



# Towards a Civil Public Square: Freedom of Religion and Diversity

Os Guinness





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“It is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions.”

— Tertullian *Ad Scapulam*, c. 212<sup>1</sup>

“Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.”

— John Milton *Areopagitica*, 1689<sup>2</sup>

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

— First Amendment of the U.S. Constitution, 1791<sup>3</sup>

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

— Article 18, Universal Declaration of Human Rights, 1948<sup>4</sup>

## The Urgent Need for Religious Liberty

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“Son, we’re in trouble. Chiang Kai-shek has just abandoned the city and left us to the mercy of the Red Army.” Those words from my father in January 1949, when I was seven, were my introduction to an early crash course on the importance of freedom of religion and conscience. We were living in what was then Nanking (Nanjing today), the capital of the Western-supported National Republic of China. Following the Generalissimo’s flight, it was only a matter of weeks before the Red Army captured the city, Mao moved the capital of China back to Beijing, and his Communist regime began its reign of terror, including the vicious persecution of religious believers, especially Christians. The outcome was one of the most brutal and systematic persecutions in history.

From that day on, the lesson has been branded on my heart: freedom of religion and conscience is a precious, foundational, and indispensable right, and we must never take it for granted. It is no casual matter. It is not a merely abstract principle or a parchment right. Lying at the heart of the freedom to be human and to be faithful, freedom of religion and conscience is a matter of life and death for millions of people across the world, for people of almost every faith. Truly we can declare with a ringing

conviction that freedom of religion and conscience is the “first freedom” and a foundational human right, a principle and a protection that every lover of freedom and justice should understand, promote, and defend as critical and priceless for human beings.<sup>5</sup>

If freedom for the good of all is to have any chance of being established widely, we must recognise why it is urgent. As James Madison, father of the Constitution of the United States, urged in his famous *Memorial & Remonstrance* in 1785, “it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of Citizens.”<sup>6</sup> The issue of freedom of religion and conscience has become urgent in our day due to three factors.

First, since the 1960s, Western countries have witnessed an expansion of diversity on an unprecedented scale. Previous periods with rich social diversity, such as that of the Roman Empire, were profound but comparatively restricted in area—to countries bordering on the Mediterranean. Today, thanks to such obvious modern factors as travel, the media, scholarship, and above all migration and the mass movement of peoples, diversity has increasingly become a global phenomenon. “Everyone is now everywhere,” it is said with only a little exaggeration. Naturally, this explosion of diversity raises a basic social and political question: how are we to live with our deepest differences, especially when those deep differences are religious and ideological?

All who debate these issues in the public square need to define their terms and respond with care over the issue of diversity. “Diversity”, or “pluralism”, is a social fact, and should hold no fear for all who are convinced of their own faith. “Relativism” and “multiculturalism”, however, are different. Relativism is a philosophical conclusion, with which many disagree, and multiculturalism is a political policy, which citizens need to weigh wisely, sizing up its pros and cons as a matter of prudential judgment. Too many who are opposed to relativism and multiculturalism confuse these concepts with pluralism, and in doing so, look as if they are blind to an inescapable fact of modern life. The reality is that we live in diverse societies and must find a way to arrange our affairs given this fact, to promote the flourishing of all citizens. Freedom of religion and conscience is an essential part of this project.

Second, the explosion of diversity and the emergence of progressive secular ideologies, values, and critical views of the past have called into question many of the earlier national settlements—the social and political arrangements by which different nations handled the issues of religion and public life. These settlements usually reflected decisive historical moments in the affairs of each nation, but regardless of their differences, what matters is that the current context calls *all* settlements into question—the American no less than the French, for example. No one can have failed to notice how disputes over religion and public life have been a key feature of 50 years of American culture warring. The traditional American is now being transformed—badly, as we will see later in this paper. The whole world now needs to stand back and reconsider how to do justice to religious freedom for all and for the good of all under current conditions.

Third, the notion of the “public square” has morphed into a powerful—and radical—new dimension: the virtual. The notion of the public square has been prized in Europe for centuries. The public square is the place where citizens come together to debate and decide the issues of their common life. As such, it goes back to the ancient Athenian Agora, which was the civic centre below the Acropolis, where citizens assembled to discuss the social and political ordering of their affairs. Importantly, the public square began as a physical place—the aforementioned Agora in Athens, the Forum in Rome, the Houses of Parliament at Westminster, and the United States Congress on Capitol Hill. Later, the notion expanded from the physical to the metaphorical. The public square could be anywhere that citizens debated the issues of common public life—such as the comment pages of a newspaper, or a television talk show.

