that my goods are a matter of fact found *here*, among *these* particular people, in *these* particular relationships. Goods are never encountered except thus particularised.¹¹⁹⁷

¹¹⁸⁹ Alasdair MacIntyre, 'Is Patriotism a Virtue?' *The Lindley Lecture* (Kansas: University of Kansas, 1984), p. 4.

¹¹⁹⁰ *Ibid.*, p. 5.

¹¹⁹¹ *Ibid.*

¹¹⁹² *Ibid.*, p. 6.

¹¹⁹³ *Ibid.*, p. 8.

¹¹⁹⁴ *Ibid.*, pp. 8-9; cf. Nigel Biggar, *Between Kin and Cosmopolis: An Ethic of the Nation* (Oregon: Cascade Books, 2014), p. 7.

¹¹⁹⁵ MacIntyre, 'Is Patriotism a Virtue?' p. 12.

¹¹⁹⁶ *Ibid.*

¹¹⁹⁷ *Ibid.*, p. 9.

In light of this, patriotism can be viewed, not as an unjustifiable aberration but a virtue, as 'Loyalty to that community, to the hierarchy of particular kinship, particular local community and particular national community, is on this view a prerequisite for morality.'¹¹⁹⁸ Patriotism, he argues, 'and those loyalties cognate to it are,' therefore, 'not just virtues but central virtues.'¹¹⁹⁹

This relational understanding of the moral agent is a far cry from presentist liberal contractarian perspectives, as membership transcends the present generation.¹²⁰⁰ As MacIntyre explains, 'A central contention of the morality of patriotism is that I will obliterate and lose a central dimension of moral life if I do not understand the enacted narrative of my own individual life as embedded in the history of my country.'¹²⁰¹ Indeed, Scruton argues that, although social contractarian arguments dismiss this pre-political membership, they cannot but assume it.

The social contract begins from a thought-experiment, in which a group of people gather to decide on their common future. But if they are in a position to decide on their common future, it is because they already have one: because they recognize their mutual togetherness and reciprocal dependence, which makes it incumbent upon them to settle how they might be governed under a common jurisdiction in a common territory. In short, the social contract requires a relation of membership...¹²⁰²

Further, he observes that, if the social contract is intended to establish an enduring society, including future generations, there immediately

arises that web of non-contractual obligations that links parents to children and children to parents and that ensures, willy-nilly, that within a generation the society will be encumbered by non-voting members, dead and unborn who will rely on something other than a mere contract between the living if their rights are to be respected and their love deserved.¹²⁰³

In other words, the time-bound, historical and relational aspect of human society is inescapable. Traditional conservatism, therefore, argues that partiality is both justifiable and inevitable. As Scruton writes, 'human societies are not composed of all people everywhere,' but are 'by their nature exclusive, establishing privileges and benefits that are offered only to the insider and cannot be freely bestowed on all comers without sacrificing the trust on which social harmony depends.'¹²⁰⁴ By rejecting the presentism of a 'social contract' that conceives of legitimacy as grounded only in the consent of the present generation, traditional conservatism's understanding of society as an intergenerational contract allows for the authority of that which is unchosen but established by precedent. Without 'the experience of membership,' writes Scruton, 'the dead will be disenfranchised, and the unborn, of whom the dead are the metaphysical guardians, will be deprived of their inheritance.'¹²⁰⁵ All of the above have implications for how liberty (and the means of securing it) is understood. As Roger Scruton writes,

we are not born free: freedom is something we acquire. And we acquire it through obedience. Only the child who has learned to respect and defer to others can respect himself. And such a child is one who has internalised the rules, customs and laws that form the boundaries of a shared public world. Egotistic children who ignore those

¹¹⁹⁸ Ibid., p. 11; cf. Biggar, *Between Kin and Cosmopolis*, p. 7.

¹¹⁹⁹ MacIntyre, 'Is Patriotism a Virtue?' p. 11; cf. Biggar, *Between Kin and Cosmopolis*, p. 7.

¹²⁰⁰ MacIntyre, 'Is Patriotism a Virtue?' p. 12.

¹²⁰¹ Ibid., p. 16.

¹²⁰² Roger Scruton, *The West and the Rest* (London: Continuum, 2002), p. 11.

¹²⁰³ Ibid., pp. 12-13.

¹²⁰⁴ Ibid., p. 11.

¹²⁰⁵ Ibid., p. 13.

boundaries are at large in the public world, but have no real conception of it as public, as a place shared with others, whose respect and affection are the reward of good behaviour. They are not free in that world, but random, and the obstacles that others put in their path are a source of rage and alienation. Well-brought-up children have adopted as their own the constraints that make freedom possible.¹²⁰⁶

There is no freedom to be found in the *liberation from* all bonds; for traditional conservatism, liberty can only be secured *within* the ties that bind us, *within* a wise inherited order.

Edmund Burke's Defence of Tradition

Edmund Burke's criticism of the 'politics of faith' of his own generation – the ideology of the French revolution – remains one of the most seminal works of traditional conservative thought. The following exegesis of Burke's argument, in dialogue with Thomas Paine's criticism, provides insight into his perspective on political authority and the means of securing liberty. Given his praise of the 1688 Glorious Revolution, Burke might have been expected to support the French Revolution – from their mutual correspondence, Paine certainly seems to have expected so, and was disappointed.¹²⁰⁷ At the beginning of his *Reflections on the Revolution in France* (1790) Burke explains why he could support the former, while vociferously opposing the latter: whereas the French sought to establish a new political order *de novo*, the English did not seek to 'dissolve the whole social fabric.'¹²⁰⁸ The French revolutionaries believed, as set out in the *Declaration of the Rights of Man* (1789), that: 'men are born and remain free and equal in rights'; the 'aim of all political association is the preservation of the natural and imprescriptible rights of man'; the 'principle of all sovereignty resides essentially in the nation'; and that 'no body or individual may exercise any authority which does not proceed directly from the nation.'¹²⁰⁹ As Thomas Paine elaborated in *Rights of Man* (1791-92)

Every age and generation must be free to act for itself, *in all cases*, as the ages and generations which preceded it. The vanity of and the presumption of governing beyond the grave, is the most ridiculous and insolent of tyrannies.¹²¹⁰

By contrast, the English *Declaration of Right* (1689), Burke writes, was intended 'to preserve our *antient* indisputable laws and liberties.'¹²¹¹ The Glorious Revolution was not concerned with the abstract 'Rights of Man,' but with the rights of *Englishmen*.¹²¹² Writing in the tradition of common law thinkers – such as John Fortescue, Edward Coke and William Blackstone – who believed in an ancient constitution as the embodiment of immemorial custom, possessing authority by virtue of its antiquity,¹²¹³ Burke argued that from Magna

¹²⁰⁶ Scruton, *The Uses of Pessimism*, pp. 50-51.

¹²⁰⁷ Thomas Paine, *Rights of Man, Common Sense and Other Political Writings* (Oxford: Oxford University Press, 1995), p. 87.

¹²⁰⁸ Edmund Burke, *Reflections on the Revolution in France* (London: Penguin, 2004), p. 106.

¹²⁰⁹ Declaration of the Rights of Man, National Assembly of France, 26 August 1789.

¹²¹⁰ Paine, *Rights of Man*, pp. 91-92.

¹²¹¹ A written declaration from the Houses of Commons and Lords to King William and Queen Mary on 13 February 1689, listing those 'laws and liberties of this kingdom' which – along with the Protestant religion – the preface of the Declaration explains, King James II 'did endeavour to subvert and extirpate'; Burke, *Reflections on the Revolution in France*, p. 117.

¹²¹² Burke, *Reflections on the Revolution in France*, p. 118.

¹²¹³ J. G. A. Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge: Cambridge University Press, 1987), pp. 35, 47; Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought 1603-1642* (Pennsylvania: Pennsylvania State University Press, 1992), pp. 4-7, 19-37; David Martin Jones, 'Sir Edward Coke and the Interpretation of Lawful Allegiance in

Carta (1215) to the *Declaration of Right*, 'it has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived from our forefathers, and to be transmitted for our posterity.'¹²¹⁴ For such ancient constitutionalists, as J. G. A. Pocock explains,

Written laws contain no more than the wisdom of one man or one generation, whereas custom in its infinite complexity contains the wisdom of many generations, who have tested it by experience, submitting it to a multitude of demands, and by retaining it have shown that it has proved equal to them all.¹²¹⁵

Burke observes that such custom, with 'all its defects, redundancies, and errors, is the collective reason of ages, combining principles of justice with the infinite variety of human concerns.'¹²¹⁶ This is embodied in Edward Coke's notion of 'artificial reason,' through which, Pocock explains, custom 'distilled knowledge of many generations of men, each decision based on the experience of those before and tested by the experience of those after,' thus rendering them 'wiser than any individual.'¹²¹⁷ Far from Paine's characterisation of tradition as irrational (explained below), these thinkers view it as a means of reasoning across time. Pocock describes Burke's position in the same terms.

There is a process by which society constantly adapts its institutions to the dictates of new situations. Institutions which have survived this process for a long time must be presumed to have solved innumerable more problems than the men of the present age can imagine, and experience indeed shows that the efforts of the living, even mustering their best wisdom for the purpose, to alter such institutions in the way that seems best to their own intelligence, have usually done more harm than good.¹²¹⁸

Burke was concerned for the security of this valuable but fragile inheritance. Faced with a revolutionary ideology that challenged its authority (because it was not born of consent) and threatened its infinite complexity with erasure, he sought to defend its value and explain what was at stake. Burke saw no benefit in discussing rights in the 'nakedness and solitude of metaphysical abstraction,' as he argued rights could only exist where there are means to secure them, asking, for example, what use it is to discuss 'man's abstract right to food or to medicine?' when the 'question is upon the method of procuring and administering them.'¹²¹⁹ Such things, for Burke, could only be secured concretely – *within* a well-ordered society, anchored to the wisdom of precedent. Yet, it was these conditions of liberty that the French revolutionaries threatened in their pursuit of abstract rights. As Burke writes in his *Letter to the Sheriffs of Bristol*, 'Civil freedom, gentlemen, is not, as many have endeavoured to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation.'¹²²⁰ Thus, when Paine suggests that Burke denies that '*man* has any rights,'¹²²¹ this only serves to illustrate the fundamental difference in their perspectives. Burke rejects Paine's abstract understanding of subjective abstract rights, and

Seventeenth-Century England,' *History of Political Thought* Vol 7, No. 2 (Summer 1986), pp. 321-340; cf. Burke, *Reflections on the Revolution in France*, p. 118.

¹²¹⁴ Burke, *Reflections on the Revolution in France*, p. 119.

¹²¹⁵ Pocock, *The Ancient Constitution and the Feudal Law*, p. 34.

¹²¹⁶ Burke, *Reflections on the Revolution in France*, p. 193.

¹²¹⁷ Pocock, *The Ancient Constitution and the Feudal Law*, p. 35; Burgess, *The Politics of the Ancient Constitution*, p. 29.

¹²¹⁸ Pocock, *The Ancient Constitution and the Feudal Law*, pp. 35-36.

¹²¹⁹ Burke, *Reflections on the Revolution in France*, pp. 90, 151-152.

¹²²⁰ Edmund Burke, 'Letter to the Sheriffs of Bristol,' in Russell Kirk ed. *The Portable Conservative Reader* (Middlesex, Penguin, 1982), p. 5.

¹²²¹ Paine, *Rights of Man*, p. 116.

views himself as defending *real* concrete rights – that is, inherited liberties that are threatened by the revolutionaries, who discard the historical conditions that securely transmit them.

This is also reflected in their differing definitions of a ‘constitution.’ Burke describes the English constitution in organic terms. It is that which ‘preserves an unity in so great a diversity of its parts.’ He writes that England has ‘an inheritable crown; an inheritable peerage; and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.’¹²²² The English, he writes, receive and transmit ‘our government and our privileges,’ which are ‘handed down to us and from us.’ This forms a ‘permanent body composed of transitory parts,’ which in its wisdom ‘mould[s] together the great mysterious incorporation of the human race.’¹²²³ By maintaining this inheritance, he argues, the English have framed their polity in

the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars.¹²²⁴

Like Fortescue before him, who described the constitution as the ‘nerves and sinews of the body’ politic,¹²²⁵ Burke does not view the ‘constitution’ as an abstract foundational document, containing principles that precede the body politic. Rather, for Burke, a country has a constitution in the same manner as a natural organism. Human creatures are not ontologically prior to the membership that constitutes this body. Compare this to Paine, who argues that a ‘constitution’ must be ‘a thing *antecedent* to government’ if that government is to be legitimate.¹²²⁶ He writes,

...as man must have existed before governments existed, there necessarily was a time when governments did not exist, and there could originally exist no governors to form such a compact with. The fact therefore must be, that the *individuals themselves*, each in his own personal and sovereign right, *entered into a compact with each other* to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have the right to exist.¹²²⁷

By Paine’s definition, the English have no constitution at all – rather, he argues, the English political system is the creation of conquest rather than consent, ‘disfigured’ from its foundations, irrational, and illegitimate.¹²²⁸ In Paine’s view, hereditary forms of government are irrational. The monarchy is a ‘thing of the imagination,’ the ‘enemy of mankind, and the source of misery.’¹²²⁹ ‘All hereditary government is in its nature tyranny,’¹²³⁰ and ‘mixed government [as in England] is an imperfect every-thing, cementing and soldering the discordant parts together by corruption, to act as a whole.’¹²³¹ Reason alone, he argues, is appropriate to the dignity of mankind, whereas ‘ignorance submits to whatever is dictated to it.’¹²³² Only the light of reason can disinfect the messy irrationality of the English so-called

¹²²² Burke, *Reflections on the Revolution in France*, p. 119.

¹²²³ *Ibid.*, p. 120.

¹²²⁴ *Ibid.*

¹²²⁵ Cited in Joan Lockwood O’Donovan, ‘Nation, State, and Civil Society in the Western Biblical Tradition,’ in Lockwood O’Donovan and Oliver O’Donovan, *The Bonds of Imperfection* (Michigan: Wm. B. Eerdmans, 2004), p. 294.

¹²²⁶ Paine, *Rights of Man*, p. 122.

¹²²⁷ *Ibid.*, pp. 121-122.

¹²²⁸ *Ibid.*, p. 127.

¹²²⁹ *Ibid.*, pp. 174, 195.

¹²³⁰ *Ibid.*, p. 224.

¹²³¹ *Ibid.*, p. 191.

¹²³² *Ibid.*, p. 190.

constitution. By contrast, in revolutionary France, which is founded on reason, he claims, ‘we see [...] the rational order of things.’¹²³³ In a ‘well-constituted republic,’ such as France, one can see ‘the *rationale* of the whole system, its origin and its operation...’¹²³⁴ However, as we shall see below, this teleocratic subjection of the whole system to a *rationale* is precisely why Burke regards Paine’s view as dangerous.

However, remaining for the moment with Paine’s argument against the authority of tradition, he argues that ‘It is the living, and not the dead, that are to be accommodated.’ Therefore, ‘That which a whole nation chooses to do, it has the right to do.’¹²³⁵ On this basis, he claims that Burke bestows upon the 1688 generation something akin to a ‘divine right’ to continuing authority over future generations, setting them up as a sort of ‘political Adam.’¹²³⁶ Paine claims that in Burke’s view ‘a certain body of men, who existed a hundred years ago, made a law; and that there does not now exist in the nation, nor ever will, nor ever can, a power to alter it.’¹²³⁷ Further, Paine asks why, if we are to credit antiquity with authority, we should not trace it back ‘to the time when man came from the hand of his Maker.’¹²³⁸ ‘Here’ at the beginning of creation, he writes, ‘our enquiries find a resting-place, and our reason finds a home.’¹²³⁹ Surely, remarks Paine

If any generation of men ever possessed the right of dictating the mode by which the world should be governed for ever, it was the first generation that existed; and if that generation did it not, no succeeding generation can shew any authority for doing it, nor can set any up. The illuminating and divine principle of equal rights of man, (for it has its origin from the Maker of man) relates, not only to the living individuals, but to generations of men succeeding from each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary.¹²⁴⁰

For Paine, the Rights of Man are to be found in the biblical account of creation.¹²⁴¹ We possess God-given equality, and ‘every child born into the world must be considered as deriving its existence from God. The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind.’¹²⁴² Slicing away all of human history since Adam, Paine reaches the presentism of the *Declaration* – as ‘Men are born free,’ what they inherit has no claim on them. He thus sees in the French revolution the ‘renovation of the natural order of things,’ a restoration to man’s natural equal Edenic state, grounded in universal principles.¹²⁴³

However, Paine strikes a Pelagian note. Burke is critical of this hubristic view of the rational capacities of individuals or any present generation. The ‘stock of reason in each man is small,’ Burke explains, and therefore the individual ‘would do better to avail themselves of the general bank and capital of nations, and of ages.’¹²⁴⁴ The history of mankind since creation has allowed time for people to put their practices to the test, thereby distilling into tradition wisdom that cannot be achieved by a single generation. It is precisely that wisdom

¹²³³ Ibid., p. 143.

¹²³⁴ Ibid., p. 190.

¹²³⁵ Ibid., p. 92.

¹²³⁶ Ibid., pp. 93-94.

¹²³⁷ Ibid., p. 93.

¹²³⁸ Ibid., p. 116.

¹²³⁹ Ibid., p. 117.

¹²⁴⁰ Ibid.

¹²⁴¹ Ibid., p. 118.

¹²⁴² Ibid., p. 117.

¹²⁴³ Ibid., p. 194.

¹²⁴⁴ Burke, *Reflections on the Revolution in France*, p. 183.

that Burke feels is vulnerable to the hubris of revolutionaries like Paine, who seek to do away with tradition and institute a political system founded on their own reason alone. This does not mean giving a single generation a ‘divine right,’ or setting up a political ‘Adam.’ On the contrary, Burke does not argue for ossification, but advocates for careful reform. This is because, he argues, the constitution of the state and the distribution of powers requires the ‘most delicate and complicated skill,’ including ‘a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions.’¹²⁴⁵ It is through this method that mankind continues to distil wisdom for future generations. He writes,

The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate; but that which in the first instance is prejudicial may be excellent in its remoter operation; and its excellence may arise even from the ill effects it produces in the beginning.¹²⁴⁶

That which may appear *prima facie* irrational, or counter-intuitive, may have been proven effective by the test of time. Akin to Oakeshott’s account, such is the nature of the practical craft of government, and the empirical acquisition of wisdom.¹²⁴⁷ It requires, writes Burke, ‘even more experience than any one person can gain in his whole life, however sagacious and observing he may be.’¹²⁴⁸ Therefore, ‘it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered any tolerable degree for ages the common purposes of society, or on building up again, without having models and patterns of approved utility before his eyes.’¹²⁴⁹ He describes this empirical approach as follows:

By a slow but well-sustained progress, the effect of each step is watched; the good or ill of the first, gives light to us in the second; and so, from light to light, we are conducted with safety through the whole series. We see, that the parts of the system do not clash. The evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another. We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition.¹²⁵⁰

Mastery of this craft requires time and patience, rather than force.¹²⁵¹ Contrary to the image painted by Paine, such a society is not disenfranchised and static by virtue of looking to its past, as ‘...the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission; without at all excluding the principle of improvement.’¹²⁵² It occupies the region of movement, desired by Oakeshott. Instead, one might argue that it is in fact Paine who sets up the revolutionary generation as a ‘political Adam,’ as – believing they have discovered the philosopher’s stone in a rationally ordered society – they inflict their plan on all future generations. Indeed, Paine identifies their approach with the state of nature possessed by Adam, believing his generation – indeed any generation – has the authority to make society anew according to a plan ascertained *a priori* with no reference to what came

¹²⁴⁵ Ibid., p. 151.

