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Rawls, Religion and the Ethics of Citizenship: Toward a Liberal Reconciliation

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David Reidy, Major Professor

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**Rawls, Religion and the Ethics of Citizenship:
Toward a Liberal Reconciliation**

A Dissertation Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

Jeffrey Michael Cervantez
December 2013

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Dedication

This work is dedicated to:
my wife, Angela, for her unfailing love and support throughout the years, without her I could never have completed this project; my children, Abby, Jackson and Avalon, for their many smiles, laughs and hugs along the way, these were a constant source of strength and inspiration; and my parents, Gilbert and Laure, for their countless prayers and unconditional love.

With all my heart, thank you.

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Next, I recognize that my completing this project is due, in part, to the many excellent professors that I had the privilege of studying with. So, sincere thanks go out to some of my other UT professors (not already mentioned above): Richard Aquila, Glenn Graber, John Hardwig and John Nolt. Along the way, each of these professors has contributed to making me a better philosopher. For this, I am thankful.

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Abstract

This dissertation explores the conflict between religion and Rawls's liberalism. Often Rawls's critics contend that the idea of public reason is hostile to religion or unfriendly to citizens of faith. I argue that this concern is misguided. A careful analysis of Rawls's work demonstrates that he is far more welcoming to religion than is sometimes claimed. To defend this thesis I put forward what I take to be the best interpretation of Rawls's idea of public reason, one that I think is immune to most of the standard objections.

Nevertheless, there are some lingering challenges to public reason that need some attention. In particular, three types of objections deserve consideration—i.e., the fairness objection, the denial-of-truth objection and the integrity objection. In every case I contend that Rawls's critics either misunderstand him or else exaggerate the harmful implications of public reason. Consequently, I think that public reason is not an appropriate target of attack.

This is not the end of the debate however. It is sometimes claimed that Rawls's *Political Liberalism* is just another attempt at reducing religion to irrelevancy and elevating secularism within public life. For Christians, this is both an existential threat and a kind of humanistic hubris. At the heart of their complaint is the claim that Rawls's liberalism crowds out some religious ways of life. I call this the problem of homogenization. I argue, however, that any political order will have homogenizing implications. So, this objection cannot stand on its own.

I think the real conflict between Rawls and some Christians is best explained by the spirit of their respective projects. In particular, Rawls shares an Enlightenment commitment to the possibility of progress, even the historical perfection of our natures without divine assistance. Whereas the spirit of many Christian faiths maintains that our nature is of its own corrupt and this world can be redeemed only through divine intervention. The distance between these presuppositions seems to make overlapping consensus questionable. Even if overlapping consensus is not forthcoming, I submit that a constitutional consensus is sufficient for fostering enough political stability and social unity between citizens.

Preface

One key issue underlining the tension between citizens of faith and their nonbelieving counterparts concerns the sorts of justifying reasons required for coercive state action. So, one important question is: what justifying reasons are appropriate for citizens of liberal democratic states? How we approach this question touches on a great many contentious matters in American politics. For example, think about how religious reasons and convictions influence public opinion on wildly divisive issues like abortion, gay marriage, embryonic stem-cell research, physician assisted suicide, school vouchers and government support of faith based initiatives. This is not to mention the ethics of war, environmental concerns, freedom of speech and the list could go on and on.

Some citizens believe that religious reasons are acceptable and adequate for coercive legislation; others think that only secular reasons are suitable. Generally speaking, philosophers addressing the relationship between religious convictions and liberal politics are said to hold one of two views: a *separatist view* (e.g., Rorty 1995, Audi 1997, 2000, Macedo 2000) or an *integrationist view* (e.g., Greenawalt 1995, Wolterstorff 1997, 2012, Eberle 2002).¹ “Separatist views seek to keep religious convictions and justifying political opinions in distinct and separate spheres. Integrationist views argue that the religious convictions of citizens have some legitimate role to play—or are at least permissible under certain circumstances—in democratic politics.”² Of course, there are substantial variations within each of these two views and so, we should not hold to these labels too tightly. Nevertheless, these descriptions are helpful when trying to see the big picture in this debate.

¹ For more examples of these two views see J. Caleb Clanton. *The Ethics of Citizenship: Liberal Democracy and Religious Convictions*. Waco, TX: Baylor University Press, 2009.

² Clanton 2009, p. xiv.

To introduce the subject of this dissertation further, I think it will be instructive to begin with a recent example. The following example illustrates the long standing controversy over the proper role of religious reasons in liberal politics. In the winter of 2012, the Obama administration announced that as part of their plan to reform health care many insurance policies would soon be mandated to cover the costs of contraceptives for women. The new law would require “coverage of the full range of contraceptive methods approved by the Food and Drug Administration. Among the drugs and devices that must be covered are emergency contraceptives including pills known as Ella and Plan B. The rule also requires coverage of sterilization procedures for women without co-payments or deductibles.”³

The intention of the new law is to remove the financial burdens of birth control by obliging corporations to include these benefits in their policies. These benefits are already enjoyed by many women across The United States, and it is hoped that this mandate would close the loophole for exemption. As a result, all women, regardless of their place of employment, could benefit from this health care requirement. The new measures were thought of as the longtime goals of many women’s rights advocates. But not everyone agreed that this was a good idea. The new policy would not apply to religious institutions directly, but it would have important implications for many religious-nonprofit organizations, like hospitals.

To be sure, the proposed policy raised pressing problems for American Catholics. The political firestorm that followed in the wake of this mandate, however, was not about the ethics of contraceptives. Rather, it was primarily concerned with the issue of religious liberty. Also at

³ Keller, Bill. “Contraception and Insurance Coverage (Religious Exemption Debate).” The New York Times 16 February 2012. Retrieved from <http://topics.nytimes.com/top/news/health/diseasesconditionsandhealthtopics/health_insurance_and_managed_care/health_care_reform/contraception/index.html> Last accessed on 2 April 2012.

issue, though, were the sorts of justifying reasons required for advancing, or in this case refusing, coercive state action. Let me say more about this issue.

In 1968 Pope Paul VI issued an influential encyclical, *Humanae Vitae* (Latin for “Human Life”), which among other things condemns the use of contraceptives. Catholic theology maintains that contraceptives prevent new human beings from coming into existence and thus, the encyclical emphasizes the Church’s belief that contraceptive use is an immoral practice. Contraceptives are defined in the encyclical as “any action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible.”⁴ Traditionally, Catholic theologians have interpreted this edict to include any artificial method that hinders the reproduction of new human life. So, the new health care policy would be a matter of great concern for many Catholics, especially Catholic hospitals.

With the support of many religious organizations, the Catholic Church argued that the Obama administration’s mandate on birth control intentionally undermines their religious tradition, coercing them into violating their conscience. Of course, the liberty to follow one’s conscience and the freedom to abide by sacred religious beliefs and practices is a matter of basic justice, a freedom guaranteed by the constitution of The United States. So, one underlying issue in this debate concerns the proper scope of recognized political liberties, including freedom of religion.

Although the Obama administration gave hospitals more than a year to implement this new legislation, *The New York Times* reported that American Catholic bishops issued a joint

⁴ Paul VI. “*Humanae Vitae*” Retrieved from
<http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html> Last accessed 11 June 2013.

statement saying they would fight the edict.⁵ Archbishop Timothy M. Dolan of New York, president of The United States Conference of Catholic Bishops said, “In effect, the president is saying we have a year to figure out how to violate our consciences.” The National Association of Evangelicals said that as a result of the White House decision, “Employers with religious objections to contraception will be forced to pay for services and procedures they believe are morally wrong.” The article goes on to report that Archbishop Dolan said that “Never before has the federal government forced individuals and organizations to go out into the marketplace and buy a product that violates their conscience. This shouldn’t happen in a land where free exercise of religion ranks first in the Bill of Rights.” Though Catholics alone hold to a theological ban on the use of contraceptives, they were not alone in their fight. Their religious cause was also supported by Eastern Orthodox churches, some Orthodox Jewish groups, many Evangelical Christians and others.

Broadly speaking, this case illustrates the highly volatile relationship between religion and politics, especially in liberal democracies like The United States. More specifically, it brings to the forefront, once again, the question of determining, within public reason, the proper scope of recognized political liberties, one of which is the freedom of religion. For example, what sorts of justifying reasons are required for advancing or refusing coercive state action at the level of constitutional essentials or matters of basic justice?

In the above example, the Catholic Bishops argued, on religious grounds, and for religious reasons that Catholics should be exempt from the new health care mandate (i.e., they argued that the mandate is in conflict with their church’s teaching on the subject). Thus, the

⁵ Keller, Bill. “Contraception and Insurance Coverage (Religious Exemption Debate).” The New York Times 16 February 2012. Retrieved from <http://topics.nytimes.com/top/news/health/diseasesconditionsandhealthtopics/health_insurance_and_managed_care/health_care_reform/contraception/index.html> Last accessed on 2 April 2012.

source of justification they employed to oppose the new health care mandate was entirely religious in nature.

In many ways, there is nothing strange about mixing religious convictions with one's political arguments to justify public ends. Indeed, this practice is all too common in The United States. In fact, the widespread use of religious justifications in the public square is hardly surprising at all. According to a 2011 Gallup poll, "More than 9 in 10 Americans still say "yes" when asked the basic question "Do you believe in God?"; this is down only slightly from the 1940s, when Gallup first asked this question."⁶ Another poll found that "78% of American adults identify with some form of the Christian religion."⁷ All in all, the same poll reported that "82.5% of Americans have some form of religious identity." Think what you will about polls, the fact remains, there are far more citizens of faith than secular citizens (at least this much is true for The United States). So, on some level, the widespread use of religion in political discourse and debate should not astonish us.

Nevertheless, saying the majority of citizens are religious does little to resolve a crucial normative worry buried in all of this. So, among other things, the above case provides the opportunity to revisit an important normative question: what sorts of reasons (or kinds of justifications) should a good and reasonable citizen use when arguing for the policies, laws or initiatives, which they support or oppose? Put differently, to what extent is it morally appropriate for citizens of faith to mix their religious convictions with their political ends in liberal democratic states? Many citizens appear deeply divided on this question.

⁶ Newport, Frank. "More Than 9 in 10 Americans Continue to Believe in God." 3 June 2011. Retrieved from <<http://www.gallup.com/poll/147887/americans-continue-believe-god.aspx>> Last Accessed June 11, 2013.

⁷ Newport, Frank. "Christianity Remains Dominant Religion in the United States." 23 December 2011. Retrieved from <<http://www.gallup.com/poll/151760/Christianity-Remains-Dominant-Religion-United-States.aspx>> Last Accessed June 11, 2013.

More fundamental still is another question: what essentially divides citizens of faith from their non-religious counterparts? In other words, what does the conflict between citizens of faith and their unbelieving compatriots ultimately come down to in their debate over the proper role of religious convictions? Since there is no reason to believe that religious citizens are going anywhere, at least not anytime soon, these questions strike me as highly relevant and exceedingly important.

One of the most important philosophers of our time, John Rawls, had a lot to say about these questions. Since the initial publication of his book *Political Liberalism* (1993), there has been a renaissance of interest in the debate over the relationship between religion convictions and political arguments. His views on the subject have (for good or for ill) influenced a myriad of thinkers on these matters. I hope to contribute, however modestly, to this conversation by critically engaging Rawls and his critics on these pressing concerns. To achieve this objective, I have divided the dissertation into two main parts, separated by a parenthetical chapter between them.

The overarching interest of part one (chapters one and two) is the extent to which Rawls's idea of public reason is friendly, or hostile, to religion and religious based arguments in politics. Sometimes Rawls's critics claim that public reason is an attempt to keep religion out of politics, or, that *Political Liberalism* aims to privatize religion, or, in some respect, has hostile implications for citizens of faith. For this reason, "One message being preached nowadays in many of the institutions where future preachers are being trained is that liberal democracy [especially the Rawlsian variety] is essentially hypocritical when it purports to value free religious expression. Liberalism, according to [Stanley] Hauerwas, is a secularist ideology that

masks a discriminatory program for *policing what religious people can say in public*.”⁸ In this way, one of Rawls’s noteworthy critics protests saying that “It would be a deep and fundamental violation of democratic principle to keep out of politics any citizen on the basis of their religious ... standpoints.”⁹ So, in apparent opposition to Rawls this same critic argues that:

the ideal of public reason is inconsistent with the American constitutional tradition; that it actually undermines the liberal virtues of tolerance and accommodation it seeks to foster...and that it is incompatible with the very principles of equal citizenship that are its supposed basis ... with due respect to John Rawls, philosophical secularists are not democracy’s gatekeepers, entitled to determine who may participate and on what basis. Liberal democracy is government open to all.¹⁰

As evidenced by the above remarks, some critics believe that Rawls’s views are, in some respect, unfriendly to religious convictions in politics.

For their part, however, some of Rawls’s supporters have not helped alleviate these concerns. For example, Stephen Macedo, who incidentally considers his doctrine of public reason to be in line with Rawls’s, is on the record as saying, “If some people...feel silenced or marginalized by the fact that some of us believe that it is wrong to seek to shape basic liberties on the basis of religious or metaphysical claims, I can only say “*grow up!*””¹¹ Elsewhere he says that we need “a political liberalism with spine” and that “perhaps, in the end, our politics does come down to a *holy war* between religious zealots and proponents of science and public reason.”¹² I can only hope that some of these remarks are merely intended to score rhetorical

⁸ Stout, Jeffrey. *Democracy and Tradition*. Princeton University Press, 2004, p.76, italics are mine.

⁹ McConnell, Michael. “Secular Reason and the Misguided Attempt to Exclude Religious Argument from Democratic Deliberation.” *Journal of Law, Philosophy and Culture*, vol. 1 (2007): p. 160.

¹⁰ McConnell 2007, p. 161.

¹¹ Macedo, Stephen. “In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?” in *Natural Law and Public Reason*, edited by Robert P. George and Christopher Wolfe. Washington, D.C.: Georgetown University Press, 2000, p. 35, italics are mine.

¹² Macedo, Stephen. “Liberal Civic Education and Religious Fundamentalism: The Case of *God v. John Rawls*.” *Ethics* 105 (1995): p. 470, italics are mine.

points. Engaging in “holy war”, if only with the pen, should not be our objective. To be sure, this is not the intention, nor in the spirit, of Rawls’s project.¹³

From the above remarks we can gather that Rawls’s religious critics are not alone in thinking that hostility between liberal public reason and religious convictions is inevitable. Indeed, it seems that many Christian citizens feel especially threatened by Rawls’s liberalism. Evidence of this fact is that, “The more thoroughly Rawlsian our law schools and ethics centers become, the more radically Hauerwasian [i.e., anti-liberal] the theological schools become.”¹⁴ This is because many citizens of faith view Rawls as the chief antagonist in attempting to banish religion from the public square.¹⁵ So, in many ways, one of the central concerns of the dissertation is exploring the degree to which these complaints and sentiments against Rawls are warranted.

I do not believe that most of the attacks on Rawls are warranted. Rather, I think much of the fuss over Rawls’s idea of public reason is based on a distorted caricature of his views. Rawls, as I hope to show, is not the terrible adversary of religion envisioned by some of his familiar critics. In fact, I think history could prove Rawls a great friend of religion, or, at the very least, see him as one who did his best to accommodate citizens of faith in liberal democratic politics.

For this reason, I am not convinced that Rawls’s settled position on public reason is unfriendly toward religion in any significant respect. No doubt, some will disagree. So, in chapter one I wish to defend the thesis that Rawls’s final word on public reason is largely inconsequential with regards to its social and political limitations for citizens of faith. I argue that

¹³ For example, Rawls says, “There is, or need be, no war between religion and democracy. In this respect political liberalism is sharply different from and rejects Enlightenment Liberalism, which historically attacked orthodox Christianity (Rawls 2005, p. 486).”

¹⁴ Stout 2004, p. 75.

¹⁵ For example, Wolterstorff (2009) claims, “To require of them [citizens of faith] that they not base their decisions and discussions concerning political issues on their religion is to infringe, inequitably, on the free exercise of their religion.”

after carefully considering Rawls's extensive qualifications on public reason, we find that the remaining restrictions on religious arguments in political discourse are negligible to marginal. Thus, Rawls is not out to exclude religion from the public square.

A careful analysis of Rawls demonstrates that the idea of public reason is far more welcoming to religion than is usually let on by some of his familiar critics. Those hoping to exclude religion from politics will surely find this news disappointing. Others, thinking that public reason is dangerous to religious liberty, will certainly be skeptical about this appraisal. Nevertheless, I intend to make good on this assessment. Thus, in the opening chapter I separate the wheat from the chaff and generate what I take to be the best interpretation of Rawls's idea of public reason, one that I think is immune to most of the standard misconceptions.

Nevertheless, there are some criticisms of public reason that seem to persist. These objections appear to undermine the claim that Rawls's liberalism is not hostile to religion. So, in chapter two I turn toward critically engaging three sorts of objections to public reason—i.e., the fairness objection, the denial-of-truth objection and the integrity objection. Each of these challenges has various forms and is advanced by diverse critics. You might say that each objection represents a broad family of challenges to Rawls. Space does not permit me to address each and every critic. Fortunately, this is not necessary. Instead, I think a better approach is to consider the strongest version(s) of each objection. Should these challenges fail, it is not likely that other forms will turn out successful. In the end, I contend that Rawls's critics either misunderstand him or else exaggerate the harmful implications of public reason. In making my case I draw heavily upon the portrait of Rawls presented in chapter one.

In chapter three, I take a parenthetical digression to conjecture on whether Christian citizens can get behind liberal democracy and especially, Rawls's idea of public reason. One

might ask why there is a need for this chapter. The reason is that many of Rawls's Christian critics have seriously maligned his views and consequently, Rawls is met with great resistance by many believers. So, in chapter three my hope is to demonstrate that the essential features of public reason are not necessarily in conflict with Christianity. In particular, I think the core of Rawls's view is compatible with a Christian mandate to "love your neighbor." Thus, I provide a theory of Christian neighborly-love, showing where it seems to overlap with Rawls. I am throughout this chapter assuming a Christian audience. For this reason, non-Christians will likely find this chapter of little consequence to them and may, accordingly, pass over this content and move on to chapter four. The reader can be assured that skipping over this chapter can be done without jeopardizing comprehension in subsequent chapters.

This will take us to part two of the dissertation (chapters four and five). The overarching interest of part two is the extent to which Rawls's liberalism (more broadly understood) is friendly, or hostile, to the Christian religion and in particular, Christian citizens. In chapter four I begin to look beyond public reason and examine other features of Rawls's liberalism that might be unfavorable to Christianity.

I begin by showing why some critics find Rawls's portrayal of liberalism to be problematic. At the heart of their complaint is the claim that justice as fairness crowds out some ways of life. Some of the ways of life crowded out include more traditional and/or religious ways of life. So, these critics claim that some of the social implications of Rawls's liberalism could be hostile, if not also destructive for their way of life. Consequently, it is believed that justice as fairness does not have social and political space for them and so, it lacks a deep and abiding respect for diversity, especially, religious diversity. As a result, some contend that over time, Rawls's liberalism will begin to reshape dissimilar ways of life. Some proponents of the

Christian religion fear that this will have harmful implications for their distinct form of life. I call this the problem of homogenization. In this chapter I argue that to some extent justice as fairness does “crowd out” (e.g., homogenize) dissimilar forms of life but that so does any other political order. So, this objection to Rawls's liberalism cannot stand on its own.

The problem considered throughout chapter four alludes to what I take to be a deep and abiding issue separating the Rawlsian project from a uniquely Christian way of life. However, the matter is not so easily articulated. I believe the main issue is not actually a problem with any particular feature of Rawls's liberalism (e.g., public reason). For this reason, putting one's finger on the issue is not simply a matter of analyzing the nuts and bolts of *Political Liberalism*. Rather, seeing the great divide between these two camps will involve reflecting on some important underlining presuppositions embraced by these respective groups. So, I think that neither public reason, nor Rawls's two principles of justice per se, put believers at a social and political disadvantage.

Nevertheless, the problem of homogenization has, I believe, tuned us in to something important. To put it generally, there is a worry about the ethos of Rawlsian liberalism for many Christians. This ethos seems fundamentally at odds with Christianity. More specifically, I think the friction many Christians experience with respect to Rawls's liberalism is best explained by a deep and abiding antagonism between the spirit of Rawls's project—which shares a kind of Enlightenment commitment to the possibility of progress, even the historical perfection of our natures without divine assistance—and the spirit of many Christian faiths—according to which our nature is of its own corrupt and this world can be redeemed only through divine intervention. Thus, in chapter five I argue that this is the main point of contention between Rawls and some varieties of Christianity.

In closing, I point out that the distance between these presuppositions seems to make the prospect of overlapping consensus questionable and that this does seem problematic for Rawls's view. However, even if overlapping consensus (and stability for the right reasons) is not forthcoming we are not without hope. I submit that a constitutional consensus is good enough for fostering an adequate level of political stability and social unity between citizens.

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CHAPTER ONE

Rawls's Idea of Public Reason is not Hostile to Religion

1. Introduction

In this chapter I am concerned with the extent to which Rawls's idea of public reason is open to religious convictions in political discourse. Oft-heard criticisms of public reason are that it attempts to *keep religion out of politics*, or, tries to *privatize religion*, or, in some respect, is *hostile to religion*.¹⁶ Indeed, many of Rawls's religious critics believe that public reason, in one way or another, is inhospitable to citizens of faith. I think these accusations are largely misguided. I argue that after carefully considering Rawls's extensive qualifications on public reason, we find that the remaining restrictions on religious arguments in politics are negligible to marginal. Rawls is not out to exclude religion from the public square. A careful review of Rawls's work demonstrates that the idea of public reason is far more welcoming to religion than is usually let on by some of his familiar critics.

My project in this chapter is to engage in some critical exegesis. My focus is on how Rawls understands the relationship between public reason and religious convictions. At the end of the day, I think that any limitation Rawls places on religious reasoning in politics is quite unobtrusive and mild. In what follows, I intend to generate a portrait of Rawls that demonstrates this fact. I believe the picture of Rawls presented here represents the best interpretation of his settled position on public reason.

To make my case, I draw on two primary sources: first, *Political Liberalism* (1993), of particular interest is Lecture VI. This is Rawls's first attempt at formulating the idea of public reason. Second, Rawls subsequently revised Lecture VI, publishing the revisions in *The*

¹⁶ For two examples from prominent critics see McConnell (2007) and Wolterstorff (1998).

University of Chicago Law Review (1997) under the title, “The Idea of Public Reason Revisited.” These two works were later published together as the expanded edition of *Political Liberalism* (2005). For convenience, I use this volume. Doing so, however, could give the false impression that these distinct statements on public reason are largely in agreement. Certainly, there is continuity between these accounts, in which case, I draw from both texts liberally. Yet, Rawls sometimes abrogates previous ideas and in still other places it is not entirely clear which thoughts on public reasons he means for us to adopt. “Much of Rawls’s exposition and argument is extremely puzzling. The anomalies multiply when some of his more recent remarks in “Public Reason Revisited” are juxtaposed with some of his earlier ones in *Political Liberalism*.”¹⁷ Any reader of *Political Liberalism*, therefore, should take care to attend to these important differences. I will do no less in this chapter.

Why do I emphasize these points? For two main reasons: first, failure to recognize the crucial but sometimes subtle differences between Rawls’s two accounts of public reason will certainly lead to misunderstanding. Many of Rawls’s familiar critics make this mistake. I believe much of the fuss over Rawls’s idea of public reason can be alleviated by carefully attending to this fact alone. A second reason to stress this distinction is because Rawls himself does. In a letter written to the editor at *Columbia University Press*, dated July 14, 1998, he says that, ““The Idea of Public Reason Revisited” is by far the best statement I have written on idea of public reason...it contains *a number of new ideas* and *alters greatly the nature of the role of public reason*.”¹⁸ Indeed, Rawls’s final statement on public reason significantly alters “the nature of the role of public reason” and part of the goal of this chapter is to cautiously note how these developments bear on the relationship between religion and political discourse. For our purposes,

¹⁷ Weithman 2002, p. 181.

¹⁸ This letter is included in the expanded edition of *Political Liberalism* (2005), pp. 437-439, italics are mine.

therefore, it will be helpful to refer to Rawls's original account of public reason (i.e., *Political Liberalism*, Lecture VI) as the *initial view* and the final statement (i.e., "The Idea of Public Reason Revisited") as his *mature view*.

One may notice, therefore, that my exposition of Rawls is not identical to the one that will surface reading *Political Liberalism* alone. But why should it? If Rawls's mature view of public reason "alters greatly the nature of the role of public reason" and presents "new ideas" not contained in *Political Liberalism*, then this is to be expected. In any event, this is how I will proceed.

My exposition of Rawls's idea of public reason will develop as follows: there are two main sections following this introduction. Section two considers some of the many qualifications Rawls places on the nature and role of public reason. Section three discusses Rawls's wide-view of public reason. In order to understand the relationship between public reason and religious discourse in politics, it is imperative to understand Rawls's limitations on, and modifications to, the idea of public reason. As mentioned above, I think that the limitations Rawls ultimately places on religious reasoning in politics are quite unobtrusive and mild. For this reason, citizens of faith should not see Rawls's idea of public reason as hostile to religion.

2. The Limitations of Public Reason

In this section I discuss four limitations on Rawls's idea of public reason. By "limitations" I mean restrictions on the nature and role of public reason in liberal democracy. I focus on: (1) the limited questions to which public reason applies, (2) the limited persons to whom public reason applies, (3) the limited domain to which public reason applies and (4) the

limited duty attached to public reason.¹⁹ These limitations, I believe, demonstrate that Rawls's intention is *not* to keep religion out of politics. To make this point clear, let me begin with a provisional public reason thesis, qualifying it as we move through this analysis and toward Rawls's mature view.

Public Reason Thesis: People need to keep religious based arguments out of politics.

I think something like the above thesis is often (mistakenly) attributed to Rawls. As we will see, Rawls's mature view of public reason is a far way off from the above thesis.²⁰ To understand why, we must turn our attention to the first qualification Rawls makes.

2.1 *Limited Questions to Which Public Reason Applies*

Perhaps, the most significant qualification on public reason concerns the range of questions to which it applies. According to Rawls, the application of public reason is limited to "fundamental questions."²¹ Fundamental questions include two narrow sets of considerations: constitutional essentials and questions of basic justice. This is often called the scope of public reason.²² Constitutional essentials refer to "fundamental principles that specify the general structure of government and the political process... [and] equal basic rights and liberties of citizenship."²³ Questions of basic justice touch on the distribution of important goods, equality of opportunity and other means necessary for exercising one's basic liberties not already addressed by constitutional essentials.

¹⁹ I am indebted to Patrick Neal in this section; see his "Is Public Reason Innocuous?" *Critical Review of International Social and Political Philosophy* vol. 11 (2008), 131-152.

²⁰ Public reason, at least as Rawls spells it out, applies to all comprehensive doctrines (i.e., religious, moral and philosophical). In this chapter I focus only on religious comprehensive doctrines.

²¹ Rawls 2005, p. 214.

²² For example, see Quong, Jonathan. "The Scope of Public Reason." *Political Studies* vol. 52 (2004): 233-250; also see Freeman 2007, p. 385ff.

²³ Rawls 2005, p. 227.

This qualification was provisionally stipulated in Rawls's initial view of public reason. He suggested we start with the "the strongest case" first in order to test the limits of public reason—i.e., to see whether public reason holds in cases involving fundamental questions—"Should they hold here, we can then proceed to other cases."²⁴ Presumably, he means "proceed to" non-fundamental matters. If so, then Rawls originally thought that other political questions could fall under the scope of public reason. Nevertheless, by the time Rawls spells out his mature view, he permanently ties the idea of public reason to "the public good."²⁵ This has important implications for the scope of public reason. Most importantly, defining public reason's scope in terms of the public good means that public reason is thus forward limited to concerns stemming from constitutional essentials and matters of basic justice. In other words, Rawls began to see that public reason should only pertain to issues involving the common good of liberal democratic citizens. For his purposes, therefore, Rawls is content to restrict public reason to fundamental questions and to my knowledge never again suggests that public reason should apply to more wide-ranging considerations.²⁶

This subtle point is important. It shows that Rawls was concerned that public reason not be interpreted too broadly. The more extensive the application of public reason the more restrictive it becomes. Rawls was conscientious of this fact. He never wanted public reason to appear "too restrictive" or seem unfriendly toward citizens, in particular, toward citizens of faith.²⁷

²⁴ Rawls 2005, p. 215.

²⁵ Rawls 2005, p. 442.

²⁶ Nevertheless, this limitation has recently been challenged by some Rawlsians. For example, Jonathan Quong (2004) argues that there are no good reasons for accepting such a narrow scope on public reason but there are good reasons for preferring a broader scope, one that applies the principles of public reason to issues beyond just matters of basic justice and constitutional essentials. See Quong, Jonathan. "The Scope of Public Reason." *Political Studies* 52 (2004): 233-250.

²⁷ For example, see Rawls 2005, p. 485.

Nevertheless, some have pointed out that almost any piece of legislation not described as a “constitutional essential or question of basic justice” still has some bearing, however small, to more fundamental issues. So, perhaps, Rawls’s attempt to limit the scope of public reason is inconsequential.²⁸ But certainly this contention is overstated.

The question is not whether a piece of legislation has *some* bearing to more fundamental issues, rather, the question concerns whether a piece of legislation *is* a fundamental issue. Rawls insists that public reason governs only a very specific set of considerations, those issues which concern fundamental rights and privileges. He thinks that “*most* political questions *do not* concern those fundamental matters, for example, much tax legislation and may laws regulating property; statutes protecting the environment and controlling pollution; establishing national parks and preserving wilderness areas and animal and plant species; and laying aside funds for museums and the arts.”²⁹

Even still, Rawls acknowledges that sometimes issues not typically labeled “fundamental” might, nevertheless, involve fundamental matters. It should be stressed, however, that *not* every piece of legislation involves these more basic considerations. If every piece of legislation involved essential issues, then the Supreme Court would be overrun with cases (e.g., trivial issues like whether a 70 mph limit on the interstate violates a fundamental right). One way to settle the question of whether a piece of legislation *is* a fundamental matter is to ask: can we sincerely imagine the case in question appearing before the Supreme Court as a challenge to some fundamental matter of justice? If not, the issue is not relevant to Rawls’s idea of public reason.³⁰

²⁸ See Greenawalt 1994, pp. 685-86.

²⁹ Rawls 2005, p. 214, italics are mine.

³⁰ My test here could be problematic insofar as the Supreme Court decides lots of issues that do not involve constitutional essentials or matters of basic justice. For example, sometimes the Court must take a case simply to

In any case, all of this might be beside the point. No doubt, some will disagree with Rawls's rationale for limiting the scope of public reason to fundamental questions. Incidentally, I am not one of those individuals. The point is, whatever one makes of Rawls's qualification on the scope of public reason is largely irrelevant to our present discussion. The fact is: Rawls sees it as appropriate to impose a narrow range of political questions to which public reason applies.³¹ Recall, our main concern here is whether Rawls's idea of public reason attempts to keep religion out of politics. To this point, we can only say that Rawls's idea of public reason does not restrict religious reasons with regards to questions not directly concerned with fundamental matters and that Rawls believes that most questions do not involve these considerations. This point deserves emphasis: Rawls believes the idea of public reason is of little consequence with respect to issues not directly involving fundamental matters. So, we need to qualify the provisional public reason thesis accordingly:

Public Reason Thesis□: *With respect to fundamental matters, people need to keep religious based arguments out of politics.*

Thus, public reason does not, in any respect, preclude religious reasons except when issues of fundamental importance are at stake. In section two, however, we will see that religiously grounded arguments in politics are not strictly excluded here either.

2.2 *Limited Persons to Whom Public Reason Applies*

Another significant limitation concerns the persons to whom public reason is applicable. Until now, I have been using the placeholder "people" to refer to this class of individuals. But this term is far too broad and in need of clarification.

establish uniformity among various Circuit Courts of Appeal. Sometimes it must take a case just to resolve a key procedural issue and so on. Nevertheless, we know (or at least the Supreme Court knows) which cases are intended to challenge fundamental matters of justice and which are not. It is these cases which are relevant to public reason.

³¹ T.M. Scanlon provides an explanation for this limitation. See Scanlon, T.M. "Rawls on Justification" in *The Cambridge Companion to Rawls*. Ed. Samuel Freeman, Cambridge University Press, 2003, pp. 162-164.

We can immediately narrow the range of persons to whom public reason applies to government officials. Broadly following the branches of government in American political life, Rawls has three types of officials in mind: judges, chief executives and legislators.³² Of this group, public reason applies in the strictest way to the judiciary and above all to the Supreme Court.³³ The Court is to argue (discuss and persuade) only in terms of public reason on all issues that come before the bench.³⁴ This is because the Court is entrusted with the power of judicial review and functions as the guardian of fundamental rights and privileges. Somewhat less strict, the executive and legislators may apply non-public reasons when fundamental questions are not at stake. Additionally, although not a government official *per se*, Rawls extends public reason to candidates (and staff) in their campaigns.³⁵ With respect to judges, legislators, chief executives and candidates for political office, therefore, Rawls says that whether they “follow public reason is continually shown in their speech and conduct on a daily basis.”³⁶ In this way, Rawls’s primary target for public reason is a very narrow set of individuals—i.e., government officials (and potential government officials). This much is clear enough.

Conspicuous by its absence, however, is any reference to average citizens. I am primarily concerned with whether public reason affects such citizens. Unfortunately, it is somewhat unclear how Rawls thinks the idea of public reason applies to ordinary persons. There is some ambiguity in the text on this issue. For example, several of “Rawls’s remarks suggest that his guidelines do not apply to actual societies or to the public political debate of ordinary citizens. Even once it is clear that they do apply to the ordinary citizens of actual societies, other remarks

³² Rawls 2005, p. 443.

³³ Rawls 2005, p. 216 and p. 443.

³⁴ One might expect this given the limited range of questions which are relevant to public reason.

³⁵ Rawls 2005, p. 443.

