RELIGIOUS VOICES
IN PUBLIC PLACES

Edited by

NIGEL BIGGAR & LINDA HOGAN

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Introduction

Linda Hogan

Religion has once again re-emerged as a significant force in the public square. Whereas in the twentieth century it was assumed that religion would become ever more marginal to political life, the events of the last decade suggest a more complex reality. The once dominant secularization thesis has had to be re-thought in light of the evidence that social and technological progress does not inevitably lead people to abandon 'the naïve superstitions of faith'. Rather it appears that, around the globe, many people are turning again to religion, although for the most part they are not returning to the traditional religious institutions, but instead are attracted to its more informal manifestations. However, nor can one simply conclude that secular world-views are under threat while religious ones are again on the rise, since there are also countries like Malta and the Republic of Ireland, once renowned for their religiosity, where the social and political influence of religion is dramatically in decline. Rather there is in evidence a complex global political reality, in which the nature of religion and the character of religious affiliation are changing and in which one can no longer identify a simple trajectory towards either secularism or religiosity. Indeed our world is simultaneously secular and religious, with the political implications of this ambivalent reality evident across the globe. Secular Turkey now has an Islamist President, Abdullah Gül, while France's President Nicolas Sarkozy, in a radical departure from the country's long-established secular republicanism, has spoken of the need to allow for a more public role for religion.[1] In the United States, notwithstanding the constitutional separation of church and state, religious voices play a significant role in the determination of policy, especially relating to family, gender, and reproduction, while in many Asian, African, and South

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[1] Late in 2007 and throughout 2008 President Nicolas Sarkozy made a number of speeches in which he elaborated his view of the role religion ought to play in political life. The most significant of these were at the Lateran Church of St John, Rome, on 20 December 2007 and in Riyadh on 14 January 2008 before the Saudi Arabian Consultative Council.

American countries the political influence of the more informal strands of evangelical Christianity and fundamentalist Islam is growing even as the influence of the more established denominations is in decline.

Alongside this resurgence of religion is the parallel phenomenon of the reassertion of violent religion. We see examples of this in India, Sri Lanka, Nigeria, Israel–Palestine, and the Balkans, although in each case religion is but one among a myriad of factors fuelling political conflict. Indeed the presence of violent religion, in its local and global forms, has fuelled what *The Economist* has called a 'secular fury' against religion.[2] Associated with analysts like Christopher Hitchens,[3] Sam Harris,[4] and Richard Dawkins,[5] this perspective lays at religion's door the blame for much political turmoil worldwide and regards it as ultimately pernicious in nature. Nor is this negative assessment limited to violent religion; rather it is a charge laid against all religion, with sexism and the persecution of minorities, including sexual minorities, being named as examples of its destructive influence. According to this view the real clash of civilizations is between the superstition of religion and the enlightenment of modernity. Moreover, in this perspective the hope for humankind resides therefore in the abandonment of religious world-views in their entirety, and, in the interim, in the banishment of religion to the private realm.

Even the most tolerant of secular liberals tend to prefer a political order in which religion plays a predominantly private, rather than a public role. However, for most religious believers religion is inescapably political and cannot meaningfully be relegated to the private realm. In common with citizens who have no religious affiliation, religious believers expect to have the opportunity to express their views on matters of critical public interest within the usual deliberative processes of the polis. Nor is it clear that the unambiguous distinction between the public and the private can be sustained in the terms advocated by many secularists. It is difficult, perhaps impossible, to delineate where the public and private realms begin and end. Moreover, many of the pivotal issues on which the debates about the political influence of religion revolve are precisely those that cannot be easily categorized thus. Few issues are more obviously simultaneously political and private than abortion, euthanasia, or gay marriage. Thus notwithstanding the risks to the polity posed by intolerant or violent religion, the solution cannot be

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    [2] This is a phrase used in *The Economist* in its special report on religion and public life, 3 November 2007, 4.

    [3] Christopher Hitchens, *God is Not Great: How Religion Poisons Everything* (New York: Twelve, 2007).

    [4] Sam Harris, *The End of Faith: Religion, Terror and the Future of Reason* (New York: W. W. Norton, 2004).

    [5] Richard Dawkins, *The God Delusion* (Boston: Houghton Mifflin, 2006).

the privatization of religion. Such a remedy finds no resonance among the self-perception of the majority of religious believers, and conflicts with the dominant understanding of the nature of political participation.

1. THE FACT OF PLURALISM

This present age is characterized, not by the triumph of either religious or anti-religious world-views, but rather by the fact of religious pluralism. Charles Taylor's *A Secular Age*[6] maps the political and philosophical contours of the journey from a society in which belief in God was unchallenged to one in which it is one option among many, arguing that if one can talk of this age as being a secular one it can only be in terms of religious uniformity ceding to religious pluralism. For Taylor the most significant element in understanding the manner in which our world can be called secular lies in the changed nature of belief. There has been, he claims, a modification of what it means to believe. Thus the critical factor globally today is that 'belief in God is no longer axiomatic . . . [that] there are alternatives'.[7] Believers and unbelievers alike live with the fact of religious pluralism and have to cope with both its theological significance as well as its political ramifications. According to Taylor we inhabit a global context which contains different milieux, 'within each of which the default option may be different from others, although the dwellers within each are very aware of the options favoured by the others, and cannot just dismiss them as an inexplicable exotic error'.[8] 'Secularity in this sense is a matter of the whole context of understanding in which our moral, spiritual and religious experience and search takes place.'[9]

It is true that that many public spaces have been emptied of any reference to God (in contrast to earlier times), and that there is a falling off in religious belief and practice (at least in some parts of the world). However, although these factors are pertinent to our discussion, it is the plural nature of the presence of religion, and the fact that all citizens—and especially religious believers—have to contend with that pluralism, that makes the debate about the role of religious voices in the public square so critical, and so contested. In every jurisdiction one can discern the political implications of this religious pluralism, especially in policy debates on issues such as education, health, and family law. In Europe, debates about the political implications of religious

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[6] Charles Taylor, *A Secular Age* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2007).
[7] Ibid. 3.   [8] Ibid. 21.   [9] Ibid. 3.

pluralism are affected by the multiplicity of institutional arrangements between individual states and the various majority and minority faiths represented therein. Moreover the construction of the EU as a political entity has also provided the occasion for a re-energized debate about the role of religion in the liberal polity,[10] with the case for Turkey's admission to the EU being especially contentious. In the United States the issues debated mirror those that preoccupy Europe, whereas in Asia and in the Arab world, although a different dynamic is in play, nonetheless the common concerns of education, health (especially at the beginning and end of life), and human rights are among the issues through which the debate about the proper role of religion in public life is conducted. Thus despite certain regional particularities we can discern a certain commonality in respect of the issues through which the role of religious voices in the public square is considered.

The fact of religious pluralism raises a number of sensitive political questions for each state, among the most important being the extent to which the common good requires the regulation of particular religious practices (especially those that may be regarded as discriminatory or repressive of individuals within the communities in question), and the extent to which a society should adapt its existing norms and legislative provisions to accommodate religious practices that are untypical of those of the host communities. The controversy evoked by the Archbishop of Canterbury's suggestion that British society needs to have a debate about how it could accommodate some aspects of Sharia law is an example of just how contentious such issues have become.[11] States deal differently with these fundamental political questions, with a variety of approaches observable worldwide. In liberal democracies, two dominate: the assimilationist approach, most strongly associated with France, with its republican ideal of *laïcité*; and various versions of a multiculturalism, typical of the Netherlands, Belgium, the United Kingdom, Canada, and the United States.[12] In spite of the differences of emphasis both approaches share some fundamental assumptions, including a separation of the spheres of

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[10] See for example 'Degré de modernité des états en Europe', *Revue d'éthique et de théologie morale*, *Le Supplément*, 226 (September 2003); 'Religions et nations', *Revue d'éthique et de théologie morale*, *Le Supplément*, 228 (March 2004); and Jürgen Habermas, 'Vorpolitische Grundlagen des demokratischen Rechtsstaats?', in *Zwischen Naturalismus und Religion* (Frankfurt: Suhrkamp, 2005), 106–18.

[11] For the full text of the interview given by Archbishop Rowan Williams on 7 February 2008 see <http://www.archbishopofcanterbury.org/1573>.

[12] See the various essays in Stefan Heuser and Hans Ulrich (eds.), *Pluralism in Europe? One Law, One Market, One Culture?*, Proceedings of the Annual Conference of the Societas Ethica in Ljubljana, August 2004 (Münster: Lit, 2006); Marie Jo Thiel, *Europe, spiritualités et culture face au racisme* (Münster: Lit, 2004); and *Islam and Enlightenment: New Issues*, Concilium 2005/5 (London: SCM, 2005).

religion and politics (although this does not necessarily imply an unambigu-ously formal separation of church and state); a constitutional democratic government; the presence of multiple religious communities; and a thriving civil society in which policy issues are debated. In Islamic and Muslim majority states the proper role and functioning of religion is also of concern, although the framework in which even the most fundamental questions are posed, and the political options delineated, is very different. Currently dom-inating public discourse is the view that an Islamic state involves an Islamic religious establishment, on the ground that it is the responsibility of rulers to put in place an order that will secure peace with justice.[13] The theological rationale for this conclusion is developed especially by a number of twentieth-century theorists, including the Egyptian intellectual Sayyid Qutb, whose position is discussed in Nicholas Wolterstorff's chapter in this volume. None-theless there are alternative voices, beginning with Ali 'abd al-Raziq,[14] who argue for the development of new forms of Islamic governance that are consonant with many of the features of modern life, and especially with the fact of religious pluralism.[15]

2. THE LIBERAL PUBLIC SQUARE

The political context with which this volume is concerned is that of the liberal polity, within which the question of the role of religion in public debate takes on a particular hue. The essays herein recognize that within liberal democ-racies the formal arrangements between church and state may vary, as for example between the USA which imposes a formal separation, and England and Scotland where there are established churches. Notwithstanding these differences however, what characterizes the political contexts with which we are here concerned is the conviction that the state has an obligation to manage

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[13] Here I rely on an unpublished paper by John Kelsay entitled 'The Christian Sources of Liberal Democracy: An Islamic Perspective', which was presented at the conference 'The Christian Sources of Liberal Society', held at Trinity College Dublin in June 2006.

[14] Ali 'abd al Raziq, *Al Islam wa usul al hukm* (Islam and the Fundamentals of Government), is available in a French translation by Abdou Filali Ansery, *L'Islam et les fondements du pouvoir* (Paris: Éditions de la Découverte, 1994). Further details are available in John Kelsay, *Arguing the Just War in Islam* (Cambridge, Mass.: Harvard University Press, 2007), 239.

[15] See for example Abdulazziz Sachedina *The Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2001) and Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982).

the reasonable pluralism (including religious pluralism) that inevitably occurs in democratic societies, and that it ought to do so in a manner that supports 'the underlying ideas of citizens as free and equal persons and of society as a fair system of cooperation over time'.[16] Within this context it is reasonable to expect that citizens, motivated by different theological and philosophical world-views, will forward a diversity of perspectives on the meaning and purpose of human existence; on the values by which individuals ought to live their lives; and on the nature of the human goods by which a society ought to order itself. Moreover the paradigmatic model has come to be the Rawlsian one, which proposes an understanding of liberalism in which any viable conception of justice must 'allow for a diversity of general and comprehensive doctrines, and for the plurality of conflicting, and indeed incommensurable, conceptions of the meaning, value and purpose of human life [or what Rawls calls for short "conceptions of the good"] affirmed by citizens of democratic societies'.[17] Given, as Rawls sees it, the political fact of the incommensurability of these diverse conceptualizations of the good, and that there is no political basis on which citizens can adjudicate among them, a well-ordered society must develop a political conception of justice (namely justice as fairness) which is independent of and free from any consideration of the good.

Rawls is confident that the liberal polity can forge 'an overlapping consensus' on fundamental political matters among people with diverse religious and philosophical commitments. The means by which this is achieved in the Rawlsian polity is by public reason, namely a process by which citizens replace their comprehensive doctrines of truth or right with an idea of the politically reasonable addressed to citizens as citizens.[18] Moreover, underlying the concept of public reason is the criterion of reciprocity, namely a commitment by which 'viewing one another as free and equal in a system of social cooperation over generations, [citizens] are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and . . . agree to act on those terms, even at the cost of their own interests in particular situations, provided that other citizens also accept those terms'.[19]

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[16] John Rawls, 'The Idea of Public Reason', reprinted in *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), 141.

[17] John Rawls, 'The Idea of an Overlapping Consensus', *Oxford Journal of Legal Studies*, 7/1 (1987), 4.

[18] Rawls, 'The Idea of Public Reason', 132.

[19] Ibid. 136.

3. RELIGIOUS VOICES IN THE
LIBERAL PUBLIC SQUARE

The concept of public reason is fundamental to Rawls's understanding of how the just and equitable liberal democracy ought to function. Public reason specifies 'at the deepest level the basic political values and specifies how the political relation is to be understood'.[20] More explicitly public reason is the form of reasoning that citizens ought to adopt when they deliberate on matters of constitutional essentials and on matters of basic justice. In short it is the mode through which political deliberation on the most significant of issues ought to be pursued. Within this framework a form of public reason is regarded as essential because the mutual incompatibility of comprehensive doctrines is presumed. Moreover it is assumed that the differences among these comprehensive (including religious) doctrines can only be managed by the systematic reservation of such doctrines, that is, by ensuring that they are aired only either in private or in the background culture of civil society. However, Rawls does enter a caveat here in that he accepts that citizens may introduce aspects of their comprehensive doctrines, religious and non-religious, into political discussion at any time, 'provided that, in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support'.[21] Rawls calls this 'the proviso'.

Whether and how far the concept of public reason resonates with theological (especially Christian) understandings of the liberal polity and Christianity's role therein is the central preoccupation of this collection. It is addressed from a number of theological and philosophical perspectives, through a range of issues in public policy, and in a variety of national polities. Each of the authors considers the extent to which responsible dialogue involves the systematic reservation of religious doctrines, or not. It probes too the underlying question of whether religious, or other metaphysically committed speech, is indeed unintelligible to non-believers, as many proponents of political liberalism would have us believe. The contributors attend to the issue of how consensus can be achieved, many challenging the Rawlsian assumption that the route to such agreement on constitutional essentials and matters of basic justice is via (Rawlsian) public reason. Indeed, running throughout the volume is an affinity for approaches that believe that the route to a durable political culture lies in serious and systematic engagement with different, and even opposing, comprehensive doctrines.

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[20] Ibid. 138.   [21] Ibid. 144.

(a) Religion and public reason: philosophical issues

All of our essayists share the view that the context in which liberal societies must function is one in which there is no prospect of religion disappearing, or of citizens agreeing on the fundamental principles of justice and of social order. From this shared diagnosis this collection proceeds to consider the relationship between religion and politics in the liberal polity, first of all, by foregrounding a set of philosophical questions. Of primary importance here is the question of 'which principles of social organization must a non-confined exclusivist religion affirm if it is to embrace a liberal democratic polity for a society in which there are other such religions'.[22] Nicholas Wolterstorff, Raymond Plant, and Maureen Junker-Kenny all consider this fundamental issue, each maintaining a confidence in the liberal polity, but each also, for different reasons, rejecting the view that Rawls's overlapping consensus, advanced through public reason, is the way to identify such principles. Indeed, notwithstanding his evident support for the liberal polity, Wolterstorff rejects the Rawlsian, Rortian, Hickian, Kantian, and Derridean proposals, while Junker-Kenny and Plant conclude that the procedural approach of Rawls cannot secure the allegiance of those for whom religion is the fulcrum of their moral ideals. Plant's subtle paper highlights the paradox within Rawlsian liberalism, which is reluctant to accept a comprehensive or perfectionist justification of the liberal political order, but which is nonetheless committed to particular (comprehensive) principles such as liberty and equality. In his essay entitled 'Citizenship, Religion, and Political Liberalism' he is not only critical of the pragmatic approach of Rawls, but also pessimistic about the prospect of a more comprehensive, perfectionist liberalism being able to provide the basis for an overlapping consensus.

Instead of the Rawlsian framework, Junker-Kenny prefers that of Habermas, especially as evident in his most recent work. She argues that Habermas endorses a form of deliberative politics in which citizens are not expected to reserve their systematic doctrines, but rather to explain and translate them.[23] She has reservations about the adequacy of translation as a mode of engagement, however. Nonetheless she finds much within his analysis to give comfort to those who recognize the legitimacy of the presence of religious voices in the public square. This concern with whether there are, within each religion, resources for affirming the basic principles of the liberal polity arises

[22] Nicholas Wolterstorff's analysis in 'Why Can't We All Just Get Along with Each Other?, p. 26 below.
[23] Maureen Junker Kenny, 'Between Postsecular Society and the Neutral State: Religion as a Resource for Public Reason', p. 76 below.

for Plant too. His response lies in a natural law approach in which one would probe 'whether there is some kind of common, shared moral and political space for reasoning about the nature of goods that have to be presupposed by any comprehensive doctrine'.[24] Wolterstorff too is exercised by this issue since he is firm in his conviction that the stability of liberal democracy depends, not on the ability and willingness of citizens to appeal to public reason, but rather on 'the great majority having reasons based on their own perspectives for accepting the principles of political organization' that are fundamental to a liberal polity.[25] Wolterstorff does not explicitly endorse the natural law proposal of Plant, or the universal morality idiom of Junker-Kenny. Yet in his conclusion one can see affinities with these other essayists when he speaks about the moral basis of democracy consisting in the protection of rights, which, in turn, is grounded in the worth of persons—that is, in something that all human beings share.

(b) Religion and public reason: theological issues

How Christians should engage political liberalism, particularly that of the Rawlsian kind, is the primary focus of Part II. In his 'Translation, Conversation, or Hospitality?' Luke Bretherthon dismisses both the translation mode advocated by Rawls and Habermas, as well as the conversation mode proposed by MacIntyre. Although Bretherton is sympathetic to many aspects of the latter, which he regards as a model that attempts to take seriously the particularities of different traditions, he concludes that the MacIntyrian version of conversation is ultimately unsuccessful. This is because, he claims, MacIntyre gives no account of how the process of conversation is possible when there are significant power differentials between various traditions, either in terms of access to the public square or in terms of a historical affinity with particular forms of public engagement. Instead, he regards Stout's prescription as the most hopeful, and he sees his own 'hospitality' model as a development of Stout's proposal that 'a common morality can only be achieved by gradually building discursive bridges and networks of trust in particular settings'.[26] The hospitality model 'attempts to make explicit the commitments implicit in a community's practices as an aid to self-reflective understanding',[27] while seeing the embodied practices of distinct traditions

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[24] Raymond Plant, 'Citizenship, Religion, and Political Liberalism', p. 56 below.
[25] Wolterstorff , 'Why Can't We All Just Get Along with Each Other?', p. 35 below.
[26] Luke Bretherton, 'Translation, Conversation, or Hospitality', p. 96 below.
[27] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 12.

as being, in themselves, direct contributions to deliberation about the common good.[28]

While Travis Kroeker's messianic ethics also focuses on the embodied practices of communities as the way in which Christians can best engage in the public square, his assessment of the nature of that secular public square is far more negative. Indeed he argues that 'the notions of neutral technology and juridical state sovereignty that underlie current conceptions and embodiments of the secular are themselves dangerously totalitarian, exclusivist, and violent, even while hidden beneath the veneer of progressivist liberal assumptions'.[29] Reminiscent of the compelling analysis of both Stanley Hauerwas and Grace Jantzen, that the political formations of modernity are based on the production and denial of death,[30] Kroeker argues that the Christian diasporic ethic ought to be neither isolationist nor accommodationist, but rather ought to live out of a moral orientation towards a shared *shalom*. Inevitably this means not being coerced into the adoption of a contrived language of public reason. Instead it involves religious and other citizens in a form of political deliberation pursued through their own languages, while also 'learning the languages of others in order to communicate about the shared good'.[31]

Robert Gascoigne begins his reflection from a different place, arguing that Christians can bear witness to their religious identity and discern the ethical and political meaning of their faith without imposing the content of that faith on others. Meditating specifically on the virtue of Christian hope, Gascoigne argues that service to others in a shared historical existence *is* an expression of Christian identity and that an explicitly Christian hope can be expressed in three key ways: a discernment of human capacities that evoke moral virtue; a conviction of the openness of the future to human striving; and a certain detachment from the fruits of that striving.[32] Gascoigne's analysis presents yet another model for Christians within the liberal polity. This is focused neither on the practices of local communities, nor on the prophetic witness of diasporic communities, but is rather based in the conviction that Christians can maintain their transcendent witness through the virtue of hope, and especially in its expression of solidarity and service of others.

[28] Bretherton, 'Translation, Conversation, or Hospitality', p. 109 below.
[29] Travis Kroeker, 'Messianic Ethics and Diaspora Communities: Upbuilding the Secular Theologically from Below', p. 116 below.
[30] See most recently Stanley Hauerwas and Romand Coles, *Christianity, Democracy and the Radical Ordinary* (Eugene, Oreg.: Cascade Books, 2008); and Grace M. Jantzen, *Foundations of Violence* (London: Routledge, 2004), 10.
[31] Kroeker, 'Messianic Ethics', p. 126 below.
[32] Robert Gascoigne, 'Christian Hope and Public Reason', p. 132 below.

(c) Religion and public reason: public policy issues and national contexts

Parts III and IV consider these philosophical and theological issues as they find expression in controversies about public policy and in different national political contexts. In Part III the policy issues of religious education, euthanasia, and human rights are discussed, while in the final part controversies in a variety of national polities are considered, namely: the formal role of Anglican religious leaders in the UK parliament; the role that religion played in the US presidential election campaigns of 2008; and the political role of Islam in democratic societies, European and North American.

The essays in Part III share a conviction that the presence of explicitly religious voices enhances rather than diminishes the nature and quality of political debate. Each is also aware, however, of the limits of such speech and of the fact that all citizens, including religiously motivated ones, share in responsibility for ensuring that the norms of civility and mutual respect are kept in view at all times. Paul Weithman's 'Religious Education and Democratic Character' argues that a religiously based education actually inculcates, albeit with a different rationale, the norms that ground deliberative democracy. In 'Not Translation, but Conversation: Theology in Public Debate about Euthanasia', Nigel Biggar probes the question of whether or not theological arguments about this controversial public issue are accessible to non-Christians. Biggar makes a theological argument against the introduction of euthanasia, and then goes on to reflect on the nature of that argument, asking if and in what ways such religiously based arguments can contribute both to political deliberation, and ultimately to consensus on policy, in its own terms. His conclusion is that 'public discourse should not require the translation of theology into secularist language', but rather 'should allow contextually sensitive, dialectical, improvisational, candid conversation about public goods between genuinely different points of view, which articulate themselves in their own terms while seeking to be persuasive to others'.[33] However he enters a caveat, in line with the spirit of Bretherton and Gascoigne—namely that 'if fruitful conversation does not need a common language or a uniform public reason (beyond the terms of public goods), it does need a common manner or a public reasonableness. . . . It needs a shared ethic of communication, a shared commitment to care more for the truth than the ego, and to care at once for the truth and for the dignity of those who seem not to recognize it. And it needs a shared belief that this human dignity actually exists.'[34]

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[33] Nigel Biggar, 'Not Translation, but Conversation: Theology in Public Debate about Euthanasia', p. 192 below.

[34] Ibid.

The final essay in this section takes the discussion from the national to the global political forum. In 'Religions and Public Reason in the Global Politics of Human Rights' Linda Hogan considers the existing language of global political debate—that is, that of human rights—and assesses its potential. She argues that 'although traditional human rights language operated as a version of public reason (expecting eventually that individuals would abandon their comprehensive doctrines), this understanding of human rights discourse has been modified significantly in the twentieth century. Moreover she claims that 'contemporary human rights discourse is more properly understood as a language of situated individuals who carry with them their comprehensive doctrines . . . [and that] as it moves from being a global version of public reason to being a deliberative discourse, it is fit for the task of generating a variegated and nuanced consensus on matters of basic justice and constitutional essentials in the global public square, and as such is worth supporting'.[35]

Following consideration of the concrete policy issues of religious education, euthanasia, and human rights, the final part of this collection focuses on controversies where the question of the significance of religious affiliation has been central, as these have arisen in a variety of national polities. These three essays, while dealing with different national jurisdictions, focus on the ways in which different religious actors conceptualize the relationship between religious belonging and the exercise of some form of political influence. Peter Sedgwick considers the case of England, where Anglican bishops have a role in the legislature through their participation in the House of Lords. He concludes that the English experience demonstrates that holders of comprehensive doctrines can indeed participate fully in public and political life, while respecting the requirements of public reason, through respect for the criterion of reciprocity. Brian Stiltner and Steven Michels look at the United States. They analyse aspects of the presidential races of 2008, focusing on how various candidates express, comment on, and make use of their religious affiliation, and consider how this has been theorized and politicized. Their conclusion is that on balance 'candidates' religious ideals, rationales, and motivations should be out in public view, if [the candidate] thinks them relevant'.[36] Moreover they conclude that the four candidates they studied—namely Barack Obama, Hillary Rodham Clinton, John McCain, and Mitt Romney—'did not violate the basic requirements of Rawlsian public

[35] Linda Hogan, 'Religions and Public Reason in the Global Politics of Human Rights', p. 225 below.
[36] Brian Stiltner and Steven Michels, 'Religion, Rhetoric, and Running for Office: Public Reason on the US Campaign Trail', p. 284 below.

reason in their use of religious language',[37] and that ultimately 'the way should be kept open for candidates and citizens to use religious language if they feel it is important to do so, assuming they also accept their civil duty to make their views intelligible to others in the public forum'.[38] In the final essay Jocelyne Cesari looks at a different group of religious actors, namely Muslim organizations. Her analysis, in 'Islam and the Secularized Nation: A Transatlantic Comparison', highlights both the diversity of views among Islamic actors in Europe and the USA regarding how their religion should inform participation in politics, and the diversity of national political contexts that define what kind of participation is prima facie acceptable.

Much excellent work has already been published on the role of religion in liberal democracies. Originating in a conference held at the University of Leeds in June 2003, *Religious Voices in Public Places* seeks to make a distinctive contribution to this well-developed discussion in the following three ways. First, all our authors address the element that distinguishes Rawlsian liberalism from other perspectives, i.e. the requirement that political debate (on constitutional essentials and matters of basic justice) be conducted through public reason. This focus specifically on the norm of public reason facilitates a deeper, more nuanced assessment of the merits and limits of Rawls vis-à-vis religion, and is the starting point for a more creative response to this still pressing political debate. Second, this volume combines philosophical and theological discussion with consideration of the dimensions of public policy and political context. Whereas many discussions of this kind confine themselves exclusively to the theoretical level, half of the contributions in this collection consider the issue of religion and public reason in relation to particular public policies and particular polities. Finally, third, our collection extends the geographical scope of discussion in this field, which has tended to be centred on the USA. We have deliberately enlisted contributors from Canada, Australia, France, England, Wales, and Ireland—as well as the USA—in the hope of bringing to light how different national political contexts shape answers to the question of how religious voices should behave in public places.

There can be no privileging of religious voices in the public square. Nonetheless religious and other traditions do have an important public role to play. Moreover they can only properly engage in political life if they do so as substantive, situated narratives. Whereas Rawlsian liberalism confronts Christians (and other religious believers) with a choice between retiring to a cultural enclave or participating in political life by keeping from public view

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[37] Ibid.   [38] Ibid.

their comprehensive doctrines, no such choice is envisaged by the authors in this collection. Although they come from different disciplines and different national contexts, and represent a variety of philosophical and theological viewpoints, the essayists in this collection share the conviction that religious believers can take their responsibilities as citizens seriously without jeopardizing either their heritage or their social practices. We hope that our discussion here will contribute to the development of a form of liberalism that is genuinely hospitable to religion—and so much the stronger for it.

Part I

Religion and Public Reason: Philosophical Views

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1

Why Can't We All Just Get Along with Each Other?

Nicholas Wolterstorff

1. THE PARADOXICAL ROLE OF COERCION IN LIBERAL THEORY

In a recently published essay of mine I argue that coercion plays a paradoxical role in the theory of contemporary political liberalism.[1] What I had in mind by 'political liberalism' is that now-familiar version of political theory, articulating and defending the liberal democratic polity, which holds that it belongs to the role of citizen in such a polity to appeal to 'public' or 'secular' reason for conducting debates in public on political matters and for making political decisions. John Rawls, Robert Audi, and Charles Larmore are prominent examples of such theorists.

My argument went as follows. Those who embrace the theory of political liberalism regard specification of the conditions under which governmental coercion is justified as one of the principal tasks of any theory of liberal democracy. Audi remarks that

[a] liberal democracy by its very nature resists using coercion, and prefers persuasion, as a mean to achieve cooperation. What we are persuaded to do, by being offered reasons for it, we tend to do autonomously and to identify with; what we are compelled to do we tend to resent doing. . . . If fully rational citizens in possession of the relevant facts cannot be persuaded of the necessity of the coercion . . . then from the point of view of liberal democracy, the coercion lacks an adequate basis.[2]

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[1] Nicholas Wolterstorff, 'The Paradoxical Role of Coercion in Political Liberalism', *Journal of Law, Philosophy, and Culture*, 1/1 (Spring 2007), 135 58.

[2] Robert Audi, 'Liberal Democracy and the Place of Religion in Politics', in Robert Audi and Nicholas Wolterstorff (eds.), *Religion in the Public Square* (Lanham, Md.: Rowman & Littlefield, 1997), 16.

Larmore says that 'forcing people to comply is to treat them as means', adding that 'in itself this cannot be wrong (for otherwise political association would be impossible)'. He then goes on to say that 'if we try to bring about conformity to a political principle simply by threat, we will be treating people solely as means, as objects of coercion. . . . To respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us'.[3] And Rawls says that 'the liberal political ideal [is] that since political power is the coercive power of free and equal citizens as a corporate body, this power should be exercised, when constitutional essentials and basic questions of justice are at stake, only in ways that all citizens can reasonably be expected to endorse in the light of their common human reason'.[4] He calls this 'the liberal principle of legitimacy'.[5] Only when the principle is satisfied are citizens shown due and equal respect.

Each of these authors, in the passage quoted, alludes to his own view as to the conditions under which governmental coercion is justified—or more precisely, the conditions under which it is appropriate for a person, in his role as citizen of a liberal democracy, to favour some piece of coercive legislation. It goes without saying that the citizen must himself have, or (entitledly) believe that he has, sufficient reason for holding that it would be a good thing for everybody to act in accord with the legislation, so good that it outweighs the evil of coercing those not inclined to act thus. All three of our writers are also of the view, however, that a citizen must also regard the coercive legislation as not justified until he (entitledly) believes that *all his sane adult fellow citizens* do or would see themselves as having sufficient reason for holding that it would be a good thing for everybody to act in accord with the legislation, so good as to outweigh the evil of coercing those not inclined to act thus.

We are now ready to spy the paradoxical role of coercion in political liberalism. For the time being, let me drop the word 'would' from the formula that I just gave, so that it reads like this: a citizen must not regard a piece of coercive legislation as justified until he (entitledly) believes that all his sane adult fellow citizens *do* see themselves as having sufficient reason for holding

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[3] Charles Lamore, 'Political Liberalism', *Political Theory*, 18/3 (August 1990), 348 9.

[4] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 139 40.

[5] Ibid. 137: 'political liberalism says: our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. This is the liberal principle of legitimacy. To this it adds that all questions arising in the legislature that concern or border on constitutional essentials, or basic questions of justice, should also be settled, so far as possible, by principles and ideals that can be similarly endorsed.' An almost identical formulation of the concept of legitimacy is to be found ibid. 217.

that it would be such a good thing for everybody to act in accord with the legislation as to outweigh the evil of coercing those not inclined to act thus. This formula has two consequences. In the first place, the condition is much too strong; in our complex and pluralistic societies it would be crazy for anyone to believe, for any piece of legislation whatsoever, that all sane adult citizens do see themselves as having sufficient reason to believe such a thing. Our societies are rife with disagreement on such matters. But secondly, suppose, *mirabile dictu*, that everybody did see themselves as having sufficient reason for believing that everybody's acting in accord with the proposed legislation would be so good that it outweighs the evil of coercing those not inclined to act thus; then, as long as they do all believe that, the legislation will not be functioning coercively for any of them. As long as I believe that X is itself a good thing for me to do, then, whatever the penalties attached to my not doing X, I am not acting under coercion when I do X.

That first point impels all liberal theorists to move from the simple *do* to the disjunctive *do or would*—away from the actual to the actual plus the hypothetical. A citizen must not regard a piece of coercive legislation as justified until he (entitledly) believes that all his sane adult fellow citizens do in fact, or *would, under specified circumstances*, see themselves as having sufficient reason for holding that it would be a good thing for everybody to act in accord with the legislation, so good as to outweigh the evil of coercing those not so inclined. Different liberal theorists specify those circumstances in different ways. Audi, to mention just him, holds that what is relevant is what citizens *would* believe *if they were fully rational and fully informed*.[6] But the differences make no difference. For there will be, for any piece of legislation, many sane adult citizens who, as a matter of fact, do not see themselves as having sufficient reason for believing the proposition in question; in particular, they do not believe it would be a good thing *for them* to act thus. Accordingly, if the legislation is enacted, they will be coerced; the fact that they *would not* be coerced *if they were* in that hypothetical situation takes away

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[6] The formula I quoted from Audi is susceptible to interpretations different from this one. It could be read as saying: what those citizens who are in fact fully rational and informed could be persuaded of (if I offered them my reasons). Then the only fellow citizens one need trouble oneself with are those very few who are now fully rational and informed. In the light of other passages, I have guessed that Audi does not mean this, but means, rather, what I have suggested above: what all one's actual fellow citizens would believe (could be persuaded of) if they were fully rational and informed. There is, of course, a yet more abstract way of interpreting the formula: what any human being would believe (could be persuaded of) if he were a fully rational and informed fellow citizen.

If we were going to treat this matter in detail, another issue we would have to consider is this: what is to be said about the person who agrees with me on the desirability of the legislation, but only because he is not fully informed, or not fully rational?

nothing from the fact that in their actual situation they *are* coerced. Thus all the bad features of coercion that our theorists pointed out in the first place will pertain. On Audi's account, they will feel resentful; on Larmore's account, they will be treated merely as means and not also as ends; on Rawls's account, they will not be accorded equal respect—this in spite of the fact that Rawls's concept of *legitimacy* is satisfied.

In short, on the implausible actualist interpretation of the conditions of justification of coercion, the citizen should support legislation only if he believes that no one would ever be coerced by it. On the preferred conditionalist interpretation, the citizen should support legislation only if he believes that in some hypothetical situation no one would be coerced by it; whether actual people will actually be coerced is not treated as a relevant consideration.

The reason our contemporary theorists of political liberalism do not regard themselves as engaged in purely utopian politics while turning a blind eye to the coercion that actually takes place is that they think there is some chance of persuading most of the citizens of our liberal polities to appeal to 'public reason', as Rawls and Larmore call it, to 'secular reason', as Audi calls it, in debating and deciding important political issues. The idea is that for all those who do appeal to that, if one person correctly thinks that he has a sufficient reason, drawn from public or secular reason, for the proposed coercive legislation, then the others will also have a sufficient reason for the proposed legislation. Admittedly they may not realize that they do. But once they are informed, then, on the issue at hand, they are together engaged in consensus politics. And insofar as they practise consensus politics, there will be no unjustified coercion among them—since, as we have seen, there will be no coercion at all. What we have here is the dream of a polity free of coercion because the politics practised by its members is consensus politics.

The relevance of all this to religion is well known from the writings of our theorists of political liberalism. Given that religion in our societies comes in the form of a plurality of particular religions, and given that there are those who embrace no religion at all, reasons for coercive legislation drawn from some particular religion will seldom if ever satisfy the condition for justified coercion. Almost always there will be, to use Audi's formula, some fully rational and informed citizen who does not accept the reason. And this, says Audi, is 'why religious grounds alone are not properly considered a sufficient basis of coercion even if they happen to be shared by virtually all citizens'.[7]

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[7] Audi, 'Liberal Democracy', 16.

Now as a matter of fact there are many religious people in our liberal democratic societies who are not in the habit of debating and deciding all significant political issues on the basis of reasons drawn from public or secular reason. Many are in the habit of debating and deciding those issues on the basis of reasons drawn from their own particular religion. For some, this is more than a mere habit; it is what they believe they *ought* to do. Accordingly, a condition of achieving the dream of a consensus politics conducted within a polity free of governmental coercion is that all such religious people 'shape up' by breaking their habit of debating and deciding significant political issues on the basis of reasons drawn from their own particular religion. Given the actual nature of religion in this world of ours, the aspiration toward a consensus politics conducted within a polity free of coercion necessarily requires that religious people shape up. Should they not do so, religion will remain an instrument of coercion. This coercion may take the form of religiously sponsored violence. Then again, it may not; it may instead take the form of winning the vote for some piece of legislation that functions coercively for those who lose the vote.

2. THE DEEPER PATTERN: DETERMINATE RELIGION IS CHARGED WITH HARBOURING COERCION AND VIOLENCE

I now suggest that this pattern of thought that I have been highlighting in the theory of political liberalism runs deep and wide in the mentality of the modern West in general; political liberalism is just one version of the pattern. Over and over it is said or assumed that the presence of religion in our society, so long as it comes in a plurality of particularist forms that are comprehensive in their reach, and so long as there are those who reject religion in all its forms, necessarily harbours within itself the threat of coercion and violence. Religion, though it may talk and dream of peace, is a menace to peace. To move toward the elimination of coercion and violence, thus to achieve peace, we must aspire to a politics of consensus on fundamental principles of justice and social order. Particular religions, in their present form, obstruct such a politics of consensus on fundamental principles. Accordingly, all the particular religions must shape up so as to be compatible with such a politics. The proposal of political liberalism is that it will be sufficient for the particular religions to so shape up that their adherents no longer treat reasons drawn from their own religion as decisive in their decisions concerning coercive

legislation, instead treating reasons drawn from a stock of shared principles—public or secular reason—as decisive. What religious people do beyond that is entirely up to them. In family, in church, in their own inwardness, they can be as particularistic as they wish; if they wish they can even attach, as optional add-ons to the reasons drawn from public or secular reason, reasons drawn from their own particular religion.

In Richard Rorty one sees the same structure of thought at work but with a different tactical proposal. In a recent unpublished essay of his consisting of remarks made at the ceremony for his reception of the Eckhart Prize and titled 'Religion after Onto-Theology: Reflections on Vattimo's *Belief*', he asserts that ecclesiastical institutions, 'despite all the good they do—despite all the comfort they provide to those in need or in despair—are dangerous to the health of democratic societies, so that it would be best for them eventually to wither away'. The dangers posed to democracy by institutionalized religion are 'particularly evident', he says, in the present-day United States, where 'the Christian fundamentalists whose support has become indispensable to right-wing American politicians are undermining the secularist, Jeffersonian, tradition in American culture'. The nature of the danger is exactly the same as that pinpointed by the theorists of political liberalism. It's not that there are swarms of fundamentalists threatening to overthrow the US government; the danger is that fundamentalists support legislation restricting behaviour that other groups in society regard as completely acceptable—abortion and homosexual activity, for example. Such legislation, should it pass, would function coercively.

Though the analysis is the same, the solution Rorty proposes goes beyond that proposed by political liberalism. Religion must shape up so that it becomes entirely personal and private. The religion of one's inner life can be of whatever intensity and whichever particularity one wishes; no harm there. It is when religion leaves the sanctuary of the inner life and tries to shape institutions in accord with its convictions, particularly the state, but also schools and ecclesiastical institutions, that it functions coercively. The 'happy, Jeffersonian compromise that the Enlightenment reached with the religious . . . consists in privatizing religion—keeping it out of' the public square, says Rorty.[8]

The same pattern of thought, combined with yet a third tactical suggestion, is to be found in John Hick and his cohorts in the religious pluralism discussion. Both the theorists of political liberalism with their public reason tactic, and Rorty with his privatizing tactic, propose setting *bounds* to religion

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[8] Richard Rorty, *Philosophy and Social Hope* (London: Penguin, 1999), 169.

as we actually find it. Religion must shape up so that it no longer speaks from its own resources on significant political issues—or no longer speaks on institutional matters in general. Only thus is there hope of achieving a politics of consensus on fundamental principles, and thereby a polity free of coercion. Within the bounds, religion may be as pluralist as it wishes. What Hick proposes in his well-known book *Interpretation of Religion* is that particularist religions, rather than learning to live within bounds, should reinterpret their particularisms so that they are no longer exclusivist.[9]

Hick assumes that any 'post axial' religion that does not accord equal religious significance to all post-axial religions perforce harbours within itself the threat of coercion and violence, thereby being a menace to peace.[10] To cite just one example: as long as Christianity harbours a supersessionist attitude toward Judaism, there can be no enduring peace between the two religions. The solution is for each post-axial religion to regard all post-axial religions as simply alternative ways of engaging The Real, with none of them giving us the literal truth of the matter, and to concede that all of them are equally successful in achieving salvation for their adherents.

There is a fourth, and yet more radical, version of the line of thought that I am delineating; it says that, for the sake of a politics of consensus, and thus for the sake of eliminating coercion and violence from the polity and achieving peace, particularist religion must be eliminated altogether. It must wither away. Rather than shaping up by living within the bounds of public reason or the bounds of the inner life, or even shaping up by reinterpreting its particularisms in non-exclusivist fashion, religion, on this fourth view, must shape up by transmuting itself into non-particularist religion.

To the considerable dismay of some of his followers, this is what Jacques Derrida has been proposing in recent years.[11] In his reflections on the 'return of religion' in the present-day world, Derrida proposed to undertake 'a program of analysis for the forms of evil perpetrated in the four corners of the world "in the name of religion"'.[12] His analysis led him to the conclusion

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[9] John Hick, *An Interpretation of Religion: Human Responses to the Transcendent* (Basing stoke: Palgrave Macmillan, 2004).

[10] Hick regards the religious significance of 'pre axial' religions as inferior to that of the axial religions.

[11] I have learnt a good deal of what I know about this particular part of Derrida's thought from some articles by James K. A. Smith, especially his 'Determined Violence: Derrida's Structural Religion', *Journal of Religion*, 78/2 (1998), 197 212. See also John D. Caputo, *The Prayers and Tears of Jacques Derrida: Religion without Religion* (Bloomington: Indiana University Press, 1997); Hent de Vries, *Philosophy and the Turn to Religion* (Baltimore: Johns Hopkins University Press, 1999); and my own 'The Religious Turn in Philosophy and Art', in Ludwig Nagl (ed.), *Religion nach der Religionskritik* (Vienna: R. Oldenbourg Verlag, 2003).

[12] Smith, 'Determined Violence', 197.

that violence is the inevitable political consequence of what he calls 'determinate' religion. The violence may not be what those of us less given to hyperbole would call 'violence'; it may simply be what we would call 'coercion'—though let it be added that often it does take the form of true violence.

The solution is for determinate religion to be transmuted into 'religion without religion'. Let me quote James K. A. Smith's description: the aim is to achieve

a universal religion, albeit a religion without dogma or content   a religion of pure form, a formal religion. It is a religion of 'formalization' whereby the 'logic' of certain structures, which appear in the texts of determinate religions, are distilled or disclosed by a process that Derrida describes as 'desertification'. By this process of 'desertification,' structures are emptied of their content; that is, the structures are made 'arid' by means of a 'desert abstraction'. After this 'complete formalisation' that exhausts and impoverishes the determinate religious structure 'nothing remains'.[13]

Take an example: a structural feature typical of religion—or at least of the religions that interest Derrida—is the messianic structure; the religion looks forward to the coming of justice and peace. 'Religion without religion' would then be religion in which all determinate content had been abstracted from such messianic anticipation, leaving only the pure structure behind. Such religion would be 'structural messianism', 'messianism without content', or simply 'the messianic'. A condition of the elimination of political 'violence is the emergence of religion in which messianism is purely structural; determinate messianisms always harbour the threat of 'war'.

The great grey eminence behind this way of thinking is of course Immanuel Kant, though let it be said at once that the religion Kant proposed was by no means a religion of all structure and no content; though not a *particular* religion, it would nonetheless remain a *determinate* religion. Before we get to the details of that, however, let me note that Kant explicitly shared, with all the other thinkers we have canvassed, the conviction that particular religion, by its very nature, harbours the potential for coercion and violence. If 'eternal peace' is to arrive, particularist religion must wither away; Kant did not consider whether reining it in would be sufficient, nor did he consider the possibility of reinterpreting the particularism so that it is no longer exclusivist. Let me quote at some length what Kant says about the menace of particularist religion; it is as vivid as Kant's writing ever gets:

The so called religious wars which have so often shaken the world and bespattered it with blood, have never been anything but wrangles over ecclesiastical faith; and the

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[13] Smith, 'Determined Violence', 199 200.

oppressed have complained not that they were hindered from adhering to their religion (for no external power can do this) but that they were not permitted publicly to observe their ecclesiastical faith.

Now when, as usually happens, a church proclaims itself to be the one church universal (even though it is based upon faith in a special revelation, which, being historical, can never be required of everyone), he who refuses to acknowledge its (peculiar) ecclesiastical faith is called by it an *unbeliever* and is hated wholeheartedly; he who diverges therefrom only in part (in non essentials) is called *heterodox* and is at least shunned as a source of infection. But he who avows [allegiance to] this church and yet diverges from it on essentials of its faith (namely, regarding the practices connected with it), is called, especially if he spreads abroad his false belief, a *heretic*, and, as a rebel, such a man is held more culpable than a foreign foe, is expelled from the church with an anathema . . . and is given over to all the gods of hell. The exclusive correctness of belief in matters of ecclesiastical faith claimed by the church's teachers or heads is called *orthodoxy*.[14]

The solution to these evils of religion is the withering away of 'positive' religions and their replacement with a purely rational religion, that is, a religion whose content is grounded in reason alone and not in the particularities of revelation, mania, or tradition. As humankind progresses toward full rationality, this is the religion it will increasingly embrace. Such religion, though determinate in content, will nonetheless not be a *particular* religion, since it will enjoy universal consensus; and by virtue of enjoying consensus, it, unlike all the particular religions that are its historical predecessors, will not harbour the potential of coercion and violence. The coming of such religion, shared by all on account of their common rationality, will finally bring about 'the world of an eternal peace'.[15]

3. NO HOPE OF DETERMINATE RELIGION DISAPPEARING OR 'SHAPING UP' BY BECOMING PRIVATIZED

Let me be blunt and crisp in my appraisal of this general line of thought, which, so I contend, runs deep and wide in the mentality of modernity. On the one hand, there is no prospect whatsoever of religion disappearing, or of all determinate religion disappearing, or of all particular religions

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[14] Immanuel Kant, *Religion within the Bounds of Reason Alone*, trans. T. M. Greene and H. H. Hudson (New York: Harper & Brothers, 1960), 99 100.

[15] Ibid., the last words of division I of book 3.

disappearing, or of all particular religions becoming privatized, or of all adherents of particular religions refraining from using the resources of their own religion in making political decisions. And on the other hand, there is no prospect whatsoever of politics becoming a politics of consensus on fundamental principles of justice and social order, thus no prospect whatsoever of the elimination of coercion from the polity. The dream of consensus politics is just that: a dream. Consensus politics is utopian politics; a polity without coercion would be utopia.

Rather than continuing on the path of devising ever new versions of utopian politics, we must reflect on the conditions under which adherents of particularist religions, which confine themselves neither to the inner life nor to the employment of public reason for debating and deciding political issues, can live together in some modicum of peace and justice. I am assuming that coercion is not always unjust, and that coercion is not always a menace to peace.

I have said that consensus politics is utopian politics. Here is another, more historical, way of thinking of it: the advocates of a politics of consensus on fundamental principles, conducted within a polity free of coercion, have not given up on the hope of recovering the inner structure of the politics of Christendom. The fundamental principles proposed are different: the fundamental tenets of Christianity are to be replaced by the contents of public or secular reason; but the structure remains. I think we must give up on that hope.

4. THE QUESTIONS TO BE ADDRESSED

I am a proponent of the liberal democratic polity—not of that theory about the polity which is political liberalism, but of the polity itself. I am a proponent of it not because, though I regard it as a bad thing, I judge that, in the present situation, what's likely to ensue were it overthrown would be yet worse. I am a proponent of it because I regard it as the best polity, in most cases, for religiously diverse societies.

I will not take time to explain what I take a liberal democratic polity to be. For my purposes here, I think it will be satisfactory for each of us to employ whatever may be the understanding of such a polity that we already have.

If what I have said just above, about the prospects for religion, is correct, then one of the first questions to be considered by any proponent of the liberal democratic polity is this: which principles of social organization must a non-confined exclusivist religion affirm if it is to embrace a liberal democratic

polity for a society in which there are other such religions? And second, what reasons might there be within the resources of those religions for affirming those principles? What I mean by a 'non-confined' religion is one that has views on political issues grounded within its own perspective, and that insists on debating and deciding at least some of those issues on the basis of those views. What I mean by an 'exclusivist' religion is one that regards the other religions present within society as inferior to itself—as containing less truth, as being less pleasing to God, or whatever. And what I mean by a religion 'embracing' a liberal democratic polity is that it does not merely put up with it, but affirms it as a *good* polity.

5. SAYYID QUTB'S READING OF THE RELIGIOUS HISTORY OF THE WEST

Let me proceed toward answering the above question by setting before us an example of a non-confined exclusivist religion that does not grant the principles of social organization necessary for embracing the liberal democratic polity. In the *New York Times Magazine* of 23 March 2003, there was a rather lengthy analysis by the journalist Paul Berman of the thought of the Islamic scholar Sayyid Qutb. Qutb was an Egyptian intellectual who, after spending more than ten years in prison, was executed by the Egyptian government in 1966. While in prison, he wrote a commentary on the Qur'an called *In the Shade of the Qur'an.* Let me summarize a bit of his thought, basing my summary entirely on Berman's article.

A central component of Qutb's writing is socio-political analysis of a type familiar to us in the West for a century and a half by now. The analysis begins with a recitation of the sorrows of modern life. I quote Berman:

Qutb wrote that, all over the world, humans had reached a moment of unbearable crisis. The human race had lost touch with human nature. Man's inspiration, intelligence and morality were degenerating. Sexual relations were deteriorating 'to a level lower than the beasts'. Man was miserable, anxious and skeptical, sinking into idiocy, insanity, and crime. People were turning, in their unhappiness, to drugs, alcohol and existentialism. Qutb admired economic productivity and scientific knowledge. But he did not think that wealth and science were rescuing the human race. He figured that, on the contrary, the richest countries were the unhappiest of all.[16]

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[16] Paul Berman, 'The Philosopher of Islamic Terror', *New York Times Magazine*, 23 March 2003, 27.

Those are the symptoms. Qutb's diagnosis is the same, in its structure, as that of all our great Romantic socio-political theorists: the once-upon-a-time unity of human existence has been fractured. Pervasive in modern life is what Qutb called a 'hideous schizophrenia'. The root cause of our unhappiness is the fragmentation resulting from that schizophrenia; the cure will be the recovery of wholeness.

Qutb's originality lies not in the structure of this analysis—analyses of this sort have been with us ever since the days of the early Romantics—but in his own particular way of filling in the structure. Christianity is the principal cause of fragmentation, with Judaism now playing a supporting role. Intrinsic to Christianity is a split between the spiritual world, on the one hand, and the physical, biological, and social world, on the other. The sorrows of modern life are the result of that split.

The narrative goes as follows. The teachings of Judaism were 'divinely revealed by God to Moses and the other prophets. Judaism instructed man on how to behave in every sphere of life—how to live a worldly existence that was also a life at one with God. This could be done by obeying a system of divinely mandated laws, the code of Moses.'[17]

Eventually Judaism withered into what Qutb called 'a system of rigid and lifeless ritual'. God then sent a new prophet, Jesus, who penetrated to the essence of the Mosaic code and proposed some reforms. Rather than the Jews in general acknowledging Jesus as a prophet and accepting the reforms he proposed, intense controversies erupted between old-line Jews and the followers of Jesus, resulting in what Qutb called 'this unpleasant separation of the two parties'.[18] As a consequence of this antagonism, the early Christians distorted the true teachings of Jesus by emphasizing his divine message of spirituality and love while rejecting its context, namely, 'Judaism's legal system, the code of Moses, which regulated every jot and tittle of daily life'.[19] They 'imported into Christianity the philosophy of the Greeks—the belief in a spiritual existence completely separate from physical life, a zone of pure spirit'.[20] The subsequent history of Christianity and of its influence has been the playing out, in ever new ways, of that original split between the spiritual, on the one hand, and our daily life, on the other:

Christianity lost touch with the physical [and social] world. The old code of Moses, with its laws for diet, dress, marriage, sex and everything else, had enfolded

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[17] Paul Berman, 'The Philosopher of Islamic Terror', *New York Times Magazine*, 23 March 2003, 28.
[18] Ibid.   [19] Ibid.   [20] Ibid.

the divine and the worldly into a single concept, which was the worship of God. But Christianity divided these things into two, the sacred and the secular. Christianity said, 'Render under Caesar what is Caesar's and unto God what is God's.' Christianity puts the physical world in one corner and the spiritual world in another corner: Constantine's debauches over here, monastic renunciation over there.[21]

The same 'hideous schizophrenia' reveals itself in the relation of religion to science.

Europeans, under Christianity's influence, began to picture God on one side and science on the other. Religion over here; intellectual inquiry over there. On one side, the natural human yearning for God and for a divinely ordered life; on the other, the natural human desire for knowledge of the physical universe. The church against science; the scientists against the church.... [U]nder these terrible pressures, the European mind split finally asunder. The break became total. Christianity, over here; atheism, over there. It was the fateful divorce between the sacred and the secular.[22]

The scientific and technological achievements of Europe enabled it to impose its 'hideous schizophrenia' 'on peoples and cultures in every corner of the globe'. That is the origin of our present-day worldwide misery—of 'the anxiety in contemporary society, the sense of drift, the purposelessness, the craving for false pleasures'.[23]

One can now anticipate the cure that Qutb offers his readers. In true Islam there is a vision of the wholeness of life; in true Islam there is no schizophrenia between the sacred and the secular, church and state, the spiritual and the physical; in true Islam there is no split between God's laws, on the one hand, and our daily lives, on the other. It's all one. True Islam must thus be recovered. Crusaders and Zionists—that is, Christians and Jews—have mounted a gigantic campaign against true Islam, attempting to annihilate it. With their liberal democratic ideas in hand they have attempted 'to confine Islam to the emotional and ritual circles, and to bar it from participating in the activity of life, and to check its complete predominance over every human secular activity, a pre-eminence it earns by virtue of its nature and function'.[24] That campaign must be resisted by Islam with all the power at its disposal. Sharia must be reinstituted as the legal code for all of society, so that God's law can once again hold sway for all of everybody's life. Only then will divinity and humanity be once again united. Only then will there be justice, peace, true freedom, and happiness.

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[21] Ibid.   [22] Ibid.   [23] Ibid.   [24] Ibid. 56.

6. ABRAHAM KUYPER SIMILAR TO BUT ALSO DIFFERENT FROM QUTB

For a person of my own religious tradition, the Dutch neo-Calvinist version of the Reformed tradition of Christianity, to come up against Qutb's social analysis is to experience within oneself a disconcerting whipsaw of agreement and disagreement. I could quote passages from Abraham Kuyper, the principal founder of Dutch neo-Calvinism, in which the longing for a religiously unified existence is every bit as intense as it is in Qutb. The whole of our lives, not just some supposedly spiritual component thereof, is to be lived in grateful obedience to God and worshipful awe. The dualism between the sacred, on the one hand, and daily life, on the other, which Qutb regards as inherent within Christianity, is seen by Kuyper as a lamentable and avoidable deformation.

Kuyper rejected that entire line of thought that I delineated in the first part of this essay. The Rawlsian version, the Rortian, the Hickian, the Kantian, the Derridean, he would have rejected them all. Christians must resist all calls for limiting the scope of their obedience to the non-political or the non-public, all calls for reinterpreting their religion so as to eliminate exclusivism, all calls for the withering away of their religion in favour of a religion of pure structure or reason. Only in the eschaton can there be and will there be a politics of consensus on fundamental principles practised within a polity free of coercion. We long and hope for such a politics and for such a polity. But in this fallen world of ours, it is unavoidable that the politics we practise will be a politics without consensus, and unavoidable that the polities in which we live will be polities of coercion.

Yet Kuyper was a vigorous defender of the liberal democratic polity. Not, mind you, a defender of the *theory* of political liberalism; rather, a defender of the liberal democratic polity. Given our religiously pluralistic societies, Christian conviction requires, so Kuyper argued, a liberal democratic polity. It is within the liberal democratic polity that Christians are to live their lives of religious integrity.

What accounts for this deep difference between Qutb and Kuyper? How can it be that though Kuyper abhors dualism between religion and daily existence in the lives of Christians as intensely as Qutb abhors such dualism in the lives of Muslims, nonetheless Kuyper is a staunch defender of the liberal polity whereas Qutb is its implacable opponent? Evidently Kuyper affirms some fundamental principles of social organization that Qutb rejects. What might those be? The reader will of course realize that these questions about

Kuyper and Qutb are meant as ways of getting at the fundamental question that I posed earlier: which principles of social organization must a non-confined exclusivist religion be willing to affirm if it is to embrace a liberal democratic polity for a society in which there are other such religions?

7. PRINCIPLES THAT A NON-CONFINED EXCLUSIVIST RELIGION MUST AFFIRM TO ACCEPT LIBERAL DEMOCRACY

The first and most fundamental principle is that church and state be distinct social institutions. Or, more generally, that religious institutions in general—church, mosque, synagogue, whatever—be distinct from the political institution. The social structure must exhibit that fundamental duality, that fundamental institutional separation. A society that does not exhibit that fundamental twoness cannot possibly have a liberal democratic polity.

In Western societies shaped by Christianity there has always been that duality of institutions—even when everybody in society was baptized so that there was no distinction in membership. The distinction was not always, so it appears to me, a matter of principle. Consider Augustine, for example, in whose late thought the distinction between the institutions of church and empire loomed large. In the situation in which Augustine did his thinking and his writing, very many subjects of the empire were not members of the church; that perforce made the two institutions distinct. But what would he have said had the situation been one in which all the subjects of the empire were baptized? Is there anything in his thought that would lead him to insist on an institutional separation even in this situation? I fail to see that there is.

It was the pragmatics of the situation, more than any clear and consistent body of theological thought, that accounts for the fact that Western societies shaped by Christianity have always exhibited an institutional duality of church and government. Struggle as they did with each other, neither pope nor emperor, prince nor prelate, ever succeeded in completely subordinating the other.

What did this institutional separation come to? What were the tell-tale signs of the duality? Two, I would say. For one thing, neither party was ever the mere delegate or deputy of the other, nor were they jointly the mere delegates or deputies of some yet higher authority; that is to say, the authority and 'powers' of the one party were never merely delegated to or conferred on it by the other, nor were those of both parties delegated to or conferred on

them by some yet higher authority. And second, each party had its own distinct 'powers' and its own distinct scope of authority. The church had the 'power' to excommunicate; the political entity did not; it was within the scope of authority of the political entity to execute someone, it was not within the authority of the church to do so.[25]

Things were different in the Christian East. There all authority flowed ultimately from the emperor. A rough and ready distinction could be made out between affairs of church and affairs of state; but they were one and all affairs of empire. Since the fall of Constantinople, societies shaped by Eastern Christianity have exhibited the same duality of institutions as those shaped by Western Christianity.

There is something right, then, in Qutb's analysis of Christianity. Always in the West, and now for almost six hundred years in the East, Christians, in all their variety, have lived with the institutional duality of church and state. Qutb is mistaken in his assumption that this institutional duality has been a matter of intrinsic conviction on the part of Christians. Sometimes it has been matter of expediency; for a thousand years the duality was not even present in the East. Likewise he is mistaken in his assumption that Christians have regarded God's laws as holding only for that area of life governed by the church and not for that governed by the state. Those who said that the state was to be concerned with 'secular' matters seldom meant that God's law had no application to government; Calvin was not at all eccentric in remarking that God's rule takes two forms, one for the church and one for the state. Nonetheless, Qutb is correct in his claim that there has long been an institutional separation of church and state in societies shaped by Christianity. And that separation, so I suggest, is indispensable to the existence of a liberal democratic polity.

A second structural feature of a religiously pluralistic society with a liberal democratic polity is that, to put it rather vaguely, the state is the polity of all citizens equally no matter what religion, if any, they may practise. No religion has a proprietorial claim on the state, with the others present only by sufferance. The state is the polity of all of us together and equally. No citizen is to receive either favoured or unfavoured treatment on account of his religion or lack thereof.

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[25] Attempts to articulate a general formulation of the distinction in authority scope and 'powers' seem to me always to have been either patently incorrect or too vague to judge. An example of the sort of formulation I have in mind occurs at the beginning of the last chapter of the *Institutes*, where Calvin says this: 'Now, since we have established above that man is under a twofold government, and since we have elsewhere discussed at length the kind that resides in the soul or inner man and pertains to eternal life, this is the place to say something also about the other kind, which pertains only to the establishment of civil justice and outward morality.'

I have two things in mind here. In the first place, the state, in its distribution of benefits and burdens, rights and duties, is to take no account of the religion or non-religion of potential recipients. In this way it is to treat everybody equally with respect to his or her religion. And second, not only is the state to treat all citizens equally with respect to their religion or non-religion; everybody, regardless of his or her religion, is to have equal voice in the personnel and conduct of the state. One's religion or lack thereof is to make no difference to one's voice. Specifically, we are all to enjoy the same fair access to fair voting procedures for office-holders and legislation.

Not everything is up for vote in a liberal democratic society, however. The liberal polity has a constitution, or constitution-like body of legislation, that assigns certain rights to the members of society and makes it impossible or extremely difficult for those rights to be retracted by the outcome of any vote; the rights are 'embedded'. Prominent among these rights is the right to the free exercise of one's religion—and the right to exercise no religion. That same constitution or legislation will lay out a political structure and set of procedures that will also be difficult, if not at some points impossible, to amend by voting procedures. Voting for office-holders and legislation takes place within these bounds, these constraints. The most fundamental things are not on the table.

Almost always there will be losers in these votes, with the consequence, typically, that the losers find themselves coerced whereas the winners do not. The outcome of one vote will delight one religious party and dismay another; the outcome of another vote will reverse the distribution of delight and dismay. The outcome of yet another vote will delight some non-religious group and dismay one or more religious parties; a later vote will reverse the response.

As we saw earlier, the fact that citizens are dismayed and coerced by the outcome of the vote cannot imply that the legislation lacks justification; if it did, there would never be any justified legislation. It cannot imply that the polity thereby loses its legitimacy; if it did, there would never be any legitimate polities. Furthermore, the fact that I and my party lose the vote does not mean that we were wrong in our judgement as to what justice or the social good requires. We may have been right; it may be a bad piece of legislation. So the point is that one can justly be coerced by a piece of legislation whose content is out of accord with what justice or the social good requires, and which one believes to be thus out of accord.

My question was this: which principles of social organization must a non-confined exclusivist religion be willing to affirm if it is to embrace a liberal democratic polity for a society in which there are other such religions? My suggestion is that the following fundamental principles must be affirmed:

there must be an institutional separation between church and state, the state must not differentiate in its treatment of citizens on account of their religion or lack thereof, and there must be no differentiation among citizens in their right to voice in the conduct and personnel of the state on account of their religion or lack thereof.

It is these latter two principles that give to life under a liberal democratic polity the peculiar character that Qutb finds so offensive; so far as I can see, there is no reason why Qutb could not affirm the first principle, the institutional separation of mosque and state. To affirm those latter two principles is perforce to give up the classical Greek picture of the polity as the governance of both the highest and the most comprehensive form of human community. The polity is indeed the governance of our most comprehensive community; everybody is a citizen. But not of the highest. It steers away from the highest and deepest matters of the human heart. For those, one has to go to church, mosque, or synagogue. And even when the state does legislate, its legislation exhibits no religious or other unity; it is a mélange.

It is also to give up that more modest medieval picture, according to which the state has the duty to cultivate in its citizens fundamental moral and religious virtues. To affirm the liberal democratic state is to remove the state from the business of cultivating religion; it is to leave that to other institutions. Pluralism inevitably follows. Assuming that it is possible under such a polity for oneself and one's co-religionists to live lives of religious integrity, to affirm such a polity is to acquiesce in the fact that not everybody will be living that same life.

And last, to affirm the liberal democratic polity is to put the shape of our life together at the mercy of votes in which the infidel has equal voice with the believer.

8. THE PRINCIPLES DO NOT ELIMINATE ALL 'SHAPING UP' BY RELIGION

In my discussion in the first part of this essay I contended that the line of thought that I identified as prominent in modern society requires that religion shape up in one way or another. Let me not conceal the fact that for Qutb to accept the principles of political organization that I have just now sketched out would require 'shaping up' on his part. The shaping up required is of a very different sort from that required by Rawls, Rorty, Hick, and the like; many more religious people are willing to engage in this sort of shaping

up. But there is no denying the fact that a shaping up is required; the liberal democratic society is not compatible with every religious perspective whatsoever.

So what is needed at this point is an argument for such shaping up that has some chance of being persuasive. Rawls held that the stability of liberal democracy in a situation of religious pluralism depends on the great majority of the members of the plurality having reasons based on their own perspectives for appealing to public reason in the debating and deciding of significant political issues. I think its stability depends even more on the great majority having reasons based on their own perspectives for accepting the principles of political organization that I have highlighted.

Why would anybody who longs for a religiously integrated existence, and who believes that his religion has something to say about our life together, affirm such a peculiar, albeit familiar, form of political organization as liberal democracy? Offhand it looks so counter-intuitive. Why would anyone who longs for religious wholeness in his life willingly tolerate the divided loyalty that such a polity requires—loyalty both to church, mosque, or synagogue, and to the political community? What reasons are there, within the resources of Christianity, Judaism, and Islam, that would lead to the conclusion that, given religious diversity, it is within liberal democratic polities that we can and should live our lives of religious wholeness? That is the fundamental question my discussion raises. Unless there is an adequate answer to that question, the Qutbs of the day will have won the argument.

An answer that approaches adequacy would require an essay of its own. But let me point in the direction where, I think, the answer lies. I suggest that the moral basis of liberal democracy is not what it is often said to be, namely, that the greatest good the state can secure is guaranteeing to each citizen freedom to act as he or she sees fit; this libertarian interpretation of liberal democracy is exactly what alarms the Qutbs of the world. The moral basis of liberal democracy consists in its protection of rights, including then specific freedom-rights—as opposed to some general right to act as one sees fit. For example, as the writers of American state constitutions around the time of the War of Independence almost uniformly declared, each human being has a right to worship God according to the dictates of his or her own conscience. It may be that some significant social good can be achieved by the state coercing its citizens to worship God as it sees fit. But to do so would require the violation of their rights; and hence is not to be done.

It is my own view that rights are grounded in the worth of persons. When the state uses the coercive power at its disposal to force its citizens to worship God as it sees fit, it violates them, fails to honour the worth they bear as human beings. Jews, Christians, and Muslims alike hold that that worth is the

worth of a creature made by God in God's own image. When one focuses on the worth of the person, and on the sorts of things that violate that worth, then liberal democracy begins to look to the religious person not strange but mandatory.

Let me close with the haunting words with which Paul Berman concludes his article on Sayyid Qutb:

Who will speak of the sacred and the secular, of the physical world and the spiritual world? Who will defend liberal ideas against the enemies of liberal principles in spite of liberal society's every failure? President George W. Bush, in his speech to Congress a few days after the September 11, 2001 attacks, announced that he was going to wage a war of ideas. He has done no such thing. He is not the man for that.

Philosophers and religious leaders will have to do this on their own. Are they doing so? Armies are in motion, but are the philosophers and religious leaders, the liberal thinkers, likewise in motion? There is something to worry about here, an aspect of the war that liberal society seems to have trouble understanding   one more worry, on top of all the others, and possibly the greatest worry of all.[26]

[26] Berman, 'The Philosopher of Islamic Terror', 59.

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Citizenship, Religion, and Political Liberalism

Raymond Plant

The aim of this chapter is to focus on John Rawls's later writings and to raise the question of the nature of the relationship between citizenship and religious belief and identity in liberal societies in the light of this work, and of what I shall argue are its shortcomings. A normative theory of citizenship is one that seeks to identify the appropriate terms and conditions of membership of a political community and what belonging to that community means. Many accounts of citizenship and of political community have been oriented to the idea of the good—that is, that society and its political organization have to be geared towards the achievement of a specific kind of human flourishing, a particular kind of good. Indeed, many of these have had a religious basis, seeing the political community—and within it the role of citizenship or belonging more generally—primarily in terms of religious categories and religiously based accounts of human flourishing and perfection, together with associated duties and obligations. They have been *teleological* or *perfectionist* theories, connecting a sense of belonging to society with a set of political goals involving a common conception of the good, as opposed to *deontological* theories, which have sought the terms of belonging in the respect for mutual rights and liberties.

Rawls's theory is clear in that he does not think that a teleological or perfectionist theory of citizenship is a suitable, or indeed possible, political conception of citizenship for modern societies, given the degree to which they are characterized by value pluralism and dissensus. How could a perfectionist theory of modern liberal societies—one that embodied a particular conception of the good rooted in some kind of comprehensive religious or metaphysical doctrine—possibly form the basis of social unity and a sense of political community in a society marked by value pluralism and disagreement over such comprehensive doctrines? It is, however, not clear that his own *political* (rather than religious or metaphysical) conception of what it is to be

a citizen in a pluralistic society can in fact deliver what he believes it
is capable of, and thus rescue the normative basis of citizenship from com-
prehensive theories that have to invoke some specific and disputed concep-
tion of the good. The aim of this chapter is to address this question in one of
its most difficult areas—namely, to focus on the relationship in modern
Western societies of liberalism, pluralism, citizenship, and the role of religion
and other forms of allegiance to what Rawls calls 'comprehensive
doctrines'. To put the theme of the chapter initially in crude and broad
terms, what I want to discuss is the question of how far the justification of
the institutions and practices of a liberal society has to depend upon ideal or
perfectionist principles rooted in comprehensive doctrines, or how far the
alternative Rawlsian argumentative strategy set out in *Political Liberalism*
actually works.[1] Are the bonds of citizenship in a liberal society to be based
upon a perfectionist or comprehensive form of liberalism, or are they to be
found in Rawls's more political project based upon ideas like public reason
and overlapping consensus? What I want to focus upon is how liberal
principles, whether of the comprehensive/perfectionist or the Rawlsian sort,
can secure the allegiance of and a sense of common citizenship for those
whose primary moral ideals are rooted in a life of religious worship and belief.
Is it in fact the case that the thicker and richer and thus more perfectionist the
justification of a liberal political order is, the less authority it will have over
religious members of such a society, given that their beliefs may well be very
different from those invoked in such a perfectionist justification of liberalism?
If the central ideal invoked in the justification of liberalism is, for example, a
commitment to a perfectionist principle such as individual autonomy, how
does that secure the allegiance of religious people whose primary moral
framework may not acknowledge the centrality of that value or indeed its
importance at all?

Let us take a very specific issue to illustrate what may seem to be a very
abstract point. One crucial issue in relation to public policy in Western
societies is that matters of what have come to be called lifestyle, and perhaps
most particularly sexual lifestyle, are dealt with in a liberal society more and
more in terms of individual choice and autonomy and equal rights in respect
of the exercise of that autonomy. This is true, for example, of gay rights, the
age of consent, and the availability of pornography and abortion. Treating
these issues as matters of rights, autonomy, and equality has become the
default position of liberalism in modern society. It is certainly the case,
however, that many religious members of liberal societies do not want to

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[1] John Rawls, *Political Liberalism* (New York: Columbia University Press, 2nd edn., 1996).

concede this way of thinking about such matters and still want to link questions of sex, and most particularly issues about homosexuality and abortion, to particular and religiously founded conceptions of the good. Why should an individual religious believer, or for that matter a religious community, regard the primary value at stake in this argument as being that of individual autonomy? If part of the project of liberalism is to put the *right* before the *good*—that is to say, a right to the autonomous pursuit of an individual conception of the good before some kind of collectively affirmed sense of a basic moral order for society—what are the compelling reasons, if any, for someone with a rich and detailed conception of the good to be prepared to subordinate that conception to a general account of autonomy and equal rights, which is detached from any particular moral framework other than mutual non-interference? What sense of common citizenship could such a person have, if citizenship is seen primarily in terms of a common set of norms to protect individual autonomy and equal rights and does not at all take account of the religious beliefs to which such a person feels primary allegiance? It might be thought that the liberal position requires that such views, although sincerely held, should be regarded as private beliefs that should play no part in policy formation of a liberal society. The religious person, however, may well believe that these beliefs demand some kind of public articulation and consideration that may well be denied in the public morality of a liberal society.

From the liberal point of view it seems that there might be two sorts of answers to these questions. The first is to develop an account of liberalism embedded in what Rawls calls a 'comprehensive doctrine'. Such a doctrine would be a metaphysical or philosophical theory, which claims to be true and which underpins the centrality of claims to autonomy and equality. Such a theory might, for example, be attributed to Immanuel Kant and John Stuart Mill. The alternative might be to search for what Rawls sees as a political rather than a metaphysical theory of justice—one which is detached from disputed comprehensive doctrines, whether religious or philosophical, and which would be 'freestanding', as he puts it, in relation to such theories. From the standpoint of a religious believer, the first alternative provides a challenge to religious comprehensive doctrines, since liberalism would have one of its own; and the second looks as though it is not at all tied into the basis of religious belief. In neither case, it seems, might a person of strong religious convictions feel that liberal values have any hold over her and that she has any duty to give allegiance to them.

It might be argued, however, that this argument is proceeding too quickly. Is it not possible to provide a secure defence of liberal institutions that does

not commit itself on the one hand to the establishment of a particular moral ideal such as individual autonomy as foundational for liberalism, or on the other hand to a political defence that seems to detach liberal values from first-order comprehensive doctrines? Surely, it might be argued, there are defences of liberalism that would make the maintenance of liberal institutions more compatible with deeply held first-order moral convictions such as those embedded in the lives of members of faith communities. If this is not so, then liberalism is on very insecure grounds; for if the ultimate justification of liberal institutions is based upon a value or set of values that are not the primary values of significant moral communities in such a society, then what allegiance can members of such communities owe to liberal values and the institutions and policies that flow from them? Political structures have to grow out of what Hegel called 'the ethical life of society'; and if the values embodied in such structures are not in fact rooted in that ethical life as it is lived in significant moral communities, then such liberalism will be rootless.

There are ways in which this question can be approached that do not on the face of it involve the idea that liberalism requires strong and perfectionist ideals, and which indeed take as their starting point the ways of life of particular communities within a modern society. These approaches may involve what John Rawls calls '*modus vivendi*' arrangements. Before looking at these, however, I want to consider two other suggestions about the case for liberalism.

It won't do at this stage to say that liberalism has no positive content of its own, whether ideal or non-ideal, and that it is just a kind of *coping* mechanism—just a way of dealing with pluralism. This won't do because if liberalism is to be defended, it has to be recognized that it is not the only political response to pluralism. There are other ways too that don't lie very far behind us in the twentieth century. These are forms of fascist totalitarianism, which sought not to cope with pluralism, but to overcome and obliterate it. This theme can be seen, for example, in Hitler's *Table Talk* and in Mussolini's *The Doctrine of Fascism*, which is a root-and-branch critique of liberal individualism. So to rest the moral security of liberalism on the basis that it is a way of coping with pluralism is to render it morally very weak in the face of such threats, which are unlikely to have disappeared from the world for good. In fact there are some thinkers—for example, Thomas Hobbes and Carl Schmitt[2]—who argue that pluralistic disagreements are endemic to the modern world, and that they can only be dealt with by the exercise of

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[2] Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996).

power and not by some kind of normative framework within which disputes can be resolved; for such a framework is not available. The only way of rebutting these arguments is to produce a positive and realistic defence of liberalism, and not just to assume that it is a default coping mechanism—for its position is very far from being the default one.

Equally it will not do to become overly sceptical about morality when facing up to the justification of liberalism. It is easy enough to slip from acknowledging the fact of pluralism to thinking that this implies moral scepticism—the view that values are a matter of purely subjective choice or emotional attitude, which cannot be justified by any kind of general rational arguments. This is not the place to go into the debate about pluralism and scepticism, although it seems clear that the former does not logically imply the latter. It is perfectly possible, as Isaiah Berlin showed, to be a pluralist and definitely not a sceptic.[3] It cannot be the case, however, that liberalism can somehow be justified by moral scepticism, because it is obvious that there would be a dual problem if it were. First of all, how can a political doctrine such as liberalism be rooted in a commitment to moral scepticism, because that scepticism would undermine any firm moral basis for it? Secondly, if *per impossibile* we could base a positive argument for liberalism in moral scepticism, that scepticism would not be a basis for liberalism that those belonging to strongly credal religious communities could accept. Why should they have a sense of allegiance to a political order that is supposed to be based upon a general scepticism about values, when they regard their own moral beliefs as true? It would be absurd to think that those holding comprehensive doctrines to be true should subordinate their beliefs to a set of requirements allegedly grounded in scepticism about all beliefs. So liberalism cannot be founded on what has been called the fundamentalism of doubt—that is to say, fundamental and pervasive doubt about basic moral values. It must, however, recognize that there is a plurality of views about basic moral values, which are not themselves doubtful to the people who hold them.

This is the central problem for liberalism: how to build a justification for liberal institutions to which citizens can have a sense of allegiance in the context of pluralism, and which will be rich and compelling enough to make liberalism more than a way of coping; while at the same time not being so rich as to override, subordinate, and weaken the allegiance of those who hold to one or other of a plurality of moral outlooks.

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[3] For a discussion of this aspect of Berlin's work see J. N. Gray, *Isaiah Berlin* (New York: HarperCollins, 1995); and B. Williams, 'Introduction' to *Isaiah Berlin: Concepts and Categories* (London: The Hogarth Press, 1978).

One way of looking at this is what Rawls calls a '*modus vivendi*' argument. In his work *Political Liberalism*, Rawls situates his account of *modus vivendi* in the historical context of regimes of toleration in Europe that emerged gradually and through great sacrifice out of the decimating effects of the Wars of Religion immediately following the Reformation. Political, economic, and moral exhaustion led to the development of a politics of mutual toleration of opposing views, a willingness to live and let live—or what Rawls calls a '*modus vivendi*'. A *modus vivendi* regime is based ultimately not on grounds of general moral principle, but on deliberation and prudential calculation. The parties to a *modus vivendi* do not have to accept the value or truth of the other's point of view. They don't have to accept general philosophical arguments in favour of mutual toleration. Rather, a *modus vivendi* is based upon the idea that in the context in which there has been strife as the result of commitments to incommensurable moral values and comprehensive religious doctrines, it will dawn upon the protagonists that neither side is going to prevail and that articles of peace have to be drawn up. The approach is rooted in a prudential calculation of the limits of the power of the groups that each side represents, and the recognition that neither side is going to prevail. This does not produce the adherence of the conflicting parties to a set of moral and political principles of an ideal sort which, as it were, transcend their particular differences—as, for example, an adherence to a philosophically based doctrine of toleration might. Mutual tolerance is founded on the idea of prudential calculation, rather than the Millian idea that we need mutual toleration in order to arrive at deeper and richer conceptions of the truth in all its manysidedness and complexity. Each side might well be perfectly confident that it knows what the truth is, and for them the practice of toleration is not grounded in a general doctrine or principle of toleration, but in the mere recognition of the limits of power and mutual vulnerability.

It might be, of course, that while a *modus vivendi* is brought into being by prudential calculation, over time it will transform itself into a more principled doctrine, in which toleration becomes accepted on the basis of some sort of independent principle rather than of prudential calculation from within different and incompatible doctrines and outlooks. Take the case of Northern Ireland. The Good Friday Agreement of 1998 might best be thought of as a *modus vivendi* agreement, which was initially born out of prudence against the background of the recognized limits of the power of both Republicans and Unionists, Catholics and Protestants. It is unlikely that the main protagonists had come to see the justice and value of their opponents' points of view, and committed themselves to an agreement based upon such a positive outlook. Nevertheless, over time it might well be that a prudential *modus vivendi* will

provide the background for the development of a more positive and principled commitment to a liberal and tolerant political order.

If one wished to look at a *modus vivendi* justification for liberalism in a positive light, one could stress that it allows each member of the plurality of groups making up a liberal society to maintain the integrity of its belief system, even if these beliefs are of a monistic sort—that is, holding that ideally society should be ordered according to the principles of that group—just so long as these claims are constrained by a recognition of the demands of prudence. That is the only principle on which contending parties have to be agreed. There is no requirement that beliefs be made subordinate to some more ideal liberal principle such as the principle of autonomy or of equality. Over time coexistence between such groups based on prudential grounds might grow into something more—but that would be a matter of historical evolution, and not due to some kind of antecedent moral and philosophical commitment to ideal principles. Such ideals might emerge, but there is no guarantee of that. If they do emerge, however, it will be the result of a process of evolution of ideas and practices within groups rather than some kind of independent commitment to a framework of moral principle antecedently constraining the behaviour of such groups.

On the face of it this might look to be a good political justification of liberalism and a good basis for liberal citizenship, because it makes no metaphysical or ideal claims that could strain the allegiance of members of the plurality of groups. Nor does it require the parties to the agreement to change the nature of their beliefs. It is only their political claims which have to be moderated by the prudential constraints central to the *modus vivendi*.

This benign picture, however, leads to very considerable doubts. The first doubt, which has been well articulated by Rawls and Charles Larmore,[4] is that since a *modus vivendi* is not in fact based upon an agreement of principle, but rather on considerations of prudence, it will be unstable. This is because a *modus vivendi* is arrived at as the result of groups recognizing that they do not have the power to get their own way. As participants in the *modus vivendi* they have not abandoned the ambition that their particular beliefs should shape the agenda of public policy. Rather, members of such groups have reasoned that they will not have the power to attain this goal in prevailing circumstances. However, the whole point is that such circumstances might change. A particular group based upon some particular comprehensive religious or other doctrine may become more powerful, whether numerically or in other

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[4] Charles Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996).

ways. In such circumstances they will no longer have prudential reasons for constraining their behaviour and their campaigning. Because, as it were, the *modus vivendi* position has not required them to internalize liberal principles, such an increase in power might give them every incentive to break the terms of a *modus vivendi* agreement. It might be argued that this is what has happened with the 'Moral Majority' in the USA. Religious groups may not feel constrained by an attachment to *modus vivendi* arrangements when their power increases. The counter-argument to this is that, as I argued earlier, it is quite possible that initial *modus vivendi* arrangements will lead to a greater sense of respect and tolerance for foreign points of view. There is no necessity about this, however, and I think that it has to be conceded that the alternative is just as likely to happen when the power of one party increases.

It is also argued by critics that a *modus vivendi* will be very difficult to sustain in hard cases of public policy, and therefore that something more substantial in the way of agreement on principle is necessary in such circumstances. Take, for example, the case of abortion or gay rights. It is inevitable that these are going to be major issues in public policy, and they are also issues about which those who adhere to comprehensive metaphysical and religious doctrines may well have very strong views. Indeed, it could be argued that these matters are not just about policy decisions within some agreed constitutional framework, but in fact are more basic and relate to that framework itself: who is to be the bearer of rights and the subject of justice (gays? foetuses?) and whose rights are to have priority (foetuses or women)? A liberal polity is likely to protect the woman's right to choose in the case of abortion, and equal rights in respect of the age of consent or marriage rights in the case of lesbians and gays. Religious groups may well object to this and may not conceptualize the issue in terms of rights and equality at all. A polity based upon a *modus vivendi* would be likely to require such groups to treat their moral and metaphysical objections to such practices as matters of private belief: that within their own religious community such behaviour may be the subject of censure and discipline, but that these beliefs should not affect public policy. Here, in the view of critics, lies the weakness of a *modus vivendi* arrangement. The religious believer will not want to treat his or her religious convictions as matters of private belief and as having only personal salience, and will have *no reason of principle* at all to do so, since the *modus vivendi* has not required principled attachment to ideas such as rights and equality. The only reason for constraining belief rests on prudence, and the considerations that dictate a prudential approach to questions may change with a possible increase in power on the part of the group.

So, it might be argued, despite the undoubted attraction of its not making the demand of assent to liberal principles, a *modus vivendi* approach will

nevertheless not do. The reason lies in precisely what looks, superficially, to be its strength, namely its lack of demands in terms of principle. As we have seen, this is likely to be a fatal flaw unless very favourable circumstances lead a *modus vivendi* to develop into a more principled set of arrangements as the result of learning mutual respect and the positive value of toleration. However, this still concedes the point, namely, that there has to be an agreement of principle that is arrived at, and yet there is no certainty that a *modus vivendi* will in fact lead to that. So we need to look elsewhere.