Thanks to the internet and the power of social media, the notion of the public square has now expanded again and gone virtual. Think of the responses to Salman Rushdie's novel *Satanic Verses*, to the Danish cartoons of the Islamic Prophet Muhammad, or to Pope Benedict's speech at the University of Regensburg. The lesson is simple. Today, even when we are not talking to the world, we can be heard by the world, and the world can instantly organise a response, even a violent response. In short, the age of the internet and social media has led to the emergence of a real, though very rudimentary and as of yet highly uncivil "global public square". As with the two other factors, this phenomenon underscores the urgency of the need for a proper understanding of freedom of religion and conscience, to ensure that people of different worldviews can co-exist in virtual as well as physical public squares.

## Historical Development of Freedom of Religion

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The historical development of freedom of religion can help us to understand its importance in the present day and elucidate how the decline of the Christian faith has led to the erosion of its rights tradition. The Christian faith played a crucial role in the development of freedom of religion, particularly in the West, which pioneered the recognition and promotion of this liberty. The Christian faith grants the human person a unique dignity, which entails certain rights. As heirs of this tradition, we must acknowledge both the best and worst of the Western past, and show genuine humility over its worst failures, even if they do not come from our own particular nation or religious tradition, while standing with real gratitude and pride over its magnificent contributions in our history.

The Genesis declaration that humans are made in the image and likeness of God has been described as the "Magna Carta of humanity". It can be argued that human freedom itself is rooted in the Bible's view of creation—especially the Hebrew notion of freedom that lies at the heart of the first two books of the Hebrew Scriptures (Genesis and Exodus). The pagan view of the person was less optimistic than the Christian one, explaining many of the atrocities of the pre-Christian world that were thankfully eventually stamped out, such as human sacrifice and slavery. It is true that slavery continued into Christendom, but it was abolished due to Christian presuppositions about the fundamental dignity and equality of all human beings that were not found in the pagan world. The Christian West built upon many of the achievements of pagan Rome in valuing civilisational pillars such as due process, the rule of law, and private property. But the high Christian valuation of every human life allowed these to be valued and promoted in a unique way. Novel obligations were placed on rulers to treat their subjects with the respect owed to fellow children of God, such as in the case of Magna Carta. In other words, rulers had to respect the rights of all citizens, and these rights were conceived in a new light. We can therefore understand this Christian view of the person to be the origin of the concept of universal human rights, which are taken for granted by many in the West today. The statement in Galatians 3:28 that, "There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus," was radically different to the hierarchical pre-Christian view of human worth.

Turning specifically to religious freedom, Tertullian made the first specific mention of this concept in history in the 2<sup>nd</sup> century. He used the term religious liberty (*libertatem religionis*) in his *Apology*.<sup>7</sup> He was soon followed by Lactantius, who, as tutor to the son of the Emperor Constantine, may well have been behind the Edict of Milan in AD 313, which legalised Christianity in the Roman Empire. The edict was the first official document to set out the notion of religious freedom, and to distinguish it from mere tolerance. In the view of these early pioneers, God desires from His creatures their freely chosen trust, worship, and allegiance. Coercion in matters of belief is therefore absolutely antithetical and contradictory to the Jewish and Christian faiths. According to these faiths, religious belief should be entirely voluntary and based solely on the dictates of each person's conscience.

Yet sadly, Westerners, and Christians in particular, have also been perpetrators of some of the worst violations of conscience. During the Middle Ages, for example, Christians violated religious freedom in countless egregious ways, through such evils as the forced conversion of the Jews. In Hebrew, these so-called “converts” were the *anusim*, “the coerced”, and in the contemptuous Spanish word they were the *marranos*, “the swine”. Both Catholics and Protestants also suppressed those they viewed as heretics in the Early Modern Period and Catholics were only allowed to freely worship in England after the Catholic Emancipation Act of 1829. Such acts were vile in themselves, and their consequences have been long-lasting. As a result, a major reason for the rise of modern secularism was the massive revulsion against the corruptions and repressions of the established churches in Europe. Church and state, throne and altar were in collusion, corrupt, and oppressive, so those who desired freedom believed they had to overthrow both of them. For example, the following phrase has been attributed to French Enlightenment writer Denis Diderot: “Let us strangle the last king with the guts of the last priest.”<sup>8</sup>