³⁶ Rawls 2005, p. 444.

raise questions about why they apply.”³⁷ I have not the space to explore these issues.³⁸ I must presently remain focused on the question at hand—viz., is public reason applicable to citizens who are not government officials or candidates for office?

In short, yes, public reason does apply to ordinary citizens. However, there is some difference between Rawls’s initial, and mature view with regards to *what* exactly public reason requires of ordinary citizens. For example, Rawls’s mature view of public reason maintains that ordinary citizens “fulfill their duty of civility and support public reason by doing what they can to hold public officials to it.”³⁹ But Philip Quinn points out that Rawls’s earlier view had presented his ideal of democratic politics as asking more than that.⁴⁰ Rawls’s initial view required that all democratic citizens should at least try to “be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality.”⁴¹ Quinn, with reference to these differences, says that “It is not clear, at least to me, whether he then thought that performing this task is required by the duty of civility and, if he did, whether he has since backed off from that view.”⁴² To some extent, Quinn is correct. Rawls appears to have “backed off” with respect to the extent to which public reason applies to ordinary citizens. This of course, does not mean public reason *does not* apply to ordinary citizens, only that the requirements of public reason are less restrictive. I discuss the kinds of normative constraints imposed by public reason on ordinary citizens later. For the time being, we have our answer. In some sense, public reason applies to ordinary citizens.

³⁷ Wiethman 2002, p. 181.

³⁸ To examine some of these considerations see Wiethman 2003, p.180ff.

³⁹ Rawls 2005, p. 445.

⁴⁰ Quinn 2001, p. 107.

⁴¹ Rawls 2005, p. 218.

⁴² Quinn 2001, p. 107.

Insofar as public reason is applicable to ordinary citizens, the explanation for its applicability is found in Rawls's understanding of citizenship. Rawls understands citizenship (i.e., the role of person qua citizen) as a political office.⁴³ While citizenship is an office, however, it is not an office one voluntarily assumes. Thus, Rawls acknowledges that the voluntary assumption of an office carries with it duties that are not necessarily ingredient in an office not voluntarily assumed.⁴⁴ While the principle of fairness justifies the political obligations of elected officials and other officials who voluntarily assume their office, it does not justify the political obligations of citizens generally, since they do not voluntarily assume the office of citizenship. Rather, the political obligations of citizens are justified by their natural duty of justice. For Rawls, therefore, public reason and the duty of civility are examples of natural duties belonging to the office of citizenship.

As I will note later, Rawls understands these natural duties to be moral obligations. That is to say that they are duties that do not apply to people qua persons, but only with respect to persons in their official political roles (e.g., judge, executive, legislator, citizen). So, in a less strictly defined sense, Rawls understands public reason to apply to average citizens. Thus, we should note this important qualification:

Public Reason Thesis□: With respect to fundamental matters, people *in their official political roles*, need to keep religious based arguments out of politics.

So, thus far, we have seen that Rawls's idea of public reason is meant to apply *only* to fundamental questions and *only* to persons in their official political roles. It would seem that public reason is hardly shaping up to be a serious threat to religious freedom and yet, there are still further qualifications to come.

⁴³ See for example, Rawls 2005, p. 478; there Rawls refers to "the office of citizen."

⁴⁴ For Rawls, this point is clear in his discussion of political obligation all the way back to *A Theory of Justice*.

2.3 *Limited Domain to Which Public Reason Applies*

An often overlooked but not insignificant qualification on public reason involves the context, or, domain of public reason.⁴⁵ Some of Rawls's familiar critics accuse him of excluding religious arguments in public debate or banishing religion from the public square. This, however, is a mistaken assumption. To see why recall that Rawls divides the social and political world into two domains: (1) the background culture and (2) the public political culture (or sometimes called the public political forum). If this distinction is ignored, public reason "can seem implausible."⁴⁶

The background culture is "the culture of civil society"⁴⁷ and represents the culture of everyday life and of its many social organizations. Rawls mentions a few such examples, "churches and universities, learned and scientific societies, and clubs and teams."⁴⁸ Another critical part of the background culture is "the media of any kind."⁴⁹ Presumably, this includes the various forms of radio, television, newspapers, magazines, the arts, etc. Thus, the background culture is a very public part of society and "certainly not private."⁵⁰

All of these various forms of associations and media outlets are not restricted by public reason. Rawls explicitly says that "the idea of public reason does not apply to the background culture" and points out that many rejecting public reason do so because they falsely assume that it restricts open discussion in the background culture.⁵¹ For those critics who insist that Rawls's idea of public reason attempts to privatize religion, it is critical they understand this point. The background culture is completely open to religious dialogue, argument and rationale, indeed, it welcomes it. Rawls contends that "it is imperative to realize that the idea of public reason does

⁴⁵ For a helpful analysis on the domain of public reason see Larmore, Charles. "Public Reason" in *The Cambridge Companion to Rawls*, edited by Samuel Freeman. New York, NY: Cambridge UP 2003, especially pp. 380-84.

⁴⁶ Rawls discusses why it seems implausible; see Rawls 2005, p. 442.

⁴⁷ Rawls 2005, p. 443.

⁴⁸ Rawls 2005, p. 14.

⁴⁹ Rawls 2005, p. 444; Cf., p. 420.

⁵⁰ Rawls 2005, p. 220.

⁵¹ Rawls 2005, p. 443-444.

not apply to *all* political discussion of fundamental questions, but *only* to discussions of those questions in what I refer to as the public political forum.”⁵² So, I must turn our attention to this domain.

The public political forum is divided into three parts. These parts roughly correspond to the persons to whom public reason applies. They are the “discourse of judges in their decisions and especially of the judges of the Supreme Court; the discourse of government officials, especially chief executives and legislators; and finally, the discourse of candidates for public office and their campaign managers.”⁵³ What is most interesting about this three part division is what is not mentioned, namely, citizens. As mentioned above, Rawls’s appears to loosen the restrictions of public reason on ordinary citizens, but not completely. His mature view does add an important amendment to the public political culture:

How though is the ideal of public reason realized by citizens who are not government officials? ... To answer this question, we say that ideally citizens 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...to repudiate government officials and candidates for public office who violate public reason, is one of the political and social roots of democracy, and is vital to its enduring strength and vigor. Thus citizens fulfill their duty of civility and support the idea of public reason by doing what they can to hold government officials to it.⁵⁴

Note first that this restriction only applies to persons qua citizens and not to persons in the background culture. Further, recall that this duty only applies with reference to fundamental questions and not most political matters.

How does Rawls’s above comments restrict citizens of faith with respect to their religious convictions in the public political forum? The above passage only mentions three civic duties with respect to public reason. First, in the best case scenario, citizens are to merely “*think* of themselves as if they were legislators” and engage in political conduct accordingly. Additionally,

⁵² Rawls 2005, p. 442, italics are mine.

⁵³ Rawls 2005, p. 443.

⁵⁴ Rawls 2005, p. 444.

citizens should not support those officials and candidates who do not honor the limits of public reason and finally, Rawls appears to sum up these requirements saying “citizens fulfill their duty of civility and support the idea of public reason by doing what they can to hold government officials to it.” Thus, citizens in their official role (e.g., voting) and only with respect to fundamental questions, should attempt to think like ideal legislators, they should not support those candidates who do not show how their policies promote the common good and they should try to hold officials to this requirement. Are these restrictions hostile toward religious convictions in politics? It is difficult to imagine that they are.

Nevertheless, some of Rawls’s familiar critics insist that this requirement puts citizens of faith at a serious disadvantage in political advocacy. It is supposed that since Rawls claims political activism is restricted by public reason, then this applies to all public political debate.⁵⁵

So, for example, Michael Sandel argues that:

The restrictive character of this notion of public reason can be seen by considering the sorts of political arguments it would rule out. In the debate about abortion rights, those who believe that the fetus is a person from the moment of conception and that abortion is therefore murder *could not seek to persuade their fellow citizens of this view in open political debate.*⁵⁶

Similarly, Nicholas Wolterstorff claims that: “What Rawls tells me is that if I step outside my own religious community and enter the public debate about the treatment of the poor in our society, I must at *no point* appeal to my religious convictions. In my debate with others I must *not cite* them as reasons; in my political actions ... I must *not employ* them as reasons.”⁵⁷

These charges have a common theme and common mistake. The common theme is evident, Sandel and Wolterstorff insist that in public political debate, citizens are not free to persuade their fellow citizens, or debate with others with respect to their comprehensive doctrines. If true, this would certainly be an unsettling fact for many citizens of faith. For

⁵⁵ See for example, Rawls 2005, p. 215 and p. 252.

⁵⁶ Sandel 1994, p. 1790, italics are mine.

⁵⁷ Wolterstorff 1997, p. 172, italics are mine.

example, Charles Larmore gives two reasons why such a conclusion would be unappealing. First, it is essential for us to know the convictions of our fellow citizens on controversial issues. This provides us with a firmer appreciation of their positions. Additionally, “unbridled public discussion has the obvious virtue that through it we can come to change our mind. We can find ourselves persuaded by the way some initially unattractive opinion is defended.” We can also be provoked to think through our own views more carefully.⁵⁸ So, we should be worried if Rawls’s view implies what Sandel and Wolterstorff suggest.

Fortunately, Rawls’s view implies no such thing and we should now understand why. These charges erroneously conflate the public political culture and the background culture—i.e., taking what Rawls says about the public political culture and mistakenly attributing it to the background culture. In order to see why these and similar accusations miss the mark, it will be useful to pause and reflect on the limitations so far discussed. To illustrate, consider the following table:

⁵⁸ Larmore 2003, pp. 382-383.

Table 1: The Limited Range of Public Reason

No.	Domain	Political Matter in Question	Role of Person	Public Reason Applies?
1	Public Political Forum	Fundamental Questions	Persons qua elected officials	Yes
2	Background Culture	Fundamental Questions	Persons qua elected officials	No
3	Public Political Forum	Non-Fundamental Questions	Persons qua elected officials	No
4	Background Culture	Non-Fundamental Questions	Persons qua elected officials	No
5	Public Political Forum	Fundamental Questions	Persons qua citizens	Yes
6	Background Culture	Fundamental Questions	Persons qua citizens	No
7	Public Political Forum	Non-Fundamental Questions	Persons qua citizens	No
8	Background Culture	Non-Fundamental Questions	Persons qua citizens	No
9	Public Political Forum	Fundamental Questions	Persons qua persons	Not possible
10	Background Culture	Fundamental Questions	Persons qua persons	No
11	Public Political Forum	Non-Fundamental Questions	Persons qua persons	Not possible
12	Background Culture	Non-Fundamental Questions	Persons qua persons	No

I think the above table nicely summarizes Rawls's idea of public reason and the limitations I have been discussing in this chapter. Perhaps, the most striking feature is row (1) and (5), the only circumstances to which public reason is relevant. In many ways, the framework of *Political Liberalism* concerns this narrow context. Other peculiarities depicted in this chart are rows (9) and (11). In both places the reader finds "not possible." The reason for this is interesting, though obvious. For Rawls, to engage in the public political forum already assumes that one is participating qua citizen or qua elected official. In other words, to participate in this domain just means that one is functioning in their official political role. So, for example, row (9) is saying

that one cannot conduct political advocacy in the public political forum on fundamental questions merely qua person. The remainder of the rows (2 - 4, 6 – 8, 10 and 12) represent contexts or circumstances in which public reason is not pertinent.

Let us now return to the objections put forward by Sandel and Wolterstorff. Recall that Sandel claims that “In the debate about abortion rights, those who believe that the fetus is a person from the moment of conception and that abortion is therefore murder could not seek to persuade their fellow citizens of this view in open political debate.” Consequently, Sandel believes that it is ridiculous to preclude citizens from arguing according to their comprehensive doctrines on such critical issues. (Presumably, he would say this for reasons similar to those given by Larmore.)

However, it is important to note that Sandel’s argument is relevant only if the situation in question is the type illustrated by rows (1) or (5). However, within the Rawlsian framework, this scenario could also (perhaps better) be illustrated by rows (6) or (10). In which case, persons qua citizens or persons qua persons are free to publically debate, argue, discuss and advocate from whatever set of reasons they see fit, including religious reasons. For example, this would hold in the context of university debate, a TV interview, a newspaper column, and so on. If correct, then Sandel mistakenly claims that public reason bars citizens from seeking to “persuade their fellow citizens” or argue for their respective positions in open political debate.

Moving on to Wolterstorff, recall that his claim was that public reason entails that “if I step outside my own religious community and enter the public debate about the treatment of the poor in our society, I must at *no point* appeal to my religious convictions. In my debate with others I must *not cite* them as reasons; in my political actions...I must *not employ* them as reasons.” Wolterstorff’s example of “public debate about the treatment of the poor” is unclear. If

by “treatment of the poor” he means only our charitable obligations to those less fortunate than ourselves, then this is clearly a non-issue for Rawls. This conversation most naturally belongs to the background culture and thus, not applicable to the restrictions of public reason. Let us, however, assume by “public debate about the treatment of the poor” Wolterstorff means some sort of public policy directed at alleviating poverty. This is a matter of basic justice and thus, relevant to public reason. But here again, citizens are free to appeal to religious convictions and advocate for whatever platform they wish, including religious ones. Once again, citizens of faith are welcome to argue their points in university debates, TV interviews, newspaper columns, and so on. If correct, then Wolterstorff also mistakenly claims that public reason precludes citizens of faith from arguing for their positions publicly, or that public reason somehow prevents them from engaging in political advocacy for their causes.

If what I have said here is correct, we must modify the public reason thesis once again. Consequently, public reason thesis□, which held that “With respect to fundamental matters, people in their official political roles, need to keep religious based arguments out of politics,” now becomes:

*Public Reason Thesis□: With respect to fundamental matters, people in their official political roles, need to keep religious based arguments out of *only the public political forum*.*

And so we have come a long way from our provisional thesis. Thus far we have seen that public reason applies *only* to persons qua citizens (i.e., persons in their official role as citizens), *only* with respect to fundamental questions and *only* in the public political forum. We must now turn our attention to yet a further limitation on public reason.

2.4 *Limited Duty Attached to Public Reason*

Central to Rawls's ethics of citizenship is the duty of civility. From the beginning, Rawls has insisted that one's failure to follow this duty should *not* be a legal matter. Rather, "the ideal of citizenship imposes a moral, *not* a legal duty" which Rawls describes as the willingness "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."⁵⁹ It must be stressed that adhering to the duty of civility, however, is *not* a legal mandate. "From a practical point of view, then, it is of considerable importance to realize and remember that on Rawls's own terms, the law should not be used to enforce the duty of civility."⁶⁰ On the basis of this duty, therefore, no legal restrictions on free speech, political advocacy, or public debate are warranted.

One might wonder: why does Rawls insist on this limitation? The answer to this question is not entirely obvious. The duty of civility and public reason form the core of Rawls's conception of the ethics of citizenship. They are also central to *Political Liberalism*, which is intended to promote political stability and social justice.⁶¹ The duty of civility implies that citizens should refuse to use coercive political power to advance their own conceptions of the good or advance their own personal interests.⁶² Citizens in liberal democracies are inevitably going to have fundamental disagreements over their philosophical, moral and religious intuitions with respect to matters of justice and the good life.⁶³ For Rawls, this generates the "liberal principle of legitimacy"—i.e., "our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens

⁵⁹ Rawls 2005, p. 216, italics are mine.

⁶⁰ Neal 2008, p. 145.

⁶¹ At least this is one possibility. For another account of Rawls's reasons for *Political Liberalism* see Weithman, Paul. *Why Political Liberalism?* New York, NY: Oxford University Press, 2010.

⁶² I am indebted to Patrick Neal (2008) here.

⁶³ Rawls calls this the "fact of reasonable pluralism," see for example, Rawls 2005, p. 36, 136 and 216.

may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.”⁶⁴ Public reason, therefore, aims to delineate “a shared set of considerations that are not peculiar to any comprehensive view, but which can be accepted by all reasonable views in so far as they accommodate democratic ideals.”⁶⁵ For Rawls, therefore, the ideal picture of citizenship is one who is “neither a moral fanatic nor a selfish consumer.”⁶⁶ When fulfilling the civic responsibilities associated with her office, our ideal citizen attends to the common political good and not simply her own private interests. In this way, Rawls suggests that public reason with its duty of civility “gives a view about voting on fundamental questions in some ways reminiscent of Rousseau’s *Social Contract*.”⁶⁷

Nevertheless, one might persist in asking: If public reason and the duty of civility are so important for political stability and social unity then why not enforce them as law? Rousseau certainly had no problem with this option. Patrick Neal’s comments on this point are worth mentioning:

To say that Rousseau was willing to legally enforce the requirement of political civility would be putting it mildly; the fourth book of the *Social Contract* describes the institutional means he is willing to countenance in order to ensure the achievement of this central ideal. A few representative chapter titles will convey the seriousness of his intent: ‘On dictatorship’; ‘On censorship’; ‘On civil religion’. Of course, Rawlsian liberalism is not Rousseauian democracy; still, one wonders why Rawls is so willing to eschew the use of coercive law altogether as means of pursuing the fulfillment of this important ideal.”⁶⁸

So, this raises the question all the more forcefully, why does Rawls not follow Rousseau and insist on a legal requirement of civility along with public reason?

In addressing this question, we must turn our attention back to the text. When doing so, we, unfortunately, discover that Rawls has very little to say on this point. The extent of his explanation concerns the value of free speech. On this point he says, “I emphasize that it is not a

⁶⁴ Rawls 2005, p. 217.

⁶⁵ Freeman 2006, p. 220.

⁶⁶ Neal 2008, p. 145.

⁶⁷ Rawls 2005, p. 219.

⁶⁸ Neal 2008, p. 145.

legal duty, for in that case it would be incompatible with freedom of speech.”⁶⁹ Again Neal is instructive here, he says, “I take it, then, that Rawls is allowing that the right of free speech, correctly understood, allows one to say things that violate one’s moral duties as a public official” and presumably, “the good of free speech outweighs whatever benefits would be gained from (trying to) legally enforce the duty of civility.”⁷⁰ This seems right. But I want to suggest that this is not the whole story.

Rawls’s emphasis on the duty of civility as a moral, not a legal duty certainly demonstrates his commitment to free speech. However, I contend that this also demonstrates his respect for the individual’s conscience. In the liberal democratic tradition, the connection between freedom of speech and liberty of conscience has long been established.⁷¹ For example, in chapter two of *On Liberty*, Mill explores the question: why allow freedom of expression given all the imprudent and senseless things that people say? Essentially, he offers two reasons why it is advantageous to embrace freedom of speech: (1) it can be valuable as a means to an end, specifically, the end of finding truth but (2) it is also valuable even when we have the truth. This latter reason is of particular interest. For Mill (and Rawls), it is important that people not simply amass true beliefs, but that they have a vested interest in their beliefs. This simply cannot be done without being forced to confront a multiplicity of views. But of course, ensuring we come into contact with various opinions means we must also value freedom of expression. Freedom of speech, therefore, makes it possible for us to change our minds, to alter our beliefs and to embrace new ideas. In this way, freedom of speech is intimately connected to liberty of conscience. And Rawls is almost certainly aware of the relationship between speech and

⁶⁹ Rawls 2005, p. 445.

⁷⁰ Neal 2008, p. 146.

⁷¹ See for example Locke’s *Letter Concerning Toleration* and Mill’s *On Liberty*, chapter 2, “On the Liberty of Thought and Discussion.” For a much more recent treatment of this issue see Nussbaum’s *Liberty of Conscience*, especially pp. 97-114.

conscience.⁷² It seems reasonable to suppose, therefore, that Rawls's refusing to legally enforce public reason is grounded in his respect for conscience. If correct, then Rawls's insistence on not legally undermining a citizen's beliefs or expressions, demonstrates his commitment to a citizen's liberty of conscience, even in public life. So, those who insist that Rawls is somehow out to undermine religious convictions in public should keep this line of thought in mind.⁷³

Be that as it may, we must nonetheless note that Rawls attaches to public reason an important moral duty.

Public Reason Thesis□: With respect to fundamental matters, people in their official political roles *ought to* keep religious based arguments out of only the public political forum.

This new qualification removes the words “needs to” and replaces it with the phrase “ought to” to better represent Rawls's position and sentiment on the issue in question. Even still, this restatement of public reason is not exactly Rawls's view. In section three, we must revise the public reason thesis with still one more significant modification.

In this section we considered four limitations on Rawls's idea of public reason. First, we saw how public reason is limited to fundamental questions of justice. Second, public reason is restricted to persons in their official political roles (e.g., judge, executive, legislator, citizen). Third, public reason only applies to the public political forum and finally, public reason is a moral, not a legal obligation of citizens.

⁷² For example, Rawls says the background culture is to “ensure the familiar liberties of thought and speech, and the right of free association,” see Rawls, 2005, p. 443.

⁷³ It is interesting to remember that after *A Theory of Justice* (1971), Rawls gradually came to think that “enforcing a generally accepted public conception of justice under the auspices of a philosophical doctrine that many reasonable citizens reject” (e.g., the value of autonomy) “borders on a violation of liberty of conscience (Freeman 2006, p. 218-9).” Rawls began to believe that even if these philosophical doctrines were true, one could not justifiably enforce them on other citizens. Reasonable citizens might reasonably reject to such doctrines. Thus, to enforce a doctrine politically, even a philosophical or moral doctrine, could amount to unjustified coercion. Rawls refers to philosophical, moral or religious perspectives of as “comprehensive doctrines.” So, one plausible reading of Rawls is that the initial need for public reason arose out of his desire to avoid all forms of unjustified coercion, including violating the religious conscience of citizens through coercive means.

In the next section, we consider one more substantial modification that Rawls's introduces in his mature view of public reason, namely, the wide-view of public reason. I think we will find that once all these qualifications are added up, carefully considered and applied, Rawls's idea of public reason will appear quite welcoming to citizens of faith. At the very least, the view argued for here is a long way from Rawls—the great religious nemesis. I think that what is said in the next section will help reinforce this idea.

3. Toward a Wide-View of Public Reason

In this final section I begin by reviewing Rawls's distinction between exclusive and inclusive public reason. This distinction was important for Rawls's initial view of public reason. After this, I move on to examining Rawls's wide-view of public reason. This represents his mature view. Once we have Rawls's wide-view of public reason clearly in view we will be ready to make a final modification to the public reason thesis. This, I believe, will give us Rawls's settled understanding on the subject.

3.1 *Exclusive and Inclusive Public Reason*

Rawls's initial view of public reason—the view of public reason as presented in the original version of *Political Liberalism* (1993)—made a distinction between an exclusive and inclusive view. According to the exclusive view of public reason, “on fundamental political matters, reasons given explicitly in terms of comprehensive doctrines are never to be introduced into public reason.”⁷⁴ The inclusive view, however, allows citizens, “in certain situations, to present what they regard as the basis of political values rooted in their comprehensive

⁷⁴ Rawls 2005, p. 247.

doctrine.”⁷⁵ The question Rawls considers is whether we should understand public reason according to the exclusive or inclusive view.

Some might immediately suppose that Rawls favors the exclusive view. So, for example, Rawls is often referred to as holding a “separatist view” on religious convictions in politics. Generally speaking, philosophers addressing the relationship between religious convictions and liberal politics are said to hold one of two views: a *separatist view* (e.g., Rorty 1995, Audi 1997, 2000, Macedo 2000) or an *integrationist view* (e.g., Greenawalt 1995, Wolterstorff 1997, 2012, Eberle 2002).⁷⁶ “Separatist views seek to keep religion and politics in distinct and separate spheres. Integrationist views argue that the religious convictions of citizens have some legitimate role to play—or are at least permissible under certain circumstances—in democratic politics.”⁷⁷ Of course, there are substantial variations within each of these two views and thus, we should not hold to these labels too tightly. The point is: Rawls is sometimes classified as a separatist (or exclusivist) and thus, understood as one who is uncomfortable with religion in the public square. But this position is certainly misguided, even with respect to Rawls’s initial view of public reason.

For one thing, Rawls believes that every reasonable religious conviction will also be able to provide its own public reason. There is an expectation of overlap between religious and public reasons and both are allowed in the public square (and public political forum), though only the latter is strictly required.

Moreover, Rawls suggests that an exclusive view is only appropriate for those societies that are well-ordered and absent any deep divisions. To say that a society is well-ordered means

⁷⁵ Rawls 2005, p. 247.

⁷⁶ For more examples of these two views see J. Caleb Clanton. *The Ethics of Citizenship: Liberal Democracy and Religious Convictions*. Waco, TX: Baylor University Press, 2009.

⁷⁷ Clanton 2009, p. xiv.

three things: (1) everyone shares the same principles of justice and this fact is common knowledge, (2) the main political and social institutions adhere to these principles of justice and this is publically known and (3) citizens have a good sense of justice and comply with the basic social and political institutions. To simplify this, we can say that in a well-ordered society everyone shares, to a greater or lesser degree, one political conception of justice.⁷⁸ A political conception of justice is “freestanding” of any philosophical, moral or religious doctrines, and is used as the basis for public justification among democratic citizens.⁷⁹ So, for Rawls, the exclusive view most naturally belongs to well-ordered societies, societies in which, “the values of the political conception are familiar and citizens honor the ideal of public reason most clearly by appealing to those values.”⁸⁰

Consequently, on account of their shared political conception of justice, citizens of well-ordered societies have no need to refer to their particular comprehensive doctrines and thus, are able to resolve reasonable disagreements before they lead to more divisive disputes. This is obviously not most societies and it is certainly not the society at the focus of Rawls’s work on public reason. Rather, Rawls focuses on a very different kind of society, one with profound divisions on fundamental questions. So, the exclusive view has never been Rawls’s position.

Rawls’s initial account of public reason endorsed an inclusive view. Recall that on the inclusive view citizens are permitted, in some cases, “to present what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen” public reason itself.⁸¹ What does this mean? Essentially, it is permissible for citizens to introduce religious reasons into political discourse provided “(a) the social situation is such

⁷⁸ Rawls 2005, p. 35.

⁷⁹ Rawls 2005, pp. 11-12.

⁸⁰ Rawls 2005, p. 248.

⁸¹ Rawls 2005, p. 247.

that the idea of public reason itself is supported and strengthened by the introduction of such, and (b) such reasons are accompanied by the expression of what we might call standard public reasons.”⁸²

Rawls illustrates this with two historical examples: the abolitionists who argued against the antebellum South and the civil rights movement led by Martin Luther King, Jr. In both cases, individuals grounded their political opinions in religious arguments. Rawls’s contention, however, is that neither the abolitionists nor King violated their duty of civility when appealing to religious doctrines because “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.”⁸³ I take it, though I admit that this is a somewhat puzzling passage, that Rawls was suggesting that introducing religious rationale into public political discourse on these fundamental matters was entirely appropriate since these arguments contributed to society in a way that was compatible with the spirit of liberalism. In other words, they honored the liberal ideal and thus also the overarching aim of public reason. Interestingly, Quinn notes that the more we “move away from highly idealized cases, it seems that Rawls is willing to relax, to some extent, other constraints such as full satisfaction of the criterion of reciprocity.”⁸⁴ All of this, specifically Rawls’s willingness to accept the inclusive view, demonstrates his openness to religion in the public square. The inclusive view, properly understood therefore, is a far cry from privatizing religion, and is certainly not an attempt to make politics inhospitable for citizens of faith. And yet, Rawls’s mature view of public reason is even less restrictive still.

⁸² Neal 2008, p. 133.

⁸³ Rawls 2005, p. 251.

⁸⁴ Quinn 2001, p. 113.

3.2 *The Wide-View of Public Reason*

In time, Rawls revised his initial view of public reason in favor of a “wide-view” of public reason, which completely relaxes the restraint on introducing comprehensive doctrines into the public political forum. Quinn suspects that Rawls moves “from the inclusive view to the wide view in part because he wanted to address the concerns of some religious citizens that his political liberalism is biased toward the secular and unnecessarily exclusive of the religious.”⁸⁵ Rawls’s own words on this matter seem to support this idea. He says that permitting citizens to argue from their religious doctrines in public

has the advantage of citizens informing one another where they come from, so to speak, and on what basis they support the public political conception of justice. All this may have desirable consequences and may strengthen the forces working for stability. It is also less restrictive and gives citizens a deeper understanding of their several points of view.⁸⁶

In effect, Rawls seems to be saying that offering reasonable religious doctrines in public political discourse is *a good thing*! This is a remarkable discovery indeed. But why is it advantageous for citizens of faith to introduce their religious reasons into the public political forum? According to Rawls, this is because a citizen of faith’s use of religious reasons actually provides an important social and political purpose. It informs others of how they understand the world and on what basis they have derived their particular political point of view. Rawls thinks that this in turn could strengthen political stability. It is incredible that even after these many far-reaching attempts to include religion into politics, Rawls’s wide-view of public reason is still thought by some to be hostile to religion. Nevertheless, such is the case.

This mistaken perspective is almost certainly fueled by an important condition attached to introducing comprehensive doctrines into political debate. Rawls says, that comprehensive doctrines are acceptable “*provided that* in due course proper political reasons—and not reasons

⁸⁵ Quinn 2001, p. 114.

⁸⁶ Rawls 2001, p. 90.

given solely by comprehensive doctrines—are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support.”⁸⁷ Rawls refers to this condition as the “proviso.”⁸⁸ No doubt, there are many problems with the proviso, but the claim that it is “too restrictive” on religious reasons in politics should not be seen as one of them.

The proviso relaxes the need to immediately accompany any expression of our comprehensive doctrines in the public political forum with public reasons. As noted, this obviously raises many questions for Rawls and he is aware of some of these concerns. For example, when should the proviso be satisfied and by whom? Must the citizen offering a comprehensive reason satisfy the proviso or can a proxy fulfill the requirement on her behalf? Should the proviso be satisfied the same day, within a year’s time, in one’s lifetime or eventually? These are highly relevant questions to which Rawls has no answer. He simply says, “It is important that it be clear and established that the proviso is to be appropriately satisfied in good faith. Yet the details about how to satisfy this proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance.”⁸⁹ I suppose so, but we should want a little more guidance.

For the purposes of this chapter, however, it is not necessary to resolve these issues. We must only point out that Rawls considerably eases the conditions under which it is appropriate to introduce religious convictions in the public political forum. He moves from it being permissible “in some cases” to it being appropriate “at any time.”⁹⁰ This is not to say that citizens can offer *just any* religious reasons, they should be reasonable ones. Furthermore, citizens ought to be mindful of when and how they introduce their comprehensive doctrines. So far as possible,

⁸⁷ Rawls 2005, p. 462, italics are mine.

⁸⁸ Rawls 2005, p. 462.

⁸⁹ Rawls 2005, p. 462.

⁹⁰ Cf. Rawls 2005, p. 453 with p. 247.

citizens should exercise great care, prudence and reciprocity when offering others a religious justification. Be that as it may, Rawls's wide-view of public reason seems very comfortable with religion and religious based arguments in the public square. For anyone reading Rawls carefully, this point is difficult to ignore.

As a result of our analysis, we must again revise the public reason thesis. The previous thesis held that with respect to fundamental matters, people in their official political roles, ought to keep religious based arguments out of the public political forum. This should be modified to:

Public Reason Thesis□: With respect to fundamental questions, persons in their official political roles ought to *use caution when introducing* religious based arguments into the public political forum.

I submit that something like the above thesis is Rawls's mature view of public reason.

Recall that we started with a provisional thesis that, in many ways, is typical of the view sometimes thought endorsed by Rawls. The separatist position often attributed to Rawls is something like: *people need to keep religious based arguments out of politics*. As we have seen, however, nothing could be further from Rawls's actual position. Consequently, it is inaccurate to understand Rawls's idea of public reason as attempting to eliminate religion from political discourse. It is even mistaken to say that Rawls bars religion from the public political forum. If this much is true, then Rawls is not among those who are hostile to religion.

CHAPTER TWO

Religiously Minded Objections to Public Reason

1. Introduction

In the previous chapter I put forward an interpretation of John Rawls's idea of public reason. I argued this understanding demonstrates that Rawls's view is not hostile to religion or religious convictions in the public square. Nevertheless, many of Rawls's critics continue to insist that it is. Generally speaking, it is feared that political liberalism is a further step in the overall liberal project of marginalizing religion in society. It is claimed that Rawls's *Political Liberalism*, in particular, is just one more attempt at completing the so-called Enlightenment project of reducing religion to irrelevancy and elevating secular reason within public life.⁹¹ From the point of view of many citizens of faith, therefore, political liberalism is both an existential threat and a kind of humanistic hubris. For this reason, my aim in this chapter is mostly a negative one. I endeavor to address some of the standard criticisms advanced by Rawls's religious critics against the idea of public reason. I contend that Rawls's critics either (a) misunderstand the idea of public reason or else (b) exaggerate its harmful implications. In making my case I draw heavily upon the portrait of Rawls presented in chapter one.

In one way or another, each of the criticisms considered in this chapter challenges Rawls with being inconsistent with the best liberal democratic theories. That is to say, suppose X represents all the morally praiseworthy characteristics of liberal democracy (e.g., fairness, justice, stability, etc.). Put otherwise, X stands for all of the good-making features of liberal

⁹¹ Historically, there may have been some figures—e.g., Hume—who took this view, however, many—e.g., Leibniz, Kant, Rousseau, Berkeley, Locke—did not.

democracy.⁹² The criticisms I consider in this chapter attempt to argue that Rawls's idea of public reason denies one or other of these good-making features, or implies something counterintuitive about them. For example, one of the morally good-making features of liberal democracy is that liberalism is fair to her citizens. Some critics object, however, that Rawls's idea of public reason is deficient or suggests something undesirable with respect to fairness. On account of this defect, Rawls's idea of public reason is morally inconsistent with some of the good-making feature of liberal democracy. Hence, public reason is not a part of a good liberal theory or, at least, not as good as some alternative.

What features of Rawls's idea public reason lead to the alleged problem of inconsistency? To my knowledge, Patrick Neal is the only one who has attempted to classify the main religious objections to Rawls's idea of public reason.⁹³ Neal groups the most common challenges to public reason into several types of critiques. I examine three of these: (1) the fairness objection, (2) the denial-of-truth objection and (3) the integrity objection.⁹⁴ I have reproduced Neal's account of these by way of introduction:

The Fairness Objection seeks to hoist the Rawlsian argument on its own petard. The claim is that rather than embodying the principle of fairness, the doctrine of public reason is itself an expression of unfairness insofar as it subjects religious citizens to restraints that are not applied to non-religious citizens.

