

*A letter from a young Christian to a liberal*

*St Antony's College, Oxford  
11<sup>th</sup> January 2011*

Dear Professor Timothy Garton Ash,\*

In 2003, Alasdair Campbell famously shocked audiences by stopping Tony Blair answer a question about his Christianity with the words ‘We don’t do God.’<sup>1</sup> In an interview with the BBC, Blair did agree that mention of God was difficult in the UK. Whereas it is commonplace in the US and elsewhere for politicians to talk about faith, ‘you talk about it in our system and, frankly, people do think you’re a nutter’<sup>2</sup>—a conviction illustrated perhaps more firmly by his decision to convert to Catholicism only upon leaving office.<sup>3</sup>

This letter has been written to point to the tough position of religious communities in the UK and to critique a liberal approach to solving an apparent problem. The point is not to attempt an exhaustive account of the liberal position but to illustrate how liberal principles have combined with other thoughts and practices to form an individualistic and undemocratic mechanism for resolving differences in speech.

Currently, the public debate over free speech has been framed in terms of the extent of toleration that can be afforded by the state towards religious communities. Underlying this is an assumption that sufficient assimilation to a secular norm is guaranteed by the progress of society. Commentators must consider what is to be done in this in-between time—where religious and atheistic differences threaten to overload the escape to modernity. In contrast, this letter seeks to point to the enduring presence of religion and, agreeing with the words of Pope Benedict in his recent visit to the UK, argues that ‘Religion [...] is not a problem for legislators to solve, but a vital contributor to the national conversation.’<sup>4</sup>

In majestic examination of the secularisation thesis, Jürgen Habermas summarises three key causes for demise in religion:

- 1) progress in science and technology disenchants the world;
- 2) the specialisation of care, education and law-making encourages religious organisations to keep to their spiritual functions; and
- 3) higher levels of welfare remove the need for faith as a guarantor of existential security.<sup>5</sup>

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\* I would like to express special thanks for the comments and feedback of Timothy Garton Ash and Joao Carlos Espada, and the advice of Paul Bickley and Andrew Hegarty.

<sup>1</sup> Telegraph, *Campbell interrupted Blair as he spoke of his faith: ‘We don’t do God’* (04/05/03) <http://www.telegraph.co.uk/news/uknews/1429109/Campbell-interrupted-Blair-as-he-spoke-of-his-faith-We-dont-do-God.html> (accessed 17/10/10).

<sup>2</sup> BBC News, *Blair feared faith ‘nutter’ label* (25/11/07) <http://news.bbc.co.uk/1/hi/7111620.stm> (accessed 17/10/10).

<sup>3</sup> BBC News, *Tony Blair joins Catholic Church* (22/12/07) <http://news.bbc.co.uk/1/hi/7157409.stm> (accessed 18/10/10).

<sup>4</sup> Benedict XVI, Speech in Westminster Hall, 17 Sep 2010.

<sup>5</sup> Habermas, J., *Notes on a post-secular society* (18/06/08) <http://www.signandsight.com/features/1714.html> (accessed 05/07/10).

But the persistence of religion and its ongoing evolution alongside these three developments has given rise to the description of the contemporary era as ‘post-secular’.<sup>6</sup> ‘Today, public consciousness in Europe can be described in terms of a ‘post-secular society’ to the extent that at present it still has to ‘adjust itself to the continued existence of religious communities in an increasingly secularized environment’.<sup>7</sup> Indeed, the increasing atomisation of life and the general development of welfare security may not necessarily ensure a dismal performance of religion. It is not difficult to imagine the following three points in refutation of the secularisation thesis:

- 1) progress in science and technology enchants the world;
- 2) the specialisation of care, education and law-making in secular hands gives religious organisations the time and space to increasingly display the niche they hold in providing spiritual care for citizens; and
- 3) higher levels of welfare leave unchanged the need for faith as an eschatological guarantor of security.

It may be, for example, that a fall in religious worship in Europe is temporary. As a young Christian, I write this letter to ask you to consider religion as a permanent member of the public sphere. This is not a petition to abandon liberal principles of toleration but an appeal for your considerations of free speech to promote the benefits of the particular contributions diverse citizens can make.

