



## **Accommodating Religious Freedoms in a Liberal Society**

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*A paper in response to Martha Nussbaum surrounding her work about religious freedoms among liberal ideals through an intersectional lens. I will argue that the alleged conflict between freedom of religion and liberal ideals do not exist, and define a process in which to determine whether a practice can be tolerated. I will focus on the treatment of women in religion, and defend their right to religious freedoms while accommodating liberal ideals.*

**Key Words: Liberalism, Religious Freedom, Fundamental Rights, Feminism, Nussbaum.**

In Martha Nussbaum's paper "Religion and Women's Human Rights", she discusses the tension between a liberal society's concept of "equal liberty of worship", and the societal condemnation of religious practices that appear to oppress freedoms and liberties <sup>1</sup>(Nussbaum, 1999). In this paper, I will focus on the treatment of women in religion and defend their right to religious freedoms while accommodating liberal ideals. I will also define a process in which a liberal society can use to determine whether a practice can be accommodated.

Nussbaum's paper confronts the alleged conflict between a liberal society, and certain religious practices. She acknowledges that religious liberty is an extremely important value to a liberal, democratic society, among other fundamental rights such as the right to education, bodily autonomy, and assembly. Her argument draws on the idea that some religions do not allow room for these other fundamental rights, and therefore cannot be tolerated.

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<sup>1</sup> Nussbaum, M. C., "RELIGION AND WOMEN'S HUMAN RIGHTS.", 1999.

The practices in question are all what she views to be detrimental to women, and a violation of human rights. She calls upon examples throughout the United States and India to illustrate how these conflicts exist. For example, she calls out the Indian government for failing to condemn polygamous marriages (due to religious outrage and cultural marriages) despite these marriages being harmful to women. What she views as a conflict between liberal ideals and religious freedoms have been heavily debated from an intersectional lens.

It seems that historically (and particularly in this piece by Nussbaum), our criticisms of religion in the western world are quick to go after religions that are predominantly formed by people of colour such as Islam, Hinduism, and Sikhism, yet allow primarily white religions to enforce equally “oppressive” actions. For example, western feminists often claim that hijabs and burkas are oppressive, yet allow nuns who are just as covered (with many more religious restrictions) their religious freedoms. This is socialized, and internalized racism that is disguised as feminist discourse, and one of the main reasons I am skeptical of the alleged tensions presented.

Nussbaum’s paper highlights various incidents which she presents to be conflicts between freedom of religion, and safety from harm. Many of her examples demonstrate a case I do not aim to defend, they involve forced religion, no choice, and unconsented harm. An example that I will continuously refer to throughout this paper is the practice of a married woman committing suicide due to her religious beliefs after her husband has passed away.

Many people, particularly feminists practicing in the western world, would say this act is morally wrong, and cannot be tolerated in a liberal society. They would argue that this practice causes harm, and their religion is forcing these actions.

I argue that this practice *can* be accommodated in a liberal society, and offer a solution that should appeal to both sides. First, the freedom to choose relies on a choice genuinely being present in the situation. For many of Nussbaum’s examples, the women represented did not

choose to be abused, stay uneducated, or be removed from the workplace, they are being coerced. It is impossible to act freely in the event that coercion is present. Coercion is defined as “the use (or threat of use) of authority, economic power, physical force, or other such advantage by a party to compel another to submit to the wishes of its wielder”<sup>2</sup>.

If the woman had full knowledge of the consequences (and permanence) of her actions, and received no external pressures or threats to commit said actions, then she is making a fully informed decision free from coercion and should be able to act on it. If failure to commit suicide would result in societal shaming, or any other negative repercussions, this is not a free choice.

Some critics may respond to this with two objections. First, that even if they do make that decision “freely”, they are still harming themselves, which is morally wrong. Second, that it is impossible to make a decision with a religious influence without the presence of coercion.

I respond to the first objection by appealing to the no harm principle (a foundation in a liberal society). This principle states that a person is free to do as they please, so long as they do not harm *others*. The practice of committing suicide does not harm anyone, and arguably may not even harm the one committing the act, and therefore should not be restricted. Under the no harm principle, we are free to harm ourselves. Furthermore, the concept of harm cannot be discussed without applying personal biases, and becoming a value-laden discussion point. A “harm” can only truly be determined by the one affected by the incident, and if we do not accept this we open ourselves up to several other conflicts demonstrated through the marriage equality example below.

Although marriage equality between the sexes exist in most liberal societies, there are still members of society that argue against marriage equality on the basis that their marriage is harmful (and will result in an eternity in Hell). These people are imposing their own values onto

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<sup>2</sup> *Merriam-Webster's collegiate dictionary*, 1999

others, and therefore wrongly defining harms. A liberal society would recognize this, and allow choice for the same sex couple to determine whether or not they are being harmed. Even further, if they determined it was harmful to themselves, they would still be able to act upon it.

My response to the second objection is that naturally, we do not live in a vacuum, every action we make is socialized. Although our upbringing and society may influence our decisions, ultimately they are free. Socialization does not equal coercion. For example; a woman in a liberal society might believe they look more attractive with makeup on, and therefore chooses to wear makeup each day. There are no repercussions if she chooses otherwise, but she has been socialized to believe it is the appropriate thing to do. This is not coercion, however, if the woman would be shamed, lose career opportunities, denied education (or any other negative repercussions), this would be coercion.

To conclude, a liberal society may accommodate religious practices so long as they meet the following two criteria. First, that the choice is made without the presence of coercion, and is a legitimately informed and consensual choice. Second, that the choice follows the no harm principle, and therefore does not harm others. The freedom to choose and practice religion is a fundamental part of a liberal society, and there is no tension between legitimate choices to practice a religion, and the values of society, as they are both rooted in freedom.

## **Bibliography**

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