Acton Lecture 2017: Civic Virtues and the Politics of 'Full Drift Ahead'

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Introduction

I would like to thank Peter Kurti for the invitation to give the 2017 Acton Lecture and for his kind introductory remarks. My hope this evening is to give some substance to a few terms that are important but often overlooked and to take a few terms that are widely used and to suggest that they are not as useful as we might imagine them to be.

Before turning to these terms, to "civic virtues" and to "values", however, I should like to place this lecture in the context of a series of ideas that have led to the replacement of a shared moral sense of "virtues" with the deeply ambiguous and relativistic language of "values."

Chief amongst these ideas are four: 1) that the state can be 'neutral" in relation to moral claims and, related to this; 2) that metaphysics is an optional field of philosophy and 3) that "belief" is the purview of the religious citizen and 4) that techniques can be a substitute for purposes (that *techne* can operate without attention to *telos*).[1]

All four of these notions undergird many contemporary blind-spots. First, there is no such thing as the "neutral state"; the state may operate impartially but this is not the same as "neutrally." Laws and policies, or the refusal to adopt laws and policies are necessarily moral decisions of one sort or another and so the idea of "neutrality" while comforting to the morally phobic is an illusion. Second, metaphysics are, as Huxley noted in his book *Ends and Means,* not optional - - one can have good metaphysics or bad metaphysics but one cannot have no metaphysics.[2] Third, there is no such thing as an "unbeliever". Everyone is a believer, the question isn't whether he or she believes, but, rather what he or she believes in. The idea of a realm of unbelief is an illusion similar to the others mentioned. Finally, the idea that techniques can operate without attention to purposes is an illusion. Techniques are about how things operate and only an understanding of what they are for, an examination of their purposes, gives us a moral ground of evaluation - - an ability to examine whether this or that area of culture is "good" or "bad" or "fit for purpose" or not. Operating

with systems that are not correlated to their purposes means that we cannot properly evaluate the moral appropriateness of things - - a dangerous "drift" that forms part of the concern behind the title this evening.

The title also uses the word "politics" but it should be noted that I do not mean merely or even primarily that the drift at issue is that of politics understood as party politics. What I mean is politics in relation to citizenship. All aspects of culture are, in a sense, "political" in so far as they pertain to how we live our lives together and this lecture examines the real consequences of not attending to the moral purposes or ends of our lives in association as much as in relation to formal politics. In this lecture I shall discuss three main areas: **first** what has been described as "the crisis of Western cultures"; **second**, the meaning of "values" and how they differ from "virtues" and; **third**, a review of the April 2017 Document put out by the Australian Government[3] in the hope that a new approach to citizenship based on "shared values" or "Australian values" will "strengthen the test for Australian Citizenship" and Australian culture itself. Finally, I shall offer a **Conclusion** and some **Recommendations** based on what has gone before.

The Crisis of Western Cultures

It is nothing particularly new to refer to Western cultures as being in Crisis. Christopher Dawson referred to the Crisis of Western Education in his 1961 book of the same title and I am sure that with a bit of digging earlier examples of the crisis genre could be located. What is interesting at the moment, however, is that what is being increasingly widely documented by scholars is a breakdown in a certain liberal consensus that has been in place for some considerable period of time. Paul Horwitz, in *The Agnostic Age*, for example, writes that:

> …we are now in the twilight of the liberal consensus as we have known it. It may survive, with important revisions. Or it may collapse all together, and new prophets will arise to predict what will come after it. *One thing, however,*

seems certain: the liberal consensus that emerged after the enlightenment, gelled in the nineteenth century, and reached a more or less stable form in the twentieth century, cannot last much longer as a basic, unquestioned assumption about the way we live. From within and beyond its borders, the liberal consensus is under attack. On all sides we are hearing calls, sometimes measured and sometimes shrill, for a revision or an outright rejection of the terms of the liberal treaty.[4]

Ronald Weed and John von Heyking in a collection of essays examining civil religion, speak of a "crisis of citizenship" that is the result of the failure of secular society to "satisfy fully its citizens' desire for meaningful community" consequent upon a failure "to integrate fully the human personality into a schema of citizenship." This in turn, the authors note, produces as crisis of political unity.[5]

A recent book by John Milbank and Adrian Pabst, *The Politics of Virtue: Post-Liberalism and the Human Future* (2016) addresses what it terms "metacrisis" in relation to politics, economy, polity, culture and the world itself. With respect to the "metacrisis of liberalism", the authors take a similar tack to Horwitz when they state that:

The whole liberal tradition faces a new kind of crisis because liberalism as a philosophy and an ideology turns out to be contradictory, self-defeating and parasitic on the legacy of Greco-Roman civilisation and the Judeo-Christian tradition which it distorts and hollows out.[6]

The authors state that "the only genuine alternative is a post-liberal politics of virtue that seeks to fuse greater economic justice with social reciprocity" (3).