### **A liberal amount of difficulty**

The liberal perspective on how much free speech should be allowed hinges on John Stuart Mill’s “Harm principle”, which affirms that liberty dictates each person should follow their own desire, insofar as no harm is brought to bear on others. In this vein, Mill explains:

The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.<sup>8</sup>

Mill is doing a few things here. First, the pursuit of particular goods is assumed to be by choice only. Secondly, the notion of “harm” is outlined in terms of impeding others’ choices. Much criticism has been brought to bear on Mill’s principle for the vagueness of the term “harm,” and so Waldron warns that,

[w]hat counts as “harm” for the purposes of Mill’s principle—whether, for example, an acute and painful form of disapproval can count as harm to the disapprover—cannot just be read out of a dictionary. It is necessarily sensitive to the reasons that are given in support of the principle, and no argument for interpreting “harm” one way or the other would be complete without reference to those underlying reasons.<sup>9</sup>

The harm principle underlies a large proportion of contemporary ethical considerations and promotes an individualistic conception of one’s responsibility to the other: *If I choose to act, my action must not restrict the choices of another; to act well is to act alone.*

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid. Habermas quotes himself from the work *Glauben und Wissen* (Frankfurt: Suhrkamp, 2001), p13.

<sup>8</sup> Mill, J. S., *On Liberty*. In Gray, J. & Smith, G. W. (eds.), *J. S. Mill On Liberty in focus* (London: Routledge, 1991), p29.

<sup>9</sup> Waldron, J., *God, Locke, and Equality: Christian Foundations of John Locke’s Political Thought* (Cambridge: Cambridge University Press, 2002), p46.

With regard to freedom of speech, Mill makes a two-tiered argument in favour of allowing divergence of opinions. He states:

We can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.<sup>10</sup>

To take freedom of speech in the ‘post-secular’ world as a case study, the development of legislation regulating free speech in the UK has involved a balancing of demands between law and order and civil rights.

It became an offence to use threatening language ‘with intent to cause that person to believe that immediate unlawful violence will be used against him’<sup>11</sup> in the Public Order Act of 1986, an offence that also includes ‘any writing, sign or other visible representation.’<sup>12</sup> This applies specifically to race under section 18, whereby the intention to stir up racial hatred or mere likelihood that racial tension will be stirred up as a result of one’s speech constitutes matter for an offence.<sup>13</sup>

The Racial and Religious Hatred Act of 2006 extended the concept of racial hatred to religious hatred, whereby someone ‘who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred.’<sup>14</sup> Whilst speech that stirred up racial hatred counted as an offence if it either involved intention or likelihood, religious hatred is only an offence if it is an intended outcome of the speaker. What does the term ‘religious hatred’ refer to? Religious hatred is defined as ‘hatred against a group of persons defined by reference to religious belief or lack of religious belief.’<sup>15</sup> Here, “hatred” is left as vague as Mill’s term “harm”. There is an earnest need to define what hatred is and how exactly one does it.

Interestingly, an additional section was added by this 2006 Act with the aim of protecting freedom of speech:

Nothing in this part shall be read or given effect in a way which prohibits or restricts discussion, criticism, or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions...<sup>16</sup>

Read against the earlier section, in this latter part of the law no explicit reference is made to “threatening behaviour”, and so the section acts to protect free speech that intentionally insults, so long as it does not intentionally insult in a way that stirs up threatening behaviour amongst listeners: a complicated back-flip that puts discretion in the hands of the law enforcers. The difficulties of Mill’s principle in operation are only too obvious.

The Criminal Justice and Immigration Act of 2008 extends this treatment of religious groups to groups of particular sexual orientation. The Act ‘amends [...] the Public Order Act 1986 [...] to make provision about hatred against a group of persons defined by reference to sexual orientation’.<sup>17</sup> Here, hatred on the

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<sup>10</sup> Mill, 1991, p37.

<sup>11</sup> Public Order Act 1986, Part 1, 4 (1).

<sup>12</sup> Ibid, Part 1, 4 (1) (b).

<sup>13</sup> Other cases of offence are counted under the Crime and Disorder Act of 1998, sections 28 to 33, which demarcates assault, harassment or criminal damage on the basis of race or religion.

<sup>14</sup> Racial and Religious Hatred Act 2006, Section 29B (1).

<sup>15</sup> Ibid, Section 29A.

<sup>16</sup> Ibid, Section 29J.

