

# Anglican Establishment: How is it Liberal?

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## Abstract

This article argues that the kind of religious establishment that currently obtains in England is sufficiently liberal in the sense that it accommodates rights to religious freedom and is compatible with political equality. What is more, insofar as it expresses a Christian anthropology, established Anglicanism can generate the ‘thick’ set of virtues necessary to make citizens capable of respecting liberal rights. In the course of defending its thesis, the argument disputes John Rawls’s description of the ‘overlapping consensus’ as one that stands free of its supporting comprehensive doctrines; and it reads Martha Nussbaum as, ironically, confirming that an established orthodoxy of some sort is inevitable.

## Keywords

Anglicanism, Church of England, establishment, Martha Nussbaum, John Rawls, liberalism

## The Anglican Establishment and its Goods

I intend to argue that the kind of religious establishment that currently obtains in England is compatible with liberal rights to religious freedom and political equality. But before I go to the trouble of defending the Anglican establishment against its liberal critics, I need to explain why I think it is worth defending. After all, it could be liberal, but not important—except as an historic relic.

Before I begin my argument, however, I first need to explain what I have in mind when I talk about the ‘establishment’. First there is the Coronation Service. Second is the affirmation by the head of state of the established church through the monarch’s special association with it as ‘Supreme Governor’. Third comes the sitting of Anglican bishops in the Upper House of Parliament. And finally there is the Church of England’s privileged position in state education.

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In my view the Anglican establishment serves political well-being in a variety of ways. So, for example, contrary to the Rousseauian populist orthodoxy that prevails among us, the moral legitimacy of government issues primarily from its faithfulness to the *given* principles of justice, and *not* from its reflection of popular will—as the fate of the Weimar Republic in the early 1930s should have taught us. In an era that finds it hard to think of political legitimacy except in terms of popular election, and which is therefore inclined to collapse a healthily mixed constitution into its democratic element, the Coronation Service makes an important and dramatic cautionary political statement—and in our circumstances, a prophetic one. For there the head of state, *on her knees*, receives authorisation from above, not from below.

So, too, establishment in the form of episcopal participation in the work of the House of Lords helps to keep at least one major civil social body sensitive to the difficulties and complexities of the necessary tasks of government in a democracy. And this is important when too many leaders in the churches are inclined by the liberal *Zeitgeist* to suppose that the *only* threat to political well-being comes from the over-mighty state and so to assume that a Christian voice has only one, prophetic register. Or, rather, to assume that prophecy always comes from the Left.

As I see it, those are two of the salutary contributions to political life that the Anglican establishment makes. But neither is the one that I want to focus on. The most important political contribution of England's religious establishment lies in the Christian humanist worldview that it advocates—a worldview that generates the virtues necessary for the survival of a liberal ethos.

## The Anglican Establishment as a Matrix of a Liberal Culture

My argument takes its cue from John Rawls, the father of contemporary liberal political theory. Rawls's later work is motivated by awareness that liberal values and the larger views that support them are not universally held, and that a liberal ethos is therefore contested and vulnerable. There will always be views that would suppress it—what he calls 'unreasonable' comprehensive doctrines—and there is no guarantee that these will not prevail,<sup>1</sup> as they did in the case of the Weimar Republic.<sup>2</sup> 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.<sup>3</sup> Consequently, Rawls tells us, 'the problem of stability has been on our minds from the outset'.<sup>4</sup>

So a liberal point of view is not neutral. It is not a view from nowhere. Liberal space is bounded by certain moral convictions, which are expressive of a certain understanding of human beings. Some worldviews will not support such an understanding; others will

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1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), p. 65; see also p. 126.