Rawls has provided an alternative perspective that is well worth exploring, namely, the idea of an overlapping consensus. Like the *modus vivendi* approach, Rawls's position here stresses that the idea of an overlapping consensus has to be seen as a political and not a metaphysical doctrine. He shares with the advocates of the *modus vivendi* the view that there are major dangers in liberalism itself being seen as a comprehensive or perfectionist doctrine—that is to say, a position with a thick moral content of its own focused on ideals like autonomy, equality, and rights rooted in a comprehensive moral doctrine. This would make political liberalism one of the rival comprehensive doctrines in a pluralist society, and it would therefore make liberalism part of the problem of pluralism, not its solution. At the same time he is the author of the view that a *modus vivendi* position demands far too little in the way of principle. So the challenge is how to develop a conception of political liberalism that can provide a principled basis for a liberal political order, and which can command the allegiance of groups within a society marked by what Rawls repeatedly calls 'the fact of pluralism', while at the same time not rooting that principle or set of principles in its own comprehensive moral and metaphysical doctrine.

Rawls's much discussed answer lies in the idea of an overlapping consensus. This is the idea that the institutions of a liberal society, and debates on public policy within those institutions, should be sustained by an overlapping consensus between the plurality of groups that make up a late modern democratic society. In his view, political liberalism has to be a political and free-standing conception: free-standing in the sense that it does not depend for its justification on one unique comprehensive doctrine. Ideas like freedom, equality, and justice have a central place in liberalism, but they can in fact be endorsed by people loyal to competing and incommensurable comprehensive doctrines, if those doctrines are believed in a *reasonable* way. His idea is that adherents of comprehensive doctrines such as religious believers, while they hold their beliefs to be true, nevertheless accept that it is reasonable for other people to disagree with them. They may therefore be led to accept that their own beliefs cannot be the sole foundation for public institutions and public policy. The reasons for action that are wholly internal

to a belief system cannot form the basis of a form of public reason, if it is accepted that it is reasonable for other people to disagree with that belief system. The recognition of this will mean that those who adhere to reasonable comprehensive doctrines will in fact be seeking for a set of values to do with freedom and equality, in order to shape the society within which individuals and communities can freely and equally pursue the values embedded in their comprehensive doctrines, while recognizing the rights of others to do the same. Reasonable people are those who hold their doctrines in the way described and also seek political arrangements that will allow conceptions of the good to be pursued in a situation of freedom and equality. Hence the job of public reason is to arrive through deliberation at a set of principles which do not rely on any specific comprehensive doctrine, but which can be agreed upon via an overlapping consensus between those who adhere to reasonably comprehensive doctrines—that is to say, those who, while accepting those doctrines as true, nevertheless regard it as reasonable for others to disagree with them. This is how Rawls describes this political conception of a liberal polity:

in such a consensus each of the comprehensive philosophical, religious and moral doctrines accepts justice as fairness in its own way; that is, each comprehensive doctrine from within its own point of view, is led to accept the public reasons of justice specified by justice as fairness. We might say that they recognise its concepts, principles and virtues as theorems, as it were, at which their several views coincide. But this does not make these points of coincidence any less moral or reduce them to mere means. For, in general, these concepts, principles and virtues are accepted by each as belonging to a more comprehensive philosophical, religious, or moral doctrine.[5]

In the context of citizenship Rawls makes an explicit link between the nature of citizenship in a liberal society and what he calls 'public reason'. In *Political Liberalism* he makes the point in the following way:

Why should citizens in discussing and voting on the most fundamental political questions honour the limits of public reason. . . . Since the exercise of political power must be legitimate, the ideal of citizenship imposes a moral not a legal duty   the duty of civility   to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.[6]

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[5] John Rawls, 'Justice as Fairness: Political Not Metaphysical', in id., *Collected Papers*, ed. S. Freeman (Cambridge, Mass.: Harvard University Press, 1999), 411.
[6] Rawls, *Political Liberalism*, 217.

A shared sense of public reason embodies the view that constitutional arrangements can only be justified in terms of arguments and principles that can be regarded as reasonable, which are supported by an overlapping consensus between different value systems, and which are endorsed in their different ways within those systems. As such, these reasons will be acceptable to the whole range of people within society, or at least those who adhere to comprehensive doctrines in a reasonable way. As we shall see later, however, this does raise some deep issues about how adherents to comprehensive moral, religious, and political views can come to assent to the nature, scope, and content of public reason.

One important point that follows from this is that Rawls wants to distinguish between the person as a citizen on the one hand, and with his or her own sense of attachment to comprehensive doctrines on the other. As a citizen the individual is oriented to the idea of the free and equal framework within which conceptions of the good can be pursued. As a person with ideal attachments he or she will pursue what their particular comprehensive doctrine requires, but not in the public sphere since the desire to impose the requirements of that doctrine would not be consistent with recognizing that it is reasonable for others to disagree with them. One way of putting this point is to say that religious and metaphysical beliefs become part of the non-political world, although through the overlapping consensus they do support the basis of the liberal constitution in freedom and equality.

I want to draw attention to one or two further issues in relation to public reason. It might be objected that I have overextended the account of public reason to include reasoning about policy, rather than restricting it to the constitutional basis of the liberal state, which is what is justified by public reason and supported by the overlapping consensus. I do not think that this position can be maintained. Public reason does extend to public policy too; in which case the tension between Rawlsian liberalism and religious belief is exacerbated. If policies as well as basic institutions have to be justified by public reason, then this clearly limits the use of conceptions drawn from comprehensive doctrines that can be used in political debate. There are two reasons for thinking that public reason extends to policy as well as to basic laws. The first is a point that I have already made, namely that many policies have constitutional implications or are concerned with the scope of the constitutional base: gay and lesbian rights, abortion, some issues to do with asylum and immigration that relate to the role of citizenship, and in the UK after the passing of the Human Rights Act many issues that would previously have been regarded as policy matters but are now seen as having implications for basic rights. In this sense public law has grown and will grow further and more policy issues will come under its domain, and all of this will be

supported by public reason and not by private reasons rooted in comprehensive doctrines. My second reason is that Rawls himself suggests at various points that, while the main focus of public reason is constitutional essentials, his account of public reason could nevertheless also apply to policy issues.

So the doctrine of the overlapping consensus in Rawls's view avoids the basic instability of the *modus vivendi* solution, while avoiding making liberalism itself a thick comprehensive doctrine. Is it possible to regard this as the solution to the problem with which we started: how to secure the allegiance and commitment of individuals and groups, which maintain strong comprehensive doctrines, to the principles of a liberal order or justice-as-fairness as Rawls calls it? Rawls's theory can only work if it does not surreptitiously invoke thick moral principles of its own which would have to be embodied in comprehensive doctrines. There are some doubts, it must be said, on that score.

The first relates to Rawls's characterization of the parties to the agreement arising out of an overlapping consensus in the context of pluralism. He argues as follows: 'The basic intuitive idea is that in virtue of what we might call their moral powers, and the powers of reason, thought and judgement connected with these powers, we say that persons are free. And in virtue of having these powers to a requisite degree to be fully cooperating members of society, we say that persons are equal.'[7]

Now hereby hangs a problem in that the characterization of the parties to the project of arriving at justice-as-fairness by means of the overlapping consensus already invokes two distinctly moral concepts, namely freedom and equality, the detailed interpretation of which is disputed between comprehensive doctrines. Further, Rawls has placed at the start of his argument two basic liberal principles or values, namely liberty and equality, and he makes it clear that these are to act as constraints on the achievement of the overlapping consensus:

The fair terms of social cooperation are conceived as agreed to by those engaged in it, that is, by free and equal persons as citizens who are born into the society in which they lead their lives. But their agreement, like any other valid agreement, must be entered into under appropriate conditions. In particular, these conditions must situate free and equal persons fairly and must not allow some persons greater bargaining advantages than others. Further, threats of force and coercion, deception and fraud, and so on, must be excluded.[8]

So Rawls is giving priority to two basic liberal principles as constraints on what can be reflected in an overlapping consensus. That is, there is an

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[7] Rawls, *Political Liberalism*, 19.   [8] Rawls, 'Justice as Fairness', 399.

antecedent commitment to two liberal principles before the process of arriving at consensus gets under way. This could be defended in one of two ways. The first would be to say that these two principles are part of a true comprehensive doctrine that should constrain the emergence of the overlapping consensus. This, however, is not a position open to Rawls, if he is to maintain the political rather than metaphysical nature of his liberalism. Rawls clearly sees these two values emerging from the idea of people holding comprehensive doctrines in a reasonable way.[9] As Rawls's *Theory of Justice* puts the right before the good, so *Political Liberalism* and the linked ideas of public reason and overlapping consensus set liberty and equality as prior constraints on the sort of agreement about the normative basis of institutions that might arise out of an overlapping consensus.

The crucial issue here is about the nature of reasonableness, because Rawls clearly sees the idea of citizens as being free and equal arising out of his idea of reasonableness. So what does he mean by it, and how objective is the idea? This point is crucial because if his conception of reasonableness is not neutral and already embodies liberal assumptions, then it is not clear that adherents of comprehensive doctrines would limit their claims on the public sphere by its requirements. Central to this point in Rawls's argument is the idea of the burdens of reason or judgement. In his view the idea of reasonableness arises from a clear recognition of these burdens. What he has in mind are the following considerations:

(a) the fact that empirical evidence in relation to claims about human flourishing and other fundamental goals disagreed with in society is complex and hard to evaluate;

(b) even if the empirical evidence is clear we may differ over the weight given to different items of evidence;

(c) since all concepts, including moral and political ones, are vague and subject to hard cases, we have to rely on judgement and interpretation, over which reasonable people may differ;

(d) the way in which we approach evidence and interpretation may well reflect our overall experience of life, and this will always differ from person to person;

(e) different sorts of normative consideration may apply to the issue under question, and it is difficult to make an overall assessment of these that can be agreed;

[9] Rawls, *Political Liberalism*, 48 54.

(f) there may be a limited number of values that can in fact be admitted within any particular set of social and political institutions, and we may have to make hard and controversial choices about these.

According to Rawls, the recognition of the reality of these burdens will lead people to adopt a reasonable view about their own beliefs and seek a society in which the justification of basic institutions can be accepted on a basis common to all, even though this will be endorsed in terms of a variety of points of view. Basic to this scheme of justification through public reason—that is to say, a set of reasons not internal to comprehensive doctrines—is an acceptance of the basic principles of freedom and equality. For Rawls, therefore, there is an intrinsic link between reasonableness and the basic principles of political liberalism. However, its salience extends only as far as those who accept reasonable views of their own beliefs and thus, given the link between reasonableness and liberalism, are already liberals—at least implicitly. So why should an adherent of a comprehensive doctrine accept what Rawls says about liberty and equality here, unless such a person were already at least implicitly committed to liberal principles? That is to say, to use Richard Rorty's terminology, Rawls is in fact articulating the ethos of a liberal society.[10] He is not trying to give any foundational support to it, since that would involve comprehensive doctrines. So on this view *Political Liberalism* is addressed to those who are already political liberals. Its legitimization pool, as Professor Friedman argues in *Autonomy, Gender and Politics*,[11] comprises those who are already committed to liberal principles such as liberty and equality. Far from giving a *reason* to adherents of comprehensive doctrines to join in the legitimization pool, it articulates the conditions for an overlapping consensus within a liberal society. It is not addressing those who are outside this liberal moral framework.

Rawls could well counter this point by arguing for the absolutely basic nature of reasonableness—perhaps by seeing it as derivable from rationality itself. However, he eschews this approach since he wants to make his account of liberalism free-standing in relation to basic philosophical theories; and he could hardly do this by trying to underpin his account of reasonableness through an appeal to some account of rationality, which would probably be philosophically controversial. All the weight in favour of reasonableness thus has to fall on the burdens of judgement, but unless adherents of comprehensive doctrines are already liberal in relation to their own belief systems, it is

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[10] Richard Rorty, *Objectivism, Relativism and Truth* (Cambridge: Cambridge University Press, 1989).

[11] Marilyn Friedman, *Autonomy, Gender and Politics* (Oxford: Oxford University Press, 2003), 163ff.

not clear that they will in fact recognize all or even some of these burdens of judgement. What is lacking, and what is needed, is an independent account of reasonableness.

Moreover, given that Rawls is attempting to provide a justification for the basic role of freedom and equality within liberalism, and thereby more generically a liberal account of justice, it is not at all clear why his account of these two values is not equally subject to the burdens of judgement, with equally disabling results for agreement. If they are exempt from these burdens, for whatever reason, then it is not at all clear why conceptions of the good have to be subject to them. If we can agree about the centrality of freedom and justice through reasonable dialogue, why can we not come to agree on conceptions of the good, even if limited ones which in turn could be endorsed by an overlapping consensus? Freedom and justice are concepts subject to a variety of conflicting interpretations, each of which is very likely to involve some conception or theory of the good. If this is so, then it is not clear that freedom and justice can be seen as part of public reason, given that disputes about conceptions of the good are supposed to be the business of private reason. Rawls argues that issues of the fundamental nature of justice are to depend upon 'plain truths now widely acceptable or available to citizens generally'; but it is not at all clear how this works in practice, given the contested nature of freedom, equality, and justice and given his own points about the use and weight of empirical evidence in his account of the burdens of judgement.

In addition, it can also be argued that at one point Rawls quite explicitly appeals to his conception of justice as a comprehensive doctrine, when trying to deal exactly with the point with which I started this essay:

Nevertheless, in affirming a political conception of justice we may eventually have to assert at least certain aspects of our own comprehensive (by no means necessarily fully comprehensive) religious or philosophical doctrine. This happens whenever someone insists, for example, that certain questions are so fundamental that to ensure their being rightly settled entails civil strife. The religious salvation of those holding a particular religion, or indeed the salvation of a whole people, may be said to depend on it. At this point we may have no alternative but to deny this and to assert the kind of thing that we hoped to avoid. But the aspects of our view that we assert should not go beyond what is necessary for the political aim of consensus.[12]

To be fair, the case that Rawls cites—civil strife—may seem a rather desperate one that rightly calls for desperate measures, namely the assertion of at least

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[12] John Rawls, 'The Idea of an Overlapping Consensus', in *Political Liberalism*, 152.

part of a comprehensive doctrine; and so it could be argued that Rawls's inconsistency is justifiable at this point.

Nevertheless, there are other problems. The first arises when we go back to what Rawls calls 'reasonable comprehensive doctrines'. Recall that it is these doctrines that will contribute to the overlapping consensus. So how does Rawls describe such doctrines? In *Political Liberalism* he argues as follows:

The doctrine any reasonable person affirms is but one reasonable doctrine among others. In affirming it, a person, of course, believes it to be true, or else reasonable as the case may be. Thus it is not in general unreasonable to affirm any one of a number of reasonable comprehensive doctrines. . . . Beyond this, reasonable persons will think it unreasonable to use political power should they possess it, to repress comprehensive views that are not unreasonable though different from their own.[13]

This point is not, however, as benign as it seems from the standpoint of an adherent to a comprehensive doctrine. Rawls wants to distinguish between a reasonable person who holds a comprehensive doctrine in the way described and a sceptic, since scepticism cannot be the foundation of a liberal polity. However, in the case of religious beliefs particularly is it in fact possible to distinguish between holding religious beliefs in this reasonable way and scepticism?

To elucidate this point we need to refer to other work, since Rawls does not discuss this point to any great degree. The issue of the relationship between the individual and his or her beliefs has been well discussed by Thomas Nagel[14] and Brian Barry,[15] and in a way that bears upon the issue of the possible role of comprehensive doctrines in relation to public policy in a liberal society. Nagel argues the case for what he calls 'epistemological restraint' in this context. The claim is that it is perfectly consistent for an individual to accept the truth of some religious doctrine, while still accepting that it would be wrong to make it the basis of public policy in a society where some would reject it. Nagel thinks that the basis for this claim is what he calls 'epistemological restraint', and that this in turn depends crucially upon a distinction between the public and the private:

We accept a kind of epistemological division between the private and public domain: in certain contexts I am constrained to consider my beliefs merely as beliefs rather than as truths, however convinced I may be that they are true, and that I know it. This is not the same thing as skepticism.[16]

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[13] John Rawls, 'The Idea of an Overlapping Consensus', in *Political Liberalism*, 60.
[14] Thomas Nagel, 'Moral Conflict and Political Legitimacy', *Philosophy and Public Affairs*, 16 (1987).
[15] Brian Barry, *Justice as Impartiality* (Oxford: Clarendon Press, 1995).
[16] Nagel, 'Moral Conflict', 230.

According to Nagel, this distinction between public and private assessment of beliefs and their implications is partly a matter of the nature of the evidence, and partly a matter of morality. He argues that 'the distinction between what is needed to justify belief and what is needed to justify the employment of political power depends upon a higher standard of objectivity which is ethically based'. This ethical dimension is linked to the idea that, in the public realm, political deliberation depends upon the idea of arriving at a judgement on a public or communal basis: 'it must be possible to present to others the basis of your own beliefs so that once you have done so, they have what you have and can arrive at a judgement on the same basis.' This is very close to Rawls's idea of public reason, but Nagel wants to go deeper into the question of whether or not this implies the same thing as scepticism towards one's deepest convictions. He draws a crucial distinction between an *internal* attitude towards one's beliefs and an *external* or *impersonal* one—a distinction which does a lot to illuminate Rawls's idea of holding a comprehensive view in a reasonable manner, which includes accepting the idea that it is reasonable for others to disagree with you. Nagel makes the point as follows:

The idea is that when we look at certain of our convictions from outside, however justified they may be from within, the appeal to that truth must be seen merely as an appeal to our beliefs and should be treated as such unless those beliefs can be shown to be justifiable from an impersonal standpoint.[17]

So epistemological restraint constrains the sorts of beliefs that can enter the public domain and it is also different from scepticism. This last point is vital in respect of Rawls because it is no part of his project to require that people should hold their beliefs sceptically—indeed it would be highly illiberal for Rawls to seek to dictate the terms on which a person should hold his or her beliefs. However, it is not at all clear that the doctrine of epistemological constraint can in fact be differentiated clearly from scepticism. The central point here has been well made by Brian Barry:

A partisan of epistemological restraint would suggest that I might be absolutely convinced of the veridical nature of this revelation while nevertheless admitting that others could reasonably reject my evidence. But is this really plausible? If I concede that I have no way of convincing others, should that not also dent my own certainty?[18]

If Barry's criticism is correct, and I think that it is, and if something like Nagel's view is linked to Rawls's idea of reasonableness in holding comprehensive doctrines, then it is hard not to conclude that under the burdens of

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[17] Ibid.   [18] Barry, *Justice as Impartiality*, 79.

judgement Rawls is requiring people to adopt beliefs in a sceptical and detached way. If this is a condition of an adherent of a comprehensive doctrine being drawn into the overlapping consensus, then either it requires an exercise of power and Rawls's theory veers back to the *modus vivendi* position, or it is rooted in moral principle—in which case liberalism becomes a comprehensive doctrine in that it requires beliefs salient to the public realm being held in one way rather than another.

This point can be put in another way that has some obvious practical importance. How does it happen that comprehensive doctrines can come to be held in a reasonable way by citizens in a society based upon ideas like those set out in *Political Liberalism*? This is a question that Rawls does not sufficiently focus on, and yet it poses problems for the coherence of his theory as a political solution to the problem of pluralism. It can, for example, be argued that the educational system of such a society would in some sense have to require that adherents of comprehensive doctrines be taught those doctrines in a way that stresses the idea that it is reasonable for others to disagree with them. After all, this is what makes them *reasonable* comprehensive doctrines. But, of course, this might not be the way that adherents to those doctrines would in fact want them to be taught. The point has been well put in a slightly different context by Will Kymlicka when he argues that '[f]inding a way to liberalise a cultural community without destroying it is a task that liberals face in every country'.[19]

What if the members of such a community do not wish to be liberalized? Does Rawls's political view of liberalism provide sufficient moral and political resources to justify doing this by coercion, if necessary? In the Netherlands, for example, imams are allowed to teach and preach only if they have been trained in Dutch values of tolerance. Irrespective of whether or not one approves of this, it raises in an acute way the question of the moral resources that liberalism must own in order to justify such a policy before a community of believers in a comprehensive doctrine who resist this liberalization of their faith. So given that such comprehensive doctrines—typically religious beliefs and practices—are part of civil society, how can the practice and transmission of those beliefs be legitimately restricted by a liberal polity?

It might be thought that there can only be two answers to this question. The first, which is not open to Rawls, would be to draw down on the values of liberalism as itself a comprehensive doctrine with ideas about autonomy, deliberation, dialogue, etc. at its heart. On this basis a liberal society based on a thick form of perfectionist liberalism would be able to invoke the

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[19] Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), 170.

principles of that liberalism to constrain the framework within which comprehensive doctrines would be taught. However, for Rawls this is precisely the problem. In the context of a pluralism of comprehensive doctrines the invocation of liberalism as one such doctrine to constrain the behaviour of others would seem illegitimate to them. Rawls's own ideas on this topic in *Political Liberalism* are likely to involve precisely the same difficulties. The problem is clear: to arrive at an overlapping consensus, the idea of reasonableness has to be accepted by or imposed on contending comprehensive doctrines. Now, this might be thought to be legitimate if, as Rawls implies at various points in *Political Liberalism*, political values and the need to arrive at a procedure—the overlapping consensus—are seen as basic or the highest priority to all those groups in society holding comprehensive doctrines. But this itself must be contentious within comprehensive groups. Why should a group of religious believers, for example, constrain the way they understand and teach their religion—which they may well think to have intrinsic social and political import—because of the claimed priority of the political, or the claimed priority of the right over the good, or for that matter the demands of social cohesion and social unity? Now, I do not want to be misunderstood here. I fully accept that within a Rawlsian framework once an overlapping consensus has been achieved, then adherents of comprehensive doctrines will be likely to subordinate their view of the good to the demands of political values—a point that Rawls makes very clear on pages 147–8 of *Political Liberalism* (1996). I am talking, rather, about the way in which an overlapping consensus, *gets constructed in the first place and how people are drawn into it and on what terms.* Prior to the achievement of the overlapping consensus, what common reason would citizens in a Rawlsian type of society have for constraining their own value system by the demands of reasonableness?

The problem can be put in this way: is there in Rawls's theory any answer to the question of how and on what legitimate basis can we politically coerce unreasonable people—that is, unreasonable people under his definition: those who hold comprehensive doctrines but who do not regard it as reasonable that others disagree with them? If Rawls is setting out in *Political Liberalism* not to justify liberalism so much as to articulate and make explicit its *ethos*, which is Rorty's view, then it would seem that there can only be one of two responses to the question of the political coercion of the unreasonable. One is to say that these are the principles of a liberal society, this is how we liberals do things in the light of our history and our traditions, this is how we propose to carry on doing things, and if you are to stay within our society then you have to act within this ethos too. The other is just to act in a straightforwardly coercive way—a point of view which is given some salience by Rawls when in *A Theory of Justice* he argues that, while to hold a

comprehensive doctrine in a way that subordinates all our aims to one end does not strictly violate the principles of rational choice, it still strikes us as irrational or mad:

Human good is heterogeneous because the aims of the self are heterogeneous. Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice. It still strikes us as irrational, or more likely as mad. The self is disfigured and put at the service of one of its ends for the sake of system.[20]

If the unreasonable are either irrational or mad because they do not accept the heterogeneity of goals and the burdens of judgement, then it does not seem that there can be any reasoning with them; and their coercion is justified not on the grounds of foundational, perfectionist liberal principles, but rather in terms of the demands of maintaining the ethos of a liberal society with its commitment to an overlapping consensus constrained by reasonableness and thus a respect for liberty and equality. So it is very clear that the idea of unreasonableness is a strong one in Rawls, particularly when, as we have seen, he wants to argue that some comprehensive monistic views are irrational or mad. How can this claim be made good without an account of reason a lot thicker than the one Rawls sets out? It is difficult to think that such a conception of reason could be anything other than part of a metaphysical and epistemological theory of considerable comprehensiveness.

It therefore has to be doubted whether Rawls's theory, ingenious and humane as it is, can settle the question with which we started; and if that is so, and given the drawbacks of the *modus vivendi* approach, it is perhaps necessary to see whether there might not be more mileage in treating liberalism as a kind of comprehensive doctrine and in arguing the question of the relationship between liberalism and allegiance from that point of view. The problem with this in terms of the question with which we started is obvious: namely, if liberal values such as liberty and equality are to be seen as embedded in a comprehensive doctrine, then what is it that can give liberalism moral and political priority in a world of competing comprehensive doctrines? Posed in those terms, I don't think there can be an adequate answer to the question.

A more fruitful approach, however, might be a 'natural law' one along the lines developed by Alan Gewirth and John Finnis.[21] Here, the project is to see whether there is some kind of common, shared moral and political space for

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[20] John Rawls, *A Theory of Justice* (Oxford: Clarendon Press, 1972), 554. Rawls has St Ignatius Loyola in mind here.

[21] Alan Gewirth, *Reason and Morality* (Chicago: Chicago University Press, 1978) and *A Community of Rights* (Chicago: Chicago University Press, 1996); John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980).

reasoning about the nature of goods that have to be presupposed by any comprehensive doctrine, if it is to be intelligible. That is to say, are there any general or generic goods (perhaps corresponding to basic needs) that would have to be acknowledged as preconditions of any comprehensive doctrine, even if adherents of such a doctrine do not explicitly recognize them? For example, take this analogy. It might be argued that truth telling has to be recognized as a general precondition of any language, since if people did not tend to tell the truth, how could language be transmitted from one generation to another? Truth must be a basic value in speaking, even if in particular articulated moral codes and comprehensive doctrines it is not recognized explicitly. It still has to be presupposed in order to make sense of teaching and learning language in general and of the teaching and learning of the language of this moral code in particular. So are there any general preconditions for the exercise of moral belief, however divergent these beliefs may turn out to be; and if there are, could this not provide a basis for thinking about a common life and citizenship in the context of pluralism and incommensurable moral beliefs? It would provide a common basis for deliberating, not just about the right, but also about the good. In a way this approach reverses the direction of Rawls's approach, where through the overlapping consensus idea the aim has been to construct a common set of values as a result of the plurality of reasonably comprehensive doctrines. The 'natural law' approach starts at the other end: are there any goods that have to be recognized as generic goods by any moral code, whatever it may turn out to be? If Rawls's approach fails and an approach based on seeing liberalism as itself a contending comprehensive doctrine is fraught with precisely the difficulties that Rawls diagnoses; and if the alternatives are to see liberal values either as being based upon some kind of use of oppressive power or as impossibly rooted in scepticism; then looking for common values of humanity presupposed by differing value systems might just be the way to make progress on an issue that is vital to the identity and justification of liberal democratic institutions in a world where they have become very fragile.

3

Between Postsecular Society and the Neutral State

Religion as a Resource for Public Reason

Maureen Junker-Kenny

The predictable polarities, the culture wars, the stalemates reached in typical instances of political debate are unsatisfactory for many citizens. In view of a pluralism that is here to stay, John Rawls's well-known proposal is that of seeking an overlapping consensus from different background traditions. The proviso he establishes as a condition for partaking in discourse at the level of public reason asks citizens of religious and other world-views to give equivalent 'proper political' reasons for the positions inspired by their convictions.[1] For Jürgen Habermas, a thinker committed not just to the legacy of the Enlightenment but also to keeping its 'unfinished project' from 'derailing',[2] it is not enough to pass off irreconcilable tensions between spokespersons in the public realm as the inevitable by-product of the plurality that comes with modernization. Instead, in view of the entrenchment they cause it is the task of reason to call all sides to self-reflection and to initiate a process in which antagonistic perspectives can learn from each other. In his most recent book entitled *Between Naturalism and Religion*, the critical theorist makes the case for admitting all available resources to the processes of opinion and will

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[1] It demands that 'in due course proper political reasons — and not reasons solely given by comprehensive doctrines — are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support' (John Rawls, 'The Idea of Public Reason Revisited', *University of Chicago Law Review*, 64 (1997), 765–807, 784). This is a correction of the more restrictive position in *Political Liberalism* (New York: Columbia University Press, 1993).

[2] Jürgen Habermas, 'Prepolitical Foundations of the Constitutional State?', in id., *Between Naturalism and Religion*, trans. Ciaran Cronin (Cambridge: Polity Press, 2008), 101–13, e.g. 106, 111. 'Derailing' is a better rendering of 'entgleisend' than Cronin's 'uncontrolled'. In the quotations I use from his and other translations, I have sometimes added the original German terms.

formation of a democratic public. Absolutizing perceived oppositions, such as that between religion and science, undermines the democratic pluralist state. I shall discuss the new stage of Habermas's theory of communicative reason in its relation to religion and the public sphere by outlining the differences of his approach from that of John Rawls in two respects: the concept of reason to which we are answerable, and the burdens it imposes on secular and believing fellow citizens. My conclusion offers a view on the theological acceptability of Habermas's counter-proposal to Rawls.

The contrasting approaches of the two most-quoted theorists of the liberal democratic state, Rawls and Habermas, highlight some differences between North American and continental European discussions on what can count as 'public reason'.[3] Habermas's position shows its Kantian colours by calling for a distinction between *moral reasons* that can be shared by religious and non-religious fellow citizens, and different *world-views*, religious or secular, which the neutral state will leave undecided. What is new is that for him now the comprehensive doctrines corresponding to each of these world-views do not have to be silenced; indeed, they are asked to articulate and offer themselves in an open-ended conversation.

The Frankfurt philosopher's attempt to reconstruct the origins of the public sphere in the light of its systematic functions pre-dates the development of his 'discourse ethics': yet it presupposes his view of language as the human species' capacity of striving for mutual agreement.[4] This anthropological capacity is elaborated in its relevance for the political sphere. Reflection on the emergence of the public realm in turn led to a theory of interaction in which 'repression-free communication' ('herrschaftsfreie Kommunikation') became the normative goal. Habermas's understanding of 'public', of 'reason', and of the basis for a consensus are marked by this interrelation of a theory of democracy with a deontological approach to ethics. For debate to be repression-free, demands have to be symmetrical. What this means in relation to contributions from a religious background as resources for political decision making (Section 2) will be treated after exploring the type of consensus he singles out as the one citizens can be expected to agree on (Section 1).

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[3] Thomas McCarthy provided an early comparison of the two approaches from the per spective of their theories of democracy, more than under the aspect of their understanding of morality. See his 'Kantian Constructivism and Reconstructivism: Rawls and Habermas in Dialogue', *Ethics*, 105 (1994), 44 63.

[4] The reception of both themes in the English speaking world happened the other way around, with *Strukturwandel der Öffentlichkeit* being translated twenty three years after its original publication in 1966: Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (Cambridge, Mass.: MIT Press, 1989).

1. CONSENSUS: PRESUMED OVERLAP OR MUTUALLY ACCEPTABLE MORAL REASONS?

Two of Habermas's oldest criticisms of his liberal colleague's concept of democratic consensus have been the priority of negative private rights over joint democratic self-legislation, and the restriction of the critical dimension of 'public reason' when it is tied to accepted 'political values'. Both objections point to the level which the theorist of communicative action identifies as the benchmark of democratic will formation: it is the plane of principled *moral* agreement where consensus can be expected after all the participants in the discourse—which takes the place of the universalizing test performed by the individual in Kant's Categorical Imperative—have exchanged their reasons. They jointly endorse the outcome of their deliberations, having convinced, or having been convinced, by the force of the better moral argument. I shall explore the presuppositions of this proposal in three sections: Habermas's understanding of (a) democracy, (b) public reason, and (c) the universality of morality.

(a) Democracy as a normative project joining political and moral autonomy

The critical theorist's view of democratic legitimization can best be explained through his defence of democracy as a normative enterprise in his exchange with Joseph Ratzinger (i), in his definition of what 'Kantian republicanism' consists in over against Rawls's liberalism (ii), and through the highly demanding expectations it places on citizens (iii).

(i) Democracy, normative or empiricist?

Without 'idealizing assumptions' the concept of democracy degenerates into the power-play of majorities over minorities. Such an empiricist notion robs the idea of government by the people of its normative character. In his discussion with the (then) cardinal at the Catholic Academy in Munich in 2004,[5] Habermas resists the view that human rights are prior to democracy

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[5] I have treated their debate in greater detail in 'The Pre political Foundations of the State', in E. Borgman, M. Junker Kenny, and J. Martin Soskice (eds.), *The New Pontificate: A Time for Change?,* Concilium 2006/1 (London: SCM Press, 2006), 106 17.

and argues for their equal originality. Their exchange is worth quoting for the light it throws on the difference of his deontological approach over against Rawls's liberal one. Against Ratzinger, Habermas insists that morality and truth are not foreign to democracy; against Rawls he shows that the moral level unites private and political autonomy and that it carries a universal validity which goes beyond cultural plausibility structures.

Ratzinger qualifies his limited recognition of the majority principle of democracy with reference to Germany's experience in 1933, when the Hitler regime came to power legally through the *Ermächtigungsgesetz* voted on in the *Reichstag*. The

majority principle always leaves open the question of the ethical foundations of the law. This is the question of whether there is something that can never become law (*Recht*) but always remains injustice (*Unrecht*): or, to reverse this formulation, wheth er there is something that is of its very nature inalienably law (*was seinem Wesen nach unverrückbar Recht ist*), something that is antecedent to every majority decision and must be respected by all such decisions.[6]

Habermas regards this description as insufficient in its understanding of democratic rule as mere majority decision. He sees the 'legitimacy of legislation' as arising from 'a democratic procedure that secures the autonomy of the citizens'[7]—taking 'autonomy' in the Kantian sense of a self-legislation that respects the equally original freedom of the other. Against Karl Popper and other empiricist views, he points to the moral level of mutual recognition as equal partners in interaction by which democratic rule and human rights are always already mediated.[8] Equally, he argues that an orientation towards truth inheres in the concept of democracy. One does not have to introduce the idea of truth from a transcendent realm, in order to criticize abuse.

Ratzinger's concern, as developed in a related article, was the seeming antithesis between democracy and truth. The 'concept of truth has moved into the realm of the intolerant and the antidemocratic. . . . The modern concept of democracy seems to be irresolvably linked to relativism which

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[6] Joseph Ratzinger, 'That Which Holds the World Together: The Pre political Moral Foundations of a Free State', in Jürgen Habermas and Joseph Ratzinger, *The Dialectics of Secularization: On Reason and Religion*, trans. Brian McNeil (San Francisco: Ignatius Press, 2006), 53 80, 60.

[7] Jürgen Habermas, 'Reconciliation through the Public Use of Reason', in id., *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge: Polity Press, 1998), 49 73, 71.

[8] Jürgen Habermas, 'Religion in the Public Sphere: Cognitive Presuppositions for the "Public Use of Reason" by Religious and Secular Citizens', in *Naturalism*, 114 47. The reference to Popper appears on p. 135 n. 45.

itself appears as the real guarantee of freedom, especially of its essential core—freedom of religion and of conscience.' This perceived indifference to truth leads him to enquire about a core of moral truth also inside (but not of!) democracy. The cardinal asks

whether there has to be, after all, a non relativistic core also within democracy. Has it not ultimately been constructed around human rights that are inviolable so that their provision (*Gewährung*) and safeguarding is the deepest reason why democracy appears as necessary? Human rights are not themselves subject to the demand of pluralism and tolerance, they are the content of tolerance and freedom. . . . That means that a basic core (*Grundbestand*) of truth, namely of ethical truth, seems to be unrenounceable especially for democracy.[9]

This is a view which Habermas shares and has defended against sceptics of reason. The

democratic state of law that supports itself on a deliberative form of politics represents an epistemically demanding form of government that is, so to speak, truth sensitive. A 'post truth democracy,' which *The New York Times* declared to be in the ascendant during the last US presidential election, would no longer be a democracy.[10]

Both conversation partners hold the view that moral truth is not the product of majority power, but has to be its foundation. The distinction they draw between what is morally right and mere empirical majorities is important beyond social ethics and political philosophy; it implies for applied ethics that polls taken of public opinion regarding the admissibility of, for example, new and contested technologies cannot replace moral argumentation. The difference between the philosopher and the church leader is that the latter's formulations imply that truth is something given to humans, without elaborating on the steps in which divine and human truth can be mediated. For Habermas, democracy is built on the moral act of mutual recognition which is expressed in taking one's fellow citizen's perspective and learning from it. This includes, rather than brackets off, the other's convictions of what is true. In contrast to Rawls's strategy of avoidance, people's comprehensive views of truth are to be brought into their political deliberations as a necessary part of democratic opinion formation: 'everyone is required to take the perspective of everyone else and thus to project herself into the understandings of self

[9] Joseph Ratzinger, 'Was ist Wahrheit? Die Bedeutung religiöser und sittlicher Werte in der pluralistischen Gesellschaft', in *Werte in Zeiten des Umbruchs* (Freiburg: Herder, 2005), 49 66, 51. The English translation here is mine.
[10] Habermas, 'Religion in the Public Sphere', 143 4.

and world of all others'.[11] Besides the 'inclusion of all concerned . . . the democratic procedure owes its power to generate legitimacy to its deliberative character'.[12]

(ii) 'Kantian Republicanism'

The perspective taking implied in deliberative discourse expresses the recognition due to the other. While Habermas scales down his fundamental objections to a family quarrel within political liberalism and casts them as immanent corrections to the shared project of uniting the 'liberties of the ancients' with the 'liberties of the moderns',[13] Rawls's failure to achieve this expressed goal of his signifies a major parting of the ways between a liberal and a Kantian approach.[14] Rawls ends up prioritizing modern liberties which merely guarantee 'subjective private rights'.[15] Indicative is Rawls's statement, 'Political Liberalism allows . . . that our political institutions contain sufficient

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[11] Habermas contrasts the different avenues taken by Rawls in his *Theory of Justice* and by his own approach for operationalizing the moral point of view: 'Rawls imposes a common perspective on the parties in the original position through informational constraints and thereby neutralizes the multiplicity of particular interpretive perspectives from the outset. Discourse Ethics, by contrast, views the moral point of view as embodied in an intersubjective praxis of argumentation which enjoins those involved to an idealizing enlargement of their interpretive perspectives.

'Discourse Ethics rests on the intuition that the application of the principle of universaliza tion, properly understood, calls for a joint process of "ideal role taking"…Under the pragmatic presuppositions of an inclusive and noncoercive rational discourse between free and equal participants, everyone is required to take the perspective of everyone else and thus to project herself into the understandings of self and world of all others; from this interlocking of perspectives there emerges an ideally extended "we perspective" from which all can test in common whether they wish to make a controversial norm the basis of their shared practice' ('Reconciliation', 57 8).

[12] Habermas, 'Religion in the Public Sphere', 140.

[13] Habermas, 'Reconciliation', 51.

[14] While Habermas strives to develop his critique as an immanent one by aligning himself with Rawls's overall aims and quoting his more Kantian propositions to highlight the internal tensions, F. J. Bormann classifies his objections as pointing to a complete methodological alternative. Franz Josef Bormann, '"Public Reason" bei John Rawls', in F. J. Bormann and B. Irlenborn (eds.), *Religiöse Überzeugungen und öffentliche Vernunft: Zur Rolle des Christentums in der pluralistischen Gesellschaft* (Freiburg: Herder, 2008), 237 66, 255.

[15] Habermas, 'Reconciliation', 68 9. What concerns Habermas is that an 'uncontrolled [derailing] modernization of society could certainly corrode democratic bonds and undermine the form of solidarity on which the democratic state depends even though it cannot enforce it. Then the very constellation that Böckenförde has in mind would transpire, namely, the transformation of the citizens of prosperous and peaceful liberal societies into isolated, self interested monads who use their individual liberties exclusively against one another like weapons' ('Foundations', 107).

space for worthy ways of life, and that in this sense our political society is just and good'.[16] For the discourse ethicist, democratic legitimacy is achieved only by determining the political and the moral, public and private autonomy, the subject as co-legislator and as addressee of rights, through each other. The project is not about keeping a private sphere free from state influence, but about generating morally acceptable laws binding for all, including oneself, in the exercise of practical reason; the public space is not primarily one of liberties but one in which laws are worked out to which one can consent. Habermas distinguishes the two approaches—their understandings of the subject, of intersubjectivity, and of rights—as follows:

Political or constitutional liberalism starts from the intuition that the person and her individual way of life must be protected from the intrusion of state power.... Consequently, the distinction between the private and the public spheres takes on fundamental importance. It sets the agenda for the authoritative (*maßgebend*) interpretation of freedom: the legally guaranteed freedom of choice of private legal subjects creates the free space (*Schonraum*) for pursuing a plan of life informed by one's own conception of the good. Rights are liberties, protective barriers (*Schutz hüllen*) for private autonomy. From this perspective, the public autonomy of citizens who participate in the practice of political self legislation is supposed to make possible the personal self determination of private persons . . . public autonomy appears in the first instance as a means of realizing private autonomy.

   Kantian Republicanism . . . starts from a different intuition. Nobody can be free at the expense of anybody else's freedom. Because persons are individuated only by way of socialization, the freedom of one individual cannot be tied to the freedom of everyone else in a purely negative way, through reciprocal restrictions. Rather, correct restrictions are the result of a process of self legislation conducted jointly.... Once moral principles must be embodied in the medium of coercive and positive law, the freedom of the moral person splits into the public autonomy of co legislators and the private autonomy of addressees of the law, in such a way that they reciprocally presuppose one another.[17]

The joint root of popular sovereignty and human rights consists in determining the law-giving process as a joint exercise of political and moral self-legislation.[18] To be an addressee of the law and conform to the expectation of legality in one's 'private autonomy', in this view, is not a restriction, but

[16] Habermas, '"Reasonable" versus "True," or the Morality of Worldviews', in *Inclusion*, 75 101, 100, quoting Rawls, *Political Liberalism*, 210.
[17] Habermas, '"Reasonable" ', 100 1.
[18] Such 'an *a priori* boundary between private and public autonomy . . . contradicts the republican intuition that popular sovereignty and human rights are nourished by the same root' ('Reconciliation', 71).

belongs to one's moral dignity.[19] The division into public and private spheres is problematic both for normative and for empirical reasons. Taking on board Seyla Benhabib's feminist critique, Habermas points out that the limit between public and private is not hard and fast, but a matter for the political will formation of citizens. His empirical observation is that this historically contingent limit is difficult to maintain, especially in view of the expansion of state-regulated areas, e.g. in welfare provisions.[20] Thus, the process of achieving equal freedoms is by debate and negotiation: 'Hence it is left to the democratic process continually to define and redefine the precarious boundaries between the private and the public so as to secure equal freedoms for all citizens in the form of both private and public autonomy.'[21]

Before outlining how this Kantian view of legitimacy as arising from the joint root of political and moral autonomy shapes his understanding of public reason in contrast to Rawls's, I will conclude my analysis of Habermas's view of democracy and its consequences for citizens' attitudes to rights.

(iii) Moral expectations upon citizens

The emphasis put on the joint root of self-government and individual human rights in Habermas's debates both with Ratzinger and with Rawls is spelt out in clear obligations for its citizens in their support for laws. It is in keeping with the close connection between duty and right in Kant that Habermas expects citizens 'as co-legislators to make active use of their communication and participation rights, which means using them not only in their enlightened self-interest but also with a view to promoting the common good'. This implies the 'willingness to take responsibility if need be for anonymous fellow-citizens who remain strangers to us and to make sacrifices in the common interest (*allgemeine Interessen*)'.[22] A citizen thus has the right and maybe the duty to forgo her private rights for the benefit of anonymous others, including remote others outside one's own polity.[23]

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[19] Habermas, 'On the Internal Relation between the Rule of Law and Democracy', in *Inclusion*, 253 64, 255: The law 'leaves its addressees free to approach the law in either of two ways. They can either consider norms merely as factual constraints on their freedom and take a strategic approach to the calculable consequences of possible rule violations, or they can comply with legal statutes in a performative attitude, indeed comply out of respect for results of a common will formation that claim legitimacy.'

[20] Habermas, 'Reconciliation', 70 1.

[21] Habermas, '"Reasonable"', 101.

[22] Habermas, 'Foundations', 105.

[23] Cf. Onora O'Neill's observation about Rawls's intellectual lineage in this respect with reference to the limits within which the *Theory of Justice* is already conceived: 'In developing a conception of "public reason" . . . his account of public reason is more Rousseauian than

Thus, as democratic co-legislators citizens require a more 'costly form of motivation that cannot be legally exacted'.[24] This is where internal resources of motivation, among them religious ones, will become important.

(b) The remit of public reason

While significant changes in Rawls's view of public reason have taken place between his *Theory of Justice* (1971), *Political Liberalism* (1993), and its subsequent widening to include positions from comprehensive doctrines, provided they can also be justified by political values, Habermas's basic objection against splitting private and public identities from each other remains the same. It is aggravated, however, by Rawls's introduction of 'political conceptions of justice' as neutral ground between plural world-views. This intermediate level on which citizens are to agree in all their differences seems a poor substitute if one is convinced of the possibility of direct access to the foundational level of moral reason (i). The lack of distinction noted between questions of justification and questions of acceptance puts the critical, rather than a merely interpretative, role of public reason into doubt (ii).

(i) Political conceptions or practical reason as neutral ground?

Habermas sees *Political Liberalism* as performing a major shift from a previously Kantian understanding of practical reason, which characterized Rawls's thought from the *Theory of Justice* up to the Dewey lectures on Kantian constructivism, to an approach that jettisons the *raison d'être* of philosophy as a cooperative enterprise of seeking truth, by making epistemic—that is, jointly debatable and redeemable—claims. In Rawls's new position, the search for a publicly defendable truth is replaced by a weak understanding of what is 'reasonable' in the political sphere, which will not be able to deliver on its task of resolving conflicts and propose solutions that can be legitimately endorsed. From the alternatives open to the modern condition, Rawls's turn appears as 'fall(ing) back once again on the "strong" traditions and "comprehensive" doctrines' that were able to unite society before the emergence of modern

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Kantian, in that he sees it as the public reason of a particular people who are fellow citizens in a bounded and closed society. By contrast, for Kant public reason must be able to reach "the world at large" and so cannot presuppose the shared assumptions of community or polity' (*Bounds of Justice* (Cambridge: Cambridge University Press, 2000), 72 3 n. 19).

  [24] Habermas, 'Foundations', 105.

pluralism.[25] The background for this diagnosis is that the validating reasons are rooted in each of the different world-views, and so the connection between the true and the reasonable remains opaque to fellow citizens.[26] The alternative for Habermas is to establish an independent level of morality that allows for strong justification, to 'follow the path . . . to Kant and develop a notion of practical reason that . . . preserves the cognitive content of moral statements'.[27]

For the discourse ethicist, the acceptance of a merely overlapping consensus as a basis or policy decisions amounts to renouncing the power of reason. To replace the cognitive claim of morality with a contingent coincidence of segments of world-views undermines the status of philosophy in its orientation towards a truth that can be intersubjectively shared:

[This] book represents a shift to an entirely new framework within which reason loses its central position. Practical reason is robbed of its moral core and is deflated to a reasonableness that becomes dependent on moral truths justified otherwise. The moral validity of conceptions of justice is now no longer grounded in a universally binding practical reason but in the lucky convergence of reasonable worldviews whose moral components overlap to a sufficient degree.[28]

What makes Habermas's purely reason-oriented critique dating from the middle of the 1990s interesting for theologians is that he notes the series of restrictions to which the new level of convergence, the 'reasonable', owes itself: first, selecting only those doctrines that can fit into 'reasonable pluralism', and then selecting only what satisfies the 'political values' that are given priority. Habermas agrees with the need for religious world-views to be 'reflexive', aware of competing truth claims, but not with shoehorning them into a space restricted by prior liberal constraints. Initially surprising from a theological position is his evaluation of Rawls's solution as prioritizing comprehensive doctrines. Rawls's American conversation partners, such as Nicholas Wolterstorff and Paul Weithman who defend the perspective of religious world-views, have seen in the overlapping consensus a sidelining of religious and other comprehensive identities. It is Habermas's insistence on the common ground of reason that shows that the overlapping consensus privileges the background positions, even if only segments of them enter into it. From the perspective of establishing validity, however, it is a point of principle, not of gradation, where the reasons for endorsing an overlapping consensus reside. To admit any other basis apart from the only candidate for a 'free-standing',

[25] Habermas, '"Reasonable" ', 80.   [26] Ibid. 93.   [27] Ibid. 80.
[28] Ibid. 82 3.

independent justification—namely practical reason—already hands over the competence to the particular world-views.

The position taken by Habermas confirms for theology and ethics that a neutral ground does exist, which allows religions to bring in their complete views once they have cleared the test of morality. For the universalist moral philosopher this is the standard set for every group and person, and one that religions strive toward themselves. It can be verified by the power of judgement residing in everyone, rather than by a standard constructed for the sake of social stability, which has already renounced a shared commitment to truth. To aim for a consensus based on reasons that only overlap—that is, differ substantially—is too modest. What is needed is an agreement won by struggling for moral insights based on arguments that can be shared.[29]

The implications of this cognitive approach to morality, with its confidence in the ability of reason to establish principles, are fourfold. First, it is normative-critical, rather than hermeneutical (ii). Secondly, it is cosmopolitan (c). Thirdly, with regard to the content contributed by religious world-views, the sphere of public debate has to be distinguished from the institutions of the state. Fourthly, civic deliberation constitutes a mutual learning process. Post-religious citizens are challenged to take on board the religious genealogy of reason, and their religious counterparts to accept the normative parameters of modern discourse. The first two points further specify the remit of public reason; the last two will be dealt with in Section 2 regarding the exact place and insights from religious traditions to which Habermas has given a new appreciation since 2001.

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[29] The practical consequence of replacing the stringency of moral argumentation by an area of overlap of heterogeneous positions is pointed out by the theological ethicist Dietmar Mieth. He shows how the move to establish policies on a merely overlapping consensus leads towards a downward spiral in standards of evaluation. Whoever demands a higher standard, based on universalizable moral arguments, will be marginalized in this model of consensus: 'I fear there will be a new covenant between the respect for plurality and the economic and political pressure put on society to draw up common regulations ensuing from the powerful force of technological and economic globalization. Under these circumstances, "minimal consensus" may become a kind of "repressive tolerance". This metaphor, derived from critical theory, refers to the fact that where there are conflicting demands for regulations, those who advocate with good reasons strict regulations will be viewed as exerting a kind of pressure, which is challenged, however, by the "repressive tolerance" practiced by those who demand that regulations be set up on the basis of common consensus. Advocates of "libertarian" sets of regulations do not recognize that in countries with relatively strict regulations, "liberal" pressure groups will receive reinforcement from a so called "overlapping consensus", which is often equivalent to a "minimalist" level of mutual agreement; in the case of an "overlapping consensus", less strict regulations will always be better represented than stricter ones, and for this reason it can become a "repressive" force' (D. Mieth, 'Reply to Ludwig Siep's Commentary' (on Dietmar Mieth's 'Common Values in Europe'), *Biomedical Ethics*, 5 (2000), 88).

(ii) Justification of validity, or factual acceptance?

Diminishing the epistemic status and independent role of reason has a further consequence, namely that of replacing moral justification by factual acceptance. The critical function of reason in the light of which existing social arrangements are to be judged yields to the role of an observer stating what is culturally plausible. This slide arises from an imprecise delineation of what is 'political', which is only defined by its distinction from the 'metaphysical'. Having himself been embroiled in debates on what constitutes 'postmetaphysical' thinking, Habermas here comes to the rescue of a level of questioning that includes what used to be discussed under the heading of 'metaphysics': the properly philosophical analyses of concepts such as truth, the human person, communication, intersubjectivity, the other, and institutions. Rawls seems to abandon the exploration of these problems and relegate them wholesale to the realm of the metaphysical by concentrating public reason on a political use. It would be interesting to compare Habermas's new defence of the independent status of philosophical enquiry against his previous qualification of philosophy by the two roles left to it, as 'interpreter' of and 'place-holder' for universalist perspectives in the human and natural sciences.[30]

The term 'political' in Rawls's new position performs several functions. Problematic for Habermas is that it hovers between, on the one hand, designating a specific field in which reason judges critically by its own standards the acceptability of a position, and on the other, succumbing to the level already established in the given configuration of political values within a particular political culture. By only expounding the internal logic of an existing arrangement, it assimilates to a hermeneutical model of ethics for which the internal perspective is the only dimension. It is here that Habermas refers to the similarity of Rawls's method to Max Weber's: conceiving of the sphere of political values 'as something given, almost in the manner of a Neo-Kantian like Max Weber'. For the theorist of communicative reason this is an objectifying approach where a participant-oriented one would be appropriate. It leads Rawls's theory of democracy to posit 'a prepolitical domain of liberties ... which is withdrawn from the reach of democratic self-legislation'.[31] It also hands to the philosopher what should be the privilege of the citizens: to define among themselves which actual problems touch on

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[30] I have treated the objections of Habermas's fellow philosophers, among them Dieter Henrich and Herbert Schnädelbach, to marking philosophy as 'postmetaphysical' and 'fallible', as if it were an empirical science, in *Argumentationsethik und christliches Handeln* (Stuttgart: Kohlhammer, 1998), 94 113, 140 50.

[31] Habermas, 'Reconciliation', 70.

constitutional essentials, and to exercise their freedom of opinion and will formation.

By abnegating the function of reason to establish epistemic validity, its critical power is also disowned. The normative becomes descriptive. Habermas's insightful observations anticipate a diagnosis that is now commanding more widespread respect: that empirical cultural studies are taking over from the normative political and moral disciplines.[32] A final point to be outlined with regard to public reason is that what is public goes beyond what is civic; it is also cosmopolitan.

(c) The universality of morality

Habermas's concern with the replacement of practical reason as the arbiter of conflicting truth claims by a method that merely observes a factual agreement, rather than working out a consensus that can claim universally binding moral validity,[33] can be further elucidated by the comments of two other critics. What is at stake is the question of the validity of standards of morality beyond their factual recognition. The Cambridge Kantian philosopher Onora O'Neill objects that while Rawls claims to apply the *first* justice principle—that is, maximal liberty—in an analogous way to global society, he neglects to do so with the *second* justice principle, which posits the interests of the most disadvantaged as the criterion. Here, he restricts the scope of his theory to a 'bounded' society. In prima facie contrast, Ciaran Cronin and Pablo De Greiff object to Political Liberalism's dependence on the context of a Western democratic heritage, and contrast the cosmopolitanism of Habermas's Kantian republicanism with Rawls's restriction of the *first* principle of maximal liberty, too, to first-world countries. Is only one of these views true, or is there a perspective in which both of them hold? O'Neill analyses the fate of the two justice principles in Rawls's *The Law of Peoples*:

The first echoes the libertarian view that all should have equal and maximal liberties; the second, the so called difference principle, qualifies this with the requirement that inequalities be permitted only where they would be to the advantage of the represen tative worst off person. Since the construction assumes the framework of a closed society, the 'representative worst off person' is not thought of as representing the worst off of the whole world. When Rawls finally relaxes the assumption that justice is

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[32] Cf., e.g., the debate in *Information Philosophie*, 33 (2005), 20 32 on 'Die kulturwis senschaftliche Wende' with Thomas Goeller, Raf Konersmann, Birgit Recki, and Oswald Schwemmer.

[33] Cf. Habermas, '"Reasonable"', 83.

internal to states, he argues only for selected principles of transnational justice. He repeats the thought experiment of the original position . . . but claims to establish only those principles of international justice which are the analogues of his first principle of justice: non intervention, self determination, *pacta sunt servanda*, principles of self defence and of just war. There is no international analogue of the difference principle, and hence no account of transnational economic justice.[34]

Her findings regarding Rawls's treatment of international law are matched by the fact that already in *Political Liberalism*, the second principle was not included under what was to count as 'constitutional essentials', the reason being that its realization would be more difficult to assess.[35]

Cronin and De Greiff go beyond this objection by contrasting the Kantian view that what is right, is right everywhere, with the new contextual foundation of Rawls's theory. In their introduction to Cronin's translation of Habermas's *The Inclusion of the Other,* they observe that the restriction of justice to

the state as a more or less self sufficient system of social cooperation . . . is reinforced by Rawls's more recent idea of a political conception of justice as one that draws on ideas latent in the political culture of Western liberal democracies. When he turns to the question of how liberal democracies should behave toward nonliberal regimes whose political cultures are not structured by such liberal ideas, the principle of toleration itself dictates that a liberal regime must not insist unilaterally on liberal standards as the basis for judging which regimes it should recognize as legitimate. . . . [H]is theory of international justice . . . seems to allow for only limited protection of the human rights of citizens of authoritarian states.[36]

There seems to be a contradiction between O'Neill apparently assuming that Rawls allows the liberty principle a worldwide application, and the editors of the English translation of *The Inclusion of the Other* objecting that he restricts it to the West. This contradiction disappears, however, once the difference in perspective of the two statements is taken into account. Then Cronin's and De Greiff's comparison of Rawls's with Habermas's position can be seen as taking O'Neill's analysis one step further. Her argument concerns the external obligations of first-world nations, who should recognize a greater duty towards the poorer parts of the planet. A country's policies with regard to its borders—for example, residency and labour laws, trade tariffs—are debatable questions of justice and can be a matter for compensation. The editors' critique, on the other hand, refers to the internal obligations of each state and draws attention to the fact that the 'analogues' quoted by O'Neill are

[34] O'Neill, *Bounds of Justice*, 133, with reference to Rawls's *The Law of Peoples*.
[35] Rawls, *Political Liberalism*, 230.
[36] Ciaran Cronin and Pablo De Greiff, 'Introduction', in Habermas, *Inclusion*, pp. vii xxxvii, xx xxi.

deficient. The first principle of maximal liberty is not sufficiently translated, if it only means non-intervention for the sake of a country's self-determination. The liberty of each person and each country is not the highest benchmark; they are both to be judged by the standard of morality, namely that they do not instrumentalize any member of national or international society. The observations of the two sets of critics regarding the application of the two principles of justice thus do not contradict, but confirm, each other. They both insist on moral evaluation in its universal scope, as well as in its internal realization, as respect for the inviolability of individual dignity.

If policy issues as significant as the two points mentioned—worldwide economic justice and the practical defence of human rights in their universal validity—remain outside the remit of a public reason that has been precisely defined to treat questions of justice, one wonders what is left to discuss? From a universalist Kantian position, the question arises of how much of a hidden affinity the *Theory of Justice,* especially after its contextualization in *Political Liberalism*, might have to the Monroe Doctrine.

Habermas's interpretation of a Kantian republicanism establishes three essential criteria: an understanding of democracy as a joint normative task based on taking the other's perspective; a reconstruction of public reason as a critical moral standard, rather than as the quintessence of currently accepted positions; and an insistence on its remit as cosmopolitan, not just civic. If these are the dimensions of the task of democratic self-legislation outlined in the middle of the 1990s, what recent insights have changed Habermas's estimation of the contribution which religions can make?

2. ASYMMETRIC OR EQUAL BURDEN FOR RELIGIOUS AND FOR NON-RELIGIOUS CITIZENS?

Standing up for the validity of Kant's concept of public reason over against liberal and contextual reductions, and opening up the democratic process for the expression of comprehensive doctrines are linked in more ways than one. First, thinking of the issue of access to democratic will formation in terms of the fairness of the burdens it imposes makes it immediately clear that marginalizing possible contributions at this stage violates the moral demand for symmetry. The question then becomes which party bears the onus of making itself understood on what type of issues. Secondly, the higher the moral demands on individuals and governments, the more important become the question of resources for motivation and sensitivity. If the state lives off

prepolitical foundations that it cannot itself engender, and to which religions contribute, it cannot afford to alienate them. A state that accepts the moral law of reason as its highest principle needs flourishing religious traditions to re-energize the motivations of its citizens. Rather than being marked by a Hegelian trust in reason, Habermas's current assessment of the state of modernity shows doubt about its continuing ability to resist the pressures of subordinating civic, personal, and future life to a purely economic, efficiency-oriented rationality. The question to Christianity, then, is no longer whether its views will gain a hearing, but whether it can muster the resources required to help reorient the project of modernity towards creating conditions of mutual recognition and self-determination.

(a) 'Whole truths' and constitutional essentials

It is true that Rawls's political liberalism also allows comprehensive doctrines to be expressed in civil society. The difference between his and Habermas's position on the public realm is not that citizens' world-views have to be kept silent throughout the process of democratic opinion formation, but where they are allowed to enter and what hearing they get. The exchange between them shows how public reason takes on flesh in the shape of the citizen, the idealized democratic agent. Rawls assumes that 'the diversity of reasonable religious, philosophical, and moral doctrines found in democratic societies is a permanent feature of the public culture and not a mere historical condition soon to pass away'.[37] In this modern situation, the citizen should be able to base his position on the 'values of public reason' and the requirements of the common good, to listen to other citizens, and possibly make room for their proposals:

The ideal of citizenship imposes a moral, not a legal, duty   the duty of civility   to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the values of public reason. This duty also involves a willingness to listen to others and a fair mindedness in deciding when accommodations to their views should reasonably be made.[38]

Similar as this may sound to Habermas's position, there are significant differences, as we have seen, in the implications of the key terms 'moral' and 'reasonable'. For Habermas, 'moral' implies a universalistic horizon, and what is 'reasonable' cannot take its place. Moreover, the further restriction of

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[37] Rawls, *Political Liberalism*, 216 17.
[38] Ibid. 217, quoted in Habermas, 'Religion in the Public Sphere', 121.

what is admitted into the process of democratic opinion and will formation by what Rawls calls 'the values of public reason' raises fundamental questions about how a constitution functions in political life. Can 'constitutional essentials' be separated from current policy issues, or is it not precisely in terms of concrete cases that the foundational documents of a constitution are interpreted?

Rawls's description of what has to stay outside the 'public political forum' is telling in that it assimilates comprehensive doctrines to private interests, and demands both to be curbed for the benefit of the common good:

Democracy is said to be majority rule and a majority can do as it wishes. Another view, offhand quite different, is that people may vote what they see as right and true as their comprehensive doctrines direct without taking into account public reasons. Yet both views are similar in that neither recognizes the duty of civility and neither respects the limits of public reason in voting on matters of constitutional essentials and questions of basic justice. The first view is guided by our preferences and interests, the second by what we see as the whole truth. Whereas public reason with its duty of civility gives a view about voting on fundamental questions in some ways reminiscent of Rousseau's *Social Contract* . . . as to which of the alternatives best advances the common good.[39]

In the contrasting view of Habermas, private interests are indeed required to pass the test of universalization in an intersubjective discourse. It is not assumed, however, that world-views are automatically suspect of carrying an agenda hostile to the good of all, because of their comprehensive character. The suspicion of 'whole truth' perspectives seems to stem from an overriding concern for stability, which is not Habermas's worry. For him, the move to isolate constitutional essentials is in itself problematic:

I consider this reservation unrealistic in the case of modern legal systems in which basic rights directly affect concrete legislation and adjudication, so that virtually any controversial legal issue can be heightened into an issue of principle (*Grundsatzfragen*).[40]

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[39] Rawls, *Political Liberalism*, 219 20.

[40] Habermas, 'Religion in the Public Sphere', 123 n. 18. As pointed out before with reference to Seyla Benhabib, there is a normative side to Habermas's observation that it is 'unrealistic' to isolate 'constitutional essentials'. The fact that the limit between public and private is constantly shifting affects, among other things, the positive exercise of the right to religious freedom. As Martin Heckel points out, the balance between competing competences needs to be renegotiated continually in order to ensure that 'the faithful and their religious communities enjoy the free flourishing (*Entfaltung*) of their faith against the secular state and its much increased power of standardizing (*Durchnormierung*) the whole life world' ('Leitlinien des Staatskirch enrechts: Ausgleich in Freiheit', *Zeitschrift für Theologie und Kirche*, 101 (2004), 68 85, 74). The sensitive relationship that obtains between a political constitution and its interpretation in new

Even harder to defend is Rawls's decision about what belongs to these constitutional essentials. For him, it 'is more urgent to settle the essentials dealing with the basic freedoms', so that the 'principles governing social and economic inequalities' fall outside the realm of 'constitutional essentials'.[41] Can these really be restricted to the first justice principle, that of maximal liberty, and can one leave out the difference principle just because it is more difficult to assess whether it is being realized?[42] From the author of the *Theory of Justice* this concession is surprising. The awe accorded to liberty is itself suspect of being ideological, if it is not matched by a similar commitment to concrete conditions of equality. The parameters that Rawls's *Political Liberalism* offers as to what are essentials turn out to be heavily circumscribed. Habermas's qualifications of the political process open up a much wider field of application where citizens are to realize their joint problem-solving capacity. Basic questions of human rights to which a political constitution is committed cannot be separated from specific political domains—as, for example, the debate on the admissibility of germ-line genetic intervention shows. It is exactly here that moral reason can draw on the insight provided by the belief in a God who has created humans in God's image and as free, not predetermined, beings.[43]

If not 'civility', what attitudes does Habermas's theory of democracy advocate for the mutual task of citizens in indicating and justifying the direction of future policies? If one cannot fence in supposed essentials to which the contributions from members of the public must conform in order to be considered, then there is an equal platform for all to discover and discuss what is morally relevant in envisioning the future shape of society. The task is not that of finding publicly accepted reasons for constitutional essentials to back up the intuitions that stem from one's religious background; nor can one

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legislation is analysed by Dietmar Mieth in his *Laudatio* for Ernst Wolfgang Böckenförde on being awarded an honorary doctorate from the Faculty of Catholic Theology at the University of Tübingen. Böckenförde's understanding of 'basic rights as elementary principles of ordering the life of society' connects with his interest in 'the history of constitutions as a history of human rights'. He stands for safeguarding a comprehensive sphere of the inviolability of the human being against instrumentalization, over against more pragmatic interpretations. The danger Mieth sees in them is that human dignity itself becomes a matter for balancing against other concerns, such as national economic interests, instead of remaining the criterion for weighing up the legitimacy of courses of action (Dietmar Mieth, 'Laudatio', *Theologische Quartalschrift*, 1851 (2006), 9 12).

[41] Rawls, *Political Liberalism*, 230.
[42] Ibid.
[43] Habermas, *The Future of Human Nature*, trans. Hella Beister and William Rehg (Cam bridge: Polity Press, 2003).

specify, as Rawls does, that these arguments have to be drawn from existing common sense.[44]

(b) Passing or sharing the burden?

Instead of asking citizens to steer clear of their personal views of the 'whole truth', thus putting the burden of adjustment especially on religious believers, Habermas draws the opposite conclusion: not to distance oneself from one's reflected convictions, but to value and defend the integrity of every contributor's view. The task is to explain and translate to each other the motivations and insights that citizens draw from their different world-views. Entitling them to express their convictions goes together with calling them to argue for the truth of their position.

   A different kind of vulnerability is thus created. Habermas rejects the monological test of compliance with a political conception that Rawls proposes, as much as the equally one-sided test from the religious side that Paul Weithman seems to suggest,[45] and sees the best way forward via creating space for mutual translations. It is 'secularist' to ask for more—that is, the splitting of the integrity of one's personal world-view into secular and religious parts. For the learning process to be genuine, secular citizens are asked not to rule

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[44] For Rawls, a 'public basis of justification' seems to require that the viewpoints of the citizens should not have to be extended beyond what they currently hold. On matters of constitutional essentials and basic justice, 'the basic structure and its public policies are to be justifiable to all citizens, as the principle of political legitimacy requires. We add to this that in making these justifications we are to appeal only to presently accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial. . . . This means that in discussing constitutional essentials and matters of basic justice we are not to appeal to comprehensive religious and philosophical doctrines   to what we as individuals or members of associations see as the whole truth. . . . As far as possible, the knowledge and ways of reasoning that ground our affirming the principles of justice and their application to constitutional essentials and basic justice are to rest on the plain truths now widely accepted, or available, to citizens generally. Otherwise, the political conception would not provide a public basis of justification' (*Political Liberalism*, 224 5). This is close to a Hegelian 'existing ethos' ('Sittlichkeit') concept of the ethical, as opposed to Kant's concept of morality that acts as a critique and guiding star for current praxis.

[45] Habermas quotes Paul Weithman's normative analysis of the ethos of citizenship and his empirical observation of the constitutive role of the churches in providing motivation and skills to be active citizens (*Naturalism*, 125 6). He agrees with his argumentation that citizens should be allowed to offer untranslated religious statements in the political public sphere (ibid. 131) but criticizes its extension to state institutions as a violation of the neutrality of the state in matters of world view. It is not sufficient to be personally convinced that the government is justified in implementing policies when they are only supported by reasons of religion or world view. Habermas demands an 'institutional filter' that goes beyond the universalizing test under taken from the perspective of the first person singular (ibid. 132 3).

out the possible truth of religious positions. For them, the new attitude expected is a sense of fallibility and 'postmetaphysical' humility regarding the certainty of truth claims. The burden imposed with the translation requirement is to appreciate the genealogy of reason, especially of practical reason, from the religious traditions within Western culture.[46] On the other hand, religious believers need to show the 'reflexive' capacity to accept the autonomy of the state and of the sciences in the sense of their independence from religion, and the modern condition of pluralism. Thus, both sides carry their own specific burden.

The symmetry stops, however, once the threshold of state institutions has been reached. Habermas resists proposals to pass from a postsecular society to an equally postsecular state. The institutional barrier that he defends here makes it obligatory for office-holders to base the decisions they take on 'general reasons'. Democratic office-holders and judges are required to perform the split that Habermas does not want to impose on fellow citizens. They are to show the validity of their decisions by giving justifications by reason.[47]

(c) Summary

Summarizing what I have tried to show in Section 1 about the type of consensus aimed at, and in Section 2 about the requirements laid on religious citizens' views of the 'whole truth', there are conceptual differences between the American and the German theorist which indicate two different ways forward for Western democratic societies in the challenges arising from internal and external pluralism. Their positions contrast regarding the tasks they see imposed by pluralism, the understanding of what modernity implies, the status and unbounded scope accorded to morality, the task of philosophy, and the relationship between reason and consensus. It would be promising to

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[46] Ibid. 141.

[47] The question of the difference between a 'postsecular society' and a 'postsecular state' needs to be treated in greater detail than is possible here. Habermas's insistence on the 'institutional threshold' which separates the public sphere from government and judicial agencies, and beyond which only proposals 'translated' from a religious background into reasons that can be generally shared are accepted, has been questioned, e.g. by Maeve Cooke, 'Säkulare Übersetzung oder postsäkulare Argumentation? Habermas über Religion in der demokratischen Öffentlichkeit', in R. Langthaler and H. Nagl Docekal (eds.), *Glauben und Wissen: Ein Symposium mit Jürgen Habermas* (Vienna: Verlag Oldenbourg, 2007), 341 66. I shall be discussing the different responses within the German and English speaking philo sophical and theological debates in a forthcoming book on *Religion and Public Reason* (Berlin: De Gruyter, 2009).

explore the anthropological assumptions behind these differences—for example, regarding the relationship between subject and society, cognition and volition, finitude and fallibility. For Habermas,

1. *Pluralism* is more than a fact and more than mere diversity. It implies that the coexistence of religious and secular cultures is here to stay, that it is 'reasonable' to reckon with an ongoing lack of consensus in a society that is now judged to be postsecular. It poses a cognitive, intellectual challenge as well as the task of mutual recognition.

2. *Modernity* is understood as a normative concept that is sensitive to the increasing power of instrumental and economic reason. In Kant's 'world concept of philosophy' the use of (ultimately practical) reason is seen as the touchstone of genuine progress.

3. *Morality* is the principled level to which every person has direct access. Its remit is universal, as the cosmopolitan scope of Kant's conception of peace illustrated long before technological globalization became effective.

4. *Philosophy* is committed to the search for truth. Philosophical concepts already show a 'transcendence from within' in that they are *context-transcendent* in their validity claims, a property which Habermas also terms their 'unconditionality'.

5. *Consensus* arises on the basis of shared reasons. From here, it becomes evident that the deficiency of Rawls's solution lies in its lack of a joint performative practice: 'The overlapping consensus is a *published* consensus, not a consensus *constituted publicly*.'[48]

Two further differences are important for Habermas's assessment of the role of religions or 'whole truth' convictions:

6. The self-application of the limits of theoretical reason makes fallibility the default position in epistemic truth claims. This means that also within a shared concept of reason the religions' claims that God exists cannot be ruled out of court a priori.

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[48] Thomas Schmidt, 'Religiöser Diskurs und diskursive Religion in der postsäkularen Gesellschaft', in Langthaler and Nagl Docekal (eds.), *Glauben und Wissen*, 322 40, 333: 'Der "overlapping consensus" ist ein veröffentlichter, kein öffentlich vollzogener Konsens.' Schmidt points to the process of learning and debating each other's truth claims that is needed once consensus means more than the a posteriori endorsement of a pre established standard, as in Rawls: 'The separation between reason in its public use and the private truth of comprehensive doctrines has the consequence that the overlapping consensus consists in different perspectives which merely intersect in a common vanishing point but not in an agreement acquired through insight and established on the basis of publicly shared reasons' (ibid. 333). The English translation is mine.

7. Although the unconditional validity claims of morality reach beyond the factual, it cannot generate the willingness to follow—that is, it cannot realize its cognitive insights. Cognitive insight is not yet practice! Unlike the cognitive moralists of Greek antiquity, Habermas accepts that there is a gap between theoretical *insight* and effective *volition*. There is a political and cultural need for sources of motivation and renewal.

CONCLUSION

For the autonomy approach in Christian ethics[49] the requirement to take account of the independent order of theoretical and practical reason is uncontroversial. Since the distinctiveness of the Christian faith is not located in the grounds of obligation but in the realization and in the penultimate place of morality within the Christian message—that is to say, its subordination to the human need for redemption—the call to employ the faculties of God-given reason in one's respect for the freedom of faith and of other convictions is unproblematic. There is no cause for polemic here, least of all against Kant. Besides stating the antinomy of practical reason that calls for a horizon of faith, he explicitly acknowledged the ongoing need for 'communities of virtue', such as the churches, beyond those of duty, not just for socializing the upcoming generation but for continued inspiration and support at all levels of human life.[50]

As a consequence both of Habermas's assessment of the current state of late modern society, and of the cosmopolitan scale of obligation, the need to source resources becomes paramount for secular and for religious citizens. Their world-views are needed as a source of mentalities the state cannot create by itself—for motivation, integration, meaning, and renewal. The burden, while equal, turns out to be greater for both sides than anticipated. If they have not learnt so already, religions have to accept the modern neutrality of the state, the autonomy of sciences, and the existence of other religions with their own truth claims.[51] Their rationalist conversation partners are urged to stem the scientific trend towards self-objectivization and to be open to

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[49] The best English speaking discussion is to be found in Vincent MacNamara, *Faith and Ethics* (Dublin: Gill & MacMillan, 1985).

[50] Cf. Herta Nagl Docekal, 'Eine rettende Übersetzung? Jürgen Habermas interpretiert Kants Religionsphilosophie', in Langthaler and Nagl Docekal (eds.), *Glauben und Wissen*, 93 119.

[51] Habermas, 'Religion in the Public Sphere', 137.

what the genealogy of reason has to teach them. Habermas's cooperation in reminding reason of the moral standard it has reached through religion can help communities of believers to work against a defensive mind-set and a temptation to turn in on themselves, promoting first-order theologies at the expense of second-order theological engagement with reason, subordinating ethics to worship, and generally leaving the evil world to itself.[52] It is striking to see him devise an independent category for religion due to its sensitivity for pathologies and its pragmatism-defying utopian outreach towards reconciliation. In his view, what religions have to add is the problem-spotting capacity of their salvation-inspired imagination. Rather than allowing the precarious stability of democracy to be further undermined by the current culture wars between the orthodoxies of naturalism and religion, both types of believers are called to the personal accountability that the religious traditions of the West, Judaism and Christianity, have inspired.

My two points of disagreement with Habermas only arise from this shared platform. First, whether 'translation' is the most adequate term for making available the fruits of this work of memory and reorientation is doubtful on two grounds. The first is that it disconnects from their foundation the trust and solidary response inspired by faith in the prevenient love of God. For Christians, the truth of the gospel remains something given in the precise sense that it was not in the power of reason to initiate it. The self-sufficient understanding of reason implied in the task of 'translating' into the target language of rationality has to be enlarged into one in which reason is also allowed to be receptive and open to God's offer. The second ground is that many of these translations incorporated paradigm shifts. Reason is needed to interpret the given truth of God's self-revelation and to elaborate a theological anthropology in which the connections between divine and human truth are accounted for. Yet the critiques of cultural plausibilities and re-evaluations accomplished through the inculturations of Christianity were more than 'translations': they opened dead ends and forged new syntheses—for example, in the positive view of work over against the ideal of *theoria*, the view of women in their equal dignity of being made in the image of God, and of children in their own right. It is already true for translations from one language to another that they are re-creations in a different, hospitable idiom. Thus, the practice of translating is itself, as Reinhold Esterbauer has

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[52] Withdrawal into communities of worship can be evaluated as constituting either just a different type of lifestyle enclave, or as the 'peg communities' that Zygmunt Bauman identifies as born from individual desperation ('Identity in the Globalising World', in id., *The Individua lised Society* (Cambridge: Polity Press, 2001), 140 52).

pointed out, a place of possible creativity which may give rise to as yet unforeseeable cultural innovations.[53]

My second disagreement is that reason remains below its potential not only when it renounces morality—as Habermas has shown for Rawls's liberalism—but also, as some fellow philosophers and theologians remind him, when the hope of the highest good is given up as an inalienable element of reason.[54] This raises doubts about what Habermas means when he speaks of the 'resources' religions can provide,[55] since here he surrenders more than he thinks to the Naturalism and the Liberalism that he has so successfully challenged.

[53] Reinhold Esterbauer, 'Der "Stachel eines religiösen Erbes": Jürgen Habermas' Rede über die Sprache der Religion', in Langthaler and Nagl Docekal (eds.), *Glauben und Wissen*, 299 321, 321.

[54] See the articles by M. Striet, W. Raberger, R. Langthaler, H. Nagl Docekal in *Glauben und Wissen*. My contribution to M. Böhnke, M. Bongardt, G. Essen, and J. Werbick (eds.), *Freiheit Gottes und der Menschen* (Regensburg: Pustet, 2006) treats Habermas's understanding of the 'postmetaphysical' stage of philosophy, his call for mutual 'translations' between religious and secular contributions, and the question of resources that is affected by one's view of the necessity of maintaining the scale of Kant's concept of the highest good ('Zwischen Integrität und Übersetzung: Christliche Überzeugungen in der Konstitution praktischer Freiheit im Bedingungsgefüge spät moderner Gesellschaften', ibid. 359 80).

[55] But which religions? It seems misleading to me simply to treat 'church, synagogue, mosque' as if each monotheistic religious system had the same relationship between their place of worship, their understandings of God, religious community, human reason, freedom and dignity, secular authority, and the 'kingdom' or future reign of God and its values. There is also the danger of a hidden Christian epistemological bias when other religions are constructed according to one's own system. I see this problem in Nicholas Wolterstorff's criticism of Derrida for selling out religion to liberal reason. Wolterstorff does not take account of the Jewish tradition's prohibition of images of God, which is operative in Derrida's negative theology. His position on 'messianism' deserves a more subtle interpretation in its radicalization of this heritage. See Georges De Schrijver, 'The Derridean Notion of Hospitality as a Resource for Interreligious Dialogue in a Globalized World', *Louvain Studies*, 31 (2006), 79 104.

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Part II

Religion and Public Reason: Theological Views

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4

Translation, Conversation, or Hospitality?

Approaches to Theological Reasons in Public Deliberation

Luke Bretherton

1. INTRODUCTION

How then shall we live and act together when each does what is right in their own eyes? This question frames, perhaps somewhat starkly, the problem faced by polities wherein a plurality of different visions of the good life coexist and in which some form of common life must be forged. Within Western liberal democracies a variety of answers have been given to this question. This chapter outlines three possible answers and situates them within wider philosophical and theological debates about the role of religious reasons in public political deliberation.

One of the prevailing answers to the above question is that in a plural society a common life demands the establishment of common ground. For common ground to be found 'private' convictions must be left behind and some form of agnostic 'public reason' is endorsed through which shared deliberation can be processed and consensus reached. Particular traditions of thought and practice must translate their reasons for acting into public reasons that can be legitimately shared by all members of a given liberal democratic society. I will call this approach the *translation model* and assess the work of John Rawls as a highly nuanced instantiation of it. However, strategies for resolving disputes about what we should do together in a liberal democratic society, which focus on an agnostic 'public' language of arbitration into which all other languages must be translated, face a key problem: they often fail to interact with the most deeply held beliefs and important social practices that inspire and shape people. It is these beliefs and practices that constitute particular traditions, and unless we take seriously the claims of a particular tradition in terms of its own frame of reference, real

understanding and agreement is not possible. Failure to do so means we ignore what others are actually saying and doing. The result is misunderstanding and ill-judged actions.

An alternative to the translation model is the *conversation model*. The emphasis in this model is on the attempt to take seriously the actual beliefs and practices of particular traditions as the basis for common public action. Jeffrey Stout's and Alasdair MacIntyre's work constitutes attempts to develop an account of how diverse and incommensurable moral traditions can deliberate about common action without having to find some common or neutral language to which all must conform. The third approach outlined I call the *hospitality model*. While an elaboration of the conversation model, the hospitality model represents a specifically Christian theological approach and places the accent on common public action rather than dialogue or conversation between diverse traditions. The hospitality model finds echoes within other faith traditions and, I will suggest, points towards a way of framing the process of deliberation in religiously diverse and ethically plural societies.

2. THE TRANSLATION MODEL

For certain strands of liberalism, ecclesiastical and religious sources of authority are ruled inadmissible as final justifications for public policy. However, this does not mean that all liberals are inherently hostile to 'religion'. John Rawls explicitly distances himself from what he calls anti-Christian 'Enlightenment Liberalism' and advocates a political form of toleration and autonomy that is not *necessarily* committed to a conception of the individual agent as a sceptical self-reflexive subject.[1] In Rawls's later work his concern is not the exclusion of religious discourse from public debate, but that no comprehensive doctrine of whatever kind, including the religious, can form the basis for political decisions regarding the use of coercive public power. Rawls's approach is what Paul Weithman characterizes as the 'liberalism of reasoned respect', or, as it is more widely referred to, 'political liberalism'.[2]

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[1] John Rawls, 'The Idea of Public Reason Revisited', in id., *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 2001), 176, 146, 152.

[2] See Paul Weithman, 'Introduction: Religion and the Liberalism of Reasoned Respect', in Paul Weithman (ed.), *Religion and Contemporary Liberalism* (Notre Dame, Ind.: University of Notre Dame Press, 1997), 1 37.

Rawls is the key proponent of this approach. Other advocates include Robert Audi, Ronald Dworkin, Thomas Nagel, and can be said to include the Roman Catholic John Courtney Murray. It is to be distinguished from the 'value pluralism' of Isaiah Berlin and William Galston which, on Rawlsian terms, is a comprehensive doctrine.[3] The liberalism of reasoned respect has direct parallels with both the work of Jürgen Habermas, whose discursive or communicative ethics is similar in trajectory to Rawls's 'deliberative democracy',[4] and John Gray's *modus vivendi* model of liberalism.[5] Rawls, along with Habermas, Dworkin, et al., give what is termed a proceduralist theory of equality and justice: that is, their accounts seek to secure justice by emphasizing procedures rather than a normative or substantive account of what justice consists of. In theory at least, such an approach allows for a range of different 'comprehensive' doctrines to accept its terms and conditions without having to agree with one another.[6] Rawls's central concern is how those with differing conceptions of the good life can live together in a polity and provide justification for the use of coercive political force in terms acceptable to one another.

Of the many problems attributed to Rawls's account of the role of religion in public debate, there are three key ones that I will focus on. The first problem is Rawls's emphasis on consensus and his desire to avoid particular kinds of conflict in public life, specifically over questions of ultimate meaning. However, not only is conflict inevitable and political decisions necessarily contested, but questions of ultimate meaning cannot be forever avoided—the debate over abortion being a case in point. Conflict is not in and of itself bad. It can be creative and disagreement can clarify what is important and enable better decisions to be made. The issue is how we handle conflict—violently or non-violently, with respect for the rule of law or flouting it. Religiously motivated actors are no better—but certainly no worse—than others at handling conflict constructively. What we need is a political process that can live with deep plurality over questions of ultimate meaning and can encompass the fact that many communities and traditions contribute to the common good—each in their own way.

Rawls's analysis and his quest for consensus are based on a false spectre. Political liberalism is a response to an imagined threat: that religion is the

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[3] See Isaiah Berlin, *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002) and William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002).

[4] See Jürgen Habermas, *Between Facts & Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, Mass.: MIT Press, 1996).

[5] See John Gray, *Post liberalism: Studies in Political Thought* (London: Routledge, 1996).

[6] Rawls, 'The Idea of Public Reason Revisited', 172 3.

primary or most dangerous source of chaos and violence in the political sphere.[7] This threat has plausibility because of the *mythos* of liberalism—its own *Enuma Elish*—wherein liberal modernity plays the hero who slays the chaos monster of religion, thus returning peace and civility to the social order after the 'Wars of Religion' in the seventeenth century.[8] To maintain the social order religion cannot be allowed to enter the public domain, lest chaos and violent disorder once again hold sway. Events since 11 September 2001 would seem to confirm this view. Yet this *mythos* masks the fact that the modern chaos monster has been played by anti-religious or agnostic political regimes, whether colonial, nationalist, fascist, or communist. Moreover, liberalism itself, married as it has been to capitalism and a technocratic, instrumental rationality, is party to untold ecological, economic, and social misery and violent chaos around the world. As Wolterstorff points out: 'It would be dangerously myopic to focus one's attention on the danger that religion poses to the polity while ignoring the equal or greater danger posed by secular causes.'[9] All of this is simply to underline the point that, as stated before, religiously motivated actors are no better, but certainly no worse, at handling conflict and power constructively. Theologically this should not be surprising. One of the fundamental insights of Augustine was that every participant in the earthly city—which includes the visible church as well as political authorities—is subject to the *libido dominandi*.

