

NEW AUTHORITARIAN CHALLENGES TO LIBERAL DEMOCRACY

Estoril Political Forum, October 21, 2020. (11:25 am – 12:25 pm)

Panel: “Edmund Burke and the Limits of Toleration.”

Edmund Burke’s Narrow Line between Toleration and Slavery.

Edmund Burke published his *Reflections on the Revolution in France* primarily as a warning to his fellow countrymen on the threat posed to British freedom and the constitution by a misreading of the aims of the French revolutionary program. In particular, Burke feared any concession to British radicals based upon a questionable interpretation of the legacy of the Glorious Revolution and of the so-called “rights of man.”

Similarly, while Western liberal democracy might face powerful challenges today from foreign governments and ideologies, one would be blind, indeed, not to recognize that the most urgent threat appears to come from ideologies born and nurtured within the political system and culture of Western liberal democracy itself. In this paper, I explore one narrow but vital feature of this internal threat: that is our confusion over the role toleration should play in our society. Facing a tide of so-called “Woke-ness” flooding our traditional channels of conversation and debate, we might easily find ourselves asking: When and how did the quality of toleration become *antagonistic* to ordered liberty?

As a starting point, I want to reconsider Edmund Burke’s approach to *religious* toleration in his day. Religious perspectives continued to dominate approaches to political and social policy throughout the eighteenth century – and it might be argued, by analogy, that we even have our

own version of the Test and Corporation Acts today, where access to positions of political and cultural influence is dictated by (at least outward) conformity to an increasingly narrow ideological mindset and vocabulary.

Burke's approach to religious toleration pivoted on this question: Is toleration a privilege or a right? If the first, what are the circumstances in which that privilege might reasonably be limited? If it is a right, what is the rationale for its consistent application in the face of changing circumstances? Burke was famously uncomfortable arguing from the basis of "rights," and I suspect that most people acquainted with his thought would assume that he lines up with the former option: that toleration is a privilege dependent upon its conformity to the customs and traditions of society. This impression does, indeed, appear to follow the trajectory of his thinking on the subject from the 1770s to the 1790s, as his initially liberal approach narrowed with the rise of radical political movements in Britain and the outbreak of the French Revolution. A prominent supporter of relief for both Protestant dissenters and Roman Catholics in the early part of his parliamentary career, Burke was prepared to argue then that he supported toleration as "a principle favourable to Christianity, and as a part of Christianity;"¹ and yet, in 1790, he abstained on a vote on Protestant relief, and he *stridently* opposed relaxing restrictions on Unitarians two years later, arguing that Unitarianism "mingle[d] a political System with ... religious opinions."²

¹ Edmund Burke, *The Writings and Speeches of Edmund Burke*, ed. Paul Langford *et al.* 9 vols. (Oxford: Oxford University Press, 1981-2015), 2:383. The quotation is from "Speech on the Toleration Act," 17 March, 1773. This is, essentially, a Latitudinarian position that (instructively, for those who retain an obstinately monochrome, "progressive" sense of Enlightenment thought) could be considered both religiously liberal and politically conservative.

² Burke, *Writings and Speeches*: 4:492. "Speech on Unitarians' Petition for Relief," 11 May 1792.

I suggest, however, that we can detect in the same materials and the same trajectory an approach to toleration that is situated more firmly in the area of a right, and one which, when understood as such, provides a rationale both for its own boundaries and for *intolerance* when those boundaries are transgressed. Burke's early support for religious toleration followed familiar "Enlightened" thought in reconfiguring what might reasonably remain the preserve of private conscience; but he vitally complicated that position by his acknowledgment of an "unbought grace" to which institutional religion testified in both natural and civil human society and which evaded theological or ecclesiological precision. Indeed, Burke's thinking here might almost be said to resemble Rousseau's civil religion. In a speech on clerical subscription in 1772, he stated: "Who were more religious than the Romans, who were more tolerating. Methinks we would do well to attend to their institutions."³

And yet Burke diverged widely from Rousseau in going on to argue that an Established Church must be a *voluntary* institution, integral to, and yet *distinct* from, the State within which it performs its vital function. A religious establishment aims to unify the whole community in its natural moral instincts; but, by the very *mystery* of its own incorporation it cannot impose doctrinal uniformity on the whole community, only on its own members. Burke presents us here with a paradox crucial to his understanding of religious toleration: while religion witnesses to the pre-existing *moral* purpose of civil society, and thus its own fundamental importance for civil liberty and order, any institution founded necessarily on *revelation* cannot claim anything but an imperfect, partial knowledge of the form that that moral purpose should take in civil society.

³ Ibid: 2:363. "Speech on Clerical Subscription," 6 February 1772.

So why did Burke emphatically reject toleration for Unitarians? The answer is perfectly consistent with his earlier position, where Burke was careful to draw a clear but narrow line between those who denied revelation and “those who do not hold revelation yet who *wish that it were proved to them*.”⁴ The former – atheists and deists – he declared “outlaws of the constitution . . . of the human Race . . . never to be supported, never to be tolerated [since they] would deprive us of our best privilege and prerogative of human nature, that of being a religious animal.”⁵ The latter, crucially, Burke allowed within the scope of “a serious religion.”⁶ Unitarianism failed the test of a “serious religion” not primarily because it incorporated a political System, but because it denied the revelation, signified in the Trinity, of the mysterious paradox that Burke saw underpinning “artificial,” or civil, society: that man is poised in tension, with a foot both in eternity (“being”) and time (“becoming”). And Burke reasoned further: *toleration* of Unitarianism, like atheism and deism, could only be legitimized by subordinating “serious religion” to civil duty, a move that would result in “religious slavery.”⁷

That chain of reasoning by which Burke sniffed the onset of slavery from a surfeit of toleration might also be explained by his encounter, as an undergraduate at Trinity College, Dublin, with the work of Samuel Pufendorf, whose teaching secularized notions of justice, toleration, duty, and, conscience as a rational way of stifling denominational strife with mutually referential

⁴ Ibid, 2:389. “Speech on Toleration Bill,” 17 March 1773 [emphasis added].