Australian Clive Hamilton has written of "the disappointment of liberalism" and catalogues a significant list of the "maladies of affluence" that "suggest that the psychological wellbeing of citizens in rich countries is in decline".[7] What all these authors suggest as essential is a recovery or creation of a richer moral and aesthetic framework for life in contemporary societies. They all speak of "virtues" and of the

traditions that nurture such virtues. They do not speak of "values" and with good reason.

Language is always open to alternative forms of interpretation and law is in the business of interpretation. What informs legal interpretation; however, are background notions such as what we mean by a "secular" state, what we mean by "secularism" and what we mean by a state being "neutral"? Furthermore, is there a "liberal consensus"? What would such a thing as a "liberal consensus" be? What do we mean by "values" and what are these in comparison to "virtues?" To take two of these terms important to this lecture, a wide variety of contemporary scholars have come to the conclusion that the "liberal consensus" which for a time guided certain conceptions of law has now broken down and that "values" language is, if not bankrupt, at least in need of serious clarification if we believe that, by its use, we are conveying moral meaning.
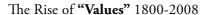
With respect to "liberal consensus" there are those who may wish to deny that this consensus no longer exists and who will continue to advocate for forms of interpretation that give their viewpoint particular advantage in the courts and politics. However, the fact remains that there is no longer, if there ever was, a consensus as to either the meaning of liberalism in relation to law, or how law should approach certain kinds of disputes involving rights.

The meaning of central terms such as "equality" and "non-discrimination" need to be viewed "through the associational lens" or through the different contexts that are allowed in a society if the differences between communities on important matters such as religion and sexual orientation are to be realized. At the moment the manner in which a term such as "equality" is being placed in opposition to religion (itself an equality right) shows a failure to appreciate associational diversity and the need for principles of space-sharing in an open society. Similarly, we need to be wary of claims that a particular position represents "*the* state interest". More often than not, when what is at issue is a contestable viewpoint, the state interest is multiple, not singular. The state, simply put, should not have only "one" view on controversial matters. These are questions that the state should keep "open" as far as possible. It is the nature of the pressures on pluralism, however, that, as with theocracies of

old, the "new sectarians"[8] seek to claim "the state interest" or "public authority" and their own viewpoints as one and the same.
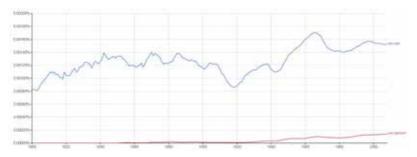
Secularism is not, as some claim, "neutral" and when viewed historically was clearly a movement (from its mid 19th century inception) to drive religion out of the public sphere so as to both marginalize and privatize it against the idea of an inclusive public sphere ignoring an associational dimension to religious liberty and the necessary diversity this would entail. Secularism is coined as a term in 1851 and if we look at the graph of the use of the term we see its steady increase in the late 19th Century and through the 21st century. About the same time, we see the term "values" rise in popular usage and come, slowly but surely to replace "virtues" as a form of moral language.

Consider two Google books "Ngram" graphs showing "values" and "virtues" and "secular" and "secularism". Note the rocketing up of usage of "values" in contrast with "virtues" and the rise (as we would expect) of "secularism" at about the same time. The mid 19th century is the time when "secular" shifts from "the age or the times" to an increasing implicit meaning of "non-religious"; in parallel with this is "secularism" rising as an anti-religious ideology (despite the claims of its founder that the movement did not take a position either in favour or or opposed to religion - - a position I have written about elsewhere as untrue). With respect to moral language, "virtues" have to face the increasing popularity of "values" which come to be the dominant "moral" language for the future - - a future we now inhabit.

The Rise of **"Values"** 1800-2008

The Rise Of **"Secularism"** 1800-2008

What Are "Values" and How do they Differ from "Virtues"?

The Canadian philosopher George Grant, part of a long line of writers[9] who have addressed, in various ways, the shallowness or bankruptcy of "values" made some extremely useful observations about "values". He commented that:

> What is comic about the present use of "values", and the distinction of them from "facts", is not that that it is employed by modern men who know what is entailed in so doing: but that it is also used by "religious" believers who are unaware that in its employment they are contradicting the very possibility of the reverence they believe they are espousing in its use.[10]

As Allan Bloom puts it, succinctly, "since values are not rational and not grounded in the natures of those subject to them, they must be imposed. They must defeat opposing values. Rational persuasion cannot make them believed, so struggle is necessary…*Commitment* is *the* moral virtue because it indicates the seriousness of the agent."[11]

Philosopher Edward Andrew has noted that "there has been only partial awareness in the academy that the language of values entails that nothing is intrinsically good and no one is intrinsically worthy".[12]

Historian Gertrude Himmelfarb discusses in some detail the shift from "virtues" to "values" and attributes the proliferation of "values" through the social sciences particularly as a result of sociologist Max Weber's use of the term:

> Values, as we now understand that word, do not have to be virtues; they can be beliefs, opinions, attitudes, feelings, habits, conventions, preferences, prejudices, even idiosyncrasies – whatever any individual or group, or society happens to value, at any time, for any reason.

