LETTERS on LIBERTY

TAKING CONSCIENCE SERIOUSLY

Dolan Cummings

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Welcome to *Letters on Liberty* from the Academy of Ideas. *Letters On Liberty* is a modest attempt to reinvigorate the public sphere and argue for a freer society.

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What are Letters on Liberty?

It's not always easy to defend freedom. Public life may have been locked down recently, but it has been in bad health for some time.

Open debate has been suffocated by today's censorious climate and there is little cultural support for freedom as a foundational value. What we need is rowdy, good-natured disagreement and people prepared to experiment with what freedom might mean today.

We stand on the shoulders of giants, but we shouldn't be complacent. We can't simply rely on the thinkers of the past to work out what liberty means today, and how to argue for it.

Drawing on the tradition of radical pamphlets from the seventeenth century onwards - designed to be argued over in the pub as much as parliament - *Letters on Liberty* promises to make you think twice. Each *Letter* stakes a claim for how to forge a freer society in the here and now.

We hope that, armed with these *Letters*, you take on the challenge of fighting for liberty.

Academy of Ideas team

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A peculiar twin feature of our current moment is the moralisation of the political sphere at the same time as the politicisation of moral questions. Conflicting political positions are often seen less as differences of opinion between citizens who can nevertheless respect one another's point of view, and more as markers of basic decency - or the lack of it. From Brexit and American presidential elections to perspectives on Black Lives Matter and even responses to the Covid-19 pandemic, it is hard to express a political opinion without being judged as a person.

Meanwhile, moral questions are less likely than before to be seen as separate from politics, and their answers more likely to be determined by party or 'tribe' allegiance. It's not just traditionally 'political' moral questions like abortion: through the trans issue, deeply moral questions about the nature of selfhood and the good life have been reduced to pro and anti positions. Something similar has happened with the pandemic, as questions about what we ultimately value (and how we value them) are shoehorned into pro- and anti-lockdown, masks vs skins.

There's much less tolerance of the idea that different people can come to different conclusions in good

faith, and that some deeper questions are best given space away from the hurly-burly of politics - even if that's never easy in practice. This matters, partly because the freighting of politics with moral judgement discourages open-mindedness on political questions. This essay, however, is mostly concerned with the other side of the phenomenon: the political short-circuiting of conscience.

I take conscience to be an inner conviction about what is right and wrong. Conscience is not necessarily unchanging, and certainly subject to external influence. But it is nevertheless very personal, and liable to come into conflict with external pressures and expectations, including political ones. When morality is politicised, we lose a whole dimension in which we should be able to think and intuit in a different way, at a different pace. Liberty of conscience is an existential as much as a political freedom.[i] The point of this essay is not simply to defend it from overt censorship, but to champion it as a bulwark against groupthink and moral conformism.

Marginalising conscience

Conscience is often understood narrowly as being about religion. In our secular culture, to bracket something that way is effectively to put it beyond debate. In the course of Barack Obama's famous 'evolution' on the subject of same-sex marriage as a presidential candidate in 2008, he explained:

'I believe that marriage is the union between a man and a woman. Now, for me as a Christian - for me - for me as a Christian, it is also a sacred union. God's in the mix.'[ii]

Notice the double disavowal: 'for me' (not necessarily for everyone) and 'God's in the mix' (I don't make the rules).

Obama was treading a line between alienating conservatives and offending liberals. If genuinely speaking as a Christian, he was engaging in a kind of self-marginalisation (morally if not politically, since of course he was still giving political weight to what he was disavowing). If speaking in bad faith, as many suspect, he was using Christianity as a fig leaf to cover his lack of conviction in the other direction. In either case, there was no appeal to the conscience of others, barely even an assertion of his own conscience; it was

more like an appeal to a technicality. Such is the luxury of endorsing what was then the status quo.

In the years since that interview, same-sex marriage has become legal. The difference is that the new status quo is not an embarrassingly vulgar heirloom that can be excused with a shrug. It has moral force behind it, such that those who object are marginalised by the culture - and potentially the law. It is in this context that appeals are made to conscience.