A second problem revolves around how Rawls's account of the proper relationship between religion and liberal democracy occludes people's most basic reasons for acting. His approach inhibits the formation of a genuinely common life with others, because we are never able to respond to and engage with their primary concerns and self-understanding. Rawls's political liberalism demands that, at certain points, all comprehensive doctrines translate their 'thick' patterns of thought and speech into the 'thin' or common discourse of public reason. For Rawls, although one may have religious reasons for acting, ultimately these must be justified by public reasons and can never in and of themselves constitute a public justification. Religiously motivated political actors are required to reframe their reasons before they can advocate policy positions. By contrast, Jeffrey Stout, in his critique of

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[7] On this see William Cavanaugh, 'The Myth of the State as Saviour', in id., *Theopolitical Imagination: Discovering the Liturgy as a Political Act in an Age of Global Consumerism* (Edinburgh: T. & T. Clark, 2002), 9–52; William Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999), 20–1.

[8] John Rawls, *Political Liberalism* (New York: Columbia Press, 1996), pp. xxv–xxvi.

[9] Nicholas Wolterstorff, 'The Role of Religion in Decision and Discussion of Political Issues', in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Md.: Rowman & Littlefield, 1997), 80.

Rawls's conception of public reason, highlights why religious speech should be able to contribute directly, untranslated, to public deliberation about common action. For Stout it is vital that 'religiously committed citizens' articulate their reasons for acting politically 'in as much depth and detail as they see fit'; otherwise, as Stout puts it, '[i]f they are discouraged from speaking up in this way, we will remain ignorant of the real reasons that many of our fellow citizens have of reaching some of the ethical and political conclusions they do'.[10] Jeremy Waldron, in explicit contrast to Rawls's notion of public reason, argues that the first responsibility in contested arguments about the common good is to 'make whatever effort we can to converse with others on their own terms, as they attempt to converse with us on ours, to see what we can understand of their reasons, and to present our reasons as well as we can to them'.[11] Rawls's account prevents real dialogue and encounter and thus precludes the formation of a genuinely common good; that is, a common good in which both differences and commonalities together constitute an arena of mutual ground. Or as Clarke Cochran puts it: 'Public civil discourse is genuine to the extent that participants learn to speak with one another in their differences as well as their shared languages'.[12]

An example of the impact of the occlusion of people's most basic reasons for acting is that Rawls's account effectively depoliticizes the church. In doing this, it occludes something basic to the church's own self-understanding: that the church is not just another voluntary society, but rather through its life and proclamation it constitutes a public political authority. Within political liberalism religion is problematic because it is seen to threaten the basis of *political* cooperation—which is distinct from the wider social cooperation in civil society that religion may indeed foster. Reason—or specifically 'public reason'—becomes the basis of political cooperation and just judgement between competing claims. For the state, or another citizen, to base cooperation and the exercise of coercive power on terms that any citizen could not reasonably endorse as a free and equal person is to show a form of disrespect.[13] As already noted, a primary value at work in the liberalism of

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[10] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 64. For Stout's critique of Rawl's conception of public reason see ibid. 68 77.

[11] Jeremy Waldron, 'Cultural Identity and Civic Responsibility', in Will Kymlicka and Wayne Norman (eds.), *Citizenship in Diverse Societies* (Oxford: Oxford University Press, 2000), 163. For Waldron's critique of Rawls's *Political Liberalism* see *Law and Disagreement* (Oxford: Clarendon Press, 1999), 149 63.

[12] Clarke Cochran, *Religion in Public and Private Life* (London: Routledge, 1990), 94.

[13] As Nicholas Wolterstorff points out, Rawls simply assumes that the 'morality of respect' is a constituent feature of liberal democracy that its participants should inherently recognize. Wolterstorff, 'The Role of Religion', 110.

reasoned respect is the generation of consensus. The desire for consensus is born out of a vision of the political ordering of society as a cooperative as opposed to a competitive enterprise.[14] In order to participate in public deliberation about the common good, religiously motivated actors must 'translate' their reasons for advocating a particular policy that may involve the coercive use of force into 'public reasons'; that is, reasons all may accept because they accord with a liberal political conception of justice.[15] The result is that the church qua church must give public reasons (as Rawls defines them) for the positions it holds in relation to decisions about public policy. As already indicated, the demand to translate Christian reasons into public reasons does not mean that Christianity is reduced to the realm of private opinion. Churches and Christian belief and practices can have an important role to play in civil society and contribute to informing deliberation on a wide variety of moral and political issues. However, only certain kinds of Christianity can play this constructive role: so-called 'fundamentalist' forms are rendered 'political heretics' on Rawls's account.[16] Yet while the acceptable face of Christianity may contribute to the background political culture, the church is, in effect, depoliticized. One could argue that the church, via its participation in civil society, is not depoliticized. However, its public political role is restricted to participation in civil society which is, within Rawls's scheme, a form of depoliticization.[17]

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[14] Wolterstorff (ibid. 109) notes that Rawls's account of political liberalism is in many ways 'communitarian' in outlook, refusing as it does to live with a politics of 'multiple communities'. Instead, Rawls seeks to delineate the politics of a 'community with a shared perspective'.

[15] Rawls, 'The Idea of Public Reason Revisited', 141. Although the need to translate a comprehensive doctrine into public reasons only applies to decisions that involve the coercive use of force to achieve public ends, it is difficult to see how this does not affect most areas of public policy, resting as it ultimately does on appeal to law and the threat of coercion.

[16] Wolterstorff, *Religion in the Public Square*, 149; and Rawls, 'The Idea of Public Reason Revisited', 178.

[17] In contrast to the account given here, Christopher Insole (*The Politics of Human Frailty: A Theological Defense of Political Liberalism* (London: SCM Press, 2004)) reckons Rawls consonant with an Augustinian political theology. However, Insole does not give sufficient attention to how the church, in terms of its own theological self description, is itself a *polis* or political society. This relates to the somewhat under realized eschatology at work in his account. For him, the impact of sin is such that the only political response of the church is humility in the face of the claims of others to say what the good life consists of; and all actions of the Spirit in manifesting the Kingdom of God are so fragmentary and hidden that we should have little, if any, confidence in being able to identify them. Such an approach raises the following question: can we know what it means to be humble if we cannot really know what joy and truth are like? Furthermore, to assume that the Kingdom of God is hidden by the manifold sins and oppressive practices of the church is to be guilty of false humility because it is to over value the church. The church is in constant need of divine authorization: Christian witness is not an expression of its own perfection but a pointing to a prior and independent divine action. The proper response to the sins of the church is not the denial of the reality of the Kingdom to come, but repentance and

The third problem with Rawls's approach is that it overly narrows the range of what constitutes public deliberation and excludes non-verbal and non-rational forms of contribution. This is a point drawn out by Iris Marion Young who argues for the need to move beyond 'deliberative democracy' to what she calls 'communicative democracy'.[18] For Young, 'when political dialogue aims at solving collective problems, it justly requires a plurality of perspectives, speaking styles and ways of expressing the particularity of social situations as well as the general applicability of principles'.[19] She points out that what counts as deliberation that can contribute to public reason excludes other, more tradition-specific forms of communication, notably, greeting, rhetoric, and storytelling.[20] For Young, these modes of communication supplement rational argument by providing 'ways of speaking across difference in the absence of significant shared understanding'.[21] As such, keeping diverse and thick forms of communication in play in public deliberation ensures on the one hand that difference is respected, and on the other that there is 'both the expression and the extension of shared understandings, where they exist, and the offering and acknowledgement of unshared meanings'.[22] One aspect of the fuller range of legitimate contributions to public deliberation that Young does not pick up on is that comprising embodied witness and symbolic action or gesture. Action—whether a hunger strike, a march, or an act of charity—is often a powerful contribution to public deliberation.

It should be recognized that political liberalism does allow for a high degree of plurality in public deliberation, and the trajectory of Rawls's thought is towards a more prudential conception of politics and away from an idealistic, rationalistic one, which demands that all conform to a single framework.[23] However, the concerns outlined above do raise the question of

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penitence which themselves constitute forms of witness to the future that God is bringing into being.

[18] For her critique of the notion of impartiality and public reason, see Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

[19] Iris Marion Young, 'Communication and the Other: Beyond Deliberative Democracy', in Seyla Benhabib (ed.), *Democracy and Difference* (Princeton: Princeton University Press, 1996), 132.

[20] Similarly, Connolly argues that the requirement that rational arguments alone are sufficient in public deliberation 'suppresses complex registers of persuasion, judgment, and discourse operative in public life' (Connolly, *Why I Am Not a Secularist*, 20).

[21] Ibid. 129.

[22] Ibid. 133.

[23] I am grateful to Chris Insole for helping me clarify this point.

whether a translation model is the most appropriate one for a context of deep plurality.

3. THE CONVERSATION MODEL

A constructive development of the translation model can be termed the conversation model of enabling engagement between those with different conceptions of the common good.[24] The two most prominent advocates of this approach are Jeffrey Stout and Alasdair MacIntyre (who, for all of Stout's critique, shares a very similar approach to this question). Stout uses the term 'conversation' to describe his own project and his definition of the term serves as a good account of how both he and MacIntyre approach the role of religious reasons in public deliberation:

By [conversation] I mean an exchange of view in which the respective parties express their premises in as much detail as they see fit and in whatever idiom they wish, try to make sense of each other's perspectives, and expose their own commitments to the possibility of criticism.[25]

MacIntyre develops an account of inter-tradition conversation through which public deliberation about the common good takes place. For him, different traditions are incommensurable. This is to say that Aristotle and Confucius, with sufficient attention, may be able to understand what each other means, but they have no immediate way of agreeing the truth and justification of their respective moral frameworks. MacIntyre accepts that a neutral account of near universal features of human life can be drawn up, but he believes that such an account will be equally compatible with far too many rival bodies of theory to be of any use in adjudicating between them. For him, incommensurability does not preclude working out a genuinely rational way of rival traditions engaging with one another *as* rival traditions. He develops an account of how different traditions, over time, may come to adjudicate between their rival accounts of the good life. This involves a process of conversation, albeit one that involves translation. However, in contrast to Rawls's account of translation, *there is no claim that each tradition can translate its approach into some tradition-free language of common*

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[24] I am not envisaging the conversation model as necessarily contradicting the translation model. Rather, it should be seen as developing a trajectory in Rawls's own account of political liberalism.

[25] Stout, *Democracy and Tradition*, 10 11.

arbitration or use an agnostic political conception of justice. Rather, translation is part of a process of tradition-specific conversation.

The process of conversation that MacIntyre develops involves three steps.[26] The first is that protagonists from each tradition must learn the language of their rivals' tradition, enriching their own vocabulary where necessary. By inhabiting both standpoints they will be able to recognize what is and what is not translatable from one language to the other. MacIntyre cites the examples of Cicero translating between Greek philosophy and Latin, and the Jesuits translating between Confucianism and European languages, as instances of this process. Translatability, and the consequent option of rejection, makes possible the second stage in the conversation between rival traditions. The second step involves each rival giving an account or history of the other in the other's terms, thus demonstrating that he or she properly understands the *other's* point of view.[27] MacIntyre then asks: 'To what might the construction of such histories lead?'[28] He answers this question by setting out the third step in his theory of how different traditions may negotiate their incommensurability. This involves each tradition evaluating itself in the light of its rival and judging whether its own account of the truth is inferior to that offered by its rival. For MacIntyre, if each tradition gives an account of the other, and irresolvable problems are seen in one of the traditions that its rival can explain or solve, then it is rational for the 'loser'—within its own terms of reference—to accept the view of the 'winner'. Thus, as MacIntyre puts it, '[i]ncommensurability . . . does not after all preclude rational debate and encounter'.[29]

For MacIntyre, such tradition-constituted deliberation about the common good is not possible at the national level. However, it is possible at the level of what he calls 'local politics'. Infamously, MacIntyre sees the politics and practices of liberal democracy as intrinsically unjust. He describes the modern state as 'a large, complex and often ramshackle set of interlocking institutions, combining none too coherently the ethos of a public utility company with the inflated claims to embody ideals of liberty and justice'.[30] He condemns its

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[26] For an account of this process see Alasdair MacIntyre, 'Incommensurability, Truth and the Conversation between Confucians and Aristotelians about the Virtues', in Eliot Deutsch (ed.), *Culture and Modernity: East West Philosophic Perspectives* (Honolulu: University of Hawaii Press, 1991), 104 22. MacIntyre gives a further account of this process in the article 'Moral Relativism, Truth and Justification', in *The Macintyre Reader*, ed. Kelvin Knight (London: Polity Press, 1998), 202 20.

[27] MacIntyre, 'Incommensurability, Truth and the Conversation', 117.

[28] Ibid.

[29] Ibid. 118. *Three Rival Versions of Moral Enquiry* constitutes MacIntyre's most extensive attempt to follow the process outlined above.

[30] Alasdair MacIntyre, 'Politics, Philosophy and the Common Good', in *The MacIntyre Reader*, 236.

democratic aspects as a charade.[31] For MacIntyre, the societies of advanced Western modernity are run by 'oligarchies disguised as liberal democracies'.[32] The range of what is open to be discussed and changed is severely curtailed, so that no substantive issues about ways of life can be raised.[33] Such debate as occurs is the antithesis of serious intellectual enquiry, prohibiting as it does systematic rational analysis. Instead, policies and decisions emerge 'from a strange *mélange* of arguments, debating points and the influence of money and other forms of established power'.[34]

MacIntyre envisages the renewal of contemporary social, economic, and political structures as emerging from local reflection and local political structures. This is in accord with the initial emergence of political thought via local traditions of practice and MacIntyre's substantive theory that all rational thought and conceptions of justice must be rooted in a particular tradition. It makes sense, therefore, to seek to build up a conception of the common good from particular, local social and political embodiments of such a conception. Furthermore, MacIntyre has little invested in the continuation of the modern nation-state, which can never, by its very nature, constitute the context for shared deliberative rationality about the common good. Indeed, 'insofar as the rhetoric of the nation-state presents itself as the provider of something that is indeed . . . a common good, that rhetoric is a purveyor of dangerous fictions'.[35] It is only in the context of local communities that a common good can be rationally deliberated upon and embodied. Particular conceptions of the common good can be embodied in anything from a church, to household farms, to schools, and businesses. However, to construct such embodiments requires engaging in cooperative enterprises with those whose point of view is very different. Thus, disagreements will be formulated in concrete terms as people make and remake schools, clinics, workplaces, and other institutions. The resolution of such disagreements is worked out through something like the process of inter-tradition conversation outlined above. For MacIntyre, in contrast to Rawls, far from being something to avoid, conflict is a necessary part of the process of common deliberation. Likewise, religious reasons are not to be left at the door of conversations about public policy; rather, such 'thick' language is a precondition of rational deliberation about the common good.

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[31] Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999), 131 and 142.

[32] MacIntyre, 'Politics, Philosophy and the Common Good', 237.

[33] Ibid. 238.

[34] Ibid. 239.

[35] MacIntyre, *Dependent Rational Animals*, 133.

MacIntyre is much criticized, but often for the wrong things. As should be clear from the above, his thought neither advocates withdrawal into sectarian ghettoes nor seeks to establish a single tradition that suppresses all dissenting voices and counter-traditions. However, this is not to say that MacIntyre's account is unproblematic. His conception of tradition is idealistic and does not recognize that traditions are far more piecemeal and less coherent than his account allows. Traditions themselves are contested, fissiparous entities which, through their history of interaction and encounter, incorporate and build on bits and pieces of other traditions. However, MacIntyre's account can accommodate a vision of traditions as loose-leaf folders rather than tightly bound books, and thus envisage relations between traditions less in terms of incommensurability and more in terms of ad hoc commensurability.[36] What is a more significant problem in the contemporary context is that MacIntyre gives no account of how his process of conversation is possible in a context where power is distributed unequally; for example, where one tradition is dominant and another is an immigrant tradition.[37] This is the reality of diversity in Western societies, even in America where immigrant communities have to define themselves in relation to a prevailing hegemony.[38] It is to the reality of unequal relations in plural societies and to the mutually constitutive nature of inter-tradition relations that the hospitality model addresses itself.

Jeffrey Stout, himself a vehement critic of MacIntyre, both gives an account of inter-tradition conversation about the common good and models how this is to be done in his book *Democracy and Tradition*. In addition, while a strong advocate of democracy, which he distinguishes from Rawlsian liberalism and the social contract model of political community, Stout is in many ways as critical of the health of contemporary liberal democracy as MacIntyre. Unlike MacIntyre he does not see the illness as congenital, but that makes it no less grave. Like MacIntyre, he notes that contemporary politics in the West does not inculcate the virtues and is in danger of producing a plutocracy that would ensure that justice becomes what the strong determine.[39] For Stout

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[36] On this see David Fergusson, *Community, Liberalism and Christian Ethics* (Cambridge: Cambridge University Press, 1998), 109 37.

[37] In MacIntyre's defence, it could be argued that his account of the virtues implicitly entails respect and hospitality being shown to weaker members of society, of which immigrants are an example.

[38] See José Casanova, 'Immigration and the New Religious Pluralism: A European Union/United States Comparison', in Thomas Banchoff, ed., *Democracy and the New Religious Pluralism* (Oxford: Oxford University Press, 2007), 59 83.

[39] Stout, *Democracy and Tradition*, 22 4, 225, 305. Given his diagnosis of what is wrong with liberal democracy in America, it is surprising that Stout spends so much time developing a critique of MacIntyre, Hauerwas, and John Milbank. On the basis of Stout's own critique of

the threat to justice takes the form of a threat to the democratic tradition whereas for MacIntyre it takes the form of a threat to the process of tradition-constituted rationality. However, the poultice both seek to apply is the same: both advocate a form of local politics. Stout states: 'A common morality can only be achieved, by gradually building discursive bridges and networks of trust in particular settings.'[40] The example Stout provides of such a local politics in practice is the story of how his Princeton community has come together in order to resist a local corporation's attempt to encroach on common space.[41] For Stout, it is on the basis of this kind of endeavour that the health of democracy—and thus the basis of a just and generous society—depends.[42]

Against Richard Rorty, Stout argues that religion is not a conversation-stopper. Rorty has moderated his initial objection to the use of religious reasons in public debate. He now proposes that 'citizens of a democracy should try to put off invoking conversation-stoppers as long as possible. We should do our best to keep the conversation going without citing unarguable first principles, either philosophical or religious.'[43] Stout overturns Rorty's objection. He argues that religious reasons are precisely the topic of conversation when 'normal' discourse—that is, discourse on the basis of commonly accepted standards—reaches its limit. For Stout, political discourse in a pluralistic democracy 'needs to be a mixture of normal discourse and conversational improvisation,'[44] where such 'conversational improvisation' is made up of discussion about one's ultimate reasons for advocating particular policies while also engaging in immanent criticism of one's opponents' views.[45] For Stout, the limits to the use of religious reasons in public debate are pragmatic rather than programmatic.

what is wrong, these figures hardly seem the greatest threat to what he holds dear. It seems that he is still subject to the liberal *mythos*, which distracts him from focusing on the issues of real import. Contrary to what Stout argues, he and MacIntyre are not so dissimilar. Likewise, Romand Coles, drawing on the work of John Howard Yoder, argues that what Stout seeks and what Hauerwas advocates are very similar (Romand Coles, 'Democracy, Theology, and the Question of Excess: A Review of Jeffrey Stout's *Democracy & Tradition*', *Modern Theology*, 21/2 (2005), 301 21).

[40] Stout, *Democracy and Tradition*, 226.
[41] Ibid. 300 7.
[42] Ibid. 305 6.
[43] Richard Rorty, 'Religion in the Public Square: A Reconsideration', *Journal of Religious Ethics*, 31/1 (2003), 148 9. Rorty has come to accept some of Wolterstorff's arguments about the use of religious reasons in public debate being philosophically warranted. However, he thinks it unwarranted on the basis of empirical reality.
[44] Stout, *Democracy and Tradition*, 90.
[45] Ibid. 88. William Connolly makes a similar argument. Against the likes of Rorty, Connolly contends that we can never move beyond metaphysics. Instead, rather than withhold religious

Democracy and Tradition constitutes an exercise in what Stout calls 'ad hoc immanent criticism'. His critique of MacIntyre and the theologian he has influenced most, Stanley Hauerwas, mirrors the second and third steps in MacIntyre's account of the process of inter-tradition conversation. Stout delineates why each of these figures should, on the basis of their own account, be more committed to the democratic tradition that he (Stout) advocates. He holds up the work of theologians such as George Hunsinger, Karl Barth, and Nicholas Wolterstorff as examples of Christians who, on the basis of Christian presuppositions and using theological speech, engage in democratic conversation.[46]

4. THE HOSPITALITY MODEL

A theologically derived elaboration of the conversation model is the hospitality model understood as a way of framing the place of theological reasons for public action. In many ways the hospitality model seeks to articulate the kind of approach Stout wants Christians to uphold in order to be true to their own tradition. Where it contrasts most sharply with the conversation model is in its emphasis on common action rather than dialogue or conversation.

What I attempt here is to give a tradition-specific account of how Christians can engage in public debate in a pluralistic, democratic polity. The hospitality model, as I develop it, involves an explicitly scriptural and doctrinal basis for conversation and common action with other traditions. Thus, it contrasts with Wolterstorff's philosophical 'consocial' account (which in many ways it is parallel to). It is also to be distinguished from the approach of those whom Stout refers to as 'alienated theologians': that is, there is no attempt to abandon the basic faith commitments of Christian credal orthodoxy.[47] Rather, it is an attempt to 'make explicit the commitments implicit in a community's practices as an aid to reflective self-understanding'.[48] What is given here is an explicitly Christian framework. However, it is to be supposed

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reasons, what is needed is that those offering such reasons recognize their contestability (Connolly, *Why I Am Not a Secularist*, 184 7).

[46] Stout, *Democracy and Tradition*, 298, 58 9, 108 12. There is a certain irony that in his Gifford Lectures Hauerwas cites Karl Barth as a model of Christian witness, but criticizes him for exactly what he himself is accused of by Stout, namely, being 'far too willing to leave the world alone' (Stanley Hauerwas, *With the Grain of the Universe: The Church's Witness and Natural Theology* (London: SCM Press, 2002), 202).

[47] Wolterstorff, 'The Role of Religion', 113 19; Stout, *Democracy and Tradition*, 115 16.

[48] Stout, *Democracy and Tradition*, 112.

that other traditions will have their own tradition-specific responses to the question of how to deliberate about common action with those with whom one does not share a common vision of the good life. The responses of non-Christian traditions may or may not draw on something like the practice of hospitality as a resource to address the question above.

What follows is first a summary of a theology of hospitality. This summary provides the theoretical framework for developing a constructive model of how hospitality, as a tradition-specific approach, can shape the contribution of the church to public deliberation. Second, some examples of what a hospitable contribution might look like in practice are given in order to illustrate what is being called for. Lastly, the hospitality model is compared and contrasted with the translation and conversation models in order to draw out differences and parallels between them all.

The motif of hospitality is a root metaphor and practice embedded in the Christian tradition, which encapsulates how Christianity envisages relationship with non-Christians.[49] It does not denote an abstract ideal, principle, or middle axiom; rather, the term 'hospitality' arises out of the witness of the Christian Scriptures and the social practices and doctrines of the Christian tradition. The theological ground of the hospitality model involves the central themes of Christian doctrine: Trinity, creation, incarnation, salvation, and eschatology.

How Christians relate to non-Christians is shaped, in the first instance, by the revelation of God as both Triune and as Creator. Both of these theological loci involve characterization of divine personhood as simultaneously other and intimately related to humans, and of humans as creaturely echoes or images of God. Each human being is equally a creature of God, yet this sameness is only ever experienced in the particularity of creaturely relations—that is, we are not God-like, everywhere all at once. Rather, to be human is to exist in the properly created limits of time and space. The particularity of creatures is, to a large extent, constituted by their place; that is, their social, economic, political, and historical location in creation. Relations between particular creatures necessarily involve limits and points of exchange at both an individual and communal level. There is, in effect, a proper moment of resistance and conflict in all human relations as these limits are encountered and lived through. Such limits form the basis and pattern of the relations of gift and reception that constitute creaturely personhood in the image of God. Such creaturely personhood is constituted by

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[49]   What follows is a development of the extensive and more scripturally located treatment of hospitality in Luke Bretherton, *Hospitality as Holiness: Christian Witness Amid Moral Diversity* (Aldershot: Ashgate, 2006).

concentric circles of relationality; so while we are the same as all other creatures, we are more like some than others. And yet we are also like no other; each person is unique. This basic structure of human being is at once assumed and affirmed in the incarnation of Jesus Christ, the one who is truly human. Jesus is human; Jesus is unique; and Jesus as a historical person is more like some than others. Hospitality towards strangers is grounded on the above threefold pattern of interpersonal relationships. To welcome the other is to recognize one who is the same as me. Yet to welcome the other is to be in a place of welcome, to be at home and thus in relationship with others who are more like me than the 'stranger' who is welcomed. However, to truly welcome another is to welcome one who is like nobody else, affording them the concrete respect that communicates recognition of their unique particularity.[50]

Christianity affirms that this threefold pattern of relations between humans is good but that it is fundamentally disrupted by sin. The proper moment of resistance between individuals and human sodalities—be they families, kin-ship groups, or nations—is marked by destructive rather than generative conflict. Miroslav Volf characterizes such conflict as exclusion. Through an exegesis of Genesis 1, Volf notes that God separates the 'formless void' and binds together certain elements. Creativity involves separating and binding together (i.e. difference and relationship). Exclusion is the process by which the proper separation and connections God establishes are exploded and imploded. Exclusion is destructive of creation because, first, it cuts good connections, breaking down interdependence, so that the other emerges as an enemy; and second, it erases separation, not recognizing the other as someone who, in his or her otherness, belongs to the pattern of interdepen-dence. The other then emerges as an inferior who must be either assimilated or subjugated to me. Volf states: 'Exclusion takes place when the violence of expulsion, assimilation, or subjugation and the indifference of abandonment replace the dynamics of taking in and keeping out as well as the mutuality of giving and receiving.'[51] Volf distinguishes exclusion from differentiation. Exclusion is the false setting of boundaries and the exploding of proper ones, pushing creation back to chaos. Differentiation is that which maintains generative boundaries and patterns of relationship. Hospitality upholds dif-ferentiation while countering exclusion.[52] However, given the sinful nature of

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[50] I am grateful to Lance Stone for helping me clarify the threefold pattern of Christian hospitality.

[51] Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press, 1996), 67.

[52] Volf's term for such hospitality is the less concrete and more abstract one, 'embrace'.

human relations, there is no reason to suppose that our hospitality will not be quarrelsome and contentious. The issue is whether human hospitality towards others, for the most part, reinforces exclusion or upholds a creative differentiation.

The issue of exclusion comes to the fore in instances where a high degree of asymmetry is involved. Some hospitality is reciprocal: each hosts the other in turn. However, the practice of hospitality is more often than not undertaken in a situation where one party is in a position of strength and the other in a position of vulnerability or weakness. There may be forms of reciprocity but undergirding it is an asymmetry of relationship. An example of such asymmetric hospitality is that practised by the Church of England in its relations with immigrant, minority faith traditions. Anglicans have learnt much from those faith traditions less at home in Britain. At the same time, the Church of England occupies a position of strength through its legal, political, historical, and cultural priority. The example of the Church of England's relations with minority faith traditions in contemporary Britain points to the insight of Georg Simmel, who, in his essay *The Stranger*, noted that the stranger is not one who is geographically distant from us; that is to be in a situation of non-relation.[53] Strangers are those with whom we share the same space but who are different from us. They are constituted by a coordination of simultaneous nearness and distance. Hence, as Simmel points out, the European Jews were the paradigmatic stranger. However, this is now the situation of everyone in plural, liberal democratic polities. We encounter those of other faiths not only on our doorstep, but in our schools, hospitals, political institutions, and even in our households. Two temptations seem to beset members of liberal polities when they meet the stranger. First, we can objectify the other, creating a form of abstract relationship by which to manage and coordinate relations between generalized others in order that we never really meet concrete others. This is, in effect, what Rawls's translation model does. It is this response that the conversation model problematizes and presents an alternative to. Second, we are tempted to take advantage of our strength as an opportunity to exclude or demand some form of tribute. The conversation model is less well equipped to address this temptation. By contrast, a Christian account of hospitality, while often not practised, does directly address the second temptation. For Christians, making room for the vulnerable other is a priority.

It is Christ's life, death, and resurrection which constitute the ground of welcoming strangers. To be a recipient of Christian hospitality one does not have to do or be anything. You are welcomed because welcoming the stranger

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[53] Georg Simmel, *The Sociology of Georg Simmel*, trans. Kurt H. Wolff (New York: Free Press, 1950), 402 8.

is to follow faithfully in the footsteps of Jesus Christ and a mark of openness to him. A distinctive feature of Jesus' ministry is his open commensality and his acts of healing: he ate with the excluded and enabled the weak and vulnerable to fully participate in society. His parables and teaching reinforce his practice of open commensality and healing, and his ministry is fulfilled in his crucifixion: as an act of supreme hospitality in which he renders himself vulnerable to the point of death in order that we may be welcomed by and participate in communion with God. Thus, hospitality towards strangers constitutes part of the church's witness to the Christ-event and the hospitality that weak and sinful humans have received from God. We who bring nothing to our relationship with God echo this in our reception of others. Thus, within the Christian tradition there is a consistent and special concern for the weakest and most vulnerable: the poor, the sick, and the refugee. Moreover, the focus on the vulnerable stranger will, on occasion, mean that the church finds itself actively opposed by those who would be, by Christian criteria of evaluation, inhospitable to the vulnerable stranger. Thus the Christian practice of hospitality is often, because of its priorities, deeply prophetic, calling into question the prevailing political hegemony. A pattern of hospitality that bears witness to Jesus Christ will meet with a variety of responses, some of which will be very hostile. Conversely, because of its particular understanding of what hospitality requires, the church is not uncritically welcoming of everyone: a proper evaluation must be made of who, in any particular instance, is the vulnerable stranger to be welcomed. Likewise, others are rightly critical of Christians when they fail to follow Christ in this way.

For Christians, welcoming the vulnerable stranger inherently involves a process of decentring and reorientation to God and neighbour. This entails accepting that all our constructions of life are under God's judgement. Welcoming the other as other is a means by which we respond to divine judgement of human constructions of God and of our sinful perceptions of our neighbours. Welcoming the stranger reorients us to ourselves, our neighbour, and to God by raising a question mark over the 'way we do things around here'. Stories of faithful Roman soldiers and faithless disciples, of heretic women recognizing Jesus as the Son of God while the male, religiously orthodox authorities fail to see and hear, should alert Christians to how God is often a stranger and so to the possibility that strangers may well be the bearers of God's presence to us. Hebrews 13: 2 puts it thus: 'Do not neglect to show hospitality to strangers, for thereby some have entertained angels unawares.'

According to the doctrine of eschatology, while the Spirit makes present and available the restored and transformed creation now, creation will not be fully restored and transformed until God-in-Christ returns. The relationship

between the ascended Christ and the Spirit, who makes Christ present to humans while we await Christ's *parousia*, emphasizes how Christians exist between two ages. The result of Christians self-consciously living between this age and the next is that they are marked off from non-Christians, not by race or culture or even by religious practice, but by their union with Christ whose ascension marks a relativization of this age and the inauguration of the new age. To be true to the presupposition of their faith, Christians must accept this situation of continuity and radical discontinuity with those around them. The implication of this is that Christians are simultaneously like and unlike their neighbours in terms of their moral and social practices. The simultaneous similarity and dissimilarity between Christians and non-Christians means there is necessarily a high degree of improvisation between them in their relations. Some of their neighbours will reject Christian responses to moral issues, while at the same time other neighbours will either share or take up the moral responses of Christians (even though they may reject the belief on which those responses are based). Hospitality is the generic pattern that the improvisation between Christians and non-Christians takes in this time-between-the-times. Thus Christian hospitality bears witness to the *eschaton*, and corresponds to the tension at the heart of the *eschaton*, whereby it is established but not yet fully manifested. Hospitality is inspired and empowered by the Holy Spirit, who enables Christians to be both a guest, since they have much to learn from their neighbours; and a host, since they have much to contribute to their neighbours' life.

Situating the practice of hospitality within eschatology points to how all relations in this age are both provisional and realized. Whether it is at the level of husband and wife or in international relations, there is always a degree of provisionality to all human relations. This provisionality involves both a *deferral* of meaning and fullness of relationship (the full significance and the fulfilment of all relations is yet to be disclosed) and a *breakdown* of meaning and relationship (in this age all our relationships are affected by sin). Thus in this age there is always something more to be known and encountered. Christians should never absolutize or fix their judgements about other traditions. Hospitality is always required as the other is always, at some level, a stranger.[54]

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[54] A further implication of Christian eschatology is that Christians are to live as those who are not in control. If Jesus Christ is the *Pantocrator*, the Lord of the cosmos, and if all things are completed in Christ, then we are not to be anxious about tomorrow. We are not to worry about trying to make things come out right. We can live out of control. The implications of living as those who are not in control are a central theme in the work of Stanley Hauerwas and especially his account of pacifism. Hauerwas reads the implication of this negatively in relation to democracy: Christians should not over invest themselves in liberal democracy. While the

It could be argued that hospitality, whereby one makes room for another, is an inherently patronizing way of organizing relations between strangers. There are a number of things to say in response to such a criticism. First, hospitality, as outlined above, is precisely a way of countering patronizing or excluding relations between strangers, because it demands that the hosts become decentred and transform their understanding of themselves in order to make room for and encounter the other. Second, hospitality refuses the fantasy of neutral ground on which all may meet as equals: all places are already filled by one tradition or another and so some account of how to cope constructively with asymmetry between 'established' and 'immigrant' traditions is needed, if a common good is to emerge. Hospitality is a way of framing how such mutual ground can be forged in a context where the space—be it geographical, cultural, or political—is already occupied and no neutral, uncontested place is available.

5. HOSPITALITY IN PRACTICE

What is given above is a theological rationale for hospitality. Implicit within this account is a framework of practice. An example will point to what Christian hospitality means in practice in relation to how theological reasons contribute to deliberation about public action.

The hospice movement represents a contribution to the highly contested debate over euthanasia.[55] Dame Cicely Saunders established the first modern hospice as a form of good care for the suffering-dying explicitly against proposals to legalize the practice of euthanasia. The basis and rationale for her work were explicitly theological, yet hospice care is open to all, and many non-Christians have become active participants in the movement itself and many non-Christian institutions have adopted practices first developed in

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warning is well taken, there is a further implication that Hauerwas does not develop. It may be that historically, in certain societies, Christians have ended up controlling the levers of power. As Oliver O'Donovan argues, this is not in and of itself wrong. However, neither is a position of authority and dominance or hegemony necessary for faithful Christian discipleship. Christians do not have to be in charge. (There is a parallel here with the debate within Islamic thought about whether it is necessary to live in a Muslim majority context or an Islamic polity, in order to be able to live faithfully as a Muslim.) Christians can accept a situation of contested, multidimensional plurality within the context of a democracy without fear or resentment.

[55] For a full account of the debate over euthanasia and how hospice care represents an instance of Christian hospitality as a response to this debate, see Bretherton, *Hospitality as Holiness*, ch. 6.

Christian hospices such as St Christopher's Hospice, which was founded by Saunders in 1967. The hospice movement itself has greatly enhanced its practice through drawing on a wide range of medical and pastoral practices from beyond Christianity. In debates about euthanasia, hospices and pallia- tive care embody a genuine alternative to proposals for euthanasia. Hospices are open to anyone, regardless of their religion, and they benefit society as a whole and constitute an instance of Christian hospitality for some of the most excluded and vulnerable members of society (in this case, the suffering- dying). Hospice care is a distinctively Christian contribution to policy regard- ing the proper duty of care to the suffering-dying. Rawls might respond that the theological reasons that shaped the hospice movement are a legitimate contribution of Christianity to the background culture of a liberal democracy. However, such a limitation of the influence of the hospice movement on public policy would be to deny how such ventures fundamentally challenge, and on occasions change, the terms and conditions of policy debates by opening up new horizons. As forms of embodied practice they are, in and of themselves, direct contributions to deliberation about the common good. To return to Iris Marion Young's arguments, they represent a more tradition- specific and action-based form of communication.

Similar examples could be cited in debates as diverse as those about cloning[56] and the duty of care to refugees.[57] Likewise, the contribution of the churches to the civil rights movement can be read as an instance of the hospitality model, involving as it did non-violent, embodied witness in the service of the vulnerable and excluded. It draws out also the inherently prophetic nature of the Christian practice of hospitality which, because of the priority it gives to the vulnerable stranger, will challenge the political and social status quo. Indeed, Christian contributions to the civil rights move- ment form part of a long line of modern reform movements in which the churches have played a key and often catalytic part.[58] These include cam- paigns to end slavery, the prison reform movement, Methodist involvement in the Labour movement and reform of industrial working conditions, and more recently the role of churches in the fair trade movement and campaigns to reduce the debt of developing countries, notably Jubilee 2000 and Make Poverty History. In each of these cases, as Nicholas Wolterstorff argues, the

[56] See Gilbert Meilaender's discussion of the President's Council on Bioethics in 'Against Consensus: Christians and Public Bioethics', *Studies in Christian Ethics*, 18/1 (2005), 75 88.

[57] See Christine Pohl, 'Responding to Strangers: Insights from the Christian Tradition', *Studies in Christian Ethics*, 19/1 (2006), 81 101.

[58] It can be argued that Christian involvement in such reform movements is an instance of what Insole argues for, that is, 'loving reformation within a framework of obscured order' (Insole, *The Politics of Human Frailty*, 37).

public doctrines or *consensus populi* of the day could not be appealed to as reasons to change public policy in these areas. It is other grounds and forms of public communication that provide the resources to initiate reform.[59] In contradiction of the translation model, the plausibility of these reasons rests on the embodied witness of those proposing them rather than their coherence with any widely accepted public reasons. In contrast with the conversation model, each of these examples prioritizes common action over dialogue as the basis for developing common ground.

6. TRANSLATION, CONVERSATION, AND HOSPITALITY COMPARED

There are three broad areas where comparison between the three different models helps elucidate some of the differences between them. First, there is the question of what constitutes the secularity of the state. Like Stout, the hospitality model recognizes that there is a proper, limited secularity to the liberal democratic polity. As Stout puts it: '[e]thical discourse in religiously plural modern democracies is secularized . . . only in the sense that it does not take for granted a set of agreed upon assumptions about the nature and existence of God.'[60] However, with the likes of Stanley Hauerwas and John Milbank, Stout and MacIntyre, the hospitality model opposes all attempts to demand that the public sphere be a wholly secular or non-religious sphere, seeing such a move as itself a form of anti-theology rather than a mechanism for ensuring impartiality between competing claims. As already suggested, Rawls's political liberalism is also open to such a vision of the secularity of the state. However, in contrast to Stout's Emersonian democratic vision, the hospitality model is more in keeping with what he calls an Augustinian democratic vision. That is to say, on the one hand, that the life of a polity can never exhaust the possibilities of what it means to be human and should always aim beyond its own particular form of life to a wider or transcendent horizon or telos; and on the other, that we should be ambiguous about what can be achieved politically—even given our best intentions, earthly political life inherently involves the pursuit of prideful ends—and so we should refuse to over-invest political life with too much significance, divine or otherwise.

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[59] Nicholas Wolterstorff, 'Why we should Reject what Liberalism Tells us about Speaking and Acting in Public for Religious Reasons', in Weithman (ed.), *Religion and Contemporary Liberalism*, 170 6.

[60] Stout, *Democracy and Tradition*, 99.

Second, all three models emphasize the importance of the nature of the relationships between citizens. With Stout, MacIntyre, and Rawls, the hospitality model recognizes the need for respectful relations with others. However, in contrast to Rawls, these relations must engage with the concrete reality of others rather than some abstracted, homogenized, or idealized vision of them. Such relations must be characterized by what MacIntyre calls 'just generosity' and involve what Stout refers to as the 'virtues of democratic speech'.[61] The commitment to virtuous conduct in relations with others means that the hospitality model stands against the prevailing cynicism at work in contemporary political discourse, wherein political relations are characterized as inherently manipulative.[62] Instead, it seeks to embody a hermeneutics of charity as against one of suspicion. It means also that the practice of hospitable conversation with strangers does not fall prey to Stout's criticism of Hauerwas; that his theology provides ideological legitimization to an enclave society where concern for justice is lost amid calls for the authentic expression of Christian identity.[63] Yet, concern for the other and for virtuous relations with non-Christian others is a commitment intrinsic to Christianity rather than one imposed by a liberalism of reasoned respect, and so it will take particular shape and form. The name for this shape and form is what I am calling 'hospitality'.

A third issue is the political status of the church. The hospitality model takes as basic that the church is not a private voluntary society but a public, politically active body that speaks with its own particular language, which may or may not resonate with the moral and political discourse of other traditions. In giving a scripturally and doctrinally grounded account of relations between Christians and non-Christians in a pluralistic democracy, the hospitality model is in keeping with the concern of Hauerwas, Milbank, and others who argue for the continued visibility and distinctiveness of the church, and who resist reducing Christianity to a repository of abstract values. However, unlike Hauerwas and in keeping with Stout's critique, it does formally recognize that churches as public bodies, and Christians in their individual capacity, are constituent members of particular earthly societies in which they have a stake. As such the hospitality model involves what Stout envisages as central to a commitment to democracy, namely that it 'requires *jointly* taking responsibility for the criticism and renewal of tradition and for

[61] MacIntyre, *Dependent Rational Animals*, 121 3. Stout, *Democracy and Tradition*, 85.
[62] MacIntyre, *Dependent Rational Animals*, 114.
[63] Whether or not this is a fair criticism of Hauerwas is another matter. For Hauerwas's response to Stout on this see 'Postscript: A Response to Jeff Stout's Tradition and Democracy', in Stanley Hauerwas, *Performing the Faith: Bonhoeffer and the Practice of Nonviolence* (Grand Rapids, Mich.: Brazos Press, 2004), 215 40.

the justice of our social and political arrangements'.[64] One can go even further and say that the hospitality model involves not only a commitment to democracy (as envisaged above), but to the liberal tradition, albeit not in its Rawlsian or contractarian form. As Oliver O'Donovan points out, within Christianity liberalism has a priority in Christian political reflection. By liberalism he means a commitment to a social order based on freedom, mercy, natural rights (as distinct from human rights), and openness to free speech.[65] He states:

The liberal tradition . . . has right of possession. There is no other model available to us of a political order derived from a millennium of close engagement between state and church. It ought, therefore, to have the first word in any discussion of what Christians can approve, even if it ought not to have the last word. . . . We cannot simply go behind it. It has the status of a church tradition, and demands to be treated with respect.[66]

However, this in no way diminishes the need for a healthy Augustinian sensibility: a central feature of the church's mission is to serve as a watchman, discerning and giving a critique of the marks of the antichrist on the prevailing social and political order.[67] O'Donovan would argue that the central thrust of Christian political thought is to uphold the dialectic between church and state that issues forth in the just ordering of society. The just order of society is provisional and subject to God's judgement. Hauerwas is therefore right to be scathing about any attempt to sacralize that order in terms of a civil religion. However, there is a proper value to be attributed to the penultimate or temporal goods evidenced in liberal society, a valuation which, Stout argues, Hauerwas's rhetoric of excess can occlude.[68]

Fourth, there are differences between and within the different models as to how the commensurability between different religious traditions is conceived. Like MacIntyre, the hospitality model recognizes there is a lack of shared criteria by which to evaluate the competing visions of the good life different traditions uphold. This does not, however, preclude there being an ad hoc commensurability on particular issues of belief and practice between different

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[64] Stout, *Democracy and Tradition*, 152.

[65] Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theory* (Cambridge: Cambridge University Press, 1996), 262 8.

[66] Ibid. 228 9.

[67] Ibid. 273.

[68] Stout's critique of Hauerwas is overstated. Hauerwas is not against engagement with the state or the church's contribution to social justice per se. For a summary of how Hauerwas conceives the contribution of the churches to public life, see Luke Bretherton, 'A New Establish ment? Theological Politics and the Emerging Shape of Church State Relations', *Political Theol ogy*, 7/3 (2006), 371 92.

traditions. The hospitality model is a framework for allowing such commensurability as there is to come to the fore, while at the same time recognizing genuine points of difference and dispute. Unlike MacIntyre, the hospitality model does not seek a systematic framework for resolving disputes between different traditions. And contrary to Rawls and the translation model, neither does it see consensus as a precondition for good relations.[69] While recognizing that inter-tradition relations necessarily involve mutual translation and conversation, the hospitality model takes account of how traditions are fissiparous entities that often overlap with and draw on the life and practices of their neighbours.[70] Thus, as Stout argues, relations between different traditions must always involve a degree of improvisation to see where connections can be made. There is not a one-size-fits-all approach: relations between Christians and Jews will be different in kind and commensurability from relations between Christians and Hindus. Moreover, context will shape the character and possibility of the relations between different traditions: relations between Christians and Muslims in a Muslim majority context will be substantively different from those between Christians and Muslims in a pluralistic or Christian majority context.

7. CONCLUSION

I have reviewed three approaches to the role of religious reasons in public deliberation. The first approach assessed was the 'translation' model, of which John Rawls's thought was taken as paradigmatic. Among the problems with this approach there came to the fore the way in which it occludes or subverts different voices in decisions about public policy, by demanding that different traditions translate their thick discourse into an agnostic and shared language of public deliberation. The second approach assessed was the 'conversation' model. In this there is no third or neutral language of arbitration. Rather, each tradition speaks publicly in its own thick discourse, and it is up to others to engage with that discourse as best they can through a process of conversation. The work of Alasdair MacIntyre and Jeffrey Stout was taken to represent different forms of the conversational approach. I argued that MacIntyre,

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[69] As Stout points out, social contract theory attempts to achieve social stability by fixing the terms of social cooperation prior to any actual relations (*Democracy and Tradition*, 81).

[70] The notion of traditions as contested spheres of discourse and practice is inherent in MacIntyre's definition of a tradition as a conversation over time about the goods of human life. This does not prevent him, however, from ascribing to particular traditions a greater internal coherence than his definition would appear to allow.

while advocating a tradition-specific approach and forming a system of inter-tradition conversation about issues of common concern, was too rigid in his framework. By contrast, Stout's conception of inter-tradition conversation allowed for the interplay of different traditions through an ad hoc process of what Stout called improvised immanent criticism. However, Stout's conception of inter-tradition conversation lacks a sufficiently developed sense of the embodied, interpersonal nature of relations between different traditions in dialogue about the common good. The third approach was the tradition-specific approach of 'hospitality'. In this model, conversation about the common good is situated in specific activities. In short, shared or common action should take priority over conversation. An issue of common concern is addressed within a particular context of interpersonal relationships, with a Christian response to the issue being encountered in practice. The hospitality models fosters both the general and concrete respect necessary to allow the validity of one's own tradition to stand, while at the same time attending to the otherness of the other and the ways in which the other is the same as everyone. The theological basis for the hospitality approach drew on central topoi within Christian doctrine. At the same time, the hospitality model addresses many of the concerns Stout raises about 'sectarians' like Hauerwas and Milbank. It also takes account of how relations between different traditions are often unequal and decisions have to be made about who will receive primary attention. Within the Christian hospitality tradition priority is given to vulnerable strangers, whatever their background. While this last approach has been developed specifically in relation to Christianity, it is to be expected that other faith traditions possess their own resources for framing relations with strangers in ways parallel to hospitality. Lastly, various examples were cited of what the hospitality models looks like in practice. In each of them Christians were acting qua Christians on the basis of explicitly theological reasons, yet improvising relations at many levels with people of different faiths and none, while engaging in activities that contributed to the common good and to public deliberation about what that good consists of.

5

Messianic Ethics and Diaspora Communities

Upbuilding the Secular Theologically from Below

P. Travis Kroeker

1. LIBERALISM AND RELIGIOUS REASONS

In a recent article on religion and secularity in American culture, *Communio* editor David Schindler elaborates the following credo: 'I believe with the "left" that American religiosity typically harbors an inadequate sense of and appreciation for the secular; and I believe with the "right" that American secularity has wrongly emancipated itself from religion.'[1] Schindler's thesis is that a defective American religiosity has largely set the terms for America's defective secularity (or secularism) and that the relation between these is mutual. Citing the American culture critic Wendell Berry, Schindler suggests that the religious disaster is the conceptual division of the Creator from the creation, leading to an untenable and reductive dualism—an extrinsic relation between God and the *saeculum* that warrants the abstraction of the religious realm of individual, voluntarist piety (the human will) from the secular realm of nature and the cognitive order of purely natural, scientist reason. This, suggests the Roman Catholic Schindler, is not only a Protestant malady but a general characteristic of American religiosity. It is rooted in a moralized and voluntarized religion that is coincident with a mechanized, indifferent, or 'neutral' ('disenchanted') secular cosmos. In short, the problem is one of cosmology.

Schindler cites the work of the late Canadian political philosopher George Grant to show further how the secular liberalism of the English-speaking world has become increasingly aligned with the development of technology as

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[1] David L. Schindler, 'Religion and Secularity in a Culture of Abstraction: On the Integrity of Space, Time, Matter and Motion', *Pro Ecclesia*, 11/1 (2003), 76 94.

the site where the value-generating human will finds the value-neutral means for establishing control over an indifferent nature. In his essay 'Thinking about Technology', Grant argues that 'technology has become the ontology of our age' and that, far from being instrumentally neutral, technological mastery imposes upon us a structure of choices and public 'goods' that threatens the very freedom it supposedly serves and undermines the disciplined cultural practices that sustain justice as a shared good.[2] As he argues in *English-Speaking Justice*, the 'cup of poison' being raised to the lips of modern contractual liberalism (he has Rawls in mind) is its 'unthought ontology'.[3] This unthought ontology concerns what it means to be human in a technological liberal public order, and how this may relate to the enactment of public and political justice—as justice cannot remain value-neutral.

For Grant the computer serves as a symbol of this often hidden determining power of technology in our culture, which belies its supposed neutrality:

The phrase 'the computer does not impose [on us the ways it should be used]' misleads, because it abstracts the computer from the destiny that was required for its making. Common sense may tell us that the computer is an instrument, but it is an instrument from within the destiny which *does* 'impose' itself upon us, and therefore the computer *does* impose.[4]

What it imposes, among other things, are forms of community that make possible and that accommodate themselves to the representations and uses attached to computer technologies and their 'progress'. Such a socially mediated conception of human destiny, furthermore, hastens the global movement toward cultural homogeneity and the gradual loss of a genuinely pluralistic public life. On this point Grant's analysis is confirmed and deepened by the work of Albert Borgmann: 'Liberal democracy is enacted as technology. It does not leave the question of the good life open but answers it along technological lines.'[5] Such a political culture produces a rich diversity

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[2] See George Grant, 'Thinking about Technology', in id., *Technology and Justice* (Toronto: Anansi Press, 1986).

[3] George Parkin Grant, *English Speaking Justice* (Notre Dame, Ind.: University of Notre Dame Press, 1985), 71. The particular context of Grant's claim here is Justice Blackmun's majority decision in *Roe* v. *Wade* which begins from the principle that the allocation of constitutional rights cannot be decided on the basis of any knowledge of what is good. And yet the judgment presumes to make an ontological distinction between members of the same species   the mother is a person, the foetus is not. This raises the question of what the human species is: 'What is it about any members of our species which makes the liberal rights of justice their due? The judge unwittingly looses the terrible question: has the long tradition of liberal right any support in what human beings in fact are?'

[4] Grant, 'Thinking about Technology', 23.

[5] Albert Borgmann, *Technology and the Character of Contemporary Life: A Philosophical Inquiry* (Chicago: University of Chicago Press, 1984), 92.

of commodities, argues Borgmann, '[b]ut underneath this superficial variety, there is a rigid and narrow pattern in which people take up with the world'.[6] As the responses to Wendell Berry's controversial *Harper's* article, 'Why I Am Not Going to Buy a Computer', indicate, even gently calling into critical question the central icon of technological civilization will generate intensely emotional moralistic responses (after all, the article is not entitled 'Why You Should Not Buy a Computer' or 'Why the Computer is Evil'). This leads Berry to tweak *Harper's* liberal-minded, cosmopolitan readers: 'I can only conclude that I have scratched the skin of a technological fundamentalism that, like other fundamentalisms, wishes to monopolize a whole society and, therefore, cannot tolerate the smallest difference of opinion.'[7]

Jeffrey Stout's *Democracy and Tradition* is a welcome contribution to liberal democratic public philosophy for several reasons. He offers an account of modern secular democracy that does not narrow-mindedly and dismissively rule out the public expression of religious premises, but which seeks to bridge the divide described by Schindler from the non-religious secular side. In particular he rejects the Weberian secularization thesis accepted by so many liberal political theorists, and by Jürgen Habermas and John Rawls in particular, that assumes (and demands) intellectual conformity to the 'disenchantment of the world' hypothesis as a condition for public political philosophy.[8] Rather, Stout suggests, Emersonian democrats such as himself find themselves in alliance with religious traditionalists such as Augustinian Christians, in focusing political discourse upon matters of shared social concern (not salvation) to which people may bring their particular moral perspectives, without privileging any one tradition as authoritative. In this sense liberal democracy is itself a tradition that fosters the disciplines necessary to sustain responsible, critical public conversation among people whose 'expressive rationality' will differ. The assumption at its best of secular pluralism is precisely that open, critical discussion of the variety of spiritual and moral symbols, traditions, and experiences can enhance the understanding and experience of all. In this regard Stout is critical of the more restrictive secularist liberalisms of Rawls and Habermas.

In an open, pluralistic society it becomes all the more important to attend to the substantive meaning of particular symbols that are used by people to

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[6] Albert Borgmann, *Technology and the Character of Contemporary Life: A Philosophical Inquiry* (Chicago: University of Chicago Press, 1984), 94.

[7] Wendell Berry, *What Are People For?* (San Francisco: North Point Press, 1990), 175. This response has been confirmed repeatedly in my own experience of teaching Berry's essay to undergraduates   they are invariably scandalized, offended, and outraged by his brief individual challenge to the shibboleth of 'technological progress'.

[8] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 175 f.

represent the meaning and purpose of life. Moral meaning is best discovered and communicated not in generic abstractions or formal codes that avoid discussion of the particular spiritual and moral commitments of real human beings, but in shared critical exploration that calls these commitments and symbols to public account in terms of their theoretical and applied implications. Stout argues against Rawls's contractarian quest for a 'free-standing procedural justice' on epistemological grounds, suggesting that it excludes the consideration of principled political reasons, including religious reasons, from public debate.[9] To restrict public reason to juridical procedural discourse is too narrow a paradigm; it cannot facilitate reasonable political exchange in a pluralist democracy. Stout argues that true public respect for others entails a greater focus on the particularity of their reasons and a commitment to a more expressive conception of rationality and the disciplined practice of immanent critique.

Yet I confess that here is where I find Stout's book most disappointing. He states in his introduction: 'The religious dimensions of our political culture are typically discussed at such a high level of abstraction that only two positions become visible: an authoritarian form of traditionalism and an antireligious form of liberalism.'[10] And yet neither in part II where he engages in critical conversation with so-called Christian traditionalists, nor in part III where he elaborates his own case for an Emersonian democratic piety of self-reliance and pragmatic conversation, does Stout himself descend from theoretical abstraction to the kind of textured, nuanced consideration of contextual examples needed to show what practical difference different kinds of religious expressions might make to our public life. Indeed, while in chapter 7 he argues for a notion of democratic tradition that stands—like the modern essay, play, or novel—between example and doctrine so as to avoid authoritarian moralizing in order to explore moral complexity, Stout's vision of ethics as social practice tends to focus on sports (soccer in particular—better than computers, not virtual soccer—but still...) not politics or religion or art for its exemplars. This leads him to a moralistic kind of conclusion that I find troubling and wish to consider further.

The conclusion is this: 'it seems to me that great urgency attaches to the general project of cultivating identifications that transcend ethnicity, race, and religion—at the local and national levels.'[11] And further: 'The kind of

[9] Stout's critique of Rawls is developed ibid. 65 77. Stout calls himself a Hegelian pragmatist but he is equally critical of the controlling and restrictive secularist pragmatism of Richard Rorty (ibid. 85 91).

[10] Ibid. 10.

[11] Ibid. 302.

community that democrats should be promoting at the local, state, and national levels of politics is the kind that involves shared commitment to the Constitution and the culture of democracy. In America, this culture consists of a loose and ever-changing collection of social practices that includes such activities as quilting, baseball, and jazz. But its central and definitive component is the discursive practice of holding one another responsible for the actions we commit, the commitments we undertake, and the sorts of people we become.'[12] Such a culture of democracy, I suggest, is not serious enough to address the spiritual crisis at the heart of technological globalizing culture—a cosmological matter, as I have suggested.

Stout is clear that to cultivate excellence in this discursive practice is a matter of inculcating habits of moral observation, moral witness, and moral imagination. These habits combine a contextualist account of justification with a non-relativist account of moral truth, and yet we are left again with a very abstract definition of moral truth as generalized 'moral law' understood not in terms of metaphysical reality but of imaginative projection.[13] Why? It seems that because we will never find agreement on metaphysical reality, the best we can do is treat our various perspectives as imaginative projections. To cite Stout again: 'The theologies of Antigone, Jefferson, and Martin Luther King [all important social critics] could hardly be further apart: pagan polytheism, Enlightenment deism, and Trinitarian Christianity. When they [each] claim that there is a law higher and better than the artificial constructions of human society, they differ drastically over the source and substance of that law.'[14] But what is this except another liberal reduction of religion and other 'thick' identities to abstract rational norms that can be rendered publicly meaningful and contextual only on a playing field that keeps them expressively inarticulate, incapable of communicating with one another in their own particular witness to reality? What remains is a variant of Plato's cave with public intellectuals as image-projecting sophisticates seeking political influence. Stout's public forbids us to raise and address the 'unthought ontology' question and in this regard I see him as closely allied with the juridical procedural liberalisms of Rawls and Habermas.

Take two appeals to divine moral law mentioned by Stout—those of Antigone and Martin Luther King—in which the invoking agents become

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[12] Stout, *Democracy and Tradition*, 303 4.
[13] Ibid. 242 3.
[14] Ibid. 241.

political martyrs. There is no doubt whatsoever that neither of them under-
stand themselves to be engaging in a conversation about moral projections,
but rather in a life and death struggle over the moral truth of reality and what
it commands religiously. Their actions—discourses and practices—are not
comprehensible without paying attention to the particular content of their
theological cosmologies. Both of them are indeed appealing to an agential
force beyond the law (not their own moral projections) by which the laws of
the land are judged unjust and faulty.

It is precisely at this point that Stout's so-called 'immanent criticism' of the
religious traditions he interprets remains inadequate, abstracted behind a veil
of ignorance. His accounts are by definition reductionist and non-theological.
For this reason he cannot see the metaphysical danger in our current political
context. Certainly he sees the moral dangers of various forms of oligarchy and
plutocracy that threaten any so-called democracy that becomes corrupted by
love of power and money above civic honour and love of justice. Certainly he
sees the political danger of the American Religious Right, rooted in authori-
tarian conventional religion that believes in the divine right of its globalizing
rule. Indeed he may even see what David Schindler, George Grant, and Wendell
Berry see about the dangerous public and political idolatries entailed in the
salvific claims of our globalizing technological culture—virtual reality as our
telos where all our individual imaginative projections may equally come true,
at the expense of truly shared reality. (A *cauchemar* if I ever imagined one!) He
may see and wish to resist all of these dangers, but he cannot acknowledge a
theological or religious account of them and his inability to do so makes him
unable to see how so-called religious traditionalists such as Wendell Berry,
Alasdair MacIntyre, and Stanley Hauerwas are attempting to alert us to the
true ontological and metaphysical extent of our public spiritual and cultural
crisis. For example, Stout expresses appreciation for Berry as a great observa-
tional social critic and environmental ethicist—but Berry would certainly not
understand himself in these terms, nor consider his vision to be the 'product of
democratic culture'—even though it is lived out, shaped by, and dedicated
to some extent to the preservation of such a culture. For none of
these witnesses could public piety be construed even analogically in terms of
Emersonian 'self-trust' and 'self-reliance'. Indeed for each of them such a piety
is itself a dangerous self-delusion that leads quickly to self-righteous, self-
assured, and self-centred judgement and action that ultimately lies behind
all totalitarianisms—of the left and of the right, ancient and modern and
postmodern.

One of the reasons Stout's 'immanent criticism' of traditionalist Christians
in *Democracy and Tradition* fails, in my judgement, is that he tends to

concentrate on the 'church–world' dualism without giving any attention to the apocalyptic cosmology that underlies it.[15] This is not surprising because apocalyptic is a disruptive, anti-totalizing logic that is not easily assimilated into the terms of conventional political theory. Messianic political theology and ethics in particular is often viewed as a dangerous threat by modern political theory, and not without reason. It is worth noting, however, that the first theory of the *saeculum* in Western political thought was developed precisely within an apocalyptic messianic understanding of history and politics, Augustine's *City of God*. It is also the case, I suggest, that the notions of neutral technology and juridical state sovereignty that underlie current conceptions and embodiments of the secular are themselves dangerously totalitarian, exclusivist, and violent, even while hidden beneath the veneer of progressivist liberal assumptions.

2. SECULAR STATE SOVEREIGNTY AND MORAL CAUSALITY

This is the position articulated in the apocalyptic messianism of the secular Jewish critic of liberal culture, Walter Benjamin. The concept of political sovereignty at the heart of modern secular politics and political theory was given its classical formulation by Carl Schmitt.[16] Crucial for Schmitt is the recognition that there is a constituting political power behind the law that entails a decision about the relationship of nature to the law. 'Sovereign is he who decides on the exception', says Schmitt in the famous opening line to his definition of sovereignty, which therefore requires that sovereignty be seen not in strictly juridical terms, but as a limit concept in which there is a power who decides on the 'state of emergency' that suspends the normal rule of law. In the power to decide the exception the truly sovereign 'power of real life breaks through the crust of a mechanism'.[17] This founding notion of sovereignty must be read together with the founding definition of the

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[15] That Stout chooses in his representation of the 'new traditionalism' of Stanley Hauerwas (his primary interlocutor) to affiliate Hauerwas with philosophers of the failure of the grand narrative of modernity, such as Alasdair MacIntyre and John Milbank, rather than with more engaged theologians such as John Howard Yoder and Oliver O'Donovan, can be interpreted as a deliberate avoidance of messianic political theology.

[16] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, Mass.: MIT Press, 1985), 33 f., 47 f.

[17] Ibid. 15.

political, namely, the distinction between friend and enemy.[18] For Schmitt the ultimate challenge to this basic political principle is found in the words of Jesus, 'Love your enemies' (Matt. 5: 44)—words that Schmitt, in keeping with both conventional Christendom and individualist liberal political ethics, regards as *private*—spiritual and not a public political ethic. Surely President Bush would agree. Ultra-liberal Canadian Prime Minister Trudeau would also have agreed as he invoked the War Measures Act in Canada during the Front de Libération du Québec (FLQ) crisis of 1970, thus deciding the exception—the emergency situation in face of the enemy that required the suspension of 'normal law'. Stout agrees with this as well, in his chapter on 'Democratic Norms in an Age of Terrorism', where with reference to the problem of 'dirty hands' he states that 'in situations of extreme emergency, the worst thing an official can do is to allow the people to perish at the hands of its enemies'.[19]

Walter Benjamin had this definition and practice of modern secular sovereignty in mind when he wrote his eighth thesis on the philosophy of history:

The tradition of the oppressed teaches us that the 'state of emergency' in which we live ... is the rule. We must attain to a conception of history that is in keeping with this insight. Then we shall clearly realize that it is our task to bring about a real state of emergency, and this will improve our position in the struggle against Fascism. One reason why Fascism has a chance is that in the name of progress its opponents treat it as a historical norm. The current amazement that the things we are experiencing are 'still' possible in the twentieth century is *not* philosophical. This amazement is not the beginning of knowledge ... [20]

Benjamin clearly sets himself against this secular progressivist politics to which all seeming political options are conformed, and he does so in the name of a '*weak* Messianic power' in which each day is lived as the day of judgement on which the Messiah comes, 'not only as the redeemer' but also 'as the subduer of Antichrist'.[21] Such a 'Messianic time' may not be thought within the categories of historicism but only from the perspective of a

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[18] Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996), 26.

[19] Stout, *Democracy and Tradition*, 192. Stout here frames the issue with reference to the just war argumentation of Michael Walzer, and while it is not clear that he would side with Walzer's judgements regarding 'supreme emergency' in all cases, he sees the need to frame the issue in this manner.

[20] Walter Benjamin, 'Theses on the Philosophy of History', in id., *Illuminations*, trans. Harry Zohn (New York: Schocken Books, 1969), 259.

[21] Ibid., Theses II and VI. The progressivism that Benjamin has in view here is identical with 'technological development' (XI). For interesting further reflections along these lines see Giorgio Agamben, 'The Messiah and the Sovereign: The Problem of Law in Walter Benjamin', in id., *Potentialities: Collected Essays in Philosophy*, ed. and trans. Daniel Heller Roazen (Stanford, Calif.: Stanford University Press, 1999), ch. 10.

'Jetztzeit' (Thesis XVIII), a *real* state of emergency that calls into fundamental question the 'state of emergency'—i.e. the politics of modern secular state sovereignty—in which we live. It will bring into view the violent and destructive foundation of this sovereignty with its homogeneous and totalitarian order by remembering another sovereignty: a messianic sovereignty that reorders the secular (the present time) on completely different terms. I shall return to this in my discussion of messianic political theology, but first it is necessary briefly to show how Hobbesian political theory seeks to eliminate the messianic from public view.

Thomas Hobbes fashioned himself as a Plato *redivivus* for modernity, who believed he could succeed where ancient political philosophy had failed—to become the first to develop a true *science* of civil philosophy that could rationally guide political action.[22] In *Leviathan* he claimed to provide a definitive account of the motivations, constitutive principles, and practical requirements of political order and natural justice—founded, he asserted, on 'the only science that it hath pleased God hitherto to bestow on mankind', Euclidean geometry.[23] The key to scientific order is correct speech, the accurate representational definition of real things and their causal connection in a rational deductive logic. This method is superior to classical philosophy because it assumes no 'spiritual causality' by which the soul is somehow ordered toward a transcendent good beyond being—such a religious cosmology leads to false representation rooted in ignorance of true causes.[24]

Hobbes's Euclidean reason makes two crucial assumptions:[25] first, 'a man can have no thought representing anything not subject to sense'—hence, all causality is related to what is externally visible and material; and second, God is by nature incomprehensible and therefore cannot be imaged or represented in rational human speech.[26] There is no spiritual teleology in nature, no *summum bonum* toward which human passions are oriented and by which they are ordered—happiness itself is but 'a continual process of the desire, from one object to another'.[27] Human reasoning is nothing but the reckoning by means of linguistic conventions that makes possible the better or worse acquisition and use of the objects we desire,[28] and this desire remains fundamentally private, passional, and amoral. Classical language of moral and

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[22] See Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett Publishing Co., 1994), xxxi. 41.

[23] Ibid., iv. 12; cf. xlvi. 11.

[24] Ibid., xii.

[25] Ibid., iii. 12.

[26] See xi. 25: there is no human idea of God 'answerable to [God's] nature'.

[27] Ibid., xi. 1; cf. vi. 58.

[28] Ibid., v. 2; vi. 7.

political philosophy based on spiritual cosmology, therefore, is but a mask for private passions and the desire for temporal power (which alone are real).

Political order, therefore, is reduced to the external calculation of motion—for individuals, a calculation of self-interest: how to guarantee the greatest freedom of external motion in order to acquire the objects of desire, and to avoid the greatest threat to that motion, namely death. At issue here are the motivational conditions for consent to political authority by which such motion is regulated. Political sovereignty entails a procedural set of laws that defines and governs contractually represented relations between individuals, and has the power to enforce them ultimately under threat of death. It is important to note that individual passions are morally neutral (there is no justice in the state of nature) and may in fact be reduced to the desire for power.[29] Morality, conscience, and justice are socially constituted conventions, tied fundamentally to external human power to enforce law, a state of social order or peace imposed forcibly upon the violent state of nature, 'the war of every man against every man'.[30]

It should come as no surprise, then, that when Hobbes follows Plato's lead in the *Republic*, where the polis and its justice are understood as 'man writ large', Hobbes depicts the commonwealth (*Civitas*) as a gigantic 'artificial man', mechanistically and technologically construed: 'For what is the *heart* but a *spring*; and the *nerves*, but so many *strings*; and the *joints*, but so many *wheels*, giving motion to the whole body . . .'[31] This mechanistic animal (it is a 'man' only by legal fiction) is imaged poetically by Hobbes by that most obscure yet fascinating of biblical figures, the 'great Leviathan' of Job 41, whose symbolic meaning is obscure. One might consider this to be a strange choice of images by one so concerned about geometric precision in the definitions that ground a new political science.[32] Yet Hobbes had the image artistically engraved on the frontispiece of the first published edition of *Leviathan* (with his own face depicted on the head).[33] Leviathan stands in

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[29] Ibid., viii. 10, 15 f.

[30] Ibid., xiii. 8 f.

[31] Ibid., introduction.

[32] Several recent studies have explored the importance of Hobbes's rhetoric: see especially David Johnson, *The Rhetoric of Leviathan* (Princeton: Princeton University Press, 1986); Quentin Skinner, *Reason and Rhetoric in the Philosophy of Thomas Hobbes* (Cambridge: Cambridge University Press, 1996).

[33] For an excellent, detailed description of the frontispiece, see Margery Corbett and Ronald Lightbown, *The Comely Frontispiece: The Emblematic Title Page in England, 1550 1660* (London: Routledge & Kegan Paul, 1979), 219 30. That Hobbes had his own face portrayed on the head of Leviathan is his own stamp of conceptual authority and authorial pride in the work he so keenly hoped would 'fall into the hands of a sovereign' and so be converted 'into the utility of practice' (xxxi. 41) thus also succeeding practically, and not only theoretically, where Plato

fact for the 'artificial soul' that governs the artificial body politic, namely the 'sovereignty' that gives 'life and motion to the whole body'.

'Leviathan' is the name Hobbes gives to the sovereign power worthy of worship that publicly represents the conventional order of the modern commonwealth and enforces its contractual justice upon threat of death. Yet, as the frontispiece also makes clear, this Leviathan is both beast and man. The Latin inscription superimposed above the image of the gigantic figure with a man's crowned head and a scaled body comprising of contractually joined individuals (and who rises imperiously beyond the artificially reduced natural landscape) reads as follows: 'Non est potestas Super Terram quae Comparetur ei Iob:41:24'. There are several ironies to be noted here. The inscribed reference appears in Job 41: 24 in the Latin Vulgate, but in the verse sequence of most English translations, verse 24 reads as follows: 'His heart is hard as stone, hard as the nether millstone.' It is no less ironic that the dramatic setting in Job is God's answer to Job's theodicy question: how is divine justice present in the experienced suffering of the righteous? The divine response out of the whirlwind (Job 38–41) is to pose a series of counter-questions concerning the power of God in creation, a creation that ultimately bears witness to the divine purposes (not sheer power) in it. Those purposes are not subject to human judgement, for the goodness of creation is larger than can be discerned by any mortal part. The whole of created order is made and measured only by the Creator. In contrast to the proud self-assertion of hard-hearted fools who rely upon their own external measures, wise human beings find and fulfil their place in the moral order of creation. And here the fear of God, not fear of Leviathan; deference to the dictates of Lady Wisdom, not worship of the chaotic power of a monstrous mortal god; love of the Creator, not fear of losing one's possessions or the external power of motion, is the beginning of wisdom and good judgement.[34]

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had failed (in Syracuse). Of course, on any account Hobbes's new theory of political represen tation is of decisive importance for modern political science and practice.

[34] The contrast between a materialist or technological human knowledge and spiritual insight into divine wisdom is developed in Job 28. Here human knowledge of things and the technical ability to use them 'Man puts his hand to the flinty rock, and overturns mountains by the roots. He cuts out channels in the rocks, and his eye sees every precious thing. He binds up the streams so they do not trickle, and the thing that is hid he brings forth to light' (28: 9 11) is distinguished from wisdom, which is not an object of human knowledge under human control: 'But where is wisdom to be found? And where is the place of understanding? Man does not know the way to it, and it is not found in the land of the living. . . . It cannot be gotten for gold, and silver cannot be weighed as its price' (28: 12 15). Wisdom is linked to the divine purposes of the Creator in fashioning the creation, and it has a moral quality: 'God understands the way to [wisdom], and he knows its place. . . . When he gave to the wind its weight, and meted out waters by measure . . . then he saw it and declared it; he established it and searched it out. And he said to

Despite Hobbes's assertion that the singular mark of New Testament prophecy is found in the messianic doctrine '*That Jesus is the Christ*, that is, the king of the Jews, promised in the Old Testament',[35] this can have no immediate political import. That is, the rule of God can only be construed in material terms as a direct sovereignty (as in ancient Israel before the monarchy), and that therefore has political purchase only upon the bodily return of Christ to rule the world literally at the second coming. In between, it has force only as a doctrinal teaching requiring the consent of faith, a private matter that makes no reference to some imagined active spiritual agency or order with political significance here and now. In effect, Hobbes's Christian political theology purges Christianity of any spiritual meaning. All politics is temporal and material; as Hobbes puts it: 'Temporal and spiritual government are but two words brought into the world to make men see double and mistake their lawful sovereign'—which sovereign in a Christian *civitas* is the 'one chief pastor . . . according to the law of nature', namely the civil sovereign,[36] namely Leviathan.

In my judgement, the following commentary by Carl Schmitt on Hobbes's project is not an exaggeration:

The most important statement of Thomas Hobbes remains: Jesus is the Christ. Such a statement retains its power even when it is relegated to the margins of an intellectual construct, even when it appears to have been banished to the outer reaches of the conceptual system. This expulsion is analogous to the domestication of Christ undertaken by Dostoevsky's Grand Inquisitor. Hobbes gave voice to and provided a scientific reason for what the Grand Inquisitor is to make Christ's impact harmless in the social and political spheres, to dispel the anarchistic nature of Christianity while leaving it a certain legitimating effect, if only in the background; at any rate, not to abandon it.[37]

What is missing in Schmitt's commentary is Dostoevsky's recognition that the Grand Inquisitor, who is indeed the prophetic political face of Leviathan in *The Brothers Karamazov*, can only adequately be understood

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man, "Behold, the fear of the Lord, that is wisdom; and to depart from evil is understanding" ' (28: 23 8). Wisdom, unlike knowledge, is not a human possession, nor is the measuring here best represented by Euclidean geometry. After all, wisdom is personified in the wisdom literature in terms of dramatic agency (not technical making) that stands in intimate, indeed erotic, relation to the divine purposes she mediates purposes that can only be discerned by human beings also in erotic relation to them, themselves mediating or embodying their spiritual motion.

[35] Hobbes, *Leviathan*, xxxvi. 20; cf. xlviii. 11 f.

[36] Ibid., xxxix. 5.

[37] Quoted by G. L. Ulmen in his 'Introduction' to Carl Schmitt, *Roman Catholicism and Political Form*, trans. G. L. Ulmen (Westport, Conn.: Greenwood Press, 1996), p. xv.

with reference to the apocalyptic vision of God and immortality displayed in the New Testament Christ. That is, Dostoevsky's (or, to be poetically precise, Ivan Karamazov's) Inquisitor is not only a 'domesticator' of Christ but a destructive distorter of the vision of divine rule and goodness that Christ represents, according to the image of a Euclidean earthly realism.[38] Dostoevsky's art is prophetically clear: the Euclidean political theory of the Inquisitor, including the conscription of religious authority as human projections in the service of purely temporal ends, stands in rebellion against God and the providential display of divine governance revealed in the crucified Christ. We have here not only the reversal of Jesus' responses to the three temptations of the devil, but, in Dostoevsky's portrayal, the parodic reversal of Jesus' messianic mediation of divine justice, rule, and authority, poetically depicted in the dragon, beasts, and whore of Revelation 12–18. That is, the Leviathan/Grand Inquisitor mediates anti-christ—a scientific, political, and religious correction of the work of Christ, a solution to the problem of evil that eviscerates the transcendent dangers of the human spirit so as to make possible political security (I do not call it peace) on the earth.

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[38] I provide an extensive interpretation of the theological, ethical, and political meaning of the apocalyptic poetics displayed in Ivan's Grand Inquisitor, and in *The Brothers Karamazov* more generally, in chapters 1, 4, and 6 of *Remembering the End: Dostoevsky as Prophet to Modernity* (Boulder, Colo.: Westview Press, 2001; London: SCM Press, 2002). Briefly, the base logic of Ivan's Euclidean realism can be discerned in propositions such as the following   which, though atheist, have distinctly Hobbesian echoes:

  (i) 'There is no law of nature that man should love mankind': the law of love is a religious proposition rooted in belief in God and immortality, without which 'the moral law of nature ought to change immediately into the exact opposite of the former religious law', namely the egoism of 'all is permitted' (i.e. Hobbes's state of nature);

  (ii) Egoism must nevertheless be restrained if human happiness and political order are to be realized. Hence, religious and moral ideologies (including Christianity) must be used in the service of taming human nature, but they must be politically controlled and managed via extensive technological, economic, and military networks of external power;

  (iii) When the idea of God has been eviscerated in human beings, a 'new man' will arise, a nature conquering man god who will remake the world in the image of a virtual reality and 'will thereby every hour experience such lofty delight as will replace for him all his former hopes of heavenly delight'. Ivan's sidekick, Rakitin, the socialist seminarian, is especially enamoured of the glorious possibilities for social and mental engineering that this 'new man' will facilitate.

3. DIASPORA MESSIANIC ETHICS AND
SECULAR REASON

As chapter xxx of *Leviathan* makes clear, Hobbesian sovereignty represents the founding of the modern welfare state—sovereignty is expanded, extended and 'democratized' via consent and the willing transfer of power from individuals to the state for the sake of those goods that all desire: protection, security, and the 'contentments of life'.[39] Michel Foucault distinguishes between the juridical-political theory of sovereignty derived from medieval royal ideology and the normalizing disciplines of bio-power and self-surveillance that increasingly extend a technology of power over human bodies and life itself.[40] In Hobbes's *Leviathan*, however, these are united in a theory of sovereignty that joins the language of right and justice (juridical discourse) with the language of normalization (scientific discourse). The meeting ground, as Hannah Arendt points out, is technology, with its promise of delivering human control over life in both natural and socio-historical processes.[41] This implies an ontology, a value-laden decision about the relation between nature and law that warrants an increasingly externalized, mechanistic notion of the secular as the public realm of technical means by which to achieve individual self-fulfilment defined in economic terms.

What has been lost in this process, as Wendell Berry argues, is that important mediating 'third' between the private individual and the technological public realm, namely, community:

By community, I mean the commonwealth and common interests, commonly understood, of people living together in a place and wishing to continue to do so. To put it another way, community is a locally understood interdependence of local people, local culture, local economy, and local nature. (Community, of course, is an idea that can extend itself beyond the local, but it only does so metaphorically. The idea of a national or global community is meaningless apart from the realization of local communities). Lacking the interest of or in such a community, private life becomes merely a sort of reserve in which individuals defend their 'right' to act as

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[39] Hobbes, *Leviathan*, xiii. 9; xvii. 1.

[40] See Michel Foucault, 'Two Lectures', in id., *Power/Knowledge: Selected Interviews and Other Writings 1972 1977*, ed. Colin Gordon (New York: Pantheon, 1980); and part V, 'Right of Death and Power over Life', in volume i of *The History of Sexuality*, trans. R. Hurley (New York: Vintage, 1980).

[41] See Hannah Arendt, 'The Concept of History: Ancient and Modern', in id., *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 1958), ch. 2. The connec tion lies in the concept of developmental 'process'.

they please and attempt to limit or destroy the rights of other individuals to act as they please.[42]

Communities require for their flourishing the 'common virtues of trust, goodwill, forbearance, self-restraint, compassion, and forgiveness'—virtues that are evoked and maintained not by legal contract and political coercion but by education, education not in technical expertise but in moral wisdom and the disciplines of community responsibility and the burdens of love and relationship. Here there is a continuing and important public role for religious communities that may shape the secular through a different moral imagination and ontology of the common good from that evident in the technological paradigm of statist sovereignty.

In the remainder of this essay I shall explore briefly the possibility of a messianic paradigm that addresses the problem of secular pluralism quite differently from the approach displayed in technological globalization. By calling the paradigm 'messianic' I am of course being deliberately provocative, as it is precisely the messianic forms of religion that have been judged to be dangerously apocalyptic and politically totalitarian by modern liberal theories. There is no doubt that some have been.[43] The challenge here is to show how messianic religious communities can engage a secular public realm defined in terms of technological empire in constructive moral terms without accommodating themselves to its colonizing vision and monolithic ontology.

The paradigm of 'weak messianic power' (Benjamin) here proposed is a 'diaspora' vision, a sovereignty of servanthood that stands in contrast to technological globalization. The focus here is on particular, scattered forms of 'local identity' rooted in historical memories, and their relationship to larger 'host' powers.[44] Diaspora messianism is a language of identity and cross-cultural engagement critically related to the dominant political institutions and norms of a culture—and it relates itself to multiple attachments—

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[42] Wendell Berry, *Sex, Economy, Freedom, and Community: Eight Essays* (New York: Panthe on, 1993), 120. I offer an account of Berry's thesis that 'sexual love is the heart of community life' in 'Sexuality and the Sacramental Imagination: It All Turns on Affection', in Jason Peters (ed.), *Man of Contrary Opinions: The Life and Work of Wendell Berry* (Lexington: University of Kentucky Press, 2007), 119 36.

[43] Norman Cohn discusses numerous examples in his book *The Pursuit of the Millennium: Revolutionary Millenarians and Mystical Anarchists of the Middle Ages* (New York: Oxford University Press, 1970).

[44] A significant sociological literature has developed around the language of 'diaspora', including the journal *Diaspora*. See Robin Cohen, *Global Diasporas: An Introduction* (Seattle: University of Washington Press, 1997); James Clifford, 'Diasporas', in id., *Routes: Travel and Translation in the Late Twentieth Century* (Cambridge, Mass.: Harvard University Press, 1997), ch. 10; Jonathan Boyarin and Daniel Boyarin, *Powers of Diaspora: Two Essays on the Relevance of Jewish Culture* (Minneapolis: University of Minnesota Press, 2002).

rather than a language of either accommodation or resistance. Built into the diaspora paradigm, therefore, is a tension between on the one hand displacement or separation or otherness, and on the other hand entanglement or assimilation; and this tension attends to particular cultural issues through a dialogical imagination without privilege. This is not only a sociological paradigm but also a theological one, related originally to the Bible and with important sources in Judaism.[45] In the biblical myth of the Scattering of the Peoples in Genesis 11, the creation mandate to 'be fruitful and multiply and fill the earth and subdue it' is restated polemically against an imperial sovereign, 'tower of Babel' interpretation of its meaning. The reduction of meaning and cultural identity to a single language, a univocal 'naming' of reality in order 'to make a name for ourselves', is depicted as being against the Creator's intention in making human beings in the divine image. Contrary to what many dogmatists and religious imperialists have done with it, the Bible does not oppose but celebrates plurality and diversity as the gift of creation. The monolithic, monolinguistic structures of efficiency in communities that seek to colonize global resources and cultures to enact a civic vision of world-historical greatness are depicted here as a parody of creation's play of radical diversity. Pieter Brueghel's painting *Tower of Babel* displays this grotesque distortion with insight—like Hobbes's *Leviathan* his Romanesque tower dwarfs the natural landscape, with ant-like humans working like slaves on its completion, even as the tower itself is already crumbling. It is an aesthetic disaster and, above all, it is completely uninhabitable, an inhumane and unnatural political abstraction. As the political scene in the front corner of Brueghel's painting demonstrates, he is making a critical observation about the model of secular sovereignty underlying the Holy Roman Empire of medieval Christendom.