2. Rawls, *Political Liberalism*, pp. lxi–lxii.

3. Rawls, *Political Liberalism*, p. 157 n. 23.

4. Rawls, *Political Liberalism*, p. 141.

actually corrode it. Liberal politics, therefore, needs support and Rawls's project of political liberalism is a pragmatist exercise in rallying it. He believes that support can be found among the adherents of a limited plurality of worldviews—what he calls 'reasonable' comprehensive doctrines. The ones he identifies are his own non-religious Kantianism, together with certain versions of Christianity and Islam. (Whether or not there are, in fact, others, is a question left open.) Whatever its membership, this limited plurality of 'reasonable' comprehensive doctrines supports an 'overlapping consensus' about the principles that should guide law-making and public policy in a liberal society that comprises a diversity of visions of what makes for a good life. Each of the supporting comprehensive doctrines arrives at this consensus in its own relatively distinctive way.

Here, however, Rawls makes what I believe to be a very misleading statement. He describes this consensus as 'freestanding' and 'independent'.<sup>5</sup> What he should have said is that the consensus transcends the boundaries that divide each of its supporting comprehensive doctrines—it overlaps them. It does not, however, 'stand free' of them. For, apart from this limited collection of particular world-views and anthropologies, the overlapping ethical consensus makes no sense, exercises no authority, and commands no loyalty. For sure, the consensus is not tied to one world-view alone—it would not be a *consensus*, if it were—but it does remain tied to a *finite* plurality of them.<sup>6</sup> It is not independent.

So if liberal laws are to survive in a democratic society—if electors are to vote for liberal legislators—supportive comprehensive views have to dominate its culture. But, as Rawls was acutely aware, they might not—as they did not in 1930s Germany.

Liberal laws alone, however, are not enough; the survival of liberal society also needs informal social norms. This is because, within the law, all manner of injustice and uncharity is possible. Within the law, liberal freedom can be roundly abused. Abuse is provocative. Passions are aroused—first of indignation, then of hatred, and finally of vengeance. In an ideal world—one often inhabited by academic philosophers—optimally rational and self-disciplined citizens keep their passions within the bounds of the law. But in the real world, it is not like that. In the real world, prudence is all too easily overwhelmed by passion. One person abuses his legal freedom to spray others with provocative vitriol. They then react by availing themselves of the same liberty. The downward spiral intensifies, and sooner or later, angry passions flatten the law. Recently, the Metropolitan Police Commissioner, Cressida Dick, has observed a causal connection

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5. Rawls, *Political Liberalism*, pp. 9, 144; see also p. xlv; and John Rawls, 'The Idea of Public Reason Revisited', in *The Law of the Peoples* (Cambridge, MA: Cambridge University Press, 1999), pp. 143, 144–45.

6. In an earlier discussion of this point, I used it to throw light on 'public reason'. It is because of its persistent rootage in a limited diversity of reasonable comprehensive doctrines that 'public reason' continues to contain conflict over the meaning of common values and norms—conflict that can sometimes only be decided by the guillotine of the vote of a numerical majority ('Why the "Establishment" of the Church of England is Good for a Liberal Society', in Mark Chapman, Judith Maltby and William Whyte (eds), *The Established Church: Past, Present, and Future* (London: T&T Clark, 2011), p. 5.

between the febrile online atmosphere, with a lack of verbal restraint that is often perfectly legal, and the rise of criminally lethal stabbings in London.<sup>7</sup>

And the problem is not confined to the mean streets; it is present, too, in the Ivory Towers. During the recent public controversy about the McDonald Centre's 'Ethics and Empire' project, I discovered that there are some academic colleagues who feel under no obligation to restrain themselves from verbal abuse, other colleagues who condone it, many others who remain silent about it, and university leaders who feel under no obligation to oppose it by upholding informal norms of civility.<sup>8</sup> In my case, I have received no death-threats (although others have); I have merely been threatened with castration. I mention this, not because I need your sympathy, but only to impress upon you that barbarism is already well within the city's gates, and it festers in the space protected by liberal laws of speech. And it occupies that space because actual liberals are typically loquacious about rights to freedom, but tongue-tied over the duties of virtue.

But rights, like liberal law, are not enough. We also need citizens capable of respecting rights, capable of not being provoked, capable of not provoking. We need citizens who acknowledge the authority of informal, moral duties that discipline the exercise of rights.<sup>9</sup> We need citizens whose view of the world, and of their own basic identities, is such as to make sense of those duties and give them obliging power.