⁵ Ibid, 2:388. Burke argued further that not even Holy Scripture could reasonably or justly be used as a test for religious conformity. See *Writings and Speeches*, 2:361. “Speech on Clerical Subscription,” 6 February, 1772. This interpretation of the role of the Church is the only way that I can make sense of Burke’s somewhat convoluted definition of church-state relations in a speech of 1792: “[I]n a Christian commonwealth, the Church and State are one and the same thing; being different integrant parts of the same whole, which is the Church” (*Writings and Speeches*, 4:491, “Speech on Unitarians’ Petition for Relief,” 11 May, 1792). The awkward repetition of “Church” directs us to that religious community of believers as the transcendent, supra-governmental institution that compounds what is essential in human nature outside civil society with its destiny, which is realized only within the artifice of civil society.

⁶ Ibid, 2:389.

⁷ The phrase appears in “Speech on Clerical Subscription,” 6 February 1772: “[F]or I am convinced that the liberty of conscience contended for by the petitioners would be the fore runner of religious slavery.” Ibid, 2:364.

concepts of civil law and personal liberty.⁸ Such arguments likely proved helpful to the Protestant Irish elite, but they would hardly have been conducive to the young Edmund Burke, a vigorous critic of the “Popery Laws” in his native Ireland, who, in 1790, vividly described such subordination of “serious religion” to the perceived interests of civil society as “annihilat[ing] the god within [man] ... and violat[ing] him in his sanctuary.”⁹ Ironically, though, Burke had an ally to hand in the same college text – Pufendorf’s Huguenot translator and editor, Jean Barbeyrac, whose textual notes, while accepting that the boundaries of toleration should be rational and reasonable (and which Huguenot wouldn’t?), reinserted the purchase of a pre-political, religious conscience within the modern state, and, in so doing, inscribed his own “clear but narrow line” beyond which civil duty might be subordinated to “serious religion.”¹⁰

To summarize: first, Burke’s understanding of toleration seems inextricably bound up with mystery and paradox – or, rather, is incompatible with certainty. Secondly, if it is to operate beneficially for the preservation of both order and liberty, toleration must spring from a higher purpose of the state than *either* individual liberty *or* social order. In other words, toleration is something one must *bear* in order to achieve a final good – or, as Burke put the case in 1773:

⁸ Pufendorf divides “conscience” into conscience “rightly inform’d,” – that is, “govern’d by sure principles, and settling its Resolutions conformably to the Laws”; and “Conscience grounded upon Probability,” when the subject “had indeed entertain’d the *true Opinion* about what is to be done or not to be done” but cannot yet make good that truth by reasoning.” See, Samuel Pufendorf, *The Whole Duty of Man, According to the Law of Nature*, ed. Ian Hunter and David Saunders (Indianapolis: Liberty Fund, Inc., 2003), 29. That second category, as a kind of inversion of Burke’s “serious religion,” itself restricts conscience to a “closed” context of public duty, and thereby opens the way to a kind of soft religious slavery.

⁹ Burke, *Writings and Speeches*, 4:317. “Speech on Repeal of Test and Corporation Acts,” 2 March 1790.

¹⁰ Both editions of Pufendorf’s writings listed in the catalog of Burke’s library in 1830 include Barbeyrac’s extensive notes and comments, which, while highly respectful, undermine the master in certain ways that have great bearing for Burke’s early development, (Saunders, 480.) These volumes are either the two-volume octavo “small Pufendorf” edited by J. Spavan, or remnants of the eight-volume edition of *The Law of Nature and Nations*, edited by Basil Kennet. The Kennet eight-volume edition also includes Barbeyrac’s lengthy “Prefatory Discourse,” now often referred to as his “Historical Account,” but titled, in full, “An Historical and Critical Account of the Science of Morality, and the Progress it has made in the World, from the earliest Times down to the Publication of Pufendorf of the Law of Nature and Nations.”

“Do not promote Diversity. When you have it bear it.”¹¹ We tolerate because we are bound to do so not by someone else’s “natural” right, but by a just awareness of our own limitations.

Toleration is a right embedded in civil society for the sake of civil society – for the fullest realization of human being and becoming.

If Burke’s approach to toleration contains any message to us nowadays, I suggest that it is this:

Unless we are able to re-attach toleration to a live awareness of the paradox of human flourishing in civil society – that as *creatures* we are both being and becoming – we will remain vulnerable to any internal authoritarian threat to liberal democracy masquerading as tolerance, where the intolerant appear to have all the best tunes, and the skeptical or resistant, as in Burke’s Britain, are silenced by, or even beholden to, the slogans of a hate-fueled philanthropy.

FINIS

¹¹ Burke, *Writings and Speeches*, 2:388. “Speech on Toleration Bill,” 17 March 1773.