It is worth examining next the differences between the American and French views of religious freedom that emerged in the 18<sup>th</sup> century. The French Revolution led to a radical separation of church and state that they call *laïcité* (“secularism”), which rejects any religious involvement in the organisation of political and social affairs. Whereas for Americans, the ratification of the Bill of Rights and the First Amendment specifically represented a bold separation of church and state, but importantly, *not* a separation of faith and public life. There is no question that the American settlement did and does far greater justice to religious freedom than the French settlement. French *laïcité* mellowed over time, but in the aftermath of the French Revolution it was profoundly anti-Christian. Catholic clergymen were murdered and exiled, the atheistic Cult of Reason replaced Catholicism as the state religion, and the Gregorian calendar was even replaced with a new one that had ten-day weeks. This radical attempt to rid French society of its Christian influences led to religious freedom being violated in a heinous manner.

In America on the other hand, from the very beginning, civil and religious liberty were the twin elements of freedom in the country’s history. Again and again, George Washington and citizens at all levels cited these principles as the two main reasons why people came to the United States, and why Americans fought for their freedom in the American Revolution. For a foreign observer such as Alexis de Tocqueville, religious freedom is what made America startlingly different from Europe. In most of the old world, religion and politics were at loggerheads, but in America they were blood brothers. As de Tocqueville said: “Religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions.”<sup>9</sup>

That is not to say that the full logic of the First Amendment was understood at once, or that the American settlement was flawless. At different times, there were vile outbreaks of nativism, religious prejudice, and discrimination against Jews, Catholics, and Mormons—such as the raw Protestant prejudice and murderous assaults on Roman Catholics (54 deaths in New York City in one day on 12 July 1871), the anti-Catholic Know Nothing movement in the 1850s, and the only European-style pogrom in American history (in Atlanta in August 1915). Yet, the overall trend through the centuries was always towards a growing expansion of religious freedom for people of all faiths. From the 20<sup>th</sup> century onwards, all major Christian denominations have been champions for religious freedom. For example, *Dignitatis humanae* (“Of the Dignity of the Human Person”), the Catholic Church’s document on religious freedom from the Second Vatican Council, affirmed the Church’s opposition to coercion on matters of belief.<sup>10</sup> Christians are not the persecutors now, indeed theirs is the most persecuted faith in the world. Many other religions are savagely persecuted too—for example, the Bahai in Iran and the Muslim Uighurs in China. But wherever people are persecuted, Christians are persecuted too.

Critics of the West will commonly point out the worst of the past and forget the best. They will cite the fires and thumbscrews of the Inquisition, though not the fact that freedom of conscience owes

everything to the Christian view of the person, and to such early modern Christian pioneers as Roger Williams, William Penn, Isaac Backus, and John Leland. Contrary to what many critics imagine, freedom of religion and conscience did not begin with the Enlightenment, and recent scholarship has shown an incontrovertible link between the Enlightenment and such evils as racism, anti-Semitism, coercion, and violence.<sup>11</sup>

## The Fundamental Importance of Freedom of Religion

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Having outlined its historical development, we must understand, articulate, and defend why freedom of religion and conscience is so foundational to our understanding of human dignity, and the proper ordering of political affairs. Once self-evident to most Americans and to others in the English-speaking world, these reasons now need to be argued both within the United States and around the world, predominantly for the following three reasons.

First, freedom of religion and conscience has rightly been called the first liberty. It has long been argued that religious freedom is the first freedom, both logically and historically, and the freedom that “secures the rest”.<sup>12</sup> But what matters is the underlying reason why this is so. Freedom of religion and conscience affirms the dignity, worth, and agency of every human person by freeing us to align who we understand ourselves to be with what we believe actually is, and then to think, speak, and act in line with those convictions. As such, freedom of religion and conscience is an expression of the heart of our humanity. Through freedom of thought, conscience, religion, and belief, we are guaranteed the right to the deepest self-understanding and self-constitution. Roger Williams, the 17<sup>th</sup> century English radical and founder of the State of Rhode Island, captured this indispensable and foundational role of freedom of religion and conscience in his famous term “soul liberty”.<sup>13</sup>

Conscience is the inner forum of an individual person, in which we each settle the grand debates about reality and unreality, truth and falsehood, right and wrong. We believe whatever we come to believe to be true, good, and right because we are convinced of it. So long as we remain convinced, we simply cannot believe otherwise. It is impossible to believe one thing and its opposite at the same time, which is why no one should be forced to believe what they do not believe. This means that what the freedom of the public square is to a city-state or a nation, freedom of conscience is to an individual person. If individuals respect and protect the freedom of these twin forums together, one the outer forum and the other the inner forum, and do so for all faiths, they can create a just, free, and truly human community.