> *People should be allowed to exercise freedom of conscience in such cases. After all, there are plenty of other bakers who would make such a cake. Why not live and let live?*

The paradigmatic case in the UK concerned Ashers Bakery in Belfast. A customer asked for a cake to be made, decorated with the slogan 'Support Gay Marriage'. The owners declined because the slogan went against their religion, and the customer sued under equality legislation. The plaintiff initially won, but the Supreme Court overturned the ruling on the grounds that the slogan was the issue, not the sexuality of the customer. Many commentators who strongly support same-sex marriage nevertheless agreed people should be allowed to exercise freedom of conscience

in such cases. After all, there are plenty of other bakers who would make such a cake. Why not live and let live?

A similar case can be made in less obviously trivial cases: for example, religious adoption agencies that will not place children with gay couples. For dogmatic secularists, this is intolerable, but surely what matters is that other agencies are available. If not, then a state concerned with equality will have to make provision. Otherwise, it is not clear how the cause of equality is served by enforcing moral conformity.

The same is true of medical professionals who want nothing to do with abortion. As long as there are sufficient professionals to provide the service, healthcare managers can afford to allow others to demur on grounds of conscience. This is assuming abortion is both legal and widely approved of, allowing those who believe in a right to abortion to be magnanimous. Moral approval is vital, because if abortion were legal, but only in the context of a state eugenics programme considered immoral by most people, I doubt the state could afford to be so magnanimous. Allowing morality to come into it would be a threat to the programme. Conscience might be contagious.

Beyond 'live and let live'

Things become more difficult when differences of opinion cannot be brushed off as harmless. During the Covid-19 pandemic, there has been a general consensus that the conscientious thing to do is to abide by lockdown restrictions. While there has been some dissent, those opposed to the measures have not generally been dignified as 'conscientious'. Indeed, there has been a great deal of moral opprobrium against those flouting the rules, who are generally assumed to be selfish, uncaring or stupid rather than principled.

> *Perhaps we should be proud of our heroic collective effort to save lives even at great cost, perhaps we also underestimated what we sacrificed.*

Some measures are only effective if everyone complies - a blackout during a bombing raid will not work if even a small minority leave their lights on. In theory, even a small number of people going about their business as usual could undermine the efforts made by everyone else to suppress the spread of a virus. If lockdown is the right thing to do, a pragmatic, live-

and-let-live approach will not work. It is, by its nature, an authoritarian measure.

Professor Neil Ferguson, one of the leading scientific advisers to the UK government, famously revealed that he and his colleagues did not believe they could 'get away with' a Chinese-style lockdown in a democracy like Britain (until Italy did it).[iii] It was an interesting turn of phrase. Normally, we talk about getting away with something we feel guilty or ashamed about. In this case, there is little doubt that all those involved were acting in good faith. They believed locking down was the right thing to do, but initially doubted whether the public would tolerate it. Subsequently, such debate as there has been has focused on how effective lockdowns were, but my sense is that these initial doubts were not about whether the public could be convinced of lockdown's efficacy. The issue was legitimacy.

Before 2020, forcing businesses to close and ordering people to stay at home was not something democratic governments did in peacetime. Ferguson and his colleagues seem to have experienced a pang of what we could call 'phantom conscience' - an inner voice, murmuring, 'you can't do that!' - before finding they could easily bat it away. Measured against the thousands of lives that might be saved, the voice had no weight.

Regardless of whether lockdowns were effective, however, there is a profound conversation to be had about their moral foundation. Perhaps we should be proud of our heroic collective effort to save lives even at great cost, perhaps we also underestimated what we sacrificed. As the American philosopher Robert Koons has argued: 'The common good of a community is not the aggregate of the individual or private goods of its members - it concerns the flourishing of the civil society as such… saving the most lives does not automatically correspond to promoting the common good.'[iv]

When our consciences disagree, it is about which moral principles should win out and when.