The Denial-of-Truth Objection challenges public reason on the grounds that it seems mistaken to require citizens to avoid stating claims of truth as truth. The charge is advanced not so much in terms of alleged damage to the person (as in the integrity objection), but rather in terms of the social costs of encouraging hypocrisy and/or dissembling over the profession of truth as one sees it.

The Integrity Objection is perhaps the most prevalent argument made against Rawls from the point of view of religious belief. The heart of this argument is that the Rawlsian idea asks the religious citizen to "split" himself in a way that does, or can do, damage to the moral and or religious integrity of the person. In being asked to conduct his political activity in accordance with public reason, and to treat his religious views as being fundamentally non-political, the citizen, so

⁹² Currently it is not important to detail all these features. It is sufficient to say that there are such features and that on account of them liberal democracy is a good idea.

⁹³ See Neal 2009, pp. 159-60.

⁹⁴ Neal adds the "incompleteness objection" to this list. However, "the incompleteness objection is not particularly a religious argument" so I just assume we set it aside for the purposes of this chapter. See Neal 2009, p. 159.

it may be claimed, is being asked to repress or deny a fundamental part of himself when he enters the public realm.⁹⁵

Each of these objections has various forms and is advanced by diverse critics. You might say that each objection represents a broad family of challenges to Rawls's idea of public reason. Space does not permit me to address each and every critic. Fortunately, this is not necessary. Instead, I think a better approach is to consider the strongest version(s) of each objection. Should these challenges fail, it is not likely that other forms will turn out successful.

2. The Fairness Objection

We begin with a formidable challenge to Rawls's idea of public reason, the fairness objection. Though this objection has various accounts, its general structure and goals are the same. Consider:

- (1) If Rawls's idea of public reason is unfair to citizens of faith, then public reason is not consistent with the best theories of liberal democracy.
- (2) Rawls's idea of public reason is unfair to citizens of faith.
- (3) Therefore, public reason is not consistent with the best theories of liberal democracies.

Premise (1) is straightforward and seemingly on target. Fairness is one of the great virtues of liberalism. Thus, liberal policies should not unduly burden one group of reasonable citizens over others. Of course, premise (2) asserts that there is something unfair about public reason. To demonstrate unfairness, some critics attempt to show that public reason imposes greater burdens on citizens of faith when compared with other citizens. For this reason, those invoking the fairness objection often argue that Rawls's idea of public reason reveals an unfair bias against religion.

In this section I consider three variants of the fairness of objection. All of these come from the work of Nicholas Wolterstorff. The first version claims there is a fundamental

⁹⁵ Neal 2009, pp. 159-60.

unfairness in the theoretical structure of public reason while the second declares that public reason unfairly favors secular citizens in practice. More recently, Wolterstorff (2012) has argued for a new form of the fairness of objection. Essentially, Wolterstorff's latest complaint is that public reason either ignores the welfare of so-called "unreasonable" citizens or else unfairly ignores these citizen's political views. I close this section by evaluating this challenge.

2.1 *Public Reason is Unfair in Theory*

Wolterstorff maintains that a deep unfairness emerges when examining the theoretical assumptions of public reason. One of the most mistaken assumptions is that all political decisions and discussions should be guided by an "independent source." In several places Wolterstorff says that according Rawls, citizens "are to base their political decisions and their political debate in the public space on the principles yielded by some *source independent* of any and all of their religious perspectives to be found in society."⁹⁶ In other words, when discussing political affairs citizens must advance reasons that are independent of their religious doctrines. The problem, according to Wolterstorff, is that rooted in this supposition is a fundamental unfairness. People of faith are in the habit of discussing and making decisions in accordance with their religious convictions. They are not accustomed to, or enthusiastic about, being compelled to address political matters on the basis of an independent source. To require these citizens to act and think otherwise constitutes a great unfairness. It is worth quoting Wolterstorff at length on this point:

It belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions concerning fundamental issues of justice on their religious convictions. They do not view it as an option whether or not to do so. It is their conviction that they ought to strive for wholeness, integrity, integration, in their lives; that they ought to allow the World of God, the teachings of the Torah, the command and example of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. Accordingly, to require of them that they not base their decisions and discussions concerning political issues on

⁹⁶ Wolterstorff 2009, p. 149, italics are mine. Cf. Wolterstorff 1997, p. 166.

their religion is to infringe, inequitably, on the free exercise of their religion. If they have to make a choice, they will make their decisions about constitutional essentials and matters of basic justice on the basis of their religious convictions and make their decisions on more peripheral matters on other grounds—exactly the opposite of what Rawls lays down in his version of the restraint.⁹⁷

This passage raises questions beyond that of fairness. Also implicit here are the issues of integrity and truth. We will touch on these questions in section three and four respectively. For now, let us narrow in on the issue of fairness.

In the above passage, Wolterstorff underscores two ways he believes public reason is unfair to citizens of faith. First, he says that public reason infringes on the liberty of citizens of faith in a way that it does not intrude on secular citizens. In effect, he says that public reason forces citizens of faith to choose between political ideals and their religious convictions. Secondly, although Wolterstorff is not explicit about this, the following concern is, nevertheless, suggested by his remarks. He thinks that should people of faith choose fidelity to their convictions over the ideals of public reason, then they will be excluded from political participation. This in turn reveals an unfair Rawlsian bias against religion. Insisting citizens of faith appeal to an independent source or else suffer political exclusion infringes, inequitably, on the free exercise of their religion.

Michael McConnell seems to echo Wolterstorff's concern saying that, "It would be a deep and fundamental violation of democratic principle to "keep out of politics" any citizen on the basis of their religious ... standpoints." He goes on to say that:

"the ideal of public reason is inconsistent with the American constitutional tradition; that it actually undermines the liberal virtues of tolerance and accommodation it seeks to foster...and that it is incompatible with the very principles of equal citizenship that are its supposed basis...with due respect to John Rawls, philosophical secularists are not democracy's gatekeepers, entitled to determine who may participate and on what basis. Liberal democracy is government open to all."⁹⁸

⁹⁷ Wolterstorff 1997, p. 105.

⁹⁸ McConnell, Michael. 2007, "Secular Reason and the Misguided Attempt to Exclude Religious Argument from Democratic Deliberation." *Journal of Law, Philosophy and Culture*, p. 161.

Religious convictions include important political beliefs. If God cares about justice in the way many citizens of faith believe, then one's religion will have profound implications on their political opinions.⁹⁹ But, as Wolterstorff sees it, Rawls's view lays down an unjustified restraint on religious convictions. And this restraint, if upheld, would threaten to exclude people of faith on account of their religious commitments and is, therefore, unfair.

2.2 *Replies and Rejoinders*

Is Rawls's idea of public reason unfair for the reasons Wolterstorff provides? I do not think that it is. In the first place, we must be careful with phrases like "independent source." Rawls himself never uses this expression and it is not clear he would endorse the language as descriptive of his view. The primary reason is that the word "independent" is highly ambiguous in this context. It could carry at least two very different meanings. First, to say that a public reason X is independent of a religious reason Y could mean that X is completely unconnected to (i.e., *independent from*) Y. Rawls would certainly reject this view. An overlapping consensus is highly desirable, if not required for Rawls. Alternatively, saying a public reason X is independent of a religious reason Y could mean that Y is not necessary to explain X. More accurately, Y is not necessary to vindicate X as a *pro tanto* reason, as having some normative weight. This is much closer to Rawls's position.

Accordingly, an "independent source" for X would simply mean that a public reason does not need to garner its *pro tanto* justification from a religious rationale. In this sense, a public reason gains its *pro tanto* justification *independently* of any religious doctrine. If Wolterstorff's objection is to connect with Rawls, then this is what he must mean by "independent." But notice that this latter reading of "independent" is fully consistent with a citizen's holding a political

⁹⁹ McConnell 2007, p. 160.

position for a religious reason. That is, although a policy P is justifiable by a public reason X, without reference to a religious doctrine Y, a citizen can nevertheless choose to accept or reject P according to Y and not X. In which case, Rawls's idea of public reason does not ask a citizen to choose between fidelity to their faith or public reason. In fact, under normal circumstances, Rawls believes that public reasons could overlap with, and be justified by, one's religious doctrines.

One might nevertheless object saying, consider a situation where a citizen of faith only has religious justification to embrace a political position. In this case, one might suppose that Rawls's view would exclude them from full political participation. Thus, public reason remains unfair to citizens of faith in these situations. However, this is not entirely correct.

It is important to remember that Rawls's idea of public reason only applies to a very narrow range of political decisions and discussions (See Table 1, chapter one). So, in most cases, there is no conflict between one's religious convictions and public reason. Nevertheless, assuming there is a case where conflict arises; Rawls's wide-view of public reason never bars a citizen from the public political domain even when their sole political justification is religious. Recall that the wide-view of public reason completely relaxes the restraint on religious justification in public political discourse. Rawls's "proviso" maintains that comprehensive doctrines are acceptable "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."¹⁰⁰

One might worry, however, that this only pushes back the conflict since at some point citizens must provide a suitable public reason in place of their religious rationale. But remember that Rawls is not specific about when or how these public reasons should finally be provided.

¹⁰⁰ Rawls 2005, p. 462.

Rather, he is very comfortable with leaving it undisclosed. Consequently, this creates a political environment in which religious reasons are welcomed in political discourse. And on my reading of Rawls (chapter one), perhaps, religious reasons are even cautiously encouraged to cultivate bonds of civic friendship.

One more point is worth highlighting here. Note the difference between a legally enforceable norm and a moral norm that is enforced through voluntary conduct within the public political domain. Recall that Rawls's idea of public reason is not a legally enforceable public norm. Rawls understands public reason as an ethic of citizenship that is voluntarily embraced. This is not an unimportant point. Public reason is only a moral norm, part of his conception of civic virtue. Thus, insofar as citizens are not legally burdened with the mandates of public reason, Rawls ought to be understood as fully endorsing a citizen's first amendment freedoms.—i.e., public reason is not a constraint on first amendment freedoms as a matter of constitutional law. Therefore, for the above reasons, it is difficult to see how Rawls should be charged with unfairness in *theory*.

2.3 *Public Reason is Unfair in Practice*

Wolterstorff's charge of unfairness seems to ignore the fact that Rawls's idea of public reason is voluntary and imposes the same restraints on *all* comprehensive doctrines. Rawls's view does not single out religious reasons for special restrictions. Nevertheless, one could complain that a practical consequence of public reason is that it places a greater burden on citizens of faith when compared with secular citizens. I think this is what leads Wolterstorff to voice his second concern. It is to his worry about the unfair practical implications of public that we now turn.

Wolterstorff claims that public reason is unfair to citizens of faith in *practice*. In his own words:

The second inequity is a kind of unfairness that pertains more to practice than theory. Much if not most of the time we will be able to spot religious reasons from a mile away: references to God, to Jesus Christ, to the Torah, to the Christian Bible, to the Koran, are unmistakably religious. Typically, however, comprehensive secular perspectives will go undetected. How am I to tell whether the utilitarian or the nationalism of the person who argues his case along utilitarian or nationalist lines is not part of his comprehensive perspective?¹⁰¹

The objection is that public reason presents citizens of faith with an inherent, almost built-in unfairness when it comes to political discourse. Generally speaking, religious reasons are obvious to everyone, while other comprehensive doctrines are not. Presumably, the concern here is that secular citizens will often be able to advance their doctrines without detection, whereas citizens of faith are not so fortunate. So, this again unfairly burdens people of faith.

2.4 *Replies and Rejoinders*

It must be acknowledged that Wolterstorff is, by and large, correct in saying that religious reasons are usually more noticeable in public discourse than non-religious doctrines. Perhaps, some Buddhist, Unitarian Universalist and other such religious reasons are not as noticeable in public political discourse. Be that as it may, Wolterstorff, I think, clearly is assuming a certain family of religions here—i.e., historically mainstream Christian traditions.

Even still, I think Wolterstorff overstates the moral distress caused by this “kind of unfairness.” For starters, Rawls’s view permits the use of religious reasons in the majority of circumstances. This fact is important because although some religious doctrines are more obvious than others, their presence is usually permissible. So, their being more easily recognized is not a problem. Thus, this “kind of unfairness” should not, normally, be worrisome for citizens of faith.

¹⁰¹ Wolterstorff 1997, p. 105.

Nevertheless, one might point out that there are more difficult examples to consider. More troublesome cases are those limited situations to which the restraints of public reason actually apply. Namely, what about those situations where people of faith *qua* citizens, address fundamental questions in the public political forum?¹⁰²

Here again, Wolterstorff's criticisms are exaggerated. It is true, religious reasons are, even in this context, usually more noticeable. But nothing disturbing should follow from this fact. Recall that the final rendition of the public reason thesis It maintains that with respect to fundamental questions, persons in their official political roles ought to use caution when introducing religious based arguments into the public political forum (see chapter one, section 3.2). This does not bar the religious voice from public political discourse. So, even assuming there is some built-in "unfairness," with respect to detection (or selective enforcement) of religious reasons, this is not troublesome. Religious doctrines are permitted in the context of the public political forum and even with regards to fundamental questions. Thus, it seems to me that Wolterstorff's charge of unfairness in practice is overstated.

2.5 *Public Reason is Unfair to Unreasonable Citizens*

Wolterstorff (2012) has recently offered a substitute to Rawls's idea of public reason. He calls this alternative the "equal political voice" interpretation of public discourse.¹⁰³ He says that "at the heart of that idea, so I contend, is not commitment to public reason, as Rawls understands it, but commitment to the "equal right of citizens to full political voice to be exercised within an explicit or implicit constitution that imposes limits and guarantees on government, and within a legal order that protects citizens against impairment of their right to full political voice by their

¹⁰² Recall that in chapter one I argued that this is the only context to which public reason applies. See chapter one, section 2.3, Table 1, rows 1 and 5.

¹⁰³ Wolterstorff, Nicholas. 2012. *Understanding Liberal Democracy*. Oxford University Press, chapter 5.

fellow citizens.”¹⁰⁴ In developing his view, Wolterstorff first advances a new version of the fairness objection. In so doing, he attempts to undermine the fairness of Rawls’s idea of public reason and so bolster his own position. In the end, Wolterstorff believes that his approach to public discourse is more evenhanded than Rawls’s, especially with respect to citizens of faith. In what follows, I will not rehearse the details of Wolterstorff’s position. Nor will I challenge the claim that Wolterstorff’s position is a fair and equitable theory of liberal democratic citizenship. Instead, I attempt to evaluate Wolterstorff’s critical opinions of Rawls.

Wolterstorff begins his unfavorable remarks with a question: “Can we expect that a liberal democracy which comprises a plurality of comprehensive doctrines in its citizenry will be just, and stable for the right reasons, if reasonable citizens comply with the duty of civility?”¹⁰⁵ Although Wolterstorff previously challenges the feasibility of the duty of civility, he assumes compliance with the duty is possible for the sake of argument.¹⁰⁶ Assuming this fact, he goes on to say that Rawls’s “society will be fully just only if everybody’s convictions as to which principles are fair are treated fairly” so that fairness “requires that the principles be ones that everybody may reasonably accept, provided that everyone else likewise accepts them.”¹⁰⁷ However, to determine principles that “everybody may reasonably accept”, Wolterstorff reminds us that Rawls sets off to the side those who are not “reasonable.” Those citizens who are not set off to the side as “unreasonable”, Wolterstorff refers to as the “legitimation pool” of citizens.

It is important for Wolterstorff’s that those excluded from the legitimation pool are a large group. So, he claims that the group of “unreasonable” people constitutes a much larger company than Rawls suggests—e.g., “in addition to those relatively few who prefer a

¹⁰⁴ Wolterstorff 2012, p. 129.

¹⁰⁵ Wolterstorff 2012, p. 119.

¹⁰⁶ See Wolterstorff 2012, chapter 4 for objections to fulfilling the duty of civility.

¹⁰⁷ Wolterstorff 2012, p. 119.

hierarchical political and social structure, the group includes those who, when it comes to politics, do not think about justice.”¹⁰⁸ Wolterstorff has in mind those people who are, for the most part, not concerned about social justice but are largely worried about their own personal liberty, advancing self-interested aims, acquiring wealth and so on. He says that “in our present day liberal democracies, there are many such citizens.”¹⁰⁹

Here is his main point, “to be excluded from the legitimation pool is not to be removed from the scope of justice.”¹¹⁰ That is, and I think Wolterstorff is right about this, unreasonable people must be treated fairly, according to just restraints. He claims, however, the problem is that “citizens can conform to Rawls’s duty of civility while paying no attention whatsoever to how those are treated who are excluded from the legitimation pool; everybody in the pool fully conforming to the duty of civility is compatible with those outside the pool being treated with gross injustice in the distribution of benefits and burdens.”¹¹¹ Wolterstorff acknowledges that the duty of civility does not preclude one from considering the fate of those outside the legitimation pool, but claims that it does not require such consideration either. Rather, it is simply left up to the individual to decide. For Wolterstorff, this generates a more serious concern:

Even if citizens within the legitimation pool do settle on principles for distribution of benefits and burdens that treat all citizens justly, including those outside the legitimation pool, what they do not do and cannot do is *treat fairly the views of those outside* the pool concerning the proper distribution of benefits and burdens, as Rawls understands fair treatment. Citizens in the legitimation pool simply ignore the views of those outside. If a liberal democratic society contains unreasonable citizens –and they all do—then to follow the duty of civility is perforce to perpetrate injustice...”¹¹²

¹⁰⁸ Wolterstorff 2012, p. 120.

¹⁰⁹ Wolterstorff 2012, p. 120.

¹¹⁰ Wolterstorff 2012, p. 121.

¹¹¹ Wolterstorff 2012, p. 121.

¹¹² Wolterstorff 2012, p. 121, italics are mine.

To ignore the views of those outside the legitimation pool he thinks perpetrates injustice on two fronts: (1) it wrongs the persons being ignored and (2) it wrongs the ignorer herself by depriving her of substantive objections to her own views.

Wolterstorff concludes that stability “for the right reasons” is not secured by reasonable citizens acting in accordance with the duty of civility. In fact, according to Wolterstorff, adhering to Rawls’s idea of public reason inevitability leads to an insidious unfairness toward members of society who are not included in the legitimation pool. Essentially, Wolterstorff’s complaint about public reason is that it unfairly ignores the well-being of those outside the legitimation pool, or else does acknowledge their welfare, but ignores their views. In either case, this demonstrates that public reason is deeply unfair to many citizens and thus, unredeemable as an ethic of citizenship.

2.6 *Replies and Rejoinders*

In assessing Wolterstorff, it must be stressed at the outset that we need not fully justify ourselves to those who show no interest in justifying themselves to us, or to those who are unable to justify themselves to us. Nevertheless, it does not follow that we can treat them any way we like. We must be justified in how we regard and treat each other *tout court*. Consider the cognitively defective, for example: they cannot be reasonable since they suffer cognitive defects and so they are outside the legitimation pool. However, we are still bound to treat them, at a minimum, humanely. How else could we justify to one another our treatment of them? For starters, therefore, Wolterstorff overlooks the fact that with respect to how to treat others we must stand in a morally justified relation to one another, this includes how we regard those outside the so-called legitimation pool.

Beyond this, however, I think Wolterstorff's analysis of Rawls makes a critical mistake. The basis of Wolterstorff's mistake rests on a subtle, but important oversight. Wolterstorff simply misses the fact that for Rawls, fairness and reciprocity are two sides of the same coin.¹¹³ In other words, for Rawls, fairness and reciprocity are, in practice, connected by a biconditional (fairness \leftrightarrow reciprocity) —i.e., X is fair if and only if it is reasonable to suppose that X can be reciprocated by other citizens. In this way, Wolterstorff's mistake comes to light when examining his incorrect rendering of what Rawls means by "fair terms" being what "everyone else likewise accepts." Because of his faulty reading, Wolterstorff draws an inaccurate conclusion about public reason. This erroneous conclusion is largely responsible for his attributing unfairness to Rawls's view. So, if I can clean up this mistake, showing where Wolterstorff goes wrong, then I can demonstrate that public reason is not vulnerable to this version of the fairness objection.

Wolterstorff correctly says that according to Rawls, fair cooperation between citizens requires *fair terms* of cooperation. By "fair terms" Rawls means "terms that each participant may reasonably accept, provided that everyone else likewise accepts them." For Rawls, this implies the criterion of reciprocity, namely, citizens should reasonably believe that the terms of cooperation they propose are those that others, as free and equal citizens, can likewise accept.

But this is where Wolterstorff begins to go seriously amiss. Here is what he says:

In my interpretation of Rawls I have tacitly assumed that this is a mis-statement on his [Rawls's] part...He cannot mean that fair terms are terms that each participant may reasonably accept provided that everyone else likewise accepts them. If that's what constituted fair terms, there would be no fair terms, since it never happens that the proviso, that everyone else likewise accepts them, is satisfied; whatever the terms, one can always be confident that there will be someone who disagrees. By "fair terms" I have interpreted Rawls as meaning terms that everybody either accepts as reasonable or would accept as reasonable if they were freed of epistemic impairments and social pressure.¹¹⁴

¹¹³ David Reidy pointed this out to me in personal correspondence.

¹¹⁴ Wolterstorff 2012, p. 122.

The main issue needing attention is Wolterstorff's assumption that Rawls has misspoken. He assumes that Rawls cannot mean what he says because this would lead to the absurd conclusion that there are no political disagreements over these terms.

For one thing, Rawls is clear that citizens will have disagreements. He says so explicitly. "Reasonable political conceptions of justice do not always lead to the same conclusion; nor do citizens holding the same conclusions always agree on particular issues."¹¹⁵ In such cases, Rawls insists that the outcome of a vote is a practical and legitimate means to resolve political stand-offs. Perhaps, this is the genesis of Wolterstorff concern. He might reason that Rawls certainly accepts that there are disagreements and so, must have misspoken when he claims that everyone must accept the same terms of cooperation. But instead of assuming some mistake on Rawls's part and sweeping away the difficulty, I think it is more appropriate to take Rawls for what he says, doing what we can to make sense of his words. In this way, I believe a straight forward understanding is available. Rawls is claiming that fair terms are terms that I could reasonably accept under the assumption that others too reasonably accept them. The idea being put forward by Rawls is similar to Kant's Categorical Imperative—i.e., "act only in accordance with that maxim through which you can at the same time will that it become a universal law."¹¹⁶ So, when proposing terms of cooperation (i.e., political norms), one ought to check whether they can reasonably accept those norms given the fact that others could likewise accept and live by those same norms. Thinking of Rawls's remarks as something close to Kant's Categorical Imperative provides an intelligible way to understand them. Let me explain further.

Rawls argues that his theory of justice, along with his two principles, represent fair terms of social cooperation. He acknowledges, however, that others might disagree and prefer another

¹¹⁵ Rawls 2005, p. 479. Cf. Rawls 2005, p. 240-1.

¹¹⁶ Kant, *Groundwork of the Metaphysics of Morals* 4:421.

political conception of justice. For Rawls, any political conception of justice is legitimate provided it: (1) contains a list of basic rights, liberties, and opportunities, (2) assigns this list a place of special priority over and above particular claims of the good, and (3) ensures for all citizens an adequate means to make effective use of their freedoms.¹¹⁷ And a conception of justice is sufficiently political when it has three features: (a) the principles apply to the basic structure of society, (b) it can be presented independently of any comprehensive doctrine and (c) it can be worked out from fundamental ideas implicit in the public political culture of a constitutional regime.¹¹⁸ This broad family of generically liberal political conceptions of justice set the boundary conditions on fair terms. Rawls contends these are the fair terms that reasonable citizens could “universalize” (using Kant’s term) as acceptable for others. There will certainly still be plenty of disagreements, even over constitutional essentials and matters of basic justice. However, the disagreement will be confined to a logical space, the boundaries of which are marked by the family of generically liberal political conceptions of justice.

For clarity, allow me to illustrate further how reasonable political conceptions of justice represent fair terms of cooperation. Think of it this way: compare liberal democracy to a game, say, baseball.¹¹⁹ Before anyone can play baseball there must be some agreed upon rules. The players have to know the terms (i.e., the rules) that govern the game. Before a single inning is played the rules must be discussed, formulated and finally, approved. After there is a provisional set of rules in place, the game can commence. Notice that the rules (or terms) that govern the game must be such that “each participant may reasonably accept, provided that everyone else likewise accepts them.” In other words, every player has to agree on the basic rules of the game,

¹¹⁷ Rawls 2005, p. 450.

¹¹⁸ Rawls 2005, p. 452-3.

¹¹⁹ I am thankful to David Reidy for the following illustration. It is from his comments on a previous draft of this chapter.

provided they are assured that every other player also accepts the rules. How else can a fair game of baseball be played?

Consider an example: there is a runner on first base who is attempting to steal second. Upon seeing the runner take off, the catcher quickly throws the ball to second, beating the runner to the bag. The runner however, slides into the bag just before the second baseman applies the tag. The runner is declared safe. The defensive team protests, arguing the runner was actually out. After a heated exchange of words, the game resumes with the runner remaining on second.

This trivial example illustrates an important point relevant to our discussion: before disagreements over base-stealing are meaningful, everyone has to agree on the rules (i.e., the fair terms) governing the action “base-stealing.” In the context of the base-stealing, it is reasonable for the defensive team to argue that the runner was actually out according to the agreed upon rules of the game. However, it would be unreasonable to argue that the runner is out according to another set of rules which they personally prefer. To administer a fair and impartial judgment on base-stealing, the terms of base-stealing must be agreed on beforehand. In Rawls’s language, this is analogous to the fair terms of cooperation that govern the basic structure of society.

Similarly, the rules of the “game” liberal democracy create a political office called citizenship. Citizens have, according to the rules, various powers or authority that constitutes their position in the game. Accordingly, public reason applies to the political process by which citizens may alter the rules of the game through an agreed upon process (e.g., via the constitutional amendment process). What public reason requires is that we offer only proposals that could be reasonably affirmed (i.e., “universalized”) under the assumption that others too reasonably affirmed them. Public reason also applies to how we settle constitutional essentials and define citizenship; so it must be possible within public reason to call the status quo on these

matters into question. The power and authority of citizens, however, is not without constraint. It cannot legitimately be used, for example, to reinstate slavery, or silence religious voices.¹²⁰ This of course, would not regard others citizens as free and equal. Nevertheless, what is crucial in all of this is that citizens give one another reasons that it is reasonable to think others might accept and that these reasons ground principles for which there are publicly available criteria to assess compliance. Thus, the baseball analogy is meant to demonstrate why it is necessary to have “fair terms” in place; rules and principles agreed to by disagreeing parties. Without reference to these common terms it is impossible to settle disputes.

So, returning to Wolterstorff’s complaint, we see how his objection to Rawls rests on an incorrect interpretation of “fair terms” that “everyone else likewise accepts.” Wolterstorff thinks that this cannot mean that everyone actually accepts the fair terms since it is obvious that deep disagreements persist. Notice, though, that for Rawls we can disagree over constitutional essentials and matters of basic justice and the way we settle those disagreements is by voting. Thus, proposing fair terms of cooperation that one believes others could reasonably accept does not preclude disagreements. The key point is that Rawls requires only that we offer other reasons that they could accept freely and without manipulation, from within a common space of reason—i.e., public reason. This, however, does not imply that we must offer others reasons that they do or would necessarily accept from their point of view. Contra-Wolterstorff, therefore, Rawls does not suppose that everyone will in fact accept and live by the norms I propose. If correct, then it is reasonable to suppose that fair terms of cooperation are in fact, “terms that each participant may reasonably accept, provided that everyone else likewise accepts them.” I think the line of thought

¹²⁰ It should be noted that Rawls does not argue for entrenching particular rules. Instead, what he claims is that we share fixed moral commitments to reciprocity and public justification. These fixed moral commitments may have the effect of taking some issues off the public agenda (e.g., issues like slavery) but in principle, no rules are beyond rethinking in terms of reciprocity and public reason.

I have presented here demonstrates how it is reasonable to suppose that democratic participants can suppose that others accept the fair terms of cooperation they propose and yet, disagreements persist.

Nevertheless, one objection likely to be forthcoming is that sometimes citizens reject some fundamental or basic liberal democratic norm. Suppose for example, a group rejects some of the basic rules governing liberal democratic citizenship (e.g., they want to suppress free speech). In this case, Rawls refers to such citizens as “unreasonable.” These unreasonable citizens do not offer others fair terms of cooperation and so fall outside Rawls’s legitimation pool.¹²¹ Thus, some contend that political justification would not need to be addressed to these unreasonable citizens. If political justification would not need to be addressed to these citizens, then they are excluded from political consideration. Excluding them from political consideration suggests they are outside the social contract and this looks like a violation of the ideal of toleration, a central feature of liberal society. An implication of exclusion, according to Wolterstorff, is that reasonable citizens are allowed to ignore the welfare of those outside the legitimation pool, or at the very least, it would tolerate ignoring their views. In either case, this would demonstrate that public reason is deeply unfair to these citizens. Thus, for Wolterstorff, Rawls’s idea of public reason does not cohere with the best theories of liberal democratic citizenship.

In response to Wolterstorff it must first be noted that Rawls’s idea of public reason is part of a broader theory, political liberalism. As such, it guarantees *all* citizens a schedule of rights and liberties comparable to the rights and liberties of others. Thus, it is incorrect to say, as Wolterstorff does, that public reason allows reasonable citizens to ignore the welfare of those

¹²¹ Wolterstorff, like other religious critics, challenges Rawls’s idea of reasonable. I suspend consideration of this conception, however, until we examine the denial-of-truth objection (section three).

outside the legitimation pool. For example, the constitution of any regime adhering to the principles of political liberalism, guarantees *all* citizens a schedule of basic rights and liberties (e.g., the bill of rights). Thus, it is inconceivable for citizens to use public reason to deny *any* citizen their basic rights and liberties. In which case, Rawls's idea of public reason is not unfair to individuals *per se*. Nevertheless, there is a second question to consider: is disregarding the *political views* of unreasonable citizens properly understood as a type of unfairness?

In their article, *On Tolerating the Unreasonable*, Erin Kelly and Lionel McPherson claim that Rawls's view of toleration endorses a wide view of public justification. "That is, a form of justification by agreement that aims to include as many people as would be consistent with the political values of democracy."¹²² In so doing, Kelly and McPherson distinguish between philosophically reasonable citizens and politically reasonable citizens. It may be easier to illustrate the distinction by stating the contrary. By *philosophically unreasonable* Kelly and McPherson have in mind those citizens who hold to views that have little or no rational support or to views that seem manifestly irrational. *Political unreasonableness*, on the other hand, is the insistence on coercing others into following laws or policies that other citizens believe irrational.¹²³ In short, "politically reasonable persons are prepared to grant one another the status of free and equal persons, and to propose and abide by terms of social cooperation that they believe are fair and mutually acceptable."¹²⁴ According to Kelly and McPherson, "The social contract should include those who are philosophically unreasonable, just as long as their philosophical unreasonableness does not spill over into political unreasonableness."¹²⁵ What follows from this is an important point. We must justify ourselves only to those who are prepared

¹²² Kelly, Erin and Lionel McPherson. "On Tolerating the Unreasonable." *The Journal of Political Philosophy*. (2001) Vol.9:1, pp. 38 – 55.

¹²³ Kelly and McPherson 2001, p. 39

¹²⁴ Kelly and McPherson 2001, p. 39

¹²⁵ Kelly and McPherson 2001, p. 40.

to propose and honor fair terms of cooperation with us. So, as long as other citizens are politically reasonable they merit our reciprocal efforts to justify ourselves to them—e.g., to seek a shared social world governed by principles we and they could both affirm as reasonable. So, whether others are philosophically reasonable is relevant only insofar as it effects their being politically reasonable.

Kelly and McPherson argue that Rawls agrees with their conclusion. The core of their argument is as follows:

Although Rawls suggests that the philosophical and the political aspects of the reasonable will converge, he does not, on our reading, commit himself to the exclusionary principle of toleration...He presents no basis for excluding philosophically unreasonable persons from the domain of toleration in a just liberal democracy since he does not ground toleration on the argument from reasonable disagreement. Recall the first aspect of the reasonable, which holds that principles of justice must be acceptable to all citizens considered as free and equal. This is the requirement of the 'liberal principle of legitimacy,' the fundamental criterion of legitimacy for social contract theories, according to Rawls. This principle supports the idea that the social contract should include all politically reasonable persons...A conception of toleration limited to the philosophically reasonable could not secure agreement among free and equal citizens; those citizens who were philosophically unreasonable would have good reason to reject this restriction. To assume that justifications are owed only to persons who are reasonable in both senses would be to ignore the prior and independent force of the liberal principle of legitimacy.¹²⁶

In their opinion, the priority of the liberal principle of legitimacy would lead Rawls toward a wide view of public justification. This seems right. The liberal principle of legitimacy does not suggest or imply that the only persons to whom justifications are owed will be philosophically reasonable. Furthermore, the fact that public reason is not a legal requirement demonstrates Rawls's commitment to honoring free speech. It seems clear that toleration requires even tolerating the philosophically intolerant. If correct, citizens should not be excluded from public political justification on account of their philosophical views. Therefore, Rawls's view does not imply ignoring the welfare or views of the philosophical unreasonable citizens.