They are to be distinguished from virtues in that one does not say of "virtues" that "anyone's virtues are as good as anyone else's" or that a person has a right to their own construction of what virtues entail. As Himmelfarb puts it: "only values can lay that claim to moral equivalency and neutrality." Most importantly, and it fits perfectly with what I identified above as four areas of current confusion about the state: "this impartial , "nonjudgmental," as we now say, sense of values – values as "value-free" – is now so firmly entrenched in the popular vocabulary and sensibility that one can hardly imagine a time without it."[13]

For Martin Heidegger, "values" language ends up as the enemy of being itself. Here is how he expresses this insight:

> …to think against "values" is not to maintain that everything interpreted as "a value"–"culture", "art", "science", "human dignity", "world", and "God"–is valueless. Rather it is important finally to realize that precisely through the characterization of something as "a value" what is so valued is robbed of its worth. That is to say, by the assessment of something as a value what is valued is admitted only as an object for human estimation. But what a thing is in its being is not exhausted by its being an object, particularly when objectivity takes the form of

value. Every valuing, even where it values positively, is a subjectivizing. It does not let beings: be. Rather, valuing lets beings: be valid–solely as the objects of its doing. The bizarre effort to prove the objectivity of values does not know what it is doing. […] thinking in values is the greatest blasphemy imaginable against being."[14]

Values is the language to use when there are no purposes beyond the self. What masquerades for justice when it is no longer a virtue is power unchecked by moral evaluation because to have a moral evaluation you must understand law as involving a standard that can be taught in relation to a category - - in this case the virtue of justice defined as "rendering to another his or her or their due." And that "due" is itself a set of moral questions related to purpose and context.

In his important essay from 1946 "Politics and the English Language" George Orwell identified the role that "meaningless words" play in relation to politics. He says that thought can corrupt language and language can, in turn, corrupt thought. A bad usage can spread by tradition and imitation even among people who should and do know better."[15] In relation to the virtue of justice and the tradition of the virtues, is this sort of corruption not exactly what Orwell is getting at? He identifies, as a matter of fact, the terms, "progressive", "equality" and "values" as examples of these "meaningless words".

Finally, contemporary French philosopher Pierre Manent, in his recent book dealing with how France and the Christian West should respond to what he referred to as 'the Islamic challenge" says this of "values":

> …what is at work under the term "equality" or "secularism" or under the formula "values of the Republic," is the disqualification of all shareable contents of life for not having been chosen by each individual, or because they do not please each individual. It is easy to see that , if humanity had begun its adventure by embracing such principles, neither families, nor cities, nor religious communities would ever have been created.[16]

If there is nothing in common but "the values of the Republic" then, according to Manent, all that amounts to is "the dispositions that make it possible to live together without having anything in common". In order to escape this "vertigo of dissolution" as he calls it, a common life must be formed and this is a moral and religious task far beyond the vapid vagaries of "values" affirmations.

The Australian Citizenship Oath and "Australian values": Do they "Strengthen the Test for Australian Citizenship"?

How ironic, and how fortunate for this year's Acton lecturer, that, mere weeks ago, the Australian government decided to launch a project styled as "Strengthening the Test for Australian Citizenship" (April 2017). Emanating from the office of The Hon. Minister for Immigration and Border Protection Peter Dutton, M.P., the document sets out that the Australian government wishes to "strengthen the pledge of commitment" that forms a part of the *Australian Citizenship Act 2017*.

Given what I have referred to above, about the criticisms that have been around for many decades now regarding "values" language, it is somewhat ironic that the form that the Australian Government's proposal takes is to "strengthen the aspiring citizen's understanding of core Australian values" (p.10). The term "values" or the phrases "Australian values" or "core Australian values" or "shared values" are invoked throughout the document against a supposed base of "respect", "freedom" and "equality".

To anyone who has worked with these terms in law, however, what constitutes "equality" is a notoriously slippery concept and one that, in fact, only has meaning in context not in general. Thus, discrimination is allowed in open societies as long as it is "just" discrimination and that requires attention to the context of the distinction being made.

The Government's assertion that the vague generalization constitutes "social bonds" that "provide a foundation for society" would be, to say the least, news to the philosophers who have provided robust debunking of "values" and the other terms the Government is using here.

The questions in the new test will "seek to confirm the applicant's values" by assessing the applicant's views on such matters as "democratic beliefs" "freedoms" (including respect for freedom of speech - - and rejection of "hate speech" defined interestingly much more clearly than in the *Racial Discrimination Act* Section 18C here as "incitement to violence" an adjustment with which I agree, the actual language being much too vague[17]) "Equality", "Integration" "Respect", and "Freedom". But note what these "shared values" are held to accomplish: "Our values unite us and create social bonds between us. They provide the foundation of our society and a shared future in which everyone belongs." (p. 16).