Nevertheless, the moral imperative of saving lives drove support for whatever response seemed likely to do that, which meant doubts about the legitimacy of lockdowns did not cohere into a substantial argument from conscience in time to matter politically. Still, many felt deeply wrong about not seeing family members, especially elderly relatives. Many parents and some teachers were strongly opposed to the closure of schools for moral as well as practical reasons. Perhaps the clearest flashpoint was around places of worship, which were deemed 'non-essential'.

While the major churches generally accepted this indignity, sometimes under protest, there remained some rebel pastors who continued to hold services. As one told the *Guardian*: 'We either have to go with our religious convictions or go against our consciences and beliefs and submit to the state.'[v]

This is a fairly classic appeal to conscience along the lines described above. The difference, of course, is that it fails the 'harmlessness test', at least according to prevailing common sense. Despite exasperated church members pointing to supermarkets full of shoppers, the fact that churchgoing is widely seen as little more than a hobby means they garnered little support. There was sympathy for mourners prevented from hugging one another at funerals, but how do you weigh that against the suffering of those whose relatives have died of Covid? Government posters sought to prick citizens' consciences with pictures of patients in ventilation masks, challenging us to 'look them in the eyes and tell them you are doing all you can to stop the spread of Covid-19'. This was a clear case of emotional blackmail, calculated to crowd out any objections to lockdown, whether practical or moral.

Conscience and sympathy

When conscience is invoked in a non-religious setting - as on those posters - it is often indistinguishable from sympathy, an emotional response to the suffering of others. But we ought to make that distinction. In a 1974 essay, 'The Conscience of Huckleberry Finn', the philosopher Jonathan Bennett considered in particular the tension between sympathy and 'bad morality'.[vi] Huck Finn, born and raised in a slave-owning society, does not question the morality of slavery, but he does feel sorry for a slave he befriends. When he helps Jim escape his owner, he actually feels guilty, as if sympathy for his friend is a weakness, driving him to behave immorally.

> *An awareness of sin tends to start within one's own self, rather than by denouncing social injustices.*

Bennett also acknowledges that sympathy can clash with 'good morality', but his example - a mother who is reluctant to pass her frightened baby to the doctor to be examined - is weak. The morality of submitting to medical treatment is too easily affirmed as an extension of mere sympathy. A harder example - belief in the justice of eternal torment for sinners - is assumed by Bennett to be another case of bad

morality. Maybe, but this has exercised consciences for centuries and inspired cultural riches like Dante's Hell (which is more than can be said of the moral affirmation of slavery or Bennett's other example, Nazi atrocities). His wider point, though, is that while morality should be open to revision under pressure from sympathy, there are also times when difficult moral principles should win out over sympathy. When our consciences disagree, it is about which moral principles should do so and when.

In any case, it is naive to assume sympathy will always guide a conscience unburdened by dogma. John Newton was an eighteenth-century Anglican cleric, most famous for writing the hymn 'Amazing Grace', who was inspired by his own conversion to Christianity during a perilous storm at sea. Notoriously, for most of his early life, Newton was active in the slave trade, first as a seaman and ship captain and then as an investor. Even more notoriously, most of his slaving career came *after* his conversion. The sin of which he initially repented was the debauchery typical of sailors, especially swearing.

It is easy to mock a conscience that balks at foul language while participating in the slave trade. But according to what might be called Christian psychology, sin of all kinds 'hardens the heart'. An awareness of sin tends to start within one's own self,

rather than by denouncing social injustices. Newton did eventually write a pamphlet against slavery, but it was conscience, not sympathy, that got him there.

> *Freedom of conscience lies in the gap between what can be publicly reasoned, and what we are convinced is right based on our religious or other moral inheritance.*

Indeed, it was not mere sympathy that motivated the Christian-led abolitionist movement, but conscience grounded in a religion that affirmed the equality of all human beings, but also took a dim view of human nature, not just social evils. At one of the central moments in the Christian story, Jesus is set battered and bloodied before a crowd that might be expected to feel sorry for him. Instead, they are easily goaded into baying for his crucifixion. From this perspective, a preoccupation with seemingly trivial self-discipline and a preference for a more objective grounding for morality than sympathy are perhaps not so strange.