The question now becomes: does Rawls endorse ignoring the views of the politically unreasonable? This issue is a little more complicated. To address this question it is important to

¹²⁶ Kelly and McPherson 2001, p. 48.

read Rawls carefully. In *A Theory of Justice* Rawls considers three basic issues relevant to this question: he wonders whether an intolerant religious sect has any grounds for complaining if it is not tolerated; under what conditions tolerant sects have a right not to tolerate those which are intolerant; and when they have a right not to tolerate them.¹²⁷ With respect to the first issue, he answers that “it seems that an intolerant sect has no title to complain when it is denied an equal liberty.”¹²⁸ As he explains it, “A person’s right to complain is limited to violations of principles he acknowledges himself. A complaint is a protest addressed to another in good faith.”¹²⁹ In other words, asserting a moral grievance assumes that one believes there has been a violation of some principle that each party accepts.¹³⁰

Nevertheless, although intolerant sects have no legitimate claim to protest, Rawls maintains that we cannot say that tolerant sects have the right to suppress intolerant sects *tout court*.¹³¹ Again, so long as intolerant sects are simply philosophically unreasonable and keep their intolerant views from spilling-over into the political domain, they must be respected and so, tolerated. So, contrary to Wolterstorff’s claim, Rawls is clear that those inside the legitimization pool (i.e., the tolerant sects) should not suppress intolerant citizens or their views:

simply because the members of the intolerant sects could not complain where they to do so. Rather, since a just constitution exists, all citizens have a natural duty of justice to uphold it. We are not released from this duty whenever others are disposed to act unjustly. A more stringent condition is required: there must be some considerable risks to our own legitimate interests. Thus just citizens should strive to preserve the constitution with all its equal liberties as long as liberty

¹²⁷ Rawls 2003, p. 190; the basic difference between items two and three here is that item two addresses the appropriate conditions for intolerance and item three discusses when it is appropriate to act on those conditions.

¹²⁸ Rawls 2003, p. 190.

¹²⁹ Rawls 2003, p. 190.

¹³⁰ Rawls illustrates this point with reference to the religiously intolerant. He says from “the standpoint of the original position no particular interpretation of religious truth can be acknowledged as binding upon citizens generally; nor can it be agreed that there should be one authority with the right to settle questions of theological doctrine.” See Rawls 2003, p. 191.

¹³¹ Let us be clear that intolerant sects are made up of unreasonable citizens. According to Rawls, these are those citizens who refuse to participate with their compatriots, or else, insist on participating according to unfair terms of cooperation.

itself and their own freedom are not in danger...when the constitution itself is secure, there is no reason to deny freedom to the intolerant.¹³²

So then, according to Rawls, the intolerant are politically unreasonable and so we need not justify ourselves to them and they have no grounds for complaining against us on this score. Nevertheless, we have no reason to deny them constitutional provisions and protections so long as they do not threaten to undermine our constitutional order. After all, we still have to justify our treatment of them to ourselves and to our fellow reasonable citizens. Unless intolerant sects threaten our constitutional order we have no reason not to tolerate them. This is not because they have a claim to this treatment. Rather, it is for reasons stemming from our own political integrity.¹³³

So, what about when the views of intolerant sects threaten fundamental rights and liberties? The answer to this question should now be clear: when the philosophically unreasonable views of intolerant sects spillover into the political domain there appears to be some cause for ignoring, if not also, suppressing their views. Rawls puts it this way, let us assume there is at least some occasion when tolerant citizens “have the right not to tolerate the intolerant,” namely, in circumstances where “they sincerely and with reason believe that intolerance is necessary for their own security.”¹³⁴ In unmistakable terms Rawls implores our common sense saying that assuredly, “justice does not require that men must stand idly by while others destroy the basis of their existence.”¹³⁵ This is not done, however, to maximize liberty in the utilitarian sense. Rather, this is done “for the sake of equal liberty” because these are the

¹³² Rawls 2003, p. 192.

¹³³ Thanks to David Reidy for making this point clear to me.

¹³⁴ Rawls 2003, p. 192.

¹³⁵ Rawls 2003, p. 192.

conditions that intolerant persons would themselves agree to [i.e., “universalize”] in the original position”.¹³⁶

Thus, does Rawls endorse ignoring the views of intolerant sects or more precisely, the politically unreasonable intolerant sects? The answer to this question is now obvious. Politically intolerant sects and individuals must be tolerated so long as their actions or views do not present a reasonable threat to security or liberty. Consequently, Wolterstorff is mistaken in saying that Rawls’s view is intolerant, at least, intolerant without just cause. Furthermore, we have seen that reasonable citizens are not allowed to ignore the welfare of those outside the legitimization pool, neither are they permitted to ignore their views without sufficient justification.

In sum, I have shown that Wolterstorff makes a crucial mistake in his analysis of Rawls. His error partially rests on an incorrect understanding of what Rawls means by “fair terms” that “everyone else likewise accepts.” On account of this faulty reading we saw how Wolterstorff drew an inaccurate conclusion about the unfairness of Rawls’s idea of public reason. I attempted to redress this mistake and show where Wolterstorff went wrong. I think I have successfully done so. If correct, then I have shown that public reason is not vulnerable to this version of the fairness objection. Therefore, if Rawls’s idea of public reason is not unfair to citizens of faith, then public reason does not inconsistent with the best theories of liberal democracy for the reason examined above. In the next section I explore another religiously minded objection to Rawls’s idea of public reason.

¹³⁶ We might also make a similar point. Consider this trivial analogy: suppose after a base-runner was affirmed safe, the pitcher refused to pitch until the runner was instead declared out. After unsuccessful pleas by the other players to resume the game the pitcher stubbornly persisted in their obstinacy. The pitcher simply will not change their mind unless they get their way. In such a case, it seems fair to refer to them as an unreasonable baseball player. Consequently, it would also seem permissible to disregard their “opinions” and continue the game without them if need be. Analogously, citizens who refuse to participate with others, or refuse to participate with others unless their “unreasonable” views are embraced, are rightly labeled “politically unreasonable citizens.” Consequently, it is not unjustified (or unfair) to disregard their views and move on with the game (i.e., political matters) without them. If correct, then Wolterstorff’s charge of unfairness disappears, even with respect to politically unreasonable citizens.

3. The Denial-of-Truth Objection

Traditionally, philosophy—and its many questions —has been concerned with truth. Classical political philosophy was no exception. Its aim was to derive political justification from metaphysical truths about religion, normative truths about values and anthropological truths about human nature. Rawls has argued that this approach to political justification fails. He contends that political philosophy is fundamentally different from other philosophical pursuits.¹³⁷ “We are to recognize the practical impossibility of reaching reasonable and workable political agreement in judgment on the truth of comprehensive doctrines, especially an agreement that might serve the political purpose, say, of achieving peace and concord in a society characterized by religious and philosophical differences.”¹³⁸ Since the “truth” is controversial among differing comprehensive doctrines, Rawls submits that citizens sometimes have a moral duty to not rest their political arguments solely on the “whole truth” as they understand it.¹³⁹

To be clear at the outset, Rawls “does not question the possible truth of affirmations of faith” or other such metaphysical claims. As we have seen (chapter one), Rawls does not even exclude truth claims from public political discourse. Instead, he submits that religious appeals to truth are not sufficient in political discourse, we also need public reasons. Thus, rather than focusing on appeals to truth in politics, Rawls argues that we center our arguments on what is politically reasonable. This is because “a zeal for the whole truth tempts us to a broader and deeper unity that cannot be justified by public reason.”¹⁴⁰ Therefore, political justification should replace the priority of truth with the idea of reasonableness. The denial-of-truth objection challenges this conclusion.

¹³⁷ See Rawls’s *Political Liberalism*, Lecture I: Fundamental Ideas.

¹³⁸ Rawls 2005, p. 63.

¹³⁹ Rawls 2005, p. 219.

¹⁴⁰ Rawls 2005, p. 42.

In this section I consider Christopher Eberle's version of the denial-of-truth objection. Eberle has argued that the epistemic criterion employed by Rawls (and others) to restrict religious reasons in public justification is misguided. I believe Eberle's denial-of-truth objection is the most sophisticated and robust of such challenges. So, I largely limit my attention to his work. After laying out Eberle's contention I proceed to defend Rawls against this formidable objection. Doing so, however, involves getting clear on Rawls's notion of reasonableness. In the end, I think Rawls's insistence of "reasonableness" as opposed to the "truth" in politics is justified on normative, rather than epistemic grounds. Rawls can maintain that religious reasons have the same epistemic status as other reasons, yet also require public reasons for normative purposes.

3.1 *Eberle's Denial-of-Truth Objection*

As mentioned, the denial of truth objection "challenges public reason on the grounds that it seems mistaken to require citizens to avoid stating claims of truth as truth."¹⁴¹ The charge is advanced not so much in terms of alleged damage to the person, rather, the objection claims that compelling citizens to retrain from advancing their political conceptions on the basis of what they think is true is fundamentally misguided. I argue that Rawls allows for lots of truth claims in the public square (as demonstrated in chapter one). So, I think the main issue in question is whether there are some public criteria for validating truth claims generated by comprehensive doctrines, as Eberle contends. For Rawls, the truth values of most religious claims arising from comprehensive doctrines do not usually lend themselves to verification via some public criteria. Consequently, the most we can establish (publicly) with respect to claims of truth stemming

¹⁴¹ Neal 2009, p. 159.

from comprehensive doctrines is that they are reasonable so, for political purposes, we also need public reasons to support our claims.

In *Religious Conviction in Liberal Politics* (2002), Eberle argues that “justificatory liberals [like Rawls] have no option but to articulate an epistemic conception of public justification.”¹⁴² An “epistemic conception of public justification” must be construed in a way that employs “some normative desideratum and thus, merits the status of a public justification.”¹⁴³ However, herein lies a problem: Eberle (following Wolterstorff), claims that much more often than not, justificatory liberals “make crucial use of epistemological assumptions in what they say about *acceptable* versus *non-acceptable* reasons” for public justification.¹⁴⁴ The justificatory liberal’s “epistemological assumptions” seem to intentionally stack the deck against religious justifications in politics. Thus, Kent Greenwalt insists that, “The centrality of this problem is evident once one understands that the argument against reliance on religious convictions often comes down to an argument for reliance on premises that are deemed rational in some way that excludes religious convictions.”¹⁴⁵ Consequently, it is believed that justificatory liberals, like Rawls, maintain that citizens of faith must exercise restraint and thus, not refer to the full extent of their reasons for public justification.

At this point, proponents of the denial-of-truth objection ask: what epistemic criterion could possibly be employed which could justify the restrictive use of religious reasons for public justification? They believe that Rawls, and other justificatory liberals, must not adopt a criterion that would imply skepticism about another’s religious convictions. Liberalism should not embrace a political criterion which assumes that a substantial portion of the public’s “most

¹⁴² Eberle 2002, p. 237.

¹⁴³ Eberle 2002, p. 236.

¹⁴⁴ Eberle 2002, p. 236, italics are mine.

¹⁴⁵ Greenwalt, Kent. *Religious Convictions and Political Choice*. New York, NY: Oxford University Press, 1988, p. 23.

cherished commitments—her religious commitments—are epistemically defective.”¹⁴⁶ Certainly some religious commitments are defective, just as some scientific or philosophical commitments are. The point is, however, it seems *ad hoc* to stake the deck against all religious commitments. It would be highly undesirable for a liberal position to accept this conclusion. At the very least it would seem to violate the spirit of liberalism, namely, social and political tolerance.

Instead, Eberle suggests that a good desideratum for an epistemic criterion grounding a liberal conception of public justification should have the following feature. Public justification between citizens must constitute some desirable epistemic relation among citizens (e.g., intelligibility, in principle accessibility, criticize-ability, and independent check-ability). Assuming this much is correct, Eberle submits that the epistemic criterion being utilized by justificatory liberals is “*interpersonal evaluation*.” In other words, “the fact that a citizen’s rationale possesses such and such an epistemic desideratum ensures that her compatriots will be in a position to understand, acquire, criticize, or confirm that rationale.”¹⁴⁷ Eberle contends that something like this criterion is the epistemic desideratum for public justification between citizens in a liberal democracy.

Eberle’s objective now comes into focus. He aims to determine whether the epistemic desideratum for public justification between citizens in liberal democracy “provides principled grounds for the claim that a citizen ought to exercise restraint regarding her religious commitments.”¹⁴⁸ He argues that there are no such grounds. “Justificatory liberals [like Rawls] are unable to articulate an epistemic conception that is sufficiently powerful to mandate restraint regarding religious grounds but is sufficiently weak to allow citizens to rely on other sorts of

¹⁴⁶ Eberle 2002, p. 238.

¹⁴⁷ Eberle 2002, p. 239.

¹⁴⁸ Eberle 2002, p. 239.

grounds that are essential to healthy political decision making.”¹⁴⁹ Put differently, any epistemic restraint that would justify the restrictive use of religious reasons in public political discourse could also be employed to restrict reasons we might otherwise find acceptable.

Eberle submits that the problem is that Rawls, and other justificatory liberals, appear to operate under the assumption that religious convictions have no (or weak) epistemic credentials. Thus, religious reasons lack the epistemic desideratum set out above (i.e., they lack one or other of the following: intelligibility, in principle accessibility, criticize-ability, and independent check-ability). Eberle contends that this assumption is on shaky epistemic grounds. If the case for public restraint regarding religious convictions in political discourse hinges on the claim that “religious grounds lack some epistemic desideratum, then...to determine whether religious grounds do lack that epistemic desideratum requires recourse to the...epistemology of religious belief.”¹⁵⁰ So, as a “test case” for using religious grounds for public justification, Eberle considers the epistemic status of mystical perception. Here, Eberle follows the work of William Alston, and in particular, Alston’s work on *Perceiving God* (1991).

Some citizens have religious experiences. In some of these religious experiences, citizens of faith claim to perceive God in a profoundly real way. Understandably, therefore, some citizens form strong beliefs based on these experiences. Some of these beliefs have important moral and political applications. For example, Eberle cites a passage from Martin Luther King Jr.’s biography illustrating how, on at least one occasion, King claimed to hear “the voice of Jesus” encouraging him in his public work. For obvious reasons, King recounts how this experience had a significant impact on him. It gave him courage to “stand up for righteousness” and to “stand up

¹⁴⁹ Eberle 2002, p. 239.

¹⁵⁰ Eberle 2002, p. 240.

for justice.” Alston calls these (and like experiences), cases in which beliefs are formed on the basis of “putative perceptions” of God, “manifestation-beliefs” (M-beliefs).

Alston (and Eberle) limit their analysis of M-beliefs to those within “Christian Mystical Practices” (CMP). CMP’s are a type of doxastic practice. A doxastic practice is a socially established way of forming and evaluating beliefs. One important feature of a doxastic practice is its ability to provide agents with a means for determining whether beliefs formed under certain circumstances deserve continued adherence. This feature of a doxastic practice, and in particular of CMP’s, provides its members with two tools. The first is an over-rider system. “Attached to each practice is an ‘over-rider system’ of beliefs and procedures that the subject can use to subject prima facie justified beliefs to further tests when that is called for.”¹⁵¹ In other words, a religious doxastic practice, like a CMP, has an intelligible and accessible means for determining creditable beliefs. Second, CMP affords its participants consistency tests. For example, “if a citizen claims to have experienced God, as telling her to kill all of the phenomenologists she can find, participants of CMP have good reason to reject her claim: God, as a wholly good being, would not have issued such a command and so she must either have failed to perceive God or have misinterpreted a genuine perception of God.”¹⁵² Thus, although a CMP has no infallible means for confirming the veridical nature of M-beliefs, it does provide the agent with an epistemic procedure for establishing whether a particular M-belief epistemically coheres with the larger doxastic practice. Namely, one can inspect whether or not it is consistent with a set of beliefs about God’s character, past activities, Biblical interpretation or moral reflection.¹⁵³

¹⁵¹ Alston 1991, p. 159.

¹⁵² Eberle 2002, p. 243.

¹⁵³ As we will see, Rawls acknowledges that comprehensive doctrines, like CMP’s, are sustained exercises of theoretical and practical reasoning. As such, political liberalism does not claim that, say, Christianity lacks some inner rationality.

Alston is concerned with identifying criteria for evaluating doxastic practices. More specifically, he hopes to establish when an agent is rationally justified in engaging in a CMP and thus, justified in trusting the information gained thereby.¹⁵⁴ One implication of Alston's criteria is that sense perception (one doxastic practice) must be innocent until proven guilty. This does not, however, give sense perception epistemic immunity. Rather, "even though epistemically upstanding agents need not show that sense perception is reliable, they need to respond to arguments to the conclusion that sense perception is unreliable."¹⁵⁵ Likewise, as a matter of consistency, the same reasoning ought to apply to CMP's. If we lack sufficient reason to believe that a particular M-belief, according to a CMP, is unreliable, then this should count in favor of its epistemic rationality. That is, the agent commits no epistemic improprieties by adhering to her M-belief.¹⁵⁶ It should be stressed that a doxastic practice, like a CMP, is often open to public critique. Thus, Alston seems determined to protect CMP from claims that CMP's lack positive epistemic support. The point is, according to Alston and Eberle, if a CMP has not been shown unreliable it should be presumed reliable. And epistemically reliable religious beliefs ought to be permitted in the public political forum without restriction.

In sum, allow me to recap Eberle's version of the denial of truth objection. First, justificatory liberals, like Rawls, must be employing some epistemic criterion to justify the restriction of religious arguments in public political discourse. That is, there must be some tacit

¹⁵⁴ The details of Alston's criteria for evaluating a doxastic practice need not worry us here; see Eberle pp. 243-46 for a summary of Alston's criteria, or see Alston 1991, pp. 146-165.

¹⁵⁵ Eberle 2002, p. 243.

¹⁵⁶ One long-standing objection to the epistemic authority of religious doxastic practices is that participants of CMP for example, cannot provide noncircular justification for their practices or beliefs. However, this would imply that we should not accept the authority of sense perception, introspection or memory, since non-circular justification is not available here either. However, this is surely overstated. If so, then it is reasonable to maintain that we should not discount a doxastic practice simply because it is not amenable to non-circular justification. For an interesting discussion of epistemic circularity see Bergmann, Michael. "Epistemic Circularity: Malignant and Benign." *Philosophy and Phenomenological Research* 69 (2004): 709-727. In this article Bergman explains epistemically circular arguments and argues that there are cases in which epistemically circular arguments provide knowledge and other cases in which they do not. He follows Thomas Reid in defending a common-sense approach.

desideratum for public justification, accepted by justificatory liberals, which precludes the use of religious “truth” in political discourse. The assumption is that the reasons citizens use to publicly justify their political positions should be intelligible to others, accessible to others and have the ability to be criticized or confirmed. Thus, Rawls and other justificatory liberals must be presuming that religious reasons lack these epistemic features. Eberle, however, (following Alston) puts forward a theory of religious epistemology that demonstrates how religious convictions can enjoy rational epistemic status, similar to the status shared by some publicly admissible non-religious beliefs. If so, then Rawls, and other justificatory liberals, should not restrain the use of rationally justified religious beliefs in public political discourse. To do so, would make Rawls’s idea of public reason susceptible inconsistency when compared to the best theories of liberalism.

3.2 *A Rawlsian Response to Eberle*

Eberle’s argument is well formulated and instructive but nevertheless, I think it fails to undercut Rawls’s project. The reason for this is subtle but important and provides opportunity to clarify Rawls’s position. For the sake of argument, let me assume Eberle (via Alston) has established the positive epistemic status of some religious beliefs.¹⁵⁷ For starters, it is important to emphasize that Rawls acknowledges that many religious beliefs may be justified beliefs. He characterizes comprehensive doctrines, like Christianity, as sustained exercises of theoretical and practical reason over time. So, Rawls is not claiming that say, Christianity has no inner rationality. Citizens of faith may be justified in holding certain religious beliefs as true beliefs. This is not in question. The issue is whether it is reasonable to insist on a religious truth claim in public political life solely because it is true.

¹⁵⁷ It should be noted, however, that there is reason to doubt he is successful even here. See Jonathan Kvanvig. 1994. “A Critical Notice of Alston’s Perceiving God.” *Faith and Philosophy* 11:311-321.

One obvious problem here is that the truth values of many religious claims do not lend themselves to some public criteria for vindicating them as exclusively true. So, the most we can establish publicly for a comprehensive doctrine is that it is reasonable. Consequently, the truth value of any particular religious belief does not justify the normative position that it is proper to invoke these “truths” to resolve fundamental matters in the public political forum. Rawls maintains that this violates the ethics of citizenship in liberal democratic states.

Here and elsewhere I do not intend to imply that “reasonableness” is politically inferior to truth. These are different categories and Rawls certainly does not think reasonableness is second rate. Rather, Rawls is saying that to rest one's political case exclusively on the truth is to miss the point of liberal politics. The goal of political life is to come together with others to achieve reasonable public ends; ends that serve the common good of all. Accomplishing this objective takes exercising our practical reasoning as opposed to insisting on the outcomes of our theoretical reasoning. The aim of practical reasoning is, of course, “that which is reasonable” whereas the objective of theoretical reasoning is truth. Politics is an exercise of practical reasoning. So, to insist on the whole truth in politics is to mistake liberal politics for an exercise in theoretical reasoning instead of a form of practical reasoning.

Rawls sympathizes with those who think otherwise and admits that his position sounds initially paradoxical. He says, “How can it be either reasonable or rational, when basic matters are at stake, for citizens to appeal only to a public conception of justice and not to the whole truth as they see it? Surely, the most fundamental questions should be settled by appealing to the most important truths.”¹⁵⁸ In other words, Rawls acknowledges that appealing to the “whole truth” in political discourse sounds *prima facie* correct. Assuming that our religious convictions are epistemically justified then why not employ them for political justification?

¹⁵⁸ Rawls 2005, p. 216.

Rawls's response to this conundrum is to say that in a pluralistic society the ethics of citizenship will sometimes require public reasons (in addition to religious ones). To insist on the "whole truth" in politics without also providing others with a reason they can accept is to violate the norms of liberal politics. Keep in mind that "no one proposes *stopping* people from relying on religious grounds" rather, what is proposed "are possible recommendations about how people themselves decide to act."¹⁵⁹ In other words, this is a matter of political morality and not law. Consequently, there *ought* to be moral limitations on what counts as acceptable "public justification" in liberal democratic politics. This is because citizens have a moral responsibility to justify their political opinions to each other in ways that are accessible one to another.

Furthermore, accepting the burdens of judgment implies that it is a permanent fact that there will never be an enduring agreement over religious claims under genuine conditions of freedom. If correct, then a reasonable person cannot propose religious reasons as reasons others must accept (freely), that is, without manipulation or coercion. Consequently, if we are to achieve public justification in a liberal democracy that is characterized by deep religious disagreements, it is essential that citizens of faith not rest their political arguments on the "whole truth as they see it." In this way, Rawls maintains that, in so far as there is a political restraint on religious truth in politics, is *not* justified because religious beliefs fail to achieve sufficient epistemic status. Rather, to the extent there is a restraint on religious beliefs in politics, it is justified because religious truth normally lacks a critical requisite—i.e., public accessibility and universal acceptability.¹⁶⁰

¹⁵⁹ Greenawalt 1993, p. 506.

¹⁶⁰ Note that the fact there is no widespread acceptance of some comprehensive doctrine is largely beside the point. Even if everyone happened to accept Christianity the burdens of judgment and the fact of reasonable pluralism still point us toward public reason. After all, if the free exercise of reason generates reasonable disagreement, or at least could always do so, then any agreement on a religious doctrine is in some sense vulnerable to reasonable disagreement. In addition to this, it is important to get in mind that Rawls insists that all reason is social; there is no such thing as private reason. But not all reason is public in the sense of being addressed to all citizens as free equals.

To justify this claim, Rawls starts with a fundamental assumption with respect to liberal societies—viz., there is a “diversity of reasonable religious, philosophical, and moral doctrines found in democratic societies” and this fact is a permanent feature of society. On account of this fact, we should ask: what is morally required of us as good and decent citizens? When is it proper (i.e., morally justified) to exercise coercive political power over other citizens? Rawls responds by advancing two principles, which support his position: the liberal principle of legitimacy and the duty of civility. Together, these ideas should form the moral foundation for the political relationship between democratic citizens. In Rawls’s own words:

Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. This is the liberal principle of legitimacy. And since the exercise of political power itself 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.¹⁶¹

So, however epistemically justified one’s religious beliefs might be, an appeal to the whole truth in politics, or rather, resting one’s political arguments solely on religious “truth” cannot be morally justified in a pluralistic society. “A democratic society can never be guided by what we see as the whole truth...what public reason asks is that citizens be able to explain their vote to one another in terms of a reasonable balance of their public political values.”¹⁶² So, the subtle but important point here is that the epistemic status of one’s religious beliefs is largely irrelevant when the issue is public political justification.¹⁶³ One can be politically reasonable while denying a religious truth claim concerning God’s political demands on us, however rational and justified it may be. Moreover, it is politically unreasonable to suppose that every citizen could affirm a

Some reason – e.g., the reason shared by believers – is social but non-public. Thanks to David Reidy for pointing this out to me.

¹⁶¹ Rawls 2005, p. 217.

¹⁶² Rawls 2005, p. 243.

¹⁶³ Recall that there is no exclusion of religious truth in public political discourse, only the requirement of public reason.

claim about God's political demands. It would be politically unreasonable because it is assuming something contrary to what all politically reasonable people maintain, namely, persons of high intelligence and political good will will forever reasonably disagree over the "truth" of religious claims. Thus, to insist on "the whole truth in politics" is to demand that political consensus be reached through unreasonable coercive state oppression. So, at issue for Rawls is not the epistemic nature of religious belief but the moral requirements of citizenship given reasonable disagreement over religious claims.

To meet Rawls's challenge, Eberle must show how the epistemic justification of a religious belief B, provides a normative reason to rely on B for public political justification. That is, assuming a citizen S has religious knowledge K—i.e., S is epistemically justified in believing K—how does K provide S with normative warrant to rest their political claims on K in liberal politics? Thus, even if a citizen's religious beliefs possess many (even most) of the epistemic desideratum enjoyed by other beliefs, Rawls could reply that there are still moral reasons to also require public reasons. Here again, Rawls does not deny that one can reasonably offer religious reasons for their political ends but only that along with their religious reasons citizens also offer one another public reasons.¹⁶⁴

¹⁶⁴ Perhaps, another way to put this is to say that epistemic justification does not entail moral justification in politics. The basic difference between epistemic and moral justification can be stated as a difference between theoretical and practical reasoning. Epistemic justification is a matter of theoretical reason whereas moral justification is a matter of practical reason. The goal of political life is to come together with offers to achieve reasonable public ends; ends that serve the common good. To accomplish this means exercising our practical reasoning as opposed to theoretical reasoning. Politics is an exercise of practical reasoning. For this reason, Rawls's idea of public reason submits that we replace the idea of "truth", as it relates to one's comprehensive doctrines, with the idea of "the politically reasonable." (Rawls 2005, p. 481) For Rawls, substituting the idea of the politically reasonable for metaphysical "truth" is not only needed but morally and political justified. Most importantly, it establishes "a basis of political reasoning that all can share as free and equal citizens." (Rawls 2005, p. 481) In order to sufficiently explain how the idea of public reason side steps the denial-of-truth objection is it important to unpack Rawls's conception of "politically reasonable."

3.3 On Rawls's Conception of Reasonable

It has become necessary to clarify Rawls's conception of reasonable. The term "reasonable" plays a crucial role in Rawls's work. Though especially important in *Political Liberalism*, Rawls's use of the term also features prominently in *A Theory of Justice* (1971) and as far back as *A Sense of Justice* (1963) and *Outline of a Decision Procedure for Ethics* (1951). For example, "The aim of justice as fairness is to try to derive all duties and obligations of justice from *reasonable conditions*."¹⁶⁵ The original position, therefore, is intended to yield *reasonable principles* which "most everyone would grant."¹⁶⁶ Before this, Rawls was interested in formulating a *reasonable* decision procedure for ethics. His aim was to explain ethical reasoning in terms of "a heuristic device which is likely to yield *reasonable* and justifiable principles."¹⁶⁷ To be sure, Rawls's use of "reasonable" is far-reaching and multifaceted. A full analysis of this term is beyond the scope of this chapter.¹⁶⁸ I must limit our attention to Rawls's use and understanding of "reasonable" as it directly relates to public reason.

My objective is to show why it is sensible, on Rawls's understanding, to talk in terms of "reasonableness" as opposed to truth in politics. At the very least, I think my review will demonstrate that Rawls has no ill-will toward religious truth. In fact, I think when Rawls's attitude toward the "whole truth in politics" is assessed alongside his mature view of public reason we discover a position that is quite hospitable toward religious truth in the public political domain.

¹⁶⁵ Rawls's *Collected Papers* 1999, p. 111, italics are mine.

¹⁶⁶ Rawls's *Collected Papers* 1999, p. 457.

¹⁶⁷ Rawls's *Collected Papers* 1999, p. 8, italics are mine.

¹⁶⁸ For a more detailed analysis of Rawls's use of "reasonable" see Brower, Bruce. "The Limits of Public Reason." *The Journal of Philosophy*, vol.91 (1994): 5-26, in particular pp. 9-11; O'Neil, Onora. "Political Liberalism and Public Reason: A Critical Notice of John Rawls." *The Philosophical Review*, vol.106 (1997): 411-428, especially pp.412-416; Boettcher, James. "What is Reasonableness?" *Philosophy & Social Criticism*, vol.30 (2004): 597-621; Freeman, Samuel. *Rawls*. New York, NY: Routledge, 2007, pp. 345-351.

Finding a succinct and explicit definition of “reasonableness” is not forthcoming in Rawls’s work. James Boettcher has noted that “despite the obvious importance of the reasonable in political liberalism, Rawls has been reluctant to provide a straightforward exposition of its meaning.” Instead, Rawls “sometimes suggests that it is unnecessary to define reasonableness,” and for that matter the companion term rational, “directly or explicitly.”¹⁶⁹ “We gather their meaning by how they are used and by attending to the contrast between them.”¹⁷⁰ In other words, Rawls’s spells out the characteristics of the term “reasonable” with reference to the particular subject matter in question (e.g., reasonable *citizens* or reasonable *comprehensive doctrines*, etc.) and by contrasting the “reasonable” with the concept of the “rational.”

Rawls’s understanding of the reasonable and the rational was developed, in part, thanks to W. M. Sibley’s article *The Rational Versus the Reasonable* (1953).¹⁷¹ A complete analysis of Sibley is not needed here. Suffice it to say that following Sibley, Rawls begins to distinguish the rational from the reasonable. Roughly, “the rational” is the process of making “informed choices about ends... [and selecting] the most effective means to those ends” while “the reasonable” implies not just the exercise of intelligent judgment but “a willingness to consider our actions [ends] from a common standpoint and in light of the interests of others.”¹⁷² In *A Theory of Justice* the contrast between the reasonable and the rational “parallels Rawls’s distinction between the Right and the Good.”¹⁷³ By the time we get to *Political Liberalism*, Rawls insists that reasonable moral principles (e.g., “the Right”) should not (or better, need not) be derived from rational principles (“the Good”). “Rather, the reasonable forms a distinct and independent

¹⁶⁹ Boettcher 2004, p. 598.

¹⁷⁰ Rawls 2001, p. 82.

¹⁷¹ Boettcher points out that “Rawls briefly discusses this essay in *Political Liberalism*, observing that Sibley’s account of the reasonable is ‘broader but consistent’ with his own.” See Boettcher 2004, p. 619n.10; cf. Rawls 2005, p. 49n.1; Rawls 2001, p. 7n.6.

¹⁷² Boettcher 2004, p. 603; cf. Sibley 1953, p. 554-560.

¹⁷³ Freeman 2007, p. 345.

domain of practical reasoning with its own independent moral principles.”¹⁷⁴ This is not to say that the reasonable and the rational are mutually exclusive. On the contrary, Rawls says they are “complementary ideas.”¹⁷⁵ The best citizens are reasonable and rational.¹⁷⁶ I cannot now rehearse all the ways the reasonable compares and contrasts with the rational.¹⁷⁷ Presently, I must narrow in on what Rawls means by “reasonable” as it relates to individuals and their political reasons.

In order to appreciate why it is sensible to talk in terms of “reasonableness” as opposed to truth in politics we must understand Rawls’s conception of a “reasonable person” (or “reasonable citizen”).¹⁷⁸ There are a number of characteristics which give meaning to this conception.¹⁷⁹ First, “reasonable persons desire to cooperate with other reasonable persons on terms that they can accept and have a willingness to propose such terms when the question arises.”¹⁸⁰ Rawls says:

Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that other will likewise do so. Those norms they view as reasonable for everyone to accept and therefore justifiable to them; and they are ready to discuss the fair terms that others propose...Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.¹⁸¹

In other words, reasonable persons do not revert to coercion or manipulation in order to advance their desired ends. Rather, they continually respect others as free and equal and extend to them fair terms of cooperation.

¹⁷⁴ Freeman 2007, p. 345.

¹⁷⁵ Rawls 2005, p. 52.

¹⁷⁶ “A person who is rational but wholly unreasonable is not fit for social life, and a person who is reasonable but wholly irrational is incapable of concerted action.” Freeman 2007, p. 345.

¹⁷⁷ To see how the reasonable both compares and contrasts with the rational see Rawls 2005, pp. 48-54.

¹⁷⁸ In this context, Rawls often uses the terms “reasonable person” and “reasonable citizen” interchangeability. In what follows, I do too.

¹⁷⁹ I am closely following Freeman 2007, pp.346-348.

¹⁸⁰ Freeman 2007, pp. 346-7.

¹⁸¹ Rawls 2005, pp. 51-2.

Second, reasonable persons recognize and appreciate the burdens of judgment.¹⁸² Rawls points out that inevitable disagreement will exist between citizens and that reasonable persons acknowledge the reasonableness of their differences. Put otherwise, they understand that agreement on moral, philosophical, and religious issues is difficult because of factors that lead people to make different judgments. “These include differences in education and experiences; vagueness of concepts, especially moral concepts; complexity of factual evidence; differences in the weight that people assign to the same considerations and evidence; and the complexity of normative considerations on both sides of a controversial issue.”¹⁸³ This suggests that even if others fail to understand what we clearly know to be the truth, the burdens of judgment suggest that reasonable citizens will continue to regard others as retaining their status as deserving respect, recognition and cooperation. Reasonable citizens, according to Rawls, will appreciate the burdens of judgment, realize that sensible disagreements exist on their account and maintain a desire to respect and cooperate with others. On the other hand, those who reject the burdens of judgment are someone who unreasonably refuses a reasonable means to a reasonable end.¹⁸⁴

Third, reasonable persons desire that other citizens view them and their political opinions as reasonable.¹⁸⁵ No reasonable person wants their fellows to see them as difficult to deal with, unfair or in some respect, extreme or imbalanced. They want to be regarded by their peers as judicious, evenhanded and sensible. And they want their political opinions to be likewise respected.¹⁸⁶

¹⁸² Rawls 2005, pp. 54-58.