This raises the question of how such citizens are to be produced, and who is to form them. Presumably, families, schools and other civil social institutions—not excluding universities. But what about the state? Has it *no* role in defending and promoting a culture necessary to sustain liberal norms and laws? Rawls himself appears to have thought that it should have a role. For in one passage in *Political Liberalism* he wrote as follows: 'The principles of any reasonable political conception must impose restrictions on permissible comprehensive views, and *the basic institutions* those principles require inevitably encourage some ways of life and discourage others, or even exclude them altogether'.<sup>10</sup>

One way in which the state can promote a dominant culture that is supportive of liberal norms and laws is to privilege, in some fashion or other, one or more of the 'reasonable comprehensive doctrines'. This is what the English and British states have done, I

7. Fiona Hamilton, 'Web Giants "Drive Violence": Young People Committing Crimes because of Social Media, Says Top Police Officer', *The Times*, 31 March 2018.

8. See Nigel Biggar, "'Ethics & Empire' and Freedom of Speech: Some Home Truths', *Oxford Magazine*, Noughth Week, Hilary Term 2018: [www.mcdonaldcentre.org.uk/sites/default/files/content/om\\_final\\_10\\_jan\\_2018.pdf](http://www.mcdonaldcentre.org.uk/sites/default/files/content/om_final_10_jan_2018.pdf); 'Vile Abuse is Now Tolerated in Our Universities', *The Times*, 10 April 2018: [www.mcdonaldcentre.org.uk/sites/default/files/content/the\\_times\\_10-04-2018\\_1gm\\_p22.pdf](http://www.mcdonaldcentre.org.uk/sites/default/files/content/the_times_10-04-2018_1gm_p22.pdf); and 'Cambridge has Double Standards on Free Speech', *The Times*, 4 April 2019: [www.dropbox.com/s/8t4yrezxj1yyv1f/NigelBiggarThunderer.pdf?dl=0](http://www.dropbox.com/s/8t4yrezxj1yyv1f/NigelBiggarThunderer.pdf?dl=0).

9. Steven Levitsky and Daniel Ziblatt make the same point in *How Democracies Die* (London: Viking, 2018). They argue that democratic institutions need more than constitutional law to function. Crucially, they need informal social norms of forbearance to prevent political rivals from becoming mortal enemies—for then 'political competition descends into warfare, and our institutions turn into weapons' (p. 212).

10. Rawls, *Political Liberalism*, p. 195; emphasis added.

suggest, by establishing the Church of England. As an expression of orthodox Christianity, Anglicanism is essentially humanist in its credal affirmation of the special dignity of human beings made in the image of God—a dignity intensified by God’s assumption of human flesh in the Incarnation. According to this high vision, human beings are not merely the random result of the blind operation of physical forces, nor their activity simply determined by genes or chemistry, nor their asserted significance just so much desperate whistling in the enveloping cosmic dark. No, in Christian eyes humans are the creatures of a benevolent divine intelligence, which has striven through natural evolution to bring about beings who flourish in freely understanding, and investing themselves in, the good of the world.<sup>11</sup>

As Christian, the Church of England promotes a vision of human dignity. More specifically, it promotes a vision of the dignity of *the individual*. Starting with the call of Abraham out of Ur of the Chaldees, proceeding to Moses leading the Hebrews out of Egypt, intensifying with the Old Testament prophets, and reaching its climax in Jesus, the Christian Scriptures tell a story of human beings called by God to stand out from, apart from, and even against their own people—against the popular ‘mass’—in the name of what is true and just. That is to say, the Christian Scriptures recommend human being in the form of courageously responsible individuality. As the political theorist Larry Siedentop has recently demonstrated, there is sound historical reason to suppose that the liberal West’s exaltation of the individual (albeit not always so responsible) is attributable to its Christian heritage.<sup>12</sup>

The Christian individual, however, understands herself to be a creature, not a little, Hobbesian god. As a creature, she stands in a world whose physical and moral order