¹²⁴⁶ Ibid., p. 152.

¹²⁴⁷ Ibid.

¹²⁴⁸ Ibid.

¹²⁴⁹ Ibid.

¹²⁵⁰ Ibid., pp 281-282.

¹²⁵¹ Ibid., p. 281.

¹²⁵² Ibid., p. 120.

before. Burke, on the other hand, maintains space for ongoing judgement. It is Paine and the revolutionary generation, not Burke, who disenfranchises subsequent generations.

Furthermore, Paine misrepresents Burke's argument when he suggests the latter puts 'the nation as fools on one side, and [...] his government of wisdom' on the other.¹²⁵³ Indeed, it is Burke who criticises the revolutionaries for scorning the 'wisdom of unlettered men' that he sees embodied in tradition.¹²⁵⁴ As Paine's position gives so much power to those governing at a particular moment in time, Burke might argue that Paine's position is in fact elitist. As G. K. Chesterton writes,

Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to men being disqualified by the accident of birth; tradition objects to their being disqualified by the accident of their death. Democracy tells us not to neglect a good man's opinion, even if he is our groom; tradition asks us not to neglect a good man's opinion even if he is our father.¹²⁵⁵

This is encapsulated in Burke's famous formulation, that society 'is indeed a contract,' but not as the contractarians understand. It is, rather, 'a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.'¹²⁵⁶ Paine, of course, would object for the reasons already cited, believing that Burke has not justified *why* the past should have any claim on the present. This is seen in his accusation that Burke does not demonstrate where the wisdom of tradition originates. As it is, he claims 'without origin' it lacks authority and constitutes a 'usurpation.'¹²⁵⁷ Yet, this criticism reflects Paine's belief that political wisdom can be attained *a priori*, as he overlooks Burke's extensive description of its origins in intergenerational empirical experimentation. Further reflecting their epistemological differences, Paine takes issue with government being governed by 'no principle whatever.'¹²⁵⁸ As he argues, 'When a man[...] attempts to steer his course by any thing else than some polar truth or principle, he is sure to be lost.'¹²⁵⁹ However, for Burke, Paine's insistence on governing society in such a teleocratic manner is precisely the problem. For Burke, this is hubris – even, perhaps, idolatry. As we shall discuss below, Burke recognises a transcendent *end* of man and society; as final judgement is reserved for God, there can be no human judgement to end all judgements. Paine and his fellow revolutionaries, by contrast, take on the mantle of Oakeshott's Nimrod, usurping the throne of God.

In Burke's view, the revolutionaries' approach is doomed to failure because it is grounded in a mistaken anthropology. They are 'so taken up with their theories about the rights of man,' Burke observes, 'they have totally forgotten his nature.'¹²⁶⁰ As a result, the revolutionaries wish to scrub away those 'pleasing illusions which made power gentle, and obedience liberal, which harmonized the different shades of life.'¹²⁶¹ Paine, for example, regards such things as 'foppery' and immature, citing Saint Paul in 1 Corinthians 13:11, 'when I became a man, I put away childish things.'¹²⁶² Burke, on the other hand, laments that

¹²⁵³ Paine, *Rights of Man*, p. 167.

¹²⁵⁴ Burke, *Reflections on the Revolution in France*, p. 148.

¹²⁵⁵ G. K. Chesterton, *Orthodoxy* (London: Bodley Head, 1909), p. 83.

¹²⁵⁶ Burke, *Reflections on the Revolution in France*, pp. 194-195.

¹²⁵⁷ Paine, *Rights of Man*, p. 168.

¹²⁵⁸ Ibid.

¹²⁵⁹ Ibid., p. 166.

¹²⁶⁰ Burke, *Reflections on the Revolution in France*, p. 156.

¹²⁶¹ Ibid., p. 171.

¹²⁶² Paine, *Rights of Man*, p. 131.

in France such things have been ‘dissolved by this new conquering empire of light and reason.’¹²⁶³

All the decent drapery of life is to be rudely torn off. All the super-added ideas, furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies, as necessary to cover the defects of our naked shivering nature, and to raise it to the dignity of our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.¹²⁶⁴

Such things, Burke argues, elicit public affections that, when ‘combined with manners,’ act as supplements, correctives and ‘aids to law.’¹²⁶⁵ They create in us ‘love, veneration, admiration, or attachment.’¹²⁶⁶ Such things are not superfluous, but necessary. Akin to Biggar’s remarks in Chapter Three, Burke writes that attachment and love of the ‘little platoon’ that is the ‘first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love of our country and to mankind.’¹²⁶⁷ It is within such a context that we develop moral agency, as MacIntyre observed. To apply Scruton, quoted earlier in this chapter, such ‘drapery’ has the effect of ensuring we are well brought up, transforming right action into habit, and providing us with an instinctive understanding of the boundaries that facilitate our freedoms. These ‘warm relations of membership’ are more fitting for our embodied nature, than ‘cool adherence to a scheme of abstract duties and rights.’¹²⁶⁸ Such things are so valuable that their loss, writes Burke, ‘cannot possibly be estimated.’¹²⁶⁹ If the ‘fountain is choaked up and polluted,’ he writes, ‘the stream will not run long, and not run clear...’¹²⁷⁰

In light of this, Burke does not think a ‘perfect legislator’ should have an ‘unfeeling heart’ and an ‘undoubting confidence.’¹²⁷¹ Rather, he should ‘have a heart full of sensibility,’ a ‘love and respect [of] his kind,’ and a ‘fear [of] himself.’¹²⁷² By contrast, the passage quoted in full below illustrates Burke’s passionate emphasis on human creatureliness and the need for humility.

We [the English] know that *we* [the present generation] have made no discoveries; and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born, altogether as well as they will be after the grave has heaped its mould upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity. In England we have not yet been completely embowelled of our natural entrails; we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly ideals. We have not been drawn and trussed, in order that we may be filled, like stuffed birds in a museum, with chaff and rags, and paltry, blurred shreds of paper about the rights of man. We preserve the whole of our feelings still native and entire, unsophisticated by pedantry and infidelity. We have real hearts of flesh and blood beating in our bosoms. We fear God; we look up with awe to kings; with affection to

¹²⁶³ Burke, *Reflections on the Revolution in France*, p. 171.

¹²⁶⁴ Ibid.

¹²⁶⁵ Ibid., p. 172; cf. Joshua Hordern, *Political Affections: Civic Participation and Moral Theology* (Oxford: Oxford University Press, 2012), pp. 202-250.

¹²⁶⁶ Burke, *Reflections on the Revolution in France*, p. 172.

¹²⁶⁷ Ibid., p. 135.

¹²⁶⁸ Scruton, *The West and the Rest*, p. 61; cf. Burke, *Reflections on the Revolution in France*, pp. 171-172.

¹²⁶⁹ Burke, *Reflections on the Revolution in France*, p. 172.

¹²⁷⁰ Ibid., p. 174.

¹²⁷¹ Ibid., p. 281.

¹²⁷² Ibid.

parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility. Why? Because when such ideas are brought before our minds it is *natural* to be affected; because all other feelings are false and spurious, and tend to corrupt our minds, to vitiate our primary morals, to render us unfit for rational liberty.¹²⁷³

The revolutionaries' mistake, he argues, is to '[stop] up' these avenues that 'lead to the heart,' as by doing so they '[pervert] all the well-placed sympathies of the human breast.'¹²⁷⁴ In Burke's view, their mistaken anthropology blunts their entire approach. The 'abstract perfection' of the Rights of Man is their 'practical defect.'¹²⁷⁵ These 'metaphysic rights,' writes Burke, enter into 'common life, like rays of light which pierce into a dense medium,' and are 'by the laws of nature, refracted from their straight line.'¹²⁷⁶ When these rights encounter the 'mass of human passions and concerns,' they are refracted and reflected such that it 'becomes absurd to talk of them as if they continued in the simplicity of their original direction.'¹²⁷⁷ This is precisely why the process to attain practical wisdom over many generations is indispensable; it is the art by which mankind's rights and liberties can take shape in the concrete, because – to use Oakeshott's language – if, as the revolutionaries sought to do, we drain away the liquid within which they are suspended, the 'dry and gritty residue [...] chokes us as we try to take it down.'¹²⁷⁸ Human nature, argues Burke, is 'intricate,' and human society so complex, that 'no simple disposition or direction of power can be suitable to either man's nature, or the quality of his affairs.'¹²⁷⁹ Pelagian projects – like rationalistic contractarian liberalism or indeed CRT – are thus hopeless, as they will destroy the means of securing the very liberties that they have set as their idol. In other words, because of their mistaken anthropology, *they know not what they do*, as Burke laments, 'Your politicians do not understand their trade; and therefore they sell their tools.'¹²⁸⁰ In their 'rage and phrenzy,' he fears, they will 'pull down more in half an hour, than prudence and deliberation, and foresight can build up in a hundred years.'¹²⁸¹ As he writes in his *Letter to the Sheriffs of Bristol*, they are destroying 'practical liberty, all the foundations of human society, all equity and justice, religion and order.'¹²⁸²

Therefore, as freedom cannot be attained in emancipation – because it drains off the liquid within which our liberties and rights are suspended – Burke argues that it must be achieved *within* order. His criticisms apply, not only to the revolutionaries of his own day, but to all those who argue that freedom requires repudiation of the inherited order. The revolutionaries, writes Burke, 'began ill' because they 'began by despising everything that belonged to [them].'¹²⁸³ He writes,

I cannot conceive how any man can have brought himself to that pitch of presumption, to consider his country nothing but a *carte blanche*, upon which he may scribble whatever he pleases. A man full of warm speculative benevolence may wish his society otherwise constituted than he finds it; but a good patriot, and a true politician, always considers how he shall make the most of the existing materials of his country. A disposition to preserve, and an ability to improve, taken together, would

¹²⁷³ Ibid., p. 182.

¹²⁷⁴ Ibid., p. 156.

¹²⁷⁵ Ibid., p. 151.

¹²⁷⁶ Ibid., p. 153.

¹²⁷⁷ Ibid.

¹²⁷⁸ Oakeshott, *Rationalism in Politics and Other Essays*, p. 41.

¹²⁷⁹ Burke, *Reflections on the Revolution in France*, pp. 152-153.

¹²⁸⁰ Ibid., p. 268.

¹²⁸¹ Ibid., pp. 279-280.

¹²⁸² Burke, 'Letter to the Sheriffs of Bristol,' p. 5.

¹²⁸³ Burke, *Reflections on the Revolution in France*, p. 122.

be my standard of a statesman. Everything else is vulgar in the conception, perilous in the execution.¹²⁸⁴

By taking, as Paine does, the will of the present generation as the sole authority, there is nothing on heaven and earth that can legitimately restrain the execution of their will, even if the results are inevitably and disastrously deformed by the limitations of their own nature.¹²⁸⁵ Burke writes,

... they have wrought under-ground a mine that will blow up at one grand explosion all examples of antiquity, all precedents, charters, and acts of parliament. They have 'the rights of men.' Against these there can be no prescription; against these no agreement is binding: these admit to no temperament, no compromise; any thing withheld from their full demand is so much of fraud and injustice. Against these their rights of men let no government look for security in length of its continuance, or in the justice and lenity of its administration...¹²⁸⁶

Like CRT, the revolutionaries' teleocratic ordering of society according to their *rationale* is totalising.¹²⁸⁷ Whereas, the *real* rights of men, according to Burke, are

in a sort of *middle*, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences of good; in compromises sometimes between good and evil, and sometimes, between evil and evil. Political reason is a computing principle; adding, subtracting, multiplying, and dividing, morally and not metaphysically or mathematically, true moral denominations.¹²⁸⁸

Or, as Oliver O'Donovan explains, the social harmony of society is 'not a design conceived in a ruler's head, but a nexus of social communications that exist and flourish antecedently.'¹²⁸⁹ As Burke notes in his *Letter to the Sheriffs of Bristol* social and civil freedom bear no resemblance to 'geometry and metaphysicks.' Freedoms are 'variously mixed and modified' like everything else in common life, and are 'enjoyed in degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community.'¹²⁹⁰ Extremes, he concludes, are 'destructive both to virtue and enjoyment.'¹²⁹¹

Liberty too must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise, publick council, to find out by cautious experiments, and rational, cool endeavours, with how little, not how much of this restraint, the community can subsist. For liberty is a good to be improved, not an evil to be lessened.¹²⁹²

Liberty cannot be grasped directly by the application of cold principles but rather arises as the product of fragile antecedent conditions. Like Oakeshott, therefore, Burke advocates moderation, humility, and ongoing judgement, against the extreme and destructive approach of revolutionaries and Pelagian ideologues.

For this reason, Christopher Insole claims Burke for political liberalism, on the grounds that he is concerned 'with limiting the scope of the use of public power, given certain general assumptions about the human being: that we are frail, imperfect, complex, and that

¹²⁸⁴ Ibid., pp. 266-267.

¹²⁸⁵ Ibid., p. 133.

¹²⁸⁶ Ibid., pp. 148-149.

¹²⁸⁷ Ibid., p. 153.

¹²⁸⁸ Ibid.

¹²⁸⁹ Oliver O'Donovan, *The Ways of Judgement* (Michigan: Wm. B. Eerdmans Publishing Co., 2008), p. 61.

¹²⁹⁰ Edmund Burke, 'Letter to the Sheriffs of Bristol,' pp. 5-6.

¹²⁹¹ Ibid., p. 6.

¹²⁹² Ibid.

we are neither angels nor demons.’¹²⁹³ Burke, he argues, conforms to the political liberal view that ‘society is not mandated to attempt to save human souls by the use of public power.’¹²⁹⁴ In the context of his argument, Insole is seeking to defend liberalism against the charge of ‘Pelagian progressivism,’ in which ‘theology is called upon to judge this liberalism as a false and historically contingent religion masquerading as a secular, timeless and neutral framework.’¹²⁹⁵ He finds in Burke an early example that challenges this claim, and on the face of it, Burke’s argument does appear to chime with Insole’s short definition of political liberalism, just quoted.¹²⁹⁶ However, Insole’s longer definition of political liberalism is less fitting:

[political liberalism is] the conviction that politics is ordered towards peaceful coexistence (the absence of conflict), and the preservation of the liberties of the individual within a pluralistic and tolerant framework, rather than by a search for truth (religious or otherwise), perfection and unity. The crucial ambition of this sort of ‘political liberalism’ is a refusal to allow public power to enforce on society a substantial and comprehensive conception of the good; driven as it is by its central passion for the liberties of individuals over and above the enthusiasms of other individuals and collectivities. Political authority is wielded on behalf of the people it protects, and is derived ultimately from their consent.¹²⁹⁷

This definition fits Oakeshott better than Burke, for three reasons. Firstly, as we have seen, Burke does not accept the idea that political authority is derived from the consent of the present generation. Secondly, his understanding of society as an intergenerational contract, and his defence of the value of tradition and ‘drapery,’ suggest a far *thicker* view of privileged political culture than other political liberals – as discussed in Chapter Three – are likely to accept. Thirdly, while Insole is correct that – in recognition of human frailty – Burke places limits on the scope of public power and does not view the purpose of government as the salvation of souls, his perspective is (as argued below) nevertheless deeply and explicitly Christian. Indeed, as Michael Freeman notes, Burke’s argument does have liberal elements, in its aim to ‘steer a middle course between royal absolutism and popular democracy’ and its recognition that human weakness should place limitations on government. However, he argues that it is also ‘illiberal’ (we might prefer to say, non-liberal) in other ways – such as advocating for ‘pious awe’ toward a state that ‘God willed [to] perfect our virtue.’¹²⁹⁸ Freeman is correct that Burke’s view does not entirely adhere to the liberal perspective, but he overstates the implications of Burke’s position. Below I respond to Freeman’s musing ‘If God willed the state, why should it need to be checked?’ by arguing that Burke’s view – that the political authority of the present generation should be limited – is not only compatible with, but supported by, his theological foundations.¹²⁹⁹

Unlike Oakeshott, who insists that conservatism does not rely on particular religious or metaphysical beliefs, for Burke, the establishment of Christianity is indispensable, as it points to the transcendental *end* upon which all of society must set its sight. Burke views the consecration of the state as an act of corporate fealty, of ‘national homage to the institutor, and author and protector of civil society; without which civil society man could not by any

¹²⁹³ Christopher Insole, *The Politics of Human Frailty: A Theological Defence of Political Liberalism* (London: SCM Press, 2004), p. 41.

¹²⁹⁴ *Ibid.*

¹²⁹⁵ *Ibid.*, p. 1.

¹²⁹⁶ *Ibid.*, p. 40.

¹²⁹⁷ *Ibid.*, p. 5.

¹²⁹⁸ Michael Freeman, *Edmund Burke and the Critique of Political Radicalism* (Oxford: Basil Blackwell, 1980), p. 132.