With respect to the originators of this project, which contains many fine things, and to quote the old Irish adage: "you just can't get there from here."

What the philosophers have pointed out is that the language of "values" is not, as claimed, what "unite" a people or what "create social bonds" since the language is essentially constructed to be personal preference not shared moral obligations

If what is sought is to "create social bonds" what is needed is a shared moral language that is not afraid to be moral and to speak about the very traditions that the document elsewhere references as a "commitment to a multi-cultural Australia" (p. 5). Yet it is precisely here, in the current *metaphobia* (defined as "fear of metaphysics") that contemporary societies are so weak and in need of strengthening. I will return to this in the Recommendations Section that concludes this lecture.

Though it is beyond the scope of this lecture, it is important to point out that those who have commented upon the twin problems of a supposed "value-free" science and the theory of "value-judgments" generally, have noted that classical and Christian metaphysics have been submerged under the concepts of "value-judgments" so that, in the words of one of these theorists, Eric Voegelin, a result of the

use of "value-judgments" is that a science of human and social order ceases to exist. In such a world, the metaphysics of "the virtues" is lost as well and it is useful to recall that one of the cardinal virtues is, in fact, "justice" (the other three cardinal virtues being "wisdom", "moderation" and "courage")[18]

It might be useful to consider the symmetry between the rise of the concept of "secularism" (the term was coined in 1851) and the mid 19th century taking off of the language of "values".

Recall the "Ngram" graphs referred to above: it is as if the very framework of "values" suited the materialistic intent of George Jacob Holyoake and the early secularists.[19] Consider why a term that comes from the marketplace, the "value" of something was essentially its price, begins to replace the concept of a virtue which was a shared category of moral meaning. In a phrase that is so useful I often ask my students to write it down and memorize it, the Canadian philosopher George Grant once said in a radio interview: "values language is an obscuring language for morality used when the idea of purpose has been destroyed". [20] Values language then is an "obscuring" language giving us the illusion that moral discussion is underway. It fits perfectly into the post-Enlightenment bias against metaphysics referred to above - - it is ideal for the world in which we believe the state can be "neutral" and that citizens can be "unbelievers". In such a world we need not articulate our moral convictions. When we are forced into that embarrassing situation of actually saying what our "values" are, the background axioms of the values universe appear: 1) "you have your values and I have mine" and; 2) "don't push your values on me".

Yet, we need something to stand in (in George Grant's telling term "obscure") for moral absence so we comfort ourselves that "values" can be "shared" or "core" but as we never have to actually spell out what these 'values' are or why they should be shared as moral obligations, we try to function as if we can "give voice to values" without ever having to name them as judgmental or aspirational truths. "values" are preferences or options and so the mediation between them is power and manipulation. As the Natural Law theorist D'Entreves put it in relation to positivism, this is nothing other than the pernicious doctrine that "might is right", where "values" are concerned, but dressed up as a quasi-moral framework.

Virtues are those aspects of living which we can perceive by reason, sometimes assisted in deeper levels by understandings gleaned from traditions of revelation. Virtues have been divided into those dispositions or attitudes related to conduct that are understood to be in conformity with what is right and wrong. Here they are to be understood as distinct from "values" which are a matter more or less purely of personal choice. Sadly this morally obscuring language of "values" is virtually everywhere today in religion, politics, education and law. Further details are beyond the scope of this lecture but what I wish to do here is to set out, in broad brush, a moral language that can be shared across communities and between them in a society that is "secular", "pluralistic" and "multi-cultural".

The good news in this lecture is that there are resources for a shared set of moral principles This language of virtue has two main divisions:

1) **Personal or Associational virtues:** The language of "virtues" is found using different terms in different traditions.[21] In the RC tradition these are the theological virtues (faith, hope and charity") and the natural virtues which contain the cardinal virtues of (Justice, wisdom, moderation and courage).

2) **Civic virtues** are different: Drawing from the American political philosopher William Galston who writes on the shared resources necessary to his articulation of "liberalism", but the categories of which are an excellent starting point for shared civic virtues, these may be listed as follows:[22]

   1. Social Peace;

   2. Rule of Law;

   3. Recognition of Diversity;

   4. Tendency towards Inclusiveness;

   5. Minimum decency (ruling out the two greatest affronts: "wanton brutality" and "desperate poverty");

   6. Affluence (generating as far as possible for all "discretionary resources");

   7. Scope for development (a multiplicity of institutions devoted to education and training on many different levels of rigour

and complexity and allowing as much as possible equality of access not based on differences of birth, wealth and background";

8. Approximate justice (a tendency towards justice not rigid application of strict standards of distributive justice inconsistent with freedom);

9. Openness to truth. This is reflected in the diversity of universities and research institutes, public and private and the freedom of scholars to investigate as much as possible free from restrictions on belief. Also, an opposition to what Galston calls, elsewhere, "civic totalism" of those who hold singular moral viewpoints forcing those on everyone else;

10. Respect for Privacy: Not everything of importance to people occurs in the public sphere and a sphere of private life, sentiments, affections and beliefs must co-exist with public imperatives and largely free of them (the law has a jurisdiction and certain matters such as liberty and friendship are prior to law);

Conclusion and Recommendations: The Necessary Limitations on the State and why Civic Virtues Need to More Actively Engage Associations and their Traditions.