In Genesis 11 the divine scattering through linguistic 'confusion' (Hebrew, *balal*) is viewed as an act of mercy that restores the possibility of *shalom* through diverse, local communities of scale. But the Bible is not simply anti-urban or anti-technological, nor does it try to destroy or refuse to engage empire civilizations. A second significant biblical text pertaining to the diaspora paradigm is found in Jeremiah 29, where the prophet is giving divine advice to those being taken into Babylonian exile. Here again the scattering

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[45] The Christian theological formulation of this that most influences my account is that provided by John Howard Yoder, 'See How they Go with their Face to the Sun', in M. Cartwright and P. Ochs (eds.), *The Jewish Christian Schism Revisited* (Grand Rapids, Mich.: Eerdmans, 2003); 'Meaning after Babble: With Jeffrey Stout beyond Relativism', *Journal of Religious Ethics*, 24/1 (Spring 1996), 125 39; 'On Not Being in Charge', in J. Patout Burns (ed.), *War and its Discontents: Pacifism and Quietism in the Abrahamic Traditions* (Washington, DC: Georgetown University Press, 1996), 74 90.

experienced by the people is interpreted as a good, so long as they can remain focused on the creation mandate: be fruitful and multiply, set down roots (build houses, plant gardens, intermarry) in a foreign land, build community amidst differences, and, above all, seek the *shalom*—the shared common well-being and just flourishing—of the empire city into which you are being sent, for in its *shalom* you will find your *shalom*. This is neither advocacy for the empire ethos of Babylon (its political tyranny, economic expansionist exploitation, and monolithic colonization of other cultures) nor a call to create a separatist community of religio-cultural purity and isolation. Rather the people are called to live out of their alternative vision of justice even where the homeland is alien, without being in control institutionally, numerically, or spiritually.

A diaspora ethic, then, is a public ethic that is neither isolationist separatism nor complacent accommodation to tyranny—Babylon and empire do not define the terms—and that lives out of a moral orientation toward shared *shalom*. It is an ethic of community dwelling that entails respect for local cultures and learns the languages of the other in order to communicate about the shared good, rather than imposing a single language or monolithic vision of the good upon all. Diaspora Jews in exile, tellingly, became expert translators, scribes, and cross-cultural communicators who were linguistically and culturally creative, not focused upon the conservative preservation of a single system or set of institutions or struggles for civil sovereignty. The vocation of this public ethics, furthermore, is one of cultural and social responsibility in the everyday—quotidian ethics—not a heroic quest for trans-cultural, globalizing idealism or the 'end of history'. Indeed, history itself (as the Bible displays) is viewed as collections of particular and diverse narratives in various languages with a variety of genres, approaches, and traditions that foster open engagement (intertextuality), the creative play of plurality, rather than a single overarching cultural linguistic system that homogenizes meaning and seeks to control its production and distribution (including that of a romanticized, formalized policy of 'multiculturalism', as in the politically correct Canadian version).

Finally, as I have already suggested, this is a political ethic of *shalom*, community well-being, and public culture not limited to certain defining institutions and their codified procedures and norms (be it the temple, cathedral, monarchy, constitutional democracy, parliament, or law court). Rather it is characterized by cultural flexibility and communication, bringing portable, shareable skills not tied to one context, focusing on the non-coercive and local, often hidden and unrecognized engagement of shared problems and possibilities. Leadership is defined as serving the shared good, rather than establishing sovereignty and control. It therefore requires the attitudes and

disciplines of humility, openness, and listening rather than technological conquest, the imposition of solutions, and professional authority.

These elements of the diaspora paradigm are also central to the New Testament vision of messianic community. It carries on this pattern of authority and of rebuilding the secular not through control of the dominant centres of social and political power but by modelling a different path of community building as cultural service from below. This is what Paul identifies in 1 Corinthians as the 'calling' or 'vocation' (*klesis*) of the *ekklesia* to be witnesses not to the power and wisdom of human beings but to the power of God, a foolish wisdom displayed in a servanthood that possesses nothing but acts as if all things are given to it as God's gift. The diasporic and political character of Pauline messianism has recently become the subject of several interesting studies by secular political philosophers who discern in it the radical disruption of certain modern conventions, political ontologies, and habits of mind, and in particular a challenge to the technological globalizing wisdom and rulers of this age.[46] Contrary to the secularization thesis of Max Weber, Hans Blumenberg, Jürgen Habermas, and others who interpret Paul's eschatological messianism as one of indifference toward worldly or secular conditions, Alain Badiou, Jacob Taubes, and Giorgio Agamben interpret Paul's messianism as radically political, a challenge to the politics of human sovereignty in any form. The Messiah is not indifferent to the worldly, nor does he merely interpret it; as Walter Benjamin puts it in his 'Theologico-Political Fragment', the Messiah and only the Messiah transforms it:

Only the Messiah himself consummates all history, in the sense that he alone redeems, completes, creates its relation to the Messianic. For this reason nothing historical can relate itself on its own account to anything Messianic. Therefore the Kingdom of God is not the *telos* of the historical dynamic; it cannot be set as a goal. From the standpoint of history it is not the goal, but the end. Therefore the order of the profane cannot be built up on the idea of the Divine Kingdom.[47]

This is because the realm of history and nature is the realm of what is 'passing away', whereas the messianic is the realm of God's eternal wisdom and power.

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[46] See Jacob Taubes, *The Political Theology of Paul*, trans. Dana Hollander (Stanford, Calif.: Stanford University Press, 2004; German original, 1993); Alain Badiou, *Saint Paul: The Foundation of Universalism*, trans. Ray Brassier (Stanford, Calif.: Stanford University Press, 2003; French original, 1997); Giorgio Agamben, *The Time That Remains: A Commentary on the Epistle to the Romans* (Stanford, Calif.: Stanford University Press, 2006; Italian original, 2000). For my fuller analysis of these thinkers, among others on this topic, see 'Whither Messianic Ethics? Paul as Political Theorist', *Journal of the Society of Christian Ethics*, 25/2 (2005), 37–58; and 'Is a Messianic Political Ethic Possible?', *Journal of Religious Ethics*, 33/1 (2005), 141–74.

[47] Walter Benjamin, 'Theologico-Political Fragment', in id., *Reflections: Essays, Aphorisms, Autobiographical Writings*, trans. E. Jephcott (New York: Schocken Books, 1978), 78.

At the heart of the Pauline messianic ethic, which for both Taubes and Agamben underlies and inspires Benjamin's weak messianic power, is the *hos me* ('as if not') of 1 Corinthians 7: 29 f.:

I mean . . . the time (*kairos*) has become contracted; in what remains let those who have wives live as if they did not (*hos mē*) have them, and those who mourn as if not (*hos mē*) mourning, and those who rejoice as if not *(hos mē)* rejoicing, and those who buy as if not (*hos mē*) possessing, and those who use the world as if not (*hos mē*) fully using it. For the outward form of the world is passing away.

There is a particular kind of 'making use' of the world that treats it in a manner appropriate to its ontology of 'passing away'—a using that is not proprietary, not related to human sovereignty or juridical ownership, that dwells in the world ('remain in the calling in which you have been called' 7: 20, 17) in a manner that opens it up to being made new, to 'being known by God' (1 Cor. 8: 3). The nullification of secular vocation is not abandoning it for somewhere else but dwelling within it as in exile, in dispossession. This dispossession allows the power of God to transform it in keeping with its true condition or figure, its 'passing away' toward an 'end' that lies beyond it. This transforming power is a kind of messianic use of the world that stands in opposition to possessive control, whether juridical, noetic, or technological.

The identity of the Christian borne by the messianic community, in other words, is not a new universalism that somehow transcends or escapes particularity and difference. Indeed it is not to be related to a form of universal knowing or theory of any sort ('if anyone imagines that he knows something, he does not yet know as he ought to know'). It is rather an identity 'in the Messiah' that seeks the perfection of love not in the domination or possession of any part, but in the dispossessive transformation of all partial things to their completion in divine love. This transformation occurs in the messianic body conformed to the 'mind of Messiah' that willingly empties itself in order to serve the other, a pattern of radical humility and suffering servanthood. It is a pattern that can only be spiritually discerned, even though it is being enacted in the bodily realm that is 'passing away', and therefore appears as failure—as Paul emphatically insists in 1 Corinthians 1, scandalously relating the calling of the *ekklesia* to the foolish power of the cross, which is mysteriously related to divine power and wisdom depicted not as ontological plenitude but as emptiness: 'God chose what is low and despised in the world, even things that are not in order to bring to nothing the things that are.' In this way secular vocations and identities are never replaced by something new, but there is rather a making new that occurs within them that transfigures and opens them up to their true use. In effect this is a messianic slavery liberated

from juridical bondage to worldly possession for free creaturely action that glorifies God in the earthly body.

This 'as if not' messianic ethic is the opposite of Kant's 'as if' moral universal that strives to possess an ideal, that seeks to make humans the sovereign masters of their own moral and political destinies. Paul's position, by contrast, is rooted in a kenotic movement of dispossession that cannot become yet another act of (self-)legislation. The 'as if not' relinquishes its moral striving and its hold—whether of the technological means of progressive liberation from the decay and bondage of nature or the political means of liberating particular identities from the burdens of their oppressive traditions and conditions. The point is rather to open all worldly callings and conditions to the transfiguring passage of God, through slavery to the sovereign crucified Messiah. Here it is necessary to get beyond possessive identities and aspirations altogether via messianic healing, which is also a messianic suffering that chooses to pass through and not merely leave behind or replace the groaning weight of past cycles of victimization, violence, and retribution. With Karl Barth and Franz Kafka, the Pauline messianic subject knows that in messianic secular time, the saved world coincides exactly with the lost world, i.e. there is no path to salvation and *shalom* except through self-losing service to what cannot be saved. This is why both Kafka and Barth emphasized the secular language of the parable as the proper discourse for ethics, since the parabolic reverses the conventional criteria by which we measure strength and weakness, success and failure. It does so by discerning the passing action of God, not from above in a position of world-historical dominance, but from below, in a manner that emphasizes failure and thus sees differently. In Kafka's parabolic formulation, 'there is salvation, but not for us'.[48] Only thus is the worldly emptied for its reconciliation with the divine passage through it. A messianic political ethic, then, is finally a pattern that can be described as sacramental or parabolic in which the excess of the whole may be discerned within the particular part that is selflessly and in loving use of the world bearing witness to its hidden and sustaining divine life. This would be to restore secularity to its truest meaning—its full but not self-sufficient significance as the site where God is becoming 'in Messiah' 'all in all'.

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[48] Kafka's discussion of parables is itself parabolically mediated in his 'On Parables', in id., *The Basic Kafka* (New York: Simon & Schuster, 1979), 158. For Benjamin's discussion of Kafka and especially of the beauty of failure in it, see *Illuminations*, 141 5. Barth, in the section of the *Römerbrief* called 'The Problem of Ethics', explicitly ties the language of parables to 1 Corinthi ans 7: 31, 'the form of the world passes away', and considers that the only ethical form that bears testimony to divine action is one that is 'offered up' sacrificially in self dissolution or worldly failure or brokenness (Karl Barth, *Epistle to the Romans*, trans. E. C. Hoskyns (Oxford: Oxford University Press, 1968), 433 ff., 445, 462 ff.).

4. CONCLUSION

In terms of the place of theology in public reason, then, I have tried to make a case for a messianic political theology that brings into bold relief the sovereignty question—who holds the authorizing power to judge in our public life? Such a perspective may not accede to the demands by Rawls, Habermas, and Stout that theology behave more modestly and restrainedly in the public fora of a pluralist society. This means not that messianic claims will seek coercively and heroically to win the sovereignty game, but will precisely call into question all human claims to benevolent sovereignty rooted in possessive measures of the good—be it mammon, political power, fame, moral purity, or technological efficacy. Messianic ethics will focus less upon the legitimizing claims of defining institutions (law courts, parliaments, churches, etc.) than upon the embodied practices of communities that shape the public polis in the *saeculum*, the everyday of the present age—but always with witness-bearing reference to the parabolic passage of the divine through it. For messianic ethics the fact of modern pluralism is not a lamentable fragmentation of some monolithic ideal tradition, but a providential opportunity to rediscover the multiplicity of peoples and cultures as a divinely given good that saves human beings from the idolatrous imposition of political and technological uniformity in order to attend to the particular relations of particular communities in particular relevant languages. It opens up the space for vulnerable encounters from below, as opposed to domination through coercive imposition from above. The *shalom* of such reconciling encounters, furthermore, will frequently be re-presented to the messianic body by 'outsiders' such as Gandhi, whose practice is more compatible with Jesus' messianic vision than the practice of many 'Christians' may be. Such dialogical diasporic practice is always full of surprises and paradoxical reversals in which public judgement takes time and requires patience. Yet this patience is a 'wild patience'[49] that can take the many particular forms needed for vulnerable secular engagement, discernment, and participation in the mysterious judgements and pathways of divine wisdom in the present age.

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[49] This is how the political theorist Romand Coles characterizes the messianic political ethic of John Howard Yoder, in 'The Wild Patience of John Howard Yoder: "Outsiders" and the "Otherness of the Church" ', *Modern Theology*, 18/3 (July 2002), 305 31; also available as chapter 4 of Romand Coles, *Beyond Gated Politics: Reflections for the Possibility of Democracy* (Minneapolis: University of Minnesota Press, 2005). 'As a member of no church', but rather as a participant in 'radical democratic coalition politics', Coles finds in Yoder's writings 'a vision of dialogical communities that brings forth very particular and powerful practices of generous solidarity precisely *through* creative uses of conflict and a vulnerable receptivity to the "least of these" within the church and to those outside it. In fact, few today offer as compelling a vision for pursuing justice and political engagements in heterogeneous societies' (*Beyond Gated Politics*, 110).

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Christian Hope and Public Reason

Robert Gascoigne

For John Rawls, the essence of the concern for 'public reason' is a matter of respect for others, for civility or 'civic friendship': public reason demands that the reasons we give in public life, reasons that can justify coercive laws and public political institutions, are reasons that are, at least in principle, both intelligible and acceptable to others, so that the normative status of these laws and institutions can be justified to all citizens, in relation to the common good, in terms that they might reasonably accept.[1] Laws and institutions should not be based directly on the beliefs and imperatives of 'comprehensive doctrines', including religious doctrines, but rather on some shared basis of public reason. From a Catholic perspective, this requirement is an important expression of freedom of conscience: citizens should not be forced to obey laws or conform to institutions which are directly mandated by a particular religion. Civil institutions must be based on a shareable conception of the common good, rather than on the beliefs of any particular religion.[2]

On this basis, if Christians seek to contribute to public political life, it must be in ways which do not invoke the specific content of their religious beliefs, but rather in some way express the implications of that content in publicly shareable terms. They have the task of discerning the ethical and political meaning of their religious faith, and of articulating that meaning in particular contexts, without seeking to impose the content of their religious faith itself on others. Such are the constraints of civility in liberal and pluralist

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[1] John Rawls, 'The Idea of Public Reason Revisited', in id., *The Law of Peoples with 'The Idea of Public Reason Revisited'* (Cambridge, Mass.: Harvard University Press, 2001), 137 8.

[2] I share the view of Patrick Riordan, SJ, in his 'Permission to Speak: Religious Arguments in Public Reason', *Heythrop Journal*, 45 (2004), 178 96, that Rawls's conception of public reason is in harmony with Vatican II's *Dignitatis Humanae* (Declaration on Religious Freedom), insofar as basing public political life on the religious beliefs of a particular group would amount to a violation of the freedom of conscience of citizens who do not share those beliefs.

societies, the constraints of public reason. Acceptance of this constraint can be the expression of a positive desire to serve others, to respect their freedom of conscience by confining advocacy to forms of expression which appeal to whatever can be evoked as common human experience. A sensitivity to the religious freedom of others will be aware that an insistence on particular religious doctrine may be heard simply as an appeal to a particular group identity, or a recounting of opaque claims to authority, rather than as an invitation to reflect on our common human situation. At the same time, Christians, by the nature of their discipleship of Jesus Christ, are called to be faithful to the identity of the Christian gospel: in seeking to serve their fellow citizens, they must also bear witness to the gospel and its proclamation of eternal life, which infinitely transcends the priorities of any human society. A Christian contribution to public life must therefore be characterized by both a sense of service and a sense of identity, both a desire to evoke and share the common ethical truths that ground a society of mutually recognized rights and a fidelity to the particular truths of the gospel of Jesus Christ. The debate concerning the relationship between Christian faith and public reason includes both the question how Christian belief can be compatible with and contribute to public political reason and how it can remain faithful to its own identity in doing so.

This essay is concerned in particular with the relationship between Christian hope and public reason. In what ways can Christian hope serve the citizens, laws, and public political institutions of a pluralist society? How can it be communicated in ways that express the civility of public reason and at the same time faithfully maintain its own transcendent witness? This essay will first consider the nature of Christian hope and seek to show that its transcendent character and its expression as solidarity and service for others find their union in Christian faith's affirmation of Christ's anonymous presence in our neighbour. In this sense, service to others in public life, in our shared historical existence, is an expression of Christian identity. Secondly, it will reflect on the meaning of hope for the public life of secular and pluralist societies, arguing that a public, political hope expresses itself in three key ways: a discernment of human capacities which evokes moral virtue, a conviction of the openness of the future to human striving, and a certain detachment from the fruits of that striving. Finally, it will consider the ways in which Christians can communicate their own hope to others in pluralist societies, in ways that both respect the canons of public reason and are faithful to Christian religious identity.

The source and ground of Christian hope is the gift of God, and its symbolic summation is the Kingdom of God, a realm in which human beings live in the inheritance of eternal life. The hopes of Christians go beyond

history, and cannot be satisfied by anything in human history. Whatever the outcome of human history may be, or the fate of particular historical communities, Christian hope in the Kingdom cannot be destroyed. Human history cannot fulfil that hope, nor can it abolish it.

Yet at the same time, Christians are called to solidarity in history, to a bond with their fellow human beings that is forged and strengthened within history. It is within history, through their ethical commitment, their love of neighbour, that they respond to the gift of the Kingdom, and help to make it present. If they ignore the historical plight of their fellow human beings, then they ignore the image of God in their midst. It is in the historical circumstances of their lives that they come to know God through his image in their neighbour and use their freedom to help make God's Kingdom visible in sign and anticipation.

The tension between a hope that goes beyond history and a love that is realized within it is a crucial characteristic of Christian life. The products, or 'outcomes', of history are not the focus of Christian hope—they can neither fulfil nor destroy it. History may, after all, end in nuclear or ecological disaster, or in some other conclusion that destroys all the works of human civilization. Much of the labour of past generations was denied fruition by conflict and unforeseen contingency, and history gave no solace to those whose lives were cut short by war and famine. Yet it is within history, through our attempt to respond in freedom and love to God and neighbour, that we are saved. Through our efforts to respond to the goodness of creation, to perform works of love, we help to prepare for the Kingdom, since those works of love develop moral character, persons—and communities of persons— formed by love, and it is those persons who will become members of the Kingdom of God. We cannot respond to the Kingdom in our own lives unless our dedication to others and to the historical world which is the arena of our shared lives is real and genuine, and demonstrated in solidarity.

This is nowhere emphasized in Scripture more than in Matthew 25: 31–46. This passage, unique to Matthew, although often called 'The Parable of the Last Judgement', is not in the form of a parable but the conclusion of an eschatological discourse, 'the unveiling of the truth which lay behind all the parables in chapters 24–25'.[3] It has the character of solemn assertion about

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[3] John P. Meier, *Matthew, New Testament Message 3* (Dublin: Veritas Publications, 1980), 302. I find Meier's argument persuasive here, since the narrative focuses directly on our encounter with the Son of Man; for an argument that this text is, nevertheless, a parable, see W. Carter and J. P. Heil, *Matthew's Parables: Audience Oriented Perspectives*, Catholic Biblical Quarterly Monograph Series (Washington, DC: Catholic Biblical Association of America, 1998), 208. Donald Senior, in his *Matthew* (Nashville: Abingdon Press, 1998), argues that the works of love referred to may describe the love with which the Gentiles are to receive Christian mis

our ultimate destiny. As it makes clear, the criterion of our salvation lies in our acts of mercy towards those we encounter in need within the circumstances of ordinary, historical existence. It is those specific acts which will testify to the genuineness of our response to the love of God. Each of them, in the descriptive detail of the narrative, is to do with service to the need of our neighbour in conditions of poverty, hunger, and distress. In that encounter with our neighbour in distress we encounter Christ: our salvation is realized in these acts because they are a response to Christ in the person of our neighbour. The incarnation of the Word has its anonymous manifestation in the real presence of Christ in those in need of our service. The text of Matthew 25 affirms the eternal significance of historical acts of solidarity, through which we acknowledge the love of the Word-made-flesh.

Our salvation is not determined by the course and consequences of human history, yet our hopes are for human history, the history which the Word of God shares by becoming human. It is the object of our care and concern; within it we witness and strive to have empathy for the 'joys and hopes, griefs and anxieties' of our fellow human beings.[4] This empathy may be expressed in 'little, nameless, unremembered acts of kindness and of love' or in larger politically organized schemes for human welfare: whatever their scale, such acts can respond to the teaching of Matthew 25, when performed with love and with acknowledgement that their fruits are beyond our control.

One of the crucial ways in which Christians can serve others is to respond to Christian faith's gift of hope by bringing hope to their fellow human beings. Historical societies, in a very real and palpable sense, live in hope and through hope. My concern in this essay is for the ways in which Christian communities can communicate hope to the broader societies of which they are a part in ways which express the 'civic friendship' of public reason. Its particular focus will be on the ways in which the specific character of Christian hope, which is not founded *in* history but is a hope *for* history, will shape the ways in which Christians seek to offer hope to the societies in which they share their lives with people of many and varied religious and non-religious perspectives.

Christian hope is characterized by a tension between its inspiration to solidarity within history and its independence from the course and outcomes

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sionaries, rather than love of neighbour in a universal context, but in both the more universal interpretation and his own, 'fidelity to the love command . . . becomes the decisive criterion of divine judgement' (p. 285).

[4] Vatican II, *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), Section 1, in Austin Flannery (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents* (New York: Costello Publishing, 1987), 903.

of history. What I want to argue is that this tension, if lived out and communicated with faith and love, can be a great gift to the societies in which Christians live: that awareness of this tension, and of the light it throws on the meaning of human action, can be a crucial form of service to society in its attempt to face the future in hope. Of course, the historical record shows that this tension has often been interpreted as a severe dichotomy, leading to a Christian withdrawal from engagement with history and to the charge that Christians are unconcerned about the historical plight of their fellow human beings. Such Christian withdrawal sometimes took the form of simply ignoring the importance of human society as a field within which freedom and love could find an expression that might shape our response to salvation. Sometimes, perhaps even more destructively, it was expressed in the conviction that the injustices of history were permanent and unchangeable, that they could not be abolished or even ameliorated by human action, and therefore had merely to be suffered by those who were their victims, for the sake of eternal salvation. Thus Christian eschatology illegitimately became a source of ideological indifference to human suffering, and the devastation of the Church—either through mass atheism or acts of violent revenge—was the harrowing result.

This dichotomy can only be abolished by an emphasis on history as a field of salvation through solidarity: that it is in and through our acts of service in history that we respond to God's gift of salvation. It is in history that God has saved us by becoming human, by becoming part of our history. It is in history that our own salvation is realized by our response to God's gift of love in our love for our neighbour. There is no dichotomy between our hope for salvation and our historical existence. Yet there is a real tension, a tension between our hopes for human well-being in history and our knowledge that such hopes have been dashed over and over again, that our true and lasting hope lies in God alone and the Kingdom that is his free gift. How much of our hopes should we invest in historical action, without risking despair? What kind of detachment should we practise, so that, while being committed to historical action and striving for justice, we remain grounded only in hope in God, for a future beyond all human conflict and failure? What is the constitution of a historical hope that genuinely offers our 'blood, toil, tears and sweat' for our fellow human beings and yet is able to come to terms with the destruction of all the visible fruits of that passionate striving, putting its desolation and emptiness before the infinite healing power of God?

By wrestling with these questions, Christians seek both to bear authentic witness to the God of hope and to serve their fellow human beings in the societies of which they are part. How, then, can Christian communities be of

service to their fellow human beings in their common enterprise of social hope? How can the tension of Christian hope that I sought to delineate earlier in this chapter be a source of inspiration for public political hope? How, in particular, can this be done in ways that respect the canons of public reason?

In his 'The Idea of Public Reason Revisited' Rawls argues that religious 'comprehensive doctrines' appropriately play a role in the 'background culture' of a society, and that they can act as sources of motivation for individual citizens' allegiance to democratic values and practices, as part of the 'overlapping consensus' that undergirds those values and practices. They do not normally have a place in the language of the judiciary or of public political institutions—in particular of elected officials or those seeking public office. Yet, taking a 'wide view of public political culture', Rawls does accept the validity of their contribution in the public political forum subject to an important proviso:

reasonable comprehensive doctrines, religious or non religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons and not reasons given solely by comprehensive doctrines are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support. This injunction to present proper political reasons I refer to as *the proviso*, and it specifies public political culture as distinct from the background culture.[5]

How to satisfy this proviso, he argues, 'must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance. How they work out is determined by the nature of the public political culture and calls for good sense and understanding.'[6]

In my view, 'The Idea of Public Reason Revisited', particularly through its deployment of the proviso, does present a fair and balanced view of the appropriate use of religious language in the different contexts of contemporary liberal society.[7] What I want to do now is to consider, in the light of Rawls's 'wide view of public political culture', how Christians can contribute to the different dimensions of a public, political hope and how this

[5] Rawls, 'The Idea of Public Reason Revisited', 152.
[6] Ibid. 153.
[7] As Christopher Insole argues in his *The Politics of Human Frailty: A Theological Defence of Political Liberalism* (London: SCM Press 2004), Rawls's proviso expresses a pragmatic approach which does not stipulate rules in advance (p. 46). For Insole, the only claim that cannot be accommodated by the later Rawls is 'the claim that a religious believer should not, in any circumstances even in a pluralistic culture when discussing the use of public power in the case of a stand off be required to introduce non religious reasons when communicating with citizens who do not share those reasons' (p. 62).

contribution might relate to the distinction that Rawls makes between the background culture and the public political forum. In particular, when Christians who are government officials or who are seeking elected office attempt to inspire their fellow citizens with the language of Christian hope, can this be positively understood in terms of Rawls's proviso? I will argue that one dimension of political hope—the discernment of moral capacities—can meet this proviso with relative ease, since it does not essentially require an intrinsically metaphysical affirmation about the future. The same cannot be said of the other dimensions: of its nature, political hope that affirms the openness of the future to human striving and equips us to face that future with both determination and detachment implies metaphysical convictions about the character of that future. Can Christians who hold or seek public office both use the language of their own faith to make these affirmations and offer an alternative language in publicly shareable terms? What are the implications both for their own Christian identity and for the health of public life if they seek to do so?

What, then, is the character of public, political hope, and how can Christians contribute to that hope? If a society's hope is to remain hope, and not give way to despair, then it—like Christian hope—will also be marked by the tension between striving for a certain outcome, for certain consequences or 'states of affairs', and the acceptance that these efforts may well be in vain. Its striving will not be lessened by the knowledge that it may fail, and its acceptance of defeat will not succumb to despair. A hopeful society—and a political leadership that can communicate hope—is a society[8] that can live with this tension, constantly overcoming failure by a renewed hope for a better world. A public political hope is not grounded in the predictability of particular outcomes, since it is precisely the gift of being able to come to terms with the lack of this predictability. Yet it also has nothing to do with irresponsibility: it is sustained by the real achievability of those outcomes. A demagogic conjuring with political fantasies has nothing to do with hope, and everything to do with the manipulation of fear and anxiety. Reflection on the character of hopeful social and political action suggests three key traits: a discernment of human capacities which evoke moral virtue, a conviction of the openness of the future to human striving, and a certain detachment from the fruits of that striving.

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[8] I have used the word 'society' to describe nations or large scale groupings that do not have sufficiently strong ethical bonds between their members to justify use of the word 'community'; insofar as many members of such societies can be motivated by a common hope at certain times, then the term 'community' can become appropriate.

The discernment of human capacities in hopeful political action is a way of interpreting the circumstances of human societies in ways that successfully appeal to human virtue, that 'bring out the best in people'. It is a matter of common experience that most political situations are subject to a variety of interpretations, including cynicism, scapegoating, 'buck-passing', fanciful optimism, as well as—in fortunate circumstances—hopeful and truthful assessments of a society's potential to overcome particular obstacles and achieve certain goals. It is the mark of hopeful political leadership to be able to interpret situations in ways which encourage the best ethical responses from fellow citizens, to be able to tap the sources of courage, dedication, and solidarity. In large-scale societies the potential for solidarity, as a transcendence of individual concerns for the sake of the concerns of others, although real and extremely valuable, is inevitably limited.[9] The surest sign of hopeful political leadership is its ability to draw out that solidarity in ways which can be directed towards the common good.

The link between hope and solidarity is particularly close. Part of the character of hope is to empower perspectives and attitudes which go beyond immediate interest. Human beings are more likely to engage in acts of solidarity if they are hopeful, more ready to devote some attention to the needs of others if they are less fearful about their own interests. The power of hope is to evoke human capacities for giving beyond our own immediate circle of interest, to risk solidarity with those whom we would otherwise ignore or even despise. Fear, in contrast, throws us back into ever-decreasing circles of defensiveness and mistrust, throttling the capacity for imaginative concern for the needs of others. While a selfish optimism is a regrettable but consistent attitude to life, a selfish hope is a contradiction in terms: it is in the nature of hope to be inclusive, to seek the common good.

This appeal to the best of human characteristics is essentially an act of imagination, motivated by hope. The hopeful social or political leader is one who is able to imagine our better natures in ways which are both realistic and visionary, whose leadership encourages individual actors to contribute to the common good in ways which realize their own interests but which also, to some extent, transcend them through an appreciation of the needs and aspirations of others.

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[9] David Hollenbach, in his *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002), cautions against excessive expectations for solidarity in large scale societies, and, in particular, too close a link between the virtues of solidarity and charity. At the same time, he emphasizes that solidarity admits of degrees and, even in large societies, 'from a common good perspective, justice calls for the minimal level of solidarity required to enable all of society's members to live with basic dignity' (p. 192).

The discernment of human nature and moral capacities is a task that can be attempted from a great range of sources of meaning, both secular and religious, drawing on the resources of art, literature, philosophy, religious tradition, national tradition, as well as the various commonplaces of received wisdom. Since the evocation of moral virtue, for the sake of a public politics of the common good, does not, of its essence, require a religious ground, religious understandings of human nature take their place beside other sources of insight, rather than having any essential claim to priority. The role, and the opportunities, for religious language in communicating the meaning of moral virtue will also, of course, be dependent on the degree to which religious language is a matter of cultural consensus in a particular context.

The value of any particular source of meaning for this task lies in its power to shed light on a shared question: how can political leadership, and all those social agents that attempt to form and encourage political participation, evoke moral virtue for the sake of the common good? In particular, how can it foster a sense of social solidarity that will reject a politics of fear and resentment in favour of a reasoned appreciation of the implications for a particular society of the different forms of justice? Perhaps the most critical aspect of this challenge is in achieving some kind of equilibrium between vigilance and trust in democratic electorates. Much of the wariness and distrust for authority—whether in politics, the institutions of justice, the economy, the professions, or the churches—stems from a widely held perception of human fallibility and weakness on the part of those in positions of trust and authority, which often leads to deep-seated cynicism about the very institutions that are essential to the maintenance of the common good. A utopian conviction of the perfectibility of human institutions is now rarely encountered, although populist politicians are sometimes successful in protecting some favoured institutions (usually those associated with national pride) from criticism through the stratagem of scapegoating others.

The many examples of weakness and corruptibility that have become public knowledge give ample reason for a keen sense of vigilance, for the maintenance of procedures of oversight and accountability that monitor the exercise of authority and public trust. Yet this vigilance is self-defeating if it is not accompanied by a sense that its purpose is to maintain and enhance trust in institutions which are essential for the complex mediation of power and responsibility in a democratic society.[10] The difficulty of maintaining some sense of trust in complex institutions is naturally heightened by the process of globalization,

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[10] For a valuable discussion of the role of trust and credibility in political leadership, see John Kane, *The Politics of Moral Capital* (Cambridge: Cambridge University Press, 2001), especially ch. 2 'Moral Capital and Leadership'.

through which vigilance for the sake of trust becomes not only a task within a particular society, but an endeavour calling for new forms of global cooperation.

From a Christian perspective, what is at stake here is our sense of each other's sinfulness. A thoroughgoing cynicism about the conduct of public institutions expresses a sense of the all-pervading and inescapable power of sin, corrupting all who are exposed to the temptations of wealth and power. Such cynicism, since it seeks to convey a sense of aloof judgement, is usually not accompanied by a chastened sense that the cynic himself is equally corruptible. For Christian communities, the primary response to this challenge is, clearly, to give as little as possible reason for cynicism about the conduct of their own affairs and internal relationships. Yet they also have an extraordinarily important role to play in terms of communicating a vision of the human person and human society which acknowledges the universal power of sin, but at the same time the far greater power of forgiveness and grace (Rom. 5: 20). This vision will engage and compete with other perspectives—both sublime and ridiculous—on human behaviour in the welter of cultural images, and its communication will continue to be a complex and exciting challenge for a range of Christian ministries. There is every reason to hope that a Christian vision of the human person as sinful, redeemed, and capable of virtue will continue to have a broad and profound influence on democratic societies, both through the direct efforts of the churches and its long-term influence on a great range of cultural expressions.

The communication of this vision is, in general, the task of members of the church in the 'background culture'. Can it also be employed by elected officials or those seeking political office? Here it seems that Rawls's proviso is relatively easy to meet. This conception of the human person informed by Christian theology has a particular power and resonance in and through its distinctive language and symbols, but it is open to alternative forms of expression and appeals to common experience. This will clearly deprive it of its unique resonances, but the need for the proviso does stem from the fact that such resonances can alienate some as much as they inspire others. Thus a Christian politician may use such theological language and the *loci classici* of Scripture to illustrate the weakness and potential of human beings, and also be ready to illustrate this in more secular language in terms of our common human experience both of the human capacity for cooperation and solidarity and of our proneness to exclude and exploit others unless appropriate structures and sanctions are enshrined in the law and in public institutions.[11]

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[11] Rawls puts a similar expression of the proviso thus: 'On the wide view, citizens of faith who cite the Gospel parable of the Good Samaritan do not stop there, but go on to give a public justification for this parable's conclusions in terms of political values. In this way, citizens who

In moving from theological language to a secular description of our human condition, the Christian politician will always be aware of the tension between fidelity to the Word of God and the desire to communicate its meaning in shareable terms. It can evoke and inspire insights into our common condition that can be communicated, to some degree, in ways that do not require assent to Christian faith, yet can never be reduced to any other form of discourse.

Those dispositions of political hope that convey assurance about the character of the future pose a much more difficult and interesting set of questions. An appeal to the best human capacities would be fruitless unless hope was also marked by a conviction of the openness of the future. This is the conviction that, whatever happens, there is always a point to human action, that the future is always open to the efforts of human beings to make a better world. What can ground such a conviction? Of its nature, it cannot be firmly grounded in experience, since the future may be very different from the past, and—for all we know—hold challenges that we are quite inadequate to face. It could, of course, be argued that hope is simply a reasonable, empirically based prediction that future challenges can be dealt with in some way, since past challenges have always been surmounted in some way and to some degree. Yet such language is, first, recognizable as the self-congratulatory perspective of the victors and survivors of history, forgetful of the fate of those whom historical catastrophes wiped from the face of the earth, and, secondly, takes no account of the radical differences in kind, fuelled especially by technological change, between past and future challenges. We need only call to mind the invention of the hydrogen bomb in our own era or the virtual extinction of many native peoples by the totally unexpected incursions of European diseases to remind ourselves that the challenges of the future are utterly unpredictable in character and magnitude. No confidence based on an empirical assessment of human capacities in the light of 'past performance' is adequate to meet them. It is in the nature of hope to be able to face the future, despite the possibility of such horrors, as an open future, a future in which human beings can persevere in their historical existence and pass on their hope to succeeding generations.

A part of this openness to the future is a sense that whatever happens, the fate of humanity is not sealed: that the meaning of human existence, and of human history, is not exhausted by one set of events or reduced to nothingness by a particular experience of defeat. Thus this openness is accompanied by a certain detachment, which can preserve human integrity in the face of loss: not out of indifference, but out of hope for that better future which

hold different doctrines are reassured, and this strengthens the ties of civic friendship' ('The Idea of Public Reason Revisited', 155).

remains the birthright of the human spirit. This detachment is the sense both that history is important, that life and death are at stake in it, and that the meaning of human existence remains inviolate despite its failures. With the true detachment of hope, human beings, or particular societies, do not so identify themselves with the course of a particular project, or particular striving, that they see no hope for themselves after its failure.[12]

I have argued that these dispositions cannot be justified by past human experience, nor by any kind of prediction of future human experience. In the most basic sense, they are essential for survival, since without them we would be fatally prone to despair. Yet there are, after all, many different ways of surviving: some characterized by fatalistic immobility, others by frantic competition and consumption of limited ecological resources. Both of these imperfect forms of survival are prone to radical insecurity: one from the exposure to alien influences that can have a disastrously destabilizing character (as in the case of the conquest of the Aztecs by a tiny party of Spaniards), the other, in our own case, from the knowledge that its technological powers, if unchecked, are capable of destroying human life and the life of most other species.[13] The fact, then, that these dispositions are essential to survival, and may in the most elemental sense have an evolutionary explanation, does not mean that they are simply 'givens'. On the contrary, their character is profoundly subject to interpretation by metaphysical world-views and religious traditions, and these interpretations are radically influential in the history of civilization.[14] We need only to recall the role that conceptions of fate played in ancient cultures to exemplify this point.

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[12] In his *Common Objects of Love* (Grand Rapids, Mich.: Eerdmans, 2002), Oliver O'Donovan argues that the source of a Christian conception of secularity lay in Judaism's sense of unfulfilled promise, as a society that knew itself to be a 'contradiction to be endured in hope'. Secularity is truly meaningful only in an eschatological perspective since it is a tension between what is 'not yet' and what will be fulfilled: 'the virtue that undergirds all secular politics is an expectant patience. What follows from the rejection of belief is an intolerable tension between the need for meaning in society and the only partial capacity of society to satisfy the need. An unbelieving society has forgotten how to be secular' (p. 42).

[13] In this sense, as Jürgen Moltmann points out, our powers of self destruction mean that we live in 'the eternal present of what has traditionally been called the "Last Judgement"' (*The Coming of God: Christian Eschatology* (Minneapolis: Fortress Press, 1996), 208).

[14] In his illuminating analysis in *The Politics of Hope* (New York: Routledge & Kegan Paul, 1986), Bernard P. Dauenhauer emphasizes that 'My account of hope does not preclude reference to God, but neither does it necessarily imply such a reference. Rather, on my account, hope can be directed either to divine or human others or both. Further, the kind of hope pertinent to the domain of politics is explicitly, though not necessarily exclusively, directed towards other human beings' (p. 109). Yet, although hope is a gift of the Spirit that is independent of explicit religious beliefs, the conviction of a future always open to human striving is inconsistent with an atheistic belief in the meaninglessness of the universe. For Zygmunt Bauman, in his *The Individualized Society* (Cambridge: Polity Press, 2001), part of the contemporary process of

A belief in the openness of the future to human striving, that there is a point to the sustained effort to build a civilization which seeks to go beyond mere survival, despite the knowledge that it may be destroyed by forces of unpredictable violence, implies a confidence that the future will, in some way, be hospitable to human aspirations. The sense of an open future implies that there is a real point to the work of civilization, since in it human beings develop a world of value which expresses their own economic, technological, cultural, and moral creativity. This creativity expresses human confidence that our works will have some lasting value, despite the chance that they will perish in fact and in memory. At the same time, a detachment from these works, a sense that they are not the ultimate word about ourselves, is essential to our sense of independence from history, our sense that we can transcend past failures and begin anew, that our own essence has not been exhaustively poured out in one fragile historical project. Hope affirms the confidence that our works in history are valuable, as well as freeing us from a dependence on them that would seal our fate along with theirs.

Such a vision is at home in a religious conception of the meaning of human existence, in a sense that the future is in God's hands, and that our own worth will not be measured by the success of our projects but the virtue that informed our effort to undertake them, virtue that is itself a response to gifts received. In Christian terms the sense of the openness of the future has its ultimate source and meaning in the Kingdom of God, and the independence of our personal worth from historical vicissitude is given an eternal foundation in the proclamation of the raising of Christ from the dead. Human effort has a point since all that is good in it prepares in some way for the Kingdom of God, yet our own destiny is never determined by the success or failure of our efforts to build an earthly city.[15]

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individualization is the lack of cultural means to interpret such dispositions as hope, contending that what we experience is 'the denial of collective public vehicles of transcendence and the abandonment of the individual to the lonely struggle with a task which most individuals lack the resources to perform alone' (p. 5). His *Liquid Modernity* (Cambridge: Polity Press, 2000) emphasizes the negative effects that this process of individualization is having on citizenship (pp. 36 8).

[15] The sense in which the Kingdom of God is a rupture with human history, or the fulfilment of what is immanent in history, is a matter of fundamental theological debate. Moltmann's *The Coming of God* is strongly critical of Pannenberg's conception of 'universal history' since, he contends, it misinterprets the apocalyptic character of key biblical texts. For Moltmann, the 'apocalyptic expectations of rupture and end . . . do not lend history any meaning, but withdraw from it every legitimation' (p. 134). Yet, as Pannenberg notes in response, the promise of hope must stand in some sort of positive relationship to the present reality of the one to whom it is addressed, since otherwise it becomes threat rather than promise (*Systematische Theologie*, vol. iii (Göttingen: Vandenhoeck & Ruprecht, 1993), 199). A key point, in my own view, is that what is immanent has developed within a salvation history formed by God's providence, so

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Christian 'comprehensive doctrine' has played, and continues to play, a crucial role in communicating and sustaining such a vision in Western culture. For Rawls, this has its appropriate place both in the debates of the background culture and among citizens' sources of motivation for allegiance to democratic ideals. In what ways could it also be expressed by elected officials or those seeking office, subject to the proviso? This tension between creative aspiration and detachment can, of course, be maintained by those without any religious convictions, since it is, in and of itself, a confident and yet realistic attitude to life, and a means of preserving self-worth in the face of failure. Yet, as I have already argued, these dimensions of political hope have an intrinsically metaphysical reference since they affirm something about the character of futurity as such. Although an atheist can have political hope, as a positive and fruitful disposition, this hope—as a radical conviction about the character of the future—cannot be justified within an atheistic world-view. Because of this, these dimensions of hope are much more profoundly and inextricably linked to 'comprehensive doctrines' and to the language and symbols of such doctrines—and meeting the proviso is a much more complex and diverse challenge in a pluralist society. To what extent can the language and symbols of religious hope have a place in public political discourse?

The degree of pluralism that characterizes a society is one evident factor in assessing this question. Abraham Lincoln's profound and explicitly theistic reflections on hope and divine justice were made in a society whose enfranchised members were overwhelmingly Protestant Christians in religious and cultural background. On the basis of this shared scriptural heritage, he was able to develop an interpretation of traumatic political events which linked divine justice with the fateful historical consequences of slavery in civil war— a scriptural hermeneutic of common experience that was part of a tradition of

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that the Kingdom of God will include those works of love performed in response to the gifts of God within that salvation history. Richard Bauckham and Trevor Hart, in their *Hope against Hope: Christian Eschatology in Contemporary Context* (London: Darton. Longman, & Todd, 1999), argue that 'the potential for or capacity to produce the new does not lie latent within the old, but relies utterly on a new work of the God of the resurrection' (p. 80), a conception which enables Christians to 'live up to the hilt in this life but with their sights set firmly on a horizon lying beyond it' (p. 209). Yet I would argue that the conjunction of hope for the Kingdom and commitment to this world is better grounded in *Gaudium et Spes*'s recognition of the sense in which this grace filled history can foreshadow the Kingdom of God: 'When we have spread on earth the fruits of our nature and our enterprise   human dignity, brotherly communion and freedom   according to the command of the Lord and in his Spirit, we will find them once again, cleansed this time from the stain of sin, illuminated and transfigured, when Christ presents to his Father an eternal and universal kingdom' (*Gaudium et Spes*, Section 39, in Flannery, *Vatican Council II*, 938).

public reason.[16] In more pluralist contemporary societies, images of hope are often much more reduced in symbolic richness and religious associations. In Australian political history a noteworthy example is the reference to 'the light on the hill' by the leader of the Australian Labour Party and Prime Minister Joseph Benedict Chifley in a speech to a party conference in 1949.[17] Significantly, although this image may possibly owe some of its resonances to Matthew 5: 14–16, its expression is very simple and free of any explicitly Christian references: its intention is also immediately spelt out in highly practical language. In a political party that included both militant atheists and 'daily communicant' Catholics, this image was remembered and evoked by later party leaders in ways that indicated that it had met Rawls's proviso and was accepted as a shareable symbol of practical political hopes.

Perhaps the difficulty in conveying political hope while avoiding any controversial use of the language of a particular religious tradition is demonstrated by the relatively frequent use of the image of 'dream' applied to any bold political project or aspiration. This image, although used in both Testaments of the Bible as a means of receiving private revelations, is not associated with Jesus himself and has only rare associations with a biblical vision of hope.[18] Because of its lack of any strong association with particular traditions,

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[16] Notably in his Second Inaugural Address, 1865: 'The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh". If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether" ' (V. Wilson (ed.), *The Book of Great American Documents* (Brookeville, Md.: American History Research Associates, 1987), 78 9).

[17] 'I try to think of the Labour movement, not as putting an extra sixpence into somebody's pocket, or making somebody Prime Minister or Premier, but as a movement bringing some thing better to the people, better standards of living, greater happiness to the mass of the people. We have a great objective the light on the hill which we aim to reach by working for the betterment of mankind not only here but anywhere we may give a helping hand. If it were not for that, the Labour movement would not be worth fighting for.' For the background to and interpretation of this speech, see Sean Scalmer, 'The Light on the Hill', at <http://www.workers. labor.net.au/17/c historicalfeature chifley.html> (as at 4 August 2008), and D. Day, *Chifley* (Sydney: HarperCollins, 2001), 485.

[18] The key passage, especially through its role in Peter's discourse in Acts 2, is Joel 3: 1: 'Then afterward I will pour out my spirit upon all mankind. Your sons and daughters shall prophesy, your old men shall dream dreams, your young men shall see visions.' In the Old Testament, 'it is clear . . . that in broad circles in Israel, even those which are incontestably theocratic, the dream

the language of 'dream' can be communicative in more pluralist societies, and has been put to inspiring rhetorical use in political contexts.[19] Yet, perhaps since it can suggest a passive and inchoate state of experience, with hints of 'daydream', rather than dynamic symbolic expression, it is prone to lapsing into political cliché. This is one indication that the language of hope, stripped of all traditional religious imagery, is confined to a somewhat scant and austere vocabulary in the public political forum.

The challenge of Rawls's proviso for any Christian politician is to be able to use Christian religious language in ways that can evoke shareable human experience, as a hermeneutical stimulus to exploring the signs of hope in a particular political context, so that the use of such language will not exclude but rather invite the citizens of a pluralist society to reflection on their common human situation. The most critical implication of the proviso in this context is its exclusion of theologies of doom: theologies, that is, which conceive hope as reward for some and judgement for others, and which seek to exploit this form of futurity for political purposes. Public reason insists that all public political language will affirm the rights of citizens: because of this, religious language which excludes any from divine favour, or which purports to give 'reportage' of the scenarios of divine judgement to justify such exclusion, cannot meet the proviso. Only those images of hope which inspire the language of universal and equal human dignity can enter into public political language. This is both a sound criterion of political language as well as a hallmark of authentic Christian eschatology, which affirms the universal scope and intensity of God's love, rather than presuming to predict who—if anyone—might experience the self-incurred loss of ethat love.

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was regarded as a regular means by which Yahweh revealed himself' (A. Oepke, 'οναρ', in G. Friedrich (ed.), *Theological Dictionary of the New Testament* (Grand Rapids, Mich.: Eerdmans, 1967), v. 230). However, there is also strong prophetic criticism of any reliance on dreams as a source of revelation, particularly in the struggle between Jeremiah and false prophecy: 'I have heard the prophets who prophesy lies in my name say, "I had a dream! I had a dream!" ... Let the prophet who has a dream recount his dream; let him who has my word speak my word truthfully!' (Jer. 23: 25, 28). In the New Testament, apart from some references in Acts, the key reference to dreams as private revelation is in Matthew. Jesus himself never refers to dreams, and 'no New Testament witness ever thought of basing the central message, the Gospel, or an essential part of it, on dreams' (Oepke, 'οναρ', 235).

[19] Probably the most memorable use of this image in modern political oratory is Martin Luther King's 1963 'I Have a Dream' speech. As part of the 'background culture', King's speech derives much of its power from its explicit use of biblical imagery and the language of Negro spirituals, in ways that also communicated through shareable ethical ideals. It is significant that he links his use of 'dream' with the pre existing notion of 'the American dream', developing this to a vision of future equality and freedom: 'Let us not wallow in the valley of despair. I say to you today my friends so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.'

Another way to approach this question is to ask: can a Christian elected to or seeking political office exercise a prophetic role, not only in the broad secular sense of acting with vision, courage, and foresight, but also in the more specifically theological sense of witnessing to the meaning of the Word of God within contemporary political life? In its proper theological sense, prophecy is a public act of interpretation of the Word of God, an explicit act of bearing witness to God. Clearly, this will be part of the meaning of Christian faith in the background culture and a source of personal inspiration to Christian political leaders. It cannot, however, be an explicit aspect of their exercise of political office, since that office calls for the affirmation of shared political values, rather than of the sacred texts and teachings of a religious tradition. When they do use religious language, it will be for the sake of evoking aspects of the human condition or of a national predicament: their emphasis will be on its hermeneutical potential to illuminate and interpret shared meaning, rather than to witness to its sovereign truth. This need not at all imply that they take it any less seriously, but simply that they recognize that their own role as elected officeholders is to affirm publicly shared political values rather than to bear witness to a specific religious tradition. This emphasis on shared meaning does not lessen the potential of religious language to disturb, challenge, and unsettle established conventions and prejudices: 'shared meaning' is 'shareable meaning', in the sense that the hermeneutic potential of the Word of God can challenge accepted practices while at the same time being at least potentially intelligible to those who do not share Christian convictions.

Matthew's 'Last Judgement' discourse emphasizes that individual salvation depends upon the encounter with the anonymous Christ, that explicit knowledge of Christ, mediated by Christian tradition, is not essential to that personal encounter with him that we face in our neighbour. In an analogous way, Christians can recognize that their calling to witness to Christ in the public political forum can have the same kind of 'anonymity'. Public political language calls for the expression of shareable ethical values: in seeking to evoke and espouse such values, Christians are seeking the anonymous Christ in the person of their neighbour, in the ethical challenges of social and political existence. Refraining from religious language in circumstances where it may alienate other citizens of goodwill is a form of respect, recognizing that Christian witness must often take the form of anonymity precisely for the sake of respecting the presence of Christ in our neighbour.[20]

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[20] I have attempted to discuss the relationship between religious and ethical language in the public forum in more detail in chapter 4 of my *The Public Forum and Christian Ethics* (Cambridge: Cambridge University Press, 2001), 'The Communication of Christian Ethics in the Public Forum'.

At the same time, the—perhaps inevitable—sparsity of the language of hope in the public political language of contemporary pluralist societies alerts us to the urgent need for its constant revivification in the background culture. The anonymous witness to Christ in our neighbour expressed in the language of rights and civility in the public political forum must be accompanied by that explicit witness and worship which affirms Christian identity and inspires Christians to commit themselves to the demands of political integrity. In the background culture, the mediation of hope to society does call for the explicit act of evangelization: if the tension of Christian hope between concern for history and independence from history is to serve society as a whole, it must be communicated as a faith in the Kingdom of God and the resurrection of Christ. The most powerful form of witness to this hope is the celebration of the eucharist. The eucharist recalls Jesus' commitment to proclaiming and enacting the Kingdom of God within human history, and the rejection of that proclamation, the apparent failure of his ministry, in his execution. It celebrates his resurrection as the 'first fruits of the dead' (1 Cor. 15: 20), which promises hope beyond the failure of the fruits of our striving. It affirms that Jesus' commitment to humanity in its history was not in vain: that all acts of love will be enshrined in the Kingdom that God will bring to fulfilment. It empowers Christians to live in the hope of the Spirit of Jesus: a hope that gives itself for human need in history, in the confidence that even the most shattering defeats can be borne through the power of Christ's cross and resurrection. In this sense, Christian identity in contemporary democracy avoids both a reduction of religious faith to ethics and an imposition of faith upon others. It is both witness and service: an explicit witness to Christ in word and sacrament, and service to the anonymous Christ in our neighbour with whom we share the language of public ethical and political life.

Part III

Religion and Public Reason: Public Policy Issues

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7

Not Translation, but Conversation

Theology in Public Debate about Euthanasia

Nigel Biggar

There are good reasons to fear 'religion'. It may well be that its causal connection to violence is usually complex. It may be that it is often hijacked by economic grievance or cultural resentment. It might be that its causal role is only secondary. Nevertheless, 'religion' can supply the beliefs needed to make mass murder rational, and the motivation needed to carry it out. Radical Islamists who fly commuter aircraft into skyscrapers or plant bombs on crowded trains, or Christian fundamentalists who assassinate doctors working in abortion clinics, really do believe that they are performing the justice that God commands, and that they will thereby reap a heavenly reward beyond compare. Were it not for their theology, it is fair to say, they would not do what they do.

Here, then, at the opening of the twenty-first century the original nightmare of every liberal citizen threatens to come true: the Spectre of Religious War stalks the land once again. And the prejudice of every liberal secularist has been confirmed: 'religion' is authoritarian, intolerant, divisive, bloody—and intolerable. The basic good of civil peace demands that it be banned—from schools, from parliament, from public discourse. Only when it has been made strictly secularist can public space become reasonable and safe.

For evidence of this heightened secularist alarm, take the recent public debate in Britain over Lord Joffe's Assisted Dying for the Terminally Ill Bill, which proposed to make physician-assisted suicide legal.[1] Writing in *The Guardian* on the debate in the House of Lords in October 2005, the normally sane Polly Toynbee described it as 'a remarkable battle between the forces of the enlightenment and a barely disguised medievalism', agreed with Lord

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[1] Lord Joffe's bill was finally defeated in the House of Lords in May 2006.

Joffe's view that '[m]uch of the passionate opposition to the bill is based on religious beliefs', accused religious opponents of 'cloak[ing] their [religious] beliefs under temporal objections', and concluded that '[a]s religion breaks out across the world as the most ferociously divisive force, it is time to be serious about secularism'.[2] And on the eve of the bill's second reading in the House of Lords in May 2006, the *Times* commentator Camilla Cavendish wrote that 'in the 21st century the law insists that God shall dictate our time of passing. Our churchmen preen and preach and rage about the immorality of assisted suicide. . . . The House of Lords will be overrun with self-righteousness in a false cause. . . . Tomorrow's battle pitches the medieval forces of religion against the modern forces of freedom.'[3] Never mind that vocal opponents of the bill included the eminent Kantian philosopher Onora O'Neill. Never mind that card-carrying religious believers alone could not have mustered a majority to defeat the bill. And never mind that in April 2006 two surveys of the membership of the Royal College of Physicians—which very probably includes only a small minority of religious believers—produced votes of over 70 per cent against relaxing the law. Why should circumspect reason be allowed to complicate the simple prejudices of anti-religious hysteria?

The danger with such illiberal secularist overreaction is not only that it mirrors the doctrinaire intolerance that it despises, but that it conjures up the spectre that haunts it. By suppressing public discussion of ultimate, meta-physical questions and of their sometimes religious answers in cultures dominated by free-market capitalism, secularism tends to surrender public space to the pursuit of the satisfaction of proximate, material desires, and to their commercial exploitation—that is, to consumerism. But human beings are more than their hedonic appetites. They care to know the truth about what is good. They want to invest themselves in something worthwhile that will give permanent meaning to their transitory lives. Sooner or later, pre-sented with a moral wasteland that offers them little more than animal satisfactions, their humanity will rebel. And, given a supporting ill wind, rebellion can turn violent.

Among the various motives that drew young British Muslims into radical Islamism, and then impelled them to become suicide bombers on London underground trains on 7 July 2005, appears to have been moral disgust at the hedonistic youth culture that enveloped them.[4] That such

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[2] Polly Toynbee, 'The Bishops have no Right to Restrict our Right to Die', *The Guardian*, 14 October 2005, 31.

[3] Camilla Cavendish, 'I'd Like to Die with Dignity: And I Don't Want the Medieval Brigade Interfering', *The Times*, 11 May 2006, 21.

[4] This was reported by the press of some of the suicide bombers at the time. More recently it has been recognized that a conservative reaction against the youth culture that surrounds them

moral rebellion against the demoralized consumerist public space of secularist society is one of the factors making the idealism of radical Islamism attractive, and its violence rational, is corroborated by Ed Husain in his book *The Islamist*. Here Husain tells the story of how, as a teenager in Britain, he became involved in radical Islam during the 1990s. At one point he was spearheading a campaign to 'Islamize' public space in Tower Hamlets College—by holding public prayers, plastering the walls with Islamist posters, and encouraging women to wear the hijab. The college authorities responded by hiring more youth workers, who sought to divert students away from religious extremism . . . by staging raves and discos. As Husain tells it:

In early 1993, a thirty minute video was handed in to me about the war in Bosnia, the ethnic cleansing of Muslims in the Balkans. I watched it in horror and then decided that it must be shown to our students to raise money for Bosnian Muslims.

On Wednesday afternoon we booked a lecture theatre under the title of 'The Killing Fields of Bosnia'. . . . That same Wednesday afternoon the youth workers at college organized their second disco. . . . The Islamic society offered a video on the killing of Muslims by Christians. The youth workers offered dance, drugs, and delight.

To our astonishment the lecture theatre was packed. The students had voted with their feet.[5]

To some extent, the irruption of Islamist extremism into Britain is the return of the repressed. Secularism is the very mother of what it fears.

What is needed is a more discriminate response to the problem of illiberal religion. To start with, talk about 'religion' as if it were all one thing, and religious people as if they were all of one mind, should cease. There are politically radical Islamists; but there are also apolitical Sufi Muslims, who are aghast at Muslim extremism.[6] Moreover, not all religious interventions in public discourse are authoritarian. It is true that some Christians abort reasonable dialogue by thumping their Bibles or invoking the Pope. It is also true that other Christians look on them with deep dismay. Notwithstanding this, much liberal discussion of the political problem of 'religion' proceeds on the assumption that any religious contribution to public deliberation will be inaccessible to fellow citizens who are not already of the same persuasion,

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is widespread among many young British Muslims. See e.g. Timothy Garton Ash, 'What Young British Muslims Say can be Shocking: Some of it is Also True', *The Guardian*, 10 August 2006, 25: 'It's clear from what young British Muslims themselves say that part of their reaction is against this kind of secular, hedonistic, anomic lifestyle.'

    [5] Ed Husain, *The Islamist: Why I Joined Radical Islam in Britain, What I Saw Inside, and Why I Left* (London: Penguin, 2007), 63, 74.
    [6] As was Ed Husain's father (ibid. 51 2).

either because it simply posits what an authority says, or because it argues solely in terms of it. For this reason, religious talk—theology—must be banned from public discourse or, at best, 'translated' into something generally acceptable. It has been observed, however, that in the Anglo-Saxon debate about religion and liberal polity there has been little or no consideration of exactly what a religious argument is—or can be.[7] This observation from the German-speaking world[8] is corroborated by an eminent, English-speaking political philosopher, Jeremy Waldron:

Secular theorists often assume that they know what a religious argument is like: they present it as a crude prescription from God, backed up with threat of hellfire, derived from general or particular revelation, and they contrast it with the elegant simplicity of a philosophical argument by Rawls (say) or Dworkin. With this image in mind, they think it obvious that religious argument should be excluded from public life. . . . But those who have bothered to make themselves familiar with existing religious based arguments in modern political theory know that this is mostly a travesty.[9]

In order to show that this is at least sometimes a travesty, we need to show how a thoroughly theological argument can be both accessible to non-theologians (that is, those whose views are not shaped by theological concepts) and therefore 'rational'. And with a view to doing that, I am going to take one instance, analyse it, and then reflect on it. The instance that I take is my own argument against the legalization of euthanasia, which is presented in *Aiming to Kill*; and I take this one simply because I am closely familiar with it.[10]

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[7] Werner Wolbert, 'Die religiöse Stimme in der Öffentlichkeit', in Claude Ozankom (ed.), *Einst Staatsaffäre dann Privatsache heute ein Politikum: Die Gretchenfrage der Religion* (Innsbruck: Tyrolia Verlag, 2006), 121: 'In der deutschsprachigen Moral theologie hat es in den 70 er und 80 er Jahren einige ausgiebige Diskussion über das Proprium einer christlichen Ethik gegeben. Im angelsächsischen Bereich scheint eine vergleichbare Diskussion nicht statt gefunden zu haben; das ist vielleicht ein Grund dafür, dass man kaum Überlegungen zu der Frage findet, was denn überhaupt ein religiöses Argument sei.'

[8] Werner Wolbert is a Roman Catholic moral theologian who teaches at the University of Salzburg.

[9] Jeremy Waldron, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge: Cambridge University Press, 2002), 20.

[10] Nigel Biggar, *Aiming to Kill: The Ethics of Suicide and Euthanasia* (London: Darton, Longman, & Todd, 2004).

1. AN ACCESSIBLE THEOLOGICAL ARGUMENT

The argument that I make in *Aiming to Kill* comes in three main parts. The first has to do with what makes human life especially valuable. The second concerns the question of whether taking human life is ever permissible and, if so, when. And the third focuses on the social effect of making lawful the intentional killing of patients. Let me explicate each of these in turn.

In my consideration of the special value of human life, I engage with the arguments of a number of philosophers, including James Rachels, John Harris, and Ronald Dworkin. I agree with Rachels upon the need to distinguish between human life that has been irrevocably reduced to a merely biological level and what he calls 'biographical' life. However, I note that the arguments of all three philosophers equivocate between, on the one hand, an objective account of the value of human life in terms of the individual's possession of certain capacities—for understanding, appreciating, intending, and engaging in personal relationships—and on the other hand, a subjective account that operates in terms of the individual's autonomous determination of value. I criticize this equivocation for amounting to incoherence. I criticize their objective account for telling us why the life of a specimen is valuable, but not the life of an individual. And I criticize their subjective account for generating a logic that ultimately subverts moral community.

I then proceed to develop an alternative, theological account of the special value of human life in terms of a human being's capacity to exercise responsibility. By 'responsibility' I mean two things: first, a capacity to respond to goods given in and with the nature of things prior to human choices—that is, created goods; and second, the capacity to respond to a vocation from God to play an inimitable part in the salvation of the world. This theological account, I argue, is superior to the foregoing philosophical accounts in a number of respects. It does not equivocate incoherently between objective and radically subjective terms. It affirms an objective moral order to which all are responsible, thereby supporting universal moral community. Through the concept of a divine vocation it gives us the value of the human individual, and not just of the rational specimen. And it expands the boundaries of worthwhile human life beyond the assertive and articulate forms envisaged by Rachels to include more passive or appreciative responses to goods—for example, the lighting up of the handicapped child's face when music is played.

With this theological concept of the value of human life, I move to the second main topic in my argument, the question of whether it is ever permissible to take human life and, if so, when. Here I pitch my tent over

and against consequentialists like Jonathan Glover, and I hold that the will's intending and accepting of effects, rather than the bare effects themselves, are the primary determinants of the moral quality of human acts. And against philosophical critics such as Mary Warnock I make a defence of the doctrine—or rather *a* doctrine—of double effect. From here I go on to argue that we should never intend (that is, want) to destroy the life of a human being that is capable of responsibility. We may, however, choose to perform an act whose foreseen effects will probably or even certainly include the destruction of life, on condition that we intend a benefit—pain relief, for example—and that we have proportionate reason for accepting the risk or the fact of the unintended evil. Nevertheless, in cases where a living human being has been rendered permanently incapable of responsibility—and I think here of Tony Bland, the cortical part of whose brain had turned to water—it seems to me that it could be morally permissible to kill intentionally, all other social considerations apart.

It *could* be permissible; but *should* it be? Should it be permissible in a social and medical context? This brings us to the third and final part of my argument, where I consider the possible or probable social effects of legalizing the intentional killing of non-responsible patients. At this crucial point, I formulate the decisive question thus: can the intentional killing of patients be permitted without undermining a humane society's general commitment to the preciousness of human life, and without undermining the ordinary resolve of its members to support each other in adversity? In response I observe first that the cases made by the philosophical advocates of legalization display a striking complacency about the security of humane and liberal values that the history of the twentieth century does not warrant—and as an example I quote Margaret Battin, who at one point breezily avers that '[a]fter Hitler, we are, I trust, beyond extermination of unwanted or dependent groups'.[11] I then point out that were we to agree to make exceptions to the absolute prohibition of the killing of patients, we would find it very difficult to agree upon the delimitation of those exceptions. Must eligible candidates' cortices be irreversibly destroyed? Or must candidates only be in the process of dying while suffering intolerably and beyond relief? But why must they be dying? Is not the fact of intolerable and irremedial suffering sufficient? And why must their suffering be physical? Surely there is mental suffering that is beyond bearing and without cure? Given the difficulty of reaching a consensus about where to draw the line, given the cultural dominance of the ideology of individual autonomy, and given the tendency of the media to focus on

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[11] Margaret Battin, 'Manipulated Suicide', in Margaret Pabst Battin and David J. Mayo (eds.), *Suicide: The Philosophical Issues* (London: Peter Owen, 1981), 177.

poignant stories of individual suffering to the exclusion of any larger considerations, I reckon that once there is a legal breach of the absolute prohibition of the intentional killing of patients, the tendency will be to move to a position of killing virtually on demand. In empirical substantiation of this piece of reasoned speculation, I appeal to the history of the operation of the 1967 Abortion Act in the UK and the history of the operation of the laws permitting euthanasia in the Netherlands. And what is my objection to euthanasia on demand? That it is incompatible with a humane society's public commitment to the high value of the lives of human individuals.

But what about those patients whose physical suffering is excruciating and beyond relief by palliative medicine or care? Must we simply stand by and watch them suffer? Not at all. Their suffering may be beyond relief by ordinary palliative means, but it is not beyond the reach of extraordinary ones. In such cases the doctrine of double effect permits us to put the patient under permanent sedation. Indeed, it permits us to use whatever means are necessary to relieve the extraordinary pain, even if those means would probably or even certainly kill the patient.

My conclusion, then, is that euthanasia should not be made lawful, partly because of the grave social dangers that such a move would entail, and partly because a more prudent and morally unproblematic alternative is available.

There is my argument. Now let me reflect on it.

First of all, it is a theological argument, in that it employs theological concepts. Indeed, I believe it to be a thoroughly theological argument. That is not to say that it is shaped by theology at every turn. For example, the issue of whether it is sensible to make a distinction between 'biological' and 'personal' human life (as distinct from the issue of how one understands 'personal' life) is not decided, as far as I can see, by any theological consideration. When I say that I believe my argument to be thoroughly theological, what I mean is that I believe it to be shaped by theology at every appropriate point in the appropriate manner.

Let me make explicit what the main points are. First of all, the value of the life of a human individual is conceived in terms of responsibility to created goods and to a vocation from God. Second, the criticism of consequentialism is shaped by an awareness of the limited responsibility of creatures; and that awareness in turn is enabled by the hope that there is a more-than-human power—God—who will turn evil to good where human creatures either cannot or may not. Third, the decision to understand the morality of acts primarily in terms of the will's intending and accepting is strongly encouraged by a view of earthly life as a preparation for the life to come after death; for I make myself fit or unfit for that life according to whether I ally myself with good or evil; and I ally myself through what I want; and what I want is what

I intend. Fourth, the conception of a humane society as one whose members normally support each other in adversity is shaped by a Christian theological presupposition: namely, that in the light of the Resurrection suffering is to be viewed without ultimate despair and used faithfully and creatively. Finally, my less than optimistic reading of the social consequences of the legalization of euthanasia is informed by an un-Enlightened assumption that even the modern citizens of liberal societies remain sinful, and that their swift descent into brutal indifference and impatience is a possibility—indeed, all too much of a present reality—that must be reckoned with.

So: my argument is theological and, I think, thoroughly so. It is not, of course, the only kind of theological argument. Arguments are designed to persuade, and they take different shape according to whose mind they are trying to change. Theological arguments addressed to other 'theologians' (by which I mean all whose thinking and speaking is shaped by religious ideas, not just professional students of theology) will typically appeal directly to Scripture and to post-biblical tradition, because these are commonly recognized authorities. The argument presented here does not do much of that because it is addressed to a wider audience, not excluding theologians, but certainly including non-theologians who do not recognize the Bible or Christian tradition as authorities. Does that make this argument less genuinely theological? I think not. The Bible and Christian tradition are authorities because they are the source of certain truths. Once those truths have been grasped they can be affirmed and elaborated without constant reference back to the place where they were discovered—notwithstanding the fact that he who elaborates them should make regular pilgrimages to the place of discovery, in order to check his grasp for correction or improvement. Certainly, some of the discovered truths depend upon the theological story about the history of the world that is told in the Bible; and there is indeed a danger that, in being distanced from their source, they will be abstracted from that story, with the consequence that their meaning loses its proper shape. But a danger is not a necessity, and it obliges caution in proceeding rather than an abandonment of the journey. This caution will take the form of remembering that the truth incorporates the story on which it depends, and in articulating it in such a fashion that this is made clear. Besides, stories can be summarized; they need not always be told in their full and original form. Therefore, as I see it, the mere fact that the argument I have presented here makes minimal reference to Scripture, and only calls upon post-biblical tradition selectively, does not call into question its theological adequacy. What would call that into question is the absence of a relevant theological truth, or the presence of one whose meaning is diminished or misshapen. If there is such an absence or such a presence, then I must wait

for colleagues to point it out. Until then, I will continue to hold that my argument is genuinely and thoroughly theological.[12]

But if my argument is thoroughly theological, is it therefore inaccessible? Is it a private discourse, from which non-theologians are simply excluded? Is it beyond their comprehension? Must it seem to them irrational? Is it completely alien, then, to any kind of public reason in an ideologically plural polity?

I think not. Non-theologians should be able to grasp the role that theological concepts play in my argument. That is, I think, made clear. And if they believe in and care about the special value of the life of human individuals, then they should also find themselves engaged by the claim that a theological conception of that value has certain advantages over the non-theological versions espoused by several eminent philosophers. What is more, if they read the notes, then they should find themselves provoked by Jeremy Waldron's increasingly assertive suggestion that theological terms are the *only* ones in which the equal value of the lives of human individuals makes proper sense.[13] Whatever the problem that my argument presents to non-theologians, it is not, I think, one of inaccessibility.

What else might it be, then? Lack of cogency is the obvious candidate. It could be that because my argument is informed by theological concepts, non-theologians will find it, not so much inaccessible, as simply unpersuasive. However, I think it unlikely that their responses will be as simple and as monochrome as that—unless, that is, they are imperviously doctrinaire. It is

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[12] This paragraph was inspired by questions put to me by Stefan Heuser and Christopher Roberts after the presentation of the original version of this essay at the annual meeting of the Society for the Study of Christian Ethics in September 2005. I record my thanks to them here. It is relevant for me to add that none of the twenty three reviews of *Aiming to Kill* that I have read since its publication has complained about its biblical or theological inadequacy.

[13] Waldron, *God, Locke, and Equality*, 13: 'I actually don't think it is clear that we now *can* shape and defend an adequate conception of basic human equality apart from some religious foundation.' See Biggar, *Aiming to Kill*, 180 n. 87. When this is read in the light of the report that Waldron is, in fact, a practising Episcopalian, its cogency might seem to be compromised. If so, similar views can be found among avowedly atheist philosophers. See, for example, Jeffrie Murphy in 'Afterword: Constitutionalism, Moral Skepticism, and Religious Belief', in Alan S. Rosenbaum (ed.), *Constitutionalism: The Philosophical Dimension* (New York: Greenwood, 1988), 239: '[for me it is] very difficult perhaps impossible to embrace religious convictions', and yet 'the liberal theory of rights requires a doctrine of human dignity, precious ness and sacredness that cannot be utterly detached from a belief in God or at least from a world view that would be properly called religious in some metaphysically profound sense'; and Raimond Gaita in *A Common Humanity: Thinking about Love and Truth and Justice* (London: Routledge, 2000), 5: 'The secular philosophical tradition speaks of inalienable rights, inalienable dignity and of persons as ends in themselves. These are, I believe, ways of whistling in the dark, ways of trying to make secure to reason what reason cannot finally underwrite. Religious traditions speak of the sacredness of each human being, but I doubt that sanctity is a concept that has a secure home outside those traditions.'

surely conceivable that some non-theologians will come to appreciate that certain values that they hold dear—the value of the human individual, for example—do flourish better in a theological home; and that they will find in that a reason to adopt the relevant theological beliefs. In other words, they will convert and become 'theologians'. Others, of course, will resist that option for all sorts of reasons—intellectual, cultural, and personal; but that is not to say that they will find every other point in the argument unpersuasive. They might well agree that there is an objective moral order of some kind, without conceding that it is necessary to refer to an intelligent, benevolent Creator in order to make full sense of it. They might agree that the lives of human individuals have a special value, and yet prefer to think of this in terms other than that of a vocation from God. They might agree that consequentialism is hubristic in its ambitions, but do so on the grounds of human finitude rather than those of human creaturehood. They might agree that the moral quality of human acts is determined primarily by what the will intends and accepts, but do so for reasons other than that of soul making. And they might agree that the veneer of humane civilization is thin and fragile, but do so because of a sober reading of twentieth-century history rather than any subscription to a doctrine of sin.[14]

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[14] I agree, then, that the moral deliverances of the Christian theologian need not be distinctive, in order to be authentic and characteristic. Distinctiveness, however, is a relative quality: whether you possess it depends on whom you are standing next to. Put a Christian moral theologian in a discussion among Nietzscheans or Nazis or Stalinists, and much of what he says will be   or should be   distinctive; but put him in a discussion among liberal humanists   be they atheist or theist   and it will be less so. Does this mean that the Christian's theology is morally otiose? Not at all. It might not provide the only rationale for a certain moral view (e.g. that responsible human beings all share equal dignity), but it could still offer a more or even the most   intelligible or comprehensive one. And sometimes a Christian view will converge with others at one point (e.g. that human life that is merely and irrevocably biological may be taken intentionally), only to diverge at another (e.g. that the form of human life that may never be taken intentionally is better conceived as 'responsible', rather than 'biographical'). I am not inclined, therefore, to take at face value Svend Andersen's statement that during his membership of the Ethical Council of Denmark, 'not once was my theological background decisive' ('[n]icht einmal mein theologischer Hintergrund war entscheidend') ('Die Rolle theologischer Argumentation in öffentlichen Leben', in Gotlind Ulshöfer (ed.), *Religion und Theologie im öffentlichen Diskurs: Hermeneutische und ethische Perspektiven*, Arnoldshainer Texte 132 (Frankfurt am Main: Haag & Herchen Verlag, 2005), 10. What Andersen means here should be read in the light of his endorsement of the view of his mentor, Knud Løgstrup, that 'Christian faith does not imply its own ethic. The ethic of neighbour love is a universal ethic, which is entirely intelligible in human terms' ('der christliche Glaube gar keine Ethik impliziert. Die Ethik der Nächstenliebe ist eine allgemeine, auch rein human verständliche Ethik') (p. 11). This is not so, except perhaps at a level of bland generality. For the sake of argument, let us ignore the existence of principled egoists and grant that everyone agrees that we ought to love our neighbour. However, once we scrutinize what we suppose we all agree upon, a host of controversial questions arise, to which a variety of answers will be given, some of them shaped by Christian theological presuppositions. Whom do we consider to be our neighbour? Do we

Here, then, is a theological argument—a thoroughly theological argument—that non-theologians should find accessible and that many of them could find persuasive, in part if not in whole. That it should elicit a range of responses, rather than simple bafflement or dismissal, should not surprise. Any engagement between half-honest people whose different points of view are embedded in complex arguments is likely to involve moments of acceptance, moments of rejection, and moments of negotiation. If there is surprise here, it can only be at the discovery that theological discourse sometimes does take the form of developed and extrovert reasoning, not just self-enclosed, authoritarian assertion.

What the possible accessibility and cogency of a theological argument reveals is that it is not the *theology* of certain views that poses a special threat to public reason. The engagement between theologians and non-theologians on matters of public concern need not be any less fruitful or any less capable of reaching a measure of agreement than engagements between different kinds of non-theologian whose views draw on conflicting anthropological or metaphysical convictions—say, between communists and liberals, humanist vivisectionists and misanthropic animal rights activists, just war proponents and pacifists. The problem is not theology. The problem is not even metaphysics. The problem is that subscribers to world-views of all kinds—and no one, be they religious believer or atheist, is not a subscriber—sometimes prefer to domineer than to reason together.

Through this analysis and reflection, I hope that I have shown that a thoroughly theological argument need not consist of an alienating invocation of sectarian authorities, but can be accessible, rationally engaging, and even persuasive. That is to say, it can be a worthy participant in public reasoning. What I want to do now is to take this understanding of what a religious argument can be, and to measure against it the thinking of three major theorists about 'religion' and its place in the public deliberation of liberal, plural societies: Jürgen Habermas, John Rawls, and Jeffrey Stout. I begin with Habermas.

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include non humans? Do we distinguish between near and remote neighbours? On the assumption that 'love' is about promoting the well being of the beloved, into which component goods do we analyse it? How do we rank these goods? Do we allow that we may intentionally damage some goods for the sake of others; and if so, under what conditions? And when my neighbour's well being conflicts with my own, should I sacrifice the latter? If in saying that his theological background had never been 'decisive', Andersen means that it had never been ethically formative, then I would infer that he had failed to think properly as a theologian. If, on the other hand, he means that it had never been distinctively formative, then I would infer that his colleagues were all fellow humanists.

2. JÜRGEN HABERMAS: SECULAR LANGUAGE AND WHAT IS LOST IN TRANSLATION

Habermas envisions public deliberation ideally as governed by an ethic of communication, which corresponds to 'our intuitions concerning equal respect and mutual solidarity with everybody'[15] and is 'independent of' particular world-views or 'metaphysics'.[16] So governed, it becomes

an inclusive and non coercive rational discourse between free and equal participants, [where] everyone is required to take the perspective of everyone else and thus to project herself into the understandings of self and world of all others; from the interlocking of perspectives there emerges an ideally extended 'we perspective' from which all can test in common whether they wish to make a controversial norm the basis of their shared practice; and this should include mutual criticism of the appropriateness of the languages in terms of which situations and needs are interpreted.[17]

The ideal is very exalted, if a touch naive; and so it should not surprise that Habermas himself falls short if it. Until recently, his thinking about religion has not shown marks of having paid it close attention, never mind entering empathetically into its multiple self-understandings. Rather, he has read it in the stereotyping terms of the modernist secularization story. Thus, the inexorable process of modernization has dissolved the coerced consensus of traditional societies, which is imposed from above in an authoritarian fashion that invokes divine fiat to suppress criticism; and in its stead we are called to achieve a genuinely cooperative, modern consensus through the critical give-and-take of reasoning between equals and without appeal to discredited 'meta-social' authorities. Needless to say, 'religion' here plays the paradigm of authoritarian tradition. This melodrama, however, suffers from two major implausibilities. First, it is now quite widely accepted that modernization has caused 'religion' to transmute, rather than vanish: there remain in 'modern' societies many people for whom meta-social authorities are still in credit, even if public institutions no longer mediate them as they used to. Second, if sociological theory were ever to let itself be instructed by the actual *history* of traditional societies dominated by a single religion—e.g. those comprising Christendom—it would quickly learn that the practice of critical

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[15] Jürgen Habermas, '"Reasonable" versus "True", or the Morality of Worldviews', in id., *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge, Mass.: MIT Press, 1998), 81, 93.

[16] Ibid. 93.

[17] Jürgen Habermas, 'Reconciliation through the Public Use of Reason', in id., *The Inclusion of the Other*, 58.

dialogue between plural points of view was hardly foreign to them, even if its parameters were more tightly drawn than they are in the contemporary West.[18]

Recently, however, Habermas has modified his view of religion. In an address delivered in October 2001, for example, he talks about 'our ... post-secular societies';[19] he differentiates fundamentalist from 'reasonable' religion;[20] and he implicitly acknowledges the critical powers of 'world religions', when he observes that it was they who first profaned the sacred when they 'disenchanted magic, overcame myth'.[21] And just over a year later in an interview published in *Le Monde*, he opined that secularization had come off the rails, that 'a respectful approach' to religious traditions is required to restore it, and that with regard to fundamental questions of political ethics religious voices have at least an equal right to be heard in public.[22]

What has caused this change of mind is the recognition that religious traditions 'have the distinction of a superior capacity for articulating our moral sensibility'[23] and that secular society cannot afford to sever itself from these 'important resources of meaning'.[24] Habermas acknowledges that some secular attempts to translate religious meaning into secular language involve real *loss*. Take, for example, the translation of Kierkegaard's theological concept of authenticity by methodologically atheist, existentialist philosophers into a vision of 'the ethically resolute conduct of life', which demands that 'I *gather* myself and detach myself from the dependencies of an overwhelming environment, jolting myself to the awareness of my

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[18] Nicholas Adams makes a nice, ironic point when he observes that by Habermas's criteria 'the period of patristic theology would not count as "traditional" but as "modern" by virtue of its conciliar procedures' (*Habermas and Theology* (Cambridge: Cambridge University Press, 2006), 139 40).

[19] Jürgen Habermas, 'Faith and Knowledge', in id., *The Future of Human Nature* (Cambridge: Polity Press, 2003), 103. This was first delivered as an address on 14 October 2001.

[20] Ibid. 102, 104.

[21] Ibid. 113.

[22] See n. 23 immediately below.

[23] Jürgen Habermas, 'Habermas entre démocratie et génétique', *Le Monde*, 20 December 2002, p. viii: 'En ci qui concerne les questions fondamentales d'éthique politique, les voix religieuses ont au moins le même droit de se faire entendre dans l'espace public. . . . C'est dans ce contexte d'une sécularisation qui "déraille" qu'il faut situer mon intérêt pour une approche respectueuse des traditions religieuses qui se distinguent par la capacité supérieure qu'elles ont d'articuler notre sensibilité morale.' Habermas has reiterated this point more recently in 'Religion in der Öffentlichkeit', which was first published in Jürgen Habermas, *Zwischen Naturalismus und Religion: Philosophische Aufsätze* (Frankfurt am Main: Suhrkamp, 2005), 137.

[24] Habermas, 'Faith and Knowledge', 109. Habermas has reiterated this point more recently, too, in 'Vorpolitische Grundlagen des demokratischen Rechtsstaates?', in id., *Zwischen Naturalismus und Religion*, 116. This essay was first published in October 2004.

individuality and freedom'.[25] As Habermas reads him, all of Kierkegaard's attention is on 'the form of an ethical self-reflection and self-choice that is determined by the infinite interest in the success of one's own life-project'— rather than on the Sermon on the Mount and the moral standards before which one is accountable.[26] Nevertheless, he acknowledges that, for Kierkegaard, the ethical individual's awareness of being 'responsible to the order of things in which he lives, responsible to God' is necessary to move his will to convert moral judgements into practice;[27] and that the finite human spirit's recognition of 'its dependence on an Other [is] the ground of its own freedom'.[28] According to Habermas, however, 'the literal reference to a "power" as the ground of being-able-to-be-oneself need not be understood in a religious sense' as 'God in time'.[29] Instead, this transcendent power should be thought of as language:

As historical and social beings we find ourselves always already in a linguistically structured life world. In the forms of communication through which we reach an understanding with one another about something in the world and about ourselves, we encounter a transcending power. Language is not a kind of private property. No one possesses exclusive rights over the common medium of the communicative practices we must intersubjectively share. . . . [Speakers and hearers] are free only in virtue of the binding force of the justifiable claims they raise toward one another. The *logos* of language embodies the power of the intersubjective, which precedes and grounds the subjectivity of speakers.[30]

Habermas claims that this reading still preserves the 'fallibilist' as well as the anti-sceptical meaning of the 'unconditioned':

The *logos* of language escapes our control, and yet we are the ones, the subjects capable of speech and action, who reach an understanding with one another in this medium. . . . [T]he 'right' ethical self understanding is neither revealed nor 'given' in some other way. It can only be won in a common endeavour. From this perspective, what makes our being ourselves possible appears more as a transsubjective power than an absolute one.[31]

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[25] Jürgen Habermas, 'Are there Postmetaphysical Answers to the Question: What is the Good Life?', in id., *The Future of Human Nature*, 5 6. The emphasis is original to the German text. This essay was first delivered as an address on 9 September 2000.

[26] Ibid. 6.

[27] Ibid. 7.

[28] Ibid. 9.

[29] Ibid.

[30] Ibid. 10 11.