¹²⁹⁹ *Ibid.*

possibility arrive at the perfection of which his nature is capable, nor even make a remote and faint approach to it.¹³⁰⁰ In line with this, it should be performed publicly, in buildings, music, decoration, and so on.¹³⁰¹ For Burke, the Christian (Protestant) religion should not be relegated to the private sphere – it should be the centre of national life. He writes,

We will have her to exalt her mitred front in courts and parliaments. We will have her mixed throughout the whole mass of life, and blended with all classes of society. The people of England will shew to the haughty potentates of the world, and to their talking sophisters, that a free, a generous, an informed nation, honours the high magistrates of its church; that it will not suffer the insolence of wealth and titles, or any other species of proud pretension, to look down with scorn upon what they look up to with reverence; nor presume to trample on that acquired personal nobility, which they intend always to be, and which is often the fruit, not the reward [...] of learning, piety, and virtue.¹³⁰²

For Burke, the church should thus be regarded as ‘the foundation of [the] whole constitution’ holding every part in ‘indissoluble union.’¹³⁰³ This is because the consecration of the state has an important effect on both the rulers and the ruled, by reminding them of the proper place of government in relation to God. Those in government, who ‘stand in the person of God himself,’ should have high and worthy notions of their function and destination; and their hope should be full of immortality; and they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to the solid, permanent existence, in the permanent part of their nature, and to a permanent fame and glory, in the example they leave as a rich inheritance to the world.¹³⁰⁴

The people, likewise, should be instilled with ‘wholesome awe,’ impressed with the idea that they ‘act in trust,’ and must ‘account for their conduct in that trust to one great master, author and founder of society.’¹³⁰⁵ It is even more important, he argues, to impress this responsibility on those who compose ‘collective sovereignty’ than on ‘single princes.’¹³⁰⁶ This serves a fundamental purpose, in Burke’s opinion, as it prevents those ‘temporary possessors’ that constitute the present generation, from being ‘unmindful of what they have received from their ancestors, or of what is due to their posterity,’ to prevent them from acting ‘as if they were the entire masters.’¹³⁰⁷ In other words, the consecration of the state serves, not as a means of saving souls, but as a reminder not to usurp the throne of God, and maintain the humility of each generation, to guard them against Pelagian hubris.

This serves to protect future generations from those in the present who may think it is ‘amongst their rights to cut off the entail, or commit waste on the inheritance, by destroying at their pleasure the whole fabric of their society,’¹³⁰⁸ and to ensure that those who come after them do not find ‘a ruin instead of an habitation.’¹³⁰⁹ Without it, men, he writes, ‘would become little better than the flies of a summer,’¹³¹⁰ as it preserves the inheritance of the people from being altered constantly by the ‘floating fancies or fashions,’ by which ‘the

¹³⁰⁰ Burke, *Reflections on the Revolution in France*, p. 196.

¹³⁰¹ *Ibid.*, p. 197.

¹³⁰² *Ibid.*, pp. 202-203.

¹³⁰³ *Ibid.*, p. 198.

¹³⁰⁴ *Ibid.*, p. 189.

¹³⁰⁵ *Ibid.*, p. 190.

¹³⁰⁶ *Ibid.*

¹³⁰⁷ *Ibid.*, p. 192.

¹³⁰⁸ *Ibid.*

¹³⁰⁹ *Ibid.*

¹³¹⁰ *Ibid.*, p. 193.

whole chain and continuity of the commonwealth would be broken.’¹³¹¹ The consecration of the state, he argues, encourages each generation to proceed with ‘due caution,’¹³¹² so that he should never dream of beginning its reformation by its subversion; that he should approach to the faults of the state as to the wounds of a father, with pious awe and trembling solicitude. By this wise prejudice we are taught to look with horror on those children of their country who are prompt rashly to hack that aged parent to pieces, and put him into the kettle of magicians, in hopes that by their poisonous weeds, and wild incantations, they may regenerate the paternal constitution, and renovate their father’s life.¹³¹³

By ordering society toward God as its final *telos*, Burke believes this will prevent any present generation from making an idol of their own will. In other words, it chastens eschatological pretensions by reminding mankind of the limits of politics in the *saeculum*. This, of course, is a far cry from political liberalism. While Insole is certainly correct that there are theological reasons to support limitations on the scope of political power, this does not necessarily lead to support for political liberalism. Indeed, as argued below, it is precisely because of such theological support that the privileging of Christian doctrine does not have to mean that the state wields its political authority for the salvation of souls. On the contrary, the Thomistic foundations of Burke’s argument – particularly when accompanied by an Augustinian qualification – are the source and strength of those limitations.

Burke’s Christian Foundations

As Samuel Burgess has already incisively illuminated the Christian foundations of Burke’s position, his observations will not be repeated here at length.¹³¹⁴ Burke stands within the intellectual lineage of the common law tradition, influenced by the natural law thought of Aristotelian-Thomistic forebears such as Fortescue, Coke, Hooker and John Selden.¹³¹⁵ As it is beyond the scope of this thesis to examine all of these thinkers in depth, we pay particular attention to Hooker and Fortescue.¹³¹⁶

As Oakeshott recounts, the discovery of Aristotle’s political and ethical writings in the thirteenth-century posed a challenge to Augustinian assumptions, as they lacked accounts of creation, providence, sin, the church or salvation.¹³¹⁷ Compared to Augustine, Aristotle’s anthropology was optimistic, holding that the *telos* of the *polis* – the achievement of *eudaimonia* – could be grasped through the application of reason. Aquinas responded to the challenge by synthesising Aristotle with Christian thought, chastening the former’s optimism with the doctrine of the original sin. Thus, despite the Fall, which limited the human ability to

¹³¹¹ Ibid., pp. 192-193.

¹³¹² Ibid., p. 194.

¹³¹³ Ibid.

¹³¹⁴ Samuel Burgess, *Edmund Burke’s Battle with Liberalism* (London: Wilberforce, 2017).

¹³¹⁵ Burgess describes Burke’s ‘intellectual bloodline’ as running ‘from Cicero, Hooker and the Anglican divines to Coke and Blackstone’; Burgess, *Edmund Burke’s Battle with Liberalism*, p. 20, 110; Joan Lockwood O’Donovan, *Theology of Law and Authority* (Michigan: Emory University Press, 1991), pp. 45, 145; Richard O’Sullivan, ‘Natural Law and Common Law,’ *Transactions of the Grotius Society*, Vol. 31 (1945), p. 119.

¹³¹⁶ John Selden, for example, is entirely omitted from our discussion because it would have complicated the argument: for a treatment of his thought in this regard, see Ofir Haivry, *John Selden and the Western Political Tradition* (Cambridge: Cambridge University Press, 2017); Richard Tuck, *Natural Rights Theories* (Cambridge: Cambridge University Press, 1979), pp. 82-100.

¹³¹⁷ Michael Oakeshott, *Lectures in the History of Political Thought* (Exeter: Imprint Academic, 2006), pp. 340-341.

discern full knowledge of the created order, Aquinas held that human beings retain, in Burgess' words, an 'innate ability to judge the right course of action and this can be acted on according to conscience.'¹³¹⁸ As Aquinas writes in the *Summa Theologica*, despite his frailty the rational creature has 'a share of the eternal reason, whereby it has a natural inclination to its proper act and end; and this participation of the eternal law in the rational creature is called the natural law.'¹³¹⁹ The relevance of this for understanding Burke's thought is captured in Aquinas' distinction between speculative (corresponding to first principles) and practical reason (corresponding to natural law).¹³²⁰ The former is concerned with necessary universal principles, the latter with 'contingent matters' in the 'domain of human actions.'¹³²¹ As Tsoncho Tsonchev writes,

...the politics of Thomistic Christian realism is a politics concerned with the discovery of the ends of things according to the general principles of natural law. The issues that must be resolved in each particular situation are approached with a description and analysis of the facts, the search for solutions, and finally, measuring the possible solutions according to what is naturally right.¹³²²

This is why, while the individual's stock of wisdom is small, Burke sees value in collective reason across generations. Furthermore, it may be why he viewed the revolutionaries' efforts as doomed to fail, as in their haste and hubris, their plans are unlikely to accord to natural law because conformity requires time for experimentation.

As Burgess and others have noted, this Thomistic perspective was influential on Burke's forebears, in the development of early English political philosophy.¹³²³ This can be seen in two illustrations: John Fortescue and Richard Hooker, both of whom confronted a 'politics of faith' of their own age – royal absolutism and puritanism, respectively. Firstly, fifteenth century jurist Sir John Fortescue responded to continental royal absolutism in his *De Laudibus Legum Angliae* (In Praise of the Laws of England), contrasting *dominium regale* (royal absolute rule in France) with *dominium politicum et regale* (royal and political rule in England). In the latter, mixed constitution of the English, he wrote, the king is not above the law and cannot arbitrarily alter laws (or customs).¹³²⁴ As Joan Lockwood O'Donovan notes, Fortescue follows Aquinas in his view that it is an act of providence that, through the natural law, rational creatures can be directed to their proper end, and that – even if human justice is imperfect – justice itself remains unchanged by the Fall.¹³²⁵ Through the workings of justice, as judgements are accumulated over time, the natural law is woven into the customs and statutes of the people.¹³²⁶ Fortescue, therefore, held that the *dominium politicum et regale* – where the king is subject to the law – most closely aligned with natural law.¹³²⁷ Such an arrangement recognises God's ultimate sovereignty, and understands the role of king as properly limited in relation to the body politic. Thus, over three hundred years before Burke,

¹³¹⁸ Burgess, *Edmund Burke's Battle with Liberalism*, p. 20.

¹³¹⁹ Anton Pegis, ed. *Basic Writings of St Thomas Aquinas* (Cambridge: Hackett Publishing Co., 1973), p. 750; cf. Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr*, p. 82.

¹³²⁰ Pegis, ed. *Basic Writings of St Thomas Aquinas*, p. 774.

¹³²¹ *Ibid.*, p. 777.

¹³²² Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr*, p. 84.

¹³²³ Burgess, *Edmund Burke's Battle with Liberalism*, p. 111.

¹³²⁴ John Fortescue, *On the Laws and Governance of England* (Cambridge: Cambridge University Press, 2002), p. 17.

¹³²⁵ Lockwood O'Donovan, *Theology of Law and Authority*, pp. 47-48; cf. Pegis, ed. *Basic Writings of St Thomas Aquinas*, p. 750.

¹³²⁶ Lockwood O'Donovan, *Theology of Law and Authority*, p. 47.

¹³²⁷ *Ibid.*, p. 50.

Fortescue expressed this in similarly organic imagery: just as on a natural body, the head cannot choose to change the functions of the body's constituent parts, which all have their appointed roles, so too a king cannot change the laws or remove the inherited customs, laws, rights or freedoms of the people.¹³²⁸ Kingly rule, and political authority, is not absolute because it has a proper place in the order ordained by God.

Richard Hooker provides a second prominent example of this 'intellectual bloodline.'¹³²⁹ As briefly noted in Chapter Three, Insole argues that Hooker – while not a political liberal – is part of the 'politico-religious seedbed of political liberalism.'¹³³⁰ In his *Laws of Ecclesiastical Polity* (1593), Hooker responds to his Puritan contemporaries, who in Insole's words, were '[attempting] to use public power to affect, by political means, a perfectionist coercive programme for the salvation of souls.'¹³³¹ Their absolute reliance on revelation in scripture undermined other traditional sources of authority – including reason.¹³³² Against the Puritan belief that the Fall had rendered human reason completely depraved, Hooker maintained its authority in guiding judgement.¹³³³ Therefore, agreeing with Fortescue that the king should be subject to the law, Hooker writes 'Happier that people, whose law is their King in the greatest things than that whose King himself is the law.'¹³³⁴ As Burke wrote of the 'grand chorus of national harmony,' Hooker compared the commonwealth to 'an harp or melodious instrument, the strings whereof are tuned and handled all by one hand, following as laws the rules and canons of Musical science.'¹³³⁵ Natural law thought, in other words, encourages nomocratic rather than teleocratic politics. However, while Hooker believed in limitations, balance and the exercise of reason, this does not mean that he held a purely negative view of the role of political authority or advocated for the separation of jurisdictions later proposed by Protestant thinkers and their heir in Locke. On the contrary, Hooker maintained

A gross error it is to think that regal power ought to serve for the good of the body and not of the soul, for men's temporal peace and not their eternal safety; as if God had ordained Kings for no other end and purpose but only to fat up men like hogs and to see that they have their mash?¹³³⁶

Yet, like Burke, Hooker's position is not theocratic, because it is self-limiting. As Rowan Williams writes, Hooker set the 'mood' for subsequent Anglican thought by embracing a fair degree of clarity about the final goal of human beings and the theological conditions of getting there, but [allowing] room for a good deal of reticence as to how this ought to work itself out and scepticism as to the claims that we have found in comprehensive formulations. The self-critical element in theological formulation here comes not from any strictly *epistemological* uncertainties but from the conviction of finitude and sin, intensified by a quite orthodox Reformed pessimism about the human capacity.¹³³⁷

¹³²⁸ Ibid., p. 53.

¹³²⁹ Burgess, *Edmund Burke's Battle with Liberalism*, p. 111.

¹³³⁰ Insole, *The Politics of Human Frailty*, p. 54.

¹³³¹ Ibid., p. 55.

¹³³² Ibid., p. 57.

¹³³³ Lockwood O'Donovan, *Theology of Law and Authority*, p. 145.

¹³³⁴ Richard Hooker, *Of The Laws of Ecclesiastical Polity* (Cambridge: Cambridge University Press, 2008), p. 146.

¹³³⁵ Edmund Burke, 'Appeal to the Old Whigs from the New,' in Russell Kirk ed. *The Portable Conservative Reader* (Middlesex, Penguin, 1982), p. 46; Hooker, *Of The Laws of Ecclesiastical Polity*, p. 147.

¹³³⁶ Hooker, *Of The Laws of Ecclesiastical Polity*, p. 154.

¹³³⁷ Rowan Williams, *Anglican Identities* (London: Darton, Longman and Todd, 2014), p. 26.

Thus, while Hooker recognises the authority of reason (and with it, tradition), no authority except God's is absolute. Hooker's 'sapiential theology,' writes Williams, assumes that 'communities of reasoning beings have the right to determine the shape of their political life,' and indeed 'have a *duty* to find an effective form of executive power for the restraint of vice,' as a result of our fallen state.¹³³⁸ Hooker provides a response, then as now, to radical totalising ideologies in his refusal to accept that human beings are anything other than they are, created and limited.¹³³⁹ Nevertheless, he is able to envision this politics of imperfection within the context of a confessionally Christian state.

The Thomistic precursors to Burke's argument, therefore, maintain that it is possible to order law and government toward the good under the influence of natural law. However, they also hold that it is in accordance with the natural law to place limitations on political authority. Thus, when Burke speaks of a civil society – instituted and protected by God – enabling 'the perfection of which [*man's*] nature is capable,' it should be understood as qualified by this Thomistic theological context, rather than as a Pelagian aspiration. Common law thinkers regarded natural law as its 'source and spring.'¹³⁴⁰ Judges *discover*; rather than create, the law, weaving it into the common law.¹³⁴¹ Natural law, argues Burgess, plays the same role in Burke's thought. Men are not born free; they are subject to God's law, and thus the natural law.¹³⁴² Men do not need to understand the mind of God, or '[deduce] an ideal form of government'; rather, prudential reason, guided by education, culture and the natural law can function as the 'guiding light of the statesman.'¹³⁴³ As Kirk writes,

...there emerges a pattern of order, a body of enduring truth, the filtered wisdom of the species, the considered opinions and experiences of the many wise men who have preceded us in time: the normative consciousness. And this complex record is rendered intelligible by a strong and subtle thread running through it, the continuity of Providence. The significance behind the veil [of history] is not simply the corpus of worldly wisdom, but – still more important – the contract of eternal society which joins our mundane order to an abiding, transcendent order.¹³⁴⁴

In light of this, Paine and his revolutionaries make a theological error that leads them to, effectively, give *dominum regale* to the popular will. This violation can be understood as more than an offence against tradition; it is an offence against the natural law. 'Burke's understanding of natural law,' Burgess writes, 'is of a law that is actively engaged throughout history in ordering societies towards their right ends wherever the precepts of the natural law are rightly adhered to in concrete circumstances.'¹³⁴⁵ He observes that a key reason why common lawyers respected continuity and history, is that 'the flourishing of right order requires time.'¹³⁴⁶ Society was understood as an organic harmony of diverse parts, teleologically ordered towards God, rather than teleocratically ordered toward a principle or objective that usurps the place of God. Against the background of natural law, it is possible to understand the extent of the danger posed by totalising teleocratic ideologies. As Burgess writes, when a society is ideologically ordered towards a single principle 'all other social

¹³³⁸ Ibid., pp. 41, 52.

¹³³⁹ Ibid., p. 52.

¹³⁴⁰ Richard O'Sullivan, 'Natural Law and Common Law,' p. 119; also cited in Burgess, *Edmund Burke's Battle with Liberalism*, p. 21.

¹³⁴¹ Ibid.

¹³⁴² Burgess, *Edmund Burke's Battle with Liberalism*, p. 22.

¹³⁴³ Ibid., p. 25.

¹³⁴⁴ Kirk, *Enemies of the Permanent Things*, p. 289.

¹³⁴⁵ Burgess, *Edmund Burke's Battle with Liberalism*, p. 24.

¹³⁴⁶ Ibid.

goods become disordered and the fabric of the nation is torn apart.¹³⁴⁷ Indeed, supporting Oakeshott's observation that the 'politics of faith' correlates with a declining belief in Divine Providence (and with it, natural law), in their 'impatient hunger for eternity' adherents of this style might be said to conflate the roles of speculative and practical reason, inappropriately applying the former to the 'contingent matters' of politics.¹³⁴⁸ However, when filtered through the 'dense medium' of human life, perfectionist plans refract in unexpected ways.¹³⁴⁹ The result is destructive to the goods that can be achieved in the *saeculum*. This provides an answer to Freedman's question: on Thomistic foundations, Burke's approach is teleological, but not theocratic. As we possess reason, it is possible – in a limited way – to conform our society to the natural law over time. However, political aspirations are chastened by the recognition of our own fallibility and the recognition of God's ultimate authority that we must not usurp with political idols. This holds society in a balance that avoids extremes, as Kirk writes, as with the natural body, 'change must occur in a regular manner, harmonizing with the form and nature of that body; otherwise change produces a monstrous growth, a cancer, which devours its host.'¹³⁵⁰

However, as Burgess notes, traditional conservatism has been accused of thoughtlessly reproducing the inherited status quo, and thus tending toward a lack of vigour and direction.¹³⁵¹ Indeed, Oliver O'Donovan writes, the 'virtue' of conservatism is its 'sensibility for traditional practice in practical decision-making,' however its 'vice' is 'a reluctance to question it.'¹³⁵² He is critical of conservatism for making 'the continuity of tradition foundational to the political task,'¹³⁵³ and thus failing to offer its allegiance to 'the universal society of the kingdom of God, of which [it] disdains all knowledge – but to one particular society among others.'¹³⁵⁴ In O'Donovan's view, neither liberal proceduralism or conservatism '[do] justice' to the universal and the particular. The former fails to recognise the 'binding force of historical and local particularities,' or 'recognise the kingdom of God in the Incarnation.'¹³⁵⁵ However, conservatism, he argues, risks making an idol of the particular society and its traditions.¹³⁵⁶ This may be a fair criticism of some conservative approaches – it could, for example, apply to Oakeshott, and perhaps even to Scruton.¹³⁵⁷ As Charles Mathewes' notes, it is important not to 'naturalize [...] political structures,' and thus '[baptise] the status quo as God's ultimate will.'¹³⁵⁸ To do so, he argues, would make 'too little' of the Fall.¹³⁵⁹ However, while this draws a risk to the attention of conservatives, it is a risk that those in the tradition of Burke should be predisposed to recognise and avoid. Indeed, conservative perspectives that are conditioned by Christian foundations have the potential to bring together the universal and the particular. As William Temple – although himself not a

¹³⁴⁷ Ibid., p. 112.