A renewal of federalism that recognizes, with respect, human diversity through diverse associational life, is what is needed to counteract monistic domination (consider the ubiquity of the terms "global" or "inclusion" without attention to the tendencies towards homogenization both entail) of the sort we are currently seeing in certain strands of constitutional theory and political discourse. Such a tendency is not new, as can be seen in the classic essay on the benefits of diverse associations: Lord Acton's *Essays on Liberty*.

Acton compared and contrasted what he referred to as "two views of nationality" which he said "corresponded to the French and English systems". In the French system "nationality is founded on the perpetual supremacy of the collective will...to which every other influence must defer, and against which no obligation enjoys authority, and all resistance is tyrannical".[23]

This approach overruled the rights and wishes of the citizen and "absorbed their diverse interests in a fictitious unity".[24] Of this sort of system, Acton observed:

> Whenever a single definite object is made the supreme end of the State, be it the advantage of a class, the safety or the power of the country, the greatest happiness of the greatest number, or the support of any speculative idea, the State becomes for the time inevitably absolute. Liberty alone demands for its realization the limitation of the public authority, for liberty is the only object which benefits all alike, and provokes no sincere opposition. In supporting the claims of national unity, governments must be subverted in whose title there is no flaw, and whose policy is beneficent and equitable, and subjects must be compelled to transfer their allegiance to an authority for which they have no attachment, and which may be practically a foreign domination.[25]

What Acton refers to as "the theory of unity" views the nation as a source of despotism and revolution; on the other hand, the theory of liberty (which opposes the theory of unity) regards the nation as a bulwark of self-government and the foremost limit "to the excessive power of the State".[26] For Acton, it was "the tendencies of centralization, of corruption, and of absolutism" which could be effectively opposed by "the influence of a divided patriotism".[27]

More recently, Harold Berman wrote of the limits of the use of law to "guide people to virtue" and, in particular, showed how the total application of state power to lead virtue was most realized under Soviet Communism. There, in his words:

> …not only the law but all social institutions and all forms of social control in the Soviet Union, including the Communist Party, economic organizations, trade unions, the press, the school, the arts and a host of others were used to guide people to virtue….it is impossible to isolate the consequences of moral education through law from those of moral education through social, economic, and political institutions in general. [28]

Berman here uses "virtue" in an almost ironic sense of relation to the "virtue" of the communist society not a richer understanding of justice centred around an open civil society.

Charles Taylor, in a manner similar to Berman, has noted that there are essentially two models of society - - that of the Marxist Leninist "vanguard party" made up of a revolutionary elite whose job was to ensure "the satellitization of all aspects of social life to this party. Trade unions, leisure clubs, even churches, all had to be permeated and made into "transmission belts" of the party's purposes." Leninism in its heyday, Taylor tells us, "was one of the principal sources of modern totalitarianism". The other view, genuine civil society, is one in which "society is not identical with its political organization"[29] and a diverse set of associations are not only allowed but encouraged to flourish so as to establish what another philosopher of our time, Jürgen Habermas has identified as "life-worlds" which must, to avoid being "colonized" by "systems" that are parasitic upon them, operate in ways free of total regulation.[30]

In addition, there are examples of how extra-governmental initiatives may be accomplished in relation to such principles as religion and culture (or "civic virtues"). The *South African Charter of Religious Rights and Freedoms* (2010)[31] and its *Explanatory Notes* (2015) provide a strong example of an extra-governmental initiative (still working its way through that Society) in which various guidelines about virtues and respect for difference can be expressed clearly (and this is an analogue for how Civic Virtues could be framed and introduced into webs of learning here in Australia and elsewhere)[32]

There are other examples of sharing rich examples of respect across religious divides and the possibility of religions learning the

limits of their own capacities in relation to the state: In Islam, almost contemporaneously with the work of the influencial American Jesuit John Courtenay Murray, the main influence on *Dignitatus Humanae* (the key Vatican II document dealing with relations between church and state), Turkish Muslim Scholar Beduziamman Said Nursi (obit 1960) noted the corrupting influence of "politics" on the Muslim religion. More recently Abdullah An Naim has noted that politics corrupts religion and noted that if Sharia is legislated it ceases, in his view, to *be* Shariah just as Christians have noted that legislating Christianity corrupts the faith itself. Religions can learn to abjure theocracy and non-religious movements must also learn this; Jacques Maritain, the French Catholic philosopher, once wrote about the possibility of what he termed "theocratic atheism" and he was correct to note the fact; might it be possible now to note the possibility of "theocratic agnostisicm"? I believe so and that recognizing this alongside other forms of domination, religious, atheist or agnostic is a development of considerable importance.[33]