<sup>17</sup> Criminal Justice and Immigration Act 2008, Part 5, 74 (a).

grounds of sexual orientation is defined similarly as ‘hatred against a group of persons defined by reference to sexual orientation’.<sup>18</sup> So too, protection was again inserted for freedom of speech:

for the avoidance of doubt, the discussion of criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.<sup>19</sup>

Worded similarly to the protection given to free speech regarding religion, the strange safeguard was only included after a fiery debate in the House of Lords. In proposing the amendment, Lord Warrington made a revealing complaint:

What is needed is what we have now; a statutory provision that says that one must not assume from mere discussion or criticism of sexual practice that there is an attempt to stir up hatred.<sup>20</sup>

But a movement from causing an offence if one’s speech is directly threatening to a group, to causing an offence if one’s speech is intentionally but indirectly stirring up hatred, tends towards this very assumption, that intentional discussion or criticism is threatening to some degree, so long as unassociated listeners take it to be so. Before introduction of the general term “hatred”, threats needed to have a direct link between speaker and listener. Since the development of the terms of racial, religious and sexual orientation hatred, the law now takes an indirect approach whereby the “stirring up” of listeners towards particular groups suffices. To underline the point, there is now regulation on the relationship between a speaker, his or her listeners, and the way the listeners treat the spoken-to.<sup>21</sup>

The tragedy in the current law on free speech lies in how groups *viewed as susceptible to hatred* are considered too sensitive for public discourse. Because this conclusion can be arrived at without considering the opinions of actual group members, the identification and subsequent avoidance of discourse with a particular group becomes a self-fulfilling prophecy. The trajectory of these laws reflect an underlying pessimism regarding the ability of people of faith or people of particular sexual orientations to engage in mainstream debate. Whether one is “of faith” or “of sexuality” become defining characteristics for one’s political identity. To participate in public debate as a reasonable, normal individual, this identity then needs to be dropped. Just as in the French Revolution, we end up saying ‘the Jews will get all the rights as long as they cease to be Jews.’<sup>22</sup> The contradictory way in which people of faith, for example, are placed is highlighted well by the comment of Gary Younge:

Somewhere out there is the Muslim that the British government seeks. Like all religious people he (the government is more likely to talk about Muslim women than to them) supports gay rights, racial equality, women’s rights, tolerance and parliamentary democracy. He abhors the murder of innocent civilians without qualification—unless they are in Palestine, Afghanistan or Iraq. He wants to be treated as a regular British citizen—but not by the police, immigration or airport security. He wants the best for his children and if that means unemployment, racism and bad schools, then so be it.

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<sup>18</sup> Ibid, Section 29AB.

<sup>19</sup> Ibid, Section 29JA.

<sup>20</sup> Lords’ Hansard, *Clause 61: Hatred against persons on grounds of sexual orientation*, 9 July 2009: Column 792.

<sup>21</sup> It is from this that the very latest general agreements in political correctness are felt as a coercive yet necessary practice for all speakers wishing to avoid blame for inciting discrimination.

<sup>22</sup> Bhargava, R., In Garton Ash, T. (ed.), *Liberalisms in East and West*, forthcoming, p42.

He raises his daughters to be assertive: they can wear whatever they want so long as it's not a headscarf. He believes in free speech and the right to cause offence but understands that he has neither the right to be offended nor to speak out. Whatever an extremist is, on any given day, he is not it.<sup>23</sup>

Alternatively, to participate in public debate instead with assurance that opposition will be readily leapt upon by the forces of the law, one can opt for endorsing the particular identity. And so we are also saying “the Jews can also get better rights by making sure they really are Jews.”

A couple of terms have cropped up in the UK that capture the direction public interaction with “people of faith” and “people of sexuality” has taken. The first is “homophobia”. *Stonewall*, the UK’s leading homosexual advocacy group, defines “homophobia” as ‘the irrational hatred, intolerance, and fear of lesbian, gay and bisexual (LGB) people.’<sup>24</sup> In the same article, *Stonewall* explains its roots:

The word homophobia was constructed by the heterosexual psychologist George Weinberg in the late 1960s. He used homophobia to label heterosexuals’ dread of being in close quarters with homosexuals as well as homosexuals’ internalised oppression.<sup>25</sup>