¹³⁴⁸ Michael Oakeshott, *Rationalism in Politics and Other Essays*, p. 7; Pegis, ed. *Basic Writings of St Thomas Aquinas*, p. 777.

¹³⁴⁹ Edmund Burke, *Reflections on the Revolution in France*, p. 153.

¹³⁵⁰ Kirk, *The Politics of Prudence*, p. 27.

¹³⁵¹ Burgess, *Edmund Burke's Battle with Liberalism*, p. 105.

¹³⁵² O'Donovan, *The Ways of Judgement*, p. 180.

¹³⁵³ Ibid., p. 181.

¹³⁵⁴ Ibid.

¹³⁵⁵ Ibid., p. 185.

¹³⁵⁶ Ibid., p. 184.

¹³⁵⁷ Joshua Hordern, *Political Affections: Civic Participation and Moral Theology* (Oxford: Oxford University Press, 2012), pp. 241-242.

¹³⁵⁸ Charles Mathewes, 'Augustinian Christian Republican Citizenship,' in Michael John Kessler ed. *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), p. 222.

¹³⁵⁹ Ibid.

conservative – notes, natural law ‘holds together two aspects of truth which it is not easy to hold in combination – the ideal and the practical.’¹³⁶⁰ Furthermore, this answers to a need within traditional conservatism for, as Burgess argues, conservatism only lacks dynamism when it is ‘severed from its Christian moorings.’¹³⁶¹ These moorings in political theology can provide normative direction, without proposing a ‘grand political framework,’ thus allowing a ‘religious vision to occupy the heart of the political endeavour.’¹³⁶² It steers, as Burke does, a ‘*via media* between despairing pessimism at the possibility of any stable political project outside Christ’s final rule and the endeavour to instate an earthly utopia.’¹³⁶³

Finally, as already alluded to, Burke’s approach has Christian anthropological and eschatological foundations. Firstly, his anthropology recognises human fallenness (in our limited ‘stock’ of individual reason), and our natural sociality (reflected in the intergenerational contract and ‘little platoons’).¹³⁶⁴ Secondly, his eschatology recognises that as ‘there can be no perfect solution short of the *eschaton*,’ temporal authorities cannot have ‘absolute pretensions’ and must be subordinated to God.¹³⁶⁵ As Burgess notes, political ideologies which seek to enthrone a single principle in place of God are understood to be idolatrous, usurping God’s rightful place as the end of all things.¹³⁶⁶ Consequently, the conservative tradition is sceptical of ‘totalising ideologies,’ writes Burgess, because of the

The admission that God alone is rightfully the founder, sustainer and guide of society encourages a radically different approach to our political endeavours. No longer are we political architects drawing a blueprint for the polity, but we are labourers attentive to the director’s voice in each concrete circumstance by means of prayerful prudence.¹³⁶⁷

This, in turn, defies theocratic and ideological pretensions, as his eschatology holds that ‘God’s consummated rule could [never] be reduced to a political formula which weds the *New Jerusalem* to *Babylon*.’¹³⁶⁸ Far from idolatrous, Burke’s Thomistic understanding of the social order, Burgess writes, recognises that ‘God himself is the *Prima Causa* of the State, without whose authority it would be illegitimate. Conservation is then only one ancillary principle that emerges from the admission that we are not the authors of our own existence.’¹³⁶⁹ Thus, this traditional conservatism does not defend traditions for their own sake. Nor does it require all individuals to believe in its theological foundations, because it is not a totalising approach seeking to use political authority to save souls. Indeed, a person may have dispositional and pragmatic reasons, as Oakeshott argued, for supporting a conservative approach. Nevertheless, while Insole cautions that it is ‘unwise to make too much’ of Burke as a Thomist, natural law thought provides a compelling correction to the traditional conservative approach.¹³⁷⁰ Without being moored to its Christian foundations, conservatism loses its dynamism, as Burgess has argued, and is open to O’Donovan’s criticism of idolatry.

¹³⁶⁰ William Temple, *Christianity and Social Order* (London: Shephard-Walwyn, 1976), p. 82.

¹³⁶¹ Burgess, *Edmund Burke’s Battle with Liberalism*, p. 105.

¹³⁶² *Ibid.*

¹³⁶³ *Ibid.*, p. 104.

¹³⁶⁴ *Ibid.*, p. 37.

¹³⁶⁵ *Ibid.*, pp. 103, 112.

¹³⁶⁶ *Ibid.*, p. 112.

¹³⁶⁷ *Ibid.*, p. 114.

¹³⁶⁸ *Ibid.*, p. 106.

¹³⁶⁹ *Ibid.*, pp. 104-105.

¹³⁷⁰ Insole observes that Burke makes no reference to Aquinas in his works. However, as I have noted, Burke does align his thought with intellectual lineage of the common law tradition who were themselves influenced by Thomism; Christopher Insole, ‘Burke and the Natural Law,’ in David Dwan

In summary, for traditional conservatism, as the self is not ontologically prior to the ties which bind us, there is no abstract autonomous and unlimited state into which the individual can be emancipated. Grounded in a realistic anthropology, it seeks to secure liberty for human beings *as* human beings, not as gods. Liberty is sought, not through *liberation from* but *within* an inherited order that should be treated with care, lest the conditions securing those liberties are destroyed. Accordingly, Burgess writes that the freedom Burke defends is one

which is only found in the exercise of one's duty in communion with others. Since duty implies authority, the two operate in unison and are paramount to Burke's thought. Again, this emerged from a Christian anthropology which rejects the unrestrained will in the belief that true freedom was to be found under the divine law and within a community conceived by God.¹³⁷¹

In the following two sections, drawing on the Augustinian tradition, I argue that a theological anthropology and eschatology can further strengthen and qualify the traditional conservative position. On this basis, I argue that a traditional conservative commitment – as envisaged by Burke – to privileging Christianity as a public doctrine is compatible with limited political authority suitable to the *saeculum* and offers better security for liberty than the approaches discussed in previous chapters.

The Political Implications of Original Sin

As mentioned in Chapter Two, the conceptions of politics-as-natural and politics-as-remedial have been respectively attributed to Aquinas and Augustine;¹³⁷² the former associated with a positive role of government in promoting the good, and the latter, a more negative view, associated with neutrality, secularity and the avoidance of coercion.¹³⁷³ There are, however, those who challenge the negative interpretation of Augustine, arguing that the contrast between his and Aquinas' position is overstated.¹³⁷⁴ For the purposes of our argument it is not necessary to come down on one side or the other, only to note that neither side supports unmitigated pessimism or unmitigated optimism, since this observation is important to our argument.

This observation is illustrated by a requisite overview of the different positions. On the negative side of the debate, Augustine has been described as the 'theological grandfather' of Christian Realism, on account of his anthropological pessimism.¹³⁷⁵ However, as Herbert Deane notes, Augustine's pessimism is not absolute because the natural world is ordered by God's wisdom, and human affairs by His providence.¹³⁷⁶ Thus, even a more pessimistic interpretation of Augustine is qualified. Augustine's pessimism should not be viewed as a Manichean hangover; creation is good, even if man is fallen and in need of remedial

and Christopher Insole eds. *The Cambridge Companion to Edmund Burke* (Cambridge: Cambridge University Press, 2012), pp. 118-119.

¹³⁷¹ Burgess, *Edmund Burke's Battle with Liberalism*, p. 120.

¹³⁷² Luke Bretherton challenges this binary attribution in *A Primer in Christian Ethics: Christ and the Struggle to Live Well* (Cambridge: Cambridge University Press, 2023), p. 329.

¹³⁷³ Eric Gregory, 'Augustinians and the New Liberalism,' *Augustinian Studies* Vol. 41, Issue 1 (2010), p. 321.

¹³⁷⁴ See, for example Michael Lamb, 'Beyond Pessimism: A Structure of Encouragement in Augustine's City of God,' *The Review of Politics* 80 (2018), pp. 591-624.

¹³⁷⁵ Jean Bethke Elshtain, 'Augustine,' in Peter Scott and William T. Cavanaugh eds. *The Blackwell Companion to Political Theology* (New Jersey: Wiley Blackwell, 2011), p. 35.

¹³⁷⁶ Herbert Deane, *The Political and Social Ideas of St Augustine* (New York: Columbia University Press, 1966), p. 68.

institutions (political and legal) given by providence to facilitate cooperation for the achievement of earthly goods.¹³⁷⁷ Indeed, as Reinhold Niebuhr notes, the dictum expressed in Genesis 1:31 – that God saw the world, and it was *good* – has often ‘prevented the Christian faith from succumbing to dualistic and acosmic doctrines.’¹³⁷⁸ Robert Markus, associated with the negative view, too has moved toward a less strictly limited view of political authority.¹³⁷⁹ On the side of positive interpretation, Jean Bethke Elshtain, for example, has lamented the association of Augustine with thinkers like Thomas Hobbes, arguing that while Augustine views man as a ‘fragile, dependent creature,’ he is also defined by his ‘relationality.’¹³⁸⁰ Elshtain emphasises Augustine’s view of friendship as a moral good, and society as a species of friendship.¹³⁸¹ She wishes to ‘rescue’ Augustine from those who ‘appropriate him to a version of political limits or “realism” that downplays the great virtue of hope and the call to enact projects of *caritas*.’¹³⁸² Rather, Elshtain argues, civil order is an expression of mankind’s natural sociality; even if it cannot ‘complete our natures’ or remedy our sin, it remains a good.¹³⁸³

At the heart of a less pessimistic interpretation of Augustine is his view that a people comes into existence ‘through the love of goods in common,’ as Bretherton puts it.¹³⁸⁴ This is emphasised, for example, by Gregory who finds in Augustine not only a correction to pride but also to the anaemia of liberal politics.¹³⁸⁵ Augustine, he writes, ‘offers a complex psychology of both right loving and patient longing,’ both of which, he argues, are needed.¹³⁸⁶ ‘Ambivalence is a good Augustinian disposition,’ writes Gregory, ‘though it should not trump works of love and justice.’¹³⁸⁷ Yet, this is far from a perfectionist position. Such arguments demonstrate that even the least pessimistic interpretation of Augustine must come with the kind of qualification that mitigates against the ‘unscrupulous optimism’ of totalising ideologies. As Bretherton – who himself takes a positive view of the role of politics, as serving the moral good of association, to be directed to common goods and conciliation – writes:¹³⁸⁸

With Aristotle, Augustine can [...] say that humans are naturally political animals who find fulfilment in some form of shared venture. But against Aristotle [...] he argues that the peoples we see around us can never be the basis of fulfilment because they are fallen and oriented away from the true end of human being – communion with God – and toward their own prideful, self-destructive ends. All earthly political formations and structures of governance are provisional and tend toward oppression, while at the

¹³⁷⁷ Ibid., p. 78.

¹³⁷⁸ Ibid., p. 167.

¹³⁷⁹ Robert Markus, *Saeculum: History and Society in the Theology of St Augustine* (Cambridge: Cambridge University Press, 1989) and ‘Political Order as a Response to the Church’s Mission,’ *Political Theology* Vol. 9, Issue 3, pp. 319-326; cf. Gregory, ‘Augustinians and the New Liberalism,’ p. 321.

¹³⁸⁰ Elshtain, ‘Augustine,’ pp. 37-8.

¹³⁸¹ Ibid., p. 39.

¹³⁸² Ibid., p. 47.

¹³⁸³ Elshtain, ‘Augustine,’ p. 39.

¹³⁸⁴ Luke Bretherton, *Christ and the Common Life* (Michigan: Eerdmans, 2019), p. 412-3; cf. David Mellroy, ‘The Right Reason for Caesar to Confess Christ as Lord: Oliver O’Donovan and Arguments for the Christian State,’ *Studies in Christian Ethics* 23(3), p. 310; Oliver O’Donovan, *Common Objects of Love: Moral Reflection and the Shaping of Community* (Michigan: Eerdmans, 2002), p. 20.

¹³⁸⁵ Eric Gregory, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago: University of Chicago Press, 2010), p. 366.

¹³⁸⁶ Gregory, ‘Augustinians and the New Liberalism,’ p. 331.

¹³⁸⁷ Gregory, *Politics and the Order of Love*, p. 384.

¹³⁸⁸ Bretherton, *A Primer in Christian Ethics: Christ and the Struggle to Live Well*, p. 324.

same time, whether it be a democracy or a monarchy, any earthly formation may display just judgements and enable the limited good of an earthly peace through the pursuit of agreed or common objects of love. One implication of Augustine's framework is that politics is a moral realm: love and justice matter. Yet politics can never be the realm of human perfection. Any attempt for it to do so conflates the earthly city and the city of God by seeking complete fulfilment in what is created, which is inherently a form of idolatry.¹³⁸⁹

Both positive and negative perspectives are qualified and can support Gregory's conclusion that 'Neither fundamentalism nor secularism is a viable choice for Augustinians.'¹³⁹⁰ In agreement with Gregory's claim, in what remains of this chapter, I argue that: Niebuhr's Christian Realist Augustinian anthropology offers a critique of the political idolatry of Pelagian doctrines, and supports the view that liberty depends upon order; Christianity as an anti-perfectionist privileged public doctrine can support the conditions of liberty, as understood by traditional conservatives; and traditional conservatism conditioned by a Christian anthropology and eschatology is a theologically acceptable approach. I argue that this politics of imperfection overcomes the difficulties (identified in previous chapters) that have plagued policymakers by: reconceptualising liberty as attained *within* order, and legitimising the defence of that order as providing the conditions by which liberty is secured; justifying the privileging of an imperfectionist supportive public doctrine as compatible with secularity and plurality; and reinvigorating the role of judgement as is appropriate to politics in the *saeculum*.

We begin with Christian Realism's Augustinian challenge to Pelagianism. As Bretherton notes,

In rejecting the notion of original sin, modern conceptions of sin tend to repeat the positions that Augustine was arguing against. Many modern moral and political philosophies are Pelagian, operating with an optimistic assessment of human potential. Humans are essentially good and capable of exercising free choice (their will is not in bondage to sin) and thus they are capable of transcending their limitations.¹³⁹¹

While Niebuhr intended his argument as a criticism of liberalism,¹³⁹² the following argument should be taken as an extension of Chapter Four's criticism of CRT (and BLT), as a 'variation on the Pelagian approach,' identified by Bretherton, that 'considers humans to be intrinsically good but corrupted by the negative impact of the social, economic, and political systems that condition them.'¹³⁹³ Tsonchev defines Christian Realism as an approach which embraces

empirical positivism and then goes beyond it [... taking] into account for its analysis of reality both the visible (historical events, actors, and political institutions) and the hidden (the nature of man and the will of Providence).¹³⁹⁴

Or, as Temple wrote, Christians 'have some clues to the understanding of human nature which may enable them to make a more accurate estimate than others' since the 'assertion of Original Sin should make the Church intensely realistic, and conspicuously free from Utopianism.'¹³⁹⁵ Just as Burke responded to the French revolutionaries, and Hooker to the

¹³⁸⁹ Bretherton, *Christ and the Common Life*, p. 413.

¹³⁹⁰ Gregory, 'Augustinians and the New Liberalism,' p. 371.

¹³⁹¹ Luke Bretherton, *A Primer in Christian Ethics*, p. 144.

¹³⁹² 'In liberalism, in common with all modern culture, [Niebuhr] claimed, it is believed that history is itself the Christ, the locus, but also the means of redemption,' Robert Song, *Christianity and Liberalism* (Oxford: Oxford University Press, 2006), p. 50.

¹³⁹³ Bretherton, *A Primer in Christian Ethics: Christ and the Struggle to Live Well*, p. 144.

¹³⁹⁴ Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr*, p. 43.

¹³⁹⁵ Temple, *Christianity and Social Order*, p. 61.

Puritans, so Augustine responded to Pelagius. Niebuhr observed that Pelagius sought to resolve a *prima facie* tension in Pauline thought – how can an individual have responsibility for his sins, if he is bound by his fallen nature, and is therefore not capable of obeying God’s law? As we noted in the previous chapter, Rauschenbusch and black liberation theologians resolve this tension by reasoning like Pelagius. Eric Nelson characterises a Pelagian as a ‘rationalist who insists on the metaphysical freedom of human beings in order to address the theodicy problem.’¹³⁹⁶ As Niebuhr notes, ‘The essential characteristic of Pelagianism is its insistence that actual sins cannot be regarded as sinful or as involving guilt if they do not proceed from a will which is essentially free.’¹³⁹⁷ Pelagius eases this tension by guarding against ‘conceptions of total depravity which destroy the idea of responsibility and thereby vitiate the very meaning of sin.’¹³⁹⁸

Although Oakeshott, as already noted, is not a religious thinker, through his criticism of Pelagianism he implicitly aligns his view with Augustine. As such, his account of Augustine’s understanding of the nature of sin provides insight into the Augustinian foundations informing a traditional conservative view of political Pelagianism. Augustine viewed everything having an appointed place in the *ordo universi*. However, due to free will, human beings (and angels) have a capacity to wander from their allotted place.¹³⁹⁹ Oakeshott summarised Augustine’s understanding of original sin as the wandering of an errant component, as it attempts to occupy a place that is not its own. This constitutes the ‘primordial act of self-preference,’ the emblem of all subsequent sin, as it is to ‘[prefer] yourself to the *ordo universi*...’¹⁴⁰⁰ This act of pride, which disrupts the *ordo universi* ‘[reverberates] down the long corridor of all subsequent human history.’¹⁴⁰¹ It is, as Oakeshott writes, ‘the attempt on the part of the created universe to become the creator.’¹⁴⁰² Oakeshott’s account of Augustine’s view aligns with that of Deane, for whom Augustine’s understanding of the cause of sin is man’s ‘prideful self-centredness.’¹⁴⁰³ This ‘blasphemous desire’ is an attempt to usurp God’s place as sovereign.¹⁴⁰⁴ Noting that 1 Corinthians 4:7 is one of the most cited passages of scripture in Augustine’s work, Deane argues that Augustine’s primary motive for his insistence that salvation is entirely dependent on God’s grace – *contra* Pelagius - and not on any human action, is his conviction that pride is the root of sin.¹⁴⁰⁵ Temple, likewise, agrees with this view, describing original sin as the act of putting oneself in the place of God.¹⁴⁰⁶ Human beings, he writes, are born into a state of self-centredness. While education and socialisation broaden our horizon, there is never ‘complete deliverance.’ This ‘can be effected only by the winning of my whole heart’s devotion, the total allegiance of my will – and this only the Divine Love disclosed by Christ in His Life and Death can do.’¹⁴⁰⁷ Pride can be rooted out, not by any self-redemptive action of man, but by God’s grace alone. This is as true of communities as it is of individuals, as we see reflected in

¹³⁹⁶ Eric Nelson, *The Theology of Liberalism: Political Theology and the Justice of God* (Cambridge, Massachusetts: Belknap Press, 2019), p. 3.