From the Jewish perspective, Rabbi and philosopher David Novak of the University of Toronto has written powerfully about the resources within Judaism to re-understand "rights" within the idea of "covenant" and the importance of associational life to the common good.[34]

In the past year I have been privileged to speak on several occasions to the NSW Humanist Association and to its Wednesday Forums. On these occasions I have been reminded powerfully that despite many differences, there is important common ground shared between Humanists and Religious believers on such matters as the idea of the "human family" and "the dignity of the person." While there are obviously differences in the derivation of the concepts, the fact of the commonality of respect is a very important datum in the conversations that are necessary about "shared virtues" and "the common good" as well as what forms of civic ordering are more just than others. That we are all believers here is important to keep in mind as we seek the common good.

Understanding the role and nature of virtues, personal/communal and civic/public may help us to bridge communities and religious and non-religious belief systems in the task of understanding what matters to us as human beings. We need, in common, to understand how the limits of both law and religion help us to realize human goods including civil order, civic friendship and sustained peace.[35]

What is also certain, is that attempts to form civic bonds between different communities will require greater attention to the shared moral language of citizenship. This can but should not be an exercise in vagueness but must build upon the "civic virtues" and rich traditions of civic friendship set out above informing these with the richness and differences of the religious and moral traditions that form the basic allegiances of citizens in their community and family lives. Associations, chief amongst these the religions, frame the subsidiary dimensions to culture that are properly beyond the complete control of law and politics and also the blank slate of a supposedly "neutral" state.

The state, law and politics, are necessary *but not sufficient* to deal with the deeper issues that concern Western cultures. To deal more deeply and effectively we need recourse to the headwaters that have always fed the waters lower down - - and those are the religions and the communities they have fostered for millennia: the avoidance of religions, which forms a main plank of the platform of secularism, and similar unwillingness to examine the ongoing importance of religions to culture is neither wise nor sustainable in future. Religions continue to be critical to culture and their appropriate involvements alongside other groups (non-religious ones as well) to create a moral language for citizenship is now a matter of considerable importance: values language, with its roots in private preference rather than rich narratives of moral obligation, is simply not fit for the purposes that are required: a reinvigoration of virtues is essential.

Recommendations for a Better Ground for Australian Citizenship: Moving Away from Values to Embrace Virtues and What Associations Can Offer

Drawing upon the experience of South Africa's *Charter of Religious Rights and Freedoms* (2010) and *Explanatory Notes* (2015) it is clear that cooperation about some of the most important matters to culture can, in fact, be agreed upon between widely divergent traditions of religion. I would argue that this can and should be extended towards cooperative principles between religious and non-religious citizens. I would make these Recommendations to strengthen what the Australian Citizenship test and oath might reach towards:

1) Avoid the language of "values" and replace it with more descriptive moral and ethical language (religious and non-religious) including the recognition of "civic virtues";

2) Be more specific about concepts within the already recognized multi-cultural traditions and give more clarity about what a better society looks like (recognizing the various "crises" discussed in part one of this lecture). For example, seek the beliefs *within* multi-cultural traditions that support important ideals such as: generosity, compassion, mercy, love and forgiveness;

3) Rather than shy away from the recognition of richer moral language in diverse associations, use such terms as "the inherent dignity of the human person", "the importance of the family", "the importance of the human family", "civic friendship" and "the common good".

4) Refer to such documents as the *Universal Declaration of Human Rights* (1948) and the *International Covenant on Civil and Political Rights* (1966), the *International Covenant on Economic, Social and Cultural Rights* (1966) and other relevant Covenants, Protocols

and Agreements (including the *South African Charter of Religious Rights and Freedoms* (2010)) highlighting the duty to strive to bring about full recognition of the civic virtues listed as well as the idea of "the common good" and the fact that one can not only join but *may leave a religion* as an aspect of human liberty guaranteed to all.

With these changes made Australia would be moving beyond "values" and would be making an important statement in relation to the identified crises now facing Western liberalism and the States that are drifting within it.

Endnotes

1   A previous Acton lecturer, Professor Tom Frame, in his 2008 lecture "Do Secular Societies Provoke Religious Extremism?" quoted the Acton lecturer of a year before, Paul Kelly as also rejecting the illusion of a "value-neutral" state as a "phoney proposition". Interestingly, Professor Frame quotes Paul Kelly as stating that "religion will return in Australia within the over-arching framework of the values debate" (11). Ironically, I shall argue here that only when we understand the nature of a discussion of "values" themselves, in contrast with "virtues" can we meaningfully engage religion or any beliefs in culture - - Australian or otherwise.