The second term is that of “Islamophobia”. Although coined before 2001, the term grew in usage after the 9/11 attacks, and describes the view of Islam as ‘separate and “other”, ‘barbaric, irrational, primitive and sexist’.<sup>26</sup> The dilemma shared by the terms “Islamophobia” and “homophobia” is that they both refer to points of view formed in the internal psychology of the speaker. Islamophobes and homophobes are not persons who have constructed reasonable arguments against Islam or homosexuality; they are persons who have an irrational, psychological aversion. A particular difficulty can be pointed to in the way the legal system should, as elsewhere, appreciate how mental difficulties mitigate the intention and culpability of the offender. If homophobia is an internal and irrational psychological disposition, why is it not considered to mitigate the blame that can be attributed the free speech offender? Instead, the opposite is the case: it is being identified as an aspect of an offence that assures the law of there being a level of culpability. If, therefore, homophobia is a rational position, surely the offence it causes should be considered as all rational arguments are? Unfortunately, the present position of identifying people of faith and people of sexuality as particularly vulnerable groups to free speech suggests law-makers to be pushing an agenda of attempting the reduction in sexual or religious phobias through the coercive power of law, a very Victorian approach to rectifying psychological deficiencies indeed.

The previous fights against race discrimination emphasised equality, the Lockean assertion ‘[t]hat All Men by Nature Are Equall’.<sup>27</sup> Such ‘basic equality’<sup>28</sup> makes itself apparent, primarily, when persons ‘recognize themselves as *mutually recognizing* one another’, as Hegel claimed.<sup>29</sup> Locke’s justification for equality lies, interestingly, in his belief that persons are able to think in abstract and so grasp, however weakly, an idea of God. Such ability to think in abstract is his claim to the rational capacity of the person,

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<sup>23</sup> Younge, G., ‘Where will we find the perfect Muslim for monocultural Britain?’, *The Guardian* (Mon, 30/03/09)

<sup>24</sup> Stonewall, *What is homophobia?* Found on:

[http://www.stonewall.org.uk/at\\_home/sexual\\_orientation\\_faqs/2697.asp](http://www.stonewall.org.uk/at_home/sexual_orientation_faqs/2697.asp) (accessed 07/04/10)

<sup>25</sup> Ibid.

<sup>26</sup> Runnymede Trust, *Islamophobia: A Challenge For Us All* (1997).

<sup>27</sup> Lock, J., Book II of *Two Treatises of Government*. Laslett, P. (ed.) (Cambridge: Cambridge University Press, 1988), pp. 265-428, paragraph 54.

<sup>28</sup> Waldron, J., *God, Locke, and Equality: Christian Foundations in Locke’s Political Thought* (Cambridge: Cambridge University Press, 2002), p1.

<sup>29</sup> Hegel, G. W. F., *Phenomenology of Spirits* (Oxford: Clarendon Press, 1977), Findlay, J. (ed.), translation by A. V. Miller, s. 184, emphasis in original.

and is his principle for their being a fundamental equality.<sup>30</sup> In contrast to this equality approach, legislation in protection of particular groups against free speech renders debate a discussion amongst unequals. To be “homophobic” and “Islamophobic” are accusations against the psychological biographies of speakers themselves, affirmations of their fundamental inability to reason. Such accusations become personal traits, denying access to discussion. In addition to the damage done to speakers, a tragedy also occurs in the bastardisation of the spoken-to from society. On the one hand, sexual orientation becomes a defining political characteristic. On the other, Christians are viewed as irrational and Muslims as not belonging.

An underlying problem lies in the way the liberal critique of state action leads to a reformulation of legislative proposals, rather than a move to new tactics. This is my fear for advocating a reduction in legislation against free speech. The focus is still on the state and what the state should allow, even if the ultimate desire is for more autonomous individuals. MacIntyre argues convincingly that a loss in debate over the *telos* of the person—that end or purpose of life<sup>31</sup>—devalues discussion of our collective norms and goals. As he describes in *After Virtue*:

On the one side there appear the self-defined protagonists of individual liberty, on the other the self-defined protagonists of planning and regulation, of the goods which are available through bureaucratic organization. But in fact what is crucial is that on which the contending parties agree, namely that there are only two alternative modes of social life open to us, one in which the free and arbitrary choices of individuals are sovereign and one in which the bureaucracy is sovereign, precisely so that it may limit the free and arbitrary choices of individuals. Given this deep cultural agreement, it is unsurprising that the politics of modern societies oscillate between a freedom which is nothing but a lack of regulation of individual behavior and forms of collectivist control designed only to limit the anarchy of self-interest. The consequences of a victory by one side or the other are often of the highest immediate importance; but, as Solzhenitzyn has understood so well, both ways of life are in the long run intolerable. Thus the society in which we live is one in which bureaucracy and individualism are partners as well as antagonists.<sup>32</sup>