¹³⁹⁷ Reinhold Niebuhr, *The Nature and Destiny of Man* (Kentucky: Westminster John Knox Press, 2021), p. 245.

¹³⁹⁸ *Ibid.*, p. 248.

¹³⁹⁹ Oakeshott, *Lectures in the History of Political Thought*, p. 327.

¹⁴⁰⁰ *Ibid.*, pp. 329-330.

¹⁴⁰¹ *Ibid.*, p. 329.

¹⁴⁰² *Ibid.*, p. 330.

¹⁴⁰³ Deane, *The Political and Social Ideas of St Augustine*, p. 17.

¹⁴⁰⁴ *Ibid.*

¹⁴⁰⁵ *Ibid.*, p. 20-21.

¹⁴⁰⁶ Temple, *Christianity and Social Order*, p. 60.

¹⁴⁰⁷ *Ibid.*

the idea that the natural law is a gift of providence in common law and traditional conservative nomocratic thought. Positive change away from a Pelagian politics of pride, including in the realm of politics and government, comes by the grace of God.

This is because, while human beings are neither completely good or bad, Temple writes, human goodness is always vitiated by that quality of self-centredness that he identifies with original sin.¹⁴⁰⁸ Temple writes

It is not that his spirit and reason have as yet established but little control over the animal part of his nature; it is his spirit which is depraved, his reason which is perverted. His self-centredness infects his idealism because it distorts all his perspectives. So far as reason acts in purely intellectual ways it may be untrustworthy.¹⁴⁰⁹

Yet, like Augustine, Temple's pessimism is not unqualified. As the *imago Dei* is stamped on our animal nature, man 'always carries with him abundant proof that this is not the real truth of his nature.'¹⁴¹⁰ Or, as Niebuhr warns, 'Human life points beyond itself. But it must not make itself into that beyond.'¹⁴¹¹ Reflecting the tension between these two aspects of man's nature, on the one hand Temple writes that life should be ordered 'with that destiny in view,' and on the other, that the 'political problem is concerned with men as they are, not with men as they ought to be.'¹⁴¹² As such, 'we have to start with the assumption that we are dealing, for the most part, with fallen, sinful men.'¹⁴¹³ As Deane writes,

Augustine's thought has no place for the vision of a politics of perfection, in which all-wise rulers devise truly good and lasting solutions for social problems and in which contented subjects live together in stable harmony. Politics is a realm in which fallible, sinful men work out imperfect, precarious solutions to recurring difficulties and tensions.¹⁴¹⁴

This is the basis of Christian Realism. It 'is a reminder of our limits and an affirmation of our hope,' Robin Lovin explains, 'It tells us that our knowledge is imperfect, our plans are incomplete, and our expectations are inevitably distorted by self-interest.'¹⁴¹⁵

Oakeshott's position can be compared to Reinhold Niebuhr's exegesis of the doctrine of original sin in *The Nature and Destiny of Man*. However, where Oakeshott's argument excludes any recourse to the grace of God, Niebuhr strengthens the former's position, and indeed any position that begins with an acknowledgement of mankind's imperfectibility. This is because Niebuhr's phenomenology of sin shows that the question – how can man bear responsibility if he is incapable of perfection – need not lead to the abandonment of the doctrine of original sin.¹⁴¹⁶ Niebuhr illustrates this with the example of National Socialism, which arises from pride and results in cruelty, but is not the result of a deliberate and malicious preference for evil. The nationalist is devoted to the 'religion of race and nation' because he falsely believes it to be a 'final good.' He argues that it is fallacious to suggest that a National Socialist

gives unqualified devotion to the qualified and conditioned value of his race and nation by a consciously perverse choice of the lesser against the higher good. But it

¹⁴⁰⁸ Ibid., pp. 60-61, 65.

¹⁴⁰⁹ Ibid., p. 65.

¹⁴¹⁰ Ibid.

¹⁴¹¹ Niebuhr, *The Nature and Destiny of Man*, p. 158.

¹⁴¹² Temple, *Christianity and Social Order*, pp. 66, 60.

¹⁴¹³ Deane, *The Political and Social Ideas of St Augustine*, p. 39.

¹⁴¹⁴ Ibid., p. 222.

¹⁴¹⁵ Robin Lovin, *Christian Realism and the New Realities* (Cambridge: Cambridge University Press, 2008), p. 1.

¹⁴¹⁶ Niebuhr, *The Nature and Destiny of Man*, p. 248.

would be equally erroneous to absolve the religious nationalist of responsibility merely because his choice is not consciously perverse.¹⁴¹⁷

It leads to evil because it is disordered; rather than oriented toward God, it becomes possessed by an idol. Fallen human beings are subject to deception, and – as in the case of National Socialists – are ‘tempted to [...] self-glorification.’¹⁴¹⁸ Yet, the self-deception does not vitiate responsibility. Indeed, Niebuhr argues that Pauline psychology provides an insight into the ‘consequence of sin’s pathetic vicious circle,’ as man sins inevitably, without escaping responsibility.¹⁴¹⁹ This temptation to sin lies, he writes,

in the human situation itself. This situation is that man as spirit transcends the temporal and natural process in which he is involved and also transcends himself.

Thus his freedom is the basis of his creativity but it is also his temptation.¹⁴²⁰

The human being, by his very nature, is immersed in both contingent natural processes, while standing outside of them. As a result, he becomes anxious. Akin to Oakeshott’s observation that without a belief in Divine Providence, man looks for security in self-redemption, Niebuhr argues that to quell this anxiety, man seeks to

transmute his finiteness into infinity, his weakness into strength, his dependence into independence. He seeks in other words to escape finiteness and weakness by a quantitative rather than a qualitative development in his life. The quantitative antithesis of finiteness is infinity. The qualitative possibility of human life is its obedient subjection to the will of God. This possibility is expressed in the words of Jesus: ‘He that loseth his life for my sake shall find it.’¹⁴²¹

Therefore, counterintuitive as it may appear, to submit oneself to the eternal order is not an act of ‘self-negation, but self-realisation.’¹⁴²² Thus, it is possible to see that the rationalists’ ‘impatient hunger for eternity,’ described by Oakeshott, seeks to transmute finiteness into infinity. Niebuhr’s account of sin, therefore, explains and supports the counter-intuitive argument that freedom is not to be found in *liberation from* all strictures, but within an order that accords with natural law, by the grace of God.¹⁴²³

The sin of pride (self-love), therefore, points to the prior sin of lacking trust in God.¹⁴²⁴ The self, he writes, lacks the faith and trust to submit itself to God, and thus seeks to establish itself independently to achieve the security it desires.¹⁴²⁵ Ironically, pride increases the insecurity it intended to overcome.¹⁴²⁶ It seeks to find its life and thereby loses it. Insecurity increases because it is looking for security in the wrong place; true security can only be achieved through acknowledging dependence upon God.¹⁴²⁷ The mistake arises because man is inclined to confuse his partial transcendence over his body as ‘proof of its candidature for divinity.’¹⁴²⁸ Niebuhr writes of pride,

Man is insecure and involved in natural contingency; he seeks to overcome his insecurity by a will-to-power which overreaches the limits of human creatureliness. Man is ignorant and involved in the limitations of a finite mind; but he pretends that

¹⁴¹⁷ Ibid., p. 249.

¹⁴¹⁸ Ibid.

¹⁴¹⁹ Ibid., p. 250.

¹⁴²⁰ Ibid., p. 251.

¹⁴²¹ Ibid.

¹⁴²² Ibid.

¹⁴²³ Ibid., p. 252.

¹⁴²⁴ Ibid.

¹⁴²⁵ Ibid.

¹⁴²⁶ Ibid.

¹⁴²⁷ Ibid.

¹⁴²⁸ Ibid., p. 170.

he is not limited. He assumes that he can gradually transcend finite limitations until his mind becomes identical to the universal mind.¹⁴²⁹

Niebuhr accepts that Christians have fallen prey to this line of gnostic thinking, but maintains that it is a fundamental biblical insight that salvation does not mean ‘destruction of [man’s] creatureliness and absorption into the divine.’¹⁴³⁰

Therefore, in responding to the Pauline conundrum, Niebuhr’s argument clarifies the foundations of the two contrasting conceptions of freedom that have run throughout the approaches discussed in this thesis: freedom as *liberation from*— or as *liberty within* order. He demonstrates that liberty *within* order is less counter-intuitive than it may at first appear, and explains how responsibility can be viewed as compatible with an understanding of human nature as fallen and imperfectible. He therefore offers a theological correction to a problem at the heart of each approach – is liberty threatened or secured by the privileging of a public doctrine, tradition or inherited order? The theological answer is that order secures liberty, providing that order accords with the natural law. As common law thinkers and traditional conservatives have argued, this entails limitations on political authority that would prevent the imposition of a totalising doctrine. Thus, Gregory’s observation that Augustinianism cannot support either fundamentalism or secularism, is supported by the complexity of Niebuhr’s Augustinian theological anthropology.

It is through the sin of pride that human beings seek to destroy the order which provides the conditions for their freedom, because they wish to seize an infinite – and impossible – freedom. Standing at the ‘junction of nature and spirit,’ man is ‘betrayed by his very ability to survey the whole to imagine himself the whole.’¹⁴³¹ Because of this, he ‘break[s] the harmonies of nature and the pride of his spirit prevents him from establishing a new harmony.’¹⁴³² However, this does not prevent him from trying. As Niebuhr writes, history is

filled with manifestations of man’s hysterias and furies; with evidences of his daemonic capacity and inclination to break the harmonies of nature and defy the prudent canons of rational restraint. Yet no cumulation of contradictory evidence seems to disturb modern man’s good opinion of himself. He considers himself the victim of corrupting institutions which he is about to destroy or reconstruct, or of the confusions of ignorance which an adequate education is about to overcome. Yet he continues to regard himself as essentially harmless and virtuous. The question therefore arises how modern man arrived at, and by what means he maintains, an estimate of his virtue in such pathetic contradiction to the obvious facts of his history.¹⁴³³

This can be applied to CRT, as argued in the Chapter Four. Modern man, writes Niebuhr, has an ‘easy conscience,’¹⁴³⁴ as his optimistic anthropology

finds a premature security for the freedom of man in the inner coherence of reason and does not see to what degree man may, in his freedom, violate, corrupt and prostitute the canons of reason in his own interest. Its rejection of Christian pessimism rests upon its belief that the rational man is also the good man.¹⁴³⁵

¹⁴²⁹ Ibid., pp. 178-179.

¹⁴³⁰ Ibid., p. 170.

¹⁴³¹ Ibid., p. 17.

¹⁴³² Ibid.

¹⁴³³ Ibid., pp. 94-95.

¹⁴³⁴ Ibid., p. 23.

¹⁴³⁵ Ibid., p. 112.

When the locus of evil is externalised, the structures and institutions of society must be liquidated to achieve perfect freedom.¹⁴³⁶ Yet, those who hold this view, Niebuhr writes, struggle to explain how evil entered human history in the first place and thus repeat the excuse of Adam – someone else made me do it.¹⁴³⁷ As a consequence, he writes, it is a ‘pathetic’ aspect of history that, having emancipated themselves from historic religion, men are ‘drawn to the worship of Hitlers and Stalins and a whole variety of new priest kings...’¹⁴³⁸ This points back to Augustine’s two orientations of love – as an individual or a society that is not oriented toward God, is possessed by something in his place, and as we have argued above, this is destructive of human freedom.

This can be further illustrated by leveraging the perspective of English Reformation Theology to critique Paine. As Joan Lockwood O’Donovan has argued, the liberal natural rights tradition rests on an anthropological mistake, viewing the individual as self-owning, ‘proprietors with exclusive powers of disposal over their spiritual and corporeal capacities...’¹⁴³⁹ As we have seen throughout arguments discussed in previous chapters, *imago Dei* is imagined on this account as entailing an inherent dignity understood in terms of sovereign self-ownership.¹⁴⁴⁰ This is reflected in the claims of Paine’s absolute rights, which Burke rejects as destructive of true liberty. By contrast, the Augustinian perspective of English Reformation Theology advocates the

conversion of human beings from absorption in their own capacities [...] self-defence, self-vindication, and self-aggrandizement, in strivings to create and secure themselves through technical domination of human and nonhuman nature; and their conversion to the perfections of the triune God revealed in *his* work of creating, sustaining, justifying and sanctifying. [...] emancipation to be the overcoming of the individual’s proprietary self-possession by divine possession, self-love by the love of God, fleshly fear by heavenly fear, justification through works of law by justification through the cross and resurrection of Christ, humanly contrived certainty by the divinely bestowed certainty of faith, and self-aggrandizement by the Spirit’s sanctifying grace.¹⁴⁴¹

In other words, in opposition to prideful politics which lack faith in God and reject dependence upon Him, from the perspective of English Reformation Theology man’s dignity is to be found, not in his self-possession but in his being possessed by God. Lockwood O’Donovan writes,

The dynamic, relational, Christological anthropology offered by English Reformation public theology presents a radically critical and constructive alternative to the rationalist, voluntarist, and essentialist anthropology of the Western natural rights tradition which locates the dignity of human creatures – their unique ontological and moral status – in their proprietary freedom and control as self-reflecting subjects.¹⁴⁴²

The ‘soteriological lens’ of this Christology, she argues, is firmly fixed on divine rather than human action.¹⁴⁴³ The *imago Dei*, she explains,

which sinful human beings need to lay hold on, is the renewed image of Jesus Christ in his full humanity, revealed in the totality of his reconciling and renewing action.

¹⁴³⁶ Ibid., p. 96

¹⁴³⁷ Ibid.

¹⁴³⁸ Ibid., p. 98

¹⁴³⁹ Joan Lockwood O’Donovan, *English Public Theology* (London: T&T Clark, 2023), p. 88.

¹⁴⁴⁰ Ibid., p. 140.

¹⁴⁴¹ Ibid., pp. 103-104.

¹⁴⁴² Ibid., p. 154.

¹⁴⁴³ Ibid.

For Jesus Christ is both the means and end (*telos*) of created humankind's reconciliation with God.¹⁴⁴⁴

This offers a criticism, not only of liberal contractarianism, but of BLT's eisegetical orientation toward the authority of subjective experience. Lockwood O'Donovan argues that the perspective of the English Reformers 'lays bare the modern liberal misconstruction of the unique moral fabric of human life in terms of immanent human powers of autonomous and creative will, reason, and action, ordered to the principal ends of individual self-protection and self-development.'¹⁴⁴⁵ Rather, the Reformers' view is that 'freedom resides in the alignment of the human and the divine will brought about by the Spirit.'¹⁴⁴⁶ This loss of self-control, she notes, is 'repugnant' to those who have a 'proprietary conception of the subject's freedom.'¹⁴⁴⁷

This theological perspective strengthens and conditions the traditional conservative approach by restoring to it three foundational ideas: original sin, providence (grace), and natural law. Recognition of original sin chastens political activity by reminding mankind of our imperfection, guarding us against Pelagian political projects that seek to wield political authority for the salvation of souls. In turn, natural law – incorporated into law and governance through practical reason over time – is recognised as a providential gift, by the grace of God, allowing us to achieve goods within the *saeculum* without falling prey to political idolatry. Far from perfectionist or totalising, this providentialist view is a reminder of the proper place of politics in relation to God. It recognises that a nomocratic, rather than teleocratic, approach is suitable for politics in the *saeculum*. Liberty is thus to be found, not in liberation *from* the inherited order (derived from a rationally devised constitution or emerging from a liberatory dialectic) but *within* an order that accords with the natural law. As both Niebuhr and Lockwood O'Donovan observe, liberty is to be found by submitting oneself to the eternal order, in being possessed by God rather than oneself – he that loses his life for God's sake shall find it. This theological anthropology reminds mankind that we are not God and cautions us to seek the kind of freedom achievable and appropriate for creatures like us. As Temple writes, 'Order is to be valued as the basis of freedom; only in a well ordered society are members of society really free.'¹⁴⁴⁸ This entreats each generation to take care in how they treat the order they inherit: firstly, because the hand of Divine Providence imbues tradition with qualified authority; secondly, because to begin *de novo* is a prideful Pelagian impulse. This is how Burke can hold that the consecration of the state is 'the foundation of [the] whole constitution' holding every part in 'indissoluble union.' By serving as a reminder that God is the end of all things, consecration keeps politics in its proper place within the ensemble that secures liberty. Far from threatening liberty, the public privileging of this anti-perfectionist doctrine serves as its strongest defence.

Political Implications of an Augustinian Eschatology

The eschatological implication of an Augustinian anthropology is that perfection – and the salvation of souls – is not the proper object of politics. As Lovin writes, 'The reality of God always sets a limit on historical claims to completeness and finality [...] humility and courage are not incompatible virtues, and theological realism may sustain both of them.'¹⁴⁴⁹ In this

¹⁴⁴⁴ Ibid., p. 140.

¹⁴⁴⁵ Ibid., p. 154.

¹⁴⁴⁶ Ibid.

¹⁴⁴⁷ Ibid., p. 155.

¹⁴⁴⁸ Temple, *Christianity and Social Order*, p. 83.

¹⁴⁴⁹ Lovin, *Christian Realism and the New Realities*, p. 11.

final subsection, we draw on selected arguments of Lockwood O'Donovan and Oliver O'Donovan, to argue that this eschatological perspective further qualifies a traditional conservative defence of a confessionally Christian state and restores the role of judgement that can ameliorate policymakers' difficulty justifying legitimate the defence of liberty.