2   Aldous Huxley, *Ends and Means* (London: Chatto & Windus, 1937) 252.

3   *"Strengthening the Test for Australian Citizenship"*, Australian Government (April, 2017). See: https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf

4   Paul Horwitz, *The Agnostic Age: Law Religion and the Constitution* (Oxford: Oxford University Press, 2011) 22 (emphasis added)

5   Ronald Weed and John von Heyking (eds) *Civil Religion in Political Thought* (Washington DC: Catholic University of America, 2010)7.

6   John Milbank and Adrian Pabst, *The Politics of Virtue: Post-Liberalism and the Human Future* (London: Rowman & Littlefield, 2016) 2

7   Clive Hamilton, *The Freedom Paradox: Towards a Post-secular Ethics* (Crows Nest: Allen & Unwin, 2008) 3

8   Graham Good, *Humanism Betrayed* (Montreal: McGill/Queen's U.P., 2001).

9   A partial list would include: Alasdair MacIntyre *After Virtue: A Study in Moral Theory* (Notre Dame: Notre Dame Press, 2nd ed., 1984); Gertrude Himmelfarb *The De-Moralization of Society: From Victorian Virtues to Modern Values* (New York: Alfred A. Knopf, 1995); John M. Rist, *Real Ethics: Reconsidering the Foundations of Morality* (Cambridge: Cambridge University Press, 2002); Peter C. Emberley, *Values Education and Technology: The Ideology of Dispossession* (Toronto: University of Toronto Press, 1995); Edward G. Andrew, *The Geneology of Values: The Aesthetic Economy of Nietzsche and Proust* (Lanham: Rowman & Littlefield, 1995); Allan Bloom, "Preface" to *The Republic of Plato* (New York: Basic Books, 1968); *The Closing of the American Mind: How Higher Education has Failed Democracy and Impoverished the Souls of Today's Students* (New York: Simon & Schuster, 1987).; Pierre Manent, (transl. Ralph C. Hancock) *Beyond Radical Secularism* (South Bend: St. Augustine's Press, 2016) 85.

10 Joseph Power "Grant's Critique of Values Language" in *George Grant in Process*, Larry Schmidt ed. (Toronto: Anansi, 1978) 90. "Grant is saying, as forcefully as he can that "values" is not what has been meant by "the good". (94).

11 Allan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987) 201.

12 Edward Andrew, *The Geneology of Values* (Rowman and Littlefield) 170.

13 Gertrude Himmelfarb, *The De-Moralization of Society: from Victorian Virtues to Modern Values* (New York: Alfred A. Knopf, 1995) 11-12. Here she echoes George Grant in an important essay on Grant's concerns about "values language" by Joseph Power at footnote #10 above.

14 Heidegger M. 1993. "Letter on Humanism" In *Basic Writings.* Krell DF (ed.) San Francisco: Harper Collins, 251. I thank my friend Dr. Kristoff Vanhoutte of Basel, Switzerland for bringing this quotation to my attention and for many other insights in the works of contemporary European philosophers. I would acknowledge, here, as well, the invaluable discussions with the "Small Circle" philosophical group which held meetings in Frankfurt (2015) and Basel (2014, 2016).

15 George Orwell, *The Collected Essays, Journalism and Letters,* Sonia Orwell and Ian Angus (eds) Vol VI, 1945 – 1950 (London: Penguin) 156-170 at 161 – 162.

16 Pierre Manent, (transl Ralph C. Hancock) *Beyond Radical Secularism* (South Bend: St. Augustine's Press, 2016) 85-86.

17 Comparable "hate speech" language in Canadian legislation was struck down by the Supreme Court of Canada in its decision *Saskatchewan Human Rights Commission v. Whatcott* [2013] 1 S.C.R. 467 as being too broad in relation to the rights of freedom of religion and expression. Recent attempts by the Turnbull government in Australia to do away with the vague language in favour of a standard of offensive speech being related to "harassment", failed to gather sufficient support to pass in the parliament. Relating "hate speech" to "incitement" or "harassment" would be a better standard than "offend", "insult", "humiliate" or "intimidate" in the *Racial Discrimination Act* Section 18C in Australia). The Supreme Court of Canada struck down the words "ridicules", "belittles" and "otherwise affronts dignity", in the Saskatchewan Human Rights legislation leaving in place only "hatred". Even the term "hatred", it could well be argued, is too vague to guard against the chill being cast on free expression (a very important liberty in an open society). Much better to hinge restrictions on "incitement to violence or physical harm". See: generally, Joshua Forrester, Lorraine Finlay and Augusto Zimmerman, *No Offence Intended: Why 18C is Wrong* (Redland Bay: Connor Court, 2016) and Kent Greenawalt, *Fighting Words: Individuals, Communities and Liberties of Speech* (Princeton: Princeton University Press, 1995) 47-70. I declare an interest as I was co-counsel for the respondent *Whatcott* in the Supreme Court of Canada case in which he was partly successful though failed to have the Section struck down in its entirety.