What true liberal or what freedom-loving conservative can argue with each person’s right to think and to order their lives in accordance with what they believe to be true, based on the dictates of their conscience? In the powerful words of Timothy Shah, an Indian human rights activist, “When people lose their religious freedom, they lose more than their freedom to be religious. They lose their freedom to be human.”<sup>14</sup>

Second, freedom of religion and conscience is important because it is a vital key to a healthy civil society, and it helps to form what is now called social capital. A society or nation is healthy, it is said, if between its citizens and its government there is a thick layering of voluntary associations in which individuals can participate and can give money and time in order to pursue their visions of one kind or another—charitable, reforming, educational, or whatever. Contrary to Christopher Hitchens’s repeated jibe that “religion poisons everything”,<sup>15</sup> the truth is that faith inspired many of the most beneficial movements in history. Philanthropic outreach, the emergence of the university, the rise of modern science, and the

previously mentioned abolition of slavery and growth of human rights are some of the most obvious developments.

But regardless of the past, all who appreciate Edmund Burke's "little platoons",<sup>16</sup> Peter Berger and Richard John Neuhaus's "mediating structures",<sup>17</sup> and Robert Putnam's "social capital"<sup>18</sup> know well that faith and faith-based communities have a unique and unrivalled role to play in non-governmental initiatives around the world. That is, of course, if they are free to play that part. There are strong links between a flourishing society and a free marketplace of ideas. Freedom of religion and conscience is basic to both. It is therefore vital, not only to religion, but to economic development, technological advance, democratic politics, and artistic creativity.

Third, as indicated in the first section of this paper, freedom of religion and conscience is important because it provides a vital secret to achieving social harmony, both within societies and between them. Former Chinese President Hu Jintao used to speak proudly of his vision of China as a "harmonious society",<sup>19</sup> but the fraudulence of the Communist solution has become even clearer under his successor Xi Jinping. China has remarkable diversity within its overall harmony, but at a steep price—oppressive coercion. Xi Jinping's "re-education camps" for Muslims and his destruction of Christian churches by the hundreds tells the real story. The Communist Party brooks no alternative to its authority. The price of Chinese harmony is silence or death for those who differ from the regime. Such diversity without liberty is routine for authoritarian regimes, but humans should never be slaves to governments or ideologies. Such arrangements are contrary to the West's longstanding view that all human beings are endowed with certain rights and dignity, which the state cannot violate for the perceived "greater good".

Under the advanced modern conditions of the global era, the challenge of our time is to match diversity with liberty and still create harmony—a feat that is possible only if there is respect for freedom of religion and conscience for all. No society is worthy to call itself free unless it has truly widened the spheres of liberty for all. To do that requires freedom of religion and conscience.

## Contemporary Attitudes Towards Religious Liberty

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This defence of religious liberty as the essential expression of human dignity of course depends on the underlying appreciation of human dignity itself. Not long ago, it was believed that the human rights revolution was sweeping the world, and the Universal Declaration of Human Rights was praised in terms such as "the Bible of the modern world". That is no longer the case. Human rights are now routinely dismissed as philosophically ungrounded, Western-centric, and "the last utopianism".<sup>20</sup> Marxists and some Muslims have long assaulted the Universal Declaration, but human rights are now seriously questioned within the West itself. We are in fact moving to a world that is not only "post-truth" but increasingly "post-rights". The contemporary question of the basis of human rights is neither a surprise nor a problem for Christians. Since the concept of human rights is based on a Judeo-Christian view of the person and reality, questioning that view will naturally lead to questioning the rights it entails.

All who value freedom of religion and conscience must come to terms with the great sea change in attitudes towards it in the last generation in America and the West in general. Two recent events are taken as the high-water mark of the general American acceptance of freedom of religion and conscience. One was the publication of the Williamsburg Charter in 1988, a bicentennial celebration of the First Amendment, which was signed by two Presidents, two Supreme Court Chief Justices, and a wide array of leaders across national life, including Muslims. The other was the enactment of the Religious Freedom Restoration Act in 1993, which ensured federal protection of religious freedom and



was signed into law by President Clinton, approved almost unanimously by the US Congress, and supported even by the American Civil Liberties Union.