Lockwood O'Donovan notes that, historically, the Christian understanding of the nation that emerged in the fourteenth to sixteenth centuries were influenced by the scriptural model of Israel as a political community defined by common ancestry, language and historical memory.¹⁴⁵⁰ Thrones were held by divine appointment, and – like Israelite rulers – the monarch's role was to judge, legislate and wage war.¹⁴⁵¹ David and Solomon were looked to as the 'embodiment of divinely imparted wisdom,' paradigms of knowledge of, and obedience to, God's law.¹⁴⁵² The realm was bound together by the 'ligaments of divine and human law.'¹⁴⁵³ However, as the Christ-event had established a new eschatological context for politics, Christian polities, she argues, had to walk a 'perilous theological route,' avoiding the temptation to identify the nation with God's elect and collapsing into theocratic legalism, as this would have represented a refusal of Christ's kingship. As Lockwood O'Donovan neatly states, in doing so, they would be refusing 'to follow Israel into exile.'¹⁴⁵⁴ Thus, she argues, the new meaning of the nation 'takes shape in the penumbra of the church's eschatological witness in a sinful world.'¹⁴⁵⁵ The elements of government remain – enacting judgements, laws, defence – but, she argues, 'the theological significance has changed' because the nation has a new 'role in the divine economy.'¹⁴⁵⁶ It is 'no longer revealed to be the vehicle of salvation, but merely the guaranteed social space within which God's saving work proceeds.'¹⁴⁵⁷ She writes

Only as the community of Pentecost, the Spirit-filled body of the exalted Christ, is grasped as the *telos* of earthly polity do the *inherent* deficiencies and limitations of the earthly nation come to light. These are the deficiencies, on the part of rulers, of coercive power, tragically inadequate judgement, and weak vision; on the part of the ruled, of inequitable laws, incomplete consent and merely external and episodic obedience; on the part of the ethnic/cultural community, of narrow and exclusive self-definition.¹⁴⁵⁸

Political authority, according to this pre-modern view, is thus more than representative of the community or common judgement – the ruler 'received and exercised from God only delegated and participated power.'¹⁴⁵⁹ While this need not mean consent has no place, as we have already noted in Chapter Three, it is possible to distinguish between the 'generative source of political authority,' and 'the legitimacy of exercises of political power.'¹⁴⁶⁰ Nevertheless, the position Lockwood O'Donovan describes is quite different from the view

¹⁴⁵⁰ Lockwood O'Donovan, 'Nation, State, and Civil Society in the Western Biblical Tradition,' p. 284.

¹⁴⁵¹ Ibid., p. 284.

¹⁴⁵² Ibid., p. 285.

¹⁴⁵³ Ibid.

¹⁴⁵⁴ Ibid.

¹⁴⁵⁵ Ibid.

¹⁴⁵⁶ Ibid., p. 286.

¹⁴⁵⁷ Ibid.

¹⁴⁵⁸ Ibid.

¹⁴⁵⁹ Ibid., p. 289.

¹⁴⁶⁰ Paul Billingham, 'Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism,' *Social Theory and Practice*, Vol. 47, No. 3 (2021), p. 529.

of a liberal contractarian like Paine, or indeed, a critical theorist such as Marcuse for whom absolute authority is ‘vested in the people.’¹⁴⁶¹

As already noted, Christianity cannot ‘baptise’ any political theory.¹⁴⁶² It provides valuable principles but does not provide a vision of an ideal state.¹⁴⁶³ An Augustinian position forbids some political arrangements and aligns better with others.¹⁴⁶⁴ As noted in Chapter Three, there is much contemporary political theological support for variations of liberalism. As Gregory writes ‘Today, there are no serious alternatives to liberal democracy in Christian thought.’¹⁴⁶⁵ This is not unexpected, given Mathewes’ observation that both liberalism and Augustinianism fear the ‘absolutisation’ of the state.¹⁴⁶⁶ Nevertheless, Gregory’s view is qualified, as he writes ‘Augustinian liberals recognize that earthly politics cannot fulfil the deepest longings of a human person or community,’ however, ‘Rights, respect and democracy are good things, even if they are not the fulfilment of love.’¹⁴⁶⁷ Lockwood O’Donovan, however, remains critical of liberalism which, she argues, collapses the ‘theo-political tension’ in her account of political authority by ‘casting government *exclusively* as vicar of the people, thereby providing a necessary historical condition of modern political tyranny and totalitarianism.’¹⁴⁶⁸ By denying the limitation imposed by a recognition of God’s ultimate sovereignty, all power and authority is in the hands of those on earth. As Tsonchev notes, political ideologies (including versions of liberalism) which have no limits become an immanentist teaching.¹⁴⁶⁹ Lockwood O’Donovan argues that the view of the collective will as the ‘source of political authority and the *substance* of political judgement,’ is idolatrous.¹⁴⁷⁰ It is, she writes, rooted in ‘theological error.’¹⁴⁷¹ While such a version of liberalism could not be endorsed by Augustinian liberals, it does point to the capacity of liberalism to possess a totalising impulse. Indeed, although Lockwood O’Donovan does not mention Paine specifically, she writes ‘For the most part, Christians have not perceived the inflation of what belongs to Caesar in democratic civil religion, its capacity to tyrannize society like some Jacobin-at-large.’¹⁴⁷² Her criticism of liberalism – as a ‘pseudo-religion justifying a false social totality’ – is precisely the characterisation that Insole resists in his defence of political liberalism.¹⁴⁷³ However, given their agreement on the place of political authority in the ‘divine economy,’ Burke and Hooker would likely conform more to Lockwood O’Donovan’s perspective than to Insole’s, even if they agree on ‘limiting the scope of the use of public power, given certain general assumptions about the human being.’¹⁴⁷⁴

¹⁴⁶¹ Herbert Marcuse, ‘Repressive Tolerance,’ in Robert Wolff, Barrington Moore and Herbert Marcuse, *A Critique of Pure Tolerance* (London: Jonathan Cape Ltd., 1965), p. 114.

¹⁴⁶² Billingham, ‘Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism?’ p. 542.

¹⁴⁶³ Temple, *Christianity and Social Order*, p. 62.

¹⁴⁶⁴ Billingham, ‘Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism?’ p. 542.

¹⁴⁶⁵ Gregory, ‘Augustinians and the New Liberalism,’ p. 331.

¹⁴⁶⁶ Mathewes, ‘Augustinian Christian Republican Citizenship,’ p. 229.

¹⁴⁶⁷ Gregory, *Politics and the Order of Love*, p. 384.

¹⁴⁶⁸ Lockwood O’Donovan, ‘Nation, State, and Civil Society in the Western Biblical Tradition,’ p. 290.

¹⁴⁶⁹ Tsonchev, *The Political Theology of Augustine, Thomas Aquinas and Reinhold Niebuhr*, p. 271.

¹⁴⁷⁰ Lockwood O’Donovan, ‘Nation, State, and Civil Society in the Western Biblical Tradition,’ p. 290.

¹⁴⁷¹ *Ibid.*, pp. 290-1.

¹⁴⁷² *Ibid.*, p. 294.

¹⁴⁷³ *Ibid.*, p. 295.

¹⁴⁷⁴ Insole, *The Politics of Human Frailty*, p. 41; Lockwood O’Donovan, ‘Nation, State, and Civil Society in the Western Biblical Tradition,’ p. 286.

Lockwood O'Donovan reflects on the importance of re-articulating this historical (theological) perspective, as 'Ignorance or disregard of long-continuing and widely respected indigenous tradition(s) breeds political incoherence.'¹⁴⁷⁵ The 'full resources of the Christian political tradition,' that she argues have gone untapped, direct us to a well-trodden, but now overgrown, *via media*.¹⁴⁷⁶ Thus, examining the revival of the Augustinian tradition within the Reformation period, she argues that English public theology did not view the purpose of government as bringing about godly or virtuous conduct 'by its own efficacy,' but rather to 'facilitate its growth remotely and externally.'¹⁴⁷⁷ In other words, to use the words of Oliver O'Donovan cited earlier in this chapter, flourishing emerges 'not [from] a design conceived in a ruler's head, but a nexus of social communications that exist and flourish antecedently.'¹⁴⁷⁸ This, as we have argued, broadly aligns with Burke's view; although, English Reformation Theology may reflect a slightly more 'negative' view of the role of government, given Burke's Thomistic influence. Lockwood O'Donovan argues that, for English Reformation theologians, while the political jurisdiction cannot represent God's law in its fullness, it can condemn and preserve society from assaults on human goods.¹⁴⁷⁹ Indeed, it might be particularly amenable to Insole that, as Lockwood O'Donovan argues, resisting puritan aspirations for corporate sanctification, Tudor theology steers clear of legal perfectionism and excessive public pedagogy.¹⁴⁸⁰ English public theology, she argues, conceives of political rule in a way that keeps 'the multiplicity of active relationships' between God, the ruler, the community, and its members, in view, 'without eclips[ing] the divine by the human or vice versa.'¹⁴⁸¹ This sets in place certain anti-Pelagian safeguards – always keeping God's sovereignty in sight – at the foundation of English historical constitutional arrangements.

Furthermore, this eschatological perspective revives the role of judgement in politics. Lovin observes that the ideological political movements of the twentieth century shared 'the belief that they stood at a special moment in which particular political decisions taken now could seal human destiny for the indefinite future.'¹⁴⁸² However, by doing so, they extinguish future judgement. An Augustinian eschatology reminds us that we do not live at the 'End of History,' as Francis Fukuyama once claimed.¹⁴⁸³ Echoing Niebuhr's observations of the comfort human beings take from their prideful delusions, Mathewes writes,

We do not admit that we live in history and are thus ongoing projects [...] We cannot stand live questions, and because such questions are part of life, we try hard not to be alive at all. We presume epistemological purity, a condition of having fully realized one's goals, no longer needing to question, no longer needing to live in time.¹⁴⁸⁴

Like Niebuhr, Mathewes argues, this delusional aspiration is an 'expression of our resentment at the fact that we want to rival God and cannot do so.'¹⁴⁸⁵ 'The problem of political idolatry,'

¹⁴⁷⁵ Lockwood O'Donovan, *English Public Theology*, p. 285.

¹⁴⁷⁶ Lockwood O'Donovan, 'Nation, State, and Civil Society in the Western Biblical Tradition,' p. 295.

¹⁴⁷⁷ Lockwood O'Donovan, *English Public Theology*, p. 259-60.

¹⁴⁷⁸ O'Donovan, *The Ways of Judgement*, p. 61.

¹⁴⁷⁹ Lockwood O'Donovan, *English Public Theology*, p. 260.

¹⁴⁸⁰ *Ibid.*, p. 264.

¹⁴⁸¹ *Ibid.*, p. 281.

¹⁴⁸² Robin Lovin, 'Christian Realism for the Twenty-First Century,' *The Journal of Religious Ethics*, Vol. 37, No. 4 (December 2009), p. 673.

¹⁴⁸³ Francis Fukuyama, *The End of History and the Last Man* (London: Penguin, 2021) and *Liberalism and its Discontents* (London: Profile Books, 2023).

¹⁴⁸⁴ Mathewes, 'Augustinian Christian Republican Citizenship,' p. 224.

¹⁴⁸⁵ *Ibid.*

writes Mathewes, '[...] is part of the larger problem of idolatry, which is the problem of our apocalyptic impatience to *be* the people we will be only at the End of Days.'¹⁴⁸⁶ Eschatological impatience, like Pelagian anthropology, is not only idolatrous. It is a futile attempt at usurpation – as human beings cannot avoid living in time, so too they cannot avoid the necessity of ongoing acts of judgement. By contrast, Lovin writes, for the Christian Realist perspective, as only God's judgement is final, 'we cannot make a choice now that will render future choices unnecessary.'¹⁴⁸⁷ Politics within the *saeculum*, therefore, must reckon with the necessity of judgement.

Oliver O'Donovan's view is particularly illuminating in this regard, as he argues that 'the authority of secular government resides in the practice of judgement,' which he defines as 'an act of moral discrimination that pronounces upon a preceding act or existing state of affairs to establish a new public context.'¹⁴⁸⁸ For O'Donovan, Romans 13:4 'strips down the role of government to the single task of judgement, and forbids human rule to pretend to sovereignty.'¹⁴⁸⁹ This is quite different from the idea that sovereignty resides with the nation. Akin to Lockwood O'Donovan's argument above, the role of government is defined by its eschatological context; as O'Donovan explains, 'The higher goods of mankind's social destiny have been looked after in the proclamation of Christ; only the lower goods of judgement need concern earthly princes.'¹⁴⁹⁰ O'Donovan's position, however, is not to be confused with small government libertarianism. Rather, political authority is 're-conceived within this [eschatological] matrix and [is] subject to the discipline of enacting right against wrong.'¹⁴⁹¹ Transformed by salvation-history, earthly political authority is relativised with respect to the New Jerusalem and the throne of God.¹⁴⁹² As Lockwood O'Donovan also noted, so too O'Donovan writes that the authority of political leaders now witnesses to the grace of God and attest by 'their juridical service the coming reality of God's own judgement.'¹⁴⁹³ Furthermore, as O'Donovan's definition of judgement involves a retrospective, as well as prospective political act, 'This double aspect makes judgement subject to criteria of *truth*, on the one hand, and to criteria of *effectiveness* on the other.'¹⁴⁹⁴ Judgement, in other words, as it is in the Hebrew scriptures, is understood as an expression of wisdom.¹⁴⁹⁵ It is an exercise in practical reason.

Although he has reservations about O'Donovan's argument, Scruton notes the alignment between O'Donovan's position and 'one of the glories of the common law,' namely, 'that it takes judgement as its primary notion, rather than an independent and politically defined goal, in the manner of Rawls.'¹⁴⁹⁶ One might argue that this is no coincidence, given the theological milieu of common law thought. Like common law thought, O'Donovan's understanding of political authority is distinctly anti-teleocratic: freedoms are not to be seized directly, but emerge from certain antecedent conditions that are

¹⁴⁸⁶ Ibid.

¹⁴⁸⁷ Lovin, 'Christian Realism for the Twenty-First Century,' p. 672.

¹⁴⁸⁸ O'Donovan, *The Ways of Judgement*, p. 3, 7.

¹⁴⁸⁹ Ibid., p. 4.

¹⁴⁹⁰ Ibid.

¹⁴⁹¹ Ibid., p. 5.

¹⁴⁹² Ibid.

¹⁴⁹³ Ibid.

¹⁴⁹⁴ Ibid., p. 9.

¹⁴⁹⁵ Ibid., p. 7.

¹⁴⁹⁶ Roger Scruton, 'Book Review: The Ways of Judgement' *Studies in Christian Ethics* (2007), p. 144; cf. Nigel Biggar's reservations, in 'On Defining Political Authority as an Act of Judgement: A Discussion of Oliver O'Donovan's *Ways of Judgement*' *Political Theology*, Vol. 9, Issue 3 (2008), p. 276.

preserved by the ongoing execution of wise judgement. This stands in contrast, not only with the approach of Paine, but with those discussed in previous chapters, and particularly CRT. It ‘has been a hallmark,’ O’Donovan writes

of political theory since the seventeenth century to [...] argue that political authority is precisely what we would devise, or perhaps even did devise, in the pursuit of the freedoms we desire. But the goods we value in political relations could not from any conceivable practical perspective have been desired, or the means to realize them calculated.¹⁴⁹⁷

Rather, O’Donovan argues that political freedoms and the practice of restraint are ‘*discovered within* our human experience of the world.’¹⁴⁹⁸ Political judgements, he explains, ‘preserve freedom and do not merely limit it.’¹⁴⁹⁹ They

do not limit freedom *in order to realize it*, but in order to *defend it*. Public freedom is not a project, like private action, that requires realizing; it is an ensemble which gives coherence to private undertakings. And so political authority has no special mandate to pursue a public goal, “the common good” conceived of as a giant millennium dome. Mankind in his and her native social existence, to the extent that that is not impeded and hindered by sin, serves the common good simply by being *societas humana*. Government’s task is to respond to *threats* to the common good, repelling whatever obstructs our acting freely together.¹⁵⁰⁰

Political judgement preserves the antecedent conditions, the communicated goods, that make freedom possible. This understanding of political authority, he argues, is fundamentally anti-totalitarian; ‘not everything we do is to be determined by political judgement; not everything is to be either forbidden or commanded.’¹⁵⁰¹ He contrasts this with ‘government as an architectonic practice.’¹⁵⁰² This understanding of political authority becomes totalitarian, by imposing an abstract design on society, intended to create uniformity out of its diverse parts. The viciousness of that plan, he writes, depends on the degree of abstraction it imposes.¹⁵⁰³ This characterisation bears resemblance to the contractarian liberalism of Paine, Oakeshott’s Pelagian rationalists, and CRT.

However, O’Donovan argues that his view of political authority does not prohibit government from having an expansive understanding of wrongs; indeed, the wrongs it seeks to guard against may include failures of wisdom.¹⁵⁰⁴ A failure of wisdom, for example, could involve a failure to preserve those antecedent conditions upon which freedoms depend. This has implications for the importance of tradition. O’Donovan contrasts two definitions of freedom, which broadly align with two poles of approaches discussed in this thesis: first, the individualist view that freedom is the power to act, stripped of social context (throughout this thesis, this is referred to as *liberation from*—); secondly, ‘realization of individual powers within social forms’ (*liberty within* –).¹⁵⁰⁵ As argued in Chapters Two to Four, the first understanding of freedom leads to difficulties in securing liberty. The present chapter has argued for the second conception of freedom, which O’Donovan understands as the

¹⁴⁹⁷ O’Donovan, *The Ways of Judgement*, p. 53.

¹⁴⁹⁸ *Ibid.*, p. 53.

¹⁴⁹⁹ *Ibid.*, p. 55.

¹⁵⁰⁰ *Ibid.*, p. 57.

¹⁵⁰¹ *Ibid.*, p. 61.

¹⁵⁰² *Ibid.*

¹⁵⁰³ *Ibid.*

¹⁵⁰⁴ *Ibid.*

¹⁵⁰⁵ *Ibid.*, p. 68.

‘objective correlate’ of authority.¹⁵⁰⁶ Akin to Macintyre’s and Scruton’s arguments above, O’Donovan argues that authority attaches itself to

structures of communication in which we engage in order to realize freedom. And this is the sense in which freedom may be lost. Loss of freedom does not mean that the social orientation of human beings can be utterly thwarted. But we can be deprived of the structures of communication within which we have learned to act, and so we can find ourselves hurled into a vacuum in which we do not know how to realize ourselves effectively.¹⁵⁰⁷

To illustrate the seriousness of this, O’Donovan appeals to scripture (cf. Jeremiah 45:4-5).¹⁵⁰⁸ The collapse of these structures of communication, he argues, is understood as an evil (cf. 1 John 3:4; 2 Timothy 3:1).¹⁵⁰⁹ Further, O’Donovan’s understanding of the danger of false communications is reflected in his view of original sin. Eve was *deceived*. ‘Human offence,’ he concludes, ‘is veiled in epistemological ambiguity.’¹⁵¹⁰ The original sin, therefore, was ‘evoked by false communications that concealed the rebellious character of the will.’¹⁵¹¹ Burke’s argument with Paine, and Oakeshott’s criticisms of rationalism, might be viewed in this light; as they emphasise the epistemological risks of discarding tradition, resulting in a failure to communicate the wisdom of past judgements to future generations. By this measure, O’Donovan’s account points to a qualified imperative to preserve tradition, as communicated goods – which are mediated within a community but rooted in the divine order (through natural law) – are ‘sustained by tradition, and tradition is a continuity of practices, learned, repeated, and developed.’¹⁵¹² The freedom of a society is a matter of ‘having a tradition of communications shaped by the place, handed on from generation to generation.’¹⁵¹³ It is related to ‘a society’s particular historical way of existing.’¹⁵¹⁴ As such, the loss of these conditions is experienced as injury.¹⁵¹⁵ He writes

Society fails in wisdom above all when it fails to comprehend its own communicated goods in relation to the supreme good – God himself, and also the Word and Wisdom of God which gives form to the universe of beings. Its structure of shared meanings becomes falsified, and it comes to be held together by a distorted idea of itself. This may take form as an overt ideology of the traditional kind, a legitimating theory based on claims for some class, race, or civilizational form.¹⁵¹⁶

By failing to recognise the sovereignty of God, a society loses itself; by pretending to God’s sovereignty, a society abandons the ongoing judgement that preserves the antecedent conditions by which liberty is secured, and as such, it destroys the conditions of liberty. This, as argued in the previous chapter, is seen in CRT’s repudiation of the inherited order. A failure to recognise God as the end of all things opens the door to Pelagian temptations that lead ideologues to eviscerate the goods that can be achieved in the *saeculum*. We recall

¹⁵⁰⁶ Ibid.