¹⁸³ Freeman 2007, p. 347. See also Rawls 2005, pp. 56-7.

¹⁸⁴ Religious claims do not usually converge on truth. Reasonable people will forever disagree about religious claims. Unlike some other claims, say scientific claims, the free exercise of reason will eventually, at least in theory and on most issues, converge on what is the truth. This is, once again, why reasonable citizens respect the burdens of judgment.

¹⁸⁵ In *A Theory of Justice* Rawls refers to this character trait as a “sense of justice.”

¹⁸⁶ See Freeman 2007, p. 347.

Rawls argues that the aforementioned characteristics influence the political conduct of reasonable citizens in important ways. Freeman is helpful on this point, summarizing Rawls he says:

Reasonable people are not egoists; they are not concerned only with promoting their own interests. Rather they recognize the independent validity of other's claims (PL, 52). Also 'they take into account the consequences of their actions on others' well-being' (PL, 49n.). They are willing to govern their conduct by a principle from which they and others can reason in common (PL, 49n.) In addition, reasonable persons are sensitive to the reasons that others have that stem from their conceptions of the good. They do not just act on what is rational from their own individual perspective, but take into account others' points of view in deliberating on their actions and deciding what is rational for themselves to do...they are willing to rationally pursue their ends according to fair terms of reciprocity that respect others as equals...since reasonable persons want to cooperate with others on terms they can accept, they address others who hold comprehensive doctrines contrary to their own ...in terms of public reasons within the 'public political forum' ...the idea of public reason [therefore] is connected with the moral motive of reasonable persons to justify themselves to others in terms of principles that other reasonable persons could not reasonably reject.¹⁸⁷

This assessment stresses an important connection between reasonable persons and their public reasoning. In other words, Rawls believes that the public reasoning of reasonable citizens will exhibit certain normative patterns. The normative patterns of public reasoning are framed by the liberal principle of legitimacy and the duty of civility.¹⁸⁸ Hence, we have before us Rawls's portrayal of reasonable citizens.

At this point, it should be clear why Rawls sees it as unreasonable for citizens to rely upon the whole truth in politics. Simply put, citizens who engage in public reasoning according to the whole truth as they see it, and endeavor to coerce others to adhere to this "truth" when in fact, there is space for reasonable disagreement, fail to offer others fair terms of cooperation. The proper normative pattern of public reasoning for reasonable citizens is to rest their political arguments on "principles and ideals" acceptable (or available) to other reasonable citizens. In a

¹⁸⁷ Freeman 2007, p. 348-9.

¹⁸⁸ Recall that, according to Rawls, the liberal principle of legitimacy maintains that the exercise of political power must be in accordance with a constitution, the essential features of which all citizens may reasonably be expected to endorse in light of principles and ideals acceptable to them as reasonable and rational citizens. This in turn provides the justification for the duty of civility, namely, citizens must be able to justify fundamental matters, in the public political forum in terms of public reasons. Cf. Rawls 2005, pp. 137, 217, 427-9.

pluralistic liberal democracy, religious truth is not generally acceptable (or available) and thus, there is a moral basis for asking citizens to offer one another public reasons in addition to their religious reasons. As previously noted, this does not imply that religious truth is epistemically deficient. This is only meant to suggest that religious truth is not universally agreeable. For this reason, citizens should tread lightly, be cautious about, exercise good sense and judgment, in other words, be reasonable about invoking religious reasons in the public political domain.

One might immediately wonder, what are generally agreeable “principles and ideals” acceptable (or available) to other reasonable citizens? T.M. Scanlon has argued that a “claim about what it is reasonable for a person to do presupposes a certain body of information and a certain range of reasons which are taken to be relevant, and goes on to make a claim about what these reasons, properly understood, in fact support.”¹⁸⁹ Similarly, Boettcher says that “we can say that for Rawls, a reasonable argument will draw on and make a claim about a certain body of information or range of reasons in a particular case.”¹⁹⁰ For Rawls, this “the body of information or range of reasons” will be guided by fair terms of cooperation, the idea that citizens share in freedom and equality, and the burdens of judgment. Consequently, reasonable citizens must acknowledge that these ideas restrict the admissible premises and conclusions of a reasonable argument in the public political forum.¹⁹¹ Public reasons are, therefore, nothing other than permissible premises and conclusions. The premises draw on political conceptions of justice, political values, “accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial.”¹⁹² So, the main

¹⁸⁹ Scanlon, T.M. *What we Owe Each Other*. Cambridge, MA: Harvard University Press, 1988, p. 192.

¹⁹⁰ Boettcher 2004, p. 612.

¹⁹¹ Boettcher 2004, p. 612.

¹⁹² Rawls 2005, p. 224.

difference between religious claims to truth and say, scientific claims, is that the former are not generally accepted beliefs and forms of reasoning, whereas the latter (more or less) are.

At this point I should explicitly note the distinction between “justification as addressing yourself to another” as distinct from the “justificatory exercise of proving a proof.”¹⁹³ First, recall the etymology of 'justified'—as in 'bringing to a common line' (the way you justify right or left on the printed page for example). For Rawls, justification is fundamentally a relation between persons. People are brought into a common line by means of that which is mutually intelligible and acceptable. The nature of proof is entirely different. If I am endeavoring to provide a proof for my position, the success of my proof is not contingent upon making my proof mutually intelligible or acceptable. Rather, proofs stand or fall irrespective of another's understanding and/or accepting that its premises and conclusion are true.

On the other hand, justifying yourself to others must take into consideration premises one thinks another could accept. For example, if I know that my antagonist could not accept certain premises, then I ought to restrain from referring to those premises, even if I believe them to be true. This is because of my objective. I am aiming to make my position justified to another. Thus, I ought to invoke premises that I sincerely believe they could accept, or at least, could accept upon reflection or investigation. In short, my premises ought to be publically assessable. This is the nature of what Rawls calls the “public basis of justification.” So, in so far as the objective of liberal politics is justification as addressing yourself to another, Rawls submits that it is sensible to restrain the whole truth in politics and insist on public reasons. Again, not that religious truth must be excluded but only that public reasons are also required.

¹⁹³ I am indebted to David Reidy for this distinction. He pointed this out to me in personal correspondence.

3.4 Stout's Criticism of Rawls

Jeffrey Stout would insist that the Rawlsian understanding of the *reasonable* is confused. According to Stout, Rawls claims that to be reasonable is to accept the need for a social contract and to be willing to reason on the basis of it, at least when in the public forum on basic constitutional and political matters. On Stout's view, this definition of reasonableness "implicitly imputes unreasonableness to everyone who opts out of the contractarian project, regardless of the reasons they might have for doing so."¹⁹⁴ Stout goes on to say:

Someone can count as unreasonable on this definition even if he or she is epistemically entitled, on the basis of sound or compelling reasons, to consider the quest for a common justificatory basis morally unnecessary and epistemologically dubious. To count as reasonable, in the sense of 'socially cooperative,' Rawls assumes that one must find his contractarian quest for a common justificatory basis plausible. My problem is that I don't find this quest plausible. Or more mildly: I am not persuaded that it is going to meet with success.¹⁹⁵

So, in part, Stout is claiming that we can be reasonable and seek to offer others reasons they could accept without offering everyone the same reason. It is the demand that I offer everyone the same sort of reason that is morally unnecessary for Stout and not necessarily the demand that I justify myself to others. However, as is evident by his above remarks, Stout, like Eberle, claims the trouble with Rawls is partly a matter of epistemology.

Stout is uncomfortable with labeling epistemically reasonable people, unreasonable, simply because they opt out of Rawls's contractarian project. He seems to think that on Rawls's view a citizen may be epistemically entitled to her beliefs and yet, be labeled unreasonable. On this point, Stout says, "I suspect that Rawls has ... drastically underestimated the range of things that socially cooperative individuals *can reasonably reject*."¹⁹⁶ Rawls "underestimated what a person can reasonably reject because he has underestimated the rule of a

¹⁹⁴ Stout 2004, p. 67.

¹⁹⁵ Stout 2004, p. 67-8.

¹⁹⁶ Stout 2004, p. 70, italics are mine.

person's collateral commitments in determining what he or she can reasonably reject when deciding basic political questions."¹⁹⁷ Stout continues:

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...Rawls would grant this...the question is why constitutional essentials and matters of basic justice are not also affected, for it is reasonable to suppose, when discussing such elemental issues, that the relative importance of highly important values—a matter of which religious traditions have much to say—is a relative consideration. I am tempted to put the point by saying that this doctrine is the sort of thing reasonable people would be entitled to disagree over.¹⁹⁸

As is clear from these remarks, Stout thinks Rawls's conception of "reasonableness" is too restrictive. For this reason, Stout believes that it is sensible to depart from Rawls's view.

In diverging from Rawls, Stout aims to capture a different conception of reasonable. "A person is reasonable in accepting or rejecting a commitment if he or she is 'epistemically entitled' to do so and reasonable people are those who comport themselves in accord with their epistemic responsibilities."¹⁹⁹ Although Rawls does not deny this is reasonable, he would certainly object to what follows from this conception for Stout. If we link the term "reasonable" to epistemic entitlement and apply the term in a relatively permissive way, it will be very hard to make those who reject the contractarian project on epistemological grounds qualify as unreasonable. According to Stout, this position is preferable to Rawls.

3.5 *A Reply to Stout*

Stout claims that Rawls assumes a certain end, namely, the contractualist end of relations that are mutually intelligible and acceptable. In this respect, Stout is right in his characterization of Rawls. But Rawls can agree with Stout on this point and will no doubt insist that his objective is a reasonable one. Even so, Rawls will countenance the fact that his end is not the *only*

¹⁹⁷ Stout 2004, p. 70.

¹⁹⁸ Stout 2004, p. 70-1.

¹⁹⁹ Stout 2004, p. 71.

reasonable one a citizen might take. Rather, his objective is just *a* reasonable end. If correct, then the question is whether Rawls's end can be pursued reasonably while others pursue other reasonable ends as well. Rawls certainly believes that it can and so, thinks that his conception of "reasonable" is not too restrictive.

Furthermore, Stout's criticism ignores an important distinction. In this context "reasonable" is used in at least two senses: one epistemic and another moral. If I am right about this, then it is not inconsistent to refer to the same citizen as epistemically reasonable and morally unreasonable. Let me explain why this position is relevant and important. Suppose I am a police officer. Further suppose that while on duty a stranger has accused my daughter of stealing his cell phone. There is strong circumstantial evidence linking her to the crime. She in turn, vehemently denies the charges. On the basis of relational testimony alone, I may be epistemically entitled to believe, contrary to overwhelming physical evidence, that my daughter did not steal the phone.

At the same time, I might be required to restrain from declaring her (legally speaking) innocent. As an officer of the law, I am required to investigate the common evidence and make by decision accordingly. If in fact, on the basis of the common facts alone, the preponderance of the evidence leaned toward her guilt, I might be morally required to hold her accountable. On account of my position, I am morally obligated to appeal to reasons others can see, appreciate and understand to support my rationale. It is not a contradiction for me, however, to continue to maintain that I am epistemically justified in believing in her innocence.

So too, Rawls would hold that the office of citizenship demands a kind of moral responsibility. We have a public duty to not rest our political opinions on epistemic entitlements alone. We must also explain our beliefs in a way that squares with the common facts, facts that

are publically assessable. Failure to do so could imply that we are unreasonable citizens, that is, morally unreasonable citizens, though perhaps, we are epistemically reasonable.

In this section I have tried to explain why I think the denial-of-truth objection is misguided. I started by laying out Eberle's version of the objection. Eberle assumes that Rawls restricts religious reasons because they lack epistemic justification. I argued this is mistaken. In so far as Rawls restricts religious reasons, he does for moral, not epistemic reasons.²⁰⁰ This explanation required getting clear on the normative features of Rawls's conception of reasonableness. After this, I considered Stout's objection to Rawls's conception of reasonable. Stout protests that Rawls's view is inconsistent. I argued that Stout's complaint conflates a citizen's being epistemically reasonable with her being morally reasonable. In the next section I consider one final challenge to Rawls's idea of public reason.

4. The Integrity Objection

In this section I consider another potentially serious problem for Rawls's idea of public reason. To explain this challenge, first consider the following remarks. Cornel West's has said that, "For prophetic Christians like Martin Luther King Jr., his appeal to democratic ideals was grounded in his Christian convictions. Should he—or we—remain silent about these convictions when we argue for our political views? Does not *personal integrity* require that we put our cards on the table, when we argue for a more free and democratic America? In this way, Rawls's fear of religion—given its ugly past in dividing citizens—asks the impossible of us."²⁰¹ Similarly, Michael Sandel has maintained that Rawls's "insistence that we *separate our identity* as citizens from our identity as persons gives rise to an obvious challenge. Why should our political

²⁰⁰ Recall, however, that on my view (chapter one) Rawls does not restrict religious reasons beyond requiring that citizens use caution when introducing them and attempt to accompany their religious reasons with public reasons..

²⁰¹ Cornel West in Clanton 2005, p. 303, italics are mine.

identities not express the moral and religious convictions we affirm in our personal lives?”²⁰²

Also, Michael Perry has argued that, “To bracket [one’s] convictions is therefore to bracket—to *annihilate*—essential aspects of *one’s very self*.”²⁰³ These theorists (and others like them) have challenged the coherence of Rawlsian liberalism on the grounds that it does violence to the integrity of some citizens. This is sometimes called the integrity objection.²⁰⁴

The integrity objection maintains that the Rawlsian position requires that religious citizens *divide* themselves in a way that does, or can do, damage to their moral and or religious integrity. How does this “damage” occur? Principally, this is because the privatization of one’s beliefs “is said to require citizens of faith to repress their fundamental commitments when participating in politics, thereby forcing them to violate their integrity.”²⁰⁵ The thought here is that by being asked to conduct their political activity in accordance with public reason, citizens of faith are being asked to treat their religious views as essentially non-political. In other words, religious citizens are being asked to repress (perhaps, deny) a fundamental part of themselves when they enter the public realm. In this way, the idea of public reason is said to damage one’s integrity.

This section proceeds with four parts. First, non-religious citizens may be perplexed by the integrity objection; they might underappreciate the severity of these charges. So, I begin by explaining why the integrity objection deserves serious consideration (4.1). Then, it will be important to get clear on how Rawls’s critics employ the term “integrity” in the integrity objection. Various meanings have been proposed but to my knowledge, Rawls’s critics are by no

²⁰² Sandel, Michael. *Democracy’s Discontent*. Cambridge, MA: Harvard University Press, 1996, p. 18, italics are mine.

²⁰³ Perry, Michael. *Morality, Politics and Law*. New York, NY: Oxford University Press, 1988, p. 181-2, italics are mine.

²⁰⁴ Neal (2009) refers to this general charge against public reason as the integrity objection. More recently, Kevin Vallier has also written on this challenge to public reason. See Vallier, Kevin. “Liberalism, Religion and Integrity.” *Australasian Journal of Philosophy* 90 (2012): 149-164.

²⁰⁵ Vallier 2012, p. 149.

means clear with respect to how we should understand this conception. So, I proceed by considering various meanings of the term “integrity” and how these different senses of the term color the integrity objection. I look at three meanings: integrity as self-integration (4.2), integrity as identity (4.3) and finally, integrity as standing for something (4.4).²⁰⁶ In the end, I think all of these possibilities fail to show that Rawls’s idea of public reason is inconsistent with the best theories of liberal democracy.

4.1 *Integrity and Public Reason: Why all the Fuss?*

Non-religious citizens of faith do not often feel the force of the integrity objection. They ask: does it *really* harm a citizen to say that public reason asks them to sometimes be silent about their religious convictions, or, to tell them to also provide a public reason in politics? Does it *actually* violate a person’s integrity to ask them to not rely upon “the whole truth in politics?” After all, citizens of faith can advocate for their preferred conclusions using religious reasons they just need to also provide a public reason. When, however, citizens of faith refuse to provide a public reason for their political opinions, then non-religious citizens ask that they leave their religious rationales aside for the common good. For this reason, some believe that the integrity objection is just the murmurings of whiny citizens. For example, Stephen Macedo has famously derided citizens of faith saying that, “If some people...feel silenced or marginalized by the fact that some of us believe that it is wrong to seek to shape basic liberties on the basis of religious or

²⁰⁶ Here I am following: Calhoun, Cheshire. 1995. “Standing for Something.” *The Journal of Philosophy*, 92:5, pp. 235-260; Cox, Damian, La Caze, Marguerite and Levine, Michael, “Integrity”, *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/spr2012/entries/integrity/>>. In the following, I am indebted to these sources when discussing the various accounts of integrity.

metaphysical claims, I can only say “*grow up!*”²⁰⁷ However, I believe the integrity objection is not so easily dismissed. Let me briefly say why.

Liberalism aims to leave people free to live according to their own lights. Whether this was the original aim of liberalism is a more complex and contested matter. Be that as it may, we can be sure that liberalism has, in some sense, always upheld the idea of liberty of conscience. So, “one traditional reason to endorse liberalism is that it preserves the integrity of all citizens.”²⁰⁸ But some of Rawls’s critics maintain that the restrictions imposed by public reason cause serious harm to the religious conscience (one’s religious integrity). That is, public reason forces citizens of faith to, in some way, be disloyal to their convictions. Thus, if Rawls’s idea of public reason is in fact “committed to frustrating integrity then this is cause for alarm, for if liberalism unjustifiably restricts integrity, a crucial rationale for liberalism is undermined.”²⁰⁹ The difficulty is that one’s religious convictions usually include beliefs about the social and political world. If liberalism claims to give citizens the freedom to be loyal to their religious convictions, then liberalism should not ask citizens to do things that violate those convictions—e.g., to keep their religion out of the public sphere. Therefore, Rawls’s religious critics have argued that if public reason causes, or puts pressure on, citizens of faith to violate their religious convictions, then public reason is a bad liberal idea. Consequently, Rawls’s idea of public reason is vulnerable to the *problem of liberal incoherence*. For this reason, the integrity objection should be taken seriously. Fortunately, I think Rawls’s idea of public reason does not put pressure on

²⁰⁷ Macedo, Stephen. “In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?” in *Natural Law and Public Reason*, edited by Robert P. George and Christopher Wolfe. Washington, D.C.: Georgetown University Press, 2000, p. 35, italics are mine.

²⁰⁸ Vallier 2012, p. 150.

²⁰⁹ Vallier 2012, p. 150.

citizens to violate their convictions. Rather, one of Rawls's main objectives is to maintain and preserve the integrity of individuals in the political domain.²¹⁰

In order to face the integrity objection head on, it is necessary to get clear on what exactly Rawls's critics mean by "integrity" and how Rawls's view is said to violate it. Integrity is sometimes thought of as a moral quality. In this way, a person of integrity is someone who is honest, does not cheat on their spouse or taxes, is forthright in business dealings and regularly upright in speech and behavior. This, however, cannot be the notion of integrity employed by Rawls's religious critics. To be sure, public reason does not ask citizens to cheat on their spouses, taxes or business partners. So, these critics must have another meaning of integrity in mind.

There are other common conceptions of integrity: intellectual integrity, moral integrity, personal integrity and so on. To this point, the meaning of "integrity" has been used somewhat ambiguously. Upon reflection, however, it seems clear that the integrity objection is employing some general conception of *personal* integrity. So, in what follows I consider some possible ways to understand this idea of integrity. I think that considering these various accounts will aid in our understanding of the work "integrity" is doing in the integrity objection. This in turn will permit a more accurate analysis of this particular challenge to Rawls's project.

Several different models of integrity have been purposed. I briefly consider three. The following accounts of integrity appear the most relevant: integrity as self-integration, the identity view of integrity, and integrity as standing for something. I consider each these accounts in turn. In every case, I think the integrity objection undermines a popular misconception of public reason, but fails to undercut Rawls's idea of public reason.

²¹⁰ For example, see Rawls 2005 p. 286.

4.2 Integrity as Self-Integration

Integrity could be a matter of self-integration. In this manner, we think of the person possessing integrity as one who keeps her innermost self intact, one whose self is whole, unified, cohesive and integrated.²¹¹ An important feature of the self-integration model of integrity is that it is a formal relation. Integrity is not a character virtue possessed by the individual, rather integrity is a condition one stands in in relation to themselves. For example, according to Harry Frankfurt, when a person is able to make decisions in accordance with what they really desire, or when one acts on what they truly identify as good, then that person is whole. In other words, if the self is constituted without ambivalence, self-deception or inconsistency with regards to one's desires, then, according to Frankfurt, that person has "wholeheartedness."²¹² Similarly, John Kekes refers to this idea as "wholeness."²¹³ In this regard, integrity as self-integration can be understood as having an un-fractured existence, or as something akin to Frankfurt's notion of wholeheartedness.

Correspondingly, Gabriele Taylor maintains that persons lack integrity when their desires or actions arise from insincere, hypocritical, inconsistent or self-deceived motives. Standing in an insincere, hypocritical, inconsistent or self-deceptive relation to oneself, therefore, reveals a lack wholeheartedness or self-integration. Thus, according to Taylor, a lack of self-integration exposes a lack of personal integrity.²¹⁴

²¹¹ Several philosophers have thought of integrity in this way. For example, see Frankfurt, Harry. "Freedom of the Will and the Concept of a Person." *Journal of Philosophy*, (1971): 5–20. Frankfurt is not explicit about defining integrity but his account is an influential model of self-integration. Another important treatment of self-integration is Taylor, Gabriele. "Integrity." *Proceedings of the Aristotelian Society*, Supplementary vol. 55 (1981): 143–159. Taylor is explicit about how self-integration relates to integrity. I follow these two accounts.

²¹² Frankfurt, Harry. "Identification and Wholeheartedness" in Ferdinand Schoeman, ed., *Responsibility, Character and the Emotions: New Essays in Moral Psychology*. New York: Cambridge, 1987, p. 38.

²¹³ John Kekes talks of integrity as "wholeness", referring to this idea as "constancy." See Kekes, John. "Constancy and Purity." *Mind* 92 (1983): 499 – 518.

²¹⁴ See Taylor 1981.

Do Rawls's religious critics understand integrity as self-integration? Michael Perry seems to be utilizing something like the self-integration model when he says that, "To bracket [one's] convictions is therefore to bracket—to *annihilate*—essential aspects of *one's very self*."²¹⁵ In other words, to bracket one's religious convictions amounts to *not* keeping one's innermost self-integrated. For the moment, let us assume that some of Rawls's critics employ this conception of integrity. If so, then they must believe that the requirements of public reason harm citizens of faith by disintegrating their religious self. I think this position is difficult to maintain.

4.3 *Assessing the Self-Integration Model*

I begin with a critical word about the integration model itself. Suppose a citizen of faith was "wholeheartedly" committed to religious extremism. Imagine that this conception of one's self extended to the point of causing innocent people who dissent from their beliefs harm. They have an "unreasonable comprehensive doctrine," in Rawls's terminology. On the integrated-self model, one has to acknowledge a strange fact about the religious extremist. Namely, although the extremist is prepared to harm innocent people, they nevertheless, have a perfectly integrated self and are therefore a person of integrity. So, at least initially, this sounds like a very undesirable account of integrity for Rawls's religious critics to endorse. At least, it seems undesirable for those critics who also maintain a commitment to liberal principles and values.

Furthermore, in that the self-integration model describes integrity as a formal relation, there is little emphasis on the nature of one's action themselves. In other words, what matters is standing in a position of integrity in relation to one's desires, commitments, etc. Again, however, it would be strange to say that since a person's murderous action was sincere, or consistent with their beliefs, they have integrity. Perhaps, we will call them sincere, but we will rightly say that

²¹⁵ Perry, Michael. *Morality, Politics and Law*. New York: Oxford University Press, 1988, p. 181-2, italics are mine.

their actions are sincerely wrong. Maybe, they are consistent, but we will call them consistently immoral. But one thing we will not say is “they have personal integrity.” So, if Rawls’s religious critics mean to employ the self-integration model of integrity, then they have bigger problems than that of public reason.

Suppose, however, that the integrity objection can surmount these worries. I think there is another reason why Rawls’s idea of public reason cannot be said to disintegrate a person’s integrity. That is, Rawls’s wide-view of public reason does not preclude the integration of the religious self with one’s political self. As stated in chapter one, a common misconception of public reason is that it implies that “people need to keep religious based arguments out of politics.” If this conception of public reason were true, then it would be difficult to maintain self-integration in the political domain. Fortunately this is not Rawls’s view.

I argued in chapter one that public reason does not ask citizen’s to privatize their faith, nor does public reason police what religious citizen’s say in the public political domain. Rawls permits the use of religious arguments in the public political domain, even when addressing fundamental matters provided that in due course a public reason is also given. Thus, one would be hard pressed to contend that asking citizens to be conscientious about the reasons they use in public amounts to disintegrating the religious self. Therefore, for the reasons given, I think “integrity” as self-integration is not the best model of integrity for adherents of the integrity objection. Not only does it imply counterintuitive ideas about integrity it also fails to demonstrate how Rawls’s idea of public reason disintegrates the citizen of faith. Consequently, a more robust integrity objection must utilize a different conception of integrity. So, I now turn our attention to considering an alternative account—viz., the identity view of integrity.

4.4 Integrity as Identity

The identity view of integrity has some overlap with the integrated-self account. Cheshire Calhoun distinguishes the two views this way, “On the integrated-self view, integrity involves the integration of ‘parts’ of oneself—desires, evaluations, commitments—into a whole. On the identity view, integrity means fidelity to those projects and principles which are constitutive of one’s core identity.”²¹⁶ Put in another way, on the self-integration view, integrity is a formal relation—i.e., the relation of the parts to the whole. Whereas, the identity view defines integrity in terms of the commitments that persons identify with most deeply, as expressing what one believes her life is about at the most basic level. In this way, John Kekes explains integrity as “Unconditional commitments [that] are the core of a person’s pattern, the fundamental components of his *identity*, his most basic allegiances.”²¹⁷ These allegiances are sometimes called “identity-conferring commitments.” Lynne McFall says that identity-conferring commitments “reflect what we take to be most important and so determine, to a large extent, our (moral) [and religious] identities.”²¹⁸

Bernard Williams is perhaps the most recognized proponent of the identity view.²¹⁹

Calhoun is helpful in explaining Williams on this point. She says:

To have a character [integrity], as Williams sees it, is to have some ground projects with which one is so strongly identified that in their absence one would not be able to find meaning in one’s life or have a reason for going on. Because both Kantianism and Utilitarianism require that agents be prepared to give up their ground projects in the name of impartial good ordering or the

²¹⁶ Calhoun 1995, p. 235.

²¹⁷ Kekes 1983, p. 514, italics are mine.

²¹⁸ McFall, Lynne. “Integrity.” *Ethics* 98 (1987): p.13.

²¹⁹ Cox, La Caze and Levine point out that that Williams’s view “is implicit in his discussion of integrity and utilitarianism and also features in his criticism of Kantian moral theory.” See Cox, Damian, La Caze, Marguerite and Levine, Michael, “Integrity”, *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), URL =<<http://plato.stanford.edu/archives/spr2012/entries/integrity/>>. Also see Williams, Bernard. “Integrity.” In J.J.C. Smart and Bernard Williams, *Utilitarianism: For and Against*. New York: Cambridge University Press, 1973, pp. 108-117; Williams, Bernard. “Persons, Character and Morality” in Williams, *Moral Luck: Philosophical Papers 1973-1980*. New York, NY: Cambridge University Press, 1981, pp. 1-19.

maximization of good states of affairs, both moral systems are, in his view, hostile to agent's integrity.²²⁰

Thus, for Williams, identity-conferring commitments, or as he says, “ground projects” are expressions of one’s character, without which “it is unclear why I should go on at all.”²²¹

Similarly, Damian Cox, Marguerite La Caze, and Michael Levine have said that on this view, abandoning “an identity-conferring commitment is for them to lose grip on what gives their life its identity, or individual character.”²²²

4.5 *Assessing the Identity Model*

The identity view has some appeal. “It captures, in a way [what] the integrated picture did not, the idea that a person with integrity stands for something.”²²³ Nevertheless, the identity view still seems susceptible to some of the worries assailing the integrated-self view. According to the identity view, “a person’s integrity is only at issue when their deepest, most characteristic, or core convictions and aspirations are brought into play. However, we expect persons of integrity to behave with integrity in many different contexts, not only those of central importance to them.”²²⁴ Simply put, integrity is more comprehensive than one’s ground projects. We normally think of integrity as extending well beyond these commitments.

Furthermore, unless a reasonable range of identity-conferring commitments (or “ground projects”) is put forward, then the identity view might be vulnerable to the same counterintuitive implications facing the integrated-self view. Instead of rehashing the difficulties plaguing the

²²⁰ Calhoun 1995, p. 242.

²²¹ Williams 1981, p. 12.

²²² See Cox, Damian, La Caze, Marguerite and Levine, Michael, “Integrity”, *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), URL =<<http://plato.stanford.edu/archives/spr2012/entries/integrity/>>.

²²³ Calhoun 1995, p. 242.

²²⁴ See Cox, Damian, La Caze, Marguerite and Levine, Michael, “Integrity”, *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), URL =<<http://plato.stanford.edu/archives/spr2012/entries/integrity/>>.

integration view, I will simply assume the identity view can articulate a reasonable range of commitments that are, or could be, central to a person's integrity. In other words, decidedly immoral, irrational or unreasonable "ground projects" are put aside.²²⁵

Working within these parameters, therefore, the identity view of integrity provides another opportunity to assess the integrity objection. First, we must consider whether Rawls's critics understand integrity in this sense? And if so, does public reason *really* harm a citizen's identity by undermining their core commitments.

At least some of Rawls's critics seem to make use of an identity view. Recall that in connection to religious convictions in political discourse West's maintains that, "*personal integrity* require[s] that we put our cards on the table when we argue for a more free and democratic America."²²⁶ Similarly, Sandel asserts that respecting one's integrity involves allowing citizens, in their official role as citizen, to express the moral and religious convictions that they affirm in their personal lives.²²⁷ These conceptions of integrity appear to rest on an identity view. In any event, some critics appear to endorse something similar to the identity view of integrity. But if some of Rawls's critics are employing an identity view then they must believe that public reason forces citizens of faith to, in some way, deny (or be disloyal to) their deeply held religious commitments in the political domain. Does public reason force citizens of faith into this quandary? I do not believe that it does. Allow me to explain why.

I think the identity view does undermine a common (often misguided) notion of public reason, but it fails to undercut Rawls's idea of public reason.²²⁸ It seems to me that in order to

²²⁵ It is interesting to note that some of Rawls's critics attack him for putting aside certain views of the good as unreasonable. Ironically, if adherents of the integrity objection are utilizing an integrated-self or identity view, then they must put aside unreasonable conceptions of the good.

²²⁶ West 2005, p. 303, italics are mine.

²²⁷ Sandel 1996, p. 18.

²²⁸ Keep in mind that Rawls's view of public reason is very far from the notion that people need to keep their religious arguments out of politics.

harm, or damage one's integrity (understood as identity) public reason must force citizens of faith to suppress their core commitments. The claim here is something like the following: (1) If religious convictions are not permitted (or are significantly restricted) in the political domain, then citizens of faith will be pressured to deny, suppress or be disloyal to their deeply held religious convictions in public; (2) being pressured to deny, suppress or be disloyal to one's deeply held religious convictions does harm to one's integrity; (3) Rawls's idea of public reason does not permit (or significantly restricts) one's deeply held religious convictions in the political domain; therefore, (4) Rawls's idea of public reason harms the integrity of religious citizens. I think claiming this much of Rawls's view stretches credulity.

As we have seen (in chapter one) Rawls's idea of public reason is something similar to the following: "With respect to fundamental questions, persons in their official political roles ought to use caution when introducing religious based arguments into the public political forum." This implies two facts: (a) Rawls's view permits, without restriction, religious commitments in the background culture, including religious convictions that have political content; (b) Rawls does not bar religious convictions even from the public political domain, these are always permitted so long as a public reason is forthcoming at some point. Thus, strictly speaking, (3) does not go through without serious qualification and if (3) is mistaken, then so is (4). Consequently, on the identity view, Rawls's idea of public reason does not *harm* the integrity of citizens of faith.

One might argue, however, that Rawls's proviso essentially restricts the extent to which religion is welcomed in political discourse. Thus, the proviso, not public reason per se, is what does harm to one's integrity. On this view, it is the proviso which significantly restricts religious convictions. To capture this subtle difference notice how premise (3)—i.e., "Rawls's idea of

public reason does not permit (or significantly restricts) deeply held religious convictions in the political domain” becomes (3)* Rawls’s *proviso* does not permit (or significantly restricts) deeply held religious convictions in the political domain. Additionally, (4)—i.e., “Rawls’s idea of public reason harms the integrity of citizens of faith” becomes (4)* Rawls’s *proviso* harms the integrity of citizens of faith. Does this modified objection fair better than the original? I do not believe that it does.

No doubt, there are many problems associated with Rawls’s proviso, but the claim that it is “too restrictive” on religious convictions in politics should not be seen as one of them. The proviso relaxes the need to immediately accompany any religiously motivated argument in the public political forum with public reasons. Rawls’s proviso goes beyond merely permitting religious convictions “in some cases” to assert that reasonable religious commitments are welcomed “at any time.” This is not to say that citizens can offer just any religious reason, they should be reasonable. Furthermore, citizens ought to be mindful of when and how they introduce their arguments. So far as possible, citizens should exercise great care, prudence and reciprocity when offering others a religious justification. Be that as it may, Rawls’s wide-view of public reason seems very comfortable with religion and religious convictions in the public square. This point is difficult to ignore. If this much is true, then (3)* fails and thus, (4)* is also ill-advised.