The same problem lies in the works of Thomas Hobbes. Though he seeks to argue for both liberty and order, and commits himself to a certain freedom of choice of citizens to participate in the foundation of a state, the victor in the last analysis is an absolutist sovereign, rendering obsolete the contribution of ordinary citizens to the formulation of social norms. In this way, Yves Charles Zarka criticises Hobbes’s understanding of the person in society:

...the subject is always subjected, submitted, or obligated. He is not an actor in politics. The function of actor is assumed by the sovereign alone. In this sense, Hobbes seems to efface any figure of the individual as a political subject in order to confer the status of political subject (in the sense of political actor) solely on the civil person of the sovereign. The consequence of this position will make itself felt directly in the definition of the word ‘citizen’. The principal characteristics which defined the citizen from antiquity to the end of the Renaissance, as a political subject who is also an actor in the city, are emptied of all content in Hobbes.<sup>33</sup>

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<sup>30</sup> Waldron, 2002, p79-80.

<sup>31</sup> ‘[T]he distinctive purpose that defines [...] fundamental nature’ according to the Stanford Encyclopedia of Philosophy, ‘Ancient Political Philosophy’ (6 Sep 2010), section 4.1. Found on: <http://plato.stanford.edu/entries/ancient-political/> (accessed 11/01/11).

<sup>32</sup> MacIntyre, A., *After Virtue: a study in moral theory* (London: Duckworth, 1985), 2<sup>nd</sup> Ed., p34-5.

<sup>33</sup> Zarka, Y. C., ‘The Political Subject’, Ch 2 of Sorell, T. & Foisneau, L., *Leviathan After 350 Years* (New York: Oxford University Press, 2004), p171-2.

Against this dangerous outcome—only too evident in the ideologies of the 20<sup>th</sup> century—liberalism pushes for the autonomy of the individual. But a strengthening of the citizenry is not guaranteed by critique and modification of legislation. At its core, the liberal approach presents no genuine alternative if it lacks a conception of the *telos* of human persons. Hobbes is described by the historian Skinner as ‘the most formidable enemy of the republican theory of liberty’<sup>34</sup> and this points to what is needed: an understanding of liberty more democratic—recognising of persons’ interdependence and capacity for common deliberation over what constitutes the good life. The crisis of modern liberalism lies in its refusal to undertake this endeavour. Commenting on the thought of a great modern liberal, MacIntyre criticises:

Ronald Dworkin has recently argued that the central doctrine of modern liberalism is the thesis that questions about the *good life for man* or the ends of human life are to be regarded from the public standpoint as systematically unsettled. On these individuals are free to agree or to disagree. The rules of morality and law hence are not to be derived from or justified in terms of some more fundamental conception of the good for man.<sup>35</sup>

The liberal position affronts more than a mere appreciation of plurality of opinion. By affirming that there is no universal truth to which one’s opinion may approximate, the role of the state lies in the management of differences from afar. This is not good because it renders democratic participation from those with an opinion of the *telos* of the person arbitrary, meaningless and irrational. On this question of free speech, therefore, I petition you to demand enthusiasm in people’s democratic conduct more than changes in the laws of the state. ‘Powers may be delegated of various and extensive effect; but the omnipotence of society, if any where, is in itself.’<sup>36</sup>

### **Alternative tactics for negotiating questions of free speech**

To look at the dynamics of free speech, one must first look at the dynamics of *speech*. Involved in language, for example, is more than mere communication. MacIntyre points to how shared language works hand-in-hand with the natural development of rules and norms between persons. Through deliberation over things in common, persons come to identify with others in their behavioural responses. Language facilitates the expression of truths; the habit of recounting events and experiences develops between persons and so trust is forged. MacIntyre even goes so far as to maintain that ‘the recognition of a norm of truth telling and of a virtue of honesty seems written into the concept of a society.’<sup>37</sup> Mill’s harm principle demands a consideration of how individuals’ interaction must be regulated and separated when seen to conflict. But the value of language resides precisely in its penetration of others. Whilst Mill advocates an individualistic freedom of choice, an alternative perspective can better value the social dimension of speech.