¹⁵⁰⁷ Ibid.

¹⁵⁰⁸ ‘What I have built I am breaking down, and what I have planted I am plucking up, [...] And do you seek great things for yourself? Seek them not!’; Oliver O’Donovan, *The Ways of Judgement*, p. 68.

¹⁵⁰⁹ Oliver O’Donovan, *The Ways of Judgement* (Michigan: Eerdmans, 2005), p. 80.

¹⁵¹⁰ Ibid., p. 79.

¹⁵¹¹ Ibid.

¹⁵¹² Ibid., p. 69.

¹⁵¹³ Ibid., p. 70.

¹⁵¹⁴ Ibid.

¹⁵¹⁵ Ibid., p. 71.

¹⁵¹⁶ Ibid., p. 73.

Ratzinger's observation that they 'ruin in the praxis what the theory had proposed,'¹⁵¹⁷ or Kirk's that the promise of 'terrestrial paradise [...] promptly [delivers] us to the gates of terrestrial hell.'¹⁵¹⁸

Therefore, O'Donovan's argument supports the view that it is within a government's authority to act in preservation of the country's traditions and to defend (but not construct and confer) national identity.¹⁵¹⁹ A liberal might object that there is not, and can never be, a single secure 'tradition of communications.'¹⁵²⁰ However, as Biggar – who is 'sympathetic to the proposal that society should have a dominant, official history' – muses, 'maybe the crucial point is that members of a healthy liberal society should care about *which* history dominates...' ¹⁵²¹ Yet, in Britain, O'Donovan notes, there has been a 'fairly serious crisis of intergenerational communication.'¹⁵²² One explanation for this might be found in the loss of eschatological context, as O'Donovan observes in *Desire of Nations* that late-moderns

always suspect a desire to see public justice done is a subtle and hypocritical way of securing one's own interests. To understand why this suspicion is wrong we must understand the part that the Christian faith played in creating it. Christian liberalism taught judges to look over their shoulders when they pronounced on fellow-sinners' crimes. It taught them they were subject to the higher judgement of God, who would judge mercifully those who judged mercifully. Ex-Christian liberalism inherited all the hesitancy; but, no longer grounded in religious humility, it became moral insecurity.¹⁵²³

This moral insecurity compounds policymakers' lack confidence in the legitimacy of political authority to act in defence of liberty and the communicated goods, or traditions, that secure it. Restoring the proper eschatological context would, conversely, have the effect of reinvigorating the role of judgement in politics, replacing insecurity with humility. This would not only facilitate a more robust defence of liberty; the humility it instils would provide a sense of responsibility to discipline those in authority against Pelagian endeavours, restraining political perfectionism.¹⁵²⁴

There are, of course, several anticipated objections, some of which will be addressed in the subsequent concluding chapter. For the present purpose, we note that conservatives of Oakeshott's persuasion are unlikely to accept these theological foundations as necessary, although they might be persuaded to accept them as expedient because they provide a secure foundation for respecting the *saeculum* (and thus the avoidance of political idolatry). Similarly, a liberal may reject the argument that political authority is not solely derived from consent. For political liberals, my proposal unjustifiably privileges a contestable comprehensive doctrine. Secular liberals, such as Barry, may simply regard my approach as illiberal. For multiculturalists, it commits the 'cardinal sin against the ideal of

¹⁵¹⁷ Joseph Cardinal Ratzinger and Vittorio Messori, *The Ratzinger Report* (San Francisco: Ignatius Press, 2018), p. 190.

¹⁵¹⁸ Kirk, *Enemies of the Permanent Things*, p. 168.

¹⁵¹⁹ O'Donovan's *Ways of Judgement*, p. 156.; cf. Biggar, 'On Defining Political Authority as an Act of Judgement: A Discussion of Oliver O'Donovan's *Ways of Judgement*,' p. 287.

¹⁵²⁰ Biggar, 'On Defining Political Authority as an Act of Judgement: A Discussion of Oliver O'Donovan's *Ways of Judgement*,' p. 284.

¹⁵²¹ *Ibid.*, p. 284.

¹⁵²² Oliver O'Donovan, 'Judgement, Tradition and Reason: A Response,' *Political Theology*, Vol. 9, Issue 3 (2008), p. 407.

¹⁵²³ Oliver O'Donovan, *The Desire of Nations* (Cambridge: Cambridge University Press, 1996), p. 278.

¹⁵²⁴ Cf. *Ibid.*, p. 156.

authenticity,¹⁵²⁵ and for critical race theorists, it imposes the oppressive ideology of whiteness. However, we have argued against all these positions in previous chapters, concluding that they offer, at best, weak security for liberty and, at worst, threaten it. Further, those who have offered theological arguments in support of variations of liberalism may be uncomfortable with the idea of a confessionally Christian state on Augustinian grounds. However, for the reasons we have argued above – both anthropological and eschatological – the privileging of Christianity as a public doctrine need not be a totalising or theocratic proposition. As Mathewes writes, it ‘injects an eschatological leaven into the mix, insisting on the “not yet” character along with the “now.”’¹⁵²⁶ As McIlroy explains (describing O’Donovan’s position), it

offers [a] vision of a liberal Christendom as an alternative to the neutral secular liberalism which is felt to be robbing the West of its moral resources and of its spiritual commitments without merely mirroring the fusion of religion and government which Islamists seem to demand.¹⁵²⁷

Indeed, it is the contention of this thesis that the security of liberty depends upon respect for the *saeculum*, and that this can be robustly underpinned by the theological anthropology and eschatology proposed in this chapter. I have argued that this foundation is well suited to the task, because it respects plurality while resisting a collapse into relativism, invigorates the role of judgement, and safeguards against totalising Pelagian aspirations. On this basis, this theologically conditioned traditional conservative approach can assist the British state (and policymakers) in overcoming the challenges resulting from underlying philosophical difficulties identified in previous chapters. It does so by empowering those in authority to exercise judgement for the defence and preservation of the antecedent conditions that secure liberty. This proposal is intended to be compatible with the Stepan’s *twin tolerations* or Laborde’s *Divinitia*, mentioned in Chapter Three.¹⁵²⁸ As such, while it guards the view that the church and state do not share the same business, that does not mean they can have no business with one another; it is a vision of a ‘law-governed society, which is sustained and informed by’ the presence of the church.¹⁵²⁹

Finally, it is necessary to respond briefly to Jonathan Chaplin’s critique of the ‘Christian nation’ position.¹⁵³⁰ Rejecting the view that the state can have corporate religious agency, Chaplin argues that the state is incompetent to decide which faith should be privileged over others.¹⁵³¹ As a result, Chaplin opposes even ‘weak’ establishments, as in England.¹⁵³² Even if liberal democratic values have their historic roots in Christian culture, he argues, ‘cultural protection cannot override the norm of religious impartiality.’¹⁵³³ However,

¹⁵²⁵ My emphasis; Charles Taylor, *Multiculturalism and “the Politics of Recognition”* (Princeton, NJ: Princeton University Press, 1992), p. 38.

¹⁵²⁶ Mathewes, ‘Augustinian Christian Republican Citizenship,’ p. 230.

¹⁵²⁷ McIlroy, ‘The Right Reason for Caesar to Confess Christ as Lord: Oliver O’Donovan and Arguments for the Christian State,’ p. 311.

¹⁵²⁸ Alfred Stepan, ‘Muslims and Toleration: Unexamined Contributions to the Multiple Secularisms of Modern Democracies,’ in Alfred Stepan and Charles Taylor, eds. *Boundaries of Toleration* (New York: Columbia University Press, 2014), p. 269; Cécile Laborde, *Liberalism’s Religion* (Cambridge, MA: Harvard University Press, 2017), p. 151.

¹⁵²⁹ McIlroy, ‘The Right Reason for Caesar to Confess Christ as Lord,’ pp. 304, 311.

¹⁵³⁰ Jonathan Chaplin, *Beyond Establishment: Resetting Church-State Relations in England* (London: SCM Press, 2022), pp. 44-69.

¹⁵³¹ *Ibid.*, p. 42.

¹⁵³² *Ibid.*

¹⁵³³ *Ibid.*, p. 43, 45.

John Ritzema offers a compelling challenge to Chaplin that touches on the crux of our argument. Ritzema writes,

To recognise or promote the Christian religion is not the same as enforcing religious uniformity or extirpating false religion. To be sure, plenty of Christian states and governments have over the last two millennia attempted to do just that, often involving terrible injustices. But these concepts are not identical, or even mutually implicative. It is possible for the state to be confessionally Christian and nevertheless tolerant of non-Christian, or heterodox Christian, religious groups.¹⁵³⁴

While the argument of this thesis agrees that the state is not justified in enforcing religious uniformity, this does not mean the state is incompetent to ‘recognise the things of God.’¹⁵³⁵ Indeed, we have argued that to do so is to the benefit of defending liberty. Similarly, as Ritzema notes, while there may be practical difficulties in a society where the ‘things of God’ are ‘publicly contested,’ it does not follow that the state lacks ‘metaphysical or epistemic’ capacity.¹⁵³⁶ Indeed, drawing on the Old and New Testaments, Ritzema convincingly challenges the claim that scripture cannot support the view that a nation can possess corporate religious agency to ‘recognise the things of God.’¹⁵³⁷ He adds,

It is surely worth pointing out that the current constitutional settlement in England involves no attempt by the state to impose Christian belief or practice on its non-Anglican or non-Christian citizens, even as that same settlement and Established Church occasionally weave threads of explicit, confessional Christianity through certain areas of public life.¹⁵³⁸

As we have argued throughout this thesis, neutrality is not possible. The privileging of a contestable doctrine is unavoidable. Freedom and tolerance depend upon *secularity*, not secularism. Anglicanism is not only the ‘sitting, and, not unworthy,’ candidate, as Biggar observes.¹⁵³⁹ As an anti-perfectionist privileged public doctrine – along the lines I have argued in this chapter – it can better secure liberty than the philosophical approaches critiqued in previous chapters. Indeed, this chapter argues that in our own national context ‘cultural protection’ does not ‘override’ liberty, it protects it.

Conclusion

Christianity will always stand in tension with any political theory, including traditional conservatism. However, I have argued that there are theological reasons to support traditional conservatism, as it is particularly suited to politics in the *saeculum*. Moreover, this approach is strengthened when conditioned by a theological anthropology and eschatology. Recognition of God’s ultimate sovereignty mitigates against the idolising of tradition and dispels perfectionist pretensions, injects traditional conservatism with the dynamism of the natural law, and reinvigorates the role of judgement that can help to overcome difficulties of

¹⁵³⁴ John Ritzema, ‘“As for me and my house.” Nations, States, and Corporate Religious Agency in the Bible,’ in Joshua Hordern and Graham Tomlin eds. *A Voice in the Wilderness? Why should we listen to the Church of England?* (London: SCM Press, forthcoming 2026).

¹⁵³⁵ Ibid.

¹⁵³⁶ Ibid.

¹⁵³⁷ Ibid.

¹⁵³⁸ Ibid.

¹⁵³⁹ Nigel Biggar, ‘Why the ‘establishment’ of the Church of England is Good for a Liberal Society’, in Mark Chapman, Judith Maltby and William Whyte, eds. *Church Establishment: Past, Present and Future* (London: Bloomsbury, 2011), p. 14.

justifying the legitimate defence of liberty.¹⁵⁴⁰ Indeed, such theological considerations, as demonstrated through Burke, have been foundational in shaping traditional conservative thought.

This thesis has sought to respond to the question of whether privileging a public doctrine is a threat to liberty, or can in fact help to secure it. Previous chapters have argued that neutrality is neither possible nor desirable. This chapter has defended the view that liberty can only be secured within order, and that an order conducive to liberty is one that accords with natural law, by recognising God as the end of all things. Liberty is therefore threatened by the repudiation of the inherited order characteristic of Pelagian teleocratic politics, as it undermines the antecedent conditions upon which liberty depends. Conversely, such an order can be nurtured by the privileging of already established Anglican Christianity as a comprehensive quasi-anti-perfectionist public doctrine.¹⁵⁴¹

Returning to our starting point, Revel observed that democracy ‘can defend itself only very feebly’ as those who seek ‘to destroy democracy appear to be fighting for legitimate aims, while its defenders are pictured as repressive reactionaries.’¹⁵⁴² This, he argued, ‘paralyzes the efforts of people who are only trying to preserve their institutions.’¹⁵⁴³ In Chapters Two and Three, I argued that this challenge to the legitimacy of state action emerges from the philosophical foundations of British policy in multiculturalism and liberalism. In Chapter Four, I argued that CRT further compounds the challenge, because as a Pelagian doctrine, it poses a threat to liberty. In this chapter, I have argued that a theologically qualified traditional conservative approach – which favours a confessionally Christian state – ameliorates the difficulties of justifying the state’s legitimate defence of liberty. It does so by replacing insecurity with humility. Firstly, it overcomes the difficulty – caused by the requirement of neutrality or recognition – of justifying legitimate state action in defence of liberty. Secondly, it proposes a self-limiting privileged public doctrine characterised by secularity, that restrains perfectionist policies that would trespass upon individual liberty. The ‘paradox of tolerance’ is more challenging for philosophical approaches that require recognition or neutrality. Reframed by a theologically qualified traditional conservatism, it becomes a more manageable consideration. Therefore, I have argued that this approach provides better security for liberal outcomes than liberalism. It is teleological and nomocratic, rather than teleocratic or theocratic. It supports plurality, rather than pluralism, secularity rather than secularism, and liberality rather than liberalism. As we shall see in the concluding chapter, rather than a clear policy plan or programme, it recommends a paradigm shift in the way in which the security of liberty is approached. Reintroducing this approach to the policy discussion is intended to resurrect a political attitude, a *style* of politics. It aims to tap centuries of practical wisdom and restore to policymakers’ imaginations ideas that once informed our political landscape but have since fallen away – original sin, the *saeculum* and *eschaton*, providence, grace and the natural law. This, I hope, can provide a fresh vantage point and vocabulary for engaging ‘the problem.’

¹⁵⁴⁰ Burgess, *Edmund Burke’s Battle with Liberalism*, p. 105; cf. Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), pp. 4-5.

¹⁵⁴¹ Cf. Quong, *Liberalism without Perfection*, pp. 14, 19.

¹⁵⁴² Revel, *How Democracies Perish*, pp. 4-5.

¹⁵⁴³ *Ibid.*

6. Conclusion: Responding to ‘The Problem’

In Chapter Five, I have argued from a traditional conservative perspective that privileging Christianity as an anti-perfectionist, anti-totalising public doctrine is conducive to securing liberty, and can alleviate the challenges in the policy debate outlined in Chapter One. This thesis contends that theologically qualified traditional conservatism can provide a constructive interlocutor in ongoing public policy debate by: proposing a paradigm shift in how the security and defence of liberty are understood, focusing efforts *upstream* on antecedent conditions, rather than *downstream* on abstract objectives; reinvigorating the role of judgement in defence of liberty; serving as a standing-rebuke to hubristic political solutions; and providing a vocabulary to identify ever-present Pelagian temptations that threaten our liberties. From the storehouses of English political philosophy and political theology, a theologically qualified traditional conservatism re-articulates the nature of the threat to liberty and reconceptualises how it can be effectively defended, while avoiding the pitfalls of other approaches that have challenged the legitimacy of effective action.

This concluding chapter is structured as follows: first, a summary of the argument; second, a response to anticipated criticism of our conclusion, an explanation of notable absences and a note on possibilities for future research; third, an application of our conclusion to the policy debate.

Summary of the Argument

This thesis sought to respond to two questions raised by the ‘paradox of tolerance’ in the policy response to beliefs and practices that the British state perceives as subversive. How can the state defend liberty without undermining it? Is privileging a public doctrine intolerant, or can it help to secure liberty? Through an outline of the policy debate, Chapter One identified the difficulties the state faced in justifying intervention in defence of liberty, and how it sought to do so: firstly, identifying what it sought to defend by defining British values; secondly, articulating an official narrative in which the state is a neutral arbiter between conflicting groups in a diverse society; thirdly, justifying the legitimacy of its interest in curbing *legal but harmful* activity. Through this account, we noted how successive governments have struggled to avoid either under- or overreach. We witnessed how the government struggled to take actions against perceived threats to liberty, without opening itself to the accusation of intolerance. As Revel wrote, ‘those seeking to destroy democracy appear to be fighting for legitimate aims, while its defenders are pictured as repressive reactionaries.’¹⁵⁴⁴ It has been the aim of this thesis to understand the philosophical sources of this problem, and to find a solution to ameliorate it.

The former task was undertaken in Chapters Two and Three. In Chapter Two, we argued that the imperative of recognition (which provides the rationale for cultural accommodation and group rights) introduced by multicultural theories stands in tension with individual liberties. This, I argued, challenges the legitimacy of the state to draw the limits of tolerance, because any imposition on cultural groups is vulnerable to the charge that their equal citizenship has been undermined because recognition has been denied. This aggravates ‘the problem’ outlined in Chapter One, because it potentially ‘discredits and paralyzes efforts of people who are only trying to preserve’ democratic institutions, to protect ‘tolerant society against the onslaught of the intolerant.’¹⁵⁴⁵ Chapter Three argued that liberal theories aspiring to *thinness* – by prioritising the right over the good – are not beyond contestation, even by

¹⁵⁴⁴ Jean-François Revel, *How Democracies Perish* (New York: Perennial Library, 1985), p. 4-5.