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11. There are, of course, other, non-religious liberal humanisms. However, the extent to which these are intellectually viable apart from a theological basis is controversial, even in the eyes of some celebrated agnostic or atheist philosophers. Jürgen Habermas, for example, has admitted that religious traditions ‘have the distinction of a superior capacity for articulating our [liberal, humanist] moral sensibility’ (Jürgen Habermas, ‘Habermas entre démocratie et génétique’, *Le Monde*, 20 December 2002, p. viii); and Raymond Gaita thinks that secular philosophical talk about inalienable human dignity and rights is just so much ‘whistling in the dark’, such notions having no secure home outside of religious traditions (Raymond Gaita, *A Common Humanity* [London: Routledge, 2000], p. 5).

12. Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (London: Allen Lane, 2014). The thesis that Christianity tends to engender a sense of the individual’s own dignity finds unlikely support in the testimony of Matthew Parris, atheist columnist for the *Times* newspaper. Ten years ago, Parris published an article in which he reported on a recent trip he had made back to Malawi, where he had spent his childhood: ‘travelling in Malawi refreshed . . . [a] belief . . . I’ve been trying to banish all my life, but an observation I’ve been unable to avoid since my African childhood . . . We had friends who were missionaries, and as a child I stayed often with them; I also stayed, alone with my little brother, in a traditional rural African village. In the city we had working for us Africans who had converted and were strong believers. The Christians were always different. Far from having cowed or confined its converts, their faith appeared to have liberated and relaxed them. There was a liveliness, a curiosity, an engagement with the world—a directness in their dealings with others—that seemed to be missing in traditional African life. They stood tall.’ (Matthew Parris, ‘As an Atheist, I Truly Believe Africa Needs God’, *Times*, 27 December 2008).

precedes and frames and judges her choices, thereby dignifying them with meaning. As a finite creature she is limited in knowledge; as a dishonest sinner she is willfully blind to inconvenient knowledge. For both these reasons, therefore, she needs to heed the testimony of other individuals, who might teach what she does not know or might correct what she chooses not to know. The Christian individual, therefore, is bound to listen, to enquire, to consider that she might be mistaken, to contemplate that the other might be right. For her, therefore, dialogue—be it in the classroom, on social media, or in Parliament—is not the occasion for the egotistical display of wit, for the scoring of clever points, for rhetorical distortion and manipulation, for provocative insult, or for the domination of the weak by the strong. Rather, it is about the common searching out of the truth, and common deference to its authority.

Insofar as she takes this self-understanding to heart, the Christian individual will feel obliged to exercise certain virtues: respect for others as possible prophets; an openness to being taught and corrected; tolerance, albeit sceptical, of strange and unwelcome views; justice and charity in construing them; patience with frustrations in understanding; a readiness to confess and repent from conversational dishonesty; forbearance in the face of *ad hominem* provocation; and forgiveness in the face of conversational injustice. These Christian virtues are liberal in several senses. They permit other individuals the freedom—the *libertas*—to speak. But they also go out to meet what others say with a certain generosity or *liberalitas*. Therefore, they make it possible to *sustain* dialogue over issues on which individuals differ, and which conjure up fierce passions.

During the ‘Ethics and Empire’ controversy, I discovered that there are some professional academics who feel under no obligation at all to any of these virtues, and that there are university leaders who feel no responsibility to suppress legal incivility. As far as they are concerned, within the liberal laws of free speech, no holds are barred. Consequently, within the bounds of legal freedom, the actual, social freedom to speak is, in fact, stifled by a climate of fear generated by hostility unconstrained by virtue. The barbarians are indeed no longer waiting at the city’s gates; they’re already sitting in Oxbridge Senior Common Rooms. And when they—or their students—come to rule the world, just how liberal will it remain?

## How the Anglican Establishment is Compatible with Liberal Rights

As I see it, then, the establishment of the Church of England is one important way in which the British state can promote a culture that generates the virtues necessary to actualise freedom of speech. But can such a public privileging of a particular religion be compatible with liberal rights to religious freedom and political equality? I believe so.