Two important alternatives to legislating on the conduct of persons towards each other exist:

- 1) peer-on-peer criticism; and
- 2) manners

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<sup>34</sup> Skinner, Q., *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008), p xiii.

<sup>35</sup> MacIntyre, 1985, p119.

<sup>36</sup> Burke, E., *Lessons to a Young Prince, by an Old Statesman, on the Present Disposition in Europe to a General Revolution* (London: Printed for H. D. Simmons, Pater-Noster Row, 1790), 4<sup>th</sup> Ed., p24.

<sup>37</sup> MacIntyre, A., *A Short History of Ethics: A history of moral philosophy from the Homeric Age to the twentieth century* (London: Routledge, 1998), p74.



Unlike the legal fencing-in of group identity, both of these methods reinforce a basic human equality in addition to appreciating the social element inherent in language use.

Opening thoughts on the value of status and reputation for political conduct, Mark Philp explains that

...status is a public (and to some extent) collectively allocated good. Its value to individuals is the standing it accords them in the eyes of their culture and in society more broadly. Such standing [...] matters both for people's self-regard and their self-esteem.<sup>38</sup>

Whilst legislative efforts at refraining persons from hate speech have been built alongside assumption that some people are subjectively or psychologically biased against groups in society, peer-on-peer criticism encourages an evaluation of the status of speakers in terms of the rational completeness of their claims, simultaneously emphasising their underlying equality. Great success has been achieved by those who argue against racism through this method. The 2010 South Africa World Cup, for example, saw world-famous players unite under banners of "say no to racism".<sup>39</sup> This was not an appeal to legislators but to people.

The relativisation of moral and artistic judgments in contemporary Europe has removed the mechanism of peer-on-peer criticism as comparative judgments of expression are said to lack objective criteria to be set against, leading religious and sexual phobias to be matter for legislative remedy instead of matters for discussion and refutation. The paintings of Mark Rothko spring to mind, together with the phrase "there is no right answer." This relativisation need not be the case and is not an essential or even desirable starting point for a successful multicultural society. Indeed, unless the hunger for a more objective evaluation of ethics and aesthetics is in some way met, the advance of more authoritarian responses to diversity which you warn of will advance. Even the discussion of the Dahrendorf questions held in our College concluded on the need for an assertion of *irreplaceable* liberal principles.<sup>40</sup> I disagree strongly with the conclusion that these must be instilled at the level of childhood education,<sup>41</sup> but the highlighted need for discussion of society's unmovable principles is appreciated. The trend in the UK to exclude groups from the public sphere does not compensate for a lack of these values, though it may produce a temporary sense of consensus amongst those who remain. Turning again to Philp, the management of citizens' standings as a method of dealing with political difficulties is in fact a sign of political insecurity:

The powers associated with political rule have been used systematically to eliminate class, ethnic, and other social groups both in the distant past and very much in the present. As things move in this direction, however, it becomes increasingly incoherent to describe the relationship between the political order and its victims as political in character; rather, the order retains its internal political character by effectively denying that those it attacks have standing within its political community. This capacity to exclude people from the political order and thereby inflict costs that cannot be justified within the community is not new (quite the opposite, consider the Ancient Greek institution of slavery), and it underlies the common sense that political orders must be judged by some higher standard than those internal to the practice.<sup>42</sup>

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<sup>38</sup> Philp, M., *Political Conduct* (Cambridge, Massachusetts: Harvard University Press, 2007), p152.

<sup>39</sup> See FIFA, 'FIFA against Racism'. Found on: <http://www.fifa.com/aboutfifa/worldwideprograms/fifacampaigns/antiracism/index.html> (accessed 11/01/11).

<sup>40</sup> Garton Ash, T. (ed.), *On Liberty: The Dahrendorf Questions* (St Antony's College, Oxford: MIU, 2009), private publication, chapter on *Liberty and Diversity*.

<sup>41</sup> Ibid. Gerhard Casper comments, 'Every conference always ends by saying "schools have to remedy the problems we have identified". But I would like to say that teaching values in schools, which we are often afraid of for being "illiberal", is unavoidable in order to deal with these basic issues. It is completely unavoidable.' (p90)

<sup>42</sup> Philp, 2007, p73.