But that was then. The attitude towards religious freedom is quite different today. What has caused this sea change in a mere 30 years? A simple way to describe the deterioration is to see the impact of what might be called the “three dark Rs”.

First, there has been a growth in the Reducers, those who shrink freedom of religion and conscience from “free exercise” to “freedom of worship”. Every dictator worthy of the name, and most totalitarian regimes, have guaranteed “freedom of worship”—in theory. The Chinese claim to do so today, even as Xi Jinping orders the religious persecution mentioned earlier. In other words, freedom of worship is reduced to what a person believes between his two ears when his mouth is firmly shut, and he stays at home. Such freedom of worship means nothing.

Freedom of religion and conscience, in contrast, is robust and comprehensive—the right to adopt, practice, share, and change one’s ultimate belief, based solely on the dictates of conscience. The Religious Liberty Clauses—the first 16 words of the First Amendment to the American Constitution—guarantee such “free exercise”, and Article 18 of the Universal Declaration of Human Rights spells out the freedom in even greater detail. The Religious Liberty Clauses state: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”<sup>21</sup> And Article 18 says: “Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>22</sup> When then President Obama and Secretary of State Hillary Clinton began to refer to freedom of religion and conscience as mere “freedom of worship”, it was therefore either a witting or unwitting flouting of the genius of American and Western history.<sup>23</sup>

Second, there has also been a significant growth in the Removers—those who would like to remove religion from public life altogether. A longstanding American tradition understands the separation of church and state in a strict way. Rather than viewing the “Religious Liberty Clauses” of the First Amendment together and seeing them as a double protection for religious freedom, separationists emphasise the “No Establishment Clause” at the expense of the “Free Exercise Clause”. They support their strict separationist view of a “high and impregnable wall” between church and state by citing Thomas Jefferson’s notion of a “wall of separation”, but they apply the principle in a manner that is quite different and far more extreme from Jefferson’s.<sup>24</sup>

This long-held separationist view received a massive boost from the impact of the 9/11 terrorist attacks in the United States. New Atheists such as Richard Dawkins have been candid about the way the terrorist strike opened their eyes to the lethal danger of religion. If such carnage is the price to be paid for religion in public life, they argued, religion should be excluded from public life altogether.<sup>25</sup>

The net effect of these and other arguments by the Removers is both devastating and ironic. Religious freedom has been upended and stood on its head. Freedom of religion and conscience is no longer freedom for religion, or ultimate beliefs. It has become freedom from religion. But worse, the strict separation of religion from public life is closer to the French-style *laïcité* than to the distinctive understanding that has been the unique hallmark of the American settlement. Most importantly of all, the Removers’ denial of freedom of religion and conscience is one more instance of how ideas and ideals that owe everything to 1789 and the French Revolution are slowly replacing ideas and ideals whose roots go back to 1776 and the American Revolution.

Third, a new trend has developed that might be called the Rebranders, those who mischaracterise the notion of freedom of religion and conscience, and then attack it as a form of power play that is

dangerous and should be abolished. At the moment, the most prominent Rebranders are progressive political activists who wield the notion of “discrimination”, which they hijacked from the 1960s civil rights movement, and use it to attack all who disagree with them. They view appeals to religious freedom as exercises in “discrimination”, “prejudice”, “bigotry”, and “hate”. For example, Martin Castro, Obama’s chairman of the US Commission on Civil Rights, wrote: “The phrases ‘religious liberty’ and ‘religious freedom’ will stand for nothing so long as they remain code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy, or any form of intolerance.... Present day ‘religious liberty’ efforts are aimed against the LGBTQ community.”<sup>26</sup> Courts across common law jurisdictions grapple with rights interpretation particularly when the rights of equality and religious freedom are in conflict. The Universal Declaration of Human Rights and Western constitutional systems recognise these rights as being equal. Yet, there has been a preference to prioritise equality rights over religious freedom in hard cases. While it is not necessarily the case that all advocates of equality are hostile to religious freedom, the status quo is increasingly leading to an exclusion of religion from public life. For example, a 2013 New Mexico Supreme Court ruling against religious freedom stated that compulsion is “the price of citizenship”.<sup>27</sup> Jean-Jacques Rousseau’s infamous idea that citizens should be “forced to be free” is on the march again.