In the course of the eighteenth and nineteenth centuries, the penalties for religious non-conformity in England—whose rationale was mainly the defence of constitutional government and liberal religion—were gradually lifted, and non-Anglicans were permitted entry to universities, the armed services, and public office.<sup>13</sup> The result now is that

13. Frank Cranmer, John Lucas and Bob Morris, *Church and State: A Mapping Exercise* (London: Constitution Unit, UCL, 2006), p. 41.

there is no public office in England that determines either law or public policy, which may not be filled with non-Anglicans, or non-Christians, or unbelievers.<sup>14</sup> Indeed, given a fairly recent finding that 63 per cent of Americans would be less likely to vote for a candidate who does not believe in God,<sup>15</sup> an agnostic or atheist today has a greater chance of becoming Prime Minister of the UK than President of the US. Except on the point of a formal, institutional separation of church and state, contemporary England meets Nicholas Wolterstorff's criteria for a liberal democratic polity: namely, that 'the state must not differentiate in its treatment of citizens on account of their religion or lack thereof, and there must be no differentiation among citizens in their right to voice in the conduct and personnel of the state on account of their religion or lack thereof'.<sup>16</sup>

Prima facie evidence that the Anglican establishment is compatible with religious freedom is furnished by the support that many members of minority faiths give it. Indeed, Tariq Modood claimed in 1994 that it is 'a brute fact' that not a single article or speech by any non-Christian faith in favour of disestablishment can be found;<sup>17</sup> and he wrote that 'the minimal nature of the Anglican establishment, its proven openness to other denominations and faiths seeking public space, and the fact that its very existence is an ongoing acknowledgement of the public character of religion, are all reasons why it may be far less intimidating to the minority faiths than a triumphal secularism'.<sup>18</sup>

The claim that the establishment of the Church of England is compatible with the exercise of religious freedom, receives prima facie corroboration from the support given it by adherents of minority faiths. According to Rex Ahdar, Professor of Law at the University of Otago, and Ian Leigh, Professor of Law at Durham University, it is also corroborated by international legal conventions and the case law of the European Convention on Human Rights.<sup>19</sup> US First Amendment case law, which holds that the free exercise of religion can never be complete until Church and state are separated, is the global exception, not the rule.<sup>20</sup> At least two eminent American scholars of law, Michael

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14. The single remaining exception is that of the monarch, who may not be Roman Catholic. However, while the monarch remains the ultimate political authority in the British constitution, she neither formulates proposals for law or policy, nor does she determine whether such proposals are adopted.

15. Brian Stiltner and Steven Michels, 'Religion, Rhetoric, and Running for Office: Public Reason on the US Campaign Trail', in Nigel Biggar and Linda Hogan, *Religious Voices in Public Places* (Oxford: Oxford University Press, 2009), p. 261.

16. Nicholas Wolterstorff, 'Why Can't We All Just Get Along with Each Other?', in Biggar and Hogan, *Religious Voices in Public Places*, p. 34.

17. Tariq Modood, 'Establishment, Multiculturalism, and British Citizenship', *Political Quarterly* 65 (1994), pp. 53–73 (53).

18. Modood, 'Establishment, Multiculturalism, and British Citizenship', pp. 72–73. Modood's statement now needs slight modification, since, according to Paul Weller, the (tiny) Buddhist community has come out against the Church of England's establishment. Paul Weller, *Time for a Change: Reconfiguring Religion, State, and Society* (London and New York: Continuum, 2005), p. 176.

19. Rex Ahdar and Ian Leigh, 'Is Establishment Consistent with Religious Freedom?', in *Religious Freedom in the Liberal State* (Oxford: Oxford University Press, 2005), p. 127.