So far we have reviewed two accounts of integrity. We have seen that these views fail to adequately capture a picture of personal integrity that is needed to advance a robust version of the integrity objection. Additionally, they have proved incapable of undermining Rawls’s idea of public reason. I think there is still another conception of integrity available to proponents of this objection. Calhoun calls this “integrity as standing for something.” This understanding of integrity has, to my knowledge, not been explicitly utilized by Rawls’s critics. Nevertheless, if

the integrity objection is to be coherent and connect with Rawls's idea of public reason, then I think this last alternative is most promising. I believe that "integrity as standing for something" represents the strongest possible rendition of the integrity objection. It provides supporters of this objection with their best opportunity at undercutting the legitimacy of public reason. In the remainder of this section I consider this conception of integrity.

4.6 *Integrity as Standing-for-Something*

The self-integration and identity accounts see integrity in terms of some *personal* good. The meaning of integrity is thus limited to caring for oneself or one's commitments. So, on these views, "loss of integrity signals loss of some important dimension of selfhood."²²⁹ No doubt, to some extent these accounts appear to capture what integrity means. But as noted, they fail to adequately describe a notion of integrity that is needed to advance a strong version of the integrity objection. For this reason, I think the idea of integrity as *standing for something* is important for this objection.²³⁰ Nevertheless, I think that even this rendering fails. In what follows, I first explain what "integrity as standing for something" means, then why it also fails to undermine the legitimacy of Rawls's idea of public reason.

According to Calhoun, instead of being some personal characteristic, integrity is better thought of as a *social* trait. Her reasoning starts with the claim that "none of us can answer the question—'What is worth doing?'—except from within our own deliberative points of view."²³¹ Each person can only offer others her own best judgment about what is worth doing. So, one's decisions are not simply *her* judgments, but *her best* judgments about what is worth doing. Thus,

²²⁹ Calhoun 1995, p. 254.

²³⁰ Calhoun (1995) put forward the idea of integrity as standing for something. In my remaining analysis of the integrity objection I draw heavily upon her work.

²³¹ Calhoun 1995, p. 257.

persons of integrity stand up for something within a community that is trying to determine what is worth doing. In Calhoun's own words:

Persons of integrity treat their own endorsements as ones that matter, or ought to matter, to fellow deliberators. Absent a special sort of story, lying about one's views, concealing them, recanting them under pressure, selling them out for rewards or to avoid penalties, all indicate a failure to regard one's judgment as one that should matter to others.

Consequently, a lack of integrity reveals one's inability or failure to stand for something before others.

This view is appealing for several reasons. First, it offers a more satisfying account of why misleading others reveals a lack of integrity. On the integrated-self or identity views misleading others about "what's worth doing" only has harmful effects upon one's self. But these accounts fail to tell the whole story. For example, in 2006 Ted Haggard was pastor of one of the largest churches in America and president of the National Association of Evangelicals. In this role, he openly opposed homosexuality as sinful and took a stand against gay-marriage. At one point he even said, "We don't have to debate about what we should think about homosexual activity. It's written in the Bible."²³² But in November of 2006 Haggard was accused, and later, confessed to frequenting a male prostitute for several years. To be sure, Haggard's hypocritical actions reveal a fragmented self, a lack of personal virtue and that he was weak-willed. Even still, it seems to me that Calhoun's view more accurately captures a sense in which Haggard's actions betray his integrity. This is principally because Haggard's actions were *hypocritical*. Hypocrisy reveals a lack of integrity because one deliberately chooses to mislead others about what is worth doing. Put simply, a willingness to mislead others about their beliefs reveals a lack of integrity and is, therefore, a bad social and personal trait. Thus, misleading others about what

²³² Retrieved from http://seattletimes.com/html/nationworld/2003365311_jesuscamp08.html. Last accessed 10/29/2012

is worth doing reveals a lack of integrity not principally because of the harm done to oneself, but because of how the hypocrite has spuriously portrayed themselves before their community.

Second, this view of integrity also explains why shame is associated with lack of integrity. Persons, like Haggard, are socially shamed because of their inability to faithfully stand for something before their community. The integrated-self and identity views do not properly account for this type of social shame.²³³

Finally, standing for something explains why we socially praise those people who have the courage to stand up for their convictions. “The courageous provide spectacular displays of integrity by withstanding social incredulity, ostracism, contempt, and physical assault when most of us would be inclined to give in, compromise, or retreat into silence.”²³⁴ Thus, in part at least, integrity is a matter of how one represents themselves and their beliefs before their community. Those who truthfully represent to their community their best judgments about what is worth doing are persons of integrity.

It should be clear why this account of integrity is appealing for the integrity objection. Chiefly, rendering integrity as a social trait as opposed to a personal good (or virtue) is beneficial for the integrity objection. In particular, this understanding of integrity becomes advantageous when articulating how public reason is said to harm citizens of faith. On this view, the integrity objection challenges the social circumstances generated by public reason. It is believed that these circumstances create powerful deterrents to speaking and acting in accordance with one’s best judgments, even sometimes precluding open deliberation about what is worth doing. In this way, one’s integrity is violated by their being prevented from standing for something; something they sincerely believe is good for them personally, but also good for their community. Consequently,

²³³ See Calhoun 1995, p. 259.

²³⁴ Calhoun 1995, p. 259.

since the norms of public reason preclude religious reasons in the public political domain, citizens of faith are barred from standing up for their beliefs. Thus, their integrity is forcibly harmed.

4.7 *Assessing the Standing-for-Something Model*

Does this version of the integrity objection undermine Rawls's idea of public reason? Although I believe Calhoun has captured something significant about integrity, at the end of the day, I think this account is unproblematic for Rawls. This is for one main reason—viz., standing for something must be balanced by reciprocity. If integrity is a matter of standing for something, then it must also be the case that others are allowed, permitted, not precluded from, standing for something. We must equally acknowledge that others are, along with ourselves, deliberators about what is worth doing. This suggests that offering others “fair terms of cooperation” is essential to respecting their integrity (understood as standing for something). Calhoun acknowledges that “It would seem that integrity is not just a matter of sticking to one's guns.”²³⁵ Rather, “Arrogance, pomposity, bullying, haranguing, defensiveness, incivility, close-mindedness, deafness to criticism (traits particularly connected with fanaticism) all seem incompatible with integrity.”²³⁶ Thus, although the courage to stand for one's convictions is often admirable, standing for something must be tempered by tradeoffs and mutual cooperation. This is because standing for something is practiced with a conversation or dialogue that we have with others. So, standing for something must be balanced with mutual exchanges that reciprocate respect.

Rawls discusses a “criterion of reciprocity.” The basic meaning of which is that citizens, especially officials, should believe that their best judgments about what is worth doing (i.e., the

²³⁵ Calhoun 1995, p. 259.

²³⁶ Calhoun 1995, p. 260.

terms of cooperation they propose) are reasonably acceptable from the perspective of their compatriots. Alternatively put, regarding others as free and equal implies that we do not manipulate, dominate, or force others under pressure to embrace our judgments. Rather, reciprocity strongly suggests that we mutually respect one another's integrity by reasoning from those judgments that we sincerely believe others can acknowledge and accept. For example, "If we argue that the religious liberty of some citizens is to be denied, we must give them reasons they can not only understand—as Servetus could understand why Calvin wanted to burn him at the stake—but reasons we might reasonably expect that they, as free and equal citizens, might reasonably also accept."²³⁷ So, "Integrity calls us to simultaneously stand behind our convictions and to take seriously others' doubts about them."²³⁸ If correct, integrity as standing for something seems fully consistent with Rawls's idea of public reason.

5. Concluding Remarks

In this chapter, I have examined three broad objections to Rawls's idea of public reason: the fairness objection, the denial-of-truth objection and the integrity objection. In each case I contended that Rawls's critics have either (a) misunderstood Rawls's idea of public reason or else (b) exaggerated its harmful implications. In making my case I drew heavily upon the portrait of Rawls presented in chapter one. In one way or another, the fairness objection, integrity objection and denial-of-truth objection have presented formidable challenges to the justice and legitimacy of public reason in liberal democracy. Nonetheless, I believe these objections do not present an insurmountable problem for Rawls. In particular, I claimed that these various objections may have seemed persuasive when applied to a popular, unsophisticated notion of public reason. However, these objections fail when confronted with the *real* Rawls.

²³⁷ Rawls 2005, p. 447.

²³⁸ Calhoun 1995, p. 260.

Consequently, each of the criticisms considered in this chapter have not seriously called into question the consistency of Rawls's liberalism.

Even so, I do not think that Rawls's idea of public reason is without fault. In chapters four and five I survey what I take to be more pressing challenges for Rawls's liberalism when juxtaposed to the Christian religion. Before examining these challenges, however, the next chapter will digress to consider a possible line of argument to the conclusion that Christian citizens of faith can accept Rawls's idea of public reason.

CHAPTER THREE

Public Reason as an Expression of Neighborly-Love

1. Introduction

As the title suggests, this chapter contends that John Rawls's idea of public reason can be understood as a political expression of neighborly-love. To the degree this is conceivable Christians have some theological reasons for adhering to it in public political discourse. This is not to say that public reason is the perfect expression of social and political love, but only that public reason is compatible with, or rather, overlaps with, some of the Christian features of neighborly-love. In this chapter, I will try to draw out these features.

This topic must be approached with great care. Neither Jesus nor the New Testament directly speaks about questions of political justice or fairness. Jesus, and so his followers too, are more concerned about the advancement of the "Kingdom of God," a Kingdom that Jesus says is "not of this world."²³⁹ Nevertheless, the Christian idea of "love of neighbor" is highly relevant to interpersonal relationships, including societal interactions between citizens. For this reason, I think that it is appropriate to explore the connection between Rawls's idea of public reason and Jesus's ethic of love. To be sure, Jesus's ethic of love is concerned with far more than interpersonal relationships (e.g., love for God), but it also involves a standard for dealing with friends, acquaintances and strangers. I believe the social component of Jesus's ethic of love for one's neighbor, therefore, is highly relevant to public reason.

One might ask why there is a need for this kind of project. For those familiar with the criticisms levied against Rawls's idea of public reason, the answer to this question is obvious. The idea of public reason has seen great resistance from many of Rawls's religious critics. In the

²³⁹ John 18:36

previous chapter I addressed some of these criticisms. In this chapter, my hope is to demonstrate that the essential features of public reason are not in conflict with the Christian ideal of loving one's neighbor. Rather, as I hope to make evident, I think the two are compatible.

The core of my argument is as follows: (1) A Christian's fellow citizens are her neighbors and (2) Christians are obliged to love their neighbors. (3) Loving one's neighbor includes relating to them as persons of value, having equal regard for them and respecting them as they are. Thus, if Christians ought to love their fellow citizens (according to (3)), then (4) they should not subject others to unjustified coercion and instead be prepared to offer their fellows fair terms of political cooperation. Therefore, if Christians should not subject others to unnecessary coercion and instead offer them fair terms of political cooperation, then (5) Christianity is well-positioned to embrace Rawls's idea of public reason. If something like this is correct, then Christians have religious space for affirming Rawls's idea of public reason. Before examining the main features of this argument, I must begin by saying something about the argumentative strategy being employed in this chapter.

2. Conjecture and Non-Political Toleration

In *The Idea of Public Reason Revisited* (1997), Rawls makes two important distinctions which deserve attention. Both distinctions are important preliminaries for this chapter. The first concerns the difference between declaration and conjecture. A declaration, quite simply, is where one *declares* their comprehensive doctrines to others with the expectation that they will not share the same perspective.²⁴⁰ The goal of declaration is to demonstrate how one's religious doctrines support the principles of a reasonable political conception of justice. In so doing, we mutually

²⁴⁰ Hereafter, "religious doctrine" is used interchangeably with "comprehensive doctrine." This is largely for convenience and relevance to our present discussion, but be aware that comprehensive doctrines can also be nonreligious (i.e., philosophical and moral). See Rawls 2005, pp. xviiiiff, 152n.

declare to our fellow citizens that from our own unique religious doctrines we can, nevertheless, each endorse a reasonable political point of view. “In this way citizens who hold different doctrines are reassured, and this strengthens the ties of civic friendship” within pluralistic societies.²⁴¹

In addition to declaration, Rawls discusses a second form of reasoning he calls “conjecture.” It is conjecture, and not declaration which I intend to utilize in this chapter. Conjecture is arguing from what one thinks (i.e., *conjectures*) are another’s religious beliefs with the aim of trying to show that “despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reasons.”²⁴² This is my present hope. Hereafter, I attempt to argue (i.e., *conjecture*) that based on the ideal of neighborly-love, Christians can embrace Rawls’s idea of public reason. As Rawls notes, however, such an attempt must be “sincere and not manipulative.”²⁴³ Therefore, with the best of intentions, I proceed with the aim of clearing up what I take to be a misunderstanding on the part of many Christian citizens, that is, the mistaken assumption that public reason is incompatible with Christian belief.

Another important distinction relevant to this project concerns two different strategies for justifying toleration, in particular, religious toleration. The first is a “purely political” conception of toleration, while the other is “not purely political.”²⁴⁴ With respect to the first, we tolerate another’s religious beliefs and practices on account of our political conception of justice. Thus, we tolerate others because these are the demands of justice. With regards to the second, we tolerate religious beliefs and practices that are different from our own on the basis of *our* religious doctrines. In other words, we find reasons from within our particular religious tradition

²⁴¹ Rawls 2005, p. 460.

²⁴² Rawls 2005, p. 465.

²⁴³ Rawls 2005, p. 461.

²⁴⁴ Rawls 2005, p. 461.

to support the idea of toleration. For example, one might embrace toleration (or the idea of public reason) because they believe that “such are the limits God sets on our liberty.”²⁴⁵ In this chapter, I intend to offer a support of public reason that is *not* purely political, but is instead supported by a Christian ethic of love. Thus, if what I have to say here is correct, Christians have reasons found within their own religious tradition which support the idea of public reason. In any event, this is what I intend to argue.

In the next section, I begin to set out the foundation of my argument. To demonstrate that Christians have reasons found within their religious tradition which support public reason, I must start by briefly rehearsing the reasons why a liberal approach to politics aligns well with Christianity (section three). After this, and also by way of setting the stage for my argument, I offer an analysis of Christian love (section four). A Christian ethic of love could be analyzed from any number of perspectives. My treatment adopts an ecumenical approach. I am not writing from the standpoint of any particular church or denomination. Instead, most of what I have to say comes from the viewpoint of mainstream Christianity, as it has been historically expressed. In doing so, my hope is that most Christians can embrace the theological ideals recounted in this chapter. In the final two sections, I narrow our attention to neighborly-love and highlight features of this conception of love that I think best typify Jesus’s teachings on the subject (section five). Finally, I explicitly discuss the connection between a Christian conception of love of neighbor and Rawls’s idea of public reason (section six).

Before we move forward, however, I must provide two disclaimers. First, not all Christians will accept what I have to say throughout this chapter. That is fine. My intention in this present chapter is not to get *all* Christians onboard with Rawls’s liberalism (or even just liberalism). Rather, my goal is much more modest than this. I only hope to show that *some*

²⁴⁵ Rawls 2005, p. 462.

Christians will find that they have good reasons to support liberalism and in particular, public reason. What I have to say here does not imply that all Christians should find these reasons persuasive. Certainly, they will not. Some believers may think that other reasons are weightier and that these weightier reasons undermine the reasons I provide. Again, that is fine. I suspect that my claims will only be appealing to those already sympathetic with the liberal project.

A second disclaimer: I am throughout this chapter assuming a Christian audience. As I stated above, my objective is to conjecture from Christian premises to a Rawlsian conclusion. For this reason, non-Christians will likely find this chapter of little consequence and may, accordingly, pass over this content, moving on to chapter four. The reader may be assured that skipping over this chapter can be done without jeopardizing comprehension in subsequent chapters.

3. Secularism, Liberalism and Christianity

We must begin by laying out reasons why liberalism (generally speaking) seems to accord well with Christianity. One might wonder why it is necessary to start here. Quite simply, there is a growing resentment and distrust toward liberalism among many Christians.²⁴⁶ I think these sentiments are largely based on the mistaken assumption that liberalism promotes a kind of humanistic ideal or a sort of secular ideology. So, in this section I have two aims: (1) I hope to dispel the belief that liberalism is equivalent to secularism, or somehow entails secularism, and then (2), I offer a Christian justification for the general approach to politics known as liberalism. This will set the stage for the balance of the chapter.

²⁴⁶ For example, see Stanley Hauerwas (1991, 1998 and 2000), Alasdair MacIntyre (2007) and John Milbank (2009).

3.1 *Is Secularism Opposed to Christianity?*

Following Jeffrey Stout (2004), I begin by recounting the story of how political discourse became secularized and what this means for Christianity.²⁴⁷ I think untangling the idea of liberalism from the idea of secularism will help diffuse some of the resentment harbored by many Christians against a liberal approach to politics. This in turn will go a long way in helping Christians to see the merits of Rawls's project.

As Stout explains it, there is an important connection between the decline in biblical authority and the secularization of modern democracies. This connection is not a hostile one. Rather, it was the sociological outcome of religious pluralism combined with a growing affinity for toleration and democracy. Before Martin Luther (approximately 1520 CE), the social and political world of Western Europe was more or less united around the authority of the Catholic religion. The Protestant Reformation, however, would forever alter the socio-political milieu of Western Europe. In time it produced a social environment that was occupied by numerous religious groups. Yet, all of these diverse groups essentially accepted the Bible as an authoritative source. Each of the emerging religious groups, however, greatly differed on who could legitimately interpret the Bible, whether the Bible is the sole authoritative source of normative insight into religious, social and political matters, and on who was entitled to resolve apparent conflicts between the Bible and other alleged sources of moral and religious knowledge.²⁴⁸ So, "because they differed on all of these points, they eventually found themselves avoiding appeals to biblical authority when trying to resolve their ethical and political differences."²⁴⁹

²⁴⁷ See Stout 2004, pp. 93- 100.

²⁴⁸ Stout 2004, p. 93.

²⁴⁹ Stout 2004, p. 94.

Since appeals to the Bible no longer had the ability to settle differing opinions people eventually ceased to ground their social and political arguments upon biblical authority. To illustrate, Stout points to a historical example:

In his study of appeals to the Bible in seventeenth-century English politics, the distinguished historian Christopher Hill asserts that the Bible passed from a position of considerable authority in political debate, cited by virtually all parties, to a position of diminished authority and centrality as the century unfold. By the end of the 1650s, the Bible had essentially been dethroned...it is unlikely, however, that each... [member of parliament] had ceased to ascribe infallible authority to the Bible in forming his own commitments...as Hill puts it, “Twenty years of frenzied discussion had shown that text-swapping and text-distortion *solved nothing*: agreement was not to be reached even among the godly on what exactly the Bible said and meant”²⁵⁰

Consequently, appeals to the Bible and other nuanced theological positions became increasingly imprudent and thus, infrequent. Note that the Bible’s role as a public arbiter did not become ineffectual because of some hidden secular agenda to banish religion from the public square. Rather, citizens in many Western European countries, especially those of English society, were no longer able to reach agreement on political matters by appeals to the Bible.²⁵¹ In this way, political discourse between citizens gradually became *secularized*.

With respect to the secularization of society, there is an important point that must be stressed. Namely, “secularization” in the sense that I am using the term “concerns what can be taken for granted when exchanging reasons in public settings” and is therefore, not the same thing as secular liberalism qua political ideology.²⁵² Accordingly, a secular society just is a society where no theological claims enjoy universal assent. This means that when citizens engage one another qua citizens, they are in a “discursive relationship” (to borrow a phrase from Stout) such that they cannot assume that others adhere to the same religious perspectives as themselves. Again, on this account, the secularization of society just means that political

²⁵⁰ Stout 2004, p. 94, italics are mine.

²⁵¹ Another point here is that “readings supposedly grounded in the plain sense of Scripture had multiplied so rapidly that the plain sense could no longer function as a publicly effective constraint on interpretation. And once this had happened, the Bible’s public role as arbiter was gone.” See Stout 2004, p. 97.

²⁵² Stout 2004, p. 97.

discourse can no longer take religious assumptions for granted and thus, deliberative political talk has become largely secular (i.e., non-religious).

It must be emphasized, therefore, that “secularism” qua ideology and a “secularized society” are not the same thing. The former promotes a social-political system that is devoid of religion, while the latter only recognizes the fact that we live in a society where religion (by itself) is no longer able to solve political disagreements or resolve social concerns. Notice, however, that liberalism does not entail secularism in the former sense. For example, Rawls’s political liberalism maintains that citizens are free to openly converse and discuss political matters within religious frameworks. Furthermore, citizens are free to hold their political positions for religious reasons and even offer those religious reasons as justification to others. Thus, “secularism” does not necessary imply a political ideology that promotes the absence of religion in the public square. Rather, saying a society is secular can simply be “a matter of what can be presupposed in a discussion with other people who happen to have different theological commitments and interpretative dispositions.”²⁵³

Now upon surveying the political landscape of The United States it would seem that no religious claims enjoy the status of being “justified by default” and this leads to what Rawls refers to as the fact of (religious) pluralism.²⁵⁴ Rawls (and other liberals) contend that this fact has important consequences for political discourse and for that matter, the ethics of citizenship. Hence, the debate between liberals on this subject concerns what exactly those consequences are. Rawls maintains that this suggests a duty of civility while other liberals, like Wolterstorff reject this constraint. Alternatively, Stout thinks that religious pluralism means that “in most contexts it

²⁵³ Stout 2004, p. 97.

²⁵⁴ It should be pointed out that religious pluralism is a good thing for society. At least, this much is true for those who hold minority opinions. Historically, the price of widespread religious agreement has led to undesirable consequences like the inquisition.

will simply be imprudent, rhetorically speaking, to introduce explicitly theological premises into an argument intended to persuade a religiously diverse public audience.”²⁵⁵ For now it is important to see that when “secular” is used in the sense I have been describing, post-Reformation Christianity is not inherently at odds with a secular society. If correct, then our next task is to demonstrate why a secularized society—one where there exists profound religious pluralism—morally justifies a liberal approach to politics. In so doing, I think we will find that some forms of Christianity are compatible with liberal democracy, especially the form of liberalism understood as a tradition of accommodation and toleration.²⁵⁶

3.2 *Can Christians Support Liberal Democracy?*

Here I am basically concerned with the question: can Christian citizens support a liberal democratic state? The first thing is to specify what I mean by “liberalism?” For now, it is sufficient to simply understand liberalism in general terms. Something like the following: liberalism is an approach to politics that endorses freedom from unwanted state intrusion, adheres to a set of common liberties for all (e.g., freedom of speech, press, religion, etc.) and agrees to tolerate the life and values of other individuals. Furthermore, liberalism is a political perspective that attempts to achieve social and political stability in the face of deep forms of pluralism.

Historically, people have accepted liberalism for diverse reasons. Some favor liberalism for *prudential reasons*. In which case liberalism is a *modus vivendi*—viz., citizens prefer to impose their comprehensive doctrine on others but have practical reasons not to. For example, they are politically outnumbered, or fear coming down on the wrong side of a political struggle.

²⁵⁵ Stout 2004, p. 98-99.

²⁵⁶ William Galston (1995) claims that there are at least two traditions of liberalism: one aimed at accommodation, the other aimed at autonomy. Stout’s version, however, is not quite either of these. It is more distinctively pragmatic.

People in this situation agree to endorse liberalism out of expedience. Others think liberalism is justified for *epistemic reasons*. These insist that since many comprehensive doctrines exist in society with each claiming to be the “truth,” liberalism emerges as an attractive means for solving political disputes. Although, Christians claim to know the truth, reasonable believers recognize the burdens of judgment. They also recognize that imposing their beliefs on others does not usually generate genuine converts.²⁵⁷ Consequently, it is not proper (or for that matter prudential) to rest political claims on beliefs that are, in principle, not embraced or even assessable to others.²⁵⁸

Theorists, like Rawls, have claimed that the fact of reasonable disagreement informs our public exercise of reason. However, this rationale has “not typically moved Christians to embrace political liberalism, especially those who endorse” a historical version of Christianity “and regard the Bible as authoritative in all matters concerning faith and, importantly here, practice.”²⁵⁹ The question before us is, are there reasons found within the resources of some forms of Christianity which could generate support for liberalism? I think there are such reasons. I begin with a rationale for democracy and show how this naturally leads toward liberalism.²⁶⁰

Wolterstorff, a self-proclaimed Christian liberal, has argued that there is a basic assumption lying behind our support for democracy. It is the assumption that nobody has the natural right to rule over others. “When the people remove someone from office, it will never be the case that they are removing from office someone who is by nature their rightful ruler... nobody is by nature merely a subject.”²⁶¹ Democracy is committed to the idea that every

²⁵⁷ For example, see Locke’s *Letter Concerning Toleration*.

²⁵⁸ For more about the prudential and epistemic reasons motivating liberalism see Kyle Swan (2006).

²⁵⁹ Swan 2006, p. 163.

²⁶⁰ Although the historical progression seems to be liberalism first, then democracy, I proceed in this way for argumentative clarity.

²⁶¹ Wolterstorff 2004, p. 645.

competent adult should have a voice and ought to be regarded as a political equal.²⁶² If this much is right, then it is only a small step to accepting a general form of liberalism. Liberalism seeks to secure a basic schedule of rights and liberties; rights and liberties applicable to all citizens. Is this something Christianity can support? One way to address this question is to ask:

Is [there] anything in sound Christian theology and ethics that leads to the judgment that liberal democratic society is intrinsically wrong? Are some persons rulers by nature? Are some persons mere political subjects by nature? Are there some members of society who by nature ought to have a lesser voice than others, in determining the accountability of the rulers to the people? If the answer to any of these questions is yes, then the Christian must judge liberal democratic society to be intrinsically wrong. If the answer to all three is negative, then the question on the agenda is whether there is anything in sound Christian theology and ethics that leads to the conclusion that in our present situation, a liberal democratic society is the best form of society, perhaps even required.²⁶³

I think many contemporary Christians would agree that people are not rulers or subjects by nature (e.g., there is no divine right of kings and no one is a slave by nature) and if so, there is nothing intrinsically wrong with liberal democratic societies. So, the question now becomes what features of Christianity could lead to the conclusion that liberal democracy is a good idea, “perhaps even required?”

I think one fundamental reason why many Christians may be comfortable embracing the liberal democratic state is because of its ability to prevent great evils against humanity.

Wolterstorff insists that if we attend to the “evil of violating a person, then Christians have a powerful reason for regarding the liberal polity as an inherently excellent type of polity.”²⁶⁴

Violating another person is regarded as a great evil in Christianity, perhaps one of the greatest evils. According to Wolterstorff, a person is violated when someone either inflicts unwanted or unjustified physical harm on another or subjects someone to unwanted or unjustified intrusion into “that person’s body, that person’s inner life, that person’s deep moral and religious

²⁶² For an excellent introductory treatment of many core features of democratic theory see David Estlund’s *Democracy*. Malden, MA: Blackwell Publishers, 2005.

²⁶³ Wolterstorff 2004, p. 646.

²⁶⁴ Wolterstorff 2001, p. 243.

convictions, that person's deep investment in the world.”²⁶⁵ The establishment and enforcement of civil liberties protects the individual from these “great evils” and forbids the state from trespassing upon human dignity. For this reason, Wolterstorff believes embracing the liberal state is justified for Christians. This, however, is not so much because of “the great good of being free to form and act on one's convictions, whatever those happen to be, but (in part at least)” to bar against “the great evil of having one's personhood seriously attacked or invaded by such actions as not being allowed to practice one's religion, not being allowed to gather with others of one's choice, not being allowed to speak of important matters.”²⁶⁶ Hence, if the liberal democratic state is well-positioned to bar against these great evils, then the liberal democratic state offers a great good to humanity.

If the liberal democratic state offers a great good to humanity, then some Christians will find this a good reason to embrace liberal democracy. As we have seen, since the liberal democratic state attempts to honor the civil liberties of all her citizens, it is well-positioned to protect citizens from the great evils mentioned above. Assuming this correct, we can conclude that Christians have reason to embrace liberal democracy.

Nevertheless, Philip Quinn argues that “it is doubtful that this reason alone is sufficient to justify the extensive religious liberty Christians enjoy in contemporary liberal democracies, so Christians should want to find additional reasons for supporting the liberal polity.”²⁶⁷ If guarding against the great evil of having one's personhood seriously attacked is the sole reason invoked by Christian to embrace liberal democracy, then this leaves open the possibility of restricting religious liberty in name of protection. For example, “cruel acts performed in the name of religion or by religious professionals suggest that we might do better at prevention of or

²⁶⁵ Wolterstorff 2001, p. 262.

²⁶⁶ Wolterstorff 2001, p. 246-7

²⁶⁷ Quinn 2005, p. 273.

protection against the great evil of violation of personhood if we imposed on religious groups and institutions more legal restrictions than the present liberal order's doctrine of religious freedom allows."²⁶⁸ By way of illustration you might think of the infamous Jonestown, where the religious leader Jim Jones convinced 918 of his followers to commit mass suicide, or consider the case of Warren Jeffs, the notorious self-proclaimed prophet of a fundamentalist Latter-Day Saint community who raped dozens of girls in the name of his religion, or consider the recent scandal that has shaken the Catholic church, in which priests have been accused of molesting young boys, unfortunately, the list could go on. So, on Quinn's analysis, Wolterstorff's rationale for why Christians ought to embrace liberal democracy leaves open the possibility that the state should restrict religious freedom in the name of protection.

For Quinn, Wolterstorff's position, taken by itself implies the following: to protect citizens against future abuses in the name of religion (e.g., Jonestown, Warren Jeffs or Catholic scandal) it is not sufficient for the liberal state to intervene after the fact, but the state should place preventative sanctions on religion (e.g., restrict assembly, expression, etc.). Some might agree with this conclusion. Indeed, on account of the tragic examples cited above, many Christian citizens would likely agree with some preventative sanctions on religious freedom to protect citizens from gross abuses in the name of religion. However, Quinn believes that most Christians would be uncomfortable with the state having the authority to restrict religious freedom full stop and presumably this is what he thinks Wolterstorff's position would entail.

Quinn thinks the state's power to protect citizens from violations against persons must be balanced with another good. "That good is the search for religious truth."²⁶⁹ Quoting the first chapter of *Dignitatis Humanae* Quinn says, "all men should be immune from coercion on the

²⁶⁸ Quinn 2005, p. 270.

²⁶⁹ Quinn 2005, p. 271.

part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions nor is anyone to be restrained from acting in accordance with his convictions in religious matters in private or in public, alone or in associations with others.”²⁷⁰ The good being highlighted here is the moral freedom to search for truth. It is argued that this right is grounded in human dignity. A necessary part of being a fully functioning human being is the freedom to adhere to and follow one’s conscience. For this reason, Quinn insists that the idea that deserves emphasis here is that “the *search* for religious truth, rather than its *possession*, is a great good protected by the right to religious freedom.”²⁷¹ Thus, since one virtue of the liberal state is that it honors the citizen’s religious quest, Christians should also regard the freedom to search for religious truth as a good reason to support liberal democracy.

Putting Wolterstorff and Quinn together, we can conclude that Christians have at least two good reasons to support liberal democracy.²⁷² First, according to Wolterstorff, the Christian can get behind the liberal state because it attempts to protect her citizens from great evils perpetrated against persons. And secondly, following Quinn, the Christian can say the liberal democracy is good for people because it respects the individual’s right to search for religious truth and meaning. Thus, there are suitable reasons for Christians to support the idea of liberal democracy.

To be sure, this does not commit the Christian to Rawls’s liberalism. But this is not my intention. My desire is to show that Rawls’s idea of public reason is consistent with some versions of Christianity. In the next section, I begin setting the stage for this conclusion. I

²⁷⁰ Quinn 2005, p. 271.

²⁷¹ Quinn 2005, p. 273.

²⁷² These are not the only reasons however. Stephen Macedo has pointed out recently that “Liberalism, like Christianity, stands for the equal dignity of all persons. The leading liberal political theorist...such as Rawls—are principally concerned with reminding the rich what they owe to the poor. This seems to me to resonate rather powerfully with Jesus’ mission on earth, reaching out constantly to the less well-off, as he did, and admonishing others do so also. “But when you give a banquet, invite the poor, the crippled, the lame, the blind, and you will be blessed.”” See Macedo 2012, p. 167.

contend that a Christian ethic of love for neighbor is compatible with Rawls's idea of public reason. To help the reader better understand my argument I must begin by offering a brief analysis of Christian love. It is to this topic that we now turn.

4. Understanding the Christian Concept of Love

Turning our attention to the concept of Christian love (sometimes called charity) we should begin by addressing a preliminary question: why emphasize love as opposed to another biblical ideal? The straight forward answer is that Christian doctrine recognizes the centrality of love in morality. This is evident as far back as St. Paul, who said, "All the commandments...are summed up in this single command: you must *love* your neighbor as yourself."²⁷³ All commandments suggest that all social requirements toward others are summarized by saying, "love your neighbor." Thus, of the three most highly esteemed Christian virtues: faith, hope and love, St. Paul says that "the greatest of these is love."²⁷⁴ Furthermore, St. Augustine redefines the classical Greek virtues of courage, temperance, wisdom and justice as different expressions of love.²⁷⁵ Similarly, St. Thomas Aquinas proclaims that "no true virtue is possible without charity"²⁷⁶ and St. Clement's *First Letter to the Corinthian Church* maintains that "Without love nothing can please God."²⁷⁷ For Christians, therefore, it is safe to say that love is the basic moral law of life.²⁷⁸ Love is supposed to guide the actions, attitudes and words of believers. For this

²⁷³ Romans 13:9-10, italics are mine.

²⁷⁴ 1 Corinthians 13:13

²⁷⁵ According to Augustine, "If virtue leads us to the happy life, I daresay virtue is nothing other than supreme love. For in describing virtue as fourfold, as I see it, we are talking about different movements of the one love."

²⁷⁶ *Summa Theologiae* 2, 2, q 23, art.7; Note that "charity" is often interchangeable with love in The New Testament.

²⁷⁷ "Clement's First Letter," in J. Phillip Wogaman and Douglas M. Strong (eds.), *Readings in Christian Ethics*. Louisville: Westminster John Knox Press, 1996, p. 7.