¹⁵⁴⁵ *Ibid.*, pp. 4-5; Karl Popper, *The Open Society and Its Enemies* (Oxford: Routledge, 2011), p. 581.

those who subscribe to a reasonable public doctrine. Consequently, they remain open to the accusation of overreach. Further normative withdrawal – as illustrated by Kukathas – endangers liberty and tolerance. This led us to the conclusion that liberty is better secured by the privileging of a supportive public doctrine. Due to the liberal emphasis on consent as the source of authority, it is understandable that some liberals would be uncomfortable with this suggestion, as a public doctrine can never be amenable to all. Indeed, Chapter One witnessed this impulse in the definition of British values. It was designed to be generally amenable; not so *thick* that it was exclusive, and not so *thin* that it was pointless. However, we argued that the means of securing liberal outcomes will always be contested by those who wish to subvert them. Concluding that this is unavoidable, we turned our attention to the question of which public doctrine is most conducive to securing liberty. Chapter Three closed by suggesting that Anglicanism, rather than comprehensive secular liberalism, is a suitable public doctrine. In summary, Chapters Two and Three identified, in the underlying philosophical sources, tensions that aggravate ‘the problem’ outlined in Chapter One. Both liberalism and multiculturalism struggled, in respective ways, to set legitimate limits on tolerance, resulting in a weak defence of liberty; in different ways, their handling of ‘hard cases’ lends itself to the state being ‘pictured as repressive reactionaries.’¹⁵⁴⁶

Chapters Four and Five were concerned with the task of overcoming this challenge in defence of liberty, by exploring two alternative understandings of how freedom is to be secured: as freedom requiring *liberation from* – through the repudiation of – the inherited order; or as liberty *within* the inherited order. Chapter Four introduced CRT, a philosophical newcomer to the British policy debate. This chapter argued that CRT’s approach results in intolerance, and that its conception of liberation poses a threat to liberty. On philosophical and theological grounds, I argued that by subjugating all things to the cause of liberation, CRT is a Pelagian doctrine that does not respect the proper place of politics in the *saeculum*. Moreover, I have suggested that, under the influence of CRT – which frames anything not conducive to liberation as harmful – the government’s interpretation of ‘legal but harmful’ would pose a threat to liberty. Continuing this critique of CRT as a Pelagian doctrine, Chapter Five argued that liberty is better secured *within* an order that recognises God as the end of all things. Liberty, I argued, is supported by conducive antecedent conditions that are threatened by the Pelagian politics of perfection. Qualified by a theological anthropology and eschatology, I concluded that traditional conservatism – as a politics of imperfection – is suited to securing liberal outcomes in the *saeculum*. An emphasis on imperfectibility and recognition of God’s ultimate sovereignty mitigates against political idolatry, dispels Pelagian pretensions, and reinvigorates the role of judgement to permit a confident defence of the conditions conducive to liberty. By replacing insecurity with humility, those in political authority are encouraged to act responsibly, with confidence.

Furthermore, the politics of imperfection I have defended in this thesis is capable of ameliorating the philosophical difficulties of other approaches, that I argue have contributed to policymakers’ difficulty justifying a legitimate defence of liberty, avoiding over- and underreach. Firstly, traditional conservatism ameliorates the tension created by multiculturalism’s imperative of recognition. It agrees that the state cannot be neutral, and that human beings are not ontologically prior to the ties that bind them. However, unlike multiculturalism, without the requirement of recognition, traditional conservatism is more comfortable with the reality of a non-neutral state securing liberty: it is defensible for the state to privilege a contested doctrine, and this does not undermine equal citizenship. Secondly, liberalism struggled to justify any limits on tolerance because it locates political authority in the consent of the present generation. Since traditional conservatism rejects this

¹⁵⁴⁶ Ibid., p. 4-5.

limited view of political authority, it is less vulnerable to the charge of illegitimate overreach when acting in defence of liberty. As a result, it avoids the liberal discomfort with privileging liberalism. At the same time, when qualified by political theology, it is injected with a measure of humility that warns against overreach, encouraging a balanced approach.

Rather than proposing a new policy programme, or a new set of definitions, this thesis has suggested a paradigm shift. Traditional conservatism acknowledges that there can be no ‘philosopher’s stone’ that will remove the necessity of ongoing judgement. Indeed, to overcome the difficulties of justifying the legitimate defence of liberty, the role of judgement needs to be empowered. Liberty will always be a fragile inheritance. That is why it must be tended to responsibly by each generation. This may not provide us with the comfort or certainty we desire. After all, when liberty is viewed as dependent upon antecedent conditions, its fragility is apparent. This conception of liberty asks more of us compared with the simpler path that tells us that freedom can be achieved destructively rather than constructively. This apparently simpler path presents liberty as invulnerable, as it is always present – all we must do, at any point, is strip away every stricture and we will find it waiting for us. The traditional conservative conception of liberty, on the other hand, is as frightening as it is demanding, because liberty is not always waiting for us. There is no simple path to it, and no shortcuts; it emerges from a soil carefully cultivated over many generations, tended to by those executing a *craft* – it is not something that can be achieved alone, but only in common, over time. At the same time, it reminds us of our limitations as individuals and single generations, warning us against seeking definitive solutions. It warns us not to be reckless, but to take on responsibility for the careful transmission of something valuable but fragile. It is something, as Burke argued, that must be approached with awe and respect, not pride and hubris.

Our proposition, therefore, is not a plan of action. Rather, it is an alteration in the vantage point from which we view ‘the problem.’ It offers a ‘new’ vocabulary for articulating the problem, and a different understanding of precisely what needs to be defended, grounded in *particular* conditions rather than *abstract* values.

Anticipated Criticisms, Notable Absences and Future Research

Firstly, one might argue that this approach does not offer certainty. How can we be sure that those in positions of political authority will not abuse their judgement to oppress and censor certain individuals or groups? The answer is that we cannot. However, if we view human beings as imperfect creatures, no approach can offer such certainty. Political authority will always be vulnerable to abuse. However, an approach which does not *purport* to offer such certainty will encourage vigilance and appropriate measures to avoid the excesses of our fallen nature. Furthermore, any pretence to such certainty implicitly diminishes responsibility. By denying those in authority an ideological crutch, our approach seeks to restore responsibility for inevitable judgements that must be made. However eschatologically impatient we might be, we cannot escape the reality that we live *within* history – within the *saeculum* – rather than at the end of it. This should encourage those in positions of authority to act with care, so as not to – in Burke’s words – ‘[rashly] hack [the] aged parent in pieces.’¹⁵⁴⁷ In other words, communicated goods, the antecedent conditions of liberty, should be tended to with care, so that they can be responsibly transmitted for posterity. In a similar manner, we might respond to the anticipated question – why traditional conservatism rather than liberalism? We have argued that liberty is vulnerable when we try to grasp it directly.

¹⁵⁴⁷ Edmund Burke, *Reflections on the Revolution in France* (London: Penguin, 2004), p. 194.

The disagreement is over method, rather than outcomes. I have argued that traditional conservatism is better equipped (when qualified by theology) to secure liberal outcomes.

Secondly, one might ask whether what has been presented is too ambitious as a political proposal, particularly as Britain becomes more doctrinally diverse. While this may be true at the present time, this thesis does not suggest the proposed approach should be taken up by the political establishment *tomorrow*. Rather, I propose that it can be an illuminating interlocutor in the policy debate, restoring to public discussion what had once been a significant political philosophical (and theological) voice in British politics. I agree with a variation of Joan Lockwood O'Donovan's observation, that looking to political philosophical and theological resources in our past can contribute to resolving policy challenges in the present. Second, it is not far-fetched to suggest that this approach can contribute to public debate. Although he spoke in a near-empty chamber, on 17 July 2025, Member of Parliament Danny Kruger addressed the Commons to restate the importance of British democracy's Christian foundations, in terms similar to the argument offered in this thesis.¹⁵⁴⁸ He said,

The Jewish and Christian god is a God of nations. He is interested in people as individuals, but also as groups – as communities not only of kinship but of common worship, with a common God. Uniquely among the nations of the world, this nation – England, from which the United Kingdom grew – was founded and created consciously on the basis of the Bible and the story of the Hebrew people. [...] The story of England is the story of Christianity operating on a people to make the institutions and culture that have been uniquely stable and successful.¹⁵⁴⁹

Furthermore, he emphasised the antiquity of these roots, speaking of a model 'forged and refined in England over a thousand years...' ¹⁵⁵⁰ He described this model as follows:

that power should arrange itself for the benefit of all the people under it, and specifically for the poorest and weakest; that the law is there to protect the ordinary person against the abuse of power; and that every individual has equal dignity and freedom, including, crucially, freedom of conscience, religion and belief, which makes space for other religions under the Christian shield – a secular space. Indeed, the idea of a secular space is a Christian concept that is meaningful only in a Christian world.¹⁵⁵¹

While signs of a Christian 'quiet revival' in England, and a recent resurgence of interest in the Christian foundations of Britain's institutional and moral landscape, does not entirely mitigate against the reality of growing diversity, this approach has the potential to make a serious, historically-rooted contribution in British policy thinking.¹⁵⁵² Even those who would likely reject our conclusions could not deny a place to this approach as a legitimate interlocutor in public policy debate.

Thirdly, a more serious critical question may be – even if we could decide what precisely constitutes *the* tradition, how are we to do so in a manner that avoids stasis and the charge of idolatry? This is a strong criticism, because in part we must accept it. However, in Chapter Five, it is not a *stillborn* tradition that I defend. It is a complex inheritance that defies reduction. Indeed, as I have argued on Augustinian foundations, mankind's imperfectibility is both the reason why tradition is valuable, and why it is never beyond critical reflection. To

¹⁵⁴⁸ UK Parliament, House of Commons, *Hansard*, Vol. 771 (17 July 2025).

¹⁵⁴⁹ *Ibid.*

¹⁵⁵⁰ *Ibid.*

¹⁵⁵¹ *Ibid.*

¹⁵⁵² 'The Quiet Revival: GenZ leads rise in church attendance,' *Bible Society*, 7 April 2025; cf. Jamie Franklin, *The Great Return: Why Only a Restoration of Christianity Can Save Western Civilisation* (London: Hodder and Stoughton, 2025) and Bijan Omrani, *God is an Englishman: Christianity and the Creation of England* (London: Forum, 2025).

this, we might add a more challenging criticism – namely, the possibility that the ‘tradition’ defended by Burke (and indeed, Oakeshott) has been transmitted to the present generation in such poor shape that we cannot simply return to tending to it. It has been close to two decades since O’Donovan observed that Britain has a ‘fairly serious crisis of intergenerational communication.’¹⁵⁵³ We may be returning to tend salted earth. Indeed, as noted above, this is a hazard of our conception of liberty *within* order. However, to this we might respond that – as the traditional conservative argument suggests – such things take time. While the present generation may be at a disadvantage because the chain of ‘communication’ has been disrupted, it is nevertheless beneficial to propose this shift in vantage point: to advocate for a different approach to securing liberty for posterity; to warn against counter-productive actions that, in liberty’s name, are actually destructive of liberty; and to reintroduce the vocabulary that allows us to understand ‘the problem’ and articulate solutions in ‘new’ ways.

Finally, in the process of narrowing the scope of this thesis, certain thinkers or schools of thought have been excluded. These offer avenues for future research. Firstly, this thesis has focused on the government’s response to a perceived threat. However, an evaluation of this perception through a comparison of Islamic (and Islamist) and Augustinian political theology, would be illuminating. While Roger Scruton touches on this in *The West and the Rest*, an analysis of the political writings of Sayyid Qutb and Hassan al Banna in light of the conclusions of this thesis could be beneficial to policymakers.¹⁵⁵⁴

Secondly, as this thesis has focused on the state, rather than the church, the most notable absence is the lack of attention paid to the role of the church and parishes, or the details of establishment. It is my hope that, if any future research emerges from this thesis, it would be this. Thirdly, one area in which this thesis stops short is in considering the practical application of the proposed approach to particular policy problems, and how best to cultivate the conditions in which liberty can flourish. In light of the theological milieu of common law thought, I suggest that the application of natural law thought to this policy area would provide a fruitful line of inquiry. Fourthly, having much to say on the subject of this thesis, an entire chapter could have been devoted to ‘post-liberalism’ and Radical Orthodoxy, particularly the thought of John Milbank. Indeed, for this reason, Christopher Insole devotes almost half of his book *The Politics of Human Frailty* to challenging the movement.¹⁵⁵⁵ Finally, I have avoided overcomplicating the argument by responding to the classical pluralist perspective argued by Patrick Nash in *British Islam and English Law: A Classical Pluralist Perspective*.

Reflections on the Policy Debate

In Chapter Five, I proposed a paradigm shift in how policymakers should view the defence of liberty. Applying this approach through concrete *upstream* policies is beyond the scope of this thesis, however, it is possible to provide some final reflections on the policies discussed in Chapter One, from a traditional conservative perspective.¹⁵⁵⁶

Firstly, we begin with the 2011 definition of British values. As explained in Chapter One, this emerged from the state’s need to set limits on tolerance without relinquishing the perception of its role as neutral arbiter. This motivation, as we have explained in Chapter Three, emerges from the underlying liberal view that the state must not impose a coercive

¹⁵⁵³ Oliver O’Donovan, ‘Judgement, Tradition and Reason: A Response,’ *Political Theology*, Vol. 9, Issue 3 (2008), p. 407.

¹⁵⁵⁴ Cf. Roger Scruton, *The Rest and the West* (London: Continuum, 2003).

¹⁵⁵⁵ Christopher Insole, *The Politics of Human Frailty* (London: SCM Press, 2004), pp. 125-169.

¹⁵⁵⁶ For an example of upstream policy thinking, see Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster Ltd, 2000).

doctrine on a population that does not give its consent. A comparison between the 2015 Counter Extremism Strategy's account of the origins of British liberties, and that of Danny Kruger (above) is particularly instructive on this point. The former presents liberties (of conscience, religion, and speech) as owing nothing to any particular doctrine, but arising from a settlement between warring Christian groups – a harbinger of the modern state's role in arbitrating between doctrinally diverse populations. Viewed in this light, the 2011 definition establishes the outer limit of what the state believes it can legitimately impose on the population, presenting the values stripped of their particularity. As such, it frames the definition as beyond contestation to any non-extremist. This places the state in a difficult position: through an unwillingness to concede neutrality, it frames British values in abstract terms to manufacture consent by definition, rather than openly defending the tradition from which those values emerged. As Oliver O'Donovan explains, the construction and conferral of a national identity is not the role of government. It 'overwhelms the simple honest work of government, that of judging between man and his neighbour, with a constant need to see the political vocation realized; political functions bear too heavy a burden of identity-conferral.'¹⁵⁵⁷ This attempt to artificially construct and confer an abstract identity is very different from the government taking legitimate action to *defend* national identity, or the particular antecedent conditions from which liberty emerges. In contrast to the government's approach, Kruger's argument – like my own – points to the roots of liberty *within* a particular tradition and doctrine. Unlike government policy, Kruger looks *upstream* to secure liberties by tending to the conditions from which they emerged, rather than drawing the eye *downstream* by focusing on an abstract goal with no thought to the conditions of its concrete achievement.

Abstract definitions have limited use if we do not tend to the conditions upon which liberty depends. Indeed, as such definitions are vulnerable to a teleocratic Pelagian style of politics, they may be corrosive to liberty. This is illustrated by examples of state overreach cited in Chapter One, particularly from the Shawcross review. In this regard, the 2024 definition of extremism offers little improvement. Such definitions provide a crutch that may diminish responsibility, creating the impression that future judgements are unnecessary – those in authority need only apply the definition, and all will be well. This is further illustrated by a second reflection on the use of the notion 'legal but harmful' to justify the government curbing activity that is not illegal. Like the 2011 definition of British values, the notion of 'harm' has been used to articulate what is threatened, and why it is legitimate for the state to intervene. It has become entrenched in, for example, the Commission for Countering Extremism's appeal to international law. Extremism is understood as dangerous because it causes harm to individuals (women, homosexuals, dissenters, and so on) and to society (by damaging social cohesion). While protecting individual liberties and preventing balkanisation is a motivation for state intervention, as with the 2011 definition, the 'harm' narrative draws our attention *downstream*. As a result, it fails to convey the full nature of the threat to the antecedent conditions, and thus leaves them undefended. Furthermore, framing the threat in terms of 'harm' can have a counter-productive effect, resulting in both under- and overreach. While this thesis has dissected the philosophical foundations of these policies by assessing them as distinct approaches, the presence of these ideas within policy is rarely clear cut. As such, those in positions of authority may draw from various political philosophical sources in understanding 'harm,' such as undermining individual liberty, inflicting non-recognition or a microaggression. The challenges of justifying state action are surely aggravated by the fact that, while all of these understandings of 'harm' may speak at

¹⁵⁵⁷ Oliver O'Donovan, *The Ways of Judgement* (Michigan: Wm. B. Eerdmans Publishing Co., 2008), p. 156.

once to the policymaker, they form an incoherent chorus – not all can be accommodated at once. On the one hand, an expansive use of ‘harm’ can result in overreach, infringing upon freedom of conscience, speech and religion. On the other hand, it can result in underreach, as illustrated by counter-extremism experts’ concerns that the Islamophobia definition would deter authorities from acting against Islamist extremism, due to a fear of causing ‘harm’ to a minority group. The traditional conservative perspective may add the ‘harm’ of repudiating tradition to this dissonant chorus. While ‘harm’ may have its uses, it is particularly susceptible to the philosophical gridlock that undermines any state action as an illegitimate imposition. Furthermore, in its overreach, it lends itself to the teleocratic tendencies that threaten liberty – as, for example, in the case of the Home Office regarding mainstream conservative and literary works as extremist. By offering a new vantage point, a theologically qualified traditional conservative approach has the vocabulary and philosophical resources to diagnose why some policies intended to protect liberty may in fact have an adverse effect, and why others that at first appear ‘prejudicial may be excellent in [their] remoter operation.’¹⁵⁵⁸

The 2011 definition, the ‘harm’ justification, and the policies that employ them, are shaped by insecurity over the limits of state authority, fed by philosophical tributaries in both multiculturalism and liberalism. Multiculturalism has leant its weight on liberalism’s sore nerve, driving the state’s reluctance through fear of coercion. More recently, the voice of CRT fed suspicion that the state is no neutral arbiter after all, but is in fact masking a malign, coercive and oppressive doctrine. The government’s precarious narrative justifying its role as arbiter is particularly vulnerable to this pressure. As this thesis has argued, liberty would be better served if the government were willing to defend it in its *particularity*. This thesis has argued that liberty is only achievable *within* order, and is supported by an order that recognises mankind’s imperfection and God as the end of all things. By defending a politics of imperfection, it is my hope that this thesis can: ameliorate some of the philosophical confusion permeating public policy in this area; replace insecurity with humility; reinvigorate responsible but confident judgement, while chastening hubris; and steer a *via media* between the two poles of the ‘paradox of tolerance,’ between anarchy and tyranny.

¹⁵⁵⁸ Burke, *Reflections on the Revolution in France*, p. 152.

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