Other religions are available. So, too, are alternative traditions that contain moral wisdom. But it is undeniable that Christianity has been a bedrock of modern Western thought and feeling. In his 2019 book *Dominion*, historian Tom Holland goes further

than most in crediting Christianity with everything from modern liberalism to contemporary woke politics (albeit without the redemption).[vii] Holland may have a point in terms of intellectual history, but, ironically, his argument rests on the assumption that there is no God, in which case Christianity itself must be the vector of Christian morality. If Christianity is true, however, there is in fact such a thing as universal morality. The Bible teaches that it is written on our hearts whether we have been exposed to the gospel or not. The problem is that we sinfully reject it.[viii]

> *Conscience is not the voice of God, real or imagined, but an instinct that can be educated - that is why it is rare that one person's conscience resonates with no one else.*

The Bible thus agrees with modern secularists that you don't have to accept Christianity to avow 'Christian' morality. But if Christianity is true, you can talk all you like about loving your enemy: you are a fallen sinner, and without the supernatural grace of God, you will struggle to love even your neighbour (and sometimes your 'loved ones'). Whether this is true or not is a matter for the reader's heart, and need not detain us here.

The question is whether we can reason our way to moral truths without reference to religious or other repositories of wisdom. The nineteenth century theologian John Henry Newman preached otherwise:

'So alert is the instinctive power of an educated conscience, that by some secret faculty, and without any intelligible reasoning process, it seems to detect moral truth wherever it lies hid, and feels a conviction of its own accuracy which bystanders cannot account for.'[ix]

No doubt rationalist alarm bells will ring, but this seems to me an accurate description of how conscience actually works.

Conscience is not the voice of God, real or imagined, but an instinct that can be educated. That is why it typically emerges from a moral inheritance, and why it is rare that one person's conscience resonates with no one else. It can be educated, but not bullied. Conscience has often been a source of dissent, including against religious authorities.

Ultimately, freedom of conscience lies in the gap between what can be publicly reasoned, and what we are convinced is right based on our religious or other moral inheritance. It is not an alternative to public debate, but an invaluable supplement to it, and one we

should cherish - not *even* when it challenges a moral and political consensus, but *especially* when it does.

References

[i] Cummings, Dolan, 'What is Existential Freedom?', *Areo*, 31 July 2018

[ii] Steinmetz, Katie, 'See Obama's 20-Year Evolution on LGBT Rights', *Time,* 10 April 2015

[iii] Whipple, Tom, 'Professor Neil Ferguson: people don't agree with lockdown and try to undermine the scientists', *The Times*, 25 December 2020

[iv] Koons, Robert C, 'Prudence in the Pandemic', *First Things*, October 2020

[v] Sherwood, Harriet, '"Let us disobey": churches defy lockdown with secret meetings', *Observer*, 22 November 2020

[vi] Bennett, Jonathan, 'The Conscience of Huckleberry Finn', *Philosophy 49*, 1974

[vii] Holland, Tom, *Dominion: the making of the Western mind*, Little Brown, 2019

[viii] See especially Romans 1: 18-20 and Romans 2: 14-15

[ix] Newman, John Henry, 'The Usurpations of Reason', in *Fifteen Sermons Preached before the University of Oxford*, OUP, 2006

Author

Dolan Cummings is the author most recently of *Gehenna: a novel of Hell and Earth* (Lockdown Press 2020), which follows a Glasgow detective through Dante's Hell. His previous book, *That Existential Leap: a crime story* (Zero Books 2017), is part bildungsroman and part novel of ideas. An archive of his essays, reviews and other articles can be found at dolancummings.com. He also works as a freelance copywriter, speechwriter and editor.

Illustrations
Jan Bowman is an artist and author of *This is Birmingham*. See her work at janbow.com

Letters on Liberty identity
Alex Dale

Pamphlet and website design
Martyn Perks

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