20. Ahdar and Leigh, *Religious Freedom in the Liberal State*, p. 154.

Perry and (a certain) John Witte, agree. Witte has written of the ‘conspicuous absen[ce]’ in international legal norms of the more radical demands for separationism reified in the American metaphor of a wall of separation.<sup>21</sup>

Most US commentators, however, regard the establishment of a particular religion as entailing a necessary offence against the equal dignity of non-conformists.<sup>22</sup> It implies, they say, a condescending tolerance, a ‘symbolic ostracism’—as Steven Smith puts it.<sup>23</sup> I disagree. I can quite understand that the constitutional privileging of a Christian worldview might prevent some non-Christian or non-theistic citizens from fully identifying themselves with the constitutional order. But such a degree of alienation falls a long way short of ‘ostracism’. Moreover, a measure of alienation is surely inevitable, since there is no political constitution with which citizens of a plural society identify universally and absolutely. There can be no such thing as a public order that is morally, anthropologically and metaphysically neutral. One way or another, it has to commit itself, and in so doing it is bound to alienate some citizens, more or less. Monarchists will be irked by republican institutions, republicans by royal ones. Communitarians will be irked by individualistically liberal institutions, liberals by communitarian ones. Secularist public institutions that decline to make any theological affirmation need not be intentionally atheist; yet they are still not neutral. They cannot avoid implying that theological affirmation is unimportant for political health.<sup>24</sup> Many theistic citizens—not least Muslims—will disagree strongly with this implication, and feel somewhat alienated from the studiously agnostic silence of public space. This alone, however, does not give such citizens sufficient good reason to feel that they are being constitutionally ‘ostracised’.

Nor need the fact that one worldview is privileged with establishment by the state imply a ‘condescending’ lack of respect for adherents of different worldviews. As Ahdar and Leigh argue, an historic religion that is supported more or less actively by a majority of citizens, and which performs valuable social, educational and cultural functions, might deserve certain privileges.<sup>25</sup> Unequal treatment that stands on cogent grounds in

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21. Ahdar and Leigh, *Religious Freedom in the Liberal State*, p. 134.

22. For a rare American argument in favour of the ‘partial’ or ‘constitutionally limited’ establishment of religion, see Graham Walker, ‘Illusory Pluralism, Inexorable Establishment’, in *Obligations of Citizenship and Demands of Faith: Religious Accommodation in Pluralist Democracies*, ed. Nancy L. Rosenblum (Princeton, NJ: Princeton University Press, 2000).

23. Steven Smith in Ahdar and Leigh, *Religious Freedom in the Liberal State*, p. 130.

24. Along very similar lines Graham Walker argues that American judges who rule that prayers in school are improper because of the impressionability of children ‘are strangely oblivious to the reverse implication of impressionability’, namely, that children ‘are deeply susceptible to the politically sanctioned absence of God’ and that banning school prayers disposes them to regard religion as only privately ‘true’ (‘Illusory Pluralism, Inexorable Establishment’, p. 112). ‘Whatever the mechanism,’ he writes, ‘the effect is that of a religious establishment: the state promotes a preferred religious message, whether of indifference, equivalence, or incommensurability’ (‘Illusory Pluralism, Inexorable Establishment’, p. 114).

25. Ahdar and Leigh, *Religious Freedom in the Liberal State*, p. 146. Ahdar and Leigh’s view here resonates with Charles Taylor’s ‘communitarian liberalism’, which affirms fundamental human liberties but allows other rights to be qualified by a public commitment to a certain vision of the good life. Charles Taylor, ‘The Politics of Recognition’, in Amy Gutman (ed.),



the public good does not amount to an offence against the equal human dignity of citizens. Inequality can still be equitable.<sup>26</sup>

It tells in favour of this argument that Martha Nussbaum, a proudly American opponent of religious establishment, inadvertently corroborates it. On the one hand, she holds that, in affirming a particular religion as orthodox, a state necessarily reduces dissenters to second-class citizens, denying their basic equality<sup>27</sup> and sanctioning ‘dignitary affronts in the symbolic realm’.<sup>28</sup> ‘Our [American] “fixed star”’, she tells us, ‘is that no . . . [religious] orthodoxies are admissible’.<sup>29</sup> Her solution is essentially Rawlsian:<sup>30</sup> ‘The hope is that public institutions can be founded on principles that all can share, no matter what their religion. Of course these institutions will have an ethical content, prominently including the idea of equal respect itself. But they should not have a religious content.’<sup>31</sup> This amounts to Rawls’s ‘overlapping consensus’, comprising a set of ‘free-standing’ moral principles endorsed by a variety of comprehensive doctrines.<sup>32</sup>