18 Eric Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1987) 12

19 I have reviewed Holyoake's project of "secularism" in: Iain T. Benson "Considering Secularism" in Douglas Farrow ed. *Recognizing Religion in a Secular Society* (Montreal: McGill-Queens, 2004)

20 George Grant, interviewed by David Cayley, Transcript, "The Moving Image of Eternity", *Ideas* (Toronto: CBC, 1986).
For detailed critiques of the nature and limitations of values language and a review of the literature in relation to this contested category, see: Iain T. Benson ,"Do "Values" Mean Anything at All?: Implications for Law, Education and Society" (2008) *Journal for Juridical Science* 33(1): 117-136.

21 A useful starting point for groupings of such virtues may be found in the Appendix "Illustrations of the Tao" in C.S. Lewis, *The Abolition of Man* (New York: Macmillan, 1943). Lewis himself was insufficiently attentive to the shift that was occurring where essentially subjectivized and relativized "values" were coming to swamp more rigorous conceptions of "virtues"; he did not write expressly on this shift and, on occasion, wrote of "values" as if the term had settled objective meaning.

22 William Galston, *Liberal Purposes: Good, Virtues and Diversity in the Liberal State* (Cambridge: Cambridge U. P., 1991)301 ff.

23 Baron Acton, J.N. Figgis and R.V. Laurence (eds), *The History of Freedom and Other Essays* (London: MacMillan and Co., 1907) 288.

24 *Ibid.*

25 *Ibid* at 288-289

26 *Ibid* at 289

27 *Ibid.*

28 Harold Berman "The Use of Law to Guide People to Virtue" in *Law and Order: The Reconciliation of Law and Religion* (Grand Rapids: Eerdmans, 1993) 367-380 at 376.

29 Charles Taylor "Invoking Civil Society" in *Philosophical Arguments* (Cambridge: Harvard University Press,1995) 204-224 at 204 and 211. In both this work and even more so in *A Secular Age*, (Harvard: Belknap Press, 2007), Taylor has a frustrating habit not only of failing to identify the deliberately anti-religious dimension of "secularism" (which he wants to endorse as "open secularism") but of continuing the unhelpful and misleading bifurcation of "believers and unbelievers" which I suggest misleads us from the greater truth about shared beliefs even in our diverse cultures.

30 Iain T. Benson, 'Pluralism, life-worlds, civic virtues and civic charters' in *Religious Freedom and Religious Pluralism in Africa: Prospects and Limitations*, Pieter Coertzen, M. Christian Green and Len Hansen (eds) (Stellenbosch: African Consortium for Law and Religion Studies, 2016), 287-306. I have drawn upon some of this article in the preparation of this essay.

31 *South African Charter of Religious Rights and Freedoms* (2010) https://www.strasbourgconsortium.org/content/blurb/files/South%20African%20Charter.pdf

32 I use the term "web" here in relation to education as Ivan Illich used it in *De-Schooling Society* (Chicago: Chicago Univ. Press, 1971).

33 Joseph W. Evans and Leo R. Ward (eds) *The Social and Political Philosophy of Jacques Maritain: Selected Readings* (New York: Charles Scribner and Sons, 1955) 248.

34 David Novak, *Covenantal Rights: A Study in Jewish Political Theory* (Princeton: Princeton University Press, 2000). See, as well, Iain T. Benson, "The Search for Pluralism in Islam, Roman Catholicism, and Judaism", in W. Cole Durham, Jr., and Donlu Thayer, eds., *Religion, Pluralism, and Reconciling Difference* (Routledge, forthcoming 2017) Chapter 3.

ACTON LECTURE 2017: CIVIC VIRTUES AND THE POLITICS OF 'FULL DRIFT AHEAD'

Today almost everyone affirms the importance of 'values' but few would insist these are shared moral essentials. How is it that the most common term of our political and even private moralities became so relativistic and what if anything can be done about it and what could be offered as an alternative?

Law professor, cultural observer and theorist on religion and pluralism, Professor Iain Benson, will offer some insights and guidance on steps he argues are essential for education, justice and politics in our time.

Dr Benson has been involved in many of the leading cases on rights of association, conscience and religion in Canada and other countries for two decades and acted for a wide variety of individuals and groups as legal counsel before all levels of court. The Supreme Court of Canada and the Constitutional Court of South Africa have cited his work. His scholarly work is referred to in many books and articles and he is listed in Canada's Who's Who. He was one of the drafters of the South African Charter of Religious Rights and Freedoms (signed by all major religions in that country in 2010) and remains closely involved in advancing the Charter in that country and similar projects elsewhere.

His international work means he divides his time between France, Canada, South Africa and now Australia.

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