Movement to managing group differences through isolation and particularisation in free speech legislation reveals a lack of security in principles amongst the ruling class. Why do not, for example, leaders criticise views they disagree with? Why is it left for legislation to be formulated that will exclude the opponent from participation? If the beliefs of the speaker are so wrong, why do politicians not appeal to the constituency the speaker claims to represent with a better argument? This used to be the substance of representative democracy. Peer-on-peer criticism has been replaced by cultural relativity and a resort to exclusion. The fear of giving attention to bad speech presumes an audience unable to reason which side is best.

A use and insistence on manners is a second non-state force for negotiating questions of the extent of free speech that should be allowed. Long heralded as the home of manners, the UK has seen a reification of lower class standards—as noted by Paul Collier<sup>43</sup>—in reaction to the arbitrary social division meted out by the exclusionary manners of the upper class. This manners dispute, however, reveals more a yearning for interclass communication than a genuine class war. The manners I would like to refer to are not those of class division but social reciprocity—those manners that web a society together. In a popular book on manners in Britain, Truss explains that '[m]anners are about imagination, ultimately. They are about imagining being the other person.'<sup>44</sup> Again, as with peer-on-peer criticism, a basic equality pervades manners. The words of John Fletcher Moulton beautifully sum up the point:

To my mind the real greatness of a nation, its true civilisation, is measured by the extent of this land of Obedience to the Unenforceable. It measures the extent to which the nation trusts its citizens, and its existence and area testify to the way they behave in response to that trust. Mere obedience to Law does not measure the greatness of a Nation. It can easily be obtained by a strong executive, and most easily of all from a timorous people. Nor is the license of behavior which so often accompanies the absence of Law, and which is miscalled Liberty, a proof of greatness. The true test is the extent to which individuals composing the nation can be trusted to obey self-imposed law.<sup>45</sup>

The human ability to engineer habit of vocabulary and logic through language empowers a certain rationality. Within this context, insisting on similarities in conduct when explaining one's point helps listeners see the message for what it is, and not for the novelty of its appearance. Learning is reciprocal and speakers must understand that communication relies in part on a congruence in methods of discourse, manifested through mannerisms. Decency in listening holds others to account for their words and decency in speaking holds oneself to one's own.

When Pope Benedict spoke to the UK's politicians of the need to recognise religion as a vital contributor to society, he did so at the spot where Thomas More was condemned to death for conscientious objection to Henry VIII. Conscientious objection is the diamond of free speech and is as needed today as it was then. To undertake the challenge of how to best facilitate the right to free speech involves more than the liberal commitment of freedom of choice combined with a legislative balance. The relativisation of what one says that this definition of freedom posits does damage to the very human ideals one seeks to protect. Religion and culture are not arbitrary intrusions on an inevitable path to modernity and nor are they lingering threats of a return to wars of religion or nationalism; they are an essential thread to the fabric of that modernity we cherish. As a young Christian, I appeal to you to consider the vital and

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<sup>43</sup> In his response to the Dahrendorf lecture on 'Well-Being and Equality in Post-Industrial Society', delivered by Adair Turner on 1 May 2010, St Antony's College, Oxford.

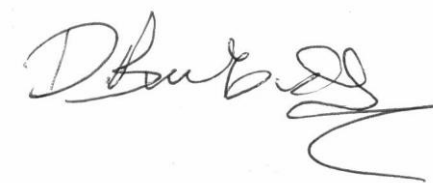
<sup>44</sup> Truss, L., *Talk to the Hand: The Utter Bloody Rudeness of Everyday Life (or six good reasons to stay at home and bolt the door)* (London: Profile Books, 2005), p24-5.

<sup>45</sup> Moulton, J. F., 'Law and Manners'. *Atlantic Monthly*, Vol. 4, No. 10 (July 1924), p6. Found in Wood, R. C., *Flannery O'Connor and the Christ-haunted South* (Cambridge: William B Eerdmans Publishing, 2004), p132.

enduring contribution of religion in society, and the social alternatives there are to finding solution to the difficulties of managing free speech through mechanisms of statehood. Whether we can appreciate people of faith in the public sphere is the test case of our times. I close with a scandalous quote from an unlikely source, the man who presided over the writing of the American constitution:

Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.<sup>46</sup>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Burbidge', with a stylized flourish at the end.

Dominic James Burbidge

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<sup>46</sup> George Washington, 'Farewell Address' (1796). Found on: <http://www.crossroad.to/text/articles/WashingtonFarewell.html> (accessed 11/01/11).