There are distinguished supporters of LGBTQ rights who also strongly affirm the importance of freedom of religion and conscience. They reject the idea that disagreement is automatically discrimination. That blanket charge is a blunder of historic proportions, with grave and highly illiberal implications for religious freedom. Characterising all disagreement as “discrimination”, simply by definition and without investigation into real cases, subverts liberty. In the end, such illiberalism undermines precious freedoms like the right to dissent and the right to conscientious objection.

Following the great sea change, freedom of religion and conscience is no longer self-evidently positive, even in America, where it was a founding value. It has been rebranded, pronounced to be “weaponised”, and caught up in the clash and din of the ongoing culture wars. For all who love freedom, the scorched-earth, totalitarian overtones of the Rebranders are deeply troubling. They urge all dissent to be crushed as discrimination, all conscientious objection to be ripped away as a fig leaf to cover bigotry, and all civil disobedience to be rejected as hateful.

## Three Models for Civility and Religious Freedom in the Public Square

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Having established the importance of freedom of religion and outlined problems with the current view of the concept, the question now is, which model of religion and public life serves freedom and societal flourishing best? This question lies at the heart of the issue of freedom and religion today, and it deserves far greater attention than it has been given—and urgent attention by citizens across the world. Quite extraordinarily, apart from the Williamsburg Charter and a relatively small number of books, very few people have given much attention to this urgent practical matter. They prefer to protest violations rather than promote solutions. But the fact is that the present stage of the culture warring cannot last. The former settlements in many countries have broken down, and we need to answer the question of what will replace them. Will it be a model that serves or restricts freedom and the good of all? All who desire to build a humane world would do well to step back from the immediacy of the battles, and to weigh up the pros and cons of each option with care.

There are three major models on offer in today’s world, the first two being the dominant models in most countries at the present moment. The first common model is that of the *sacred public square*. This is a

vision of public life in which one particular religion is preferred, formally established, or a monopoly. The sacred public square was, of course, the traditional settlement for most of Europe's history until the French revolution. Hence the place of the Roman Catholic Church in France, Spain, or Italy, the Anglican Church in England, the Presbyterian Church in Scotland, the Lutheran Church in Sweden, and so on.

The benefit of this model in Western countries historically has been that establishing Christianity as the state religion has allowed cultures, political systems, and a particular view of the human person to develop, and these things, at the West's best, have accommodated rights for all citizens. There are also versions of the sacred public square that embody the virtues of the third model, that of the *civil public square* (which will be explained in more detail shortly), in that despite one religion being preferred, citizens of all faiths and none are allowed freedom of religion and belief. An example of this is modern England, which, while having an established church, legally guarantees religious freedom for all citizens (even if this right has been threatened in recent years by a hostility towards religious values). It can also be argued that one of the reasons for the recent rise of progressive ideologies in Western countries is the moral vacuum left in the wake of the political abandonment of the Christian faith, and therefore that the sacred public square can provide a powerful bulwark against the ascent of pernicious beliefs that are contrary to the Western tradition. Other versions of the sacred public square, however, are far more severe. All too often, for example, to be a Bahai in Iran or a Christian in Pakistan or Saudi Arabia can be life threatening.

In other words, the danger of the sacred public square model is that it can lead to situations where freedom and justice are not protected for those who do not subscribe to the religion that is preferred, established, or a monopoly. In these cases, those who do not share the faith are always second-class citizens in some way, and at any moment they may find themselves in serious danger. This model therefore has pros and cons based on which version a government adopts.

The second model is that of the *naked public square*.<sup>28</sup> This is Richard John Neuhaus's term for a vision of public life in which all religions are rigorously excluded—whether considered irrelevant, unnecessary, divisive, dangerous, or false. Once again, there are mild versions of the naked public square, such as the current version of the French *laïcité*, but there are also draconian versions, such as those found in China, North Korea, and Cuba. What matters, however, is that this second model does not serve the interests of freedom and justice for all any better than the severe version of the sacred public square. The plain fact is that more than 80% of the world still identifies itself as religious in some way. So, the naked public square excludes the great majority of the world's peoples, and in the process it often establishes secularism as the official ideology. Secularism is fast becoming a new religion in post-modern Western societies, and it can violate freedom of worship in the name of progressive ideological values. Indeed, centuries ago Leibnitz predicted: "The last sect in Christendom and in general in the world will be atheism."<sup>29</sup> In short, the naked public square is the mirror image of the sacred public square at its worst, though taking it in a secular rather than a religious direction.