²⁷⁸ On "love as the basic moral law of life," see Reinhold Niebuhr 1957, especially pp. 8-13.

reason, I think it is appropriate to emphasize the role of love in the political morality of Christians.²⁷⁹

4.1 *Biblical Love*

Understanding the Christian idea of love can be challenging for those unfamiliar with the language of the New Testament. What English-speakers refer to as “love” is differentiated in classical and koine versions of Greek. Koine Greek, of course, is the original language of the New Testament. Thus, being acquainted with this language is imperative to good theology. The most important Greek words for love are *phileō*, *stergō*, *eraō* and *agapaō*.²⁸⁰ It will be helpful, therefore, to briefly digress and note the conceptual distinctions between these different senses of love. In fact, to understand the New Testament concept of love, this is absolutely necessary.

The word *phileō* is the most general word for love, roughly meaning to regard with affection (e.g., the love of a friend, or the love of wisdom). The verb *stergō* primarily has the meaning of familial love, as in the mutual feeling of affection between parents and children. However, it is also used of the love of a people for their ruler or divine guardian. It is less common for the love between a husband and wife. Another Greek word for love is *eraō* (noun *erōs*). This describes the love between intimate partners and embodies a longing or sexual desire. Though commonly used in connection with sensual craving, the Greeks had a more mystical understanding of *erōs*. According to this understanding of *erōs*, one seeks to go beyond normal human limitations in order to attain perfection with the divine or ultimate good. For example, for Plato, *erōs* was the longing or desire for virtue and wisdom; the embodiment of “the good” and

²⁷⁹ For an excellent treatment on the preeminence of love among the virtues see Jackson, Timothy. *The Priority of Love*. Princeton, NJ: Princeton University Press, 2003.

²⁸⁰ Here I am following Colin Brown, ed., *The New International Dictionary of New Testament Theology* v.2 (Grand Rapids, MI: Zondervan Publishing House, 1979, 538 – 547).

the only way to tend to one's soul and attain immortality.²⁸¹ In Plotinus, mystical *erōs* is the aspiration for divine unity which dominates his vision of ultimate reality (i.e., the One).²⁸² But none of these conceptions rightly expresses the New Testament concept of love.

To appreciate the meaning and nature of Christian love we must examine *agapaō* (noun *agapē*).²⁸³ It is agape which dominates the pages of the New Testament and thus, the ethics of Jesus.²⁸⁴ “Agape is the New Testament Greek word for the steadfast love God has for human beings, as well as for the neighbor-love humans are to have for one another.”²⁸⁵ St. Paul famously defines agape by saying “Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.”²⁸⁶ So important is agape-love for Christian piety and virtue that St. Paul declares that “If I speak in the tongues of men and of angels, but have not love, I am only a resounding gong or a clanging cymbal. If I have the gift of prophecy and can fathom all mysteries and all knowledge, and if I have a faith that can move mountains, but have not love, I am nothing. If I give all I possess to the poor and surrender my body to the flames, but have not love, I gain nothing.”²⁸⁷ Thus, in light of the great importance

²⁸¹ See Ferrari, G.R.F. “Platonic Love” in *The Cambridge Companion to Plato*, Richard Kraut (ed.). New York: Cambridge University Press, 1992.

²⁸² For example, see *Enneads* 5, 5, 8; 6, 8, 15.

²⁸³ Interestingly, outside the Bible, there is only one reference to *agapē* before the translation of Greek *Septuagint*. The one reference is of the goddess Isis being given the title *agapē*. *The New International Dictionary of New Testament Theology* provides the reference for this source (P.Oxy. 1380, 109), see p. 539.

²⁸⁴ Usually otherwise stated, when I use the term love in this chapter I *agapē-love*.

²⁸⁵ Jackson 1999, p. 11.

²⁸⁶ I Corinthians 13:4-8, *New International Version*

²⁸⁷ I Corinthians 13:1-3, *New International Version*

placed on agape-love by biblical writers, we can understand why the Protestant reformer Martin Luther would proclaim that, “Damned are all the works that do not come from love.”²⁸⁸

The ideal of agape-love is rooted in the nature and character of God himself. “God is love” (i.e., *agapē*)²⁸⁹ and thus, his agape-love for humanity is the pattern Christians must demonstrate toward others. God’s love for humanity is said to have four features.²⁹⁰ First, for particular individuals, it is unmotivated by moral character or by an agent’s theological beliefs. Though this is somewhat controversial, many Christian communities maintain that God loves the morally-unworthy and the heretic, not just theologically faithful Christians.²⁹¹ “Jesus is the paradigm in that he consorts with publicans and sinners and seeks out the lost.”²⁹² Secondly, God’s love is indifferent to people’s value from the human point of view. God is no respecter of person’s wealth, fame, intelligence or ability. These traits do not elicit God’s love. Rather, third, God imparts intrinsic value to persons through his creative work in them. Humans are valuable precisely because they are created in his image and are *all* his creation. Finally, God’s love initiates a relationship with humanity, not the other way around. “We love him, because he first loved us.”²⁹³ Thus, as mentioned above, the love of God (especially as revealed in the person and work of Christ) generates a moral ideal for how Christians are to regard their neighbors.²⁹⁴

²⁸⁸ Luther, “One Secular Authority” in *Luther and Calvin: On Secular Authority* edited by Harro Hopfl. New York: NY, Cambridge University Press, p. 34.

²⁸⁹ 1 John 4:8

²⁹⁰ For an excellent discussion on these features see the classic work by Anders Nygren. *Agape and Eros*. Translated by Philip S. Watson. New York: Harper and Row, 1969. Also see Gene Outka. “Agapeistic Ethics” in *The Companion to Philosophy of Religion*. Philip L. Quinn and Charles Taliaferro (eds.). Malden, MA: Blackwell Publishers, 1997.

²⁹¹ Reformed churches might view this statement as problematic but most Arminian and Catholic traditions will not.

²⁹² Outka 1997, p. 482.

²⁹³ See 1 John 4:18. Incidentally, it is also believed that whatever ability one has to love others is generated by God’s love for humanity.

²⁹⁴ I should point out that recipients of *agapē*-love are always persons. Objects have only instrumental value in God’s economy. So, it is inappropriate to attach *agapē*-love to inanimate objects or events. On this point, see Bonnie Kent, “Augustine’s Ethics” in *The Cambridge Companion to Augustine*. Eleonore Stump and Norman Kretzmann (eds.). New York: Cambridge University Press, 2001, especially, pp. 213-217. The referents of *agapē* are persons

What does agape-love require of Christians with respect to their neighbors? It demands more than mere feelings and emotions.²⁹⁵ Stephen G. Post’s description of agape-love is helpful on this point. He says that agape-love is:

An affection of the heart, an attunement of the person’s deepest center that issues in a faithful will to exist for God and others as well as for one’s own true fulfillment. It is sustained and reinforced in religious fellowship *by reliable acts of reciprocation*; at best, *love forms a circle of mutual giving and receiving* between God, self, and others.²⁹⁶

As this passage points out, agape-love requires that Christians regard others with a robust sense of respect, care and consideration; an attitude that transcends mere “affections of the heart”; one that finds its way into “reliable acts of reciprocation.” This would necessarily include how Christians are to regard their compatriots within the political domain. I will return to the fundamental idea of reciprocity and “mutual giving and receiving” below. For now I must continue to narrow the concept of agape-love under consideration. Before moving on to an examination of what agape-love demands of believers with respect to their compatriots, it is important to unpack the concept of agape-love still further. Doing so will involve focusing on one of its applications, namely, love of neighbor.

4.2 *Neighborly-love*

It is well known that Jesus taught that the first commandment is to “love God.” This is a rich and multifaceted theme, a proper treatment of which is beyond the scope of this chapter.²⁹⁷ Presently, I can only say that traditionally, Christians have maintained that neither a proper love

because they hold intrinsic value. Thus, since Christians believe that every person has intrinsic worth, it follows that all persons should be regarded with agapē-love.

²⁹⁵ Many modern ethicists have an instinctive mistrust of love, seeing it as largely derivative of the passions. It is not correct however, to understand *agapē* as a mere emotion or sentient. Rather, it is much more than this. It is a moral principle and spiritual reality.

²⁹⁶ Post 1990, p. 116, italics are mine.

²⁹⁷ For traditional Christian accounts see Augustine’s *On Christian Doctrine*, 1.27.28, 1.29.30; Aquinas’s *Summa Theologiae*, 2a, q 26, 27 and 28; John Calvin’s *Institutes of the Christian Religion*, 2.8.58.

for self or others is possible except one first loves God.²⁹⁸ Additionally, Jesus ties love for others with self-love saying, “Thou shall love thy neighbor *as thyself*.” There is a legitimate and natural love for oneself. So long as self-love is properly balanced with love for God and others, then it is good to esteem one’s own life and desires.²⁹⁹ Again, this topic is not the subject of this chapter.³⁰⁰ I must turn to the final target of agape-love, namely, love for others. In the interest of time, I limit our attention to agape-love in this final sense. That is, I narrow in on agape-love as “love of neighbor” (neighborly-love). As we have seen, agape-love is certainly more than this, but it can be no less. In the remainder of this chapter, I focus on the meaning and nature of neighborly-love as exemplified in the life and teachings of Jesus.

Love for one’s neighbor is a key idea in the teachings of Jesus.³⁰¹ The famous parable of the Good Samaritan serves as an important illustration of the doctrine of neighborly-love and provides a dramatic picture of the extent to which Christians are to accommodate and sacrifice for others. After Jesus announced the two greatest commandments (i.e., love God and love your neighbor), the gospels say that a certain lawyer asked him, “Who is my neighbor?” Jesus answered the lawyer with the following story:

A certain man went down from Jerusalem to Jericho, and fell among thieves, which stripped him of his raiment, and wounded him, and departed, leaving him half dead. And by chance there came

²⁹⁸ For a contemporary account of how “love for God” connects with “love for neighbor” and “love for self” see Outka 1972, especially, pp.214-228.

²⁹⁹ Thus, in his *Seventh Homily on 1st John*, Augustine says, “Once for all, then, a short precept is given thee: Love, and do what thou wilt.”

³⁰⁰ For a classic account of self-love see Augustine’s “On Christian Doctrine”, 1.26.27; “City of God”, 14.28. For an influential contemporary look at self-love see Emil Brunner. (1951). *The Divine Imperative*, trans. by Olive Wyon. London: Lutterworth Press, especially, p. 316ff.

³⁰¹ Timothy Jackson has noted “The phrase “love your neighbor as yourself” (or a very close variant) occurs eight times in the New Testament (Matthew 19:19, 22:39; Mark 12:31, 33; Luke 10:27; Romans 12:10; Galatians 5:14; and James 2:8), with Jesus himself frequently endorsing the idea (Jackson 1999, p. 7).” But not only does Jesus teach of neighborly-love, the gospels portray him as the exemplar of such love. For example, Jesus takes to himself the poor, the sick, the weak, the sinner and the outcaste. He even instructs his followers to love their enemies and proceeds to adhere to the ideal himself. So profound was agapē-love in the life of Jesus that it left an indelible mark on subsequent generations of Christian thinkers and activists (e.g., Augustine, Aquinas, Luther, Calvin, Edwards, Wilberforce, Kierkegaard, Lincoln, King and so on). For example, some readers overlook the fact that Aquinas’ brief discussion on the principles of “just war” occurs in the framework of his treatment of love, see *Summa Theologiae*, 2a, 2ae, q 40 articles 1-3.

down a certain priest that way: and when he saw him, he passed by on the other side. And likewise a Levite, when he was at the place, came and looked on him, and passed by on the other side. But a certain Samaritan, as he journeyed, came where he was: and when he saw him, he had compassion on him, and went to him, and bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him. And on the morrow when he departed, he took out two pence, and gave them to the host, and said unto him, take care of him; and whatsoever thou spendest more, when I come again, I will repay thee. Which now of these three, thinkest thou, was neighbour unto him that fell among the thieves? And he said, he that shewed mercy on him. Then said Jesus unto him, Go, and do thou likewise.³⁰²

To be sure, this parable has prompted many interesting discussions on the extent to which Christians should go to love their neighbors. At the most basic level, the parable teaches “the most minimal and platitudinous interpretation of neighbor-love, a man is to consider the interests of others and not simply his own. Others are to be regarded for their own sakes, for what they may want or need, and not finally because they bring benefits to the agent.”³⁰³ One might wonder why others should be so kindly regarded. The answer to this question also lies hidden in the parable, namely, it is because human beings possess “irreducible value” to God.³⁰⁴

Following Gene Outka, I claim that if others are irreducibly valuable, then interpersonal relationships (including political ones) should be characterized by a neighborly-love that: (1) has an “equal regard” for others and (2), respects others as they stand (or for who they presently are).³⁰⁵ Among other things, these two points seem to be underscored by the aforementioned parable. I think these theological points provide the justification for why Jesus applauds the Good Samaritan’s actions and so, demonstrates what is, at least partially, morally praiseworthy about neighborly-love.

When we turn our attention back to Rawls (section six), important similarities between the Christian doctrine of neighborly-love and the idea of public reason begin to emerge. There are at least two features which deserve special consideration. The Christian doctrine of

³⁰² Luke 10:29-37, *Authorized Version*

³⁰³ Outka 1972, p. 8.

³⁰⁴ I borrow this phrase from Outka (1997).

³⁰⁵ I take this point from Outka (1972), see pp.9-23.

neighborly-love seems (1) committed to treating others respectfully and fairly (which I think involves the Rawlsian idea of reciprocity) and it is therefore, (2) incompatible with unjustified coercion. Taken together, I think these ideas reveal that Rawls's idea of public reason can be understood by Christians as a political expression of love for neighbor. In what follows, I will attempt to support this contention by examining these ideas more carefully. In the next section, however, I will begin to highlight important features of neighborly-love, features that provide the theological justification for where we are headed.

5. A Theory of Neighborly-love

It must be acknowledged that not all Christians agree on the ethical implications of loving one's neighbor. So, in choosing a conception of neighborly-love I will inevitably find myself at odds with those who prefer another conception. I regret that this situation is unavoidable. Nevertheless, although there is no unanimity among Christians on the meaning and implications of neighborly-love, some conceptions are more agreeable than others. I think Outka's understanding of neighborly-love as "equal regard" is an example of a generally agreeable conception. Harlan Beckley has pointed out that although the formulation of agape as "equal regard" is his own, Outka insists that it is a summary of the "content most recurrent in a literature replete with substantive differences." And to support this contention, Outka "cites numerous and diverse twentieth-century Protestant and Roman Catholic theologians from which he draws this summary formulation of love."³⁰⁶ Thus, there is some agreement between Christians that neighborly-love involves the idea of equal regard. So, I think this general agreement is enough to gather some ethical implications of neighborly-love, which I believe many Christians will find acceptable.

³⁰⁶ Beckley 1986, p. 230 and Cf Outka 1972, p. 16, 17n.

This section will develop as follows: first, I briefly rehearse the theological justification for neighborly-love as equal regard. As previously mentioned, neighborly-love is grounded in the idea that others are of irreducible value. So, I will unpack this model. After this, I proceed to explain the idea of “equal regard” as articulated by Outka. Finally, if others are irreducibly valuable and deserve equal regard, then I draw a final implication of neighborly-love, namely, Christians ought to respect (i.e., tolerate and to some degree accommodate) others. This includes respecting them for who they currently are and as they presently stand whether or not they are adherents of the Christian religion.

Before proceeding, however, allow me to hedge off a possible complaint. One might contend that it is just obvious that insofar as Christianity can affirm the intrinsic value of persons and commit itself to respecting their freedom of conscience, there is no apparent inconsistency between those Christian commitments and a liberal commitment to public reason. I concede that *if* Christianity can affirm these ideals, then there is no theoretical inconsistency between Christianity and a liberal commitment to public reason. However, it is far from obvious to me that historic biblical Christianity actually affirmed these principles. If they had, then neither the inquisition, the travesties of the medieval crusades or the seventeen century wars of religion, for example, could have been religiously justified. These offenses occurred precisely because Christians did *not* affirm the intrinsic value of every person nor did they respect the liberty of conscience. For this reason, it is imperative to underscore the fact that Christianity can affirm these values. This will provide many Christians with substantive reasons for taking Rawls’s idea of public reason seriously. My point is that many Christians overlook the fact that they have fundamental beliefs that coincide with these liberal commitments. This is not an unimportant conclusion.

Having said this, I concede that tensions between Christian commitments and a liberal commitment to public reason will arise elsewhere. For example, one pressing concern stems from the general Christian belief that individuals ought to subordinate this world's peace and prosperity for the next world's. However, the liberal commitment to public reason refuses to do this, resulting in seemingly deep conflict between Christians and liberals. No doubt this tension is problematic for many Christians.³⁰⁷ I begin to consider these and other concerns in the next chapter. I simply cannot engage each of these tensions here. Such is beyond the scope of this chapter. Certainly, a more involved treatment on this subject will address many more of these matters. As I mentioned above, my objective in this chapter is a very modest one. I merely aim to show that some Christians have reasons—i.e., resources that have historically been overlooked—which make Rawls's idea of public reason attractive for achieving some of their religious aims—i.e., neighborly-love. To be sure, these reasons must be weighed against other religious aims and considerations. Unfortunately, there is no hard and fast rule for deciphering which of these is more authoritative. I leave this assessment to the reader. Christians must weigh their own aims and reasons accordingly. In what follows, I provide what I think are the central ideas of a good moral theology of neighborly-love. The core of these ideas I believe coheres nicely with the general features of Rawls's ethic of citizenship.

5.1 *The Irreducible Value of Others*

What does it mean to say that “others have irreducible value?” Primarily, it means that the value of human beings is largely unmotivated by instrumental considerations.³⁰⁸ Instead, individuals command our respect and love for their own sake. “This typically means that [the

³⁰⁷ In the spirit of fairness, it should be noted that it is also equally unproblematic for many other Christians.

³⁰⁸ Of course, there will always be some instrumental considerations as well but there is nothing wrong with that, in principle.

other] is valued as, or in that he is, a person qua human existent and not because he is such-and-such a kind of person distinguishing him from others; and a basic equality obtains whereby one neighbor's well-being is as valuable as another's."³⁰⁹ Those who possess irreducible value, therefore, deserve neighborly-love and recipients of neighborly-love should be regarded for their own sake. The parable of the Good Samaritan makes this point clear. Irrespective of one's ethnicity, nationality, sex, occupation, social status, religion and so on, persons are irreducibly valuable simply in virtue of what they are. I gather few contemporary Christians would disagree with this point.³¹⁰

What moral duties follow from a neighborly-love that regards others as irreducibly valuable?³¹¹ I think there are at least two requirements relevant to our discussion. These are touched on in a powerful description of agape-love provided by Martin Luther King Jr., he says:

All love, except agape, is dependent on contingent characteristics which change and are partial, such as repulsion and attraction, passion and sympathy. Agape is independent of these states. It affirms the other unconditionally. It is agape that suffers and forgives. It seeks the personal fulfillment of the other.³¹²

³⁰⁹ Outka 1972, p. 12.

³¹⁰ Perhaps, there is a question here: why should Christians accept the irreducible value of others? Christian doctrine affirms that humanity is created in the *imago Dei* (Latin for image of God) and as a result, they are of immeasurable worth (see Genesis 1:26ff). It is believed that all humans, without exception, display the *imago Dei* and that humanity alone hold this privilege. Whether one is a sinner, saint, Christian, Muslim, or unbeliever, all bear the *imago Dei*. Though some theologians maintain that sin has done harm to the *imago Dei*, most insist that nevertheless, it has not be effaced in humanity. Theologians also disagree about whether the *imago Dei* refers to the human soul or to humanity's God-given authority over creation, or to our rationality, or to a combination of these features, or to something else entirely. For an annotated discussion of these various interpretations see Boyd and Eddy's *Across the Spectrum* (2009), specifically, pp. 97 – 110. These debates are not relevant to the present project. For Christianity to establish that others are irreducibly valuable it is sufficient that humanity, in some sense, bear the *imago Dei*. And since "God is love" (1 John 4:8), charity is the *métier* of everyone made in God's Image; this I take to be foundational to Jesus's "good news of the kingdom of God." (Jackson 1999, p. 4.) In some sense, Orthodox Christianity has always asserted this fact. Recently, however, Wolterstorff has challenged the idea that human value is grounded in the image of God. Wolterstorff argues instead that human value and rights are grounded in God's love for humanity. See Wolterstorff (2011). Wolterstorff's argument does not affect my claim here. I contend that Christianity maintains that all human persons have irreducible value. For our purposes, it matters little whether this value is grounded in God's love for humanity or in humanity's bearing the image of God.

³¹¹ It is important to note that neighborly-love aims to correspond, so far as possible, and with our own limited capacities, to God's love. In other words, neighborly-love attempts to love others with the same love that God has shown for humanity. In many ways, neighborly-love is nothing short of an ideal, an ideal which nevertheless, Christians believe instantiates moral duties toward others.

³¹² Quoted in John J. Ansbro, Martin Luther King, Jr. *The Making of a Mind*. Maryknoll, NY: Orbis, 1983, 9.

Implicit in King's comments are some of the requirements of neighborly-love. They include a commitment to equal regard and respect for others. I will consider these points now.

5.2 *Equal Regard for Others*

What does it mean to say that neighborly-love has "equal regard" for others? At a minimum, it means that Christians ought to give others at least as much consideration as they give themselves. But as we will see, the Christian ideal actually goes well beyond this idea. Nonetheless, equal regard for others, at the very least, involves two important characteristics: (1) neighborly-love is not contingent and (2) neighborly love is reliable.

To explain the first, recall the parable of the Good Samaritan. The Samaritan's love for the unfortunate Jew was unmotivated by contingent considerations. The text says the Samaritan was only moved by "compassion." Jesus wants the reader to be impressed with this point. Neighborly-love is unmotivated, so far as possible, by ulterior considerations (e.g., loving another is not predicated by external considerations). For example, the Samaritan did not love the unfortunate Jew in order to gain a convert or achieve some personal or political agenda. Rather, the Samaritan's neighborly-love was not contingent upon these or other considerations.

This connotes what Outka refers to as the "independence" of neighborly-love. More explicitly, "Independence" means that "the love in question does not arise from and is not proportioned to anything a given neighbor individually possesses or has acquired. It is based neither on favoritism nor instinctive aversion."³¹³ The Samaritan is called "good" precisely because his love was not contingent upon any response and it was not predicated upon repayment. The presence of neighborly-love "is somehow not determined by the other's actions; it is independent both in its genesis (he need not know who I am) and continuation (he may

³¹³ Outka 1972, p. 11.

remain my enemy). One ought to be “for” another, whatever the particular changes in him for better or for worse.”³¹⁴ In a word, love motivated by equal regard for one’s neighbor is unqualified.

Second, equal regard for another implies one’s neighborly-love is characterized by a permanent reliability or dependability. “The loyalty enjoined is indefectible; neither partial nor fluctuating. No conditional demand for compensation is licit. To regard someone as a neighbor, on this usage, is to preclude from the outset any specific judgment which signifies that he himself is expendable.”³¹⁵ This suggests that neighborly-love is not conditioned upon the goodness of another’s moral constitution or the weakness thereof. “Even when the agent does not approve of the other’s behavior it still makes sense to talk of regarding him as worthwhile and caring about what happens to him.”³¹⁶ This point seems highly relevant to Rawls’s idea public reason. Specifically, a love that is motivated by equal regard provides no cause for ignoring one’s neighbor. Insofar as the political laws and policies we support significantly impact “what happens to” one’s neighbors, Christians ought to give this serious thought. This may mean that Christians owe their neighbors an explanation for their political opinions. One thing is certain: neighborly-love precludes ignoring the plight of others. Thus, Christians ought to never regard another as a mere *thing* to be coerced, manipulated or treated with indifference.³¹⁷

On Outka’s account, equal regard requires that Christians love others in a way that is not contingent but reliable. Many, if not most Christians, can embrace something like Outka’s conception of neighborly-love as equal regard.³¹⁸ As we have begun to see, however, doing so

³¹⁴ Outka 1972, p. 11.

³¹⁵ Outka 1972, p. 11.

³¹⁶ Outka 1972, p. 11.

³¹⁷ I will return to these ideas in section six.

³¹⁸ As noted, this conception of neighborly-love is grounded in the idea that others are of irreducible value. Since others are irreducibly valuable we ought to love our neighbors with equal regard; with a love that is unqualified and permanent.

has important implications for how Christians regard their unbelieving compatriots. For one thing, it enjoins the believer to love the other *qua* human being not *qua* Christian. It means, among other things, respecting the other's conscience and autonomy in matters of faith and religion. It means seeing one's compatriots as equal and recognizing that they deserve proper social treatment and fair political restraints. I will return to these features below (section six). Presently, it is important to see that the doctrine of neighborly-love implies that Christians ought to respect others. I now turn our attention to this consideration.

5.3 *Respecting Others*

I submit that genuine neighborly-love requires that Christians respect others as they stand (or for who they are). A possible line of reasoning to this conclusion is as follows. If others are of irreducible value to God, then they should be regarded by Christians as entities that possess irreducible value. If Christians should regard others as entities that possess irreducible valuable, then Christians ought to love others with equal regard. If we must love others with equal regard, then agape-love is unconditional (i.e., without qualification) and reliable. So, if agape-love is unconditional and reliable, then love requires that Christians, at a minimum, respect others with no strings attached—e.g., accepting people for who they are.³¹⁹ The bible depicts Jesus as exemplifying this level of neighborly-love and admonishes his followers to do no less—e.g., “love one another as I have loved you.”³²⁰

³¹⁹ This is a good opportunity to underscore the connection between this basic Christian value and Rawls's idea of justification as being addressed to others, and contrasted with the idea of a proof. For my account of this distinction see chapter three (section 3.3). Suffice it to say that if Christians ought to accept other as they are, where they are, then this implies that politically, Christians ought to aim for a type of justification that is “addressed to others” and not merely advance “proofs” for their religious beliefs.

³²⁰ John 13:34

What does it mean to “respect” others as they are? Biblical respect “reflects the inclusiveness and attentiveness of Jesus’s practice of neighbor-love.”³²¹ An inclusive neighborly-love is “universal in that not a single person is to be excluded.”³²² This does not mean that everyone merits the same praise from God or stands beyond reproach. Furthermore, saying that unconditional love and respect extends to everyone does not entail that all have the same moral standing. Rather, the point is that no one is beyond the scope of love and respect. For example, Jesus demonstrates inclusive neighborly-love by accepting a host of individuals with questionable character and beliefs (e.g., political agitators, sexual deviants, corrupt leaders, persons with misguided dogmas and so on) and dialogues with them, regards them with empathy, attends to their needs and embraces them with kindness. To be sure, many of these individuals eventually become his followers but it is no less true that he first accepted them as they were. The point is: by accepting them as they were Jesus demonstrates that his love and respect for humanity is unqualified and reliable.

So too, Christians ought to extend neighborly-love to those who are less than worthy from their perspective (e.g., criminals, atheists, secularists, etc.). A central thesis of the parable of the Good Samaritan is that *all* persons are one’s neighbor, including those of diverse religious traditions or political opinions. The Good Samaritan respected the unfortunate Jew for who he was and in so doing illustrates a genuine Christian love for one’s neighbor. Calvin said,

God assures us that *all men are our brethren*, because they are related to us by a common nature. Whenever I see a man, I must, of necessity, behold myself as in a mirror: for he is my bone and my flesh (Genesis 29:14). Now, though the greater part of men break off, in most instances, from this holy society, yet *their depravity does not violate the order of nature*; for we ought to regard God as the author of the union.³²³

³²¹ Jackson 1999, p. 15.

³²² Outka 1972, p. 12.

³²³ John Calvin, *Commentary on Matthew, Mark, Luke*; see his comments on Matthew 5:43-48; Luke 6:27-36

Calvin is clear that Christianity teaches that our love and respect for others is not contingent upon their beliefs or morality, “their depravity does not violate the order of nature,” namely, “all men are our [the Christian’s] brethren.” In other words, regardless of personal character or beliefs all human persons deserve respect and consideration. I submit Christians are directed toward this level of neighborly-love.³²⁴

Furthermore, respecting others includes a love that is attentive to, and considerate of, their neighbor. At a minimum, the attentiveness of neighborly-love involves being mindful of what Christians call “the Golden Rule”: “As ye would that men should do to you, do ye also to them likewise.”³²⁵ One might rightly refer to this as the Christian principle of reciprocity. Some commentators have taken this principle to be synonymous with the command to “love thy neighbor as thyself.”³²⁶ I agree with this evaluation but insist that appreciating the demands of this standard “requires *imaginative empathy with others* based on ready identification with one’s own needs and *interests*.” Not only this, but “it presumes the ability to *exchange roles* and *identify* with others.”³²⁷ Thus, to be attentive to, and considerate of, one’s neighbors suggests putting oneself in the other’s position, to appreciate their circumstances (e.g., political and otherwise) and regard their well-being as something important to oneself.

This, of course, has obvious implications for our political relationships. Adhering to the Christian principle of reciprocity implies, at a minimum, non-manipulative means of exercising political power over others. It entails that Christians regard their secular compatriots as political

³²⁴ It is noteworthy that Rawls extends public reason globally. In the *Law of Peoples*, for example, he thinks liberal democracies are properly committed to conducting international relations within an international public reason. So, there is a sense in which he extends reciprocity universally. Of course, there are humans and polities that place themselves outside the circle of reciprocity, according to Rawls—unreasonable individuals.

³²⁵ Luke 6:31

³²⁶ For example, see Victor Paul Furnish. *The Love Command in the New Testament*. Nashville: Abingdon Press, 1972, especially, pp. 56-57.

³²⁷ Jackson 1999, p. 7, italics are mine; He says also that like the Good Samaritan, “I might act to assist an injured stranger along the side of the road, without demanding or even expecting any return. I may simply be moved by the recognition that I would want to be aided myself were I in a similar situation.”

equals, taking their “interests” and well-being into account. It means “exchanging roles and identifying with” secular citizens by aiming to see the world from their perspective. It suggests that Christians make political proposals with a “ready identification” of their fellow citizen’s point of view in mind. I submit that Christian citizens of faith ought to see this as their political obligation and that Rawls’s idea of public reason is one way to accomplish this mandate.

At this point, some Christians are bound to have a few concerns. Let me attempt to deflect a potential worry before proceeding. Some Christians might be agitated by the way I have been describing neighborly-love. They might protest that my understanding of neighborly-love implies that Christians ought to condone (i.e., overlook or accept) the heretical views of secular citizens. Put another way, one might complain that if we tolerate the contrary opinions of unbelievers, then this will appear like endorsing these unbiblical ideas. Thus, Christians should be cautious about being too accepting of others or too open to their perspectives in politics.

No doubt, many have these concerns. So, it is important to make a distinction between respecting others as they are and accepting another’s beliefs and/or manner of living. Christians are instructed to practice the former and charged to resist the latter. In short, respecting others does not entail accepting their ways and beliefs. It does mean, however, demonstrating equal regard for other regardless of who they are. Jesus demonstrates that it is possible to genuinely respect another, while at the same, not embracing their contrary points of views. The Good Samaritan also illustrates this fact. Again, consider Calvin’s words on this point:

Whatever man you meet who needs your aid, you have no reason to refuse to help him. Say, “He is a stranger”“ but the Lord has given him a mark that ought to be familiar to you, by virtue of the fact that he forbids you to despise your own flesh (Isa 58:7). Say, “He is contemptible and worthless”; but the Lord shows him to be one to whom he has deigned to give the beauty of his image. Say that you owe nothing for any service of his; but God, as it were, has put him in his own place in order that you may recognize toward him the many and great benefits which God has bound you to himself. Say that he does not deserve even your least effort for his sake; but the image of God, which recommends him to you, is worthy of your giving yourself and all your possessions. Now if he has not only deserved no good at your hand, but has also provoked you by unjust causes and curses, not even this is just reason why you should cease to embrace him in love

and to perform the duties of love on his behalf (Matt. 6:14, 18:35, Luke 17:3). You will say, “He has deserved something far different of me.” Yet what has the Lord deserved? While he bids you forgive this man for all sins he has committed against you, he would truly have them charged against himself. Assuredly there is but one way in which to achieve what is not merely difficult but utterly against human nature: to love those who hate us, to repay their evil deeds with benefits, to return blessings for reproaches (Matt. 5:44). It is that we remember not to consider men’s evil intention but to look upon the image of God in them, which cancels and effaces their transgressions, and with its beauty and dignity allures us to love and embrace them.³²⁸

To be sure, in this regard Calvin had some personal moral failings.³²⁹ Apart from illustrating the need for this chapter, Calvin’s shortcomings are not at issue. The point is what Calvin says here. I think his remarks eloquently describe how Christians must maintain a robust respect for the other. This does not imply that Christians are forced to accept, condone or overlook the sins of their compatriots. According to Rawls’s liberalism, Christians are free to proclaim their religious convictions and voice their disapprovals. Respecting one’s compatriots, however, does mean that Christians should not coerce others into following their particular conception of the good.

Another potential worry is that respecting others as they are could preclude converting sinners or from sharing one’s religious convictions with their compatriots. This is also mistaken. As I will argue below, it *does* preclude coercing others into embracing religious opinions, but it *does not* entail one must be silent about their beliefs. As we saw in chapter one, Rawls view does not require that citizens of faith be silent about their religious beliefs in public political discourse. Undoubtedly, the New Testament agrees. Christians ought to share their beliefs and opinions with others. Nevertheless, this does not mean imposing one’s beliefs on others through coercive legislation. Recall that loving others requires respect. And respecting another includes, recognizing that they are free to decide their beliefs for themselves. So, although acceptance of another is not incompatible with sharing our religious beliefs with them, it does prohibit our

³²⁸ Calvin, *Institutes of the Christian Religion*, Bk III, ch. VII, section 6.

³²⁹ For example, when Michael Servetus was arrested in Calvin’s Geneva and order to be burnt at the stake as a heretic.

harassing them with these beliefs or coercing them into adhering to our manner of living.³³⁰ The important point here is: even if a neighbor rejects one's religious witness, the Christian is no-less called to demonstrate neighborly-love.