[31] Ibid. 11. Habermas's acknowledgement that authentic human choices are made within a linguistically formed 'life world' certainly goes some way toward meeting Charles Taylor's insistence   against individualist, subjectivist concepts of authenticity   that '[e]ven the sense

Nevertheless, Habermas admits that this atheist interpretation is 'deflationary', even 'weak',[32] and that '[w]hen sin was converted to culpability, and the breaking of divine commands to an offense against human laws, something was lost'.[33] This 'something' is '[t]he promise of salvation [which] forms the motivating connection between an unconditionally demanding morality and care for oneself':[34]

The wish for forgiveness is still bound up with the unsentimental wish to undo the harm inflicted on others. What is even more disconcerting is the irreversibility of *past* sufferings   the injustice inflicted on innocent people who were abused, debased, and murdered, reaching far beyond any extent of reparation within human power. The lost hope for resurrection is keenly felt as a void. [Max] Horkheimer's justified skepticism   'The slaughtered are really slaughtered'   with which he countered [Walter] Benjamin's emphatic, or rather excessive, hope for the anamnestic power of reparation inherent in human remembrance, is far from denying the helpless impulse to change what cannot be changed. . . . In moments like these, the unbelieving sons and daughters of modernity seem to believe that they owe more to one another, and need more for themselves, than what is accessible to them, in translation, of religious tradition   as if the semantic potential of the latter was still not exhausted.[35]

Habermas's own position is ambiguous. On the one hand, he is among those who are aware of the need for more than the secular deconstruction of religious tradition can give, and he implicitly approves of Horkheimer's refusal to deny 'the helpless impulse to change what cannot be changed'. On the other hand, he regards Horkheimer's scepticism as 'justified' and Benjamin's hope as 'excessive'; and he explicitly plants his flag by Horkheimer's '*profane*, but *non-defeatist* reason'.[36] In 'Faith and Knowledge'

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that the significance of my life comes from its being chosen . . . depends on the understanding that *independent of my will* there is something noble, courageous, and hence significant in giving shape to my own life. There is a picture here of what human beings are like, placed between this option for self creation, and easier modes of copping out, going with the flow, conforming with the masses, and so on, which picture is seen as true, discovered, not decided. Horizons are given' (*The Ethics of Authenticity* (Cambridge, Mass.: Harvard University Press, 1991), 39). However, insofar as Habermas has transcendence stop with language, and since there are many languages, it is hard to see how he ultimately avoids moral relativism of a cultural kind   and the consequent deflation of the significance of moral choices that are conscious of being able to invoke only the authority of *this particular culture's mores*. On the other hand, Habermas's recent appeal to 'the ethical self understanding *of the species*' (my emphasis) against genetic intervention that aims at enhancement implies a higher, anthropological, and therefore ontological level of moral transcendence.

[32] Ibid. 10, 11.
[33] Habermas, 'Faith and Knowledge', 110.
[34] Habermas, 'Are there Postmetaphysical Answers?', 8.
[35] Habermas, 'Faith and Knowledge', 110 11. The emphasis is original to the German text.
[36] Ibid. 113. The emphasis is original to the German text.

itself he offers no reasons for taking this stance, but these may be inferred
from a lecture given just over three months earlier, where he invokes 'the
"impulse" to prefer an existence of human dignity to the coldness of a form of
life not informed by moral considerations', since '[l]ife in a moral void . . .
would not be worth living'.[37] If my inference here is reasonable, then Haber-
mas's justification of his Camusian faith in the humanist 'impulse' is ironic;
for it was a similar argument—that the moral void of ultimate injustice is so
horrendous as to justify (Benjamin's) eschatological or 'messianic' hope—
that Horkheimer famously denied:

> The thought is monstrous that the prayers of the persecuted in their hour of greatest
> need, that the innocent who must die without explanation of their situation, that the
> last hopes of a supernatural court of appeals, fall on deaf ears and that the night
> unilluminated by any human light is also not penetrated by any divine one. . . . But is
> the monstrousness of an idea any more a cogent argument against the assertion or
> denial of a state of affairs than does logic contain a law which says that a judgement is
> simply false that has despair as its consequence?[38]

On the contrary, Habermas thinks that the monstrousness of the moral void *is*
a reason for faith.

But only faith in humanity, not yet in God. For although Habermas
continues to be troubled by what is lost in secularization, he persists in seeing
it as inevitable (and, I strongly suspect, as intellectually and morally right).
'Modernisation', largely fuelled by scientific progress, leads to 'detraditionali-
sation'; and since 'the buffers of [religious] traditions have, in the course of
these processes, been nearly exhausted, modern societies have to rely on their
own secular resources for regenerating the energies that ensure their own
moral cohesion'.[39] Habermas takes it for granted that contemporary Western
societies are 'modern', and that they are therefore 'secular' in the sense of
being predominantly and teleologically atheist. Accordingly, in his vision of
public deliberation there appears a bias—and one that is at odds with his ideal
of reciprocal communication. Habermas argues that in complex societies one
culture can convince a majority through succeeding generations of 'the
advantages of its world-disclosive semantic and action-orienting potential',
and it may therefore prescribe for minorities a country's common political

[37] Jürgen Habermas, 'The Debate on the Ethical Self Understanding of the Species', in id.,
The Future of Human Nature, 73. This was first delivered as an address on 28 June 2001.

[38] Max Horkheimer, *Kritische Theorie: Eine Dokumentation*, ed. Alfred Schmidt, 2 vols.
(Frankfurt am Main: S. Fischer, 1968), i. 372, quoted by Helmut Peukert in *Science, Action,
and Fundamental Theology*, trans. James Bohmann (Cambridge, Mass.: MIT Press, 1984),
209 10.

[39] Habermas, 'The Debate', 26.

culture.[40] In the modern West, the dominant culture is 'secular'. Therefore, the religious minority has to make itself understood to the 'secular' majority (but not, it seems, vice versa).[41] Translation is one-way: from religious beliefs into 'secular' language. To be fair, Habermas qualifies this bias by enjoining the 'secular' side to remain 'sensitive to the force of articulation inherent in religious languages' during the search for reasons 'that aim at universal acceptability'. And in one passage he goes so far as to recognize that 'the boundaries between secular and religious reasons are fluid', and to urge that '[d]etermining these disputed boundaries should therefore be seen as a cooperative task which requires *both* sides to take on the perspective of the other one'.[42] Nevertheless, the bias continues to resurface; for in the *Le Monde* interview of December 2002, he still argues that, since views presented in religious rhetoric cannot count on democratic assent, '*the* task' is to 'translate their message into public languages that are universally accessible'—for example, into a philosophical language.[43]

Habermas's views on these matters have continued to develop; and two of his most recent writings[44] manifest greater sympathy for the point of view of religious believers. I refer to 'Vorpolitische Grundlagen des demokratischen Rechtsstaates?', which was first published in 2004; and 'Religion in der Öffentlichkeit', which was first published in 2005. (It is no coincidence that these religion-friendlier essays show the formative marks of engagement with John Rawls, Paul Weithmann, and Nicholas Wolterstorff.[45]) In these writings Habermas insists on symmetry in the moral burdens that public discourse

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[40] Habermas, 'Are there Postmetaphysical Answers?', 2 3.

[41] Habermas, 'Faith and Knowledge', 109.

[42] Ibid.

[43] Habermas, 'Habermas entre démocratie et génétique', p. viii: 'Il est vrai que les opinions présentées au moyen d'une rhétorique religieuse ne peuvent compter sur l'assentiment démo cratique que si elles sont traduites dans un langage universellement accessible, par exemple un langage philosophique. . . . Entrepris dans un ésprit qui ne vise nullement à critiquer les réli gions, le travail consistent à traduire leur message dans les langages publics et universellement accessibles serait l'exemple d'une sécularisation qui sauve au lieu d'anéantir.' The emphasis in the translation is mine.

[44] Relative, of course, to the time of writing (August 2008).

[45] See e.g. Habermas, 'Religion in der Öffentlichkeit'. The influence of Rawls is evident in Habermas's distinction between 'the informal public forum' ('die informelle Öffentlichkeit') or 'the "wild" political public forum' ('die "wilde" politischen Öffentlichkeit')' and institutions of state such as parliament, the judiciary, government, and the civil service (pp. 136 7). He engages explicitly with Weithmann on pp. 131 n. 24, 138 9, and with Wolterstorff on pp. 133, 139 40, 147.

Here I am pleased to acknowledge my debt to Werner Jeanrond, who was kind enough to check all of my English translations of passages from 'Vorpolitische Grundlagen' and 'Religion in der Öffentlichkeit' in this section.

imposes on believers and unbelievers.[46] There should be a 'two-way learning process' ('einer doppelter Lernprozess'), in which both the traditions of the Enlightenment and religious traditions reflect on their own limits.[47] Fairness requires *all* citizens, secular as well as religious, to adopt the perspectives of others.[48] 'Philosophy' needs not only to acknowledge the phenomenon of the persistence of religion as a bare social fact, but also to take it seriously as a cognitive challenge.[49] Religiously 'unmusical' citizens should stop viewing religious convictions as 'quintessentially irrational' ('schlechthin irrational'),[50] and should open themselves to possible truth-content in them.[51] Moreover, religious citizens should not be forced to put their devout existence at stake by dividing themselves into private and public personae, and offering only secular translations when acting in the latter role. They should be allowed to contribute to public deliberation in their own, theological language.[52]

This permission of theological reasons, however, only applies to the informal political public forum. In public institutions such as the legislature, legislative elections, the judiciary, government, and the civil service only secular reasons should count. Why? Because the exercise of (state) power ('Herrschaftsausübung') must be neutral with regard to world-views,[53] lest their persistent rivalry cause political community to disintegrate into an unstable *modus vivendi*.[54] Therefore, while religious citizens should not be compelled to translate their theological reasons into secular ones fit for deployment in the formal political public forum, they should be expected to understand how their own religious convictions appear to non-believers—'reflexively, from outside'—and to appreciate the need to find secular equivalents.[55] That is, they should recognize the 'institutional translation proviso' ('diesen "institutionellen Übersetzungsvorbehalt"'). And if religious citizens themselves are not able to offer a translation, then they should help their non-religious fellows to do it for them.[56]

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[46] Habermas, 'Religion in der Öffentlichkeit', 137 8.

[47] Habermas, 'Vorpolitische Grundlagen', 107.

[48] Habermas, 'Religion in der Öffentlichkeit', 125 6.

[49] Habermas, 'Vorpolitische Grundlagen', 113.

[50] Ibid. 118.

[51] Habermas, 'Religion in Öffentlichkeit', 138. See also pp. 145, 149.

[52] Ibid. 132 4, 136. Here Habermas aligns himself with Wolterstorff and Weithmann against Robert Audi.

[53] Ibid. 136.

[54] Ibid. 141 2.

[55] Ibid. 136.

[56] Ibid. This is the best sense that I can make of Habermas's talk of 'cooperative achieve ments of translation' ('die kooperativen Übersetzungsleistungen').

At first glance, this last suggestion seems reasonable enough. On closer inspection, however, it first becomes puzzling, and then turns suspect. For if religious citizens are unable to translate theological statements into secular ones, how can they still cooperate with their non-religious fellows in producing translations? If genuine translation is not possible, then *no one* can do it and there's nothing to cooperate in. So what is implied is that genuine translation is possible, but that religious citizens lack the wit to perform it. Indeed, Habermas says as much when he writes that 'many citizens, who express their opinion on political questions from a religious point of view, are simply not sufficiently knowledgeable or imaginative to come up with secular grounds that are independent of their own convictions'.[57] So: cooperation is possible in that, once secular citizens take the lead, their religious peers can follow in an auxiliary capacity. Here, it seems to me that Habermas's expanded sympathy for religious citizens strikes a rather illiberal, patronizing note, echoing the typical Enlightenment view that modern philosophy is needed to rescue essential moral concepts from primitive and superfluous religious myth.

This lapse into modernist prejudice is not isolated. It surfaces again when Habermas refers to 'religious certainties of faith' (in contrast to 'fallible convictions of a secular nature'); describes them as subject to increasing pressure to engage in (critical) self-reflection ('einem zunehmenden Reflexionsdruck'); complains that they withhold themselves from 'unreserved discursive discussion' by appealing to 'the dogmatic authority of an inviolable core of infallible truths of revelation';[58] and fears rule by a religious majority which imposes its will without due respect for the democratic principle that all decisions enforceable by the state 'must be capable of justification in language that is equally accessible to all citizens', and which refuses the minority 'the discursive comprehension of the justifications due to it' ('den diskursiven Nachvollzug der ihr geschuldeten Rechtfertigungen').[59] Let us grant that some forms of religion are authoritarian, incapable of honest conversation, and repressive. Let us also grant that the influence of such religion could pose a serious threat to a liberal society and to social peace. Nevertheless, why does Habermas write as if authoritarian tendencies are peculiarly religious? Has he forgotten about Marxist authoritarianism so quickly? Is he unaware of dogmatic, anti-religious secularism? Has he never come across a religious

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[57] Ibid. 132: 'dass viele Bürger, die aus religiöser Sicht zu politischen Fragen Stellung neh men, gar nicht kenntnis und einfallsreich genug sind, um dafür säkulare, von ihren authen tischen Überzeugungen unabhängige Begründung zu finden.'

[58] Ibid. 135.

[59] Ibid. 140.

believer who acknowledged that he might be mistaken? Does he himself not adhere to dogmas (say, that human life does not inhabit a moral void) that he can barely rationalize, but which he would be very loath indeed to surrender? Notwithstanding genuine growth in his sympathy for the religious point of view, it seems to me that Habermas has still some way to go before he completes his emancipation from modernist prejudice.

Now that we have a grasp of Habermas's thinking, let us bring directly to bear on it the understanding of an accessible theological argument and its participation in public reasoning, which I explained in the previous section. That understanding issues in two arguments against translation, one conceptual and the other sociological. It also raises strong doubts about the coherence of a concept of public reasoning that requires justifications to be offered in a language that is 'equally accessible to all'.

The conceptual argument against translation begins by observing an ambiguity in Habermas's use of the word 'secular'—an ambiguity of which he shows some awareness in his fleeting remark about the fluid nature of the boundary between secular and religious reasons. On the one hand, by 'secular' language Habermas might mean discourse that argues in terms of what best serves temporal social goods—as distinct from 'religious' language, which simply invokes religious authorities. If that is so, then a theologian (of an orthodox Christian or equivalent sort) ought to have no objection, since to invoke religious authority without explaining how that enlightens the service of human goods would be to imply that God cares about power *rather than* about love. In this case, however, what is needed is not so much translation from religious into secular language, as the 'explication' of what religious authorities say about secular goods and about caring for them. (Note that we have shifted the sense of the 'secular' in an Augustinian direction: now it no longer means that which is simply non-religious, but rather that which is temporal-and-yet-open-to-the-eternal.)

On the other hand, by 'secular' language Habermas might mean discourse from which religious references, whether explicit or implicit, have been methodically stripped—and judging by his atheistic interpretation of Kierkegaard, that is what he does mean. If that is so, then such translation should be resisted. In my argument about euthanasia, the secular goods of human life and of a society whose members support one another in adversity are shaped and marked by Christian theological presuppositions. These presuppositions are not posited in an authoritarian fashion, but deployed so as to show how they support a humane vision of life, and why they are therefore worthy of consideration by anyone who cares about such a vision. Apart from these presuppositions, the nature of those goods would change—in my view for the

worse. If we are to have public dialogue where citizens have the possibility of learning something new and important, then they must be accorded the opportunity to encounter significant ideas with which they are not familiar and with which they do not immediately agree. Moral concepts should be allowed to own and display their roots, even if those roots are strange and controversial, and whether they be Marxist or Nietzschean, Christian or Muslim. Atheistic humanists like Habermas might themselves prefer to purge their morality of theology, but in public discussion theologians should have the freedom to dwell upon the losses that such translation involves, and to argue that it is not 'reason' that requires them. Public discourse, if it is to be genuinely plural, cannot prescribe translation.

So much for the conceptual argument against translation. Now for the sociological one. According to Habermas, translation from religious to secular language is required by the social fact that the dominant culture in the modern West is 'secular', and that therefore religious rhetoric cannot count on democratic assent. This is true—at least of many democracies—insofar as 'secularity' means resistance to authoritarian rhetoric of any kind. However, if Habermas is claiming that Western democracies are predominantly non-religious, then what appears to be a description is actually a prescription. Habermas may think that the West should be non-religious, but it is not. The United States is the standard exception to his rule; but even Europe does not conform. Britain is often held up as one of the most 'secular' European countries, since so few of its population attend places of worship. A Tearfund survey of 7,000 adults throughout the United Kingdom in 2006 revealed that only 15 per cent attend a Christian church at least once a month, with a further 10 per cent attending somewhere between once a month and once a year.[60] Churchgoing is therefore the sport of a minority—sizeable, perhaps, but still a clear minority. On the other hand, 53 per cent of those polled claimed affiliation with Christianity (and a further 6 per cent with other religions);[61] and there is reason to suppose that such claims express more than a merely nominal association. The UK government's Census of April 2001 returned 71.6 per cent identifying themselves as Christian, which is a substantially larger proportion than that recorded by Tearfund. Why the discrepancy? The Tearfund report offers the following explanation. The Census's question was 'What is your religion?', whereas Tearfund's question was 'Do you regard yourself as belonging to any particular religion?' Affirma-

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[60] Jacinta Ashworth and Ian Farthing, *Churchgoing in the UK* (London: Tearfund, 2007), 6. These figures are very similar to those recorded by the British Social Attitudes Survey of 2004 (ibid. 41).

[61] Ibid. 4.

tive answers to the former included some from people who would have baulked at confessing that they 'belonged' to a religion, and whose affirmation was therefore simply nominal. What this implies is that affirmative answers to Tearfund's question were expressive of a more substantial commitment.[62] What is more, one cannot assume that non-churchgoers are completely lacking in sympathy for religious beliefs. Of those Britons who do not go to church, 41 per cent nevertheless admit to praying.[63] According to other surveys, only a small minority of the population (15.5 per cent) positively declares itself to have no affiliation to any religion;[64] and a considerable majority (71 per cent) continues to claim to believe in a 'God' of some kind.[65] It seems to me, therefore, that it cannot be presumed that a democratic majority of British people is impervious or hostile to religious discourse. And if this is true of the British, then it could well also be true of the more churchgoing Germans and Dutch, not to mention the Spanish, the Austrians, the Italians, the Greeks, the Irish, and the Poles.[66] My conclusion is that a genuinely *descriptive* sociology of Western democracies currently does not recommend a political rhetoric that suppresses theology, translating *out of* religious language into non-religious language.

Finally, what do we make of the stipulation that public discourse be conducted in language that is equally accessible to all citizens? In brief: there is not much good sense to be made of it. For what could such a stipulation amount to? Does it require that only those things be spoken that all can understand *in fact*? That would be an impossibly stringent condition to

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[62]   Ashworth and Farthing, *Churchgoing in the UK*, 6.

[63]   Ibid. 1, citing the Opinion Business Research national poll of 2001.

[64]   According to the UK government's Census of April 2001. See <www.statistics.gov.uk/cci/nugget.asp?id+293>.

[65]   See Grace Davie, *Religion in Britain since 1945: Believing without Belonging* (Oxford: Blackwell, 1994), *passim* but, e.g., p. 78, table 5.1, and p. 2: 'Why is it, for example, that the majority of British people   in common with many other Europeans   persist in believing (if only in an ordinary God), but see no need to participate with even minimal regularity in their religious institutions? Indeed most people in this country   whatever their denominational allegiance   express their religious sentiments by staying away from, rather than going to, their places of worship. On the other hand, relatively few British people have opted out of religion altogether: out and out atheists are rare.' According to table 5.1, a survey in 1990 showed that 71% of British people believe in 'God' (p. 78). In *Europe: The Exceptional Case. Parameters of Faith in the Modern World* (London: Darton, Longman, & Todd, 2002), Davie cites a survey conducted ten years later (1999/2000). The percentage of British people who believe in 'God' was virtually unchanged at 71.6% (p. 7).

[66]   According to the European Social Survey of 2002, in answer to the question 'How often do you attend religious services except for special occasions?', 18.6% of British respondents replied 'at least once a month'   compared to 20.1% of Germans, 20.9% of Dutch, 28.9% of Spanish, 35.3% of Austrians, 44.1% of Italians, 54.6% of Greeks, 67.2% of Irish, and 75.5% of Poles. See Ashworth and Farthing, *Churchgoing in the UK*, 42.

impose on any conversation. It would also remove the purpose of conversing, which is to come to understand what is not yet understood. And besides, something that is 'accessible' is not yet 'accessed'. So maybe the requirement is that one should only speak, not what all in fact do understand, but rather what all *in principle* could understand. Perhaps 'accessible' here means 'comprehensible'. But it is a common moment in ordinary conversation that what I think should make sense to you (if only you weren't so blinkered or so dim), you think is nonsense. Are we to ban such moments from public discourse? But how can we know in advance *what* other people will find incomprehensible in principle? Often we only find it out when we have said what we have to say, and others respond to it. And besides, why should we ban it? For sure, such moments bring conversation to a temporary halt; but there are ways of getting it going again (for example, 'So *why exactly* do you think that what I've said is nonsense?' or 'Let me reformulate what I've just said, and let's see if you still think it's nonsense' or 'Okay, so we've reached an impasse at this point. But let's see if we can make progress together at another one'). As it happens, I think that what Habermas has said here makes no sense, and I doubt that it could make sense, unless he said something quite different. What Habermas has said is not 'accessible' to me. Should it therefore be banned? Of course not. But maybe what is incomprehensible can yet be 'accessible' in this sense: that I can take the nonsense (as I reckon it) that you've spoken, discern some valid reasons why you might have said it, and then offer an alternative expression of them that makes more sense to me. In other words, I can make some sense out of the nonsense you've spoken, but in *different* terms—in *different* language. You might, of course, reject my reformulation. Or you might accept it, with qualifications. Or you might simply accept it. But whatever your reaction, our conversation could well continue—in spite of the fact that at least two sets of terms, two languages, are in play. What is important is *not* that we all speak the same language, in the sense that we use the same terms to refer to the same things in the same way. Nor is it important that what we say to each other is 'accessible' either as comprehended or as comprehensible. What is important is that we *want* to reach a common understanding of the truth, that we are prepared to explain as far as possible how and why we see things as we do, that we are open to honest negotiation, and that we are inclined to exercise charity in our construction and reconstruction of each other's point of view. In sum, what matters is less the *language* of public discourse than the *manner* of its conduct—and the regard, the motives, and the intentions that drive it.

3. JOHN RAWLS: PUBLIC REASON, CONTAINER
OF CONTROVERSY

John Rawls's mature view of the place of 'religion' in public deliberation begins with an observation that contains a charitable judgement.[67] The observation is that a basic and permanent feature of the public culture of a modern democracy is 'the fact of reasonable pluralism', because this is 'the normal result of its culture of free institutions'.[68] The charitable judgement is that the plurality of comprehensive moral doctrines, religious and philosophical,[69] is not always the product of human ignorance or ill will, but sometimes of *reasonable* disagreements. The sources of such disagreements are 'the burdens of judgement'—that is, 'the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgement in the ordinary course of political life'.[70] These include deciding which considerations are relevant to the question at hand, ascribing weight to them, interpreting indeterminate concepts, and assessing evidence.[71] Because of these hazards, 'it is not to be expected that conscientious persons with full powers of reason, even after discussion, will all arrive at the same conclusion'.[72] Therefore, the toleration of a certain diversity of opinion is reasonable. In modern democracy such toleration is in fact supported by a plurality of comprehensive doctrines, religious and philosophical, which comprise its 'vital social basis'.[73] This basis, however, should not be taken for granted. There will always be views that would suppress liberty of conscience—'unreasonable' comprehensive doctrines—and there is no guarantee that they will

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[67] By his 'mature' view, I mean that expounded in *Political Liberalism* (first published in 1993), in his 'Reply to Habermas' (first published in 1995), and in 'The Idea of Public Reason Revisited' (first published in 1997).

[68] John Rawls, 'The Idea of Public Reason Revisited' (henceforth, 'IPRR'), in id., *The Law of the Peoples* (Cambridge, Mass.: Harvard University Press, 1999), 131; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 36 7.

[69] Rawls, *Political Liberalism*, 13: '[A moral conception] is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit of our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated.'

[70] Ibid. 56.

[71] Ibid. 56 7.

[72] Ibid. 58.

[73] Rawls, 'IPRR', 153.

not prevail,[74] as they did in the case of the Weimar Republic.[75] The virtues of tolerance, of being ready to meet others halfway, of reasonableness, and of fairness comprise political capital that can depreciate and constantly needs to be renewed.[76] Consequently, Rawls tells us, 'the problem of stability has been on our minds from the outset',[77] and the main task is to secure toleration and strengthen the ties of civic trust or friendship.[78]

He sets about this task by developing a coherent explication of the most firmly held convictions implicit in the contemporary public culture of democratic society—the 'plain truths' that constitute its 'common sense':[79]

> We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions into a coherent political conception of justice. These convictions are provisional fixed points that it seems any reasonable conception must account for. We start, then, by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles. We hope to formulate these ideas and principles clearly enough to be combined into a political conception of justice congenial to our most firmly held convictions.[80]

To what end? That this conception of justice, which brings to the surface a public basis of justification of such common convictions as religious toleration, will bolster the reasoned agreement of some comprehensive doctrines, and maybe gain that of others, thereby deepening and broadening the base of support and augmenting political stability.[81]

Rawls calls this developed expression of democratic common sense 'justice as fairness', and he tells us that it is 'freestanding' and 'independent'.[82] What he means by this latter statement is ambiguous. On the one hand, there is the Kantian Rawls who claims a *universal* transcendence for justice-as-fairness: 'A political conception of justice is what I call freestanding ... when it is not presented as derived from, or as part of, *any* comprehensive doctrine';[83] '[L]iberal political conceptions of justice ... can be presented independently from comprehensive doctrines *of any kind*'.[84] Such an intrusion of *comprehensive* doctrine into the *political* conception of justice simply does not square with

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[74] Rawls, *Political Liberalism*, 65. See also ibid. 126.
[75] Ibid., pp. lxi lxii.
[76] Ibid. 157 and n. 23.
[77] Ibid. 141.
[78] Rawls, 'IPRR', 155; *Political Liberalism*, 86.
[79] Rawls, *Political Liberalism*, 224 5.
[80] Ibid. 8.
[81] Ibid. 100 1.
[82] Ibid. 9, 144.
[83] Ibid., p. xliv. The emphasis is mine.
[84] Rawls, 'IPRR', 143. The emphasis is mine.

the late Rawls's theory of political liberalism, and it should therefore be put aside as an inappropriate vestige of the Kantian thinking displayed in *A Theory of Justice* (1971). According to political liberalism, justice-as-fairness is only a limited, 'political' conception, not a comprehensive one. It has as its specific concern the relations of citizens and so the main institutions of political life.[85] As such it can be—and is—supported by diverse comprehensive moral doctrines. It depends on all of them, not on any one of them alone. In that sense, it transcends each of them and can be presented as a free-standing 'module' that fits into them all.[86] However, its realm of transcendence is defined and therefore relative. There are comprehensive doctrines that do *not* support it. Relative to these, the dependence of justice-as-fairness on the definite class of supportive, 'reasonable' comprehensive doctrines becomes clear. Its independence is not universal.[87]

Justice-as-fairness is not universally transcendent. Nor is it metaphysically, epistemologically, and morally neutral in the sense of being merely procedural: 'common ground . . . is not procedurally neutral ground.'[88] It does espouse a specific metaphysical and epistemological doctrine, but only insofar as that is implied by the political conception itself.[89] Its intrinsic political ideal—that of 'reciprocity'—is also substantively moral.[90] It affirms moral virtues such as civility, tolerance, reasonableness, and fairness;[91] and it excludes holding slaves, imposing a property qualification on the right to vote, and denying the right of suffrage to women.[92] Rawls's political conception of justice does involve definite metaphysical, epistemological, and moral commitments; but these are not comprehensive or 'perfectionist'.[93]

Through the articulation of justice-as-fairness, Rawls hopes at once to express and develop, and so to bolster, an 'overlapping consensus' about political justice—a consensus in which diverse comprehensive doctrines, religious and philosophical, overlap. He concedes that this consensus might

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[85] Rawls, *Political Liberalism*, 12 13, 175, 387.

[86] Ibid. 144 5.

[87] One of Paul Valadier's main criticisms of Rawls is that his theory of political liberalism pretends to rational autonomy but in fact draws many of its assumptions from Christian tradition (*Détresse du politique, force du religieux* (Paris: Éditions du Seuil, 2007), 148 50). In my judgement, however, Rawls's political liberalism is only vestigially Kantian, and is candid in deriving its intelligibility from *several* traditions, including certain Christian ones.

[88] Rawls, *Political Liberalism*, 192.

[89] Ibid. 12. See also pp. xxviii xxix, where, with reference to alternative responses to a set of basic questions of moral epistemology and psychology, Rawls writes that 'political liberalism does affirm the second alternative in each case'.

[90] Ibid., p. xlvii.

[91] Ibid. 194.

[92] Ibid., p. li; 'IPRR', 138.

[93] Rawls, *Political Liberalism*, 195.

begin life as a mere *modus vivendi*—that is, as a provisional expedient resting on a fortunate convergence of interests, which is vulnerable to being ditched as soon as political advantage requires it.[94] He recognizes that, for the sake of stability, this fragile consensus needs to grow into one based on common adherence to 'the right reasons' of moral principle—such as equal liberty of conscience and freedom of thought—rather than the mere reasons of political expedience.[95] And this development can happen insofar as political groups enter the public forum and find that they have to appeal to other groups who do not share their comprehensive doctrine: 'This fact makes it rational for them to move out of the narrower circle of their own views and to develop political conceptions in terms of which they can explain and justify their preferred policies to a wider public so as to put together a majority. As they do this, they are led to formulate political conceptions of justice.'[96]

What is the content of the overlapping consensus about public deliberation that justice-as-fairness expresses, develops, and confirms? The basic element is the duty of citizens to respect one another as 'free and equal': as 'free' in the sense that they have the powers to have a conception of the good (including justice) and to reason about it; and as 'equal' in that they possess these two powers sufficiently to be fully cooperating members of society.[97] A second element is the view that, because of the hazards or 'burdens' of judgement, we may not expect the conscientious exercise of the full powers of reason to lead every citizen to the same conclusion. Following from this is acceptance of the social fact of a 'reasonable pluralism' of irreconcilable comprehensive doctrines. Next comes the surrender of all zeal to embody (one's own view of) the whole truth in political life and institutions,[98] and the correlative endorsement of the priority of political justice or 'right' to the comprehensive or perfectionist good.[99] In deliberation about matters of political justice, the principle of reciprocity should issue in 'civility'[100] or 'political reasonableness' or 'public reason'.[101] According to this moral ideal of public communication, public interlocutors should seek to justify judgements or policies or institutions, which are political and therefore command the coercive backing of the state, 'within the framework of what each sincerely regards as a reasonable

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[94] Ibid., pp. xlii xliii, 147, 163; 'IPRR', 149 50.
[95] Rawls, *Political Liberalism*, pp. xxxix xl, xli, 147; 'IPRR', 149 50.
[96] Rawls, *Political Liberalism*, 165.
[97] Ibid. 19.
[98] Rawls, 'IPRR', 132 3, 138.
[99] Political justice or 'right' involves certain goods, which comprise part of the whole good (Rawls, *Political Liberalism*, Lecture V, 'Priority of Right and Ideas of the Good', 173 211).
[100] Ibid. 217; Rawls, 'IPRR', 135.
[101] Rawls, 'IPRR', 132.

political conception of justice, a conception that expresses political values that others as free and equal [and not as dominated or manipulated, or under pressure of an inferior political or social position[102]] might reasonably be expected reasonably to endorse'.[103]

The late Rawls (at least) is under no illusion that public reason, even when its requirements are universally and conscientiously observed, will produce unanimity. It normally contains a plurality of reasonable, but contradictory arguments.[104] In the case of an intractable stand-off between rival reasonable arguments—say, about abortion—the decision must be made by voting:

> Yet the outcome of the vote . . . is to be seen as legitimate provided all government officials, supported by other reasonable citizens, of a reasonably just constitutional regime sincerely vote in accordance with the idea of public reason. This doesn't mean the outcome is true or correct, but that it is reasonable and legitimate law, binding on citizens by the majority principle.[105]

Therefore, were those defeated in a vote to respond by forcefully resisting the resultant law, they would be unreasonable, since it would mean 'attempting to impose by force their own comprehensive doctrine that a majority of other citizens who follow public reason, not unreasonably, do not accept'.[106] Besides, efforts to reverse the outcome in a subsequent vote can proceed unimpeded: 'Reasoning is not closed once and for all in public reason any more than it is closed in any form of reasoning.'[107]

The ideal of public reason comprises an ethic of communication, but it is an ethic with limited scope. It applies, according to Rawls, only in cases where the subject matter under discussion concerns 'constitutional essentials and matters of basic justice'.[108] And it binds citizens only when they are operating in the 'public political forum'—that is, when they are engaged in political advocacy as members of political parties or as candidates for election to public office, when they vote in elections, when they speak as legislators on the floor of parliament, when they act as members of the executive branch of government, and especially when they expound their judgements as members

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[102] Rawls, 'IPRR', 137. The clarifying qualification in square brackets is a quotation from 'IPRR' (p. 137) and has been inserted (aptly, I think) into a quotation from *Political Liberalism*.

[103] Rawls, *Political Liberalism*, l.

[104] Rawls, 'IPRR', 169 and n. 80, 170 1; *Political Liberalism*, pp. lv lvi, 243: 'not all reason able balances are the same.'

[105] Rawls, 'IPRR', 169.

[106] Ibid. 170.

[107] Ibid., and *Political Liberalism*, pp. lvi vii.

[108] Rawls, *Political Liberalism*, 214.

of the judiciary.[109] The public political forum is to be distinguished from 'the background culture', which is the culture of civil society, including that of churches, universities, professional bodies, and scientific and other societies.[110] Here, comprehensive doctrines of all kinds 'are taught, explained, debated one against another, and argued about—indefinitely without end as long as society has vitality and spirit'.[111] And in between the public political forum and the background culture mediate the media or 'the nonpublic political culture'.[112]

So what, according to Rawls, does the ideal of public reason imply for the role of theology or religious reasons in public deliberation? As with any citizen in the public forum—be they theist or atheist, Christian or Marxist, Thomist or Kantian—religious believers should not appeal to their own comprehensive doctrines. Instead they should seek to win support for their proposals by arguing in the more restrictive terms of the political conception of justice-as-fairness—that is, in terms of 'public reasons'. Indeed, it is to be hoped that their own comprehensive doctrines will ground and support such self-restraint. Rawls gives several sets of examples of what he means by 'public reasons'. One of these is in relation to public debate about abortion, which he suggests should operate in terms of the 'political values' of the due respect for human life, the ordered reproduction of political society over time, and the equality of women as equal citizens.[113] He gives another set of examples when analysing Cardinal Joseph Bernadin's argument against abortion, which he says is 'clearly cast in some form of public reason': the 'political values' of public peace, essential protections of human rights, and the commonly accepted standards of moral behaviour in a community of law.[114] A third set relates to public discussion about the institution of the family: the freedom and equality of women, the equality of children as future citizens, the

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[109] Ibid. 215 16, 252 3. In 'IPRR' Rawls divides the public political forum into three parts: the discourse of judges; the discourse of government officials and of legislators; and the discourse of candidates for public office and their campaign managers. The ideal of public reason, he asserts, applies differently in each case ('IPRR', 133 4).

[110] Rawls, 'IPRR', 134 and n. 13.

[111] Rawls, 'Reply to Habermas', *Political Liberalism*, 383.

[112] Rawls, 'IPRR', 134 n. 13. Rawls himself (in 1995 and 1997) identifies this distinction of the public political forum from the background culture as one of the differences between himself and Habermas. As he reads it, what Habermas calls 'the public sphere' corresponds to what he calls 'the background culture' ('Reply to Habermas', 382 and n. 13; 'IPRR', 142 n. 28). In his more recent writings, however, Habermas shows the effects of Rawls's influence. In 'The Debate on the Ethical Self Understanding of the Species' (2001) he distinguishes both 'moral' propositions (of justice) from 'comprehensive doctrines' (p. 32), and 'moral' conflicts (over justice) from 'background' conflicts (p. 38).

[113] Rawls, *Political Liberalism*, 243 n. 32.

[114] Rawls, 'IPRR', 170 n. 82.

freedom of religion, and the value of the family in securing the orderly production and reproduction of society and of its culture from one generation to the next. 'These [political] values', he writes, 'provide public reasons for all citizens.'[115]

We should note here that Rawls's conception of 'public reasons' contains a significant ambiguity. Consistency requires him to think of these strictly in terms of *political* values such as public peace and respect for the freedom and equality of others. Nevertheless, among the examples that he offers are some that may be public, but are not strictly political. Respect for human life is rather more than respect for the freedom and equality of the individual. And while the '*ordered* reproduction of political society over time' amounts to the political value of peace, the 'ordered *reproduction* of political society over time' amounts to something rather more. Rawls's public reasons in fact include public goods that are not just political.

Religious believers should not appeal to their own comprehensive doctrines. However, this is a rule to which Rawls allows some exceptions, initially in the name of the 'inclusive view', and later in the name of the 'wide view', of public reason. According to the 'inclusive view', citizens may present 'what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen the ideal of public reason itself'.[116] So where there is an intractable dispute between religious groups—say, over the application of the principle of fair equality of opportunity to education—and where this impasse has caused one group to doubt the sincere allegiance of the other group to fundamental political values, then one way to strengthen mutual trust and public confidence would be for the suspect group to explain how their comprehensive doctrine affirms those values. This could, of course, be done in the 'background culture'; but an affirmation in the public political forum might help to show that the overlapping consensus is not a mere *modus vivendi*.[117] And in the case of those arguing on religious grounds for the abolition of slavery in the nineteenth century, and for the civil rights of coloured people in the twentieth, they did not offend the ideal of public reason 'provided they thought, or on reflection would have thought (as they certainly could have thought), that the comprehensive reasons they appealed to were required to give sufficient strength to the political conception to be subsequently realized'.[118]

In the introduction to the paperback edition of *Political Liberalism* (written in December 1995) Rawls explicitly revised the 'inclusive view' of public reason in the original text (published in 1993) in favour of a more permissive

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[115] Rawls, 'IPRR', 163 4.   [116] Rawls, *Political Liberalism*, 247.
[117] Ibid. 248 9.   [118] Ibid. 249 51.

'wide view': 'I now believe . . . that reasonable [comprehensive] doctrines may be introduced in public reason at any time, provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support.'[119] Insofar as the earlier conditions go beyond this 'proviso', they should be dropped.[120] But the positive reason for declaring comprehensive doctrines in the public political forum remains: to strengthen citizens' allegiance to the ideal of public reason by making manifest that one's commitment to constitutional democracy is 'doctrinal', and not merely politically expedient, thereby fostering the trust of one's political opponents and strengthening their reciprocal willingness to honour the duty of civility.[121] According to Rawls, these doctrines 'need not . . . be by some standards logically correct, or open to rational appraisal, or evidentially supportable'—although those espousing them will normally have practical-political reasons for wanting to make their views broadly acceptable.[122]

In his discussion of the relationship between religious views and public deliberation Rawls is at pains to make clear that what he means by 'public reason' is *not* what others mean by 'secular reason':

For I define secular reason as reasoning in terms of comprehensive nonreligious doctrines. Such doctrines and values are much too broad to serve the purposes of public reason. Political values are not moral doctrines, however available or accessible these may be to our reason and common sense reflection. Moral doctrines are on a level with religion and first philosophy. By contrast, liberal political principles and values, although intrinsically moral values, are specified by liberal political conceptions of justice and fall under the category of the political.[123]

He returns to the topic a few pages later:

A view often expressed is that while religious reasons and sectarian doctrines should not be invoked to justify legislation in a democratic society, sound secular arguments may be.[124] But what is a secular argument? Some think of any argument that is reflective and critical, publicly intelligible and rational, as a secular argument. . . . Nevertheless, a central feature of political liberalism is that it views all such arguments the same way it views religious ones, and therefore these secular philosophical

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[119] Ibid., pp. li lii. See also 'IPRR', 144, 152 6.

[120] Rawls, *Political Liberalism*, p. lii.

[121] Rawls, 'IPRR', 153 4.

[122] Ibid. 153.

[123] Ibid. 143.

[124] Rawls has Robert Audi explicitly in mind here (ibid. 148 n. 40). By implication, what he says of Audi he could equally have said of Habermas: 'Of the two main differences between Habermas's position and mine, the first is that his is comprehensive while mine is an account of the political and is limited to that' ('Reply to Habermas', 373).

doctrines do not provide public reasons. Secular concepts and reasoning of this kind belong to first philosophy and moral doctrine, and fall outside of the domain of the political.[125]

Rawls's political liberalism is significantly different from 'Enlightenment' liberalism, whose ambitions to replace the waning authority and faith of Christianity with a comprehensive philosophical secular doctrine founded on reason it does not share.[126] According to political liberalism, '[t]here is, or need be, no war between religion and democracy'.[127]

The contrast with Habermas is stark.[128] Clearly Rawls's public reason is much more hospitable to theology than Habermas's secular language. Rawls is quite ready to affirm that the class of *reasonable* comprehensive doctrines will include religious ones; and that these may and should participate in the overlapping consensus that sustains public reason.[129] In the background culture, theology can speak freely. Presumably, however, even there Rawls would want to see exercised and strengthened the liberal virtues of respect for others as free and equal, of tolerance, and of fairness; since he is aware—and more aware than many of his liberal *confrères*—that the health of public discourse depends on what goes on in the surrounding culture, and that the health of the latter cannot be taken for granted. In that event, I cannot see that Christian theology would object: there may be more to a Christian vision of moral life than these liberal virtues, but there is not less. Moreover, even in the background culture it seems that religious advocates should frame their arguments in terms of the service of political or public goods, if the subject of concern is a matter of political justice—such as the legalization of euthanasia—and if they would persuade fellow citizens who do not naturally defer to the same authorities.

If I am correct in my assumption about the moral and rhetorical constraints operative even in the background culture, then its distinction from the public political forum is weaker than Rawls supposes (and it becomes weaker still in the light of his 'wide view' of public reason). The chief remaining point of distinction is that in the background culture (e.g.

[125] Rawls, 'IPRR', 148.
[126] Rawls, *Political Liberalism*, p. xx. See also ibid., p. xl.
[127] Rawls, 'IPRR', 176.
[128] As is the contrast with the French republican tradition of *laïcité*, according to Paul Valadier (*Détresse du politique*, 143, 145). Valadier finds Rawls's theory far less repressive of religion and more able to sustain 'une laïcité ouverte' (p. 148).
[129] By welcoming religious support for public reason and the political conception of justice on which it is based, Rawls solves the quandary that so preoccupies Habermas: how to garner for public discourse religion's motivating energy, while discarding the incredible beliefs that generate it.

churches and universities), unlike in the public political forum, there will be occasions when theologians address only other theologians, and when appeals to religious authorities and arguments about their interpretation feature much more prominently in the theological rhetoric.

Regarding theology in the public reasoning of public political fora, the late Rawls was increasingly permissive. According to his 'wide view', theology may express itself at any time, provided that it also offers 'public reasons' sufficient to support its position; and among these 'public reasons' Rawls in fact countenances public goods that are not just political. This proviso, therefore, does not compel theology to adopt an alien tongue;[130] it merely requires it to speak in relevant terms. If the issue is one of public concern—and public concern reaches beyond issues of fairness—then any complete argument is going to frame itself in terms of the service of public goods.[131]

Common terms, however, do not amount to identical content. Rawls himself acknowledges that public reason is plural and contains controversy—otherwise, intractable stand-offs between rival reasonable arguments, requiring decision by majority vote, would not be possible. He is clear that public reason contains room for disagreement—maybe subtle, but still significant—about how to understand the content of public goods, their ranking, and their moral implications. It does seem, however, that Rawls did not fully appreciate the extent and depth to which reasonable citizens can disagree.[132] More importantly, it is not clear that he grasped that this disagreement is generated by the operation of competing comprehensive doctrines *within public reason*. Had he done so, he would have come to think of public reason less in terms of a free-standing alternative to rival comprehensive doctrines and more in terms of a shared anthropology, which grounds a common ethic of communication that disciplines controversy between them.

If we give Rawls benefit of doubt and resolve his ambiguity in this direction, then we can say that even in the public political forum, the 'wide view' of public reason does not require the theologian to violate his intellectual integrity by suppressing his theological beliefs.[133] It does require him to

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[130] Unless, that is, we read it as an expression of Kantianism rather than political liberalism. This, according to the late Rawls, we should not do.

[131] I am assuming that any bare assertion of law 'God commands this!' or 'The Church demands that!' is bound to answer the reasonable question, 'But why should I obey?'; and that its answer must be framed in terms of the service of goods.

[132] See Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 215 16.

[133] My reading of Rawls here differs from that of Paul Valadier. Following Jean Marc Ferry ('Sur le potentiel critique des religions dans l'espace europeén', in Pierre Gisel and J. M. Tétas (eds.), *Théories de la religion* (Paris: Labor et Fides, 2002)), Valadier understands Rawls's theory of political liberalism to exclude any discussion of fundamental issues involving appeals to comprehensive doctrines, including religious ones; and he argues that this both impoverishes

articulate his arguments in terms appropriate to a discussion about public goods. It does require him to engage fairly with others and to present his theologically shaped arguments—and sometimes his theological premises— in a respectful manner. It also requires him to forbear, if his arguments fail to be persuasive. But it does not require him to cease thinking or speaking theologically. I conclude, therefore, that there is nothing in my theological argument about the legalization of euthanasia whose expression in public political fora public reason would forbid.[134]

4. JEFFREY STOUT: CONVERSATION INSTEAD OF CONSENSUS?

Locating Rawls's position 'halfway between the coherent alternatives of Kant and Hegel', Jeffrey Stout reckons it untenable.[135] Himself a follower of Hegel, Stout sees 'public philosophy' as 'an exercise in expressive rationality', 'a matter of making explicit in the form of a claim a kind of commitment that would otherwise remain implicit and obscure [in the ethical life of a people]'.[136] He therefore approves of Rawls's political philosophy insofar as it understands itself as trying to give explicit expression to the implicit common sense of a particular political culture at a particular moment in its history.[137] What he objects to are the Kantian elements that he finds persisting even in the late Rawls's political liberalism. These include the quest for principles that no 'reasonable' person could 'reasonably' reject, the notion of a 'free-standing' conception of justice, and the loaded account of 'reasonableness' that begs the

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public discourse and pushes religion to the fundamentalist margins (*Détresse du politique*, 152 5). That is certainly not true of what Rawls says about the 'background culture' and the 'nonpublic political culture'. Of what he says about discourse in the 'public political forum', it would seem to be true until one tracks carefully the implications of some of his very latest thinking.

[134] My development of the implications of Rawls's acknowledgement of the plural and controversial nature of public reason leads me to qualify his prohibition of the zeal to have the whole truth embodied in political life and institutions. If 'zeal' is held by definition to be immoderate and resistant to moral constraint, then of course it is simply inimical to public reasonableness. However, insofar as serious public discussion needs participants to *care strongly enough* about what they believe to be true of the human good to want to see it publicly recognized, there is a good reason to preserve the notion that 'zeal' for the truth might be compatible with patience, forbearance, and fairness.

[135] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 78.

[136] Ibid. 12, 195.

[137] Ibid. 78, 183.

question in favour of that conception.[138] As Stout sees it, a 'reasonable' (that is, socially cooperative) person could 'reasonably' (that is, with epistemic entitlement) reject a free-standing conception of justice-as-fairness as the common basis for public reasoning on the grounds that it is both epistemologically dubious and unnecessary.[139] In particular, since socially cooperative persons can with epistemic entitlement differ over the ranking of the highest goods, some could with epistemic entitlement reject the doctrine of the priority of the right over the good.[140] Stout thinks that Rawls overestimates what can be resolved in terms of a common basis of reasoning, because he underestimates the range of things that socially cooperative people can with epistemic entitlement reject; and he underestimates that, because he underestimates the impact of their 'collateral commitments':

What I can reasonably reject depends in part on what collateral commitments I have and which of these I am entitled to have. But these commitments vary a good deal from person to person, not least of all insofar as they involve answers to religious questions and judgments about the relative importance of highly important values.[141]

Rawls recognizes the diversifying effect of collateral commitments in the fact of a variety of reasonable comprehensive doctrines; but he supposes, Stout thinks, that constitutional essentials and matters of basic justice can be immune from it. This supposition Stout doubts.[142]

Instead of Rawls's ideal of public reason based on a common conception of political justice, which constrains interlocutors to argue in the same terms,[143] Stout recommends 'conversation'. By this he means 'an exchange of views in which the respective parties express their premises in as much detail as they see fit and in whatever idiom they wish, try to make sense of each other's perspectives, and expose their own commitments to the possibility of criticism'.[144] Further, this candid conversation might take a 'Socratic' turn, in which I 'take seriously the objections you raise against my premises, and make a concerted attempt to show how *your* idiosyncratic premises give *you* reason to accept my conclusions'.[145] This mode of 'immanent criticism' is bound to respect the distinctiveness of each view with which it engages, and so to proceed in a piecemeal, ad hoc, contextually sensitive, improvisational fashion, 'addressing one individual (or one type of perspective) at a time'.[146] Such rhetorically flexible, 'pragmatic' conversation is in fact a widely used

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[138] Ibid. 65 6, 184.   [139] Ibid. 67 8, 71.
[140] Ibid. 71, 200, 298.   [141] Ibid. 70.   [142] Ibid. 70 1.
[143] Ibid. 76.   [144] Ibid. 10 11.
[145] Ibid. 72.   [146] Ibid. 73, 79 80.

form of reasoning in public political discourse and one of the most effective ways of showing respect for one's interlocutor 'as a (potential) lover of justice and sound thinking'.[147] And by 'gradually building discursive bridges and networks of trust in particular settings', it is also 'the only realistic means of building a common democratic morality'.[148] It does not proceed, however, from an already-agreed-on, common basis.[149]

For this reason Stout suggests that his position might be described in Rawls's terminology as 'a sort of "modus vivendi" pluralism'. It articulates an overlapping consensus about the practical commitment to hold one another mutually responsible by giving and asking for reasons.[150] However, rather than being an ideal doctrine awaiting imposition on political culture, it expresses an existing feature of 'the habits of the people': namely, 'a remarkably widespread and steady commitment, on the part of citizens, to talk things through with citizens unlike themselves'. Moreover, 'because it is an aspect of our substantive commitment to the ethical life of democracy, because it coheres with the widely (but not unanimously) held conviction that no merely human perspective has a monopoly on the truth, it seems inappropriate to think of it as a mere modus vivendi'.[151]

On the subject of the role of religion, Stout aligns himself against Habermas and close to Rawls. While he argues that metaphysical theories (such as natural law realism) fail to add to our understanding of the terms 'true' and 'false' in moral language,[152] and that such explanation is not needed to make practical sense of them and so 'to keep the democratic culture of moral seriousness and its spirit of self-criticism intact',[153] he insists that his opposition to metaphysics does not mean 'to rule out a class of claims simply because they refer to something *beyond* or *above* the ontological framework assumed in the natural sciences'.[154] He differentiates his own 'modest pragmatism' from 'anti-realist pragmatism'.[155] And he expressly criticizes John Dewey for making the denial of supernaturalism an essential component of the common faith of democratic citizens: 'Dewey is not in a position to declare supernaturalism beyond the pale of justified belief.'[156]

Stout also points out that, historically speaking, democracy is not essentially the expression of 'secularism', insofar as that denies that individuals can be entitled to religious premises and therefore excludes their public expression.[157] After all, it was the early modern debates *among Christians* about how

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[147] Stout, *Democracy and Tradition*, 73, 85.
[148] Ibid. 226.   [149] Ibid. 73, 85.   [150] Ibid. 6, 184, 185.
[151] Ibid. 297.   [152] Ibid., ch. 11, 'Ethics without Metaphysics', *passim*.
[153] Ibid. 254.   [154] Ibid. 256.
[155] Ibid. 251, 253, 254.   [156] Ibid. 32.
[157] Ibid. 11.

to resolve political differences without appeal to the Bible (over which differences of interpretation had proven interminable), and without resort to force of arms, that resulted in the development of 'secularized' ethical discourse.[158] By such discourse Stout means only 'the fact that participants in a given discursive practice are not in a position to take for granted that their interlocutors are making the same religious assumptions they are'.[159] He explicitly differentiates this 'modest' model of secularization from the 'big Habermasian story', with its dubious Weberian assumptions about the effects of rationalization on religious world-views:

> What becomes secularized, according to my model, is a set of discursive presupposi tions, not necessarily the worldview or state of consciousness of participants in the relevant form of discourse. Because my model does not predict increasingly generalized disenchantment, it does not break down in the face of facts to the contrary   such as the religious revivals of the last four decades.[160]

The root of the problem with the approach of the Frankfurt School of 'critical theory'—and while Seyla Benhabib is at the forefront of Stout's mind here, what he says applies equally to Habermas—is that 'they end by explaining away, instead of entering into conversation with, nearly everything that real people think, say, and feel'.[161] We may take it that 'real people' include those who hold religious beliefs.

Religion is not *essentially* a conversation-stopper: religious premises can be used in various ways to various effects, depending on the situation.[162] It is true that 'faith-claims' do tend to stop conversation, at least momentarily: '[I]f, at a crucial point in an argument, one avows a cognitive commitment without claiming entitlement to that commitment, and then refuses to give additional reasons for accepting the claim in question, then the exchange of reasons has indeed come grinding to a halt.'[163] However, not all religious claims are 'faith-claims', for it is possible to assert a religious premiss and to be willing to demonstrate one's entitlement to it. And not all 'faith-claims' are religious: people often take a stand on non-religious topics without claiming to *know* that their stance is right. Moreover, even where individuals are willing to demonstrate epistemic entitlement to a premiss, and even where they make a plausible case, they still might not succeed in giving their interlocutors sufficient reason to accept it. So conversation would grind to a halt here, too, not because some maintain a commitment to which they are not entitled, but because others are still entitled not to accept it. Again, this is not just a

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[158] Ibid. 93 7.
[159] Ibid. 97.   [160] Ibid. 175.
[161] Ibid. 178.   [162] Ibid. 86.   [163] Ibid. 87.

difficulty for religious believers: it arises for all of us when we are asked to defend our most deeply engrained commitments.[164] Nevertheless, if conversation has been stopped in its tracks, the halt need only be momentary. All that is required for further progress is for conversation to switch modes— from 'the normal discourse of straightforward argument on the basis of commonly held premises' to dialectical 'improvisation'.[165]

In the end, therefore, Stout argues against the notion (espoused by Habermas and, he thinks, by Rawls) that public reasoning on important political questions should ultimately be based on principles that no reasonable citizen could reasonably reject—and that therefore religious premises should be bracketed off. Instead, '[a]ll democratic citizens should feel free . . . to express whatever premises actually serve as reasons for their claims.'[166] In addition to the reasons already marshalled, there is the ironic consideration that the policy of restraint itself would be a conversation-stopper; for were it adopted, there would be 'too much silence at precisely the points where more discussion is most badly needed'.[167] Among these points are the real reasons that undergird the ethical and political conclusions of our fellow citizens, not least those who hold religious beliefs. 'We would all benefit', Stout argues,

> from fuller expression of whatever ethically relevant commitments our religious and nonreligious neighbors harbor. In a religiously plural society such as ours, it is even more important than in other circumstances to bring into reflective expression commitments that would otherwise remain implicit in the lives of religious communities. Members of a religious communion can benefit from such expression by learning about themselves and putting themselves in a position to reflect critically on their commitments. Outsiders can benefit from listening in, so as to gain a better grasp on the premises that our fellow citizens rarely have the opportunity to articulate at all. This is one of the ways in which we can overcome the caricatures of religious believers that dominate the rhetoric of the culture wars.[168]

It is clear that Stout offers freedom of expression to theology with a refreshing openness and generosity that cannot be attributed to Habermas. But is he really more permissive than Rawls? If the latter were as persistently and predominantly Kantian in his theory of political liberalism as Stout portrays him, then the answer would clearly be yes. I, however, find Rawls coherently, if not consistently, expressivist. While my reading of his political liberalism does stumble across vestigial elements of his Kantianism, it also tracks a coherent account of a political conception of justice, and so of public reason, which expresses an overlapping consensus among a finite variety of

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[164] Stout, *Democracy and Tradition*, 87 8.
[165] Ibid. 90.   [166] Ibid. 10.
[167] Ibid. 90.   [168] Ibid. 112. Cf. 64.

comprehensive doctrines (including Thomism[169] and Abdullahi Ahmed an-Na'im's version of Islam,[170] as well as Kantianism à la Rawls or Habermas[171]), and which admits of internal diversity and controversy (for example, over abortion). The internally controversial nature of public reason implies that diverse comprehensive doctrines or 'collateral commitments' do operate (as indeed they must) in the interpretation of common political values or public goods; and that therefore theological premises need not be purged from the arguments of those whose doctrines are religious.

Since political liberalism can be read in a non-Kantian fashion, and since it asks to be so read, that is the direction in which we should resolve any lingering ambiguities that we find in Rawls. In this light, then, the distance between him and Stout is one of length rather than width. The latter affirms enthusiastically what the former implies: namely, that public reason should contain (in both senses of the word) controversy between comprehensive doctrines rather than preclude it. Stout thinks that he diverges from Rawls when he argues that candid public conversation proceeds, not from a common basis of 'reason', but from a practical commitment to hold one another mutually responsible. The divergence, however, is more apparent than real. A practical commitment that is reciprocal is, of course, a common basis; and it is not merely a formal or procedural one, for it comprises an aspect of 'our substantive commitment to the ethical life of democracy' and expresses itself in the exercise of 'the virtues of democratic speech'.[172] What is more, this common moral commitment seems bound to involve some common theoretical commitments. Stout himself offers as a candidate the view that no merely human perspective has a monopoly on the truth.[173] We can go further. If I commit myself to a conversation involving the candid and critical giving-and-taking of reasons, then that implies a certain view of my interlocutor as capable of recognizing and mediating the truth. It implies a respect for him as not significantly less responsible to the truth than I. Stout himself says as much when he describes immanent criticism as a way of 'expressing respect for one's interlocutor as a (potential) lover of justice and sound thinking'.[174]

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[169] Rawls, 'IPRR', 142 n. 29; *Political Liberalism*, 406.

[170] Rawls, 'IPRR', 151 n. 46.

[171] Ibid. 142.

[172] Stout, *Democracy and Tradition*, 85.

[173] That such a view is only widely and not unanimously held does not prevent it from helping to constitute an overlapping consensus. For such a consensus to exist, participants need to overlap with each other at a sufficient number of common points; but the overlapping set of common points need not be identical in each case. This is not to say, however, that there are not some common points that *everyone* needs to share *in some fashion*.

[174] Ibid. 73.

It seems clear, then, that the practical commitment to conversation involves not only moral commitments, but also a theoretical commitment to some concept of the equal dignity of fellow citizens.

It also seems that Stout's conversation presupposes a common recognition of the priority of the right to the good—that is, of political goods to the human good comprehensively conceived. It presupposes that, whatever our disagreements about human goods and their ranking, and whatever our consequent controversies over the law about abortion and euthanasia, we are agreed that conversation or reasoning together is far preferable to civil war, and that therefore we commit ourselves to treat each other justly—at least fairly, maybe generously—*before* and as we seek to resolve our reasonable differences.

For Stout too, then, public conversation depends on a 'common basis', which is not merely practical, but also moral and theoretical (anthropological). Certainly, this basis is not universally endorsed—and in that sense it is not the 'free-standing' conclusion of 'reason', but rather the expression of a particular, democratic tradition, which involves a limited plurality of world-views. With this, however, the non-Kantian Rawls would have had no quarrel. Therefore, if there is distance between him and Stout, it is more the distance of development than the distance of opposition. Stout takes public reason and makes clearer that it should contain controversy between rival world-views, not excluding theological ones. He also makes clearer that it should allow these world-views to speak in their own tongues, and not constrain them to adopt a uniform public language.[175] Notwithstanding this, he remains alongside Rawls in arguing that such controversy ought to be contained by a common ethic of communication.

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[175] A qualification needs to be added here. On the one hand, in the light of his admission that public reason contains controversy, it is clear that Rawls did not imagine it to comprise uniformity of thought. In that sense, then, public reason involves the engagement of different points of view, different languages, different sets of terms. On the other hand, Rawls does think that participants in public reason must eventually articulate their points of view in terms of political values   or, as I prefer it, public goods. In that sense, participants must communicate in a common set of terms. These two points are compatible insofar as one can speak the common language of public goods, while interpreting their content and resolving conflicts between them differently. I am inclined to think that Rawls was correct to require the adoption of a common set of terms in this restricted sense   since I believe that deontological terms always presuppose teleological ones. It is not clear to me what Stout thinks about this.

5. CONCLUSION

In a moment I shall summarize how the thought of Habermas, Rawls, and Stout fares against my understanding of a religious argument. Before I do that, however, and with a view to sharpening the summary's clarity, let me first lay out the four distinct concepts of public reason that have come to light during our critical survey in the preceding three sections.

One concept is what I will call 'secularist language', and holds that public discourse should be free of theological references, because theological beliefs are uniquely irrational and irreducibly confounding to anyone other than those who hold them. Such a view can be found, I believe, even in the latest Habermas; and any self-respecting Christian theologian is bound to reject it.

The second, Augustinian concept is that of 'secular language', which holds that public discussion should be conducted basically in terms of temporal, public goods. This might be present in Habermas, but it is certainly equivalent to part of what Rawls means by 'public reason'. Of the theologian it requires that whatever he presents in public as right should be explained and argued for in terms of what is good. Since I think that deontological terms are only finally intelligible in teleological ones, and since I believe that the Sabbath was made for man and not man for the Sabbath, this seems to me to be perfectly acceptable.

Another part of what Rawls means by 'public reason' constitutes the third concept, whereby public discussion should be conducted in a manner that is reasonable—not only logical, but respectful and fair. This public reasonableness or ethic of communication is effectively endorsed and developed by Stout. It should also be endorsed by Christian theologians, who will want to add humility and forbearance to the list of communicative virtues, but should not feel the need to subtract respect or fairness.

The fourth concept of public reason comprises the anthropology that grounds the ethic of public reasonableness: a certain view of human beings as dignified by a capability for grasping and representing the truth, as limited and fallible in their grasp, and as responsible to each other for giving and receiving and testing reasons. Stout denies the need for this theoretical overlapping consensus, although he implies it. Rawls explicitly affirms it and is the stronger for doing so. Again, Christian theologians ought not to want to affirm anything less, although they will certainly want to affirm more—for example, a common subordination and responsibility to a given, created moral order.

So much for preliminaries; now for the summary. Of the three theories that we have canvassed, those of the very late Rawls and of Stout are the most satisfactory, since their view of the role of theology in public discourse is not vitiated by secularist prejudice that theology is—all politeness put aside— irrational. They both recognize that theology can be reasonable, and that theological rhetoric need not take the authoritarian form of a fiat, but can articulate itself in an argument about public goods that offers reasons for its premises as well as its conclusions.[176] That is, they acknowledge the reasonableness of the kind of theological argument about legalizing euthanasia that I presented earlier in this chapter. While Stout's view of public conversation is, we think, basically the same as Rawls's 'wide view' of public reason as a manner of dialogue (though not as presupposing an overlapping anthropological consensus), he is more alert to—and enthusiastic about—the plural, controversial, dialectical, and improvisational nature of that dialogue. His contextual conversation can best accommodate our claim that our kind of theological argument need not be 'inaccessible' to non-theologians, but can expect to elicit a variety of responses from them. Rawls's admission of theology to public political fora is late and cautious: theology is admitted specifically to reassure doubtful fellow citizens of one's loyalty to public reason. Stout's vision is markedly less circumspect: theology should be allowed to speak freely (though responsibly) so that both theologians and non-theologians might learn from each other.

The upshot of our exploration is that public discourse should not require the translation of theology into secularist language; for this is nothing but suppression by another name. Instead, it should allow contextually sensitive, dialectical, improvisational, candid conversation about public goods between genuinely different points of view, which articulate themselves in their own terms while seeking to be persuasive to others. Still, if fruitful conversation does not need a common language or a uniform public reason (beyond the

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[176] By contrast, in his published debate with Nicholas Wolterstorff, Robert Audi defines religious reasons as comprising authoritarian appeals to an infallible authority, be it Scripture, the church, or some direct intuition of God's commands (Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Md.: Rowman & Littlefield, 1997), 10, 20 1, 22, 26, 31, 36). As a consequence, he argues that civic virtue requires religious believers to support or oppose the making of law or public policy only with 'adequate secular reason' (ibid. 25) that is, in terms of human or public goods such as public safety (ibid. 16) and educational benefit (ibid. 25). I agree that public deliberation should be conducted in these terms, for that is its proper subject matter. I also agree that these terms are 'secular' in the sense that they refer to temporal life. I disagree, however, that they are 'secular' as opposed to being 'religious', for the theological beliefs of religious believers are bound to shape their interpretation of public goods. Unlike Audi I think that religious reasons need not be authoritarian, but can be both reasoned and reasonable.

terms of public goods),[177] it does need a common manner or public reason-ableness;[178] and it needs a shared anthropology to render that reasonable manner intelligible. Conversation in which parties learn from each other, and grow in trust for each other, cannot flourish under just any set of conditions. It needs a shared ethic of communication, a shared commitment to care more for the truth than for the ego, and to care at once for the truth and for the dignity of those who seem not to recognize it. And it needs a shared belief that this human dignity actually exists. Such an ethic and anthropology issue naturally from certain theologies (as well as certain philosophies). 'Religion', then, need not be a threat to liberal public discourse; on the contrary, it can sometimes offer vital support. John Rawls and Jeffrey Stout are right; and Polly Toynbee is wrong.

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[177] See n. 175 above.

[178] According to his 'ideal of conscientious engagement' (*Religious Conviction in Liberal Politics*, chs. 4 and 5, especially pp. 104 8), Christopher Eberle contends that 'respect' for others does not oblige the religious citizen to suppress her theological reasons in arguing publicly for legislation, even when non religious citizens would feel coerced by it. He states up front what Rawls only implies: that insofar as legislation is determined by majority vote, the defeated minority is bound to experience the resultant law as coercive (ibid. 50). In other words, the infliction and suffering of coercion is a normal and unavoidable part of democratic politics. Nevertheless, the *way* in which coercive legislation is decided is important: it is important that those who are coerced should be respected and it is important for public peace that they should have good reason to feel respected (ibid. 50, 65). For this reason, the religious citizen is obliged to exit her own parochial world view, to inhabit the points of view of her non religious compatriots as far as she can, and 'sincerely and conscientiously to pursue a widely convincing secular rationale for her favored coercive laws'. She is not, however, obliged to succeed in her pursuit; and should she fail, then she is at moral liberty to support legislation on religious grounds alone (ibid. 10). Eberle therefore agrees that, in the end, it is the respectful *manner* of conducting public conversation that is morally obligatory and important for public peace, rather than the adoption of secular *language*. Nevertheless, he holds that a respectful manner (and not just political tact) will involve the deployment of secular reasons, where those are available. So long as I suppress my doubts about what these secular reasons might be, I agree, provided that they are consistent with the religious citizen's theological point of view, and provided that their deployment does not require her to bury those points at which theology shapes her thinking. After all, the religious citizen has a moral duty not only to respect others, but also to bear witness to the truth *as she sees it*. However, I am in fact puzzled by what Eberle actually means by 'secular reasons'. If he means reasons in terms of secular, temporal, public goods, then these are not only always available, but always requisite, if a religious argument is to be relevant to public discussion.

8

Religious Education and Democratic Character

Paul Weithman

> My faith in the constitution is whole, it is complete, it is total.
>
> (US Congresswoman Barbara Jordan[1])

The reproduction of democracy requires that succeeding generations of citizens acquire the skills and habits they need to govern themselves. According to *deliberative* democracy, citizens should govern themselves on the basis of public deliberation—a process of political decision making characterized by the exchange and evaluation of reasons for political outcomes. The reproduction of a deliberative democracy therefore requires that succeeding generations of citizens acquire the qualities they need to engage in this process.[2] Clearly, if deliberative democracy is to prove a viable theory of democratic politics, its proponents will have to say something about how citizens acquire these qualities of character.

[1] Congresswoman Jordan made this remark during the Watergate hearings conducted in the summer of 1974 by the House Judiciary Committee, of which she was a member. The remark is quoted at Barbara A. Holmes, *A Private Woman in Public Spaces* (Harrisburg, Pa.: Trinity Press International, 2000), 95.

[2] There are many versions of deliberative democracy on offer. According to some, deliberation is to be conducted largely by political elites. Ordinary citizens govern themselves on the basis of deliberation by informing themselves about public affairs and by making sure that elites reach political decisions by deliberation rather than bargaining. According to more populist versions of deliberative democracy, ordinary citizens are to take an active part in public deliberation and decision making. Populist versions of deliberative democracy are, I believe, the most interesting versions of the theory. It is with populist versions of deliberative democracy that I shall be concerned in this chapter.

Most deliberative democrats would agree that democratic character formation cannot be left to chance or to the felicitous movement of an invisible hand. Some of the most prominent of them maintain that social reproduction must be a 'conscious' undertaking by the people as a whole, effected through democratically controlled primary and secondary education.[3] Indeed, it is said, preparing future citizens for participation in a deliberative democracy—by cultivating a 'democratic character'—ought to be the primary aim of pre-collegiate formal education.[4]

What role can religious schools have in democratic education? American philosophers of education have long had reservations about religious schools. It is not immediately clear, however, what the grounds of those reservations are. I believe that the grounds of the reservations are unclear in large part because theorists of democratic education have not spelt out the requirements of a democratic character with any real precision. We can ask what sorts of education help to instil a democratic character, and can see whether the reservations these theorists have about religious schools are well founded, only if we first know what a democratic character is.

Since deliberative democrats think citizens should govern themselves on the basis of public deliberation, let us say that a *deliberatively democratic character* consists of the traits citizens need if they are to govern themselves in this way. In Section 1, I ask what reasons there are for including one or another trait in a deliberatively democratic character. In Section 2, I specify some of the contents of such a character.

Section 2 draws on the rational reconstruction of a version of deliberative democracy I call 'strong deliberativism'. At the heart of strong deliberativism is a disposition to comply with requirements of what is sometimes called 'public reason'—the disposition to rely on, and the readiness to offer, others reasons that are 'public' or 'accessible'. The need for citizens to develop those dispositions imposes clear demands on democratic education. In Section 3, I show how these demands are connected to the reservations some deliberative democrats have about religious schools. By drawing this

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[3] See Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1999), 39ff., 45, 287ff. For an extended defence of what is, in effect, the invisible hand view, see Michael McConnell, 'Educational Disestablishment: Why Democratic Values Are Ill Served by Demo cratic Control of Schooling', in *NOMOS XLIII: Moral and Political Education* (New York: New York University Press, 2002); for Gutmann's reply, see her 'Can Publicly Funded Schools Legitimately Teach Values in a Constitutional Democracy? A Reply to McConnell and Eisgru ber', ibid. 170 89.

[4] Gutmann, *Democratic Education*, 116 and 127; the phrase 'democratic character' is used on p. 127.

connection, Section 3 shows that the idea of public reason—central to so much recent work on religion and democracy—is also central to discussions about whether religious schools can contribute to democratic education. As we shall see in Section 3, some of the reservations deliberative democrats have about religious schools depend upon the claim that these schools encourage attitudes toward one's own moral views that are incompatible with meeting the requirements of public reason.

In Section 4, I suggest that some of these attitudes can in fact be elements of a deliberatively democratic character. This last suggestion depends upon the claim, which I also defend in Section 4, that the concepts of publicity and accessibility of reasons do not do any independent philosophical work in specifying the contents of a deliberatively democratic character. This claim has two important upshots. One is that the most plausible versions of deliberative democracy are not those which give an essential role to the notion of public reasons. The other is that the importance of the notions of publicity and accessibility, which seemed to be so central to the goals of democratic education, is really heuristic.

1. DELIBERATIVELY DEMOCRATIC CHARACTER

A deliberatively democratic character consists of the skills and habits citizens need if they are to govern themselves on the basis of public deliberation. But such a character does not consist of the skills and habits *each and every* person must have if the society of which she is a part is to govern itself on the basis of public deliberation at all. Rather, it consists of the skills and habits that make someone a *good citizen* of a society which governs itself on the basis of public deliberation that is *well conducted*.

Because the claim that one or another trait is part of a democratic character is a claim about good citizenship and well-conducted deliberation, its validation depends upon arguments drawn from moral and political philosophy. Some of these arguments concern the question of what traits a citizen must have if she is to entertain the deliberative contributions of others with the attitude that is appropriate to deliberation among equals. Others concern the question of how someone must be able to view her own deepest moral and political convictions if she is to deliberate with someone who disagrees with her. These are questions about the psychology of citizenship. But they are psychological questions with a normative twist, since they concern the habits,

skills, and dispositions it is good for citizens to have and the features of deliberation that make it well conducted.

There is no reason to think, before we attempt to answer these questions, that there is any one set of qualities which constitutes a deliberatively democratic character. It could be that possession of a deliberatively democratic character is disjunctive. Perhaps to possess it is to possess one of a number of different sets of traits. It could even be that these sets are distinguished by the inclusion of traits which are logically or psychologically incompatible. It could be, for example, that a good citizen of a deliberative democracy is either an uncompromising critic of every last injustice or a conciliatory pragmatist who works for marginal improvements. Indeed it could be that well-conducted deliberation depends upon the active participation of citizens who complement one another by bringing different skills and habits to public debate.

Possession of a deliberatively democratic character could be disjunctive without the disjuncts being disjoint. Perhaps there are some traits that are common to all instances of a deliberatively democratic character. But once we admit the possibilities that the list of these traits is not exhaustive and that 'deliberatively democratic character' is to be understood disjunctively, then the question of whether religious schools can effectively foster such a character becomes a good deal more complicated than it seemed when we thought that such a character consisted of just a few important traits. It could be that religious schools, or some religious schools, are particularly effective at fostering one kind of deliberatively democratic character—at fostering one set of traits—but not very effective at fostering another. And it could be that the effectiveness of religious schools at fostering that kind of character is overlooked because the most salient traits of that kind of character are so common, or are so pronounced in some quarters, that they are simply taken for granted. Or it could be that, under current political conditions, the kind of character religious schools are good at fostering is thought to show itself most pronouncedly in contributions to public debate that some deem uncivil, and that the incivility overshadows the less obvious benefits a society enjoys when some of its citizens have such a character.

I shall return to these possibilities in Section 4. My most basic point for the moment is simply this. Though much writing in the philosophy of democratic education seems to assume otherwise, it is clear that an account of a deliberatively democratic character—and hence an account of the goals of a democratic education—presupposes a good deal of philosophical work on citizenship and deliberation. Only after that work has been done can we answer the question of whether religious schools are effective at instilling a

deliberatively democratic character. While I do not do that work here, I have tried to do some of it elsewhere. I shall build on that work in what follows.

2. STRONG DELIBERATIVISM AND THREE REQUIREMENTS

Deliberative democrats sometimes claim that someone can be a good participant in public deliberations only if he has, or is willing and able to adopt, certain critical attitudes toward, or attitudes of detachment from, the opinions, values, and preferences he supports in those deliberations. Those attitudes are said to be elements of a deliberatively democratic character. An education that effectively fosters such a character will be an education that effectively fosters those attitudes toward one's own political views.

We can best evaluate claims about the attitudes a good citizen has toward her views, I believe, by asking how she holds those views—that is, by asking about how she is disposed to defend and to change them. Elsewhere I have drawn on some of the conditions deliberative democrats put on public deliberation to spell out an answer to this question.[5] Among those conditions are what I call the *Legitimacy Condition*, the *Free and Equal Condition*, and the *Common Interest Condition*. According to the *Legitimacy Condition*, the fact that a political outcome results from well-conducted public deliberation contributes to its legitimacy. The *Free and Equal Condition* says that citizens should take part in public deliberation as free and equal. The *Common Interest Condition* says that public deliberation should be oriented toward the Common Interest. What I call 'strong deliberativism' moves from these conditions to a set of demands on well-conducted deliberation. These demands are expressed by demands on the sorts of reasons to which good citizens should be responsive when they take part in public deliberation. It is because strong deliberativism imposes these demands that it has implications for the contents of a deliberatively democratic character.

I have argued that according to strong deliberativism, a deliberative democratic character includes the dispositions to comply with the following three requirements. For reasons I have given elsewhere, the requirements are specified disjunctively.

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[5] These requirements are developed and defended in the companion piece to this article, 'Deliberative Character', *Journal of Political Philosophy*, 13 (2005), 263 83.

Requirement 1

(1) Citizens should support only political outcomes for which they are willing to offer reasons they think are public in due course, which they would think are sufficient upon critical reflection, and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

or

(1′) Citizens should support only political outcomes for which they are willing to offer reasons they think are public in due course, which are in fact public, which they would think are sufficient upon critical reflection, and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

Requirement 2

(2) Citizens should reject or modify their own view about what is to be done when they are confronted with public reasons for an alternative that they would regard on critical reflection as better than the public reasons they would identify in due course for the outcome they favour.

or

(2′) Citizens should reject or modify their own view about what is to be done when they are confronted with reasons they think are public for an alternative that they would regard on critical reflection as better than the reasons they think are public which they would identify in due course for the outcome they favour.

Requirement 3

(3) Citizens should disagree respectfully with those participants in public deliberation who comply with (1) or (1′) and (2) or (2′), who accept the demands of the *Free and Equal* and the *Common Interest Conditions*, and whose reasons for alternative outcomes they do not find persuasive.

or

(3′) Citizens should work respectfully for a mutually acceptable compromise with those participants in public deliberation who comply with (1) or (1′) and (2) or (2′), who accept the requirements of the *Free and Equal* and the *Common Interest Conditions*, and whose reasons for alternative outcomes to those they previously endorsed they do not find persuasive.

According to the strong deliberative position, those who participate well in public deliberation have the settled dispositions to comply with (1) or (1′), (2) or (2′), and (3) or (3′). They are therefore disposed to offer public reasons for their political positions even if they also have religious reasons for them. They are disposed to change their views if others have what they think are stronger public reasons for a view they initially opposed, however strong they think their religious reasons are. They are therefore disposed to comply with one view of the demands of public reason. In putting these dispositions at the heart of a deliberatively democratic character, strong deliberativists follow Rawls, who says that a central element of deliberative democracy is citizens' readiness to abide by the idea of public reason.[6]

How does identifying these dispositions help us identify the attitudes citizens should have toward their own political views? Note first that strong deliberativism does *not* require some of the attitudes that good citizenship in a liberal democracy is sometimes said to require.[7] The disposition to comply with (2) and (2′), for example, neither expresses nor entails a requirement of scepticism toward one's views. Nor does the disposition to comply with either one seem to entail an occurrent sense of critical detachment from one's political views, an ironic detachment from them, or a conscious openness to the possibility that those views may be wrong. These attitudes may facilitate compliance with (2) and (2′). If they do, then democratic educators will be tempted to encourage them. But whether they do is an empirical question.

What compliance with (2) and (2′) does demand is responsiveness to the public reasons others offer for alternative positions. Clearly, it can be true of someone that he would change his views in response to the arguments of others even if he does not hold his own views sceptically or ironically. Educators can try to encourage compliance with (2) and (2′) without trying to encourage scepticism or irony. Of course, scepticism should not be confused with fallibilism. A deliberatively democratic character may include the latter without including the former. It may be that possession of a deliberatively democratic character requires fallibilism about one's political views. In that case, we might take (2) and (2′) as attempts to spell out what fallibilism requires.[8]

Deliberative democrats often imply that citizens who have the right attitudes toward their own political views support those views 'autonomously' and that an education aimed at fostering those attitudes is education for

autonomy.[9] I believe strong deliberativists would say that someone who is disposed to comply with (1) or (1′), (2) or (2′), and (3) or (3′) is appropriately described as supporting her views autonomously. Why?

There are many interpretations of autonomy that enjoy currency in the philosophical literature.[10] Some of these give a central place to the agent's critical reflection on her own views. The answer to why someone who is disposed to comply with (1) or (1′), (2) or (2′), and (3) or (3′) supports her views autonomously might therefore seem to lie in the 'critical reflection' clauses in (1), (1′), (2), and (2′). For someone who complies with the requirements of strong deliberativism publicly supports only political outcomes for which she can offer reasons that she would think are sufficient on critical reflection; she alters her views in response to public reasons offered by others that she would think on critical reflection are better than her public reasons. Her support for political views therefore tracks the results she would reach after critical reflection on the quality of her reasons for her views and on the quality of the reasons others offer her for their views. Supporting views only if one would support them on such critical reflection might be thought to be sufficient for supporting one's views autonomously. The person who complies with (1) or (1′), (2) or (2′), might be thought to support her views autonomously because she is thought to satisfy this condition.

But the condition that does the work in this line of thought cannot be a sufficient condition for autonomy. For one thing, much more would need to be said than theorists of democratic education typically say about just what critical reflection *is* before we could conclude anything at all about the condition. For another, it is hard to see how someone whose support for

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[9] For the claim that democratic education should promote autonomy, see Meira Levinson, *The Demands of Liberal Education* (Oxford: Oxford University Press, 1999); for the claim that it should facilitate autonomy, see Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2000). It is important to distinguish defending education for autonomy on *liberal* grounds and defending it on *deliberatively democratic* grounds. Liberal defences of autonomy and of education for autonomy begin with a premiss to the effect that autonomy is an essential ingredient of, or a necessary condition of, a well lived human life. These arguments add that education should encourage or enable students eventually to lead good lives. They conclude that education should promote or facilitate autonomy. Deliberatively democratic arguments begin, not with claims about the good life, but with claims about well conducted deliberation and about the need for citizens to hold their beliefs, or some of their beliefs, autonomously if they are to take part in it. They add that education should equip students eventually to be good citizens. They conclude that education should teach students to hold their views, or some of their views, autonomously. The distinction between these two lines of argument matters, for those who think autonomy is part of or a condition of a good life use the term 'autonomy' to refer to a different ideal of character from those who use it to refer to traits normally necessary for participation in public deliberation.

[10] See the essays collected in John Christman and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism* (Cambridge: Cambridge University Press, 2005).

her political views just happens to track the conclusions she would reach after critical reflection can be described as supporting her views autonomously without regard to why or how her support actually tracks those results. Yet this is what someone who thinks the condition is sufficient for autonomy is committed to.

Someone who supports her views autonomously has a morally significant kind of freedom. We can begin to see why someone who is disposed to comply with (1) or (1′), (2) or (2′), and (3) or (3′) supports her views autonomously by seeing in what way such a person is free.

Because someone who is disposed to comply with (1) or (1′) supports only the political outcomes for which she is willing to offer public reasons in due course that she would regard as sufficient on critical reflection, she supports only the outcomes she would support if she arrived at her political views on the basis of the public reasons she has or comes to have. Furthermore, if she is also disposed to comply with (2) or (2′), then she is ready to change her views if she is presented with what she would take to be stronger public reasons for an alternative position, regardless of the strength of her non-public reasons. And so such a person supports only those outcomes she would support if she did not allow the force of what strong deliberativists would call 'non-public reasons' to determine her views, and she revises her views as if she were not determined by the force of such reasons.

Someone whose political views track the political views she would reach if she did not allow her views to be determined by non-public reasons is not free just on that account. But now consider someone who is disposed to comply with (1) or (1′), (2) or (2′), and (3) or (3′) *because* she thinks that public reasons have an authoritative role in public debate. This person does not simply support and revise her views as if she were not determined by the force of her non-public reasons. She also recognizes that she should not allow the force of these reasons to determine her views because she acknowledges the authority of public reasons and she acts on that acknowledgement. In this description of the agent, what she does not allow, and why she does not allow it, do significant work. I believe strong deliberativists think that a person who does not allow the force of her non-public reasons to determine her political views thereby participates in public deliberation freely. I believe they think that the kind of freedom she exercises can be called 'autonomy'.

Let me grant that someone who does not allow her support and revision of her political views to be determined by the force of her non-public reasons thereby exercises a kind of freedom. We can see why the strong deliberativist might think this kind of freedom is autonomy by resorting to a picture or an image that some strong deliberativists rely on.

Some strong deliberativists think that a person who acknowledges the authority of public reasons acknowledges the authority of a certain 'point of view' that she can take of her political opinions—the point of view Stephen Macedo calls a 'shared political point of view'.[11] This point of view is the point of view someone adopts by asking herself what outcomes she would or could support consistent with the demands of her public identity as a citizen. To acknowledge the authority of this point of view is to acknowledge the authority of public reasons because public reasons are the reasons that would move someone in this point of view. They are reasons that are authoritative for citizens considered as such.[12]

On one interpretation of autonomy, people hold their views autonomously when they hold views that are determined by their 'true' selves rather than by external influences. Extending this notion of autonomy, strong deliberativists may think that someone is politically autonomous when her support and revision of her political views is determined by her true public self—by her public identity. Strong deliberativists may also think that someone who acknowledges the authority of the 'shared political point of view', and who supports and revises her political views accordingly, is thereby being true or faithful to her public identity. She is, they may think, allowing her public identity rather than her non-public reasons to determine her political views. If so, and if they accept the description of political autonomy given a moment ago, then they will conclude that such a person is politically autonomous.