That is on the one hand. On the other hand, and without any visible embarrassment, Nussbaum admits that respect for individual conscience does *not* mean that every religion and world-view must be equally respected by government.<sup>33</sup> ‘Extreme views’, which contradict or threaten the very foundations of the liberal constitutional order and the equality of citizens within it, must be resisted—certainly, if they seek to find practical embodiment, but even if their mere verbal expression becomes a threat. Such views ‘will not . . . be able to present their ideas in the political sphere on an equal basis with other

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*Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994), esp. pp. 59, 61: ‘[In the eyes of Quebeckers] a society can be organized around a definition of the good life, without this being seen as a depreciation of those who do not personally share this definition . . . According to this conception, a liberal society singles itself out as such by the way in which it treats minorities, including those who do not share public definitions of the good, and above all by the rights it accords to all of its members . . . [T]hey distinguish these fundamental rights from the broad range of immunities and presumptions of uniform treatment that have sprung up in modern cultures of judicial review. They are willing to weigh the importance of certain forms of uniform treatment against the importance of cultural survival . . . I would endorse this model.’

26. I have borrowed this illuminating distinction from Paul Weller: ‘Arguably, in a society with a Christian inheritance and in which a comparatively large proportion of the population continues to identify [sic] in some way as Christian, a contextual and balanced understanding of “equity” is needed more than a formal “equality”’ (*Time for a Change*, p. 175).

27. Martha Nussbaum, *Liberty of Conscience: In Defense of America’s Tradition of Religious Equality* (New York: Basic Books, 2008), pp. 5, 67.

28. Nussbaum, *Liberty of Conscience*, p. 21.

29. Nussbaum, *Liberty of Conscience*, p. 18.

30. While she takes her bearings primarily from Roger Williams, the seventeenth-century founder of the colony of Rhode Island, Nussbaum finds that Williams’s position is well represented by Rawls (*Liberty of Conscience*, pp. 57–58).

31. Nussbaum, *Liberty of Conscience*, p. 23.

32. Nussbaum, *Liberty of Conscience*, pp. 64–65, 68, 361.

33. Nussbaum, *Liberty of Conscience*, p. 24.

ideas'.<sup>34</sup> Nevertheless Nussbaum herself believes that in such a situation 'people [as distinct from their menacing deeds and words] are all respected as equals'.<sup>35</sup>

Nussbaum fails to notice two things here. First, that, as I have suggested in the first part of this article, liberalism of a certain kind itself poses a mortal threat to the culture necessary to sustain a liberal constitutional order. And second, that her own preferred polity would itself establish a liberal, egalitarian orthodoxy, from which dissenters are bound to feel somewhat alienated. Some of them might even feel that their dignity is being affronted. According to Nussbaum herself, however, they should not, since it is only their views, and not their persons, that are being discriminated against. Ironically, therefore, she confirms that an established orthodoxy of some sort is actually inevitable; that some are bound to find themselves more or less on the wrong side of it; and that contradiction, even suppression, of dissent need not amount to an offence against equal dignity.

## Conclusion

In conclusion, my argument is this. First, the flourishing and survival of a liberal polity needs more than liberal laws and rights; it needs citizens who are so formed as to vote for liberal laws, to obey them, and to exercise their legal rights with liberality. Second, the presence of a culture that generates such citizens cannot be taken for-granted: there are unreasonable comprehensive doctrines out there, and they already dominate certain reaches of civil society. Third, given the seriousness of the threat, a liberal state should have a role to play in defending and promoting a culture that forms liberal citizens. Fourth, maintaining the establishment of the Church of England is one way of doing that. And finally, Anglican establishment-lite does not offend against the right to religious freedom or the dignity of equal citizenship.

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34. Nussbaum, *Liberty of Conscience*, p. 24.

35. Nussbaum, *Liberty of Conscience*, p. 24.