The third model, as mentioned previously, is that of the civil public square. This is a vision of public life in which citizens of all faiths are free to enter and engage with public affairs on the basis of their faith, as a matter of freedom of religion and conscience, but—and this is critical—within an agreed framework of "civility", which is what is understood to be just and free for people of all other faiths too, and thus for the common good. Although the civil public square is not yet perfectly enacted anywhere, it is the natural development of the desire to promote freedom in the face of diversity and, in many ways, it is the embodiment of the American settlement at its best. It allows for all citizens across diverse societies to live free from coercion or persecution for their faith and unites them under a framework of agreed values that is necessary for true harmony and flourishing.

But what is this agreed framework of civility that is an essential part of civil public square? It is important to note that it is political and not religious. In John Courtney Murray's apt description, it is a matter of "articles of peace" rather than "articles of faith."<sup>30</sup> As such, citizens must agree, affirm, and then hand down the framework from generation to generation, through civic education, until it truly becomes the "habits of the heart" for the citizenry. At its core are the "three Rs" of freedom of thought and conscience: *rights*, *responsibilities*, and *respect*. A right for one person is a right for another person, and a responsibility for both and for everyone. In the civil public square model there are no special rights, no favoured faiths, and especially no protected beliefs. It is the conscience of believers, not the content of beliefs, which the model protects.

The civil public square politically embodies the message of the Golden Rule: "Treat others with the respect you would like to be treated with yourself and protect for others the rights you would like protected for yourself." Thus, a right for a Christian is automatically a right for a Jew, an atheist, a Muslim, a Buddhist, a Mormon, a Hindu, a Scientologist, and for every believer in every faith under the sun as the earth turns. All human rights are the rights of all human beings. They are to be protected for each person and for the good of all. Persuasion—not coercion—is the language of civility.

We are in a moment when many Western nations are in the throes of a culture war, where detachment and objectivity are in extremely short supply. In such a time, it will take an extraordinary level of leadership and a remarkable stand by citizens to assess where each of our nations is now, and to persuade each nation where it needs to go. It is therefore essential to make a wise decision on which model of religion and public life is most conducive to freedom in each nation.

## Restoring Civility to the Public Square

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But is there any realistic solution to the challenges of religious diversity and growing secular ideologies today, or is that hope forlorn? The notion of civility sounds good on paper, but can it solve the levels of rancour and incivility that have broken out in the public square, especially through social media? There are certainly solid reasons why civility is widely scorned today, and the vision of the civil public square is not taken as seriously as it should be. But a proper understanding of the term can help empower citizens to promote freedom and learn to co-exist in diverse societies.

First, often civility is confused with niceness and dismissed as a wimp word. At best civility is viewed as a matter of manners and etiquette or merely having a mild tone of voice. Such ideas are nonsense. Civility is a tough-minded classical virtue and duty that enables citizens to take their public differences seriously, debate them robustly, and negotiate and decide them peacefully rather than violently. This virtue is very important today as the sober fact is that when words break down, violence is never far away, and the possibility of systematic persecution will be at the door. This outcome is undesirable and must be avoided at all costs.

Second, civility is also mistaken for the search for a lowest-common-denominator unity, along the lines of an interfaith dialogue. The concern, then, is that civility means a necessary compromise of truth or principle, and thus unfaithfulness. But this is not the case. The ultimate goal of civility is not a disingenuous ecumenical unity. The differences between the content of the various faiths and worldviews in the West are significant. As stressed earlier, the framework for political discourse is a matter of "articles of peace" and not creating new "articles of faith".

Regardless of what model of relationship between state and religion is chosen, it is important that the virtue of civility is promoted and that all citizens are free to worship according to their conscience. John



Locke wrote in 17<sup>th</sup> century England on the importance of toleration in matters of faith, after a period of considerable religious turmoil following the Reformation and English Civil War. He and many others saw toleration as preferable to bloody, religious conflict, which had failed to monopolise any single Christian group. A similar process arguably occurred on the Continent following the Wars of Religion. This toleration is the origin of the concept of civility, and it existed as a cultural norm first before it became a political reality. The present age increasingly embraces a posture of incivility towards dissenting points of view, including religious ones that are seen as outdated or offensive. The remedy to this undesirable phenomenon is for all citizens to commit to act with civility towards those of all faiths and none. In this way, a culture of civility can once again be fostered, which is the best guarantee of religious freedom.