According to the strong deliberativist, then, a deliberatively democratic character includes the settled disposition to comply with (1) or (1′), (2) or (2′), and (3) or (3′). An effective democratic education is an education which effectively encourages students to develop those dispositions. And so an education for strong deliberativism will teach students to survey their political positions and the reasons they have for them from what I have referred to as a 'political' viewpoint. Such an education is one strong deliberativists would describe as an education for autonomy. Such an education may

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[11] Stephen Macedo, 'Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?', *Ethics*, 105 (1995), 468 ff., 488. The questions of why public reasons would be compelling to someone who adopts this point of view and of why those reasons have authority are vitally important. Unfortunately I cannot pursue them here.

[12] Why these reasons are authoritative for citizens as such is an important question. So, too, is the question of whether autonomy requires that citizens understand why those reasons are authoritative. Unfortunately I cannot go into these matters here. I take them up in Paul Weithman, *Religion and the Obligations of Citizenship* (Cambridge: Cambridge University Press, 2002), ch. 7.

encourage students to reflect, not only on the reasons they have for their positions, but also on what it is to be a citizen who holds and defends political views appropriately in public deliberation. An education which effectively encourages autonomous dispositions or attitudes toward one's own political views may thereby encourage a certain way of conceiving oneself in one's public or political role. And so an education which encourages students to hold their political views autonomously may encourage them to think of themselves as publicly autonomous as well.

Encouraging students to think of themselves as publicly autonomous is one of the ways in which strong deliberativists think a deliberative democracy reproduces itself. For just as citizens who learn to think of themselves as rights-holders learn to demand that their rights be respected, so those who learn to think of themselves as autonomous in the relevant sense learn to demand that they be offered the right sorts of reasons in public debate. It is only when succeeding generations of citizens learn to demand such reasons that well-conducted deliberation can continue from one generation to the next. And so the widespread development of such a self-conception is not a foreseen, but an unintended, consequence—a 'spillover'[13]—of democratic education. Rather, deliberative democrats who are committed to conscious social reproduction must be committed consciously to encouraging students to think of themselves as politically autonomous.

My purpose in this section is not to evaluate the claims I have attributed to the strong deliberativist. It is simply to lay them out in a sketchy but systematic way. For while the strong deliberative position as I have sketched it in this section is not, to my knowledge, explicitly defended by any deliberative democrats, I believe it could be supported by the exegesis of relevant texts and is motivated by other positions to which many deliberative democrats are committed. Of course, not all deliberative democrats would endorse strong deliberativism. Some have a more permissive view of public deliberation which does not require reliance on public reasons. But I believe that many deliberative democrats would endorse the strong deliberativism. And I believe that it is endorsement of or commitment to the strong deliberative position, with its associated claims about autonomy, that explains the reservations some deliberative theorists seem to have about religious schools.

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[13]   To my knowledge, the first use of the 'spillover' metaphor to describe such consequences is in Macedo, 'Liberal Civic Educations?' See also Amy Gutmann, 'Civic Education and Social Diversity', *Ethics*, 105 (1995), 557, 574.

3. RELIGIOUS SCHOOLS AND THE THREE REQUIREMENTS

Now that we have looked more closely into what a deliberatively democratic character includes, we can see why deliberative democrats may doubt that religious schools can effectively foster such a character. The reason for this doubt is the underlying doubt that religious schools can or will effectively foster the dispositions to comply with (1) or (1′), (2) or (2′), and (3) or (3′). Why might someone have this underlying doubt?

The doubt is nourished by the thought that religious schools encourage attitudes toward what they are taught is the moral truth—including what students are taught to believe is the truth about political outcomes—that are incompatible with a deliberatively democratic character. Religious schools are thought to teach that the content of morality is given by Scripture, divine command, natural law, or religious authority. And they are thought to teach that God wishes us to follow the dictates of morality in politics and elsewhere. Strong deliberativism does not require scepticism or irony. The worry about religious schools cannot be that they do not teach students to be sceptical or ironic about their political commitments. But because religious schools are thought to teach that the content of morality is given or sanctioned by one or more authoritative religious sources, critics worry that students' views about the content of morality—including their views about what political outcomes ought to be—will be sensitive only or primarily to their views about what those sources expound. This, it may be said, will show itself in students' failure to develop dispositions to comply with (1) or (1′), (2) or (2′), and (3) or (3′). It will therefore show itself in their failure to support their political views autonomously.

Citizens disposed to comply with (1) and (1′) are willing to offer one another public reasons or what they believe to be public reasons that they think, on critical reflection, others would find sufficient. It may be claimed that students from religious schools will not be taught to think critically about how other citizens, especially those who are not religious, would receive their views. Or it may be said that, while students in religious schools learn that non-religious citizens will not regard their religious arguments as sufficient to justify political outcomes, they will also be taught to explain away others' rejection of their arguments on the grounds that those who disagree with them are sinful, unfaithful, or benighted. Either way, it may be concluded, students in religious schools may not learn that the legitimacy of political outcomes depends upon their being the result of deliberation in which

citizens are ready to offer public reasons for their views. Nor will they be taught to offer one another such reasons. And so, the worry is, religious schools may not effectively encourage the disposition to comply with (1) or (1′).

What of (2) and (2′)? Why might deliberative democrats worry that religious schools will not effectively encourage the dispositions to comply with them?

Citizens disposed to comply with (2) and (2′) reject or alter their views if the public reasons they can identify for them seem less compelling than the public reasons others offer for alternative outcomes. If students at religious schools think authoritative religious sources provide the correct answers to political questions, then they may not think that the quality of the public reasons they must offer for their views matters. What matters, they think, is the quality of the religious reasons they have for their views or the force of all their reasons for their views, taken together. If they are also taught that public deliberation and the arguments of others are unreliable guides to the truth or are not necessarily reliable guides to the truth, and if they are also taught that in public deliberation their responsibility is to support the truth as they see it, then they will not be disposed to changing their views in response to the public reasons offered by others.

But now suppose that students from religious schools are taught that they *should* offer one another public reasons for views they may hold for religious reasons. Even so, it may be thought that these students will be too convinced of the views they think are correct to be properly attentive and responsive to the public reasons offered by their political opponents. More specifically, they may be too convinced of the truth of their own views to be moved by the public reasons that would move them if they were to engage in the right sort of critical reflection. Instead, they will see challenges to their views as threats. They will treat public deliberation as an exercise in political apologetics rather than as an exercise in reasoning and deciding together with fellow citizens. And so they will not be disposed to change their views even if they are offered public reasons that they would think on critical reflection are better than the public reasons they can muster for their positions. Religious schools may not effectively encourage the disposition to comply with (2) and (2′).

Finally, if students who attend religious schools are taught that they possess the truth about what various political outcomes should be in virtue of their access to authoritative religious sources, then they may not learn respect for those who disagree with them. And so religious schools may not effectively encourage the disposition to comply with (3). If students are taught that acting contrary to the moral and political truth invites punishment by or alienation from God, then the costs of violating what they take to be the dictates of authoritative religious sources will seem too high. And so students

will not learn to compromise the truth as they see it in order to reach an accommodation with others. And so religious schools may not effectively encourage the disposition to comply with (3′) either.

4. IN DEFENCE OF RELIGIOUS SCHOOLS

What can be said to address these reservations about religious schools? I want to explore two replies, the first of which depends upon objections to the strong deliberative position.

1. The Enhanced Importance of Mutual Translation. Deliberative democrats want public deliberation to serve a legitimizing function. According to what I called the *Legitimacy Condition*, the fact that a political outcome results from well-conducted deliberation contributes to its legitimacy. As the term 'well-conducted' suggests, public deliberation must meet certain conditions if it is to serve that function. I am sceptical that philosophers can either provide necessary and sufficient conditions for the concepts of accessibility and inaccessibility. I am sceptical that they can pick out a class or classes of reasons which are inherently 'public'. And I am sceptical that they can defend the claim that such reasons play the essential roles in public deliberation that they are assigned by (1) and (1′), (2) and (2′), and (3) and (3′). I have laid out my reservations elsewhere and do not want to revisit them now.[14]

I am also sceptical about the need for so strong a solution to the problem that inaccessible reasons are said to pose. More precisely, I am sceptical of the claim that public deliberation can serve its legitimizing function only if participants in public deliberation are prepared to offer one another, and are responsive to, a class of reasons which are inherently public or accessible. (1) and (1′) both imply that citizens should be ready to offer reasons of the same kind to *all* those with whom they are deliberating, regardless of their interlocutors' beliefs and the reasons their interlocutors would in fact find persuasive. This implication is, I believe, too strong. Public deliberation can be well conducted and can serve its legitimizing function even if participants satisfy only conditions which are weaker than (1) and (1′).

I want to suggest that proponents of the strong deliberative position are correct in claiming that citizens must have certain dispositions or qualities of character if they are to take part well in well-conducted deliberation. Citizens taking part in public deliberation should be willing to offer considerations in

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[14] Weithman, *Religion and the Obligations of Citizenship.*   .

favour of their positions that will enable others to see what reasons they have for them. They must be appropriately responsive to the reactions and replies those considerations evoke. They must be appropriately responsive to the considerations put forward by others in favour of *their* positions. And they must respect other participants who show that they are willing to comply with the requirements of well-conducted deliberation. These dispositions are ingredients of a deliberatively democratic character. If we are to be deliberative democrats, then fostering these dispositions should be among the aims of democratic education. But even if we are to be deliberative democrats, we should not endorse the strong deliberative position. For I believe proponents of the strong deliberative position are mistaken in claiming that citizens must be prepared to offer and must be responsive to reasons which can be identified as inherently public or accessible.

If this is correct, then the right conception of public deliberation is a much looser one than that which is sometimes associated with the term 'deliberative democracy'. I cannot defend an alternative conception of public deliberation here.[15] Instead I want to say something about what future citizens need to be taught over the course of a democratic education if they are to acquire the skills and habits they need to participate in well-conducted public deliberation.

I have not disputed the claim that public deliberation is a process of political decision making characterized by the exchange and evaluation of reasons for political outcomes. I have merely argued for loosening what counts as a reason. Because public deliberation is characterized by the exchange and evaluation of reasons, two of the lessons students will have to learn—two of the most elementary lessons, to be sure—are that the rightness of their political positions may not be as evident to others as it seems to them, and that they must guard against the natural human tendency to believe and defend their positions simply because those positions are theirs.[16] Students will also have to learn to identify considerations that tell in favour of their position. This requires that they learn rules of evidence and various forms of rational argument, including deductive, statistical, and probabilistic

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[15] Indeed I would argue that it is one according to which citizens, speaking as such, can contribute to well conducted public deliberation by offering a range of reasons. stories and narratives, artistic contributions, political and social criticism, as well as discursive argument. The challenge facing anyone who defends this conception of deliberation is that of showing that such contributions have sufficient cognitive content to advance a process which has some claim to be called 'deliberation' or 'collective reasoning'.

[16] I take it that the latter lesson is   or perhaps is entailed by   what theorists of democratic education have in mind when they use the metaphor of attaining 'distance' from one's own views; for the metaphor of critical distance, see Gutmann, *Democratic Education*, 77.

reasoning. They will have to learn how to convey those considerations to others, discursively and otherwise.

If students are to learn to reason together with others—including those who disagree with them—they must acquire some awareness of how their political opponents will receive their defences of the political outcomes they favour. This entails acquiring some awareness of how their political opponents would react to the possibility that their arguments will carry the day and that government adopts the policy they favour for the reasons they offer. To acquire this awareness, it will be helpful if they learn to imagine what it would be like to be forced by authorities to do something for reasons that strike them as wrong on empirical grounds (as a contentious economic argument might), for moral reasons that strike them as reasonable but wrong, and for putatively moral reasons the force of which utterly escapes them.

They will also have to learn how to interpret and respond to the contributions of others, including those who disagree with them. This will require them to learn to understand, evaluate, and respond to arguments and to see the point of non-argumentative contributions to public deliberation.[17] It will require them to learn how to criticize the contributions of others and when to change their own views. It may also require that they acquire a great deal of cultural background knowledge. For one thing, it will be helpful to understand the metaphors and images, including the religious metaphors and images, in which others couch their contributions to public deliberation. For another, it will be useful for citizens to understand what differences of wealth, power, and social location, and what individual and collective histories, might motivate others' contributions to public deliberation. Some people's contributions to debate may be angry, strident, disaffected, or defensive. Public deliberation is facilitated when citizens know which groups have endured histories of oppression or disadvantage, when they know which

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[17] It might be argued that this educational goal can be realized only if students are part of more diverse student bodies than are typical at religious schools. I do not deny that being part of a diverse student body is educationally valuable. I do, however, believe it important to press two questions about this value. One is whether the value is sufficient to override other values that can be realized only if a school is religiously homogeneous. The other is whether, even if it is sufficient, it is ought to override these competing values at every stage of education. In particular, I think it important to ask about what educational conditions conduce to the production of what I call 'secure believers'. Secure believers are religious believers who accept the defeasible presumption that the religious and ethical diversity typical of contemporary liberal democracies is neither regrettable nor threatening, and who therefore do not feel embattled. Perhaps the development of such security requires an insulated environment early in life. Unfortunately I cannot pursue this matter here. For a discussion of religious embattlement with interesting empirical findings, see Christian Smith, *American Evangelicalism: Embattled but Thriving* (Chicago: University of Chicago Press, 1999).

groups have enjoyed privilege, and when they know the extent to which the histories of oppression and privilege are contested. This is all part of the historical and cultural background that students need to be taught.

Even though I have followed other theorists of civic education in assuming that future citizens acquire the knowledge and skills needed for public deliberation in school, there are significant and obvious differences between political discussion in a classroom setting and public deliberation among citizens. The one that concerns me for the moment is that political discussion in a classroom setting is conducted face to face among students who have at least some acquaintance with one another and who can expect to share a classroom in the future. Whatever the fora of political deliberation among citizens—and this is itself a contested matter—political deliberation is not like that. When citizens write letters to newspapers or to political authorities, and when they speak at meetings, they may be exchanging reasons with others whom they do not know. Citizens need to know how to engage in *public* deliberation. That is, they need to learn how to exchange reasons with the public of their society as such.

What I want to suggest is that the various skills, habits, and qualities of character that students need to be taught in the course of a democratic education can all be specified without essential reference to a class of reasons which are inherently public or accessible. I am therefore proposing an account of a deliberatively democratic character that departs in a crucial respect from what I have referred to as 'the strong deliberative position'. An adequate defence of the alternative would have to take up the problem which is said to be posed by putatively inaccessible reasons. Let me propose two reasons for thinking that that problem might not be as acute as it is sometimes said to be, reasons from which I will ultimately draw lessons about the contribution that religious schools can make to democratic education.

First, suppose that the arguments of some of those who rely crucially on non-public reasons can be 'translated' by their recipients into arguments which rely only on considerations that the auditors regard as good ones. And suppose that those who offer such arguments have good reason to think that their arguments can be so translated. Then it is not immediately obvious why those who offer such arguments must be ready to offer one another other arguments that appeal only to reasons drawn from some privileged class. If, for example, the religious arguments of Martin Luther King could be translated into non-religious arguments by those who heard him and if he had good reason to think that they could be translated into non-religious arguments, then it is not immediately obvious why he should have been ready to offer other reasons in addition. Translation of this kind requires considerable

background knowledge about others' religious and moral views of the good life. But such translation is a common enough phenomenon. It can go some way toward mitigating the problems that are said to be posed by citizens' ineliminable reliance on their conceptions of the good in political argument. If such mutual translation is a part of public deliberation, then the ability and willingness to translate are important elements of a deliberatively democratic character.

Second, even when citizens cannot translate one another's contributions to public deliberation with complete fidelity, the problem posed by infelicitous or partial translation need not be so great. It need not be so great if citizens are willing to work for greater fidelity in the course of ongoing discussion. I have argued elsewhere that public deliberation is most plausibly understood as demanding that citizens be ready to reflect critically on their own political arguments *in medias res*.[18] And I have suggested that that critical reflection can be prompted by the contributions and criticisms of others. Citizens uncover and produce public reasons by reflecting critically in the midst of public deliberation.

Sometimes these criticisms may be wholesale rejections of arguments or expressions of incomprehension. But criticisms are often most productive when they reflect partial comprehension. The most useful critic might be the one who says, for example, that she has some idea what is meant by saying that abortion should be illegal because foetuses are ensouled at the moment of conception—or that physician-assisted suicide should be illegal because human beings are God's property 'made to last during his . . . Pleasure'[19]— but who also can explain why she needs to hear more.

The possibilities of mutual translation and partial comprehension raise interesting questions for the contents of a deliberatively democratic character.[20] Perhaps instead of (1) or (1′), (2) or (2′), and (3) or (3′), such a character includes the readiness to try translating the arguments of others as sympathetically as possible. If so, then the fact that it does has important educational implications. For if citizens are to be ready to translate putatively non-public reasons, then students—who are future citizens—will have to be taught how to translate. If some of the non-public reasons they must be taught to translate are religious reasons, then students will have to be

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[18] Paul Weithman, 'Deliberative Character'.

[19] John Locke, *Second Treatise,* ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 6.

[20] Interestingly, Rawls seems to deny both of these possibilities. In 'The Idea of Public Reason Revisited' (p. 129), he writes, 'Citizens realize that they cannot reach agreement or *even approach mutual understanding* on the basis of their irreconcilable comprehensive doctrines' (emphasis added).

taught something about the religious traditions from which those reasons are likely to be drawn. Religious schools can play an important role in this enterprise.

By suggesting that the elements of a deliberatively democratic character can be specified without 'essential reference' to inherently public or accessible reasons, I do not mean to imply that the concepts of publicity and accessibility do not have a place in giving students a democratic education. What I do mean to claim is that these concepts are not the ones that do the philosophical work in specifying the goal of such an education. And so when we try to specify the contents of a deliberatively democratic character, we may speak of a disposition to offer and respond to public reasons or to reasons which are accessible to others if we like. But I suggest that we understand these ways of speaking as convenient shorthand, the content of which is given by the disposition to offer considerations the reason-giving force of which others can comprehend or which others can translate into such considerations. In the practice of democratic education, the concepts of publicity and accessibility play merely a heuristic role.

A comparison may help to make my suggestion plausible. When we say that students must be taught to imagine how their arguments will be received, it might prove convenient to say that they must be taught to imagine themselves in their interlocutors' shoes. And when we try to teach skills of imaginative and sympathetic identification and of role reversal, we may ask students how they would feel if they were in their opponent's place. It is very difficult to say with any precision just what it is that students are being asked to imagine. Are they being asked to imagine that they are someone else? Or that they remain metaphysically the same person, but with another person's preferences and history? And if the latter, how are they to know how they—given their own preferences and history—would feel if they had someone else's preferences instead or in addition? Yet for all these difficulties, the concept of asking people to imagine themselves in someone else's place can be of pedagogical use, provided it is not pressed too hard. The same, I believe, is true of the concept of accessible or public reasons.

2. Faith in the Underpinnings of Deliberative Democracy. Both (3) and (3′) require citizens to respect other participants in public deliberation who comply with the requirements of the deliberative position and of the *Free and Equal* and the *Common Interest Conditions*. What attitudes should the good citizen have toward these conditions? What attitudes toward these conditions should a democratic education try to instil?

The claim that good citizens of a liberal democracy must be sceptical or must be open to the possibility that their moral and political views are wrong

is a claim with a long and distinguished pedigree.[21] It finds its most famous expression in Learned Hand's well-known remark that 'the spirit of liberty is the spirit which is not too sure that it is right'.[22] There are echoes of it in John Dewey and in Richard Rorty. Frank Michelman, a prominent defender of deliberative democracy, implies that citizens of a deliberative democracy should have 'an attitude of openness to ethical evolution through political engagement'.[23] The views of Hand, Dewey, Rorty, and Michelman might be thought to imply that citizens should be sceptical about the demands of the *Free and Equal* and the *Common Interest Conditions* or should be open to the possibility that those conditions are wrong.

As I pointed out in Section 2, strong deliberativism does not require scepticism or irony about one's views about political outcomes. It is therefore hard to see why it should be thought to require scepticism about or ironic detachment from the fundamental commitments of deliberative democracy itself, including the *Free and Equal* and the *Common Interest Conditions.* Indeed, I suggest that citizens may have very different attitudes toward these conditions, attitudes that find expression in their responses to those whose participation in public deliberation shows that they think these conditions are not binding.

When we ask what qualities make citizens good participants in well-conducted deliberation, we are not asking about what qualities would make them good participants in ideal deliberation. We are asking about what traits make them good participants in well-conducted deliberation in the world we—citizens of liberal democracies early in the twenty-first century—actually inhabit. Our world is unfortunately one in which some people who participate in public deliberation reject the *Free and Equal* and the *Common Interest Conditions.* Sometimes they propose policies which would deny freedom and equality to some, or which would undermine the conditions for regulating deliberation by the demands of the common interest. Sometimes they betray their denial of these assumptions by their political conduct. And so citizens in the actual world will encounter prejudice, bigotry, and blatantly self-interested political behaviour.

It is important that some citizens, at least, respond with indignation and outrage to proposals that would deny citizens the rights and opportunities

[21] See the nuanced remarks about liberalism and scepticism at Judith Shklar, 'The Liberalism of Fear', in id., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989), 21 38, 25.

[22] See Gerald Gunther, *Learned Hand: The Man and the Judge* (New York: Alfred A. Knopf, 1994), 549.

[23] Frank Michelman, 'Conceptions of Democracy in American Constitutional Argument: Voting Rights', *Florida Law Review*, 41 (1989), 443 90.

they need to participate in public deliberation as free equals. Their responses should not simply reflect the view that citizens who put forward these proposals have made a mistake or that their reasoning has lapsed. Rather their responses should reflect their view that proposals to institutionalize the inequality of citizens, for example, ought never to be entertained in public deliberation and that someone who proposes it has crossed a line which citizens simply should not cross. The citizens I have in mind should be *able* to say what is wrong with a proposal that denies the equality of citizens. And they should be *ready* to say what is wrong with those proposals. But the tenor and emotional coloration of their responses should also make it clear that they think such proposals are beyond the pale.

These reflections suggest that a deliberatively democratic character includes, or can include, certain propositional-cum-moral attitudes toward the contents of the *Free and Equal Condition* and the *Common Interest Condition.* They suggest that a deliberatively democratic character includes or can include attitudes of deep conviction about the truth of those conditions, and that these cognitive attitudes are tied to the dispositions to powerful emotional responses when the conditions are disregarded.[24] Perhaps a deliberatively democratic character includes or can include a faith in the moral underpinnings of deliberative democracy that, like Barbara Jordan's faith in the Constitution, is 'whole . . . complete . . . [and] total'.[25]

I used the phrase 'includes or can include' in the last paragraph because of a possibility I raised early on. That is the possibility that a deliberatively democratic character is disjunctive. The possibility that such a character is disjunctive opens the possibility that there is not any one set of attitudes toward the fundamental commitments of deliberative democracy that a deliberatively democratic character includes. Perhaps not all citizens need to have the sort of deep faith in those commitments that I suggested, and perhaps not all need to be prepared to respond in the ways I associated with those attitudes. But I persist in thinking that some may and, indeed, should. Responses of this kind fall within the range of responses that are appropriate,

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[24] One of the most striking things about the literature on democratic education   and, for that matter, about the large bodies of literature that have grown up in recent years on democratic character and civic virtue   is how little explicit discussion there is of the emotional life. This is a surprising lacuna in the literature on democratic character and civic virtue, since the virtues have traditionally been understood to regulate passions such as anger, cupidity, and the sense of honour and affront. It is an even more surprising omission from the literature on democratic education, since shaping children and adolescents into mature adults is in large part a shaping of their emotional lives.

[25] See the epigraph at the opening of this essay.

in part because they may help the person who disregards the *Free and Equal* and the *Common Interest Conditions* appreciate the gravity of his violation. What role can religious schools play in instilling a deliberatively democratic character so understood? Recall what grounded the worry that religious schools are not effective at instilling a deliberatively democratic character. That worry was founded on the view that religious schools instil attitudes toward moral truths that are incompatible with the requirements of deliberative democracy. Once we see that a deliberatively democratic character can include an uncompromising attitude toward certain moral truths, the question of whether religious schools can effectively instil a deliberatively democratic character becomes more complicated than it originally seemed. Religious schools might be quite effective at instilling such an attitude toward the moral views that underpin deliberative democracy. They might, for example, be quite effective at teaching uncompromising attitudes toward the claims that human beings are moral equals,[26] that moral equality requires political equality, and that politics should try to promote the common interest of free and equal citizens. Whether religious schools do in fact encourage the development of some elements of a deliberatively democratic character—by encouraging uncompromising belief in the underpinnings of deliberative democracy or by encouraging students to place a faith in moral and political equality that is 'whole', 'complete', and 'total'—is, of course, an empirical question.

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[26] For an interesting exploration of the view that the moral equality of humanity is an irreducibly religious view, see Jeremy Waldron, *God, Locke and Equality* (Cambridge: Cambridge University Press, 2002).

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Religion and Public Reason in the Global Politics of Human Rights

Linda Hogan

1. PUBLIC REASON AND GLOBAL POLITICAL DELIBERATION

> the idea of public reason is not a view about specific political institutions
> or policies. Rather, it is a view about the kind of reasons on which citizens
> are to rest their political cases in making their political justifications to
> one another when they support laws and policies that invoke the coercive
> powers of government concerning fundamental political questions.[1]

The language of citizenship, together with the reference to the coercive powers
of government, suggests that it was the national rather than the international
context that Rawls had in view when he developed his 'idea of public reason'.
This focus on the national domain is to be expected since, for Rawls, public
reason is the means by which citizens seek consensus on fundamental political
matters in a context characterized by conflicting religious, philosophical, and
moral doctrines. As such, public reason belongs within 'a conception of a
well-ordered constitutional democratic society'. Subsequent discussions of the
adequacy of the Rawlsian proposal also foreground the national public
square. As a result the question of whether responsible dialogue on matters
of basic justice and on constitutional essentials requires participants to reserve
their comprehensive doctrines has continued to be debated in relation to
national rather than global political contexts. These days, however, it is clear
that debate about basic justice and deliberation on constitutional essentials[2]
can no longer be meaningfully pursued in isolation from the processes of

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[1] John Rawls, 'The Idea of Public Reason Revisited' (henceforth IPRR), in id., *The Law of
Peoples* (Cambridge, Mass.: Harvard University Press, 1999), 129 81, 165.
[2] This is Rawls's description of the nature of the fundamental political questions to which
public reason applies ('IPRR', 137).

globalization. The dynamic of globalization has changed the nature and significance of national boundaries by creating a peculiar interplay of global and local so that local happenings are shaped by events occurring many miles away and vice versa.[3] Moreover, the political impact of this globalization is highly significant in that it has transformed our experience of the public political forum.

2. THE IDEA OF PUBLIC REASON IN THE LIGHT OF GLOBALIZATION

Globalization is a paradoxical process whose dominant effect has been to drive nation-states towards greater economic, cultural, and political incorporation. As a result, global factors have begun to play an increasingly important role in the state's deliberations on matters of basic justice and on constitutional essentials. Developments in global capital and culture, combined with the phenomenal success of technology, have together created an experience of contemporary economic, social, and political life that is not only novel, but is exhilarating for its beneficiaries. However, as is evident from the ever-increasing disparity between those who have the means to participate in this new global market and those who do not, globalization has also accentuated and re-inscribed existing inequalities, while creating new forms of impoverishment. Moreover, in addition to the creation of new economic pressures, the processes of globalization have also reshaped the economic and political environment in which important policy matters are decided and implemented. Whereas a mere two decades ago nation-states could expect to exercise considerable control over the economic conditions under which their citizens lived, globalization has changed the nature and extent of this control. Indeed, largely as a result of globalization the state's ability to determine its own policies especially on matters of basic justice has been limited, and even when policy decisions remain within the remit of the state, they are increasingly decided in light of global rather than national concerns. National debate about the level of taxation that should be levied on transnational corporations is just one example of the way in which global trends impact on local decisions. Twenty years ago this issue would have been debated primarily, if not exclusively, in relation to what was fair or equitable in national terms. Today, however, the nomadic practices of these transna-

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[3] Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press, 1990), 64.

tional corporations mean that the key factor is whether a state's tax regime is competitive in the global economic context. Indeed the phenomenon of 'the race to the bottom' illustrates graphically how frequently global competition trumps national considerations of distributive justice when states determine their policies on such matters.

Inevitably, therefore, this emerging global order raises new questions, not only about the nature and extent of inequality and the state's ability to respond to it, but also about the nature of the public square in which these largely distributive questions can and should be debated. Moreover when we consider the matter of 'constitutional essentials' we see that the state's capacity to act in isolation is increasingly limited by a body of international law as well as by the activities of international institutions, whose decisions now regulate significant aspects of the internal and external affairs of nation-states. Obviously there is no structure in the international context that functions in a manner comparable to a nation-state, no system of global governance that determines completely the 'constitutional essentials' of nation-states. Nonetheless there exists a significant body of international humanitarian and human rights law that has legal binding force. For example, the Hague and Geneva Conventions bear significantly on those matters that fall into the remit of constitutional essentials, as the current debate about the rights of the detainees in Camp Delta, Guantánamo Bay, illustrates. Moreover the twin international covenants, one on Economic, Social, and Cultural Rights, the other on Civil and Political Rights, which have been signed and ratified by 192 countries,[4] give legal force to many of the rights contained within the United Nations Declaration of Human Rights. Notwithstanding the problems with implementation and enforcement, these legal obligations do have an impact on how each state develops its constitutional character. There is also the myriad of international organizations with treaty-making powers whose activities are changing the nature of the political landscape. The European Union, the North Atlantic Free Trade Association, and the World Trade Organization are among the most significant actors of this kind, though there are many more. Suffice it to say therefore that the last few decades have witnessed the emergence of a transnational legal apparatus that has a significant bearing on nation-states as they deliberate and decide on 'constitutional essentials'. Thus these international legal developments too must be taken into account when we discuss the processes by which citizens of democratic states make decisions on fundamental political questions.

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[4] This figure of 192 relates to the total number of states that have ratified in full or in part what is known as the 'International Bill of Rights'. It includes the UN Declaration, the Covenants, and the Optional Protocol mentioned above.

Thus globalization has changed the nature of contemporary economic and political life to such an extent that even issues that appear to be anchored in the national domain can only be debated and decided with the international context in view. However, globalization has not only transformed previously national concerns into international ones, but, in addition, this unprecedented international integration has created ostensibly new phenomena, namely goods that can only be sought and secured through global political action and challenges that can only be tackled in an international context. These goods, sometimes described as the 'global commons', refer to entities such as the earth's climate and its natural resources; the challenges relate to problems such as the displacement of populations and the HIV/AIDS pandemic. In each case they necessitate a global response that often involves governments invoking their coercive powers and, as a result, they are increasingly the subject of political debate. Thus, as David Held notes in his *Global Covenant: The Social Democratic Alternative to the Washington Consensus*, 'the classic regime of sovereignty has been recast by changing processes and structures of regional and global order'[5] and by the phenomenon of economic globalization.

We are only beginning to appreciate the consequences of such phenomenal changes to our economic and political environment. There is little doubt, however, that globalization has transformed the national concerns of basic justice into global ones and vice versa. As a result, political debate is now conducted with both national and global contexts simultaneously in view. One hesitates to use the term 'global public square' to describe the global dimension of this context because of the obvious difficulties in determining precisely how and where it might function. However, one can discern a nascent public political forum wherein the concerns are global as well as national and in which the actors have global and regional as well as local objectives. Moreover it is a sphere of debate and decision in which not only governments but also global civil society actors play a critical role and in which individual citizens too participate through a host of media, especially electronic forms. It would be wrong to overstate the similarities between this global political forum and national, not least because the global forum is still a fledgling one. For the purposes of this discussion, however, it is sufficient to note that fundamental political questions are increasingly determined through international debate and decision and that certain international organizations too have powers analogous to 'the coercive powers of government'. In many respects therefore this 'global public square' shares many of

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[5] David Held, *Global Covenant: The Social Democratic Alternative to the Washington Consensus* (Cambridge: Polity Press, 2004), 137.

the characteristics of the fora to which Rawls refers with the term 'public political forum'.

Once we have accepted that aspects of the global public square function in a way that is analogous to Rawls's public political forum we face the problem, *mutatis mutandis*, of how agreement on matters of basic justice and constitutional essentials should be sought, given the evident plurality of comprehensive doctrines. In 'The Idea of Public Reason' Rawls is clear that a conception of public reason should replace doctrines of truth or right in the justification of particular laws and policies relating to matters of fundamental political justice. Moreover, he argues that the requirement to use public reason applies not only to government officials and candidates for public office. Rather the ideal is also to be realized by citizens who, although they are not public officials, 'are to think of themselves *as if* they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact'.[6] In *The Law of Peoples* Rawls develops a particular political conception of right and justice that applies to the principles and norms of international law and practice[7] and therein extends the requirement of public reason to 'the society of peoples'. The 'society of peoples' cannot simply be equated with the full complement of nation-states but, since Rawls envisaged that it would include all liberal and decent societies, it can for our purposes be equated with the 192 countries that have signed, ratified, or signed and ratified the United Nations Declaration of Human Rights and/or one of the Covenants. Thus we can suppose for the sake of this discussion that the states which today comprise the United Nations are likely to correspond to Rawls's hypothetical 'society of peoples'. In this society, according to Rawls, the law that settles fundamental political questions (i.e. basic justice and constitutional essentials) must also be based on a public political conception of justice.[8] Furthermore the means by which citizens or subjects of this society should come to a common mind on fundamental political matters and thereby can justify coercive policies and laws in the 'international context' is via public reason. Thus, although the

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[6] Rawls, 'IPRR', 135.

[7] Ibid. 3.

[8] It would be wrong to read 'The Law of Peoples' as a strictly cosmopolitan argument. Indeed especially on matters of basic justice the argument of 'The Law of Peoples' is rather different from the cosmopolitan one. Rawls rejects the idea of a global 'difference principle' analogous to that which pertains in the domestic sphere. Rather he insists that 'the Law of Peoples assumes that every society has in its population a sufficient array of human capabilities, each in sufficient number so that the society has enough potential human resources to realise just institutions. . . . Once that end is reached, the Law of Peoples prescribes no further target such as, for example, to raise the standard of living beyond what is necessary to sustain those institutions' ('The Law of Peoples', in *The Law of Peoples*, 119).

language of globalization is curiously absent from his analysis, Rawls argues for an extension of the liberal conception of justice to the international context, and holds that in this domain too public reason remains the most appropriate means by which citizens can deliberate and decide on matters of basic justice and on constitutional essentials.

3. PUBLIC REASON THROUGH A COMMUNITARIAN LENS

In the Rawlsian polity Christians, and others for whom religious identity is pivotal, are expected to set aside what they understand to be the ultimate basis of their behaviour (their religious faith) when they make their political justifications to other citizens. Moreover, ironically it is precisely when those issues that are of most significance are being decided, i.e. matters of basic justice and constitutional essentials, that the requirement is at its strongest. Thus Rawls draws a strict boundary between public reason and comprehensive doctrines, and also between what he terms 'the public political forum' and 'the background culture'. In delineating the field thus he assumes that the citizen's idea of what is politically reasonable with respect to basic justice and constitutional essentials can be expressed in a manner that does not invoke his or her moral or religious convictions about how human dignity can best be protected in the political sphere. Behind these distinctions more- over is a more fundamental one between the person as citizen and the person as situated individual. Indeed Rawls's conception of public reason depends precisely on engaging with the individual as 'citizen' and what he has in mind when he speaks of the citizen is a 'non-situated individual'. Thus, he explains, 'in public reason ideas of truth or right based on comprehensive doctrines are replaced by an idea of the politically reasonable addressed to citizens as citizens'.[9] Moreover in explaining how public reason operates he suggests that 'in giving reasons to all citizens we don't view persons as socially situated or otherwise rooted, that is, as being in this or that social class, or in having this or that property and income group, or as having this or that comprehen- sive doctrine'.[10]

But how is it possible to construct and maintain this dichotomy between citizen and situated individual? The answer lies in how Rawls understands that situatedness. What Rawls assumes is that there is an original unencum-

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[9] Rawls, 'IPRR', 171.   [10] Ibid.

bered, antecedent self upon which is laid a veneer of attachment. There exists this essential self, independent of and prior to the values and interests which that person possesses and which provides the basis upon which the various affiliations, commitments, and values are inscribed.[11] That Rawls really does think of these encumbrances in terms of a veneer is conveyed in the way in which he uses the language of 'being *in* a social class' or '*having* this or that property, income or comprehensive doctrine' to characterize the nature of these affiliations.[12] Rawlsian political liberalism, in both its domestic and international guises, institutionalizes this dichotomy. One can see it in the conceptualization of the original position too, since behind the veil of ignorance there are no families, no communities, no memories, no histories, no narratives, and certainly no comprehensive doctrines. In fact it is precisely because Rawls seems to regard the cultural, religious, and other differences as incidental to, rather than constitutive of, a person's identity that he can advocate an idea of public reason whereby conceptions of the good are relegated to the private sphere or to the background culture. With such an anthropology in place it is a short step to the conclusion that it is both appropriate and meaningful to expect citizens to make their political justifications to one another in ways that in principle and in actuality transcend the particularities of the contexts in which people are located. Moreover, it is easy to see how some proponents of political liberalism could add a further obligation on citizens who belong to religious traditions to distance themselves from their particularities because of the putative menace that religious belonging is said to bring.

But isn't it the case that the subject's encumbrances have more than an ornamental role as she or he forges her or his identity? Aren't the subject's moral commitments constitutive of rather than ancillary to her or his subjectivity? And is it not the case that as we make our political justifications to one another, especially on fundamental political matters, we should do so in a way that is honest about the commitments that bear upon our political positions, without the *proviso* requirement? Over the years there have been many critics of liberalism's normative anthropology, including this Rawlsian version.[13] Of particular concern has been the distinction that this liberal anthropology draws between the essential self, unencumbered by and prior to attachments (be they persons or values), and the encumbrances that the person brings.

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[11] Indeed in his *Anarchy, State and Utopia* (New York: Basic Books, 1974), Robert Nozik proposes an even more exaggerated form of individual identity in which there are 'only different individual people, with their own individual lives' (p. 32).

[12] Rawls, 'IPRR', 171, referencing n. 11 above.

[13] Michael Sandel's critique of the anthropology that liberalism embodies is well known. He argues that one of liberalism's fatal flaws is its inability to recognize that what it recommends as

Michael Sandel,[14] Charles Taylor,[15] and Alisdair MacIntyre,[16] for example, each dispute the adequacy of this anthropology, insisting that social embodiment is not consequential to but constitutive of identity. Michael Waltzer makes a similar point in *Politics and Passion*[17]—a work which, I believe, captures more accurately than Rawls's the relationship between the subject and her or his 'encumbrances'. Waltzer's anthropology is premised on the conviction that the structure of human life is essentially communitarian and that all human beings inhabit 'biographically and historically prior', unchosen, associational contexts. Moreover it is from within these contexts, and not as unencumbered individuals, that we develop our identities, articulate our values, and forge our social interactions. Indeed once we recognize that people's identities and commitments are grounded in the communities and traditions that they inhabit, then we see the need for a more complex and nuanced account of the relationship between the individual and her encumbrances than classic Rawlsian liberalism can provide. Delineating the contours of this multifaceted relationship cannot detain us here. However, what is clear is that an adequate political theory must be able to attend to, rather than ignore, the increasingly complex nature of this situatedness and the form of belonging it generates. Moreover following on from this it can be argued that the publicly expressed convictions of religiously motivated citizens should no longer be regarded as being an impediment to democratic participation, since situatedness is something that all human beings, religious and non-religious, share.

As the preceding discussion has suggested, a fundamental flaw in the idea of public reason lies in the manner in which it requires the speaker and listener to believe both the self and the other to be, or to act as though he or she is, rootless. Moreover this anthropological commitment underwrites the further implausibility that one can draw an unambiguous distinction between 'reason' and 'passion'[18] in political discourse. Unfortunately, as Waltzer points out, 'the dichotomies that set passionate intensity against some sort of interested or principled rationality, heat against light, are . . .

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purely procedural is in fact substantive. Though there have been numerous developments of this thesis the classic essay remains Michael Sandel, 'The Procedural Republic and the Unencumbered Self', *Political Theory*, 12 (1984), 81 96. This has been reprinted in Shlomo Avineri and Avner de Shalit (eds.), *Communitarianism and Individualism* (Oxford: Oxford University Press, 1992), 12 28.

[14] 'The Procedural Republic'.

[15] Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1989), particularly ch. 2, 'The Self in Moral Space', 25 52.

[16] Alisdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981), 31.

[17] Michael Waltzer, *Politics and Passion: Towards a More Egalitarian Liberalism* (New Haven: Yale University Press, 2004).

[18] This is Waltzer's characterization.

pervasive in political thinking'.[19] Wolterstorff[20] and Stout[21] have each already identified the flaws in 'the liberal principle of legitimacy'[22] which assumes the existence of a 'common human reason', and so these salient criticisms need not be rehearsed here. Together with Waltzer, what these critics confirm is that the dichotomy between 'reason and enthusiasm',[23] which liberalism has traditionally maintained, upon which the idea of public reason is founded and which has provided the rationale for the exclusion of religious language in political argument, is itself a fiction. In fact the conception of public reason is dependent on a philosophical framework that has *already* assigned meaning to certain forms of evidence and argumentation and that has deemed other forms of discourse (i.e. passion) to be inappropriate. Moreover the boundary between reason and passion is itself the product of a discourse that, for reasons internal to the dominant culture, has deemed certain elements incommensurable and therefore outside the remit of (public) reason. A Foucauldian analysis would push the thesis further by suggesting that the notion of reason itself is predicated on the exclusion of other forms of thought (unreason), and that which is characterized as 'passion' or 'enthusiasm' is merely a by-product of that which has already been defined as normative (rational). Irrespective of whether one follows the Foucauldian line or not, however, the salient point here is that reason and passion are 'always entangled in practice',[24] and that neither political nor moral deliberation can or ought to be collapsed into a discourse based in (public) reason alone.

Rawls presents us with a reified world of individuals who, unencumbered by affiliations, memories, or passions, deliberate on matters of basic justice and on constitutional essentials according to the principles of public reason. Yet in decent and healthy societies deliberation on such essentials ought to be conducted by individuals who are recognized to be irreducibly encumbered by their attachment to persons, places, and practices. Rawls's remedy is to acknowledge these attachments but to relegate their role to what he calls 'the

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[19] Waltzer, *Politics and Passion*, 130.

[20] See for example Nicholas Wolterstorff and Robert Audi, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Md.: Rowman & Littlefield, 1997), and also 'Why Can't We All Just Get Along With Each Other?' in this volume.

[21] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), ch. 3, especially 65–77.

[22] The idea of political legitimacy based on the principle of reciprocity says that 'our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions . . . are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons' (Rawls, 'IPRR', 137).

[23] Waltzer, *Politics and Passion*, 119.

[24] Ibid. 126.

background culture'. However, this distinction is an artificial one, since the substance of what Rawls describes as 'public reason' is inevitably derived from a particular background culture. Indeed that which is understood to be public is itself dependent on the way in which particular 'private', i.e. interest-laden, constituencies come together to create the political hinterland. Moreover the distinction is only meaningful if the public versus personal or private or quasi-private realms are delineated according to the 'reason versus interest' dichotomy. However, if one accepts the earlier point that the concept of public reason is itself the product of a process that has *already* assigned significance to certain forms of discourse, then this boundary between the public political forum and the background culture can be regarded as yet one more by-product of that framework.[25]

It is true that when our public deliberation on matters of fundamental political significance is 'full of passionate intensity'[26] we frequently glimpse its destructive potential. However, if a public political forum is to endure over time then it must be a space in which citizens can exchange reasons, good and bad, secular and religious, and in a language that is meaningful and resonant for the speaker. In fact it is only when that public political forum is sufficiently robust as to endure the intensity of such argument while still maintaining norms of civility and mutual respect that it will provide an alternative to the resolution of disagreements through violence. Achieving consensus on matters of fundamental political importance is no simple matter. The Rawlsian mode of consensus making (public reason), while it has a certain appeal, is ultimately premised on an unsustainable dualism between the person and her encumbrances which in turn gets written into the structure of politics. What I have suggested, in contrast, however, is a form of public discourse that generates passionate not disinterested deliberation, and which is conducted by citizens who argue their cases on the basis of their convictions and in a language that best expresses the nature and significance of those values and commitments. Indeed I would suggest that the kind of deliberation to which we should aspire as we justify our political cases to one another is not 'public reason' but rather is a more complex form of discourse pursued by persons whose multiple belongings determine the language through which we participate in public debate.

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[25] Rawls, 'IPRR', 133. This claim would need to be developed in more detail because of the technicalities associated with Rawls's employment of the term.

[26] W. B. Yeats, 'The Second Coming'.

4. POLITICAL DEBATE IN THE GLOBAL FORUM

So if not a globalized version of public reason, then on what kinds of reasons should citizens rest their political cases while they construct a consensus on matters of basic justice and constitutional essentials in the global public political forum? Are there grounds for hoping that we can structure that common ground so that the depth of each person's situatedness and the extent of its impact are acknowledged? In this final section I shall consider the existing language of global political debate—i.e. that of human rights— and assess its potential in this regard. I shall argue that, although traditional human rights language operated as a version of public reason (expecting eventually that individuals would abandon their comprehensive doctrines), this understanding of human rights discourse has been modified significantly in the twentieth century and that the transformations make it worthy of support. Thus I shall suggest that contemporary human rights discourse is more properly understood as a language of situated individuals who carry with them their comprehensive doctrines. As such, I shall argue, as it moves from being a global version of public reason to being a deliberative discourse, it is fit for the task of generating a variegated and nuanced consensus on matters of basic justice and constitutional essentials in the global public square, and as such is worth supporting.

My characterization of contemporary human rights discourse will seem strange to the theological (communitarian) critics of human rights who see in this language the quintessence of liberalism. The theological critics of human rights language often contend that it is just a pretentious local (Western) narrative that has acquired its universal status through political imperialism. Moreover these critics charge that it is grounded in a truncated view of the self (i.e. unencumbered), that it misconceives the relationship between rationality and tradition, that it fails to recognize the contextual, embodied, and contingent nature of value, and that it relegates the citizen's comprehensive doctrines to the private domain. Furthermore, many theological critics also claim that when citizens who hold religious convictions adopt this 'internationalised language of modernity', they contribute to the 'social marginalisation of their own narrative traditions'.[27]

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[27] Tracey Rowland, *Culture and the Thomist Tradition after Vatican II* (London: Routledge, 2003), 150 in a comment on MacIntyre. The context here is a discussion of the use of rights language by the 'masters of the Thomist tradition' like Jacques Maritain. However, the criticism is also made more widely.

Although there is much in the classic articulation of a philosophy of rights to support this assessment,[28] I believe that this interpretation can now be regarded as both incomplete and inadequate because it fails to take account of an alternative trajectory that, since the beginning of the twentieth century, has gradually reshaped the discourse. Indeed the debates preceding the promulgation of the UN Declaration of Human Rights were replete with discussions about the dependences, attachments, narratives, and practices which shape the individual and her sense of flourishing.[29] Moreover notwithstanding the tenor of the final text of the Declaration, the decades between 1918 (the year of the Paris Peace Conference) and 1948 inaugurated a significant change in the philosophical and methodological commitments of human rights discourse. Thus by the time the Declaration had been signed and ratified human rights politics was divesting itself of its traditional foundationalist liberalism, of its commitment to the unencumbered individual, and, concomitantly, of its neglect of comprehensive doctrines. The contest between these two distinctive understandings of the nature of human rights discourse was already being played out during the highly influential UNESCO Symposium on Human Rights of 1947. The symposium was divided between those like the Italian philosopher Benedetto Croce, who argued that the purpose of the process was to establish a normative and universally agreed account of how and why all human beings can be said to have human rights (a form of public reason),[30] and those who believed that the discourse would only prosper if the many ways of articulating a rationale and a justification for such rights (i.e. the comprehensive doctrines) were acknowledged. Indeed the much quoted remark of Jacques Maritain that the champions of violently opposed comprehensive doctrines 'had agreed on a list of rights *but on condition that no one asked them why*' highlights this point.[31] However, it was only when human rights discourse welcomed the input of these multiple 'whys' and

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[28] For example, much of the language in the UN Declaration of Human Rights focuses on the autonomous individual as rights bearer, and seems to be only tangentially concerned with the communities and traditions which these individuals inhabit. Moreover nowhere in the Declaration does one get a sense that these communities play a critical and normative role as individuals construct their identities and articulate their interests.

[29] The most comprehensive analysis of these deliberations can be found in Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999). Morsink quotes extensively from the minutes of the sessions of the Drafting Committee and from the proceedings of the plenary meetings of the General Assembly.

[30] Benedetto Croce, 'The Rights of Man and the Present Historical Situation', in Jacques Maritain, '*Human Rights: Comments and Interpretations*, A Symposium (London: Allan Win gate, 1949), 94.

[31] Jacques Maritain, 'Introduction', in ibid., 94.

incorporated these 'indigenous' categories and narratives that it began to flourish. Subsequent decades have accelerated this transformation, although the seeds were sewn in the multi-religious and multicultural debate that both preceded and followed the promulgation of the United Nations Declaration of Human Rights in 1948.

There is not space here to detail the developments in the twentieth century that have resulted in human rights language changing from a discourse with more than a passing resemblance to Rawls's public reason, to one that is generated from, and responsive to, the multiple dialogues of thick traditions, and which stands in a religiously plural public square, not a religiously neutral one. Among the more notable developments, however, have been the inculturation of human rights norms in non-Western contexts, the expansion of their remit far beyond the original categories of civil and political rights, and the emergence of a pragmatic approach to the issue of foundations. In short, 'human rights has gone global by going local',[32] and 'going local' has essentially meant reconnecting with and responding to the extraordinary diversity of moral languages and narrative traditions, including religious ones, worldwide. Thus although often not part of original moral vocabularies, when the discourse of human rights has been introduced, it has been enthusiastically embraced, reinterpreted, developed, and enhanced in the process. It now has resonance in the world's great religious and philosophical traditions,[33] has the capacity to be co-opted and incorporated into these traditions, and in addition can coexist alongside these and other moral and political categories. Indeed we can see evidence of this global fluency with 'rights talk' at all levels of society worldwide. Representatives of national governments, religious leaders, participants in international summits (whether the subject be trade, development, war, or any other issue of global concern), NGOs (faith-based and secular) from Asia, Africa, South, Central, and Latin America, all use this discourse. And although one cannot point to any definitive empirical evidence, one can easily observe that a significant majority of those working for basic justice worldwide, as well as those who are attempting to secure agree-

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[32] Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 106.

[33] There has been an explosion of literature in this field, showing how human rights language can find affinities in traditions as diverse as Confucianism, Hinduism, and Marxism. Robert Traer's *Faith in Human Rights: Support in Religious Traditions for a Global Struggle* (Washington, DC: Georgetown University Press, 1991) is an early example of this trend in scholarship, while Joseph Runzo, Nancy Martin, and Arvind Sharma (eds.), *Human Rights and Responsibilities in the World Religions* (Oxford: Oneworld, 2003) is one of the most recent. Detailed bibliographies in each provide evidence of the range of traditions covered in this approach.

ment on constitutional essentials, find this discourse to be both meaningful and useful in the pursuit of their moral and political goals.

Those engaged in the promotion of human rights have come to realize that 'we do not need to agree that we are all created in the image of God, or that we have natural rights that flow from our human essence, to agree that we do not want to be tortured by government officials, or that we do not want our lives, families and property forfeited'.[34] Indeed as the preceding discussion has argued, human rights discourse has flourished precisely because it has (albeit belatedly) revalorized the role of comprehensive doctrines and, consequently, has come to acknowledge that there are different ways of accounting for why human beings can be said to have universal human rights. We are formed according to the rationalities of particular traditions and, as a result, are likely to explain why we believe we ought to be immune from these kinds of threats by referring to specific religious or cultural categories. We are generally not as promiscuous as cosmopolitans suggest. Rather we relate to human rights discourse from our specific 'thick', culturally embedded vantage points. Thus from a Catholic perspective Hollenbach argues for a new way of grounding human rights claims that 'is in continuity with [Catholicism's] ancient stress on virtuous commitment to the good of community',[35] while Khaled Abou El Fadl analyses a host of Islamic texts, traditions, and practices to illustrate that the protections afforded individuals in democratic societies (human rights) are compatible with, and often foregrounded in, Islamic theology.[36] Of course since these thick, culturally embedded narratives are historically diverse the process of appropriation is inevitably a complicated and sometimes conflictual one. Nonetheless the success of human rights discourse thus far has depended, in no small measure, on particular religious and cultural traditions coming to believe that they have a stake in promoting these categories. Moreover the flourishing of the discourse in the future will depend, not on marginalizing comprehensive (religious) doctrines, but rather on harnessing their indigenous power. Indeed what the last century of human rights politics has shown is that the public political forum becomes more, rather than less, durable when citizens can draw upon their comprehensive doctrines as they explain why they do (or do not) support particular 'laws and

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[34] Ignatieff, *Human Rights as Politics and Idolatry*, 106.

[35] David Hollenbach, 'A Communitarian Reconstruction of Human Rights: Contributions from the Catholic Tradition', in R. Bruce Douglass and David Hollenbach (eds.), *Catholicism and Liberalism* (Cambridge: Cambridge University Press, 1994), 138.

[36] Khaled Abou El Fadl, 'Islam and the Challenge of Democratic Commitment', in Elizabeth Bucar and Barbra Barnett (eds.), *Does Human Rights Need God?* (Grand Rapids, Mich.: Eerd mans, 2005), 58 103.

policies that invoke the coercive powers of government concerning funda-
mental political questions'.

It is striking that as diverse communities worldwide have appropriated
human rights discourse they have also, all the while, been embracing identity
politics. Indeed what this pattern suggests is that *in among* the plurality of
thick, located, and culturally embedded moral traditions, these varied com-
munities are identifying principles that they agree are indispensable for our
(global) social well-being. Of course serious disagreements about how best to
protect human dignity in the social realm persist. Indeed much of the
disagreement arises precisely because the different comprehensive (often
religious) doctrines have particular views about matters such as the nature
of marriage, the significance of reproduction, and the status of gender roles.
What this essay has suggested, however, is that political justification is best
pursued through a discursive process and that the route to an enduring
consensus is likely to be found, not in public reason but rather in mutual
recognition, reiteration, and immanent critique. Thus shared values emerge
in the dialogical engagement of situated, historical communities that are open
to internally and externally generated social criticism, not in a process that
marginalizes them.

5. CONCLUSION

In the last century, alongside the national public political forum, there has
emerged an analogous site that is global, wherein matters of basic justice and
constitutional issues are also decided. Moreover, for the reasons already
discussed earlier in this essay, it is a political forum that is growing in its
significance and impact. Here too, as in the national public square, the
plurality of often irreconcilable comprehensive doctrines is in evidence, and
as a result there are often divergent views about how fundamental political
questions should be answered. Thus one of the critical concerns for citizens
worldwide relates to how we should go about the task of building a shared
political life. This essay has recommended a discursive, dialectical process that
forges consensus by engagement rather than by avoidance and has noted that
contemporary human rights discourse has sought to proceed in this manner
and moreover that it has the potential to provide a means by which we can
articulate a vision of the global public good (and goods) in a pluralistic world.
My final observation, however, relates to what we can expect from this
rational discursive process. Throughout this essay I have argued that the
Rawlsian approach to the exchange of reasons in the public political forum

is inadequate and have proposed an alternative one in which the comprehensive doctrines of situated individuals are acknowledged to play a substantial role. However, notwithstanding the potential of this discursive process, it is unlikely that reason alone will deliver consensus on such fundamental issues. Indeed it may be that ultimately it will be not our ability to exchange reasons but rather our capacity to imaginatively inhabit the world of the other that will secure or facilitate the creation of this shared political culture. Moreover it may be the poets and painters, even more than the politicians and the priests, who will be able to capture the texture of the ethical sensibilities that are at stake, and who will articulate, mediate, and translate the manifold resonances of our comprehensive doctrines.

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Part IV

Religion and Public Reason: National Contexts

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The Public Presence of Religion in England

Anglican Religious Leaders and Public Culture

Peter Sedgwick

1. INTRODUCTION

This essay asks whether Rawls's mature views in *Political Liberalism* and 'The Idea of Public Reason Revisited' allow a place for religious participation in public reason, and perhaps even in the legislature. There has always been agreement among commentaries on Rawls's later work that he allows a place for 'reasonable religion' in the background culture which helps sustain commitment to public reason. My question is whether public reason itself can be helpfully informed by religious participation. In particular, there is the example of the contribution made by bishops of the Church of England to the legislature in Britain through their membership of the House of Lords.

My argument proceeds in six stages. Initially Rawls's understanding of public reason, political, and background culture is set out. Next some commentary on Rawls is explored, involving criticism and reflection on his position. This includes material from British and Irish theologians such as Christopher Insole and Patrick Riordan, SJ. The third stage introduces the main burden of the argument, which is that in England there is religious participation in the legislature, yet in such a manner that comprehensive doctrines respect the views of others in line with Rawlsian liberalism. The fourth stage gives two case studies of this, while the fifth stage discusses the contribution of Archbishop Rowan Williams to the background culture. The final stage reviews the argument as a whole.

2. RAWLS'S CONCEPT OF PUBLIC REASON

John Rawls sets out his concept of public reason in his 1997 essay 'The Idea of Public Reason Revisited'. He argued that it provides the most detailed account of why the constraints of public reason, as manifested in a modern constitutional democracy based on a liberal political conception, are ones that holders of both religious and non-religious comprehensive views can endorse. In the article he defined the idea of public reason as one that 'specifies at the deepest level the basic moral and political values that are to determine a constitutional democratic government's relations to its citizens and their relation to one another'.[1] Reason is public, first, because it is the reason of 'free and equal citizens'. Second, it is public because its subject is the public good, both in terms of constitutional essentials and matters of basic justice. Third, the nature and content of public reason is expressed 'by a family of reasonable conceptions of political justice reasonably thought to satisfy the criterion of reciprocity'.[2] Rawls makes it clear that there is no one single public reason, but several varieties, including Catholic conceptions of the common good.

In the course of his mature work Rawls uses a range of terms to refer to related but distinct realms of discourse: 'public culture', 'public political culture', 'public political forum', 'the culture of civic society', 'the background culture', and finally 'non-public political culture'. These need defining. Public culture is contrasted not with private culture,[3] but with non-public. There is no such thing as private reason, but only social reason. This comprises 'the many reasons of association in society which make up the background culture'.[4] Social reason is therefore the same as non-public reason. Non-public reason is the discourse that occurs in professional groups, churches, scientific societies, and universities. There is also domestic reason, which operates in 'families as small groups in society', and which is not the same as social (non-public) reason or public reason.[5] Civil society is what Habermas (confusingly) calls 'the public sphere', but what Rawls calls 'non-public'. The comprehensive doctrines of civil society can be religious, philosophical, or moral. They form the background culture, or social reason, and the debate about comprehensive doctrines is made up of the ongoing discourse between individuals and groups.[6] Such discussion can concern politics

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[1] John Rawls, *Political Liberalism* (New York: Columbia Press, 2005), 441.
[2] Ibid. 442.   [3] Ibid. 220 n. 7.
[4] Ibid. 220.   [5] Ibid.   [6] Ibid. 14.

and so there can be non-public political culture, where the many groups that form civil society express their political beliefs. Rawls adds: 'In addition, the non-public political culture mediates between the public political culture and the background culture. This comprises media—properly so named—of all kinds: newspapers, reviews and magazines, TV and radio, and much else.'[7] So the culture of civil society is another expression for the background culture. 'Political' here has a wide meaning, for Rawls refers to liberty of conscience as sufficient 'to make accepting ecclesiastical authority free, politically speaking'.[8]

Public culture is intrinsically political, and includes the political forum. Participating in the 'public political forum' carries particular responsibilities. The forum is made up of three parts, according to Rawls's analysis.[9] First of all, there is judicial discourse, especially the judgments of the Supreme Court of the United States of America and the debates that go on within that body. Secondly there is the discourse of government officials, especially chief executives and legislators; and thirdly there is the discourse of candidates for public office.

There are of course differences between the United States and Great Britain, both in terms of the constitutional place of judicial discourse—the judiciary at the highest level in Britain are members of the House of Lords—and in terms of the legislature. It is the latter which concerns me here, as I shall explain in Section 4 below. It is clear that this political forum in both countries is both complex and diverse. It is nevertheless the arena in which the idea of public reason applies and is the criterion of whether a political order is legitimate.

Rawls is aware that his ideas will not be acceptable to everyone. There are those who view the world in terms of a struggle, and who reject constitutional democracy with its criterion of reciprocity. They fall into three groups: those who see the political relation as 'friend or foe'; those 'of a particular religious or secular community'; and those engaged in a 'relentless struggle to win the world for the whole truth'. Rawls comments: 'the zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship.'[10] It is not clear here, despite the lucidity of his prose, whether Rawls intends to make a factual statement that can be empirically verified by surveys of political behaviour, or whether this is a prescriptive comment arising out of the nature of public reason. It is probably

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[7] Ibid. 443 n. 13.   [8] Ibid. 222.
[9] John Rawls, 'The Idea of Public Reason Revisited', in *Political Liberalism*, 443.
[10] Ibid.

the latter. However, there have also been criticisms of Rawls that do not embody this zeal of which Rawls speaks. It is these critics whom I consider in the next section.

3. THE DEBATE ABOUT PUBLIC REASON: RAWLS AND HIS CRITICS

Rawls believed that the solution to interminable disagreements about abortion or sexual issues was to propose that people should agree upon fair procedures for the political resolution of moral disagreement. He set out his views in *A Theory of Justice* and advocated a comprehensive liberalism, partly derived from Kantian constructivism. This, of course, was predicated on something that Rawls came to abandon later, namely, that in the well-ordered society of justice as fairness, citizens would hold the same comprehensive doctrine. The role of government was to preserve these fair procedures, including the liberty to disagree. As he put it, the theory of antiperfectionism argued for 'a constitutional principle that forbids government from substantially restricting or burdening people's liberty, or denying them equality of treatment, on the basis of controversial moral judgments about such matters'.[11]

However, this suggestion was not acceptable to many critics. Alasdair MacIntyre, Michael Sandel, Charles Taylor, and others expressed an intense disapproval of his theory of antiperfectionism.[12] They felt that there were fundamental matters of moral principle—for example, the rights of the unborn child—that any appeal simply to fair procedures and the legitimacy of the constitutional order would obliterate. As the Roman Catholic legal philosopher Robert George writes:

In this respect, the social conflict over abortion closely resembles the conflict over slavery. Of course, pro life and pro choice advocates may, for their own partisan reasons, or as part of a modus vivendi, agree to a constitutional requirement that

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[11] John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), 327, cited by Robert P. George, 'Public Reason and Political Conflict: Abortion and Homosexuality', *Yale Law Journal*, 106/8 (June 1997), 2476.

[12] See, for example, Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1984), 246 52; Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 28 46; Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989), 88 9.

public policy on abortion be settled by democratic procedures. But agreement of this sort is not agreement on basic principles of justice.[13]

Rawls came to see that his comprehensive liberal doctrine is not held, and is not going to be held, by citizens in a pluralist society. Appeals to fair procedures would be insufficient for his task. In the light of this 'fact of reasonable pluralism', Rawls developed his proposal for political liberalism. According to this, debates about justice must be conducted in terms of a strictly political conception of justice, which rules out appeal to comprehensive moral doctrines. As Rawls writes: 'rather than confronting religious and nonliberal doctrines with a comprehensive liberal philosophical doctrine, the thought is to formulate a liberal political conception that those nonliberal doctrines might be able to endorse.'[14]

This was an attempt by Rawls to defend his views through the arguments set out in *Political Liberalism*. But Rawls's critics have replied that there are issues that remain to be discussed. Some critics have been reasonably positive towards what Rawls wanted to achieve. One of these is Patrick Riordan, SJ. He argues that there is a third area between public, political culture viewed narrowly (referred to as public reason) and the background culture of civic society. This is the public, political culture viewed widely.[15] He shows that Rawls is happy to include comprehensive doctrines in public, political discussion. The overlapping consensus is strengthened when citizens understand each other's comprehensive doctrines, so long as there is always respect for the injunction to present proper political reasons.[16] The content of a political conception of justice 'is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society'.[17] That means that the wider view of public, political culture is not the same as the background culture.

Riordan is broadly sympathetic to Rawls and he disagrees with one of Rawls's critics, Christopher J. Eberle. Eberle denies that the religious citizen must accept the duty of civility called for by Rawls, if it also entails the restraint of the citizen from supporting a coercive law for purely religious reasons. Instead, Eberle argues that the religious citizen should only withhold support for a given coercive policy 'if she can't acquire a sufficiently high degree of rational justification for the claim that the policy is morally appropriate'. In addition she 'will pursue public justification for her favoured

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[13] George, 'Public Reason and Political Conflict', 2478.

[14] Rawls, *Political Liberalism*, p. xlvii.

[15] Patrick Riordan, SJ, 'Permission to Speak: Religious Arguments in Public Reason', *Heythrop Journal*, 45 (2004), 178 96.

[16] Rawls, *Political Liberalism*, 462.

[17] Ibid. 13.

coercive policies'. These two concepts of justification allow Eberle to support coercive policies even if there is no public justification. However, Riordan doubts that Eberle's criticism of Rawls stands. It is not the case that Roman Catholic teaching would require support for coercive laws and yet give no justification that could be accepted by the non-religious person. Riordan argues from the documents of Vatican II, but the same argument could be made from many of the official statements of the Church of England. It is also the case for Riordan that 'what is necessary for the security and survival of society is a matter of practical judgement and can be deliberated upon without any reference to revelation'.[18]

There are other critics who are more hostile. One of these is Robert George, who has been quoted above. He seeks to take Riordan's argument much further. George argues that Rawls excludes from his understanding of public reason those beliefs which are religious, and therefore comprehensive, but which nevertheless use reason to establish their case and pay full attention to the criterion of reciprocity. I would not myself agree with George's position that the conjugal union of a couple of the opposite sex in marriage is intrinsically different in kind from the sexual union of a same-sex couple who have pledged lifelong fidelity to each other—an issue that is at the heart of the current controversy in the Anglican Communion. Nor would I accept that a zygote should be afforded the rights of a human being in protection of its existence. Nevertheless George persuades me that the appeal to natural law, without appeal to revelation or the teaching of the magisterium, is something that can enable religious beliefs to be accepted as part of public reason, so long as the criterion of reciprocity is fully acknowledged. George writes:

Unless he is to violate his own methodological scruples by appealing to some form of moral relativism, Rawls cannot declare the view of rationalist believers to be unreasonable because they hold that conflicting views on moral questions, including some questions on human rights, on which 'reasonable people disagree', cannot be equally reasonable.[19]

What is Rawls's reply to these critics? He allows that appeal can be made to comprehensive doctrines so long as citizens show 'in due course' that their position can be justified in terms of public reason.[20] The English theologian Christopher Insole has taken up this dialogue between Rawls and his critics.

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[18] Riordan, 'Permission to Speak', 191, referring to Christopher J. Eberle, *Religious Convictions in Liberal Politics* (Cambridge: Cambridge University Press, 2002).

[19] George, 'Public Reason and Political Conflict', 2485.

[20] Rawls, *Political Liberalism*, p. lii. See also the illuminating discussion of the Abolitionists' invocation of comprehensive doctrines in justification of their arguments within public reason (ibid. 251).

Insole appreciates the use of the 'proviso' in his comment on Rawls.[21] Just as in the common law tradition judgments proceed on a case-by-case basis, so there is (in Insole's words) a 'principled pragmatism' about Rawls's use of public reason. There is no certain method of determining when the 'due course' has transpired. Given that, and in case of political controversies between citizens holding conflicting comprehensive doctrines, Rawls appeals for a certain civility in the public forum. This means that the respect for reciprocity must always be shown.[22] Indeed Rawls insists that 'political liberalism is not a form of Enlightenment liberalism, that is, a comprehensive liberal and often secular doctrine founded on reason and viewed as suitable for the modern age now that the religious authority of Christian ages is said to be no longer dominant'.[23] It is interesting that Insole can therefore claim

as a citizen in a politically liberal society and as a Christian theologian . . . [that] politically liberal principles are compatible with a full blooded and theologically mainstream Christian commitment: one which holds that the human creature is incapable of its own perfection, although made for and called to that perfection by a gracious God who is the creator, sustainer and redeemer of time and space.[24]

Insole presents a vision of theological discourse as capable of being translated into secular discourse, and of bearing within itself a sense of the contingent and frail nature of all contributions to political dialogue. He stands in a tradition of principled conservatism, citing Hooker, Burke, and Coleridge, in addition to Rawls's own liberalism. One of the questions to be put to Insole is how far that neo-conservatism, at least in Britain, is now in tension with neo-liberalism—the one valuing the wisdom of past generations, the other looking to the market as the central condition for securing the supreme value of individual freedom. Later we shall look at Douglas Hurd's defence of religion in the House of Lords as an example of neo-conservatism, but the tension in Hurd's own conservatism between neo-liberalism and neo-conservatism is acute, as John Habgood has pointed out.[25]

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[21] Christopher Insole, *The Politics of Human Frailty: A Theological Defence of Political Liberalism* (London: SCM Press, 2004), 46 7.

[22] Rawls, *Political Liberalism*, p. xlvi.

[23] Ibid., p. xl.

[24] Insole, *Politics of Human Frailty*, 49.

[25] John Habgood, 'Public and Private Morality', in id., *Confessions of a Conservative Liberal* (London: SPCK, 1988), 48 52. This address was delivered on 12 March 1988 to the Diocesan Synod of the Church of England's Diocese of York. It was given in response to an address to the General Synod of the Church of England by Douglas Hurd, who was then Home Secretary. Hurd had appealed to the Church of England to be more forthright in its defence of traditional morality. Habgood pointed out that Hurd himself tacitly allowed the erosion of traditional morality by the operation of the market.

Insole's affirmation of Rawls is in contrast to Duncan Forrester's far more cautious approach, where he speaks of measured consensualism as having 'little in common with the visionary accounts of justice which have motivated most great movements for social transformation and reform; and it appears not to have taken the measure of human selfishness and sin, and the human capacity to twist justice into a weapon for the powerful in defence of vested interests'.[26] While Forrester evaluates Rawls very carefully, one wonders whether the latter charge really stands up, given Insole's comparison of Rawls with such thinkers as Burke.

It is clear from the above discussion that religious claims—or, more broadly, the claims of comprehensive doctrines—can be made in the public, political culture. Furthermore, although Eberle makes a strong case for the theist continuing to back coercive laws in the face of an absence of public support, so long as she offers a rational justification, the reality is that Roman Catholic and Anglican official theology in the last forty years would dissent strongly from any theological attempt to justify coercive laws in society. George shows that the appeal to natural law can enable religious beliefs to be accepted as part of public reason in the public, political culture viewed both narrowly and widely. The next section will show how religious participation in public, political culture narrowly understood can work out in practice in England.

4. THE ENGLISH CONTEXT: A COMMENT ON RELIGION AND PUBLIC REASON

The issue that concerns me is whether the intervention of bishops in debates in the House of Lords can respect the nature of public reason, at least in terms of being committed to the public good in matters of constitutional order and basic justice, and in terms of their language being constituted by such a family of reasonable conceptions as satisfy the criterion of reciprocity. It is clear, however, that any legislature that contains those who are not elected cannot in every respect satisfy the demands of public reason, for those who hold office because of birth or religious position cannot be seen as 'free and equal citizens'. Nevertheless, even with this exception, can the rest of the case be sustained?

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[26] Duncan Forrester, *Christian Justice and Public Policy* (Cambridge: Cambridge University Press, 1997), 128.

My specific focus is on the example of the establishment of the Church of England, a church into which I was ordained and served for many years, although I now work in a sister province of the Church in Wales. (Wales is a part of the United Kingdom with its own Assembly, and without any established religion.) For many centuries English history has allowed for a contribution of religion to public, political culture, viewed in its widest domain. This is for two reasons. First, bishops from the Church of England have long been accepted as part of the legislature, and their contributions are widely valued. It is a particular feature of members of the House of Lords in Britain that they are not elected but appointed, and in the case of bishops (Lords Spiritual, to give them their correct title) and Law Lords they take up their position by virtue of their office. The establishment of the Church of England means that bishops sit in the House of Lords, and contribute to political debates.

This is not, I should add, an argument that such representation of religious belief in the legislature is theologically and politically the best way for the Christian faith to witness to its truths in the twenty-first century. My view is that the time has probably passed when the establishment of Christianity anywhere is helpful, either for the state or for the faith. It may well be the case that the present Labour government will come to view this arrangement as an anachronism and end it. Nevertheless, such a position does exist in England, and the individual contributions of bishops are respected. What does that imply for Rawls's strict division between the contribution of comprehensive doctrines to the public culture and the idea of public reason, from which, in Rawls's view, comprehensive doctrines should be excluded? My interest is not to defend this establishment but to ask if, given that it exists at the moment, those bishops who do participate are violating Rawls's idea of public reason by the manner in which they speak and participate in debates. If that were to be the case, then the House of Lords would be a flawed institution in terms of its commitment to public reason.[27]

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[27] It is of course the case that in 'The Idea of Public Reason Revisited' Rawls refers to the famous debates between Patrick Henry and James Madison on the establishment of the Anglican Church in Virginia in 1784 5 (*Political Liberalism*, 475). Of this he writes that the issue was whether 'religious establishment was necessary to support orderly civil society' (ibid. 475 n. 73). I do not intend (for reasons of space) to comment directly on the defence of religious establishment, or on whether it was beneficial in past centuries but has now outlived its usefulness. My concern here is whether religious discourse can be used as part of public reason in the debates in the British legislature, given that there is an established church in England. Arguments in favour of establishment would include John Habgood's *Church and Nation in a Secular Age* (London: Darton, Longman, & Todd, 1983); and, less predictably from a Muslim point of view, Tariq Modood's *Church, State and Religious Minorities* (London: Policy Studies Institute, 1997).

A second point follows immediately. Suppose that one were to defend the presence of such bishops, and that their discourse could recognize—implicitly, not explicitly, for bishops are not given a philosophy course as part of their induction into the Lords and some have never read Rawls at all—the idea of public reason in their contribution to debates, then all would still not be well. For at this point some theologians might argue that, by adapting their discourse to the requirements of 'public reason', they betray their theological heritage.

Robin Gill's recent study *Health Care and Christian Ethics*[28] turns exactly on whether it is possible to translate statements based on Christian theology faithfully into statements that can be discussed in the public realm, or whether that process of translation is inherently flawed. A similar argument applies in the case of discussions within the legislature itself. Bishops are used to defending their arguments in the House of Lords both in Christian and in secular terms and the acceptance of their presence depends on there being a symbiosis between these two kinds of discourse. There are, however, many who would repudiate this possibility, not because it violates a Rawlsian account of public reason, but because it violates theological integrity.[29] For this reason some theologians argue that the contributions of bishops in the House of Lords are *ipso facto* worthless.

Rawls's own view on the place of faith groups in constitutional regimes is very subtle. In the third part of his essay, where he is referring to religion and public reason in democracy, he asks a pertinent question: 'How is it possible—or is it—for those of faith, as well as the nonreligious (secular) to endorse a constitutional regime even when their comprehensive doctrines may not prosper under it, and indeed may decline?'[30] I wish to take this point further and to ask whether those of faith can not only endorse but also actually participate, by virtue of their office, in a constitutional regime under such conditions. The original, practical purpose of establishment may have been to advance the Christian religion. Those who defend establishment today often do so because they feel it adds to the depth of political

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[28] Robin Gill, *Health Care and Christian Ethics* (Cambridge: Cambridge University Press, 2006).

[29] Shaun P. Young, *Beyond Rawls: An Analysis of the Concept of Political Liberalism* (Lanham, Md.: University Press of America, 2002). Young estimates that between 20% and 40% of the US population 'affirm doctrines that would be incompatible with the demands of Rawlsian political liberalism' (p. 156). A large number of these belong to the Christian right. Young has in mind those who want to subvert constitutional discourse, and to abandon Rawlsian liberalism. However, in England there are substantial numbers who accept the establishment of religion, but who also do not want to abandon Rawlsian liberalism. These are very different standpoints.

[30] Rawls, 'The Idea of Public Reason Revisited', 460.

discourse. However, the advantages of establishment to a particular religion are often no longer substantial.

The legislature is the arena in which the idea of public reason is embodied, and such embodiment is therefore the criterion of whether a political order is legitimate. Rawls cites with approval a political theologian, David Hollenbach, SJ, when he says that argument about the common good should not occur in the legislature ('the domain in which interests and power are adjudicated'[31]) but only in civil society. However, why shouldn't arguments about the common good occur in parliament, and why cannot leaders of religious groups raise them there?

The nature of public reason is sustained by what Rawls calls non-public, political culture, which mediates between public reason and the background culture. The media are the main vehicle for the expression of non-public, political culture, from learned articles to television and the press; and they therefore inform what Rawls calls 'the background culture'. To describe this, Rawls again quotes David Hollenbach, SJ, when he says that debate about the common good 'can occur wherever thoughtful men and women bring their beliefs on the meaning of the good life into intelligent and critical encounter with understandings of this good held by other peoples with other traditions'.[32] The background culture is deeply relevant to the culture of civil society, and so to the place of the Church of England in national life: 'Its many and diverse agencies and associations with their internal life reside within a framework of law that ensures the familiar liberties of thought and speech, and the right of free association.'[33] In a footnote, Rawls specifically includes churches, associations of all kinds, and institutions of learning, especially universities and professional schools.

While Rawls affirms that reasonable, comprehensive doctrines should overlap so as to ground public reason, he denies that such doctrines should go beyond this to actually participate in public reason. In England, however, they do; and in my view, they should. English society is made up of accumulated traditions created over centuries of history and incorporates the acceptance of half-articulated religious values and assumptions. Many religious bodies, and voluntary bodies that have religious roots but work in welfare and charitable work, often have a close and organic relationship with government policy, which means that the domain of public culture has a pervasive religious dimension.

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[31] Ibid. 444, referring to David Hollenbach, SJ, 'Civil Society: Beyond the Public Private Dichotomy', *Responsive Community*, 5 (Winter 1994 5), 15.

[32] Rawls, *Political Liberalism*, 444.

[33] Ibid. 446.

5. TWO CASE STUDIES IN THE HOUSE OF LORDS

In the fourth part of this essay I wish to look at two specific interventions by bishops in the House of Lords, taking as my case studies the recent interventions by Robert (known as Bob) Hardy, Bishop of Lincoln, and Richard Harries, Bishop of Oxford. Both have been honoured by collections of essays written in their honour[34]—some by their secular colleagues—and both were concerned that their contributions in debates should assist the public good. There are two respects in which such contributions can be evaluated. First, there is the theological legitimacy of such an intervention. Here I will draw on the work of Robin Gill to answer the question, is such intervention theologically defensible, or is it a betrayal of the Christian faith by those who are charged with ensuring that the faith is taught and presented as good news for our society? Secondly I wish to consider the judgements of some politicians and lawyers on this episcopal contribution, before returning to the question of whether in principle such intervention in the legislature violates the criterion of public reason.

Robin Gill has argued the case for what he calls theological realism. Gill writes that theological realism sees continuities between theological and secular thought and is sceptical about the capacity of sacred texts to deliver unambiguous moral precepts. It denies that the world at large is fundamentally secular, affirming instead that it is pluralist. Sacred texts are indeed important, but they are not sufficient resources to deliver belief and action. Such a position draws on the writings of William Temple, one-time Archbishop of Canterbury, and on Reinhold Niebuhr and Robin Lovin in the United States.[35] Individual theologians—and still more church leaders—may move between theological realism and what Gill calls theological purity, found especially in John Milbank. Gill himself can criticize the position that he advocates: 'The central weakness of theological realists is a tendency towards redundancy. By conceding too much to secular argument, theological realism always runs the risk of losing its identity altogether. . . . Theological realism is prone to evaporation and over-accommodating this-worldliness.'[36] The role of public theology is threefold. It criticizes, deepens, and widens the

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[34] Bob Hardy was honoured by Christopher Jones and Peter Sedgwick (eds.), *The Future of Criminal Justice* (London: SPCK, 2003); and Richard Harries was honoured by Michael Brierley (ed.), *Public Life and the Place of the Church*: *Reflections to Honour the Bishop of Oxford* (Aldershot: Ashgate, 2006).

[35] Robin Gill, *Health Care and Christian Ethics* (Cambridge: Cambridge University Press, 2006), 41 2.

[36] Ibid. 43.

ethical debate in society at large. However, Gill is clear that public bodies should be sensitive to those who are religious within society at large, but no more than this: 'It would be inappropriate in a pluralist context for them to adopt explicitly theological beliefs themselves. Indeed public bodies are likely to regard such explicit adoption not just as inappropriate but, given their fears of religious wars, as dangerously partisan.'[37] Gill seems to echo Rawls on public reason at this point. He looks to religious leaders who seek to play a full part in society while respecting the pluralist nature of the contemporary culture that is modern Britain.

One example of such a leader is the former Bishop of Lincoln, Robert Hardy. He held a seat in the House of Lords as a member of the Lords Spiritual, and as Bishop of Lincoln he took his seat when there became a vacancy among those Lords. He was also the Church of England's Bishop to Prisons and as such contributed widely to debates about the reform of the prison system. I worked closely with him as the Church of England's policy officer on criminal justice. On 11 July 2001 he spoke in a debate on the provision of mental health care in custody, and especially on personality disorders among young men and juveniles in custody. Such individuals exhibit psychopathic tendencies that make them difficult to treat, and they resist many of the usual attributes of human relationality. In this way his speech is a test case for one concern that Duncan Forrester has about Rawls. Forrester argues that, in terms of the Original Position in *A Theory of Justice*, only rational moral beings can participate in decision making. What then, he asks, of the mentally ill? Are they 'indeed citizens or members of society, with their own contributions to make. . . . Is there not here a sharp tension with the view that sees the marginalised as having a privileged place in the King-dom?'[38] He goes on to say that, lacking a metaphysic, Rawls cannot find a way of adjudicating the claims to equal or preferential treatment of children and the mentally ill. Forrester supports Gregory Jones's harsh judgement that 'Rawls's theory represents a progressive subordination to a different vision of human personhood than Christians, at least, should want to affirm'.[39]

Hardy shows how acting as an advocate for the most vulnerable can be urged by the Christian tradition and yet stay within the bounds of public reason. His speech is also a good example of how public reason can invoke comprehensive doctrines in ways that echo Rawls's citation of the Abolitionist

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[37] Ibid. 60. Gill also cites his *Moral Leadership in a Postmodern Age* (Edinburgh: T. & T. Clark, 1997).

[38] Forrester, *Christian Justice*, 132.

[39] Ibid. 134, quoting L. Gregory Jones, 'Should Christians Affirm Rawls's Justice as Fairness? A Reply to Professor Beckley', *Journal of Religious Ethics*, 16/2 (1988), 258 9.

debates in the United States of America in the mid-nineteenth century, and for similar reasons. It is worth noting that Rawls himself says of Martin Luther King and the Abolitionists that, 'given those historical conditions, it was not unreasonable for them to act as they did for the sake of the ideal of public reason itself'.[40] Hardy's speech begins by setting out the facts of the case, then moves on to raise issues of human rights and the ethics of confidentiality, and finally invokes comprehensive doctrines. He spoke as follows: 'I believe that the 1999 National Framework for Mental Health now applies to prisoners as much as to anyone else. That means that local prisons have to be considered when the NHS [National Health Service] draws up its local plans.' He then gave a detailed and informed description of mental health provision inside the English penal system. In the remainder of his speech, he raised some fundamental moral questions:

Behind the need to improve healthcare facilities lie some important questions. First, is the prisoner to be regarded as a patient, with the same status as a patient in a GP's [General Practitioner's] surgery? What rights do they have? . . . Secondly, in the man agement of dangerous people with severe personality disorders it appears that the link between treatability and intervention is to go. Mental disorder no longer has a tight definition and we are, I fear, in danger occasionally of losing sight of the fact that justice is the first virtue of all social institutions. There are real concerns among many about a reduction in confidentiality with regard to a patient's condition under the Government's new proposals, as well as fears of a real shortage of psychiatrists to make the system work.[41]

Hardy then moved on to examine the needs of mentally ill juveniles in custody, before ending on an explicitly theological note:

There are two kinds of vulnerability in our world: an enforced vulnerability which hurts, breaks and is at risk in the world of the prison. Alongside that there is the Christian hope: the example of Jesus Christ . . . and the freely chosen vulnerability of love. This second kind, the vulnerability of love, involves taking risks. I hope and pray that our new Home Secretary and his ministerial team will be prepared to take some risks   risks which will break new ground and give real hope to those of us who care about our prisons.[42]

I quote this speech at length because it illustrates certain ways in which public reason and comprehensive doctrines can come together. The speech

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[40] Rawls, *Political Liberalism*, 251. Some critics have argued that Rawls misrepresents the Abolitionist case. David A. J. Richards comes to Rawls's defence in 'Public Reason and Aboli tionist Dissent', in Stephen M. Griffin and Lawrence B. Solum (eds.), 'Symposium on John Rawls's Political Liberalism', *Chicago Kent Law Review*, 69/3 (1994), 787 842.

[41] Hansard, House of Lords, 11 July 2001, cc. 1103 5.

[42] Hansard, House of Lords, 11 July 2001, c. 1105.

gives a survey of the state of prisons that any other peer present could have offered. Hardy then raises ethical issues about the rights of prisoners as patients, and about the ability of the mentally ill to resist intervention. This is then amplified in relation to children with special needs, some of whom have a personality disorder. Again, this is well within the bounds of public reason. However, at this point the bishop invokes the need for the government to be subject to a theory of justice based on the divine kenosis, which empties itself in self-giving for the sake of those it seeks to redeem and heal. Such a move to the explicitly theological was accepted as a contribution to public reason because it could be translated into the need for such an ethic to be embraced by the government. It might be objected that the translation is invalid, but it nevertheless shows that there need be no watering down of Christian faith even when it addresses the legislature.[43]

On other occasions Hardy cited existing government legislation and the UN Convention on the Rights of the Child to make his case—'When will they implement in full Section 60 of the Criminal Justice Act 1991 and end the remanding of 15 to 16 year-olds into Prison Service custody? . . . Does he not agree that in locking up children, England and Wales fall short of standards outlined in the United Nations Convention on the Rights of the Child?'[44]—as well as citing the formal responses of churches to the government about its proposed legislation.[45] Yet his speeches always returned to the theological grounding of his argument, and that theological argument articulated itself in terms of public reason. It gave particular status to his own faith, but it recognized the contribution of other faiths: 'The fact that the mosque can only be reached through the chapel makes respect for sacred space for all traditions of faith difficult and causes concern', was one comment he made on poor conditions in a local prison. Most of all he argued that public reason must allow the tolerance that Rawls defends in *Political Liberalism*: 'More important is the entitlement of prisoners to practise their religion in H.M. Prison Wandsworth. There is an attitude that the prisoner must apply and that worship is a kind of recreation, not a right. Clearly, that is an unsatisfactory state of affairs.'[46] This can be set alongside Rawls's discussion

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[43] Cf. Peter Sedgwick, 'Bishop Bob Hardy, Bishop to Prisons 1985 2001: A Tribute', in Jones and Sedgwick (eds.), *The Future of Criminal Justice*, 183.

[44] Hansard, House of Lords, 13 February 2001, c. 133.

[45] Hansard, House of Lords, 2 October 2000, cc. 1203 4.

[46] Hansard, House of Lords, 16 February 2000, cc. 1313 14. See also the comment that Bishop Robert made on the national census: 'My Lords, the bishops of the Church of England have long recognised the changing nature of our society and the importance of other faiths within it as well as the need to improve race relations' (Hansard, House of Lords, 27 January 2000, c. 1712).

of primary goods: 'Society, citizens as a collective body, accepts responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the primary goods for all within this framework.'[47] Debate about such matters is appropriate in the legislature, and in raising them the bishop was making a contribution in terms of public reason.

This episcopal contribution was recognized by many of those who contributed to the volume published in his honour. While the issue of public reason was not raised per se, the academic criminologist and former civil servant David Faulkner made a perceptive comment. Himself primarily concerned with the delivery of policy, Faulkner noted that

[a] context in which religious belief may be particularly helpful is where a person for the purpose of this chapter a criminal justice manager or practitioner is or ought to be troubled by a matter of conscience. . . . More frequently in the modern culture of performance management, risk assessment, individual blame, and insis tence on uniformity all presented as objective and value free is the temptation to subordinate the question 'Is it right?' or 'Has it been thought through?' to questions like 'Will it work?' or 'How will it look?' These are the changes of late modernity. Religious belief does not replace the content of action but it purifies the motives for action.[48]

Douglas Hurd,[49] in the article discussed below, also speaks of governments being accountable to a higher moral authority as well as to the electorate, without specifying what that authority might be. He refers to the nature of moral authority as emerging from a conversation between different moral traditions about the nature of social order. The Royal Commission on the Reform of the House of Lords included both Douglas Hurd and Richard Harries.[50] The Commission's report quotes Jonathan Sacks, the Chief Rabbi of the United Hebrew Congregations of the Commonwealth. Sacks argues that public policy could be debated by the legislature in ways that include religious contributions. He writes:

In a plural society, by definition, moral authority does not flow from a single source. Instead it emerges from a conversation in which different traditions (some religious, some secular) bring their respective insights to the public domain. . . . The health of a

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[47] Rawls, *Political Liberalism*, 189.

[48] David Faulkner, 'Principles, Structure and a Sense of Direction', in Jones and Sedgwick (eds.), *The Future of Criminal Justice*, 12.

[49] An account of Bob Hardy's work in the House of Lords is given by Douglas Hurd, 'The House of Lords and Religion', in Brierley (ed.), *Public Life and the Place of the Church*, 162. Lord Hurd of Westwell is a former Foreign Secretary (1989 95) and Home Secretary (1985 9).

[50] Brierley (ed.), *Public Life and the Place of the Church*, 158.

free and democratic society is measured not by its representative institutions alone. It is measured also by the strength and depth of the public conversation about the kind of social order we seek.[51]

Such a public conversation was what another bishop, Richard Harries, maintained in public life, including again the House of Lords. In his retirement he has become a life peer. Julia Neuberger, herself a life peer and Jewish ethicist, paid tribute to the many areas that Harries had encompassed in his years as a bishop in the House of Lords. They include 'war and weapons policy . . . housing policy . . . stem cell research . . . sexual and personal morality . . . and ethical investment'.[52] Harries's strategy over many years was to use his position for the exploration of 'moral anxieties and scientific enthusiasm'.[53] Neuberger is significant as another Jewish voice that speaks of bishops playing an important role in parliamentary life because people 'expect of them a kind of moral authority for the nation'.[54]

This 'public conversation' goes beyond Rawls's own invocation of public reason. Both he on the one hand, and Sacks and Harries on the other, certainly see the necessity of public institutions being strengthened by a form of discourse that is reciprocal, universalizable, and non-exclusive. But Sacks explicitly argues that debate within the parliamentary legislature should allow space for religious traditions. Rawls of course excludes explicit reference to religion, when public reason (defined as the discussion of coercive law by those who make such law, using the family of reasonable political conceptions of justice) is involved. Rawls is not alone in excluding religion. Paul Weithman defends the contribution of Catholic theology to a discussion of the common good, but also argues that 'philosophy and theology will not, to be sure, have a place in the public justification of the Rawlsian society's public policies—in the justification offered by judges in their opinions or by other occupants of public office in their official capacities'.[55] In this view, religion, or, more broadly, any comprehensive doctrine, may of course be the motivation of a citizen's contribution to public reason, but it can never become the explicit content; otherwise it would become divisive. However, Hurd and Sacks (and the Royal Commission) argue for the inclusion of representatives of religious

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[51] Royal Commission on the Reform of the House of Lords, *A House for the Future* (London: Stationery Office, 2000), 151, cited by Hurd in 'The House of Lords and Religion', 159.

[52] Julia Neuberger, 'Richard Harries and the Issues of our Time', in Brierley (ed.), *Public Life and the Place of the Church*, 23.

[53] Hurd, 'The House of Lords and Religion', 162, citing *Stem Cell Research: Report from the Select Committee*, House of Lords Paper 83 (i) (London: Stationery Office, 2002).

[54] Neuberger, 'Richard Harries and the Issues of our Time', 23.

[55] Paul Weithman, 'Liberalism and the Political Character of Political Philosophy', in Paul Weithman (ed.), *Reasonable Pluralism* (New York: Garland Publishing, 1999), 235.

bodies in the second chamber, albeit a wider range of them. There are, of course, many difficulties with such an extension. Canon law forbids Roman Catholic priests from exercising any role in civil power; and other faiths lack the hierarchical structure of episcopally governed Christian churches.

Rawls holds that public reason is the ultimate authority: 'when all appropriate government officials act from and follow public reason, and when all reasonable citizens think of themselves ideally as if they were legislators following public reason, the legal enactment expressing the opinion of the majority is legitimate law.'[56] Rawls then goes on to say that if we were government officials we must always believe that the reasons we state for action are sufficient in terms of the political conception of justice regarded as reasonable. The definition of reasonable here is that we reasonably think that other citizens might also reasonably accept these reasons. This state he describes as civic friendship.[57] Hurd and Faulkner justify the invocation of religion because it can strengthen a sense of accountability. This is not in tension with Rawls's own appeal to public reason, but is rather a way of supporting the nature of public reason by appealing to comprehensive doctrines.

In conclusion, the example of the House of Lords shows that public reason can have a wider role than Rawls allows it. While recognizing the need for reciprocity, and for conducting a public conversation within the bounds of public reason, thus giving 'properly public reasons to support the principles and policies', Sacks, Hurd, Harries, and Hardy would dispute Rawls's argument that religion has no place in the legislature. Rawls will allow the story of the Good Samaritan into public political culture, but only if it can be justified 'in terms of proper political values'.[58] Those cited in this discussion have a more open-ended conception of what political values are. Neuberger defines this position as a 'standpoint of faith that does not exclude others'.[59] She goes on: 'The Church of England, unlike the (Roman) Catholic Church, does not believe that it is the only moral authority. Instead it is there to lead and teach, to encourage.... [I]t allows other groupings, faiths and communities to join with it in trying to achieve prophetic ideals on earth.'[60] This is an understanding of moral authority that disagrees with Rawls's defence of the separation of church and state.[61]

There is however one final criticism of this position that is raised by Rowan Williams, and which returns to the issue mentioned above of theological

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[56] Rawls, *Political Liberalism*, 446.   [57] Ibid. 447.
[58] Ibid. 456 and 462 3.
[59] Neuberger, 'Richard Harries and the Issues of our Time', 23.
[60] Ibid. 33 and 35.
[61] Rawls, *Political Liberalism*, 474 8.

purity. Williams expresses 'immense gratitude' for the work of Richard Harries, but raises many questions about it. Echoing Milbank, he asks where the role of ecclesiology is in Harries's ethics. Williams is concerned that in this tradition 'the boundaries of the visible church are not easily discernible'.[62] Equally the 'the committed community' would be 'more anxious than Richard [Harries] has sometimes been about the stoical acceptance of lesser evils as a tragic feature of a fallible and fallen world'.[63] In other words, Williams himself is suggesting that the way in which Harries and Hardy have moved into the space occupied by Rawls's public reason may itself be open to intense theological questioning from those like Stanley Hauerwas and John Milbank who prefer a much sharper dichotomy between ecclesial values and public reason. Where then does Rowan Williams himself stand on this issue? That is the question to which I now turn.

6. ROWAN WILLIAMS AND THE BACKGROUND CULTURE

Rowan Williams, Archbishop of Canterbury and a leading theologian in the English-speaking world, has sketched out an approach to public reason by religious bodies that is much more nuanced than that of Rawls. While he does not engage directly with Rawls in his many speeches, lectures, and sermons since he became archbishop, the drift of his thought is clear. Unlike Hardy, Harries, and Hurd, Williams is not seeking to defend the establishment of religion directly. He comes from a tradition of Anglican theologians— including the likes of Michael Ramsey and Donald MacKinnon—who have great reservations about the theological propriety of religious establishment. Williams is concerned to show how religious faith can make a direct contribution to the background culture. As a result, then, both of the activities of a number of public-minded bishops who use theological and secular language in ways that suggest the possibility of translation one to the other, and of the writings of Rowan Williams, my suggestion is that there can be a greater contribution of comprehensive doctrines to the non-public, political culture (the media, in particular) and the background culture than most interpreters of Rawls allow.

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[62] Rowan Williams, 'The Health of the Spirit', in Brierley (ed.), *Public Life and the Place of the Church*, 221 2.

[63] Ibid. 221.

The nature of the Church of England is such not only that it invests much time and energy in resourcing the background culture, but also that when bishops speak in the House of Lords they often do so on the basis of their familiarity with this background culture. They see it as their duty to speak as the advocates of this background culture in the legislature. We have already seen Neuberger's approval of this position, and also the grave doubts of Rowan Williams as to whether Harries's theological liberalism gives too much ground to those of other faiths or of none.

The church's role of being an advocate for the background culture in the corridors of power has often been affirmed by members of that culture, including members of voluntary associations, charities, and even members of other faiths. The question here is not whether such a role is desirable or defensible, but whether it violates public reason. Rawls is clear that the idea of public reason 'does not apply to the background culture with its many forms of non-public reason nor to media of any kind. Sometimes those who appear to reject the idea of public reason actually mean to assert the need for full and open discussion in the background culture. With this political reason fully agrees.'[64]

Rowan Williams has recently articulated in several speeches and articles the place of the Church of England within the background culture. What is especially significant for my purpose is that he sets in historical context the debates by theologians such as Riordan about public, political culture, background culture, and public reason.[65] Rawls notes that the background culture is 'much the same' as Jürgen Habermas's public sphere. It is where comprehensive doctrines of all kinds are argued about 'indefinitely without end so long as society has vitality and spirit'.[66] This is an attractive vision of endless debate in universities, churches, learned societies, wherever ideas are discussed.

Yet not everything can be the subject of debate in the background culture. Rawls is clear that slavery and serfdom are not up for political discussion. This is not because they are a source of conflict but because there is a political conception of justice that excludes them. Rawls goes on to say that the relationship between political doctrines and their roots in comprehensive doctrines is what is part of the background culture.[67] However, the main

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[64] Rawls, 'The Idea of Public Reason Revisited', 443.
[65] Riordan, 'Permission to Speak', 184.
[66] Rawls, *Political Liberalism*, 383.
[67] Ibid. 151 n. 16.

point is that the ideal of public reason does not, according to Rawls, apply in the background culture.[68]

Rowan Williams has seen one of his main responsibilities as the articulation of comprehensive doctrines expressed through Anglican theology in relationship to the state and civil society. Unlike some of his predecessors at the beginning of the twentieth century, who saw the role of the Archbishop of Canterbury in quasi-judicial terms as arbitrating the rights of colonial subjects in the British Empire and interceding with politicians on their behalf from the platform of the House of Lords, Williams has preferred to set out a many-sided vision of how theology, civil society, and politics are intertwined in England. It is a classic expression of Rawls's understanding of how comprehensive doctrines are argued about endlessly, but Williams has a less clearly articulated set of beliefs than Rawls.

In some ways his stance is reminiscent of Hollenbach's argument that the relationship 'between religious belief and policy conclusions is not . . . immediate and direct'.[69] In a lecture on 'Community Well-Being', given in July 2004 in a small town in the south of England, Williams contrasted a vision of voluntary work as endlessly solving local problems with an attempt to set out a comprehensive view of social order.[70] In this social order stability matters, especially in family life, but the dominant cultural environment is suspicious of this view. It is even more sceptical of the view that one of the goals of society should be the nourishing and shaping of family relationships, so that individual behaviour can be innovative and risk taking. Williams's view of social order involves a set of prescriptive beliefs about personal growth, family stability, and social welfare. These are grounded ultimately in a religious vision, but it is interesting that his argument is couched in terms of public reason—'a family of reasonable conceptions that satisfy the criterion of reciprocity'.[71] Indeed he ends this talk on community well-being by referring to those evangelicals who worked for the abolition of slavery in the British Empire, because of their sense of social order. This is a very similar argument to Rawls's references to the United States Abolitionists. In other words, Williams has a clear-cut sense of Christian ethics grounded in ecclesial life,

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[68] Ibid. 14 and 151.

[69] David Hollenbach, SJ, 'The Political Role of Religion', in Weithman (ed.), *Reasonable Pluralism*, 289. Another defence of Rawls is offered by James Sterba in 'Rawls and Religion', in Victoria Davion and Clark Wolf (eds.), *The Idea of a Political Liberalism* (London: Rowman & Littlefield, 2000), 34 46.

[70] Rowan Williams, 'Community Well Being', lecture delivered at the Rose Street Methodist Centre, Wokingham, Berkshire, 30 July 2004; and available at the Lambeth Palace website, <www.archbishopofcanterbury.org>.

[71] Rawls, 'The Idea of Public Reason Revisited', 572.

but he is prepared to spell out the contribution this can make to social order so long as the ecclesial dimension is never lost.

In a further discussion on the arguments of Robert Putnam, made at the Annual General Meeting of the National Council for Voluntary Organizations, Williams defended the view that social capital depends on 'organizations with an ideological or religious or moral axe to grind'.[72] Putnam, who has been most influential in disseminating this idea, defines social capital as follows:

[S]ocial capital refers to connections among individuals   social networks and the norms of reciprocity and trustworthiness that arise from them. In that sense social capital is closely related to what some have called 'civic virtue'. The difference is that 'social capital' calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations. A society of many virtuous but isolated individuals is not necessarily rich in social capital.[73]

Williams distinguishes between those who believe in the rights of 'humanity', and those with a position that enjoins radical respect for all human beings. He admits that the feeling of being attached to a local community can also generate a feeling of radical respect, and that feeling does not stem from holding any comprehensive doctrine, nor is it always desirable. Williams holds that the role of statutory provision is to create an environment in which respect is enshrined, but the motivation must come from local and relational values. However, Williams then goes on to examine the argument that if social capital is generated at least in part by institutions with comprehensive doctrines, will public life not be mortgaged 'to a range of irrational convictions and allegiances (such as religion)?' Williams here asks whether a rational progressive agenda, which he calls 'political reason', will be swamped by an over-moralized society, driven by 'the powerful but sectarian motivation of particular groups [which] distorts the balance of society or, worse, heralds ideological wars between strongly motivated groups'.[74] Williams does not refer to Rawls, but it is surely evident that his thinking is shaped by the fear expressed in Rawls about unreasonable comprehensive doctrines in the background culture spilling over into the public forum and destroying public reason. Williams answers this fear in an interesting way. He does not reassert the primacy of public reason. Rather he says that when diverse voluntary groups disagree, or there is tension between voluntary and statutory bodies,

[72] Rowan Williams, 'The Nicholas Hinton Lecture', 17 November 2004; available at <www.archbishopofcanterbury.org>.
[73] Robert Putnam, *Bowling Alone* (New York: Simon & Schuster, 2000), 19.
[74] Williams, 'Nicholas Hinton Lecture'.

agents or bodies that have no competitive interest should play some brokering role. This should not amount to a reaffirmation of the priorities of statutory or centralized bodies, but the enunciation of a strategy about the role of regional government. The task of the church and its leadership is to draw bodies with comprehensive beliefs into cooperation and negotiation. Williams denies that the involvement of religious groups in statutory–voluntary cooperation is selling the pass to fundamentalism. He calls the process of dialogue 'changing the imaginative landscape by witnessing to values and visions'.[75] This expresses in a subtly different way the conclusions that Rawls reaches. In brief, Williams differs from Rawls in that he thinks public reason can be assisted by the role of religion in bringing differing constitutional parties together for a dialogue. However, Williams is reluctant to allow any further participation of religion in public reason, as we have seen in his dialogue above with Richard Harries.

So how should public argument over political and social virtue be carried on, according to Williams? Let me refer to two further lectures by him. In the first, commemorating the political theologian David Nicholls and reflecting on the long tradition of pluralism connected with Otto Gierke, Williams sees the place of the state as enabling by its existence a convergence of comprehensive doctrines. He expresses it in this way:

the very idea of the coexistence of moral communities in a complex state could be seen as itself a convergent morality of sorts, and one with a theological underpinning. It is good for first level communities to see their account of the social good set in the context of other such accounts, good for it to have to argue its case, expose itself to the exchanges of the public forum. . . . [W]e can explore the tradition I have been trying to work with here and ask what 'interactive' pluralism would look like, that had thought through what was involved in the state's arbitrative and balancing function in a way which allowed active partnership and exchange between communities themselves and between communities and state authority. I have argued that this is a viable moral definition of the lawful state, profoundly linked with the Christian   certainly the Augustinian Christian   sense of the hopes and limits that can be seen in political life.[76]

In the second lecture, Williams argues against 'the mythology of purely private conviction and public neutrality' in favour of a much more positive role for religious groups. He writes that 'specific communities of religious commitment can go a fair way to accepting the common rule of law as enshrining something central for them; but they will inevitably be seeking

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[75] Ibid.
[76] Rowan Williams, 'Law, Power and Peace: Christian Perspectives on Sovereignty', the David Nicholls Memorial Lecture, delivered at the University Church of St Mary the Virgin, Oxford, on Thursday, 29 September 2005, and available at <www.archbishopofcanterbury.org>.

to 'thicken the texture' of law in the continuing process of public argument over political and social virtue'.[77]

In conclusion, Rowan Williams seems to be affirming Rawls's idea of public, political culture, but on his own terms. He argues that there can be a contribution to public reason from the comprehensive doctrines of individuals and communities. Equally he is aware of the need to bring about a dialogue between comprehensive doctrines but always he seeks what he calls (sometimes obscurely) a thickening of the texture of law, a changing of the imaginative landscape by witnessing to values and visions, and a making of connections at a local level. What this means for public reason is never directly articulated, but it is clear that Williams can be read as agreeing with Rawls's own conceptualization set out in *Political Liberalism*. There remains for Williams a great divide between the place of comprehensive doctrines in the background culture and the expression of public reason in the public forum. Implicitly Williams disagrees with some bishops in his own church by not seeking to have a prominent place for religion in the legislature.

7. CONCLUSION

The debate on the relationship of Rawlsian liberalism to religion is an intense one.[78] Rawls clearly offers a public place to 'reasonable' comprehensive doctrines, so long as the proviso is met. However, the participation by Anglican religious leaders in English political life does not violate Rawlsian principles per se, unless the existence of the establishment by its very nature does so. Riordan shows how Rawls is happy to include comprehensive doctrines in public, political discussion, and George seeks to widen the concept of public reason to include natural law.

So long as the condition of reciprocity is met, Rawls's own requirements for public reason are satisfied. Insole and Gill present a case that allows for translation between theological and secular language, although I have doubts as to how much the conservatism cited by Insole remains part of English

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[77] Rowan Williams, 'Convictions, Loyalties and the Secular State', the Chatham Lecture, delivered at Trinity College, Oxford, on Friday, 29 October 2004, and available at <www.archbishopofcanterbury.org>.

[78] For two opposite opinions see T. M. Scanlon in 'Rawls on Justification', in S. Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), who defends Rawls's position; and Timothy Shah, 'Making the Christian World Safe for Liberalism: From Grotius to Rawls', in David Marquand and Ronald Nettler (eds.), *Religion and Democracy* (Oxford: Blackwell, 2000), who attacks it.

political discourse in the face of neo-liberalism. The examples of the Bishops of Lincoln and Oxford show just how much religious and secular discourse can be blended together within the legislature in a way that can be accepted by their colleagues, and without espousing an exclusivist Christian position. Archbishop Williams has a rather different viewpoint, but his understanding of the place of religion in the discourse of public, political life amplifies Rawls's own understanding of the world between the background culture and public reason. The English example may be very particular, and it may not survive for many more decades, but as a case study it shows how the holders of comprehensive doctrines can participate fully both in public, political life and in public reason in a way that is beneficial to society as a whole. There are many reasons why theologians have disagreed with a central place for religion in public life, especially in the legislature. Nevertheless the example of Anglican bishops in the legislature shows that Rawlsian accounts of public reason can be combined with religious participation, in ways that enrich both.

11

Religion, Rhetoric, and Running for Office

Public Reason on the US Campaign Trail

Brian Stiltner and Steven Michels

It is common, almost expected, for candidates for office in the United States to affirm their religious identity and to employ broad religious themes in support of their political agendas. During a campaign, candidates have to withstand the scrutiny of church leaders, religious organizations, and advocacy groups with religious and moral agendas. And on election day, they have to face an electorate, nearly two-thirds of which claim religion as important in their lives.[1] Not surprisingly, it is the rare candidate, particularly for the Senate or the presidency, who completely eschews religious language.

Many American politicians, especially those associated with the 'Religious Right', use explicitly Christian language, and a vast majority employ the tropes of America's civil religion, such as 'God bless America'. Democrats who wish to run competitively for national office have found it useful in the past few election cycles to get more comfortable with religion. More prominent Democrats are using religious rhetoric and explicitly Christian language than at any time in recent memory, and the Democratic Party has made a point of recruiting candidates who are culturally moderate-to-conservative and more willing to speak religiously.[2]

[1] Frank Newport, 'Religious Intensity Predicts Support for McCain', Gallup, 8 July 2008, <http://www.gallup.com/poll/108688/Religious Intensity Predicts Support McCain.aspx>.

[2] Amy Sullivan, *The Party Faithful: How and Why the Democrats are Closing the God Gap* (New York: Scribner, 2008).

Some Americans are distinctly uncomfortable with this. In the past few years, books that are highly critical of religion—and not only of the Religious Right—have been best-sellers in the USA. Richard Dawkins, Christopher Hitchens, and Sam Harris argue that religious belief has no intellectual credibility, and that religion, in Hitchens's words, 'poisons everything'.[3] Other Americans seek to increase the presence of religion in public life; and even though some partisan pastors were a source of embarrassment for candidates running for president in 2008, Americans by and large still expect their politicians to be people of faith. A Pew Forum poll found that 63 per cent of Americans would be *less likely* to vote for a candidate who does not believe in God, while only 4 per cent would prefer that. More specifically, 39 per cent would be more likely to support a Christian candidate.[4] Hence while Americans firmly embrace the 'separation of church and state', they differ about—and are sometimes confused about—the precise nature of it.

In this heady mix of talk about church and state; religion and politics; right, left, and centre; many fear that American public life has become balkanized and that a sense of the common good has been lost. It is a matter for debate, both popular and scholarly, whether this is really true. It is also a matter for debate—and for our investigation in this chapter—whether the use of religious rhetoric and concepts in the context of political campaigning is a benefit or harm to public life.

1. PUBLIC REASON AND POLITICAL CAMPAIGNING

Objections to religious rhetoric have been put on the table by advocates of public reason, of whom John Rawls is one. Rawls's political liberalism has generally been taken, by supporters and critics alike, as supporting a sharp separation of political life from particular views of the good, whether religious or not. In Rawls's view, all modern democracies are marked by permanent moral pluralism. Thus, the great political need for these societies is for their members to be able to agree on basic political structures. Citizens can come to such agreement only if certain conditions obtain. Chief among these is the

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[3] This phrase is from the subtitle of Hitchens's book *God is Not Great: How Religion Poisons Everything* (New York: Hachette Book Group, 2007). See also Richard Dawkins, *The God Delusion* (Boston: Houghton Mifflin, 2006) and Sam Harris, *The End of Faith* (New York: Norton, 2004).

[4] 'Religion in Campaign '08: Clinton and Giuliani Seen as Not Highly Religious; Romney's Religion Raises Concerns', *Pew Forum on Religion and Public Life*, 6 September 2007, <http://pewforum.org/surveys/campaign08/>, 2.

requirement that each person debate in terms that others can understand. This condition therefore asks that all citizens exercise care to justify their political positions and actions in terms that others can see as rational and reasonable. As Rawls writes: 'The point of the ideal of public reason is that citizens are to conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse and each is, in good faith, prepared to defend that conception so understood.'[5] Public reason straight-forwardly entails that political debate, at least on 'constitutional essentials', avoid any appeal to religious or other comprehensive moral values.[6] Rawls specifically distinguishes three parts of the 'public political forum' to which the idea of public reason applies: judges, elected officials, and 'the discourse of candidates for public office and their campaign managers, especially in their public oratory, party platforms, and political statements'.[7] The ideal 'does not apply to our personal deliberations and reflections about political questions', but it 'does hold for citizens when they engage in political advocacy in the public forum. . . . It holds equally for how citizens are to vote in elections when constitutional essentials and matters of basic justice are at stake.'[8]

Many of Rawls's critics counter that the ideal of public reason and the political principles that support it either unnecessarily or unjustifiably ex-clude the possibility of religious believers giving expression to their beliefs in the public sphere. For instance, Stephen Carter discerns a general problem when contemporary philosophical liberals propose rules to govern political discourse. These rules 'are constructed in such a way that requires some members of society to remake themselves before they are allowed to press policy arguments. To suppose that this remaking is desirable—to say nothing of its being possible—reinforces the vision of religion as an arbitrary and essentially unimportant factor in the makeup of one's personality.'[9] It has also been charged that many versions of the standard of public reason fail to give room for the constructive and transformative role of religious vision and ethical ideals in political debate.

However, these charges seem overblown: is there anyone actually policing the public square in such a way that some people have not been 'allowed to press policy arguments'? In fact, the public square has been open to any and

[5] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 226.

[6] Ibid. 227 30.

[7] John Rawls, 'The Idea of Public Reason Revisited', in id., *Collected Papers*, ed. Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999), 575.

[8] Rawls, *Political Liberalism*, 215.

[9] Steven L. Carter, *The Culture of Disbelief* (New York: Basic Books, 1993), 56.

all voices; and even if the mainstream media filter out third-party candidates and less popular opinions, the rise of the internet has broadened public discussion considerably. It should be remembered that public reason is an ethic of citizenship, as Rawls himself says in his chapter on public reason in *Political Liberalism*: to speak and act on the basis of public reason is a 'duty of civility'.[10] There is no question here of forcing people not to say what they think; yet this aspect of Rawls's argument has not always been given due attention by critics who focus on what the standard of public reason would deem unreasonable and therefore exclude. Comparing many proposals about the nature of public political advocacy, Kent Greenawalt uses the term 'self-restraint' to identify what they have in common: they are all versions of an ethic for citizens in a liberal polity, an ethic that citizens are expected to endorse on their own grounds and according to which they will *voluntarily* forbear from using in political discussion certain personal reasons (religious, moral, or cultural) for positions they hold and advocate.[11]

Critics observe that this is not the way people really think and act. Some liberal theorists, however, seem to want to reach into the conscience of citizens and stipulate (again, as an ideal) that they should be motivated by secular reasons when advocating positions on matters of basic justice. Thus, Robert Audi frames not only a principle of 'secular rationale' but a principle of 'secular motivation': the latter means that 'one has a (prima facie) obligation to abstain from advocacy or support of a law or public policy that restricts human conduct, unless one is sufficiently motivated by (normatively) adequate secular reason'.[12] Nicholas Wolterstorff replies that the problem with this account is that 'either the religious person almost automatically has secular reasons along with religious reasons for his political positions, or it is going to be very difficult for him to acquire those reasons'.[13] Wolterstorff means that either people already have a number of motivating reasons for their political positions, not all of them explicitly religious—in which case Audi's principle is redundant—or people would have to be able to articulate rationales in terms of secular (philosophical) theories and be motivated by those rationales, which is far too high a bar to set. Human psychology and the political world simply do not work that way.

[10] Rawls, *Political Liberalism*, 217.

[11] Kent Greenawalt, *Private Choices and Public Reasons* (New York: Oxford University Press, 1995).

[12] Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Md.: Rowman & Littlefield, 1997), 28 9. This book is a dialogue between the two authors, with two chapters by Wolterstorff and three by Audi.

[13] Ibid. 163.

Commentators differ on whether Audi's approach is more or less restrictive than Rawls's,[14] but both Audi and Rawls backpedal in subsequent writings as they try to make their accounts of public reason comport with reality. Rawls, for instance, when he revisited the ideal of public reason a few years after first proposing it, specified that citizens could support political policies with language from religious and other reasonable comprehensive doctrines, subject to the proviso that they eventually translate that support into the terms of public reason and political justice.[15] Audi, responding to Wolterstorff's criticism that his principles are too stringent, stressed his low-flying expectation for citizens when they give political reasons in public (that they 'have and be willing to offer at least one secular reason'[16]) and emphasized the practical nature of his approach: 'I take it to be largely a matter of practical wisdom what reasons to bring to public political debate, though I note that using religious reasons may be highly divisive.'[17]

We believe that a practice of public reason as an ethic of citizenship is valuable in a liberal democracy. To give publicly accessible reasons is to show respect for fellow citizens whose fundamental beliefs differ from one's own. To give such reasons in part to make a more effective argument in a pluralistic forum is to be prudent. However, we differ from Rawls and Audi because we do not think that non-public reasons, including ones framed in religious language, can be excised from political debate without loss. As citizens put forward their views concerning public issues, it is less important to fit these views into a terminology that theorists deem reasonable than to make their ideas intelligible to their fellow citizens.[18] When the goal of public discourse is intelligibility, citizens and institutions can draw upon a wide array of strategies for building coalitions and persuading their fellow citizens; such strategies might include employing religious rhetoric. Audi is correct that deciding how to speak and what to say in political debate is a matter of practical wisdom. We propose that a Rawlsian or Audian theory of public reason could be successfully revised to be more open to religious rhetoric by focusing more on virtuous practice than on rules for reason giving and by being more

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[14] Phillip L. Quinn, 'Political Liberalisms and their Exclusions of the Religious', in Paul J. Weithman (ed.), *Religion and Contemporary Liberalism* (South Bend, Ind.: University of Notre Dame Press, 1997), 138 61.

[15] Rawls first described the proviso in the introduction to the paperback edition of *Political Liberalism*, and then developed it in 'The Idea of Public Reason Revisited' in *Collected Papers*, 591 4.

[16] Audi and Wolterstorff, *Religion in the Public Square*, 123.

[17] Ibid. 135.

[18] On public reason and the duty of intelligibility, see Brian Stiltner, *Religion and the Common Good* (Lanham, Md.: Rowman & Littlefield, 1999), 63 5.

cognizant of the realities of the political process. Whenever we affirm the use of public reason in the rest of the chapter, we are indicating a broader, a more 'inclusive' (to use Rawls's word) use of public reason—one in which religious language might have a helpful place.

Our task in this chapter is not to develop the theory, but to reflect on the demands of practical wisdom through case studies. Theorists should consider *how* citizens, elected officials, and religious leaders actually give reasons, and with what effect. This is what we shall do in the present chapter, focusing especially on campaigning and elections—a topic that has received relatively scant attention in the literature on public reason. Such a focus points to three dimensions of the debate that need more attention. The first is the blending of the 'public political forum' and the 'background civic culture'. Rawls distinguishes these two fora sharply in theory, and presumably also in practice. This distinction is the source of his caveats that his ideal is not so restrictive after all; for it is in the background culture that religious rhetoric may flourish.[19] But critics of Rawlsian public reason see these two fora as mingled throughout public life. There is hardly a place, even the Supreme Court, that is not influenced by all the ideas and values that Americans hold. To focus on campaigning reminds us how mingled these fora are.

Second, the debate over public reason lays bare assumptions about the nature of political discussion. Advocates of public reason seek to rule some kinds of reasons out, and to downplay or marginalize others, for the sake of securing political consensus and legitimacy. Rawls and Audi conceive of political dialogue as a discussion that would lead to an agreement that every citizen could, in principle, join. Critics of public reason see these constraints as either unfair or unrealistic or both. Some would say that political discussion is by its very nature messy and that it is never the case that we have consensus in a large, pluralistic society. As Wolterstorff says, 'We must learn to live with a politics of multiple communities.'[20]

Third, the electoral process draws attention to the significance of a politician's personality, character, and vision. Rawls's ideal of public reason focuses on the rationales for policies that will result from political deliberation. When candidates campaign, however, they are really trying to sell themselves as a complete package to the voters. Voters certainly consider the policies a candidate might advance in office, but they also take into account many other factors, such as a candidate's leadership style, temperament, and moral

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[19] In addition to the texts already cited, see Rawls's interview with *Commonweal* magazine (*Collected Papers*, 616 22) in which he denies that his theory of public reason favours secularism or keeps religious arguments out of political debates.

[20] Audi and Wolterstorff, *Religion in the Public Square*, 109.

character. A large majority of American voters find moral values important, and most mean by this that they are concerned with candidates' characters.[21] Though Rawls would not forbid weighing such considerations, he does not acknowledge enough their powerful role in the political process. Precisely what might seem irrelevant in a discussion of public policy is relevant if the candidate who will advance a policy has to get into office first. The relevance is descriptive: we are not saying that the significance of character means that religious rhetoric *should* be used in campaigning, but it shows why conservatives have often been electorally successful when making overt appeals to religious values and why liberals have started doing the same.

We proceed, then, to some case studies from the US presidential campaign of 2008 with an eye for these characteristics of the electoral process. We will summarize our understanding of how each candidate presented a religious identity in public via rhetoric and action, and how he or she addressed controversial issues having to do with religious values or religious segments of the electorate. What we are seeking in each study is to see whether it makes sense for candidates to practise an explicit standard of self-restraint concerning religion. We will also consider whether discussion of religion benefits or harms the public.

2. BARACK OBAMA: RELIGION IN THE SERVICE OF A MORE PERFECT UNION?

To become the first African American candidate to win a major party nomination for president, Barack Obama had to prevail over a rather strong field of Democratic contenders, including the early front-runner Hillary Rodham Clinton. Obama is known for his ability to electrify stadium-sized crowds with his stirring rhetoric. But what are we to make of his religious persona and the language he has used in fashioning his 'new kind of politics'?

From Obama's earliest moments in the national political arena, it was notable that he addressed religion in an explicit manner that has not been common among Democratic candidates for national office, especially non-southerners. In his speech at the Democratic convention, for instance, he put forth the notion that religious faith is not a source of cultural division: 'The pundits . . . like to slice and dice our country into red states and blue states:

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[21] 'The Words "Moral Values" Mean Very Different Things to the Public and to Pundits', Harris Poll, 9 January 2008, <http://www.harrisinteractive.com/harris poll/index. asp?PID=856>.

red states for Republicans, blue states for Democrats. But I've got news for them, too. We worship an awesome God in the blue states . . . and, yes, we've got some gay friends in the red states.'[22] Here and elsewhere Obama has displayed a clear and consistent refusal to take part in the culture war over 'God, guns, and gays'.[23] But more important has been his recognition that progressives can and should approach matters of faith and morals unapologetically.

This proposition was most forcefully articulated in his address of June 2006 to the 'Call to Renewal' conference sponsored by Sojourners, a politically progressive Christian organization. Obama's campaign website identified this speech as his most important pronouncement on the issue of religion and faith. In it, he spoke in a rather personal tone about his conversion to Christianity: 'It came about as a choice, and not an epiphany. I didn't fall out in church. The questions I had didn't magically disappear. But kneeling beneath that cross on the South Side, I felt that I heard God's spirit beckoning me. I submitted myself to His will, and dedicated myself to discovering His truth.'[24] This is rarefied air for a liberal Democrat. More than just explaining to the public that he is a person of faith, however, Obama has attempted to downplay the uniqueness of his biography: 'The path I travelled has been shared by millions upon millions of Americans—evangelicals, Catholics, Protestants, Jews and Muslims alike; some since birth, others at a turning point in their lives. It is not something they set apart from the rest of their beliefs and values. In fact, it is often what drives them.'

The fundamental problem with liberals and progressives, Obama alleges, is not that they are secularists; they are not in need of a religious awakening. What they need is to stop shying away from using a rhetoric that reflects their values: 'This is why, if we truly hope to speak to people where they're at—to communicate our hopes and values in a way that's relevant to their own—we cannot abandon the field of religious discourse.' Conservatives have cornered the market on values, as it were, not because they are more moral people, but because they are better at presenting their policies in a way that is consistent

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[22] Barack Obama, 'Keynote Address at the 2004 Democratic National Convention', 27 July 2004, <http://www.barackobama.com/2004/07/27/keynote address at the 2004 de.php>.

[23] This phrase, meant to describe the United States as riven by a culture war over moral values, was often used in journalistic and internet commentary on the 2004 presidential election.

[24] Barack Obama, 'Call to Renewal Keynote Address', 28 June 2006, <http://www.barackobama.com/2006/06/28/call to renewal keynote address.php>. Several quotations from this speech in the remainder of this section will be obvious from the context, so the citation will not be repeated. Many of the concepts and anecdotes from this speech are incorporated in Obama's chapter 'Faith' in his book *The Audacity of Hope* (New York: Crown Publishers, 2006), 195 226.

found that over a tenth of the population thought that Obama is a Muslim, despite his efforts to introduce and reintroduce himself to voters.[27] It would seem that the average American voter should have known more about him, if for no other reason than that he took a great deal of criticism for his association with the radicalism of the Revd Jeremiah Wright of the Trinity United Church of Christ in Chicago. In February 2007, video clips from some of Wright's sermons began circulating on the internet and then in mainstream media. The clips highlighted his harsh invectives against powerful structures in the USA—sometimes targeting the Bush administration, the government, the economy, or the social status quo—for purveying such injustices as the Iraq war, racism, and poverty. Those supporting Wright, and those wanting to minimize the public-relations damage to Obama, explained that the clips were taken out of context; that Wright's provocative style of preaching is common in African American churches; and that his bold language stands in the tradition of prophetic criticism of society starting with the biblical prophets.[28] Obama himself made such arguments, notably in a major speech in Philadelphia on 18 March 2008.[29] In this speech, he continued to distance himself from the clips; he affirmed the basic decency of Wright's character despite his flaws; and he explained that he and his family remained at Trinity because a church is much more than its pastor. He tried to leverage the embarrassing incident into an opportunity for the country to talk about race relations frankly in its quest to become 'a more perfect union'. Many pundits thought that Obama had effectively laid the controversy to rest with this speech, but it flared up again when Wright spouted his radical ideas at the National Press Club and after a visiting Catholic priest preached outrageously against Hillary Clinton from Trinity's pulpit. These incidents led Obama to terminate his membership of the church. This episode hurt Obama's reputation with some of the electorate and helped feed some voters' opinions that he is too liberal or that he secretly harbours racial resentment against white Americans.[30]

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[27] For example, a June 2008 survey found that 12% of those polled thought Obama was Muslim, 25% did not know what his religion was, and 1% ventured that he was Jewish ('Voter Attitudes Survey', Pew Research Center for the People and the Press, June 2008, <http://people press.org/reports/questionnaires/436.pdf>, 80).

[28] The commentary on the Wright controversy is enormous. For a representative argument that Obama's association with Trinity reflects badly on Obama, see Cinque Henderson, 'Maybe We Can't: The Black Case for Obama Skepticism', *New Republic*, 28 May 2008, 16 18. For a representative argument of the opposite view, see E. J. Dionne, Jr., 'Full Faith: Despite Jeremiah Wright, Obama Gets Religion', *New Republic*, 9 April 2008, 23 4.

[29] Barack Obama, 'A More Perfect Union', 18 March 2008, <www.barackobama.com/2008/03/18/remarks of senator barack obam 53.php.>.

[30] Susan Page, 'Poll: Flap over Pastor Hurts Obama', *USA Today*, 6 May 2008, <http://www.usatoday.com/news/politics/election2008/2008 05 04 obama N.htm>.

That was unfortunate for Obama, and not only because he wanted to win the election. Many times over he asserted his desire to move beyond the stale divisions of the past, and he organized his campaign at the grass roots to reflect that view. Beyond his campaign strategy his very strategy for government depends in part on his ability to foster a constructive public conversation. For this reason, when it comes to religion, Obama articulates principles for productive dialogue. In the 'Call to Renewal' speech, he said: 'Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values. It requires that their proposals be subject to argument, and amenable to reason. I may be opposed to abortion for religious reasons, but if I seek to pass a law banning the practice, I cannot simply point to the teachings of my church or evoke God's will. I have to explain why abortion violates some principle that is accessible to people of all faiths, including those with no faith at all.' This might seem to be a recommendation for self-restraint, but it is basically the same as Rawls's proviso, with three substantive differences. First, his principle of public reason comes in the context of a much more positive exposition of religion's public role. Second, he acknowledges that the regnant concept of public reason has at times been presented as a rebuff to believers, a view more akin to Steven Carter than to John Rawls. Finally, Obama concludes with an appeal for 'a sense of proportion' that applies to religious believers and secularists alike. For religious believers, this means accepting that some of their culturally specific beliefs have to be accommodated to modern life, or at least cannot be legislated onto a hostile majority.

Obama spends much of his 'Call to Renewal' speech laying out principles for the healthy role of religion in American public life. One major thrust of his address hits the key themes of the recent progressive-religious agenda: progressives should address matters of faith and morals, religion should not be used as a political wedge, and religion is an inspiration for action on behalf of social justice. As a political progressive who is a person of faith, and who values the role of churches in community organizing and social reform, Obama thinks it a mistake to leave the field of values discourse to the Religious Right. His proposal about the role of religion in public life satisfies the intelligibility requirements of public reason, and it would substantially broaden the nature of political discourse by having progressives act and speak more explicitly from a foundation of faith. His overall approach to religion in public life no doubt played a role in his victory; he was helped, for instance, by mobilizing religious progressives and winning over some religious moderates. His philosophy of community organizing seems already to be influencing his mode of governing; it will be interesting to see if his philosophy of religious activism does so as well.

3. HILLARY RODHAM CLINTON: THE VALUE
OF A QUIET FAITH?

Hillary Rodham Clinton was narrowly defeated by Obama in her campaign for the Democratic nomination for president in 2008. Despite being a well-known public figure, as First Lady during the 1990s and senator from New York since 2001, Clinton found it necessary during the spirited and drawn-out primary campaign to reintroduce herself to the voters—to recount her biography and to stress her personal qualities. All candidates have to do this, but in Clinton's case the need was more to undo the negative opinions that some people had formed of her during her long time in the public eye. She also was facing two main contenders (Obama and John Edwards) with strong personal charisma. Given that her campaigning strategy chiefly involved showing a strong personality and a concern for ordinary Americans, one might have expected to see Clinton refer to her Christian faith as a strong component of her character.

And so she did, but not as often or as overtly as Obama or most of the Republicans. Clinton is a lifelong member of the United Methodist Church. The biography on her campaign website gives the following account.

Faith was central to her family. Her mother taught Sunday school, and Hillary was a regular in her church youth group. She was deeply influenced by her youth minister who taught her about 'faith in action'. There were trips to the inner city, babysitting for the children of migrant farm workers, and an extraordinary night when Hillary was fourteen and her youth group went to hear a speech by Martin Luther King Jr.[31]

This is the only mention of her faith on the website. Unlike Obama, she chose not to list 'faith' as a topic under the 'biography' or 'issues' sections of her website. Nor did she make accessible any speeches on the topics of faith and religion. For instance, like Obama, Clinton gave a speech at the 2006 'Call to Renewal' conference. Her speech was covered in the news at the time, but it was not published on either her campaign or Senate website. In her speech, she mentioned the biographical points from her website and spoke to issues of poverty, housing, and hunger. She obliquely chastised political leaders who

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[31] Hillary Clinton website, <http://www.hillaryclinton.com/about/growingup/>, accessed 13 July 2008. Clinton's memoir *Living History* (New York: Simon & Schuster, 2003) expands on this background at 21 3.

lecture about moral values yet fail to help those in need with concrete policies, such as raising the minimum wage.[32]

Another notable instance of her speaking about faith was a year later in a televised forum in June 2007 sponsored by CNN and Sojourners. Clinton was asked about her personal faith, what she prays for, and how she had dealt with Bill Clinton's infidelity. She was also asked about her vote for the Iraq war, about abortion, and about individualism. In response to the moderator's comment that there are not many speeches or interviews in which she talks about her faith, Clinton said, 'I take my faith very seriously and very personally. And I come from a tradition that is perhaps a little too suspicious of people who wear their faith on their sleeves.'[33] This last line, which garnered applause from the sympathetic audience, was a way for Clinton to explain her reserve when talking about her personal faith as well as to criticize the hypocrisy of the Religious Right. Clinton said that faith was always a crucial support to her during difficult moments, such as the time when her husband's infidelity with Monica Lewinsky was revealed. Clinton said she relied on her 'extended faith family, people whom I knew who were literally praying for me in prayer chains, who were prayer warriors for me, and people whom I didn't know' who were doing the same.[34] Faith gave her 'the courage and the strength to do what I thought was right, regardless of what the world thought'.

The public seemed to agree with Clinton's self-assessment of her religious privacy: a September 2007 poll by the Pew Forum found that respondents judged her to be the least religious of the Democratic candidates. For those offering an opinion about how religious the various candidates are, only 16 per cent saw Clinton as 'very religious' and 53 per cent saw her as 'somewhat religious'. These results were akin to the two lowest scorers among the Republicans (Rudy Giuliani was seen as 'very religious' by 14 per cent and Fred Thompson by 16 per cent), but Clinton's being seen as 'not very' or 'not

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[32] Mark Preston, 'Hillary Clinton Talks Religion', CNN, 29 June 2006, <http://edition.cnn.com/2006/POLITICS/06/29/mg.thy/>.

[33] 'Democrats at the Sojourners Forum', *New York Times*, 4 June 2007, <http://www.nytimes.com/2007/06/04/us/politics/04text dems.html>. The remaining quotations in this paragraph are from the same source.

[34] Clinton's mention of 'extended faith family', 'prayer chains', and 'prayer warriors' suggested her connection to a 'publicity shy network of mostly evangelical elites in government, military, and business known to the world as The Fellowship and to its adherents as The Family'. According to Jeff Sharlet, The Family's philosophy is that God anoints key elites to carry out his plans for the benefit of the masses. 'It's a trickle down religion, classical political paternalism' and 'a faith in things as they are'. It would take us too far afield to explore this little reported connection of Clinton's, but Sharlet's report strikes us as consistent with Clinton's political attitudes. See Jeff Sharlet, 'Family Ties', *New Republic*, 28 May 2008, 18 19, and *The Family: The Secret Fundamentalism at the Heart of American Power* (New York: HarperCollins, 2008).

at all religious' by 31 per cent of respondents was the highest mark for any of the seven Democratic and Republican candidates named.[35] This is not to say that Clinton faced special trouble on this account. Nine in ten Democrats saw her as very or somewhat religious, and respondents who see a candidate as religious tend to have a positive view of the candidate.[36] In addition, Democrats and independents were less concerned that a president has a strong religious faith than were Republicans (26 per cent and 23 per cent against 44 per cent, respectively).[37] Thus, there is no evidence that Clinton was disadvantaged among primary voters because of her comparatively quieter religiosity.

Indeed, religion did not become a problem for Clinton during the campaign, for at least two reasons. First, Obama's controversies around religion drew attention away from Clinton on the issue. Second, the main problem posed to Clinton by religion would have been during the general election campaign, namely, the possible reluctance of evangelicals and Catholics to vote for her. Some of their distaste would have been personal: she retained high negative popularity ratings going all the way back to 1992. Some of Clinton's policy positions—particularly being staunchly pro-choice on abortion—would have driven away conservative and some moderate voters in the general election; yet that is a position that all the Democratic candidates held and it would have driven away the same voters from all of them. Clinton did not have a religion problem in the primary season, but she would have probably had the same type of religion problem that has faced most Democratic presidential candidates since 1980: the activism of conservative churches and religious movements and the voting fluctuations of the 'Reagan Democrats'.

So it seems that Clinton's restraint in speaking about her religious views was largely personal. Given Americans' expectations of political religiosity and the attempt of the Democratic party to be more comfortable with religion, perhaps Clinton might have been forcing herself to be more overt than she wanted to be; yet this does not mean that she presented a false persona, only that she tried to show in public a side of herself that takes religion 'very seriously and very personally'. Presumably, she shared just as much of her personal religious beliefs as she thought was true to herself and relevant to voters. She communicated that she is a religious person, whose faith informs her sense of social justice while guiding and sustaining her, especially during the difficult times in her public life. Furthermore, Clinton spoke about faith in a way that suggested she honoured this important facet of

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[35] 'Religion in Campaign '08', 2.   [36] Ibid. 6.   [37] Ibid. 4.

most Americans' lives. At the same time, she did not take any risks. Her use of religious rhetoric was mainly a testimony to her character. She did not stake out new territory in the public discussion of religion and politics, nor did she map out a specific role for religious voters and groups in public life.

4. JOHN McCAIN: CAN THE 'STRAIGHT-TALKER' SURVIVE THE REPUBLICAN BASE?

John McCain, a Republican senator from Arizona since 1986, ran unsuccessfully for president in 2000 and secured the Republican nomination in 2008. He was raised an Episcopalian, but for the fifteen years prior to the 2008 election campaign he had attended a Southern Baptist megachurch in Phoenix. His pastor, Dan Yeary, was described in a news profile as 'a folksy patriotic Southern Baptist who opposes abortion and believes homosexuality to be a biblical sin, but says Christians have an obligation to love such sinners'.[38] Yeary and his church are thus squarely in the mainstream of Christian evangelicalism, which itself is right in the mainstream of contemporary Republican politics.

Yet unlike many Republicans running for president in recent years, McCain was not one to broadcast his faith. Many news articles noted McCain's reticence about religion. 'He has not been baptized and rarely talks of his faith in anything but the broadest terms or as it relates to how it enabled him to survive five-and-a-half years in captivity as a prisoner-of-war. In this way, McCain, 71, is a throwback to an earlier generation, when such personal matters were kept personal. To talk of Jesus Christ in the comfortable, matter-of-fact fashion of the past two baby-boom-era presidents would be unthinkable.'[39] One moment in the campaign when McCain revealed a bit of himself was an interview on the website Beliefnet. When the questions turned to his personal faith, McCain said, 'I pray every day. I ask for guidance. I ask for strength. I don't ask for personal success. I think it's wrong. . . . So, it's a very important part of my life. But, I cannot tell you that I've ever had a revelation from God—it's been kind of plotting [*sic*]. I pray, I receive comfort, I think I receive guidance, I know I receive guidance and I pray and it's, you know, it's

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[38] Ed Stoddard, 'McCain's Pastor a Sharp Contrast to Obama's', Reuters, 22 March 2008, <http://www.reuters.com/article/politicsNews/idUSN2043191420080322>.

[39] Jonathan Martin, 'McCain Shies Away from Religion Talk', *Politico*, 3 April 2008, <http://www.politico.com/news/stories/0408/9361.html>.

not a spectacular kind of thing.'[40] This sounds a note similar to Hillary Clinton: faith is important to me, and I do not make a big deal of it. The symbolism of 'faith' that links patriotism and religious belief is central to McCain's self-understanding. He entitled his war memoir *Faith of My Fathers*,[41] and in the Beliefnet interview he spoke eloquently of his service as informal chaplain among his fellow POWs in Vietnam: 'I would like to tell you that I was selected to be room chaplain because I had an abundance of religiosity. . . . I think that there were better men than I, better Christians than I in that room. But I loved it. . . . When I was in prison, I told my fellow prisoners, don't pray to go home. Pray to go home with honor, if it be God's will, not just under any circumstances.'

During his quest for the nomination in 2000, McCain garnered a reputation as a maverick and 'straight-talker'. On several issues—including maintaining troops in Iraq, campaign finance reform, and immigration policy—McCain was unambiguous and unaffected by the opposition to his sometimes minority opinions, even when it came from his fellow Republicans. For this reason, McCain enjoyed a strong appeal with moderate Republicans and independents in both the 2000 and 2008 campaigns. In the 2000 campaign, his direct approach also applied to his rhetoric on religion. He famously called Religious Right leaders Jerry Falwell and Pat Robertson 'agents of intolerance' for criticizing him so strongly.[42] It was McCain's ambiguous position on various cultural issues, but especially the legal status of abortion, that provoked their ire. Early in the primary campaign, McCain told the *San Francisco Chronicle*, 'I'd love to see a point where it [*Roe* v. *Wade*, the 1973 Supreme Court case legalizing most abortions] is irrelevant, and could be repealed because abortion is no longer necessary. But certainly in the short term, or even the long term, I would not support repeal of *Roe vs. Wade*, which would then force X number of women in America to [undergo] illegal and dangerous operations.'[43] In response to outcries from conservatives, McCain's campaign released statements explaining that he did indeed seek the reversal of *Roe*; but the damage was done already among many Religious Right leaders and anti-abortion activists. Even McCain's supporters found his statements

[40] Interview with Dan Gilgoff, 'John McCain: Constitution Established a "Christian Nation"', Beliefnet, September 2007, <http://www.beliefnet.com/story/220/story 22001 1.html>. Several quotations from this interview in the remainder of this section will be obvious from the context, so the citation will not be repeated.

[41] John McCain with Mark Salter, *Faith of My Fathers* (New York: Random House, 1999).

[42] McCain used the phrase in a speech on the eve of the Virginia Republican primary, in response to a Robertson's organized campaign of anti McCain telephone calls to voters. See 'Sen. John McCain Attacks Pat Robertson, Jerry Falwell, Republican Establishment as Harming GOP Ideals', CNN, 29 February 2000, <http://transcripts.cnn.com/TRANSCRIPTS/0002/28/se.01.html>.

[43] Terry M. Neal, 'McCain Softens Abortion Stand', *Washington Post*, 24 August 1999, A4.

perplexing. Cyndi Mosteller, an anti-abortion activist and consultant for McCain, was at pains to defend him: 'I think the comments are somewhat confusing, and I think Senator McCain regrets them also.'[44]

For the 2008 contest, McCain made a more concerted effort to appeal to the Republican base. For example, he refashioned his earlier comments to emphasize a desire to see *Roe* overturned, to the point of supporting a constitutional amendment making abortion illegal except in cases of rape, incest, or to protect the life of the mother.[45] He repeatedly promised to appoint conservative judges to the courts. He appeared on a platform with, and accepted the endorsement of, Pastor John Hagee, an influential but venomous 'televangelist'. Liberals hoped this story would generate as much controversy for McCain as the Revd Wright did for Obama, but that did not turn out to be the case.[46] In the Beliefnet interview, McCain said that the Constitution set up a 'Christian nation' and expressed his preference that a president be Christian. Evangelical leaders nonetheless remained wary of McCain. Richard Land, a leader in the Southern Baptist Convention, said in early 2007, 'The problem with McCain, and I don't know how he fixes it, is that he's so unpredictable. What makes him appealing to independents makes him worrisome to social conservatives. . . . People don't like unpredictability in their candidates.'[47] One way that McCain partly fixed the problem was by being the last Republican standing from the primary season. That reality may have begun to thaw the Religious Right's icy relationship with him in the summer of 2008, but how far this went is uncertain: evangelical leaders started to come around to supporting McCain, even as many evangelical voters in key swing states remained unconvinced.[48] Similarly, even as McCain's selection of Alaska governor Sarah Palin for his running mate thrilled social conservatives, it weakened his support among Democrats.[49]

McCain might well feel that he has not got due credit for trying to put together a package of religion and politics that was both nuanced and tolerant. He did not have Obama's felicity of speaking about Christianity

[44] Neal, 'McCain Softens Abortion Stand'.

[45] Jim Davenport, 'McCain: Legalized Abortion Should Be Overturned', *Associated Press*, 19 February 2007.

[46] Glenn Greenwald, 'The McCain/Hagee Story Picks Up Steam', Salon.com, 29 February 2008, <http://www.salon.com/opinion/greenwald/2008/02/29/hagee/#>.

[47] Karen Tumulty, 'How the Right Went Wrong', *Time*, 26 March 2007, 32.

[48] Ed Stoddard, 'Baptists Reluctantly Embrace "Liberal" McCain', Reuters, 10 June 2008, <http://www.reuters.com/article/vcCandidateFeed4/idUSN0935340120080610>; Mike Glover, 'McCain Hasn't Ignited the Passions of Evangelicals', *My Way News*, 17 July 2008, <http://apnews.myway.com/article/20080717/D91VMU7O0.html>.

[49] Martha T. Moore, 'Poll: Huge Effect of Palin Pick Cuts Both Ways', *USA Today*, 11 September 2008, <http://www.usatoday.com/news/politics/election2008/2008 09 11 veep N. htm>.

active in society in a way that would not worry members of minority religions. Nor did he try to articulate a comprehensive philosophy of religion's role in public life, and so he lacked a blueprint to fall back on. His instincts seemed generous and broad-minded, but he allowed the tropes of the Religious Right to garble his language and perhaps cloud his vision. For instance, in the Beliefnet interview, he was asked what he thought about a recent poll finding that 55 per cent of Americans believe the US Constitution establishes a Christian nation. He responded:

I would probably have to say yes, that the Constitution established the United States of America as a Christian nation. But I say that in the broadest sense. The lady that holds her lamp beside the golden door doesn't say, 'I only welcome Christians.' We welcome the poor, the tired, the huddled masses. But when they come here they know that they are in a nation founded on Christian principles.

This statement about the Constitution establishing a Christian nation became Beliefnet's headline for the interview, and prompted critical reactions from Jewish and Muslim groups.[50] This was only just, for McCain's claim is historically wrong and it is troubling for a contemporary political leader to hold such a model of the church–state relationship. Charitably read, however, the rest of the quotation suggests, first, that he was responding off the top of his head without thinking carefully and, second, that he actually wanted to identify the inspiration behind America's civic culture. His model was different from Obama's, who did not privilege Christianity in the civic culture, but McCain probably wanted to make a similar move to Obama: to use religion-laced language to inspire citizens to civic commitment.

An interesting, specific attempt McCain made in this regard was when he told voters in Michigan that 'we are Judeo-Christian nation'. Taken out of context, the statement sounds like a wink to the Religious Right. Given a little context—that the speech was given at a Christian high school—the quotation sounds even more suspect. Its meaning, however, was that Judaeo-Christian values require Americans to care for the less fortunate, even illegal immigrants. 'There are situations where we have to look at this issue [immigration] from a humane and compassionate fashion. We are a Judeo-Christian valued nation. These are God's children. But also, our first priority has to be our nation's security and that will be my first and foremost priority.'[51] While it is

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[50] 'Groups Criticize McCain for Calling US "Christian Nation"', CNN, 1 October 2007, <http://www.cnn.com/2007/POLITICS/10/01/mccain.christian.nation/index.html>.

[51] Rick Pearson, 'McCain in Michigan: "We are Judeo Christian" Nation', The Swamp (*Baltimore Sun*'s political blog), 14 January 2008, <http://weblogs.baltimoresun.com/news/politics/blog/2008/01/mccain in michigan we are jude.html>.

troubling that McCain did not acknowledge that the American 'we' includes non-Christians, it is refreshing that he challenged the crowd to support a policy that they were uncomfortable supporting (such as a path to citizenship for illegal immigrants), and for moral reasons lodged in their own religious tradition. It is refreshing when Republicans start leveraging their religious rhetoric to nudge their base into facing up to issues other than 'guns and gays'. A similar approach was made by two of the minor Republican candidates, Mike Huckabee and Sam Brownback. Such developments on the political right complemented developments on the political left, for example, as when Democrats described abortion as a moral issue and recognized the potential of faith-based initiatives.

McCain, however, remained throughout his campaign an imperfect vehicle for a rejuvenated conversation on the right. Although he came around to stating a firm position on abortion, he fell into the parallel trap that Obama identified: he gave the typically conservative answer to cultural questions. When McCain challenged the intolerance of Religious Right leaders in 2000 and reached for some moral nuance on abortion in 1999, he was provocative even if not entirely consistent. When he talked about Reinhold Niebuhr in the Beliefnet interview, he revealed a sensitivity about the uncertainties of religious belief (as Dionne claims Obama does). McCain's problem, however, was that he was not a Democrat. His inability to speak to the religious base of his party in 2000 quite possibly cost him the nomination, and his reluctant and awkward attempts to correct this oversight in 2008 created an additional barrier to the presidency. After the election, Republicans began debating whether they had underemphasized or overemphasized cultural and religious issues. The question is far from simple and so the debate must be a searching and nuanced one. It is clear, at a minimum, that it would be a mistake for Republicans to seek a solution to their electoral woes in candidates who are inept at conveying a political vision that appeals broadly to the diverse American populace.

5. MITT ROMNEY: BREAKING THE MORMON BARRIER?

Regarding public reason and the religiosity of political candidates, one of the more interesting figures is Mitt Romney, a businessman and one-term Republican governor of Massachusetts. Romney, a Mormon, did not exactly

catch fire with primary voters, despite an atypical absence of a viable and official religious conservative candidate. A CBS poll taken during the nomination fight concluded that Romney's religion was an issue with voters. To the question 'Do you think that most people would vote for a presidential candidate who is a Mormon, or would not?', 53 per cent answered in the negative. Unfortunately for Romney, the number was almost as high among Republican voters (51 per cent).[52] Although there are roughly three million Mormons living in the United States, being Mormon appears to be a barrier to those seeking national office.

Romney and his advisers seemed to agree. 'I'm not running for pastor-in-chief', Romney proclaimed in February 2007 on ABC's *This Week with George Stephanopoulos*.[53] More telling, perhaps, is that Romney's religious affiliation was not listed on his campaign website. Nor does he mention that he was a former bishop or that he did two and a half years of missionary work on behalf of his church. The closest he came was listing his degree from Brigham Young University, which does not necessarily mean that he is Mormon. Romney's Mormonism was also markedly absent from his announcement speech, which he gave in Dearborn, Michigan—the state of his birth, where his father, George W. Romney, was a three-term governor—in February 2007. 'I believe in God and I believe that every person in this great country, and every person on this grand planet, is a child of God,' Romney said. 'We are all sisters and brothers.'[54] He used a similar line that Sunday in his interview with Stephanopoulos: 'That fundamental belief that we are all brothers and sisters has an enormous impact, I think, on a lot of what we do. But the particular doctrines of a church I don't think are a major part in a political sense.'[55] Romney used overtly Christian language, without naming his particular variant of it.

The questions about his Mormonism eventually became so serious that he attempted to resolve the issue with a substantial speech in December 2007. Even though he dismissed the comparison to Kennedy's 1960 speech on his Catholicism, Romney invoked the former president: 'Almost 50 years ago another candidate from Massachusetts explained that he was an American running for president, not a Catholic running for president. Like him, I am an American running for president. I do not define my candidacy by my religion.

[52] *New York Times*/CBS News Poll, 7 11 March 2007, 32, <http://graphics.nytimes.com/packages/pdf/national/20070313 pollresults.pdf>.

[53] 'Mitt Romney: The Complete Interview', transcript of interview with George Stephanopoulos, ABC News, 18 February 2007, <http://abcnews.go.com/ThisWeek/Politics/Story?id=2885156&page=1>.

[54] 'Romney Opens Bid for White House', BBC News, 13 February 2007, <http://news.bbc.co.uk/2/hi/americas/6358325.stm>.

[55] 'Mitt Romney: The Complete Interview'.

A person should not be elected because of his faith nor should he be rejected because of his faith.'[56] More important, perhaps, was his nod to the separation of church and state and the notion that Christians worship the same God—one who prefers liberal democracy: 'I will take care to separate the affairs of government from any religion, but I will not separate us from "the God who gave us liberty"'.

Echoing Alexis de Tocqueville, Romney credited the lack of an established religion and the tradition of religious tolerance for the strong religious sentiment among Americans: 'I've visited many of the magnificent cathedrals in Europe. They are so inspired . . . so grand . . . so empty. . . . And though you will find many people of strong faith there, the churches themselves seem to be withering away.'[57] On the surface, the speech was a reminder of how church and state can and should remain separate, and how religion should remain relevant in American social life. But the speech was also a cautionary tale for conservatives: If we are not careful, we could become as amoral or nihilistic as the Europeans.

Romney, however, like McCain, gave religious Republicans reasons to be suspicious. While clearly a man of faith, he was also a man who conveniently set his faith aside when he needed to. Romney's public stances on important moral positions, especially abortion, changed—or 'evolved and deepened', as he wrote in a *Boston Globe* editorial in July 2005.[58] 'I am pro-life,' he said. 'I believe that abortion is the wrong choice except in cases of incest, rape, and to save the life of the mother. I wish the people of America agreed, and that the laws of our nation could reflect that view.' In an interesting qualification, Romney was careful not to push his personal beliefs too far into the public square. 'But while the nation remains so divided over abortion, I believe that the states, through the democratic process, should determine their own abortion laws and not have them dictated by judicial mandate.' In other words, he would like to see *Roe* v. *Wade* overturned. This was far removed from his position during his failed 1994 bid to become senator in Massachusetts; then Romney openly supported *Roe,* stating in a debate, 'abortion should be safe and legal in this country'.[59] Similarly, during the 2002 governor's race, Romney met with the Log Cabin Republicans (a pro-gay

rights organization within the party) and later wrote them a letter which said, 'We must make equality for gays and lesbians a mainstream concern.'[60] However, in his presidential run, he no longer supported open homosexuals in the military and did not back a federal law prohibiting discrimination based on sexual orientation.

While polls indicated that Romney's Mormon identity was a problem especially for evangelical voters, the difficulty he had in the primaries was most likely exaggerated by his own rapid political transmutations. In the span of a few short years, he gave voters from all sides legitimate reasons to reject him. Romney was eventually able to speak the language of public reason and religious pluralism, but it was more to explain himself than to embrace others.

6. PUBLIC REASON IN THE LIGHT OF THE CASE STUDIES

To talk about religion and public reason can generate heated arguments. Those who feel strongly about the issue and who are advocates for either a secular or a religious public square see little but surreptitious motives on the other side, and they can find sufficient news stories of partisan excess by the other side to justify their suspicions. The polls of American citizens cited in this chapter, and the rhetoric of major-party candidates for president in our case studies, point toward an interpretation between these extremes: Americans want religion in their public square, but in a way that is tolerant of religious diversity. For instance, very few Americans would make a specific religious identity an absolute qualification that a candidate would have to have to get their vote.[61]

By the same token, the four candidates we have examined all indicated that 'faith' is important to them personally and all made attempts to win certain blocs of religious voters. Indeed, the irony of the changing nature of the political culture in the United States is that the Democrats nominated a man of overt faith, who laces his speeches with the civil-religious tropes of Abraham Lincoln and Martin Luther King and who would expand President Bush's faith-based initiatives, while the Republicans nominated a man who

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[60] Adam Nagourney and David D. Kirkpatrick, 'Romney's Mixed Views on Gay Rights and Marriage Rile Conservatives', *New York Times*, 9 December 2006, A11.

[61] Fox News/Opinion Dynamics Poll, 15 November 2007, 11, <http://www.foxnews.com/story/0,2933,311839,00.html>.

is quite private about his religious beliefs, has little feel for the language and style of evangelicals, and whose political priorities are not those of religious activists.

Our case studies have certainly shown that the 'public political forum' and the 'background civic culture' are blended. Rawls himself suggested the same as he continued to revise his concept of public reason. In both 'The Idea of Public Reason Revisited' and a late interview with *Commonweal*, he invoked Tocqueville's view that the purpose of the separation of church and state was just as much about the protection of religion as it was about protecting the state. Tocqueville 'travelled around this country and talked to a lot of Catholic priests, who were then very much in the minority. When he asked them why they thought religion was so free and flourishing in this country, they told him because of the separation of church and state.'[62] The case studies suggest that Rawls's Tocquevellian instincts were right, and that a positive appreciation of the religious aspects of the background culture should continue to feature in any theory of public reason.

Closely related to this point is the second feature of the debate over public reason: assumptions about the nature of political discussion. Here we side against the Rawlsian and Audian models of political dialogue in their quest for a set of principles that would ensure that everyone can join a common political conversation. Political discussion in a liberal democracy is pluralist, cacophonous, and fluid—it is so in practice and it should be so in principle. A focus on campaigning suggests that it is good to let a thousand flowers bloom when it comes to political rhetoric: an open dialogue assists voters in making fully informed decisions and it often generates new ideas and energies for political action.[63]

The third feature of the electoral process is the significance of a politician's personality, character, and vision. Voters want—and have a right to expect— integrity of candidates for office. The expected norms for political speech should not force candidates to pretend to be what they are not—which suggests that voters, political elites, religious leaders, and the media also have a role in ensuring the integrity of public discourse. Our case studies revealed that candidates' use of religious rhetoric is geared heavily toward making a demonstration of their character and vision and

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[62] Rawls, *Collected Papers*, 621.

[63] Eric Gregory invokes the 'thousand flowers' phrase as well (p. 199) in a fascinating article about Rawls's undergraduate thesis on the topic of Protestant theology ('Before the Original Position: The Neo Orthodox Theology of the Young John Rawls', *Journal of Religious Ethics*, 35/2 (2007), 179 206). Gregory summarizes several of the problems with the ideal of public reason, but also finds Rawls's project to be more theologically astute and morally grounded than some of his critics have allowed.

very little toward making policy arguments. During the primary campaigns, the standard points of controversy in the 'culture wars' got little attention from either party. Economic issues, the war in Iraq, and character qualities mattered more to voters—even in Republican primaries. This suggests that it simply is not necessary for a stringent version of public reason to be asserted as a prior principle, when candidates and voters are evidently able to communicate with more or less civility through the campaigning and voting process.

When it is interpreted in an overly stringent and negative fashion, the ideal of public reason can mislead us. A stringent standard of public reason suggests that the topic of abortion is too personal and too often governed by religious and metaphysical views to count as a legitimate topic for political debate—other than to establish the freedom to procure abortion. Both Obama and Clinton said, in the context of discussing matters of faith and religion, that abortion *is* a moral issue and one that concerns many citizens.[64] Both candidates, while maintaining their pro-choice positions, said that it would be important as president to work with abortion opponents on the common goal of reducing the incidence of abortion. By describing the public's views more accurately, Obama and Clinton expressed a normative approach to public reason that was more moderate. They recognized that though some citizens are opponents of abortion on religious, metaphysical, or other personal grounds, these reasons do not disbar their positions from consideration in the political debate. Oddly, it seems that some Republican candidates had a harder time getting their bearings straight: assuming that Republican primary voters wanted them to exhibit 'values' on abortion and gay marriage, McCain and Romney shifted from their past positions. The connection to character and values is that, on these two moral issues, the candidates suffered for seeming opportunistic.

To discuss religious and moral values presents candidates with more opportunities to misstep; for instance, to reveal a contradiction between their personal belief or practice and their politics. The role of religion presents risks, perhaps especially for Republicans, of alienating religious voters, who are highly motivated and can hold grudges at the voting booth—or stay away on election day. The role of religion presents risks for candidates, perhaps especially for Democrats, to look opportunistic when talking about their faith. But to ignore religious and moral values in political rhetoric is impossible, at least in the United States. So the question has been and remains: how to talk about religion helpfully in the political arena?

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[64] Obama discussed abortion in his 'Call to Renewal' speech and in his chapter 'Faith' in *The Audacity of Hope*, while Clinton discussed it at the Sojourners forum.

7. CONCLUSION: 'A SENSE OF PROPORTION'

Although religious talk can present risks of alienation and opportunism, a good way to avoid those problems is the voting booth. Voters have tended to reject extremism, and so candidates are already motivated to practise the self-restraint that a principle of public reason would recommend. It seems clear that voters know insincerity when they hear it. In the long run, they are likely to find more fault with candidates who seem to be trying to tell people what they think people want to hear than what they really believe. This does not mean that the beliefs of rank-and-file voters always have a healthy effect on politics. The parochial religious views of a significant segment of the American populace no doubt created additional obstacles for candidates Romney and Obama, and it will still be some time before an atheist could have a prayer, as it were, of winning the presidency.

Yet, on balance, our case studies suggest that candidates' religious ideals, rationales, and motivations should be out in public view, if they think them relevant. It is plausible that these views, when expressed, provide relevant information about candidates' characters and their understanding of what is most important in public life. In addition, voters are going to make determinations about these matters whether the candidates talk about them or not. That being the case, candidates would do well to acknowledge and talk about their religious views in order to save themselves from being misunderstood.

Even with Democrats making an attempt to connect to religious voters, it is hard to claim that the 2008 presidential campaign was saturated with religious rhetoric. Candidates practise self-restraint for any number of reasons, including the fact that they are aware of the diversity of the electorate. The four candidates we studied did not violate the basic requirements of Rawlsian public reason in their use of religious language. If anything, Republican candidates found reason to be circumspect in their usage because much of the public had wearied of excessive religiosity. On the Democratic side, Obama argued for the expansion of religious language in public, and then made use of that space. So public reason was being used by candidates on the presidential campaign trail—but in a way that included a modest amount of religious rhetoric. This inclusive way of practising public reason has been a hallmark of American political culture. The way should be kept open for candidates and citizens to use religious language if they feel it is important to do so, assuming they also accept their civil duty to make their views intelligible to others in the public forum.

A helpful way to think about the principle of public reason is that it can be oriented negatively or positively: it can prescribe what people should not do, and it can prescribe what they should do. The negative prescription is that citizens restrain themselves from offering religious (and other culturally and personally specific) reasons for their political views. The positive one is that citizens should be willing to make their personal views intelligible to their fellow citizens in a spirit of humility and solidarity, so that the political common good is advanced. A principle of public reason works best when its positive aspect is accentuated. We believe that such a principle is necessary in a liberal democracy, although it can certainly be misunderstood as a rigid principle and a high bar for allowable rhetoric. If all parties to public debates were to approach their task with 'a sense of proportion', as Obama recommends, those debates would generate more light and less heat. Such an attitude would benefit Americans in their ongoing task of working out forms of cooperation—and, if necessary, compromise—between their politics and the religious cultures that motivate many citizens to care about the common good.

12

Islam and the Secularized Nation

A Transatlantic Comparison

Jocelyne Cesari

Because Europe and America are depicted as inherently secular and Islam as unalterably opposed to secularism, the presence of Muslims in the West has raised many questions and much doubt.

Indeed, it was within the European historical context that the principles of religious freedom were progressively asserted, beginning in the bloody struggles of the sixteenth century. This gradually differentiated the political and religious spheres, one of the fundamental characteristics of democracy in Europe, the United States, Canada, and Australia. This differentiation encompasses both the independence of religious organizations vis-à-vis political power, and the protection of religious freedom by means of political power. The European history of differentiation is much more complex and discordant than the American, for the European social structure has been characterized by a closer correlation between the roles of the state and the dominant church. In contrast, religious pluralism is a constituent element of the social and political construction of the United States.

However, secularization represents more than the separation of political and religious functions as assumed by the political and the religious. It also, and more importantly, signifies a decrease in the social influence of religious actors. Within the European context in particular, secularization has been accompanied by such cultural and political narratives as secularism and *laïcité*, which have shaped European identity. Consequently, the presence of Islam within European societies has been perceived as a threat to the cultural norm of secularization, on the supposed grounds that for Islam there is no separation between the political and the religious. The reality of Islam in the West, however, is far more nuanced than this dominant discourse allows. For example, the presence of Muslims in Europe and the United States has led to

unprecedented cooperation between Muslims and secularized states. The most surprising point is that the difficulties encountered during this process of negotiation are connected with the individual characteristics of European states and societies much more than with Muslim communities' reticence or Muslims' supposed inability to separate religion and politics. In other words, as Muslims in the West are living and revealing their positions, they are involved in the process of organizing Islam within the framework of existing secular principles.

Obviously, this ongoing institutionalization does not exhaust the delicate question of the relationship between Islam and secularized spaces. There are indeed conflicts, as shown by a succession of clashes, from the Rushdie affair in 1998, to the hijab disputes in France and throughout Europe, to the cartoons crisis of 2005. However, such conflicts are not concerned with the nature of the European state as such. Muslims in Europe acknowledge and indeed praise the secular character of European states. Rather, crises have arisen over the status of Islam in public life, the delimitation of the public and private spheres, religious freedom, freedom of expression, and the visibility of religious practices. This chapter analyses the cultural and political principles that structure the organization of the religious sphere within Western democracies and how these principles influence Muslims' adaptation to secularism. This analysis is based on empirical observation of the interactions between Muslims and secularized spaces, and will consider implications not only for Islam and for Muslims, but also for secular European polities. At this point, two counter-intuitive observations can be made: the first concerns the progressive secularization of Muslim organizations in Europe; the second concerns the dissolving power of Islam upon the narrative of modernism.

1. THE SECULARIZATION OF ISLAMIC ORGANIZATIONS

The ethnic diversity of European Muslims has been often underscored, and rightly so. But it is also important to consider the diversity of European nations: the status of religion within different societies, the modes of acquiring nationality, and the presence or absence of multiculturalism, all of which influence the formation of Muslim minorities and identities. In other words, when the processes of Muslim integration differ from country to country, these differences cannot be solely explained by the Islamic tradition. We must

also consider the range of opportunities made possible by the political and cultural contexts of each society.

The dominant argument advanced to explain difficulties of Muslim integration is the supposed incompatibility of Islam with secular principles. Secularization means that political power is defined by its neutral interactions with religious institutions. It is important to note that, except in France, this principle of neutrality is not synonymous with separation. Rather, it has been realized within a range of institutional structures, from state religions or concordats to strict separation. Throughout Europe, Islam's arrival has reopened a case previously considered closed: the relationship between church and state. Analysing specific examples, however, tends to shed more light on the distinct political and cultural character of the European country in question than on any fundamental 'nature' of Islam. The secularization profile specific to Europe at large can be divided into three modes: the existence of a state religion, cooperation between the state and the churches, and separation between the state and religion. In each case, the current debate concerns the institutionalization of Islam and the search for credible Muslim representatives.[1]

Western European countries with state religions have a variety of relationships with Islam. In Denmark, the state religion (Lutheranism) is the only faith to be funded through taxation. Although individuals are not compelled to support the church, other religions have objected to Lutheranism's privileged position. Multiple religious communities, however, are either recognized by royal decree or approved under the 1969 Marriage Act, which grants them permission to perform weddings. Several sects of Islam have received royal recognition in Denmark.

In Greece, the Greek Orthodox Church is established as the primary recognized religion. However, Islam has been given a legal categorization that mirrors some of the privileges given to Greek Orthodoxy and Judaism. In view of the presence of a substantial indigenous Muslim (and generally Turkish-speaking) population in Thrace, the Greek and Turkish governments continue to adhere to the 1923 Treaty of Lausanne.[2] The treaty grants language, education, and religious rights to the Thracian community, although the Greek government insists that Muslims outside Thrace are not subject to the agreement. Thus, Muslims in other parts of Greece must

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[1] Jocelyne Cesari, *When Islam and Democracy Meet: Muslims in Europe and the United States* (New York: Palgrave Macmillan, 2004).
[2] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Greece* (Washington, DC, 15 September 2004).

often travel to Thrace to obtain services such as marriages and funerals. In addition, the Greek government controversially reserves the right to appoint religious leaders for the Thracian community.

The situation in the United Kingdom has been still more contentious. The Church of England has been established for centuries, and the monarch acts as the supreme governor of the church. A blasphemy law—applicable only to attacks against the Church of England—has been on the books since 1838. Although it has been little used during recent decades, some British Muslims argued unsuccessfully that the law provided grounds for the prosecution of Salman Rushdie.[3] More recently, arguments have been raised in favour of expanding the blasphemy law to prevent incitement against all religions. (Because Muslims are not considered a racial group in Britain, there is no law against incitement to hatred of Muslims as such.) In 2004, the British government moved to create broader legislation that would supersede the existing blasphemy law.[4] The issue attracted controversy during the general election of 2005, and to date has not been passed.

Most nations with state recognition of religion have been reasonably successful at crafting non-controversial policies toward Islam. The Austrian government guarantees religious freedom and, despite the predominance of Roman Catholicism, is generally secular. Religious organizations are established by the 1874 Law on Recognition of Churches and the 1998 Law on the Status of Religious Confessional Communities. Under these laws, organizations are categorized as religious societies, religious confessional communities, or associations with distinct legal status.[5] Only religious societies can participate in the state-run contribution system, provide religious instruction in public schools, and receive financing for private schools. Islam was recognized as a religious society in 1912. In the Netherlands, the state recognizes certain groups and provides them with public resources for education and other activities. There is generally no difficulty in qualifying for this status, and Islam has been granted these privileges.[6] Swedish law has withdrawn official recognition from the Church of Sweden and now provides essentially equal privileges, including the use of the tax system for funding, to most religious groups.

Belgium officially recognizes seven faiths; Islam achieved recognition in 1974. These religions receive wages and pensions for ministers. Recognized

[3] 'Q&A: Blasphemy Law', *BBC News*, 18 October 2004.

[4] 'Blasphemy Laws Set to Be Repealed', *BBC News*, 18 October 2004.

[5] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Austria* (Washington, DC, 15 September 2004).

[6] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Netherlands* (Washington, DC, 15 September 2004).

religions are provided with government funding for religious instruction in public schools, and receive state help for the maintenance and building of religious structures. State funds are distributed by proportion of the population served. Despite Islam's legal status, for many years Muslims did not receive their share of these funds due to the lack of a representative institution to negotiate with the state. This is a partial reason why Belgium facilitated the creation of an Islamic organization to represent the needs and interests of the Muslim population. However, conflicts between the Muslim Executive and the state have led to problems in distributing the money for mosques and imams.[7] (See below for a description of this representative body.)

Italy and Spain, as predominantly Catholic countries, have a more particular system influenced by their relations with the Vatican. The concordat between the Catholic Church and the Italian government is long-standing, but many of its legal provisions have been extended to other religions. Despite the large Muslim population, the lack of a clear leadership structure has prevented the state from establishing such an agreement for Islam.[8] As one might expect, the Catholic Church maintains a clearly preferential relationship with the Italian state.[9]

In Spain, although special treatment of any religious organization is considered illegal, the state does have agreements with the Vatican that give the Catholic Church unique rights. Some, but not all, have been extended to Islam and other faiths, although these religions do not receive state funding through the tax system. Despite the legal status of Islam, recognized in 1992, there have been difficulties with getting the state to follow through on its policy.[10] Muslims have had some problems with establishing chaplains in prisons and the military.[11] More recently, however, the Socialist government has made moves to downgrade the special status of Catholicism, and has introduced the study of Islam in school curricula.[12]

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[7] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Belgium* (Washington, DC, 15 September 2004).