## Conclusion

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This paper represents an invitation to a vital and constructive conversation about how nations and citizens should understand freedom of religion. This conversation, facilitated by the Alliance for Responsible Citizenship, could become a global equivalent of America's *Federalist Papers*—foundational discussions on first principles and the best policies of what it takes to create free and just societies in our time.

I am not suggesting that there is a one-size-fits-all solution for the problems of religious liberty and freedom of conscience around the world. Each nation has its own history and its own special values. But what we should argue for is that across the many natural differences between nations, there should be a common core of rights and responsibilities that all free nations should guarantee and guard for all their citizens.

Second, we should acknowledge with humility that any vision and settlement that we advocate for and achieve is only the best *so far*. None of us is omnipotent and none of us is omniscient. We still always “see through a glass darkly.”<sup>31</sup> So, our best and highest solutions will still be incomplete and imperfect. Yet we still offer them, knowing they will be superseded in their turn, but it should at least be known that our firm and unashamed commitment in our time was to strive for freedom and justice for all and for the good of all, as we see things now, however imperfectly.

As I wrote at the beginning, I have had a passion for the importance of freedom of religion and conscience ever since I was a boy in the Chinese revolution, when my family had first-hand experience of the horror of persecution and repression. Years later, on moving to the United States as a visitor, that urgency lay behind my proposal for the Williamsburg Charter (1988), and later still for both the Global Charter of Conscience (2012), and the American Charter of Freedom of Religion and Conscience (2018). All of these affirmed the fundamental importance of religious freedom in a just society.

I would have to say from experience that, historically, only a minority has stirred itself to join such initiatives, except when the issue touched their own circles. That may be changing today, as people of many faiths across the world now find themselves in the firing line. One of humanity's most urgent questions in the global era is: How do we live with our deepest differences, especially when those differences are religious and ideological? Created “in the image and likeness of God”, we humans display both universality and uniqueness. We have commonalities with each other, and we have distinctions and dissimilarities. Such differences are positive as well as negative; “the dignity of difference” as well as the “divisiveness of difference”. These differences must be recognised as a reality, but they do not pose an insurmountable obstacle to harmony.

The problems of increasing secular intolerance to the Christian beliefs which were the very foundation of the concept of human rights, and the desire of some religious citizens for their beliefs to be immune from any perceived challenge, can be solved through fostering the virtue of civility in society. This is a vision of society where leaders and responsible citizens take seriously the ideas that human differences matter, and that respect for freedom of religion and conscience is essential to negotiating those differences well.

Freedom of religion and conscience is vital for all who strive for greater human dignity, greater freedom, greater justice, and greater peace and stability in the world of tomorrow. The double challenge of today's complex, irrational world is, first, to understand the challenge, and then to do something about it. We differ radically with Karl Marx on many points, but on one we agree: "Philosophers have only interpreted the world in various ways. The point, however, is to change it."<sup>32</sup>

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- <sup>6</sup> James Madison, *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002), 328.
- <sup>7</sup> See *Christianity and Freedom*, ed. Timothy Samuel Shah and Allen D. Hertzke (Cambridge: Cambridge University Press, 2016), 52-54, 62-66.
- <sup>8</sup> Attributed to Diderot by Jean-François de La Harpe, *Cours de Littérature Ancienne et Moderne* (1840), vol. 3, 415. Cited in *Respectfully quoted: a dictionary of quotations requested from the Congressional Research Service*, ed. Suzy Platt (Washington DC: Library of Congress, 1989).
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- <sup>10</sup> Pope Paul VI, *Dignitatis Humanae*, December 7, 1965, [https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html).
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- <sup>13</sup> John M. Barry, *Roger Williams and the Creation of the American Soul* (New York: Viking Penguin, 2012).
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- <sup>20</sup> Samuel Moyn *The Last Utopia: Human Rights in History* (Cambridge Massachusetts: The Belknap Press, 2012).
- <sup>21</sup> Congress.gov, “Constitution of the United States.”
- <sup>22</sup> United Nations, “Universal Declaration of Human Rights.”
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