[8] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Italy* (Washington, DC, 15 September 2004).

[9] Silvio Ferrari and Anthony Bradney (eds.), *Islam and European Legal Systems* (Aldershot: Ashgate, 2000).

[10] 'La Comisión Islámica critica las pocas horas de clase de Islam', *Diario Sur*, 12 November 2004.

[11] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Spain* (Washington, DC, 15 September 2004).

[12] B. T. Davies, 'Spain's Struggle between Church and State', *The Times*, 19 March 2005. At present, this introduction applies only to the Spanish enclaves of Ceuta and Melilla in North Africa, not to Spain proper.

In Germany, although freedom of religion is provided for, the state official-ly recognizes certain faiths and uses the tax system to assess funds for them. Once recognized, such religions are granted the status of public organizations. They subsequently receive privileges such as full independence in matters of employment, recognition of the community's religious oath in a court of law, freedom to organize councils and chains of command, automatic member-ship of their followers within the community, fiscal protection, exemption from real estate taxes on public-domain property, and the right to receive a percentage of the national revenue based on taxpayers' declarations of mem-bership.[13] Islam has not been recognized as a public organization, perhaps due to difficulties in establishing who the leadership should be.[14] However, there have also been political concerns about the groups connected to Milli Görűş. Especially after 9/11, Milli Görűş, associated with the Islamist party in power in Turkey, has been perceived as radical and thus potentially terrorist.[15] These problems have created a situation in which Islam receives little help from the federal government, in distinct contrast with Protestantism, Cathol-icism, and Judaism. Muslims have been forced to negotiate individually and piecemeal for benefits from the governments of the *Länder*. Thus, in Ger-many, the establishment of Islam varies tremendously across regions and is often subject to the whims of politicians in the more conservative regions.

France is unique among European countries with its official separation of church and state. The state does recognize and fund some social and cultural activities by churches, but does not directly fund any religious practices. During the colonial empire (that is, until 1962), the policy of *laïcité* did not apply to Islam, which allowed some economic assistance—the state, for example, helped build the main Paris mosque in 1926. More recently, there has been some pressure for the state to begin funding mosques again, and a foundation was established in March of 2005. This institution will be funded by private money, although held in a state-owned bank to guarantee the ability of the government to examine contributors.[16] The impetus for this comes primarily from the state's desire to exercise greater control over the religious ideology of the mosques. It has been championed by the President of the French Republic, Nicolas Sarkozy.[17] Initially Sarkozy proposed that public

[13] Cesari, *When Islam and Democracy Meet*, 229 30.

[14] L. Lehmann, 'Wer Repräsentiert Deutschlands Muslime?', *Neues Deutschland*, 3 November 2004.

[15] 'Muslim Integrationists or Extremists', *Deutsche Welle*, 24 November 2004.

[16] 'Official Foundation Created to Finance Islam in France', *Middle East Times*, 22 March 2005.

[17] C. Wyatt, 'Sarkozy Backs Funding for Mosques', *BBC News*, 28 October 2004.

funds would be used for this purpose, but the idea met serious opposition from other powerful political figures.[18]

For states that recognize Islam or would like to foster the growth of an official Muslim leadership, the current leadership structure of Islam in Europe presents a formidable problem. Unlike the majority of Christian sects, there is for Muslims no formally established clerical hierarchy. (In some regions, Shi'a Muslims provide an exception to this pattern, but the Shi'a are very few in Europe.) This state of affairs makes it difficult for governments to identify leaders that can plausibly be seen as representatives of the entire Muslim community. Where such organizations do exist, they are often associated with the interests of foreign states, especially Turkey (in Germany and northern Europe), Algeria (in France), and Morocco and Saudi Arabia (throughout the Continent). Because of the relative ease of negotiating with foreign states, European nations may be somewhat supportive of leaders associated with foreign governments. This has been the case in France, as evidenced by the public support of the Paris Mosque with its Algerian connections, and to a lesser degree in Germany, where the federal government negotiates with organizations associated with Turkey.

Worries about radicalism often infuse these relationships. This has been highly problematic for organizations associated with, for example, the Muslim Brotherhood or the Saudi government. Trouble has also arisen for associations of Turks that have connections with the aforementioned Milli Görüş. Government concerns about radicalism can lead to refusals to deal with the organizations in question. This has particularly been the case in Germany. Another approach, used primarily in France and Belgium, has been the establishment of a state-sponsored council for dealing with Muslim issues. Ideally, these could provide a functional framework for contact and negotiation. In practice, however, these bodies have been fraught with controversy over ideological screening and questions of representativeness.

Some countries have had fewer problems, especially those with long histories of interaction with Muslim populations. As the old core of the Austro-Hungarian Empire, for example, Austria has long had relations with Muslim communities in the Balkans. With little controversy, religious instruction has proceeded since 1983 with state-funded teachers.[19] Muslims in Austria are officially represented by the Islamic Faith Community of Austria (IGGIÖ). The organization manages most relations with the state, including

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[18] 'Islam: Villepin contre la révision de la loi de 1905 sur la laïcité', *Le Monde*, 7 November 2004.
[19] Cesari, *When Islam and Democracy Meet.*

Islamic instruction, chaplaincy, and so forth. Regional committees select the organization's leadership.

Italy's relationship with its Muslim population has also been dominated by the search for a representative Muslim body. In September 2005, the government established the sixteen-member Islamic Council of Italy, representing the most important organizations and leaders. The Council has been charged with preparing an agreement with state authorities outlining the major civic responsibilities of Italian Muslims. No significant progress has been made on such major issues as Islamic instruction in Italian schools, halal food in schools and other public institutions, Islamic burials, and Islamic holidays.

In Spain, which closely interacts with North Africa and maintains two enclaves, Ceuta and Melilla, on the African coast, the question of Muslim leadership has been notably lacking in rancour. Muslims are represented by the Islamic Commission of Spain (CIE), formed in an agreement with the Spanish state in 1992. The CIE comprises two federations: the Federation of Spanish Islamic Entities (FEERI) and the Union of Islamic Communities in Spain (UCIDE). These organizations are domestic and long-standing. Nevertheless, there have been ongoing difficulties with the implementation of the 1992 agreement, because of both problems with the Muslim leadership and delays by the government.[20]

In Germany, although there is no official representative, three groups claim to represent Muslim interests nationally: Islamrat für die Bundesrepublik Deutschland, Zentralrat für die Muslime in Deutschland, and the Diyanet, which is associated with the Turkish government. None has achieved institutionalized status with the state, despite some important efforts. Although the Zentralrat drew up a charter showing Islam's compatibility with German constitutional principles in 2002, the German government did not respond positively.[21] A similar situation exists in the Netherlands. The Turkish and Moroccan governments exercise substantial control over religious matters in the Netherlands by means of an official Turkish organization and a network of Moroccan social organizations.[22] Relations with the state have been insufficient in addressing the issues of the Muslim community. Since the Van Gogh murder in 2004, there has been an attempt to create a union of Dutch imams to negotiate important issues with the state. Two new organizations were recently recognized by the state, the Contact Groep Islam (CGI), which

[20] 'El gobierno inicia una ronda de conversaciones con la Comisión Islámica de España para estudiar el desarrollo del acuerdo de cooperación firmado en 1992', *WebIslam*, 8 June 2001.

[21] Cesari, *When Islam and Democracy Meet*.

[22] US Department of State Bureau of Democracy, Human Rights, and Labour, *2004 Report on International Religious Freedom: Germany* (Washington, DC, 15 September 2004).

represents some 115,000 Muslims, and the Contactorgaan Moslems en de Overheid (CMO), which represents 500,000 Muslims and desires to represent the entire population in the Netherlands.[23]

France and Belgium have made contentious efforts to establish central Muslim councils. The Mosque of Paris, closely aligned with the Algerian government, has typically been quite powerful and has enjoyed good relations with the government, although other French Muslims have objected to its primacy.[24] Because of this, the French government has tried to develop a new framework during the past fifteen years, and has played an important role in the creation of a representative body. The French Council of the Muslim Faith (CFCM), established on 4 May 2003, now serves as the official organization representing Muslims to the state. The creation of a public authority is intended to bring Islam into the open, thereby affording more input from the French government.[25] There have been numerous conflicts over whether the body is representative, as well as complaints about state interference.[26] The CFCM is officially chosen democratically, with representation apportioned in accordance with the size of each mosque. However, in 2003 the French government was able to get its preferred candidate (Dalil Boubakeur, the leader of the Mosque of Paris) installed as president despite questions about his popularity among French Muslims at large. Boubakeur has promoted policies and statements generally agreeable to the state, and has been criticized for not representing the broader Muslim community of France. During the first half of 2005, conflicts over questions of state interference, representation, and elections brought the organization to a crisis of legitimacy.[27] This crisis has intensified during the past year, due to the Council's inability to resolve such issues as the organization of Islamic cemeteries, halal slaughter, the financing of mosques and schools, the riots in the suburbs, and the cartoon crisis. These difficulties indicate the extent of the disconnection between the Council and the aspirations and needs of the French Muslim population. The June 2008 election created additional turmoil. As it became apparent that he could not win, Boubakeur called on the Grand Mosque of Paris to boycott the elections.[28] Consequently, the

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[23] Justice Ministry of the Netherlands, <www.justitie.nl>.

[24] Cesari, *When Islam and Democracy Meet*.

[25] Ibid.

[26] 'Crise au CFCM: le ministère de l'intérieur à la recherche d'un compromis', *El Watan*, 18 October 2005.

[27] 'Crise au Conseil français du culte musulman', *Middle East Times*, 12 February 2005.

[28] Tom Heneghan, 'Row Casts Doubt over French Muslim Council Vote', *International Herald Tribune*, 3 May 2008.

Moroccan-backed Rally of French Muslims (RFM) won half of the Council's seats[29] and elected a new president from its ranks, Mohammed Moussaoui.[30]

In Belgium, the Islamic Centre of Brussels, financed by Saudi Arabia, used to play the role of interlocutor to the state. However, the state attempted to wrest control from this group with the appointment of a Muslim Executive modelled after the French approach. This committee was to be selected in a mostly democratic fashion, to mirror the ethnic and religious breakdown of Muslims in Belgium. However, the state screened candidates for ideological extremism, thereby seriously eroding the legitimacy of the council.[31] Although there were protests from the existing executive body and almost all of the Muslim organizations, the Minister of Justice decided to organize new elections for the assembly on 13 March 2005. Despite the fact that the majority of Muslims in Belgium are of Moroccan heritage, Turkish leaders won most of the seats. In June 2007, the Muslim Executive successfully negotiated with the Belgian government and achieved its long-standing goal of state recognition for mosques. The government agreed to officially recognize forty-three Belgian mosques, which made them eligible to receive state funds and subsidies.[32] Despite this victory, conflict continued to plague the Muslim Executive, and in February 2008 it was dismantled by the Belgian government.[33]

It is notable that the quest for a representative Muslim body is a European phenomenon, in contrast with the United States, where the nature of secularism does not require a central imam or mufti. The confessional diversity of the Founding Fathers precluded the establishment of a national church, and religious pluralism has characterized American society since its beginnings. Even the first Protestant settlers on the American continent encompassed different denominations and churches,[34] whereas European societies have been marked by the historical predominance of one religion, or occasionally dual religions, as in Belgium and the Netherlands. David Martin classifies nations either as Catholic societies, which are based on religious monopoly, or as Protestant societies, which are most often duopolies based on the concept of pluralism.[35] Despite the pluralism of American religious life, however, the question of Islam has nonetheless been divisive, particularly and very

[29] Hadi Yahmid, 'Rabat Backed Group Sweeps CFCM Polls', *Islam Online*, 9 June 2008.

[30] 'Mohammed Moussaoui, nouveau président du CFCM', *Le Figaro*, 22 June 2008.

[31] Cesari, *When Islam and Democracy Meet*.

[32] Vedaf Denizli, 'Belgium Grants Official Recognition to 43 Mosques', *Today's Zaman*, 21 June 2007.

[33] 'Muslim Executive Dissolved', *Expatica News*, 25 February 2008.

[34] These settlers later included English Catholics, especially in Maryland.

[35] David Martin, *A General Theory of Secularization* (Oxford: Basil Blackwell, 1978).

obviously after 9/11, as reflected by the ongoing search for the 'good' or 'moderate' Muslim.[36]

2. THE EMERGING PUBLIC FACE OF
AMERICAN ISLAM

The emergence of a Muslim minority within American society is fairly recent. One reason is that African American Muslims, despite their numbers, have often seen their religious identity subsumed into their racial identity. This perception is partially explained by the fact that the Nation of Islam and other, more short-lived organizations such as the 1970s-era Islamic Party have always advocated segregation and the rejection of civil religion. The founder of the Nation of Islam, Elijah Mohammed, was imprisoned during the Second World War for having exhorted the black population not to vote or serve in the military. An influential figure in shifting these views has been Warith Deen Muhammad, the current head of the Muslim American Society,[37] one of the largest Muslim organizations in the United States. A second reason for the relatively recent emergence of the American Muslim minority is that Arab or other Muslims who immigrated into America from the 1920s to the 1950s were for the most part progressively assimilated into American culture.

It was only after 1967 that Islam became a central element of collective identity among Muslims in the United States. For immigrants who entered the country after 1965, Islam was the primary means of cultural and political identification, in contrast to their predecessors, who had built their identity on the basis of Arab nationalism. Thus Arab activists, formerly concerned with issues related to the Middle East in general and Palestine in particular, began instead to form Islamic associations. The Federation of Islamic Associations (FIA), founded in 1953, played a pioneering role in this area, but never quite succeeded in overcoming tensions between first- and second-generation immigrants. The 1963 creation of the Muslim Student Association (MSA) by students from throughout the Muslim world—inspired by Islamic revivalist movements such as the Muslim Brothers—was the true birth of Islam's public

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[36] Mahmood Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* (New York: Pantheon, 2004).

[37] In 2003, this organization changed its name to the American Muslim Society (AMS). See also 'African American Muslims', in Jocelyne Cesari (ed.), *Encyclopedia of Islam in the United States* (Westport, Conn.: Greenwood Press, 2007), 13 15.

face, and many Islamic associations have since developed out of the MSA. The Islamic Society of North America (ISNA) was created in 1982 as a result of diversification and specialization within the MSA. It is a coalition of different types of local organizations, including Islamic centres and professional associations (such as lawyers' or doctors' groups).

A third reason behind Islam's sudden increase in American visibility has been the influx of Muslims from South Asia (Indians, Pakistanis, and Bangladeshis) less familiar with pro-Arab lobbies. Today, these three South Asian ethnicities represent more than 24 per cent of Muslims in the United States, and over 12 per cent of all immigrants.

Since the 1970s, Muslims have generally taken one of two paths to inclusion in American civil religious society: organizing into coalitions and associations, and political lobbying. One must distinguish between those groups with a professed religious character—which generally bring different associations together on the basis of categories such as profession or geographic region—and those which specifically define themselves as lobby groups. Of the former, the two most important are the Islamic Society of North America (ISNA) and the Islamic Council of North America (ICNA).

Since the 1980s, there have been a growing number of Islamic organizations active in US political life. Liberty of conscience and freedom of expression are cornerstones of American civil society, and are represented by specific legal provisions that have been acquired over time. One consequence of this is the considerable number of organizations, journals, and institutes created in the past fifteen years to counteract the prevailing demonization of Islam in American culture. The efforts of the Council on American-Islamic Relations (CAIR) have been particularly representative, in this respect, of the emerging Muslim voice. The Council was created in 1994 in order to document instances of bias against Muslims and Islam and to confront anti-Muslim prejudice.

The establishment of an active Muslim lobby has also been one of the priorities of the American Muslim population. In less than a decade, lobbying groups such as the American Muslim Alliance (AMA, formed in 1989), the American Muslim Council (AMC, 1990), and the Muslim Public Affairs Council (MPAC, 1998) have multiplied. The AMC was founded by a network of intellectuals and militant Muslims from a variety of backgrounds, convinced of the need for political mobilization to end discrimination and hostility towards Islam. They made a name for themselves after lobbying in the White House and Congress to include the preservation of the identity and rights of the Muslim community within the terms of American pluralism. Their goal has been to set themselves up as an intermediary between the Muslim community and American institutions of power. One of their primary demands has been for the political acknowledgement of equal status between

Muslims and other religious communities. They seek to transform the well-known description of American society as 'Judaeo-Christian' into 'Judaeo-Christian-Islamic'.

These groups have also worked to mobilize the Muslim community through regular voter-awareness campaigns. In the 2000 presidential election, various Muslim lobbies banded together as the American Muslim Politics Council Coordination (AMPCC) in support of the Republican candidate, George W. Bush.[38] Disillusioned by the Bush administration's policies after 9/11, no Muslim organization officially endorsed a candidate for the 2004 presidential elections. Nonetheless, AMPCC has continued to be politically active. In an open letter to the Muslim community during the ISNA convention of September 2003, the organization announced its intention to raise the issue of the deterioration of fundamental civil liberties as a result of the 'War on Terror'. It subsequently worked to encourage Muslim Americans to become active in the presidential campaign of 2004. Since 9/11, the number of Muslims involved in political life has steadily declined. In the 2000 elections, 152 people of Arab or Muslim origin were elected to various offices. In 2002, the number fell to 10 people (out of 70 candidates). In 2004, there were only 15 candidates for political office of Muslim faith or Arab descent. The political participation of Muslims has subsequently risen; 2006 saw the election of the first Muslim to the United States Congress.

The fight to define the legitimate Muslim community—regardless of whether this definition is based on ethnic, linguistic, or religious considerations—has become more intense. The case of Sheik Hisham Kabbani is a good illustration of these internal conflicts and their political consequences. In the late 1990s, Kabbani, of the Nakshabendi Sufi order, had achieved a certain visibility in some political circles as well as the White House. In a meeting in January 1999 with State Department representatives during Bill Clinton's second term of office, the Sheik categorized the majority of Islamic leaders in America as 'fundamentalists'. These words were widely reported in the media; the Sheik subsequently faced violent opposition and censorship from the American Islamic elite, self-appointed guardians of the orthodox definition of the Muslim community. Since 9/11, however, the Sheik has gained visibility and credibility in Washington circles as the 'good Muslim'. This is in contrast with Europe, where the 'good Muslim' is a secular and anticlerical figure, and preferably female, along the lines of Ayaan Hirsi Ali, the former Dutch MP whose Dutch citizenship was revoked in 2006.

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[38] The reasons behind this support were primarily concerned with the Israeli Palestinian conflict, and, ironically, the 1996 anti terrorist law and 'secret evidence' procedure, which, as a candidate for the presidency, Bush promised to abolish.

Muslim strategy in the American public sphere has pursued both lobbying and moral persuasion. The latter takes the form of discourses justifying Islam's place in American culture through an appeal to the shared values of mono-theistic religions. In other words, Muslims want to show that they, too, subscribe to the fundamental values of American society, to wit: 'Internally, the U.S. is the most Islamic State that has been operational in the last 300 years. Internally, it is generally seeking to aspire to its ideals, and the growing cultural religious material health of American Muslims is the best testimony to my claim.'[39]

Muslims also continue to exert political pressure in support of Muslim nations, particularly in the case of Palestine. Muslim lobbyists experienced a moment of symbolic victory in 1999 when they temporarily blocked the opening of a Burger King outlet in the Occupied Territories by threatening a boycott. But such political activism has come at the price of tensions and conflict with pro-Israeli organizations.

The period after 9/11 has been a crucial one for the public status of American Islam. Muslim leaders came under fire for their inability to take a position on Islam other than a defensive or apologist one. Since the terrorist attacks, both official and popular interest has increasingly focused on reli-gious or intellectual figures who 'read' Islam from a legal or theological standpoint. Hamza Yusuf is one of those who owe their rise in the media and in political circles to their status as religious leaders. Born in Washington State, raised in California, converted to Islam at the age of 17, he studied in Algeria, Morocco, and Mauritania, and now runs the Zaytuna Institute in the San Francisco Bay Area. His charismatic religious authority attracts crowds of young Muslims to his conferences. Since 9/11, he has been a frequent guest at the White House. One of his most striking arguments, post-9/11, has been a critique of the monopoly on discourse held by doctors, engineers, and other 'men of science' who know little or nothing about either religion or Islam. He has repeatedly stated that Islam has, for the most part, been interpreted by inexperienced and ill-informed individuals, and he sees the terrorists who executed the attacks of 9/11 as enemies of Islam.[40]

One of the greatest challenges after 9/11 is the building of consensus and the sharing of resources within the Muslim community, in order that

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[39] Moqtedar Khan (1998), quoted in Karen Leonard, *Muslims in the United States* (New York: Russell Sage Foundation, 2003), 23. A typical member of the new generation of Muslim activists, Moqtedar Khan is Professor of International Relations at Adrian College in the Washington, DC, area, as well as the creator of the website <www.ijtihad.org>. He is also president of American Muslim Social Scientists and a member of several Muslim organizations, including the Center for the Study of Islam and Democracy.

[40] Interview in the *San Jose Mercury News*, quoted in Leonard, *Muslims in the United States*, 25.

racial and religious disagreements—particularly those between blacks and immigrants—may be overcome.

3. ISLAM AND THE WEAKENING OF SECULAR IDEOLOGY

The institutional agreements described above represent only one aspect of the status of religions within the West. Beyond the differentiation of the political and religious spheres and the notion of neutrality lies an ideology of secularization, which originated with the philosophy of the Enlightenment. Auguste Comte's vision, as it appears in his 1851 *Religion of Humanity*, exemplifies the belief that the secularizing power will consecrate the thinking individual's victory over religion, and that said power will itself counter religious belief. Comte, moreover, even speaks of 'humanity's priests', who are responsible for spreading progress and promoting sociocracy against theocracy. Positivism's day may well have come to an end, and the battle against the churches be well and truly over, but the influence of this past on the current perception of religions within society should not be underestimated. A common denominator of Western European countries is their tendency to consider that the religious is misplaced and illegitimate within the contexts of inter-citizen social relationships. The idea that religion cannot play a role in the general well-being of societies—a mark of the secularized mind—is found throughout much of Europe. The consequence of this invalidation of the religious is that the various manifestations of Islam in Europe can become troublesome, or even unacceptable.

Demands and requests made by Muslims, perceived immediately as suspect and sometimes as backward, provoke highly emotional reactions. The veil worn by Muslim women is interpreted as a rejection of progress and individual female emancipation, and provokes the wrath of those groups spearheading the defence of secular ideology: teachers, intellectuals, feminists, civil servants, and so forth. The presence of Islam inside the boundaries of Europe has reinitiated the dispute over religions in general, as exemplified by the Norwegian atheist association that sought the right to publicly proclaim for several minutes daily the non-existence of God, in order to counteract Oslo's muezzin.[41]

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[41] The government authorized their request at the same time as they authorized the request made by the Islamic association 'World Islamic Mission' to sound a call to prayer (*BBC News*, 30 March 2002).

This ideological secularization reached a peak in France, even becoming necessary to the functioning of institutions, as demonstrated by the controversial case of the Islamic veil and the 2004 adoption of the law prohibiting all religious signs in public schools.

Islam today has come to embody a representation of women that many find distasteful or loathsome, and the Muslim veil is consequently debated throughout Europe. The status of women in Islam appears diametrically opposed to the principle of non-discrimination that governs interpersonal relationships in French society. This negative perception leads, in some cases, to the veil being placed on equal footing with such signs as the swastika. Such perceptions are spreading in Europe. In July 1998, for example, the Minister of Baden-Württemberg upheld the decision made by a Stuttgart school to not recruit a Muslim woman as a teacher because she wore a veil. The Minister declared that in Islam the veil was a political symbol of female submission rather than an actual religious requirement.[42] Since then, seven states, including Baden-Württemberg, Westphalen, Berlin, and Bavaria, have banned teachers with headscarves from public schools.

The protests of European Muslims against the cartoons of the Prophet Muhammad in late 2005 and early 2006 also illustrate the tension between the dominant secular public culture and the resistance of a religious minority. There are, of course, other religious groups (including some Western Christians) at odds with the idea of a secular public space.[43] But their dissatisfaction tends to receive less media attention than that of Muslims, and rarely has the same international dimensions.

Although conflicts with incoming non-European migrants may have been inevitable in any case, cultural differences between immigrants from Muslim countries and largely secularized European populations have tended to make these disputes more dramatic. Interestingly, in contradiction to Huntington's thesis on the clash of Islamic and Western political values, the conflict does not revolve around the nature of the state in Europe, nor Islamic governance, nor the accommodation of Sharia in the common law. Rather, the clash concerns lifestyles, gender equality, and sexuality. In this regard, Inglehart and Norris are right to emphasize that the fight is over Eros and not over politics.[44]

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[42] US Department of State Bureau of Democracy, Human Rights, and Labour, *Germany: Country Report on Human Rights Practices* (Washington, DC, 1998).

[43] For example, the Catholic groups which agitated against the removal of crucifixes from Italian public schools in 2003.

[44] Pippa Norris and Roger Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (Cambridge: Cambridge University Press, 2004), 133 56.

Probably the most explicit case of cultural conflict has taken place in the Netherlands over homosexuality. Prior to his assassination, openly gay politician Pim Fortuyn ran a highly successful political movement against Muslim immigration due to what he described as the immigrants' un-Dutch intolerance. Recently, the Netherlands has introduced a video for the socialization of immigrants into Dutch society. The video is clearly intended to press these cultural differences, with its emphases on homosexuality and nude sunbathing. Although the Dutch case has been the most prominent, the work of Inglehart and Norris analysing the social attitudes of Western and Islamic societies shows that the differences are broad in scope. Even controlling for numerous other potentially relevant factors, they find that attitudes in Muslim countries are notably more conservative with regard to abortion, homosexuality, gender equality, and divorce. Inglehart and Norris tend to attribute this to differences in economic development rather than core cultural attributes. However, for European societies attempting to integrate Muslim minorities, this distinction is often hard to note, leading to further conflation of cultural conflicts with anti-Muslim sentiment.

The differences in religiosity and social attitudes between the incoming Muslim immigrants and the European host societies are often substantial. Although data on the social views of Muslims in Europe are hard to come by, the World Values Survey produces polling on useful questions in the countries of origin and the host countries. Seventy-seven per cent of Turks, the largest group in Germany, consider themselves to be religious, while the number is only 49 per cent in German society as a whole. Moroccans, of whom 95 per cent consider themselves religious, are the largest group in the Netherlands, Spain, and Italy, with proportions amounting to 64 per cent, 65 per cent, and 85 per cent respectively. These numbers are even more pronounced in France, where only 49 per cent of the population considers itself religious. Algerians also are more religious at 59 per cent.

Substantially more conservative social views are normal in the Muslim countries. One difference can be seen in the number of people who considered a gay person an unacceptable neighbour. In the major countries of Muslim immigration to Europe, 80 per cent of Algerians, 92 per cent of Moroccans, and 88 per cent of Turks felt this was unacceptable, while only 19 per cent in France, 23 per cent in Germany and Spain, 27 per cent in the United Kingdom, 32 per cent in Italy, and 8 per cent in the Netherlands felt the same. Majorities in France, Germany, and the Netherlands considered homosexuality acceptable, and near majorities in Spain, Italy, and the United Kingdom agreed. In Turkey, Algeria, Morocco, Pakistan, Bangladesh, Albania, and Bosnia, substantial majorities felt that homosexuality was not acceptable. Attitudes towards abortion were slightly more mixed, although Algerians and

Moroccans were extreme in their disapproval. Attitudes towards divorce were also mixed, although South Asians were likely to find it unjustifiable. When asked whether males should have more rights to jobs than females, 79 per cent of Pakistanis said yes; 77 per cent of Algerians, 87 per cent of Moroccans, 62 per cent of Turks, 56 per cent of Albanians, 76 per cent of Bangladeshis, and 44 per cent of Bosnians agreed. In the European countries under review, these numbers were 29 per cent for France, 32 per cent for Germany, 39 per cent for Italy, 20 per cent for the Netherlands, and 29 per cent for Spain.

This conflict between the European secular mind and Muslim religious values highlights a broader challenge. Islam makes it necessary to rethink the principle of equality between cultures and to contextualize this principle, thus bestowing on the principles of tolerance and pluralism a whole other resonance. The multicultural policies that predominate in European societies do not really allow for equality and pluralism to be rethought along the lines of an incorporation of the minority culture's values. In order to create a place for different minority cultures, one solution would be the emergence of a 'societal culture', which is organized around a shared language to be used in many institutions (both public and private). Such a culture would not imply that religious beliefs, family customs, or lifestyles would have to be shared.

The situation of Islam in the United States stands in contrast with the European scene, even after 9/11, for two principal reasons: the different status of religion in American society, and the higher level of religiosity among the American citizenry. Whether in Great Britain, France, or the Scandinavian countries, the studies showed a steady decline in such institutionalized religion. For example, between 1960 and 1985, the membership rolls of the Church of England decreased by half.[45] In France, the first decline in religious practice occurred after the First World War, never to abate: by 1994, the percentage of regularly practising Catholics was approximately 8 or 9 per cent. This evolution has been accompanied by a drastic drop in the number of people who feel a calling for the priesthood, especially after 1945.

Despite increasing criticism of the methods used in the studies, the results of repeated surveys on American religious practices nevertheless demonstrate that between 1930 and 1960 membership of religious organizations continued to increase, before slightly dropping by approximately 10 per cent between 1960 and 1980.[46] Organized religion's longevity can be explained by the role

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[45] Danièle Hervieu Léger, 'The Transmission and Formation of Socio religious Identities in Modernity', *International Sociology*, 13/2 (1998), 213 28, 218.

[46] See George Gallup Jr., 'Americans More Religious Now Than Ten Years Ago, But Less So Than in 1950s and 1960s', Gallup News Service, <http://www.gallup.com/poll/1858/Americans More Religious Now Than Ten Years Ago Less Than.aspx>; Albert L. Winseman, 'Religion

these organizations have historically played as associations, notably connected with social or medical outreach, and by their ability to create and preserve spiritual havens within secular society. As I have previously underlined, the process of socially disqualifying religious beliefs has not had a central position in the American experience of secularization. In this sense, it is possible to state after Peter Berger that Europe is, in all probability, the only area of the world to have a secular culture. In terms of personal religious beliefs, surveys consistently show that the United States remains the most religious country in the Western world: 70 per cent of Americans believe in God, 90 per cent pray on a daily or weekly basis, 70 per cent are members of a house of worship, and 40 per cent attend services once a week.[47] Such circumstances have contributed to a greater understanding of Islamic religious practices in American society, even after 9/11.

However, freedom of conscience has come under attack in the United States, where controversies over headscarves also arise in places other than the public schools, particularly in the business world. The difference from the European context lies in the United States' strong judicial tradition of defending religious freedom. The American judiciary can thus rule on cases of religious discrimination without creating a nationwide debate. When, for example, an Oklahoma sixth grader was temporarily expelled for having worn a hijab despite a rule prohibiting all headcoverings, the Justice Department filed a court complaint against the school district on behalf of the parents, invoking the Fourteenth Amendment's equal protection clause and the need to defend constitutional freedoms.

Islamic groups such as CAIR have sought to defend the rights of Islam through the legal process, including the right to practise Islam in the name of religious freedom. CAIR has brought numerous lawsuits before the courts in

"Very Important" to Most Americans', Gallup, <http://www.gallup.com/poll/20539/Religion Very Important Most Americans.aspx>.

[47] Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000), 645–79. A paradox is that at the same time as these surveys suggest high levels of religious practice in America, those measures typically used to evaluate the decline of religious behaviour (the diminishing appeal of key religious rituals, the increase in the number of people without religion, sexual freedom, and so forth) are actually moving in the opposite direction. This contradiction illustrates a growing individualization of religious practice described by Stephen Warner as a form of 'new voluntarism'. Religious identity is becoming more complex, and includes the option to change or renounce one's faith, and the possibility of belonging to more than one group. This new voluntarism leads to the coexistence within the same society of forms of religious renewal alongside a withdrawal from religion (Stephen Warner, 'Work in Progress toward a New Paradigm for the Sociological Study of Religion in the United States', *American Journal of Sociology*, 98/5 (1993), 1044–93).

defence of Muslims—against the government, businesses, and the media—on First Amendment grounds, as well as those of the Civil Freedom Legislation Act of 1964, and equal opportunity laws. The organization has won numerous victories in high-profile lawsuits against corporations such as Nike and Budweiser, convicted of having used Islamic images to attack the beliefs of Muslims or of treating Muslim employees in a discriminatory fashion. After 9/11, the group's primary focus has been the struggle against anti-Muslim discrimination in the name of 'War on Terror'.

European Muslims have not been nearly so successful in making their voice heard through political and legal advocacy—to the point where CAIR had to intervene in 2000 in the case of a young French Muslim woman who faced discrimination in regard to her headscarf at the French consulate in Chicago. Thanks to CAIR's intervention, the young woman was able to have her passport photograph taken with her headscarf on. The irony here is that French Muslims have never succeeded in getting this kind of dispensation in France itself.[48] To understand such a discrepancy, we need to look at the differences between the two countries in terms of their attitude towards religion within the realm of civil law. Without question, it is easier for a victim of religious discrimination to obtain compensation in America. The role of the American judiciary in religious matters is crucial in this regard. The protection of religious minorities in America is guaranteed by adjustments to existing legislation, and based on a philosophy that considers freedom of religious belief as the cornerstone of individual dignity. Such a situation works in Muslims' favour; they are able to use America's long history of judgments supporting the free expression of religion to their advantage, even when Islamic beliefs themselves are ridiculed or disparaged.

However, the discrimination that American Muslims have faced since 9/11 must also be considered alongside the changes in the status of religion in public life. For perhaps the first time in the United States, an entire religion is subjected not only to widespread public suspicion, but also to governmental surveillance of its activities and associations. The actions carried out in the name of the 'War on Terror' include police searches of organizations' offices and arrests of people accused of belonging to militant Islamic organizations, and have been denounced by Muslim leaders and others as attacks on civil liberties. This public scrutiny of a religion is unusual for the United States, and brings together for the first time the American and European experience in their treatment of religion in general and Islam in particular.

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[48] 'Consulate Backs Down on Passport Photo', *Chicago Tribune*, 4 December 2000.

4. ISLAM AND THE END OF THE
MODERNIST NARRATIVE

The arrival of Islam in the West has undermined the Western narrative of secularism. European modernity is built upon two myths. The first, evolutionist myth describes humanity's uninterrupted march towards ever-increasing moral and material progress. The second, revolutionary myth advocates a final renewal of humankind by means of a radical alteration of socio-economic conditions enabled by science, and by the masses' presence on the stage of history. These two myths are at the heart of modernization's transformation into modernism, the ideology of progress.[49]

Modernism, defined in such a way, had a strong influence on the first theorizations of the religious and, notably, on the paradigm of secularization. According to its theories, scientific rationality leads to a decline in the influence of religion in all aspects of personal and social life. Within such a perspective, religious traditions cannot be both upheld and forced to go hand in hand with scientific research. Similarly, according to functionalist theories, religion cannot fill any of the roles connected with modernization, due to the primacy of reason and freedom that contest divine revelation and the constraints of religious tradition. Religion is also criticized for its failure to address the reality of economic development or to otherwise promote a materialist mentality.

Social and cultural history between the two world wars seemed to confirm this theorization, clearly indicating that the social influence of the religious had diminished in favour of 'legal-rational legitimacy' (according to Max Weber's terminology). It was during this period that vast empirical enquiries were begun that aimed to evaluate institutionalized religious practices such as participation in religious services, or the importance given to key rites of passage (birth, marriage, death).

The perception that religion faces an unavoidable decline has been put in doubt by the forms of religious belief that have emerged in Europe over the past twenty years. The proliferation of sects and the attraction of numerous forms of non-institutionalized religious experience (concerts, gatherings, marches, and so forth) are part of this new vitality of religious sentiment. More disconcerting is the fact that this attraction also concerns the most educated classes in European societies and brings into question the belief that religion, rational thought, and modernity are incompatible. More pro-

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[49] See Agnès Heller, *A Theory of Modernity* (Oxford: Blackwell, 1999).

foundly, the founding myths of modernism, both the evolutionist and the revolutionary, were deeply shaken by the Second World War, the wars connected with decolonization, and the fall of communism. All of these events contradicted the idea of infinite human and scientific progress. The end of modernism as a belief in the value of progress and rational thought signals the advent of a new era that some call postmodernism, or 'ultra-modernism'.[50] The presence of Islam within European democracies has contributed to the decline of the modernist narrative and to the disconnection of modernity and the West, previously thought of as synonymous. Because the secularization paradigm does not adequately reflect American social and religious realities, as described above, American cognizance of this disconnection centres not around the situation of American Muslims, but around post-9/11 US foreign policy in Afghanistan, Iraq, and the Muslim world.

[50] François Boespflug, Françoise Dunand, and Jean Paul Willaime, *Pour une mémoire des religions* (Paris: La Découverte, 1996).

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Conclusion

Nigel Biggar

The foregoing discussion of religion and public reason has raised a range of important questions, some of which have become the focus of comment from several contributors. These include: How best should we interpret Rawls and Habermas? How does real conversation proceed? To what extent does communication between ideological strangers involve 'translation'? What *is* a religious argument? How should we conceive 'the secular'? Can the state's establishment of religion ever be liberal? And what does all this imply for current negotiations between Islam and the liberal West? Now we bring our discussion to a conclusion by reflecting on each of these questions in turn. These reflections cannot pretend to the dispassion of an Olympian point of view; and how far they do justice to the preceding contributions to discussion, the reader must be left to judge.

1. HOW SHOULD WE READ RAWLS?

We begin with John Rawls, whose thought has very largely constituted our point of departure. It is clear that Rawls lends himself to variant, and conflicting, readings. On the one hand, Maureen Junker-Kenny aligns herself with Habermas in complaining that Rawls's overlapping consensus is based on a mere *modus vivendi*, comprising a balance of political power, and not on an agreement about moral reasons, which is the reasoned fruit of public deliberation (pp. 58–61, 62–3, 66). As Junker-Kenny has it, Rawls should follow Kant in arguing for the universal validity of his conception of justice, but he does not (pp. 66–8, 70–2, 77–8). Instead, like Rousseau, he merely gives expression to the public reason of a particular people (p. 65 n. 23). Along similar lines, Raymond Plant observes that, while Rawls tell us that the overlapping consensus is 'free-standing', it is so only in the sense that it does not depend on any *one* comprehensive doctrine (pp. 45, 46, 50). It does

transcend several such doctrines, but not all of them. Its transcendence is, as Nigel Biggar puts it, relative (p. 176). In fact, the overlapping consensus comprises a particular set of somewhat 'thick' liberal moral principles, most notably freedom and equality (pp. 176, 177).[1] So what Rawls is doing is not so much offering outsiders reasons to enter the liberal fold, as articulating the ethos of those who are already, in one way or another, liberal (p. 175). Plant finds this unsatisfactory. Jeffrey Stout, on the other hand, finds Rawls *too* Kantian, supposing him to appeal to conceptions of justice and reasonableness that are absolutely 'free-standing' and universally common (pp. 184–5), with the result that public conversation is over-constrained, homogenized, and impoverished. While Biggar reckons that Stout's Kantian reading does have grounds, he judges these to be 'vestigial'—partly because they are plainly incompatible with the oft-stressed *political* nature of Rawls's late liberalism, and partly because there are sufficient grounds for construing Rawls as 'coherently, if not consistently, expressivist' (p. 188).

However, exegetical quarrels over which is the *real* Rawls are beside the point. What is important is not what Rawls actually said (which was, after all, ambiguous), but what he *should* have said. And on that point, a cogent case can be made that the Kantian elements in Rawls's political liberalism should not be there. Kantians may believe in a universal practical rationality, and for that cause they should contend. In the meantime, however, they must come to terms with the fact that not all their fellow citizens agree with them. And they must also come to terms with the fact that the day when a society-wide consensus forms around the Kantian view might be very distant indeed, perhaps even infinitely remote. So to insist upon making a Kantian consensus the *basis* of public reason is to postpone its inauguration indefinitely. Moral, philosophical, and theological plurality is indeed a social fact; and whatever it is that responsible public communication amounts to, it has to face that fact squarely and not try to glide around it. The reason why Kantian elements appear in Rawls's political liberalism is that Rawls *as a private philosopher* is a Kantian; but he correctly recognizes that *as a philosopher of public reason* he ought not to propose his own comprehensive doctrine as its sole basis. Why not? Partly because, as just stated, such a proposal would have to wait a very long time to win widespread assent; and partly because there are other comprehensive doctrines that arrive by different routes at similar, if not identical, moral conclusions.

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[1] Similarly, Paul Valadier is in no doubt that Rawls's political liberalism goes well beyond formal proceduralism, and that it 'confesses' certain moral values and virtues (*Détresse du politique, force du religieux* (Paris: Éditions du Seuil, 2007), 144 6).

Rawls's theory of political liberalism is driven by a practical, political purpose: to strengthen 'the vital social basis' of liberal democracy against threats from illiberal, 'unreasonable' comprehensive doctrines.[2] As Rawls himself says, 'the problem of stability has been on our minds from the outset'.[3] Now one might argue, as Plant implies (pp. 50, 56–7), that the way to bolster liberal democracy is to fashion arguments that might persuade non-liberals to enter the fold—say, by appealing to a universal practical rationality or a natural moral law, whose authority outsiders might recognize. This Rawls does not do in *Political Liberalism* (although he did do it in *A Theory of Justice*). He does allude, on a few occasions, to the need to *contain* the threat posed by 'unreasonable' comprehensive doctrines;[4] but he has little or nothing to say about the possibility of persuading their adherents to become 'reasonable'. This will disappoint progressivist liberals, but not Augustinian ones, who rightly recognize that no secular peace can be kept stable without some use of force. However, we should not assume that trying to converse with 'unreasonable', illiberal people is quite as futile as trying to reason with drunks. Doctrinaires have been known to change their minds—be they, for example, members of the IRA or militant Islamists.[5] The causes of conversion are various. The most immediate will include a growing, and eventually intolerable, awareness of internal discrepancies and inconsistencies. This awareness might be born of direct, unmediated perception.[6] But it might also be sparked by observations made, and questions posed, by outsiders.

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[2] John Rawls, 'The Idea of Public Reason Revisited', in *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), 153; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 65, 126.

[3] Rawls, *Political Liberalism*, 141.

[4] e.g. ibid. 64 n. 19.

[5] Here I am thinking of Séan O'Callaghan, who turned informer against the IRA, and Eamonn Collins, who left it; and of Ed Husain, Hassan Butt, Shiraz Maher, and Maajid Nawaz, who abandoned militant Islamism.

[6] O'Callaghan and Collins became disillusioned with the IRA through their experience of things that simply did not square with Irish republican ideology: in O'Callaghan's case, the presence of grotesque sectarian animosity among his IRA comrades (*The Informer* (London: BCA, 1998), 82 3); in Collins's case, the experience of scrupulous justice at the hands of a British judge (*Killing Rage* (London: Granta, 1997), 339 41). Likewise, Husain abandoned militant Islamism in part because of its lack of spiritual, moral, and theological integrity (*The Islamist* (London: Penguin, 2007), 101, 114, 128, 174 5, 188, 222, 231, 241, 244 5, 256, 282); Butt, it seems, because of the disjunction between the present situation of British born Muslims and the context assumed by traditional Islamic theology (Hassan Butt, 'My Plea to Fellow Muslims: You Must Renounce Terror', *The Observer*, 1 July 2007); and Maher and Nawaz, because of exposure to the historically plural nature of Islamic tradition, which is at odds with the monolithic story of Islam sold them by Hizb ut Tahrir (Shiraz Maher, 'How I Escaped Islamism', *Sunday Times*, 12 August 2007, 19; Maajid Nawaz, 'Why I Joined the British Jihad and Why I Rejected it', *Sunday Times*, 16 September 2007, News Review, 8).

Attempts at reasonable conversation with ideologues might seem fruitless. But short-term appearances can deceive: subversive fruit takes time to grow.

Nevertheless, whatever the merits of trying to reason unbelievers into the liberal church, it remains true that another way to strengthen liberal democracy's social basis is to stiffen the loyalty of its various allies, and nurture trust between them, by explaining how participation in a liberal political consensus need not betray deeper doctrinal differences, and by clarifying their common liberal convictions and the virtues and practices that these entail. What is more, it is quite arguable that this should be the first line of defence.

Rawls's theory certainly has a practical, political intent; but this does not make his overlapping consensus merely a politically convenient *modus vivendi*. He correctly observes that political consensus might well start life as the offspring of a balance of power, in which various parties can spy temporary advantage. That is a fact of imperfect political life, and one to which Kantians ought to accommodate their thinking. But Rawls needs no persuading that this *modus vivendi* is insufficient. He is perfectly aware that a purely prudential consensus is a very fragile one, vulnerable to the next revision of the calculation of advantage. That is why he argues that what starts life as prudence can sometimes evolve into principle; and that what actually began in the West as the politics of exhaustion after the hundred years of 'religious' conflict that culminated in the Thirty Years War, has now developed into a liberal consensus that can call on the principled support of adherents of a variety of comprehensive doctrines.[7]

2. HOW SHOULD WE READ HABERMAS?

Like Rawls, Habermas inspires different interpretations, and for the same reason: his thinking about the place of theology in public discourse has undergone change. Indeed, in the case of Habermas the target is still moving. In his most recent statements Maureen Junker-Kenny finds a commendable affirmation of genuine dialogue and reciprocity between religious and 'secular' citizens that she misses in Rawls. Habermas, she tells us, enjoins 'mutual translations' (p. 76).

Nigel Biggar does not doubt that Habermas makes such affirmations, but reckons that he has yet to realize the ideal to which he now points. As things stand, his talk of mutuality continues to be vitiated, Biggar thinks, by

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[7] It occurs to me to say that even merely prudential peace be it in seventeenth century Europe or early twenty first century Northern Ireland deserves not to be sniffed at.

modernist prejudice. This shows itself in his so-far-undisturbed assumptions that what is valid in religious statements is ethical, not theological; that religious language is uniquely 'inaccessible'; that 'secular' language is somehow neutral; and that, when all is said and done, the former must be 'translated' into the latter (and *not* vice versa) for use in the making and administering of public law and policy (pp. 166–7, 168–9). Having said that, it is also true that Habermas evinces an awareness that something important is lost in translation *out of* theology; and he shows some signs of being unsettled by this. But he has not been unsettled enough to open himself to the possibility that the truth in religious statements is irreducibly *theological*, and not just ethical (pp. 163–4). Part of the problem might be that Habermas does not distinguish clearly between what he says as a Kantian philosopher and what he says as a philosopher of the liberal politics of a *plural* society: too many of his Kantian convictions leak into his political philosophy. As we have seen, Rawls also had some difficulty in separating his two philosophical personae; but he did it more successfully than Habermas has done to date.

3. WHAT MAKES FOR REAL CONVERSATION?

Both the penultimate Rawls and the current Habermas argue that public discourse should be conducted in a common tongue, whether it be 'public reason' or 'secular language'. Many of the contributors to this volume disagree. Paul Weithman dissents from 'the strong deliberative position' that citizens should be prepared to offer reasons of the same kind to all those with whom they are deliberating. This is because he doubts that there is such a thing as a reason that is inherently 'public' or 'accessible' (pp. 207, 210).

Brian Stiltner and Steven Michels implicitly share that doubt. In the light of the nature of electoral politics, they observe that public discussion in a liberal democracy is 'pluralist, cacophonous, and fluid' (p. 282). Candidates for election have to build a coalition out of different groups (p. 264). What this implies is that they face, not one public, but a variety of them. It follows that, if they wish to be persuasive, candidates need to take account of which public they are addressing and to adjust their rhetoric accordingly. In other words, different reasons will prove accessible in different public contexts. There is no more a single public language, or a single set of public reasons, than there is a single public.

Nigel Biggar takes the critique a step further, when he calls into question the very coherence of what is meant by 'accessible language' (pp. 172–3). It cannot mean language that is understood in fact, for that would be 'accessed'

rather than 'accessible'. So perhaps it means language that can be understood in principle. But surely there is no such thing as a human language that is in principle unintelligible. If that is true, then *all* languages are 'accessible', religious speech presents no problem, and the case for excluding theology from public discourse falls. However, since the norm of 'accessible language' is invariably invoked precisely in support of the exclusion of theological speech, maybe what is meant is not really the linguistic form at all, so much as its semantic content. Maybe what is desired is not language that one understands or could understand, but rather 'rational' statements to which one can assent. But if all that are permitted in public discussion are statements with which one agrees, then what would be the point of it? How could one ever learn anything? And besides, whose point of view would set the standard of substantive 'rationality', and by what right?

Travis Kroeker adds his voice to the chorus of pleas for treating with full seriousness the plural nature of the public and so of public discourse. His 'diaspora ethic' aspires to communicate openly, creatively, and in a manner sensitive to cultural context, rather than to impose 'a single overarching cultural linguistic system that homogenizes meaning and seeks to control its production and distribution'. Rather than launch 'a[n] heroic quest for trans-cultural, globalizing idealism', such an ethic contents itself with exercising 'quotidian' responsibility (p. 126).

As it happens, all these critics of 'public reason' as the supposedly common and neutral medium of public discussion converge on Jeffrey Stout's position. For Stout argues that what is 'reasonable' can cover a multitude of conflicting viewpoints. Instead of an ideally homogeneous 'public reason', he proposes that public deliberation should model itself on the kind of conversation that proves fruitful in daily practice. In such conversation we feel free to own what we believe to be true; and yet we tailor it rhetorically with a view to persuading those who stand before us—in this particular place and at this particular time—and are not immediately convinced. To different people we say the same thing differently (if we're astute). Sometimes we hit an impasse. We do not understand our interlocutor's objection. So we experiment in trying to render what he might mean in terms that make sense to us. Sometimes we fail to understand. And sometimes we do understand, but just don't agree. So then we change tack or we change level. Or we give that topic a rest and move on to another one. Fruitful conversation is sensitive to its context, improvisational, flexible, piecemeal, involving moments of fierce disagreement, moments of blank incomprehension, and moments of consensual breakthrough. And it takes time.

But it also takes more than that. It takes virtue, in various forms: among others, fraternal faithfulness, patience, charity, sympathy, fairness, honesty,

humility, docility, and courage. Stout gestures in this direction with his references to 'the virtues of democratic speech'.[8] Weithman is explicit in affirming the importance of fostering the dispositions that are ingredient to 'deliberatively democratic character' (p. 208). And Biggar concurs when he concludes that 'what matters is less the *language* of public discourse than the *manner* of its conduct—and the regard, the motives, and the intentions that drive it' (p. 173). Luke Bretherton's ethic of hospitality, with its 'hermeneutics of charity', offers a specifically Christian candidate for the morally proper manner of conversation (pp. 97–109)—and one that addresses the common, but frequently overlooked, problem of asymmetrical relations (p. 100).

Bretherton (guided by Iris Marion Young) also makes clear that behind the manner of conversation lies the manner of regarding the interlocutor, which finds expression in embodied behaviour as much as in words (p. 91). The quality of public deliberation is not determined solely, or even primarily, by the choice of vocabulary; for in concrete conversation the import of words is decisively shaped by the tone of the voice, the look in the eye, and the gesture of the hand. The virtues that enable communication depend on a larger set of virtues that govern conduct toward other people; and these in turn tacitly express a particular view of human beings and their cosmic context. Thus, as Robert Gascoigne argues (p. 132), Christians (and other religious believers) can publicly confess what they believe through the way that they behave, as much as in what they say.

At first sight, however, 'conversation', and the virtues that enable it to become fruitful, would seem to belong to an interpersonal context. After all, conversation is surely most productive when conducted between friends or neighbours, who have grown to know and trust each other well over a long period of time. Stout himself tends to confirm this when he talks up the political importance of *local* conversation—of 'gradually building discursive bridges and networks of trust in particular settings'.[9] And, as Bretherton observes (pp. 95–6), on this point Stout overlaps with Alasdair MacIntyre. Yet MacIntyre is altogether more cynical, seeing what passes for democratic debate at the national level as the very antithesis of serious intellectual enquiry as exemplified by systematic rational analysis, comprising instead 'a strange *mélange* of arguments, debating points and the influence of money and other forms of established power'.[10] If Stout is correct—and he surely is—then conversation is normally a bit of a mélange, and 'systematic rational analysis'

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[8] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 85.
[9] Ibid. 226.
[10] Alasdair MacIntyre, 'Politics, Philosophy, and the Common Good', in *The MacIntyre Reader*, ed. Kelvin Knight (London: Polity Press, 1998), 239.

is a rarity seldom spotted outside of universities or research institutes. Still, MacIntyre's concern, which Stout shares,[11] about the corruption of public deliberation by commercial interests is well taken. All the same, it is simply wrong to dismiss, as MacIntyre does, all that passes for democratic deliberation as a charade. In the United Kingdom, it has been widely acknowledged that the quality of debate in the House of Lords is often very good, and usually superior to that in the House of Commons. The irony is that the upper house is currently unelected. But the irony only holds for those who wrongly assume that democracy is all about elections. In fact, the unelected nature of the Lords' membership is a twofold *cause* of the superior quality of its deliberation: first, because many members were appointed on account of their ability to add to the common stock of expertise (as opposed to being elected by virtue of their capacity to tell voters what they want to hear); and second, because, not being beholden to an electorate or so beholden to political parties, the Lords are generally capable of greater intellectual independence. However, the fact that debates in the House of Lords are seldom reported by the media means that their capacity to raise the general level of public reasoning is quite limited. And that brings us to the question of why, on the agenda of newspapers and broadcasting companies, the quality of public deliberation ranks rather lower than market share. Which returns us to the issue of the corruption of public responsibility by commercial interests.

One further point remains to be made in favour of the possibility of careful, sustained public conversation at the level of national institutions. Legislatures usually comprise no more than several hundred members. Each of the two 'houses' of bicameral legislatures is, of course, even smaller. The executive government is smaller still. And within that there is a cabinet whose number might be no more than a couple of dozen. The point is this: that to imply (as Stout appears to) that real conversation is possible only when it is local, while taking the municipal neighbourhood as the paradigm of locality, is a mistake. National legislatures and governments are also local, in the sense that they comprise relatively small numbers of people who work (much of the time) in the same physical location over a period of long duration, many of whom know each other very well, and among whom networks of trust (even across party frontiers) have been established. The British parliament is often mocked for its self-obsessed parochiality as 'the Westminster Village'. It could equally be celebrated as 'the Westminster Village' for its capacity to endow public deliberation with the virtues of sustained, interpersonal conversation.

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[11] Stout, *Democracy and Tradition*, 305.

4. DO WE NEED TO 'TRANSLATE'?

Not everyone finds problematic the notion that public conversation should involve 'translation'. Paul Weithman, for example, finds it 'a common enough phenomenon', takes it for granted that democratic deliberation involves people translating others' arguments into more acceptable terms, infers the importance of educating pupils and students in the skills of sympathetic translation, and affirms the important contribution that religious schools could make to such education. What he doubts, *pace* Rawls, is that proponents of religious arguments should be ready to offer other, non-religious reasons in public political fora. For if religious arguments can be translated by their recipients into arguments relying only on non-religious considerations, then it is not clear why their proponents should be bound to furnish additional, 'accessible', public reasons (pp. 210–11).

Weithman assumes that translation in public discourse is a mutual business: religious people think and speak in theological terms, non-religious people do not, and *both* are engaged in translating foreign statements into something that makes more sense to them. Part of Nigel Biggar's complaint is directed against understandings of public reason where translation is only one-way—out of religious terms and into non-religious ones; and notwithstanding its refreshing appeals for reciprocity, Jürgen Habermas's latest thinking continues to display this secularist bias. (Maureen Junker-Kenny makes an allied point when she expresses reservations about the self-sufficiency of Habermas's 'reason', with its detachment of the ethic of solidarity from faith in the love of God (p. 80).) Another, deeper part of Biggar's complaint is that what purports to be translation is in fact reduction. When Habermas translates Kierkegaard's theological concept of authenticity into atheist existentialist philosophy, he leaves behind elements that theologians deem important; and to his credit, he himself admits a measure of loss (pp. 163, 165–6). By normal standards, then, this gives us a poor translation. Ideally, translation represents fully in a foreign language all that the original text says, however odd and unfashionable. If an ancient classical original expresses mythological beliefs that are alien to modern readers, then a good translator will try to render the foreign world as recognizable as possible, but not simply by cutting out the alien references. In the end, a good translator will let the original text stand in all its foreignness. He will not confuse the operations of translation and interpretation. Nor will he patronize the reader by presuming to do her interpreting for her, thus robbing her of the opportunity to learn from wrestling with the text's *difference*.

Here we touch on one of Luke Bretherton's objections to Rawls's political liberalism: namely, that by requiring adherents of comprehensive doctrines to translate their thick language into the thin discourse of public reason, Rawls prevents citizens from engaging with each other's primary concerns and self-understandings (pp. 88, 100). At this point Linda Hogan raises the stakes, when she claims that it is only when the public political forum is sufficiently robust as to endure the passionate intensity of thick argumentative engagement that it will be fit to offer a realistic alternative to the resolution of disagreement through violence (p. 225). To moral complaints about the thinness of Rawlsian communication, she also adds anthropological depth. She urges the communitarian and feminist point that the citizen cannot in fact be abstracted from the historically formed, concrete self. As the concrete human self is constituted by its conception of the good, so must the citizen's moral and political views be shaped by it (pp. 222–3).

It is certainly true that conversation, whether public or not, involves mutual interpretation and reinterpretation. When I hear you say something that does not make sense to me, I will render it as best I can in terms that make sense to me, and play back my reformulation to you, in order to see if I've understood you and whether or not we agree. (At least I will, if I care to understand you.) If it becomes clear that my reformulation does not match what you said or intended to say, and that we disagree to some extent, then my reformulation is not a translation of what you've said. It's a contrary statement. I believe, of course, that my reformulation expresses everything that is valid in your statement; but I owe it to you to remain aware that *you do not*. I haven't translated you. I've contradicted you; and so I ought not to expect that you will (entirely) share my view of what is reasonable.

On the other hand, it is also true that, if we wish to persuade others of a view that they do not initially share (and if we are prudent), then we will avoid presenting it in terms that simply baffle or outrage them. We will select familiar and acceptable terms, but use them to make sense of an initially alien view. We will use the familiar in order to commend the unfamiliar. So in public discussion a Christian theologian might well present his case in terms of human and public goods that are widely recognized. So far, so familiar. But if he is going to say anything interesting, then at certain points he will take pains to show that theological belief makes a difference that is helpful and attractive. He will not merely repeat, redundantly, what everyone else already takes entirely for granted. This proper tension in authentic and prudent theological contribution to public debate is something that Robert Gascoigne alludes to when he affirms both the need to avoid alienating forms of expression and the need to avoid translation-as-reduction (p. 141). It is doubtful, however, that avoiding the latter is really compatible with

jettisoning the 'unique resonances' of theological speech out of deference to Rawls's proviso (p. 140).

5. MUST A RELIGIOUS ARGUMENT BE UNREASONABLE?

It is not true that every argument for the 'accessibility' or 'secularity' of public discourse is designed specifically to exclude religious references. In theory, Rawls's public reason excludes appeal to *all* comprehensive doctrines beyond the 'overlapping consensus'. In practice, however, it is noticeable that when Rawls wants to illustrate the relationship between a comprehensive doctrine and public reason, he never refers to Marxism or neo-liberalism or nationalism or postmodernism. Invariably, he chooses a religious example. In Habermas's case, the problem is not conceived in generic terms of the relation to public reason of comprehensive doctrines, of which religions are instances. Rather, the problem is conceived specifically in terms of the relation of religious language to 'secular' discourse. Certainly it seems that for Habermas, and even in practice for Rawls, the foremost threat to peaceful public deliberation in plural societies is posed by religion. The reason for this focus of anxiety lies, of course, in the liberal folk memory of the 'religious wars' of the sixteenth and seventeenth centuries as the Dark Ages from which Modernity has rescued us. This is a 'myth' against which both Bretherton (pp. 87–8) and Biggar (pp. 151–2, 169–70) have protested, arguing that it serves to obscure the serious threats to humane social peace posed by non-religious, sometimes even modernist ones. We have already noted MacIntyre and Stout's anxiety about the corrupting influence of corporate commercial interests. To this Travis Kroeker adds concern about a cultural bewitchment with technological control that suppresses consideration of proper ends and moral constraints upon means (pp. 110–12, 123–4). The problem with much contemporary liberal thought is that all its defences are pointing—Singapore-like[12]—in one direction. Nevertheless, the view that religious discourse is uniquely menacing, because it is uniquely characterized by dogmatic certainty and authoritarian appeal, and is therefore 'unreasonable' in the sense of being

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[12] According to the famous myth, Singapore fell to the Japanese in 1942, because the British had fixed all their high calibre guns to repel an expected naval attack from the south, and they could not be turned around to fire upon the land invasion that came from the north. Strictly speaking this is untrue: the guns *were* turned around. It is true, however, that they were supplied mostly with armour piercing shells designed to penetrate the hulls of warships and ineffective against invading troops.

incapable of the discursive give-and-take requisite for secular peace, is very deeply rooted. One practical manifestation of this prejudice is discussed by Paul Weithman: the doubt that religious or 'faith' schools are capable of fostering deliberatively democratic virtues and character. As Weithman reports it (pp. 205–7), this scepticism has its roots in the assumption that religious schools teach that the content of morality is (simply) given or sanctioned by religious authorities such as Scripture, divine command, natural law, or ecclesiastical bodies; that religious students are formed so as to be absolutely certain about the truth of what is given them; that they are taught to regard those who differ from them as sinful and benighted; that they do not learn to care to persuade; and that they therefore do not learn to engage with others in the give-and-take of reasoning together.

It is true, of course, that some religious people are not much interested in reasoning together with unbelievers. It is also true that some such believers—be they radical Islamists or religious Zionists or nationalist Hindus or fundamentalist Christians—do pose a serious threat to social peace in many parts of the world. Unreasonable religion is a grave problem. But not all forms of religion are unreasonable; and it does the cause of public deliberation no good service to tar all believers with the same 'racist' brush.[13] Some believers are willing and able to give and receive reasons, to examine and refine them, to win some points and concede others, to distinguish areas of agreement from areas of disagreement, to press for the development of a common understanding of the single world of the One God's creating, and to regard unbelievers as fellow creatures and sinners who might (albeit unwittingly) play host to the Spirit and prophet of his Word. Indeed, the arguments of these believers will undoubtedly be informed by authorities. But these authorities will comprise not just holy books or revered teachers, but also direct experience of a world that, viewed as the creation of a sovereign and wise God, is taken to be coherent. And insofar as human beings are held to be *imagines dei*, reflecting the divine rationality, the canons of reason—the rules of logic and of evidence—will also be authoritative. And since the authorities of these believers are several, they will be both bound and accustomed to negotiate rationally between them. Deference to authorities needn't be uncritical. Nor is it unusual. All human beings—even scientists and atheists—believe things that they have received on trust. That which they presume to be (generally) reliable amounts to an authority.

Nor need deference to an authority imply an attitude of absolute certainty toward whatever is received from it. An authority remains an authority so long as it commands trust on its central or basic affirmations. Deference,

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[13] By 'racist' I mean to refer to the act of denigrating a whole class on account of the behaviour of some of its members. The injustice here comprises a failure to discriminate.

then, is quite compatible with dissent on peripheral points. And insofar as 'an absolute certainty' means simply 'a firm conviction', then most people—and not just religious believers—will have some. Most people have convictions that they are very disinclined to question or doubt. Even Habermas, as Biggar observes, is strongly averse to doubting that human life is morally structured (pp. 165–6, 169–70). But maybe the kind of absolute certainty that is supposed to adhere to religious beliefs is not merely a 'firm' conviction, but an 'unshakeable' one. Since unshakeable convictions are non-negotiable, they would appear to impose limits on the openness—even the full rationality—of conversation; for there are some things that are placed forever beyond the bounds of critical consideration. The quality of unshakeability, however, applies to the psychology of the believer rather than the ontology of the belief; and human experience indicates that there is no such thing as an unshakeable human grip. Presumably, the insane have even been known to doubt the eternal verities of mathematics. So are religious beliefs necessarily 'unshakeable'? Not at all. Many are the mornings when religious believers haul themselves out of bed, wondering if God really *does* exist. And even if in today's conversation my conviction appears unshakeable, tomorrow I might begin to wonder, the day after I might begin to doubt, and the day after that I might decide to change my mind. The recent conversions of several militant Islamists suggest that reasoning with dogmatic believers (or dogmatic unbelievers) who seem unshakeable in their convictions may not be so fruitless after all. Of course, there is no guarantee that patient conversation will cause a believer (or an unbeliever) to change his mind. But if a belief was not, in the end, dislodged, that does not mean that it wasn't shaken.

So the fact that religious arguments are informed by certain authorities does not mean that their proponents are incapable of deliberating, reasonably and critically, with those who differ from them. But to be informed by authorities is not yet to make express appeals to them. Perhaps there is something wrong with religious believers directly invoking their authorities in elections to the legislature or on the floor of parliament? If in a debate about liberal legislation on abortion or voluntary euthanasia a religious member of parliament were to make a speech that comprised nothing but a chain of biblical references, it would certainly be imprudent; since it could not expect to be found persuasive by the many MPs who do not view the Bible as a primary authority. And imprudence is a moral failing. But a simply biblical intervention would also be disrespectful, and in that sense unfair; for it would fail to take seriously those who are not inclined to defer to the Bible. It would also be a very poor argument, even according to theological criteria. The Bible, being more of a many-voiced tradition than a single system of thought, does not simply render *a* view of abortion or voluntary euthanasia. Someone

who wishes the Bible to inform his thinking on such things has to construct a line of reasoning that orders biblical material into an argument. And that argument ought to appeal to *other* authorities, too—relevant post-biblical theological and ethical sources, human experience of the world that God has created, and the rules of logic and evidence. So there is no such thing as a *simply* biblical contribution to public deliberation; and a contribution that purports to be that would be not only lacking in self-awareness, but theologically inadequate. What, however, about a religious argument that refers to biblical passages and theological beliefs in the course of a more sophisticated line of reasoning that also appeals to human experience of the world and the rules of logic and evidence? What about the kind of argument about the legalization of euthanasia that Nigel Biggar has laid out (pp. 155–61), or the kind of argument on the provision of mental health care in custody that Church of England bishop Bob Hardy presented in the House of Lords (pp. 247–9)? Are those imprudent and unfair, too? Not obviously. Such arguments appeal to some authorities that non-religious auditors recognize, as well as some that they tend not to. They do attempt to take seriously the views of others, and to address their concerns. What's more, the arguments as a whole might succeed in communicating why certain biblical and theological views are held to be important; and even if they do not concur, non-religious people could still come to understand why religious people hold them, and to respect them for that. And it is even possible that unbelievers might find themselves arrested by a biblical citation or drawn to a theological view because of its insight into the human condition, or its moral beauty, or because it just makes better sense of such things as human dignity.

6. SECOND THOUGHTS ABOUT 'SECULARITY'

If religious arguments can be as 'accessible' and 'reasonable' as any others, and if real public conversation is about ad hoc negotiation between a plurality of different languages, then some of us need to think again about what we mean by the 'secular'. No longer should it denote that from which all theological reference is excised. No longer should it be an expression of what Jocelyne Cesari calls 'the ideology of secularization', which characterizes much European thinking (not quite excluding Habermas) and finds its epitome in the anti-religious French doctrine of *laïcité* (pp. 17–18). No longer should 'secular' language claim a monopoly of rationality in the name of neutrality. Drawing instead on St Augustine's concept of the *saeculum*—the Age between the Resurrection of Jesus and the End of history, between token

and fulfilment—we should remember, as Abraham Kuyper (through Nicholas Wolterstorff) urges, that 'only in the eschaton can there be and will there be a politics of consensus on fundamental principles practiced within a polity free of coercion' (p. 30). Meanwhile, back here in secular history we had best surrender the Enlightenment dream of building the Tower of Babel—a single language, a single way of construing the world, the peace that issues from homogeneity. Instead, we should follow Travis Kroeker (pp. 124–6) and suffer *diaspora* (dispersion) into lands of exile, where no one is entirely at home, where we have to negotiate with foreigners, where we have to give and take, and where we have to settle for fragments. This is indeed a *modus convivendi*, but it need not be a cynical, Hobbesian one, sustained merely by considerations of political expediency. It could also be sustained by respect for one another as fellow creatures and sinners; by the recognition that our disagreement is not simply a function of the other's obduracy; by a measure of consensus about what's good and right; by the acknowledgement that fragments of social flourishing are not to be despised; and by hope that, though we now see through a glass darkly, then we shall see face to face. Arguably this peace, wrought from careful engagement with strangers, is actually more valuable—more beautiful—than that peace which issues from natural identity.

Nevertheless, secular peace is tense peace. It contains persistent, sometimes fierce, controversy; for parties to a *modus convivendi* continue to disagree about many things. Complete agreement within the bounds of history is not to be had. Not even homogeneity of language would bring it into being. But if we cannot secure this peace, can we at least keep it? Yes, we can, and in two ways—one about which liberal philosophers have something to say, and one about which they are all but silent. The first way to keep secular peace is to cultivate certain moral virtues and practices, which express a certain view of human beings and their cosmic context. We will say more about this, shortly.

The second way is to call upon the coercive power of the state to suppress, not controversy itself, but parties who are minded to give violent expression to their opposition, whether in rioting on the streets or suicide bombings on passenger trains. Neither Rawls nor Habermas gives this much attention. On one or two occasions in *Political Liberalism* Rawls does allude to the need to 'contain' unreasonable comprehensive doctrines, but he doesn't discuss how.[14] One possible reason for this silence is that it is difficult for some liberals to think about the *limits* of tolerance, because that thought risks provoking reflection on the particularity of the substantive moral—and perhaps even metaphysical—commitments that liberals are bound to make. Another possibility is that, because the basic point of the general liberal

[14] See n. 4 above.

project is to find a 'rational' way of managing ideological conflict that avoids recourse to war, many liberals are disinclined to recognize that violence might sometimes be necessary. Augustinian liberals, however, hoping for the End of history as a gift from God, recognize this secular age as one where tokens of social conviviality are mixed with moments of intractable conflict, frustration, impatience, anger, incontinence, and violence. And they acknowledge that sometimes, tragically, continent force should be used to suppress incontinent violence.

7. ESTABLISHMENT: NOT WHETHER, BUT WHICH?

Liberal space is not indefinite. It is bounded by certain moral convictions, which are expressive of a certain understanding of human beings. And while this understanding may be supported by a plurality of larger world-views (Rawls was correct), that plurality will still be limited. Some world-views will not support a liberal ethos; and some will actually corrode it. So if a liberal ethos is to survive, supportive views have to be fostered, and corrosive ones (somehow) suppressed. The difference, therefore, between a 'liberal' and a 'pre-liberal' polity is one of degree, not kind. Both permit a measure of freedom of thought and practice; both set limits on that freedom; and both must act to prevent and suppress transgressions of those limits. A 'liberal' polity is merely one where the scope for freedom is greater, and the limits less narrowly drawn. Indeed, a 'liberal' polity is merely a less liberal one grown more liberal.

   Take England, for example. From the Reformation to the nineteenth century Anglican Christianity was 'established' in such a way that dissenters were subject to legal penalties. In that sense there was no freedom to confess or practise outside of the bounds of the established religion. Nevertheless, within those bounds there was space for a measure of freedom of thought and intellectual difference. After all, controversy was hardly a stranger to the Church of England in the sixteenth, seventeenth, and eighteenth centuries. In the course of the nineteenth and twentieth centuries, however, the penalties for dissidence were gradually lifted, and non-Anglicans were permitted entry to universities, the armed services, and public office. The result is that now there is no public office in England that determines law or policy which may not be filled with non-Anglicans, or non-Christians, or unbelievers.[15] Indeed,

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[15] The single remaining exception is that of the monarch, who may not be Roman Catholic. However, while the monarch remains the ultimate authority in the British constitution, she

if Stiltner and Michels are correct to report that 63 per cent of Americans would be less likely to vote for a candidate who does not believe in God (p. 261), then today an agnostic or atheist probably has a greater chance of becoming prime minister of the UK than president of the USA. Except on the point of a formal, institutional separation of church and state, contemporary England meets Nicholas Wolterstorff's criteria for a liberal democratic polity: namely, that 'the state must not differentiate in its treatment of citizens on account of their religion or lack thereof, and there must be no differentiation among citizens in their right to voice in the conduct and personnel of the state on account of their religion or lack thereof' (p. 34).

And yet the Church of England remains established.[16] Some argue that this is an anomalous vestige of the *ancien régime* that must be removed, if England is to complete its liberal destiny. That would be so, however, only if Anglican religion were by nature hostile to a liberal ethos, or if the religious establishment were unfair to non-Anglican citizens. But the fact that the Church of England has accepted the full inclusion of non-Anglicans in the political life of the nation, and the concomitant broadening of the plural nature of public discourse, demonstrates that neither is the case.[17]

So the very least that we can say is that the Anglican establishment does no harm. But we can go further than that and say that it brings positive benefits to public deliberation. This is so in four respects. First, the participation of up to twenty-six Anglican bishops in the work of the House of Lords helps to keep a major religious community sensitive to the difficulties and complexities of the necessary tasks of government. This is important when many leaders in the churches are inclined by Liberation Theology (and the political rhetoric of the 1960s and 1970s) to take a relentlessly critical view of the state, and to assume that a Christian voice has only one, prophetic register. It is also important when an uncharitable and moralistic media serves to foster a general cynicism about those who bear responsibility for governing.

A second benefit of establishment is that the Lords Spiritual bring to public discussion an unusual, perhaps an unequalled, breadth of social experience. The contemporary Anglican bishop may have started working life as a lawyer or a businessman or a teacher before he entered ordained ministry; and in the

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neither formulates proposals for law or policy, nor does she determine whether such proposals are adopted.

[16] *Pace* Tocqueville, established religion need not lose its soul in the hoarding of earthly power (Stiltner and Michels, p. 280). Sometimes, it can gain its soul through kenotic service.

[17] The phenomenon of a liberal religious establishment is not unique to England. Writing of Europe, Jocelyne Cesari says that the principle of state neutrality is not synonymous with the separation of state and church. Rather, 'it has been realized within a range of institutional structures, from state religions or concordats to strict separation [in France]' (p. 288).

course of his ministry he may have served in parishes that comprise inner-city housing estates or leafy suburban avenues or scattered rural farmsteads and villages—or as a chaplain in the armed services or hospitals or universities. And in his role as bishop the social range of people—and problems—that he will encounter in the course of a week will far outstrip that of almost anyone else in parliament.

The third benefit that the presence of Anglican bishops in the House of Lords brings is the guarantee of a religious voice in public deliberation at the highest level. This would be problematic if the Lords Spiritual only represented interests and views that are exclusively Anglican; but that is not so. Much of what Anglicans believe and care about is shared by other Christians and by non-Christian believers too. It would also be problematic if the Anglican voice were disproportionately represented; but here we're talking about a maximum of twenty-six bishops in an upper house of over 750 members.

The fourth benefit that the continuing establishment of the Church of England brings is that public institutions and civic rituals get to express one world-view that is supportive of a healthy liberal ethos. After all, the Church of England was born in an attempt to create an ecclesial polity sufficiently liberal to contain religious difference and conflict. And now, as an expression of orthodox Christianity, it affirms the practice of reasoning together, since it views the world as created by the one wise God, and so as possessing a rationality that is there for us to grasp. It also endows that practice with a range of conversationally fruitful virtues: docility, since it views human beings as finite and fallible creatures; a readiness to confess error, since it sees human creatures as sinners; a respect for others as potential speakers of the truth, since it regards all sinful creatures as potential media of God's redeeming Spirit; and patience, since it looks forward to that day when all that remains stubbornly hidden will yet be revealed. Fruitful public deliberation cannot be had without the exercise of virtues like these; and Anglican Christianity is at least one world-view that fosters them.

Liberal space is not indefinite; and liberal public institutions that aim to survive cannot afford to take a neutral position on ethics and anthropology and, arguably, cosmology. Public institutions need actively to foster world-views that commend the virtues necessary for liberal public discourse to flourish. They need to do this because, as Rawls rightly observed, there are illiberal barbarians inside the gates; and within living memory their number has been known to grow to dangerous proportions. But there is a problem; because, as Rawls also rightly observed, there is more than one world-view that supports a liberal ethos. This, then, raises the question of how a single set of public institutions and rituals can express a plurality of world-views.

Rawls's solution was to argue that they should express only the 'overlapping consensus'—whose content is mainly ethical and somewhat anthropological—while keeping silent about the rest of the supporting 'comprehensive doctrines'. Many contributions to this volume disagree with this, arguing that it is neither possible nor desirable to preserve public reason from the expression of larger world-views, or from the controversies that those expressions are bound to stimulate. The danger to public peace is not posed by what is said; it is posed by the manner of saying it. So if liberal public institutions and rituals cannot limit their affirmation simply to a common ethic, which larger supportive world-view should they represent? Presumably they cannot represent all of them at once without sounding impossibly dissonant and incoherent. So they must choose. They could choose as their public comprehensive doctrine an atheist version of Kantianism, but it would have to be significantly more liberal toward religious believers than French republicanism. Or they could choose an ecumenical monotheism, as the US Constitution permits and American governments have chosen.[18] Or they could choose Roman Catholic Christianity, as did the Republic of Ireland.[19] Or they could choose Anglican Christianity.

Whichever the choice, the institutionally dominant liberal world-view will have to learn to exercise its power carefully and generously and (to borrow from Luke Bretherton) hospitably. That is to say, it will have to use its power liberally. If it does so, it may hope to deserve and win and keep the loyalty of citizens who do not see things entirely its way—as the Anglican establishment has in fact succeeded in attracting the support of many Jews and Muslims (as well as droves of agnostics).[20] This, of course, requires those citizens to

[18] One authority on US constitutional law and religion, Michael Perry, argues that, notwith standing its prohibition of federal and state governments from establishing the Christian church in general or any Christian church in particular, the US Constitution does permit governments to affirm an 'ecumenical monotheism' which they do. In support of this view he cites the theological references made by the Declaration of Independence, by Abraham Lincoln in his Gettysburg and Second Inaugural Addresses, by the Pledge of Allegiance, by the motto inscribed on US coins and paper currency, by the prayers that attend the opening of sessions of state and federal legislatures, and by the invocation which precedes the business of the Supreme Court (Michael J. Perry, *Under God? Religious Faith and Liberal Democracy* (Cambridge: Cambridge University Press, 2003), 124 6). Perry's view, of course, is controversial.

[19] The secularist narrative assumes that a republican constitution, in which no religion is established by the state, is requisite for a liberal society; and that a monarchical constitution, in which a particular religion is established, is essentially inimical to it. The histories of England and Ireland in the twentieth century tell a very different tale.

[20] Peter Sedgwick (p. 243 n. 27) refers to one argument for the Anglican establishment from a Muslim point of view (Tariq Modood, *Church, State, and Religious Minorities* (London: Policy Studies Institute, 1997)); and he quotes Rabbi Julia Neuberger (now also a member of the House of Lords) as saying, 'The Church of England . . . does not believe that it is the only moral authority. Instead, it is there to lead and teach, to encourage. . . . [I]t allows other groupings,

tolerate a certain element of difference and foreignness in public institutions and rituals; but encounter with difference is a normal feature of social life, and tolerance is, after all, a classic liberal virtue.[21] Citizens who are genuinely liberal will support the establishment of a liberal world-view, even if it is religious. Those, on the other hand, who attack a liberal religious establishment are either not liberal at all, or anti-religious first and foremost.

8. WHAT HOPE FOR A LIBERAL ISLAM?

Sayyid Qutb is one of the ideological authorities of radical Islamism, and basic to his thought is the insistence that true religion must find active political expression. To young men dissatisfied and frustrated with the political quietism of the spiritual, Sufi Islam of their fathers, such a vision can be a powerful tonic—as Ed Husain testifies.[22] Nicholas Wolterstorff reports that one of the major reasons why Qutb repudiated liberal democracy was because of its perceived attempt 'to confine Islam to the emotional and ritual circles, and to bar it from participating in the activity of life, and to check its complete predominance over every human secular activity, a pre-eminence it earns by virtue of its nature and function' (p. 29).

'Complete predominance' in the form of the imposition of Sharia law and the unequal distribution of political rights is clearly not compatible with

faiths, and communities to join with it in trying to achieve prophetic ideals on earth' (p. 252). At the time of writing Zaki Cooper, an Orthodox Jew, wrote in *The Guardian*: 'Some of the staunchest supporters of Christmas come . . . from other religions. . . . [Orthodox Jews and Or thodox Muslims] welcome the public display of religion by a country that is often so shy of expressing its faith in public. . . . We recognize that the Church of England is the official religion here and Christianity is the majority religion. We take the celebration of Christmas as evidence of the UK's all too often oblique spiritual dimension' ('Face to Faith', *The Guardian*, 8 December 2007, 43).

[21] Some argue that any affirmation of theological claims by the state amounts to a symbolic denial of the equal dignity and worth of non theistic citizens. I can understand why public theological affirmation would somewhat disturb non theistic citizens. It would confront them with views with which they do not agree. It would remind them that their non theistic view is a minority one. But why would it   as such and absent any restriction of civil or political liberties   offend their dignity as equal citizens? As I see it, there can be no such thing as a public order that is morally, anthropologically, and metaphysically neutral. Public institutions that refuse to make any theological affirmation need not be intentionally atheist; yet they cannot avoid implying that such affirmation is unimportant for social health. Many theistic citizens disagree with this implication, and feel somewhat disturbed by the studiously agnostic silence of public space. This alone, however, does not give them sufficient reason to feel that their dignity as equal citizens is being affronted. Contradiction need not amount to offence.

[22] Husain, *The Islamist*, chs. 2, 4.

liberal democracy. What are the alternatives? One option is being pioneered by the US-based 'Muslim democrats', of whom John Kelsay writes.[23] Abdullahi Ahmed An-Na'im, for example, reinterprets Islamic tradition in the light of the penultimate Rawls, arguing that Islam can express itself freely in civic society, where it can indirectly influence political life (and both the content and manner of public deliberation) through its impact on moral common sense and social mores;[24] but that when it comes to public political fora, it must articulate itself in terms of a 'public reason' which, representing an 'overlapping consensus', is 'accessible to all citizens'.[25] The drift of much of our discussion in this volume, however, suggests that this understanding of public reason is quite inadequate; for public deliberation should allow explicit reference to comprehensive doctrines, provided that these doctrines support a liberal manner of conducting conversation. The fact that the very latest Rawls acknowledged that public reason is itself internally plural and contains, rather than merely excludes, controversy, strongly suggests that he half recognized this point.[26] What this implies is that Muslims in a liberal polity should be (conditionally) free to make explicit reference to the Qur'an or to religious beliefs, not just in university debates or in TV interviews, but also on the floor of parliament.

However, even this polyglot modification of the Rawlsian vision of public political space remains a problematic option for Muslims. First, with its American insistence on the formal separation of religion from the state, it would require a radical break with the overwhelming weight of Islamic tradition. Second, the widespread unpopularity of current US foreign policy is subverting any appeal that a Rawlsian vision might otherwise have had—as Kelsay himself anxiously notes.[27] For those reasons, it might be more prudent to seek to steer traditional Islam toward an attenuated predominance in the form of a liberal establishment of religion, which is analogous either to the

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[23] John Kelsay, *Arguing the Just War in Islam* (Cambridge, Mass.: Harvard University Press, 2007), 166 97, 198 202, 220 4.

[24] Abdullahi Ahmed An Na'im, *The Future of Shari'a: Secularism from an Islamic Perspective*, ch. 1, pp. 14, 26. When the author of this Conclusion read this text on 18 December 2006, it was available only online and in draft form at <www.law.emory.edu/cms/site/index.php?id=2383>. A revised version has since been published under the title of *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, Mass.: Harvard University Press, 2008).

[25] *The Future of Shari'a*, ch. 1, pp. 4, 15, 24.

[26] An Na'im himself also implicitly acknowledges the point when he observes that 'personal views . . . will probably influence the way judges interpret and apply the law to the facts of the case at hand' and that 'the views and beliefs of judges are taken into account in their appointment' (ibid., ch. 3, p. 151).

[27] Kelsay, *Arguing the Just War in Islam*, 220 4.

Anglican establishment that we have analysed above, or to one of the other European variants that Jocelyne Cesari has presented (pp. 288–92).

Regardless of which option is best or most likely to persuade, there are several ways in which Muslims could expect to make explicitly Islamic contributions to public deliberation while remaining within the bounds of a liberal manner of conversation. This holds out hope for a *rapprochement* between liberal democracy and Muslims who refuse the privatization of religion. Jocelyne Cesari has observed (pp. 306–7) that the vigorous presence of Islam in the West is one of the factors calling into question the modernist narrative of the gradual recession of religion before the onward march of modernity. The presence of Islam is also one of the factors provoking salutary reconsideration of the anti-religious, secularist model of liberal polity in favour of a more plural—and, ironically, a more genuinely liberal—one. Without doubt, there are things that Islam should learn from the liberal West. But equally there are some important things that the liberal West is now learning from its encounter with Islam.

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