I freely admit that the features of neighborly-love discussed in this section do not exhaust the nature of "love for neighbor." There are certainly many more aspects of neighborly-love not discussed here. There is, however, not space enough to offer a more detailed analysis. I have simply tried to select features of neighborly-love that are generally agreeable among Christians and are relevant to our present purposes.³³¹ In the next section, I explicitly connect this theory of neighborly-love with Rawls.

6. From Neighborly-love to Public Reason

Political associations between citizens represent an important interpersonal relationship. Given this fact, Christians ought to be concerned about their moral obligations to political peers. Political peers should be regarded as neighbors (in the sense discussed in section five). If other citizens are one's political neighbors, then Christians are obliged to regard them with neighborly-love. And if fellow citizens should be regarded with neighborly-love, then at a minimum, Christians should relate to their neighbors as persons of irreducible value, deserving equal regard and respect. I think something like this line of reasoning could lead a Christian to embrace Rawls's idea of public reason.

In this section, I argue (more explicitly) that Rawls's idea of public reason can be embraced by Christians as a political expression of their unique conception of neighborly-love. In support of this claim I offer two points: the distinctively Christian idea of neighborly-love

³³⁰ As a side point, in evangelizing another, many Christians recognize that being winsome and tactful is the best strategy, anything less, borders on religious harassment and at the very least, is imprudent.

³³¹ For more exhaustive accounts of neighborly-love see Outka 1972, pp. 7-44; Post 1990, pp. 67-78 and Jackson 1999, pp.177-200.

suggests (1) a commitment to fairness and reciprocity and so, (2) is incompatible with unjustified coercion. I say “distinctively Christian” here because one might be tempted to complain that there is nothing uniquely Christian about these values. Kantians, Millians or Aristotelians, for example, can affirm what I have set out here as Christian. So, the basis for a commitment to liberal public reason is so widely shared that it is hardly surprising that there is no conflict with Rawls. But this complaint completely misses the point of this chapter.

In the first place, the Christian conception of “neighborly-love” is hardly a universal commitment. Its quality and justification is markedly different from other traditions. The parable of the Good Samaritan illustrates this fact. Christian love is self-sacrificing, other-centered, without exception and God mandated. This is, no doubt, what makes *agape-love* distinct from secular doctrines of love. As St. Paul said, it is a love that “does not seek its own.” And Jesus said, “Greater love [*agape*] has no one than this, that they lay their life down for their” neighbor. Thus, *agape-love* is extreme, asking Christians to love others in a self-sacrificing way; one that demonstrates their enduring commitment to the other.

Additionally, the Christian concept of *agape-love* is for the other’s sake. To be sure, many ethical traditions mandate a kind of care for their neighbors. However, they do not claim that this directive is derived from Christ’s love for humanity and consequently, instruct follows to “love one another as I [Jesus] have loved you.” Thus, it would be strange, if not out of place, for a Utilitarian to say that one of the reasons they have for not sexually harassing their mail carrier is: they love her for her own sake because Christ loves her so. But this is precisely what Christians must say and do. So the nature and justification of neighborly-love that I have been describing is distinctly Christian. I have tried to make this clear above.

Remember, however, that my intention in this chapter is only to show that many Christians have reasons (distinctive or otherwise) that demonstrate a commitment to a liberal public reason. If it turns out that some of the reasons I provide here are not distinctly Christian, then I see no problem with this. It seems to me that even if it turns out that many Christians embrace values that are broadly acceptable in a liberal society then this is a good thing for Rawls and liberal democracy. It means that some Christians share moral principles and justifications in common with unbelievers. So, whether or not the reasons I provide here are “distinctly Christian” is beside the point. The point is: do Christians have reasons to support a liberal public reason? If it turns out that some of these reasons are not distinctly Christian, although I think that they are, then so much the better for liberalism. I will now return to presenting how a Christian might move from neighborly-love to public reason.

6.1 *Neighborly-love is committed to Fairness, Respect and Reciprocity*

Rawls describes the ideals and principles which belong to citizens who share equally in political power. He says,

By what ideals and principles, then, are citizens who share equally in ultimate political power to exercise that power so that each can reasonably justify his or her political decisions to everyone? To answer this question we say: Citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and when they 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. The criterion of reciprocity requires that when those terms are proposed as the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position.³³²

For Rawls, to regard another as free and equal involves offering one another fair terms of cooperation—e.g., honoring the criterion of reciprocity. Offering others fair terms of cooperation and fulfilling the criterion of reciprocity are finally spelled out by Rawls in terms of the liberal

³³² Rawls 2005, p. 446.

principle of legitimacy and the duty of civility. The liberal principle of legitimacy maintains that “our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in light of principles and ideals acceptable to them as reasonable and rational.”³³³ The duty of civility asserts that citizens should “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.”³³⁴ Together, these provide the fundamental justification for Rawls’s idea of public reason. In what follows, I attempt to demonstrate that Christianity has room to embrace these features of public reason.

It is well known that the idea of fairness is a prominent feature in Rawls’s political philosophy. Perhaps, it is less known, however, that fairness and mutual respect are also an important idea implicit in Christianity. *The Catechism of the Catholic Church* for example, makes this point manifest:

The vocation of humanity is to show forth the image of God and to be transformed into the image of the Father’s only Son. This vocation...also concerns the human community as a whole...The human person needs to live in society. Society is not for him an extraneous addition but a requirement of his nature. Through the *exchange with others, mutual service and dialogue with his brethren*, man develops his potential; he thus responds to his vocation. A society is a group of persons bound together organically by a principle of unity that goes beyond each one of them. As an assembly that is at once visible and spiritual, a society endures through time: it gathers up the past and prepares for the future. By means of society, each man is established as an “heir” and receives certain “talents” that enrich his identity and whose fruits he must develop. He rightly owes *loyalty to the communities* of which he is part and *respect to those in authority* who have charge of the common good.³³⁵

It is clear from this passage that Christian’s have important moral obligations to their human brethren (e.g., political neighbors). Some of the duties cited above seem analogous to Rawls’s duty of civility and criterion of reciprocity. For example, Christian’s ought to “exchange with others, mutual service and dialogue.” The Christian religion embraces a spirit of civility. As

³³³ Rawls 2005, p. 217.

³³⁴ Rawls 2005, p. 217.

³³⁵ *Catechism of the Catholic Church* 2nd edition. Washington DC: Libreria Editrice Vaticana, 1997, p. 459.

such, Christians ought to recognize that the human community is an important part of how God transforms his people into the image of Christ. By demonstrating to one's neighbor a degree of "loyalty" and "respect" Christians are submitting to God's transformative power in their lives. So, practicing neighborly-love implies having "respect to those in authority" and in liberal democracy this translates to "respect for one's fellow citizens." So, Christians are committed to political displays of fairness and respect on account of love for their "fellow man" (e.g., political neighbors).

Fairness and respect, however, take on special meaning for Rawls. He claims that "exchange with others, mutual service and dialogue" will entail "fair terms of cooperation between citizens regarded as free and equal."³³⁶ Below I will look closely at the idea of "citizens regarded as free and equal." For now I will only say that this notion is also essential to a Christian neighborly-love. Equally important, however, is the notion of relating to one's neighbor according to fair terms. Consider the following argument which I think demonstrates this point:

- (1) If a person S loves their neighbor R, then S will endeavor (so far as possible) to relate to R according to terms that are fair.
- (2) S claims to regard R with neighborly-love.
- (3) Therefore, S will endeavor to relate to R according to terms that are fair.

Conversely,

- (4) If S does not endeavor to relate to R according to terms that are fair, then S does not regard R with neighborly-love.
- (5) S does not relate to R according to terms that are fair.
- (6) Therefore, S does not regard R with neighborly-love.

³³⁶ Those familiar with *Political Liberalism* know the frequency with which Rawls uses the phrase "fair terms of cooperation." It is used in *Political Liberalism* no less than 40 times—e.g., Rawls 2005, pp. 4, 16, 22, 34-5, 49, 50, 52-5, 77-8, 81, 83 and so on. It should be clear from the sheer volume of references that fairness, understood as "relating to others according to fair terms" is an essential idea to Rawls.

This basic argument (or pair of arguments) shows the implicit connection between neighborly-love and fairness. I think it is reasonable to assume that the Christian conception of neighborly-love implies fairness (e.g., (1) – (3) above). Let me explain.

To say that two citizens mutually regard one another with neighborly-love immediately suggests a relationship grounded upon fairness. Indeed, what would it mean to say that S loves R, if S disregards R's welfare or marginalizes R's beliefs and desires? I think this point is implicit in the above Catechism (i.e., "exchange with others, mutual service and dialogue with his brethren" suggest a deep care for one's neighbor). So, if in fact, S purports to regard R with neighborly-love but fails to relate to R according to fair terms, then we must conclude that S's love for R is only a pretense and thus, not *real* love at all. Thus, neighborly-love strongly suggests that Christians make attempts to relate to others according to terms that are fair and equitable. Even so, perhaps difficulties will begin to arise when we consider more carefully what "fair terms of cooperation" look like in the social-political context.

In order to show that Christianity has room enough to embrace Rawls's idea of public reason on the basis of social-political fairness, it is important to get clear on what Rawls's means by "fair terms of cooperation." Rawls clarifies the idea of social cooperation by noting three elements. First, "cooperation is distinct from merely socially coordinated activity."³³⁷ Coordinated activity is directed by some central authority whereas "cooperation is guided by publicly recognized rules and procedures that those cooperating accept and regard as properly regulating their conduct."³³⁸ Second, fair terms of cooperation involve "terms that each participant may reasonably accept, provided that everyone else likewise accepts them" and finally, "the idea of social cooperation requires an idea of each participant's rational advantage,

³³⁷ Rawls 2005, p. 16.

³³⁸ Rawls 2005, p. 16.

or good. This idea of good specifies what those who are engaged in cooperation...are trying to achieve...from their own standpoint.”³³⁹ The role of principles of justice therefore, is to specify the fair terms of cooperation between citizens that are free and equal.

Essential to this understanding of social cooperation is the idea of reciprocity. For Rawls, fair terms of cooperation between citizens must be established upon the criterion of reciprocity. The criterion of reciprocity proposes terms of cooperation to others which one reasonably believes that others might accept, as free and equal citizens and not “as dominated or manipulated, or under the pressure of an inferior political or social position.”³⁴⁰ So, reciprocity involves, among other things, mutual advantage as assessed from a shared and egalitarian point of view (rather than from our distinctive, asymmetrical actual points of view as distinct and different individuals). Hence the idea of political legitimacy is based on the idea of reciprocity. As Rawls insists, “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.”³⁴¹ In this way, the explicit role of the criterion of reciprocity as expressed in public reason “is to specify the nature of the political relation in a constitutional regime as one of civic friendship.”³⁴²

It seems to me that Rawls’s picture of civic friendship accords well with a political expression of neighborly-love. Why should Christians agree? Because neighborly-love within a political context does not strive for authority over others: Jesus said, “The kings of the Gentiles exercise lordship...but ye shall not be so.”³⁴³ In other words, in a social-political context, Christians should not aim to politically dominate their neighbors. Instead, if Christians are in the

³³⁹ Rawls 2005, p. 16.

³⁴⁰ Rawls 2005, p. 446.

³⁴¹ Rawls 2005, p. 447.

³⁴² Rawls 2005, p. 447.

³⁴³ Luke 22:25, 26.

position of authority they ought to associate with others according to mutually considerate terms. One way to accomplish this objective is to adhere to the criterion of reciprocity and the idea of public reason.

Furthermore, it seems to me that the Christian “Golden Rule” (i.e., “As ye would that men should do to you, do ye also to them likewise”) would, within the political domain, include something like Rawls’s criterion of reciprocity. For example, to honor the Golden Rule involves an “empathetic imagination.” In a political context, therefore, Christians should ask: how would this law or policy affect my political neighbors? Would I want my neighbors to legally impose their religious doctrines upon me? For example, how might the Christian feel if, say, a political party espousing Sharia Law came to power in The United States? Would the Christian want a Muslim majority to simply enforce their religious laws and policies upon them? To be sure, Christians would think this is immoral and politically unjustified. Presumably, Christians would think it reasonable for Muslims to provide them with a public justification for their political opinions; justifications that would be reasonable for them to accept. Thus, on the basis of moral fairness, Christians ought to do no less for others. That is, following the “golden rule” Christians ought to employ an “emphatic imagination.” For Christian citizens this means considering how others, including non-believers, could receive their arguments and be impacted by their proposed political ends.

It seems to me that on this score Christian doctrine and Rawls’s criterion of reciprocity are in agreement. They both instruct believers to attempt, so far as possible, to find common ground with their neighbors and propose terms that they sincerely think reasonable for others to accept.³⁴⁴ One attractive way to do this is by adhering to Rawls’s idea of public reason.

³⁴⁴ Nevertheless, some Christian philosophers insist that Rawls’s idea of public reason is not fair to Christians. I addressed the “fairness objection” in chapter two, section two.

Therefore, for Christians, there appears to be a natural trajectory from neighborly-love to, at least some features of, a liberal public reason.

6.2 *Neighborly-love is Incompatible with Unjustified Coercion*

I think it is impossible to reconcile genuine neighborly-love with manipulation or unjustified coercion. Unjustified coercion is the unwarranted or unnecessary use of force, constraint or intimidation to obtain compliance. Political or legal coercion therefore are those standards approved and enforced by the state to obtain public conformity to some behavior or conduct. Since all laws are, to some extent, coercive it is important for citizens to justify one to another any limitations or restrictions on individual liberty. Failure to do so is to regard others with less than equal regard. There are two ways to think about the need to justify coercion: one is that persons have a natural right to liberty (neither Rawls nor Christianity in most forms affirms this) and the other is that reasonable persons seek to stand in a certain sort of moral relationship with one another, one of mutual respect. I think both Rawls and Christianity can affirm this latter understanding. I will show why below.

It is well known that Rawls assumes that citizens must esteem each other as *free and equal*. “It is at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position.”³⁴⁵ I think this attitude is also proper for Christians. In fact, I contend that regarding others as free and equal implies respect and so, by extension, suggests that Christians ought to tolerate the reasonable comprehensive doctrines of their compatriots. What follows from this is that along with Rawls, Christians should be worried about how they exercise their coercive political power over one another in a liberal democracy. Since neighborly-love is incompatible with unjustified

³⁴⁵ Rawls 2005, p. 465.

coercion, Rawls's idea of public reason emerges as an attractive Christian strategy for justifying one's political opinions. Let me explain this line of thought in more detail.

First, consider the below quotation from the second Vatican Council. This passage provides an example of how one's comprehensive doctrine—Catholicism, in this case— supports the fundamental belief in the liberty of conscience, one component of a commitment to a liberal public reason.

This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The council further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.³⁴⁶

This Catholic doctrine could easily be affirmed by Protestants as well. This fundamental commitment to liberty of conscience demonstrates that Christians ought to not coerce others into adhering to their beliefs. Certainly, it is acceptable for them to argue and contend earnestly for their faith in the public square. But in so far as Christians love and respect their neighbors, they will be committed to liberty of conscience. If they are committed to liberty of conscience, then they should also stand against unjustified coercion. So, Christians should see it as their duty to regard their neighbors as free and equal, to not compel others to go against their conscience.

To make this point more forcefully, consider two important Christian thinkers: John Locke and Martin Luther. First, in his *Letter Concerning Toleration*, John Locke famously maintains that “no man can be a Christian without charity, and without that faith which works, not by force, but by love.”³⁴⁷ In other words, love is incompatible with force. To compel another

³⁴⁶ Second Vatican Council 1965, art. 2, taken from Wenar, Leif, "John Rawls", *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2012/entries/rawls/>.

³⁴⁷ Locke 1983, p. 23.

citizen by force suggests you do not sincerely love them or that you regard them as less than equal. Conversely, to regard another with love is to immediately respect them as free and equal. Thus, love *must* permit others to follow the dictates of their own heart and conscience. For Christians, this is no less true of political relationships. If a Christian loves their political neighbors, then they will respect them as free and equal.

Like Locke, Luther comes to a similar conclusion. In Luther's day there was a worry that if the government did not restrict religious liberty, then heretics would lead people astray. Thus, Christians thought that they ought to support a government that stands against heretics. "How else could heretics be restrained?" Luther's answer might surprise some. He says, "It is for bishops to do that [i.e., challenge heretical ideas]; that task has been assigned to them and not to rulers. The use of force can never prevent heresy. Preventing it requires a different sort of skill; this is not a battle that can be fought with the sword. This is where God's word must fight."³⁴⁸ Luther's words were instrumental in the eventual establishing of religious liberty. So again, neighborly-love is incompatible with force, manipulation or unjustified coercion.

There is an obvious application to public reason here. If Christians are committed to liberty of conscience, then they owe their political neighbors reasons for coercion. That is, if the Christian faith is to work "not by force, but by love" then there must be mutual respect for others. Mutual respect in the political domain implies providing our neighbors with reasons that they can understand and appreciate.

In this way, Christians should understand neighborly-love as including a respect for their compatriot's moral capacities. According to Rawls, citizens ought to be viewed as possessing two moral powers. "They have a capacity for a sense of justice and for a conception of the

³⁴⁸ Luther, *On Secular Authority*, p. 30-1.

good.”³⁴⁹ Likewise, Outka observes that neighborly-love includes respect for others’ freedom out of reverence for their moral capacities.³⁵⁰ Consequently, “faithfulness to love does not permit Christians to enforce all of [their] requirements upon others.”³⁵¹ Attempting to unjustifiably force my will upon others demonstrates that I do not honor another’s moral capacities. This reveals that I do not respect their conscience nor do I regard them as equal to myself. For Christians, this is a failure to practice neighborly-love. According to Niebuhr, neighborly-love must respect the integrity of others even as they themselves want to be respected. He says love involves a “deep respect for the otherness of the beloved and profound unwillingness to violate his integrity.”³⁵² On this point, Beckley has keenly noticed that “this respect for integrity and moral capacities embraces Rawls’s belief that persons should be free to withhold consent from conceptions of justice that are based upon the actual beliefs and values of others, including Christians.”³⁵³ If correct, then simply imposing one’s religious beliefs upon others through legislation is contrary to neighborly-love. Therefore, if Christians should not simply impose their beliefs on others, then offering their compatriots public reasons is an attractive alternative. And this alternative appears compatible with Christian belief.

A Christian might immediately protest saying that care for one’s eternal soul is of ultimate consequence. What really matters is not temporal political justification but eternal salvation. To truly love one’s neighbor is to do what is in their eternal interest. Thus, the Christian is justified in imposing their beliefs on others because to do so restrains the unbeliever from sinning and perhaps, leads to the salvation of their soul. But certainly any Christian who thinks this is an effective way to convert sinners is misguided.

³⁴⁹ Rawls 2005, p. 108.

³⁵⁰ Outka 1972, p. 266.

³⁵¹ Beckley 1986, p. 236.

³⁵² Niebuhr 1956, p. 35.

³⁵³ Beckley 1986, p. 237.

Consider once again Locke's *Letter Concerning Toleration*. One recurring line of argument in Locke's *Letter* is explicitly religious. He argues that neither the example of Jesus nor the teaching of the New Testament gives any indication that force, manipulation or coercion is a proper way to bring people to salvation. Locke provides arguments to this affect. These reasons are aimed at barring the government from using force or coercion to encourage people to adopt religious beliefs or practices.

In the first place, Locke argues that insofar as faith involves a sincere affirmation, then force, manipulation and coercion are contrary to the Christian faith. For this reason he contends that the care of a person's soul has not been committed to the government by either God or by the consent of the governed. Instead, "the whole jurisdiction of the magistrate reaches only to ... civil concernments," so that "neither can nor ought [it] in any manner to be extended to the salvation of souls."³⁵⁴ Locke argues that since true religion consists of genuine inward persuasion of the mind, force is incapable with bringing people to the true religion. The power of the government "consists only in outward force; but true and saving religion consists in the inward persuasion of the mind."³⁵⁵ If one's desire is to bring others to an inward peace with God, it is of no benefit to compel others to this end through coercive political measures. Compulsion can never bring about a genuine salvation experience. "It is only light and evidence that can work a change in men's opinions; which light can in no manner proceed from corporal sufferings, or any other outward penalties."³⁵⁶ I believe Locke has provided sufficient reason to think that political force, manipulation or unjustified coercion is incompatible with the ultimate ends of Christianity.

Second, Locke contends that there is no Christian command telling believers to establish a Christian government or to use the government to bring people to faith (reminiscent of Luther).

³⁵⁴ Locke 1983, p. 26.

³⁵⁵ Locke 1983, p. 27.

³⁵⁶ Locke 1983, p. 27.

Nor is there a commandment encouraging Christians to have their unbelieving neighbors submit to their beliefs and practices through coercive political measures. This is because citizens cannot sincerely consent to Christ's commands under conditions of force, manipulation or coercion. It is not possible to affirm laws or policies mandated by the state when it does so solely on the premise of religious beliefs which I do not accept. If so, then love must respect others as free and equal and "among other things, respect for persons is shown by treating them in ways that they can see to be justified."³⁵⁷ Treating our political neighbors in ways that they can see to be justified suggests providing them with public reasons and justifications for our political opinions. This does not mean that others will always agree or accept the offered justification. Rather, it is enough that the justification addresses others in a certain way. That is, one has attempted to discharge their political duty to others by providing them with an intelligible reason for their political position. So, a Christian might conclude that "such are the limits God sets to our liberty."

In this way, it would seem that Christians can support a way of political discourse (i.e., public reason) that does not enforce on others decidedly Christian ends but attempts to justify those ends to their neighbors.³⁵⁸ If this is correct, then Rawls and Christians have an important point in common: they are both concerned about justifying coercive political power one to another. Therefore, since neighborly-love is incompatible with unjustified coercion, Rawls's idea of public reason emerges as an attractive Christian strategy for justify one's political opinions.

³⁵⁷ Rawls 1999, p. 513.

³⁵⁸ Outka's understanding of "equal regard" strongly speaks in favor of Christian support for public reason. I think neighborly-love as equal regard encompasses what Rawls means by regarding others as "free and equal." Rawls tells us the fundamental relation of citizenship has the special feature of being "a relation of free and equal citizens who exercise ultimate political power as a collective body." (Rawls 2005, p. 476) For Christians, regarding others as free and equal implies more than this, but certainly no less than Rawls maintains here. If correct, neighborly-love includes the negative obligation to not coerce others. To unjustifiably coerce our neighbors is to stop treating them with equal regard, violating a God-given feature of their humanity.

7. Conclusion

In sum, let me briefly review my core argument: (1) A Christian's fellow citizens are her neighbors and (2) Christians are obliged to love their neighbors. Loving one's neighbor includes relating to them as (3) persons of value, having equal regard for them and respecting them as they are. Thus, if Christians ought to love their fellow citizens (according to (3)), then (4) they should not subject others to unjustified coercion and instead be prepared to offer their fellows fair terms of cooperation. Therefore, if Christians should not subject others to unnecessary coercion and instead offer them fair terms of cooperation, then (5) Christianity is well-positioned to embrace Rawls's idea of public reason. If something like this is correct, then Christians have religious space to affirm Rawls's idea of public reason.

CHAPTER FOUR

Rawls and his Critics on the Homogenizing Effects of Liberalism

1. Introduction

In one way or another some theorists have pointed to John Rawls's idea of public reason as a threat to religious ways of life. For this reason, chapter two surveyed some of the standard attacks often levied against public reason (i.e., the fairness, denial-of-truth and integrity objections). I attempted to demonstrate why these criticisms either fail to get Rawls right or else exaggerate the harmful consequences of public reason. In this chapter I consider a challenge to Rawlsian liberalism more broadly understood. I am proceeding on the assumption that Christian citizens (and Augustinian Christians in particular) are reasonable and have a reasonable comprehensive doctrine or at least not an unreasonable one. I will address this assumption directly at the close of chapter five.

Some critics find liberalism, and in particular, Rawls's portrayal of liberalism, to be problematic. At the heart of their complaint is the claim that justice as fairness crowds out some ways of life. Thus, it is believed that justice as fairness does not have social and political space for them and so, lacks a deep and abiding respect for diversity, especially, religious diversity. These critics claim that some of the social implications of Rawls's liberalism will be hostile to, if not also destructive of, their way of life. In what follows I argue that to some extent justice as fairness does "crowd out" some forms of life that are dissimilar but that so does any other political order. So, this objection to Rawls's liberalism cannot stand on its own.

This chapter develops in the following way. First, I make some preliminary remarks by way of setting up the main problem considered hereafter (section 2). Next, I narrow in on the problem and identify its points of contention with justice as fairness (section 3). After this I

provide a Rawlsian response to the problem (section 4) and then finally, I end by explaining where I think the debate needs to move from here (section 5).

2. Setting-up the Problem

Let me begin by putting the worry generally. Some religious citizens might be concerned about how political liberalism has, and will continue to, reshape their ethical and religious orientation. The fear is that some of the political values held by liberals, though not by all religious traditionalists, will begin to spillover into their ways of life. These spillovers will have the unintended consequence of reshaping, or even eroding, the distinctively religious life. To the degree this is likely, Rawlsian liberalism threatens to generate some harmful sociological outcomes for some religious communities. Thus, the argument goes, some religious groups have reasonable grounds for snubbing political liberalism, or at least being skeptical about its claims to respect diversity. Consequently, influential Christian thinkers like Stanley Hauerwas and John Milbank (among others) argue that Christians ought to distance themselves from political liberalism so that believers are “not guilty of diluting the wine of the gospel with the water of liberalism.”³⁵⁹

Unfortunately, this line of thought is almost completely ignored, if not unknown, by most contemporary non-religious proponents of liberalism. As Jeffrey Stout points out, secular liberals are largely unaware of how “liberalism” is perceived in many institutions where future religious leaders are being trained. This is because most non-religious liberals, including Rawlsians, do not pay much scholarly attention to contemporary political theology and Christian ethics.³⁶⁰ They

³⁵⁹ Here Jeffrey Stout is commenting on the views of Stanley Hauerwas; See Jeffrey Stout. *Democracy and Tradition*. Princeton University Press, 2004, p. 158.

³⁶⁰ Some scholars are trying to remedy this deficiency. Stephen Macedo’s for example, in a recent article provides a strong analysis of the Christian Theologian Stanley Hauerwas. See Macedo, Stephen. “Hauerwas, Liberalism, and Public Reason: Terms of Engagement.” *Law and Contemporary Problems* 75 (2012): 61-81

have no idea what “political liberalism” has come to mean outside their own academic circles. Putting it bluntly, the message nowadays being taught and affirmed by many Christians is that “liberal democracy is essentially hypocritical when it purports to value free religious expression.”³⁶¹

According to many Christian thinkers this hypocrisy runs deep. As Hauerwas puts it, there is a discriminatory liberal agenda afoot; one that does not respect the Christian way of life and thus, supports the “democratic policing of Christianity” in public, both of its values and arguments.³⁶² One reason for this is given by Stephen L. Carter. He contends that modern liberal democratic states like The United States, through its laws and policies, often adopt a “single-sided wall” of separation between religion and the state. Although a supporter of the political doctrine of separation of church and state, Carter points out that “the state, acting through its judges, decides when religion has crossed the wall of separation.” The problem is, however, “who decides when the state has crossed the wall? Why, the very same judges decide—that is, the state. Unsurprisingly, then, religion is often found to have breached the wall, whereas the state almost never is.”³⁶³ Be that as it may, the sentiment among many Christian thinkers is that the Christian way of life, and that of some other religious groups, is being put at a social and political disadvantage.

The main problem with this so called “liberal hypocrisy,” however, is not that of being put at social and political disadvantage, although if true, this would indeed be problematic. Rather, the main problem, as some have come to see it, is the practical implications this will have for the uniquely Christian way of life. A “uniquely Christian way of life” is one of *complete*

³⁶¹ Stout 2004, p. 170.

³⁶² Hauerwas, Stanley. *Dispatches from the Front: Theological Engagements with the Secular*. Duke University Press, 1994, p. 91.

³⁶³ Carter, Stephen. *God’s Name in Vain*. Basic Books, 2000, p. 79-80.

fidelity to the teachings of Jesus. According to orthodox Christianity, the believer's life must undergo a moral transformation; a profound conversion from *this-worldly thinking* to *other-worldly thinking*. Principally, this involves living a life in submission to the teachings of Jesus. St. Paul admonishes believers to “not be conformed to *this world* but be transformed by the renewing of [their] mind.”³⁶⁴ This suggests that a uniquely Christian life involves values and practices that are distinct from, and sometimes at odds with, the contemporary culture and prevailing political doctrines of “this world.” St Augustine describes this struggle as Christians attempting to live in two worlds simultaneously: “the city of God” and “the city of man,” where allegiance to the former will always be paramount to latter. So, what's the problem with liberalism? Why is liberalism, generally speaking, and Rawls's liberalism in particular, troublesome for a uniquely Christian way of life?

Some religious critics lament how many American “Christians” have lost their distinctive way of life out of fear of being socially and/or politically marginalized. To put it sharply, some of Rawls's Christian critics believe that political liberalism has conned them “into acceptance of secularist practices” and values.³⁶⁵ Putting it more mildly, under the modern liberal state, the uniquely Christian citizen of faith has begun to feel pressure to conform to her non-religious social and political peers. In order to live in a world ordered by secular rules, Christians are disproportionately talking about, and caring for, those things that secular liberals talk about and care for in public life. Hauerwas describes how contemporary Christians have succumbed to the spell of political liberalism. These believers have failed to comprehend their distinctively Christian message and have thus, lost sight of traditional Christian virtues and values in the public square and larger culture. Believers are too much in and of the political world and its

³⁶⁴ Romans 12:1, italics are mine.

³⁶⁵ Stout 2004, p. 107; Stout is here describing Richard Neuhaus's view.

culture—i.e., the city of man and not in and of the city of God. It is as if Christians have resigned to this-worldly thinking by assimilating to political liberalism instead of steadfastly living a uniquely Christian life.³⁶⁶

Stephen Macedo's synthesis of Hauerwas's thought is excellent on this point. Macedo succinctly summarizes the essence of Hauerwas's complaint against liberalism, showing why Hauerwas (and other Christians) believe liberalism is an affront to the uniquely Christian way of life.³⁶⁷ Allow me to quote Macedo at length:

Hauerwas says that modern life is—in a variety of ways that he often lumps under the rubric “liberalism”—hostile to the sort of life marked out for us by Jesus. The values and way of life of “bourgeois liberalism” have colonized and debased the Christian consciousness. American Christians have come to want to be good citizens: to serve in the military, hold public office, and raise their children to be “successful” as this is defined by our popular culture (that is, prosperous, with a good career, individually fulfilled). In many ways this represents the success of our civic culture: religious life has been fundamentally reshaped by basic liberal and democratic values. But “civic aims” such as justice, rights, the public good, economic security, national defense via organized violence, social programs to help the poor, and the improvement of American democracy, even at their best, Hauerwas seems to say, threaten to distract Christians from their central mission. At their worst, as in the case of violence and imperialism, these aims diametrically oppose Christian virtues, Hauerwas contends. In our badly fallen world, the desire to be a “good citizen” often implicates Christians in heinous collective enterprises. In light of these challenges, Hauerwas calls upon Christians to live as Christians and be constant witnesses to Jesus. They should take their ethical and practical bearings from the ways of Jesus, as realized (or approximated) in the most authentic and faithful Christian churches, not those of the marketplace or the public square.³⁶⁸

As is evident from the above passage, Hauerwas believes liberalism in America is largely responsible for the “watering down” of the uniquely Christian way of life. The systematic removal of many of the political and cultural vestiges of Christianity in society is just the beginning of the believer's misgivings about liberalism. The heart of the complaint for many Christians, like Hauerwas, is that the virtues and values of liberalism are eroding the authentic Christian way of life. This outcome looks to these believers like an attempt to marginalize them in the larger public square and culture. For many Christian thinkers, therefore, this less than

³⁶⁶ See Stanley Hauerwas, “On Keeping Theological Ethics Theological,” in *The Hauerwas Reader*, 51–74.

³⁶⁷ The Hauerwas quotes found below are taken from *The Hauerwas Reader*. See Hauerwas, Stanley. *The Hauerwas Reader*. Eds. John Berkman and Michael G. Cartwright. Duke University Press, 2001.

³⁶⁸ Macedo 2012, p. 170.

welcoming spirit toward them reveals a lack of social and political solidarity on the part of secular liberals. Thus, it is this lack of solidarity that has proven harmful to their way of life.³⁶⁹

The worry is that Rawlsian liberalism is but another step down this road. These Christian critics argue that political liberalism is a further move in the overall liberal project of marginalizing, or restricting, or changing the relationship of, religion in society. It is claimed that Rawls's *Political Liberalism* in particular is just one more attempt at completing the Enlightenment project of reducing religion to irrelevancy and elevating secular ideals and values within public life. From the point of view of many Christians, therefore, political liberalism is both an existential threat and a kind of humanistic hubris that is harmful to their way of life.

3. The Problem of Homogenization

As we began to see in the previous section, the problem for many religious groups is not the idea of public reason *per se*. Rather, public reason is itself apart of a larger problem. In this section I want to narrow in on what I think this problem is.

One explanation for the uneasiness about Rawlsian liberalism seems to come down to a certain kind of moral complaint. Let me begin by putting the idea roughly and refining it as we move along. The moral charge against Rawlsian liberalism is something like this: it fails to provide adequate political space for the many diverse ways of life found within the liberal state. In fact, some very different ways of life seem to lose out altogether under secular liberalism generally, and justice as fairness in particular. Listen to how William Galston puts the matter:

³⁶⁹ David Reidy has pointed out that this problem, namely, the viability of Christian forms of life can be characterized in terms of either liberal aggressiveness or Christian weakness. After all, a vibrant and vigorous Christian community might, or ought to be able to sustain itself in the face of political liberalism. This is certainly true. Critics, like Hauerwas, do acknowledge this point. They believe that the Christian community is equally to blame for their marginalization. By compromising their unique way of life they have allowed themselves to be displaced. Many critics would insist, however, that this does not get liberalism off the hook. They are, nevertheless, still, at least partly, to blame.

A society constructed in accordance with the conception of justice as fairness will ask certain individuals and groups to give up for themselves their ways of life or to surrender any real chance of passing their most cherished values on to their children...[this] poses a deep difficulty for justice as fairness. If I know that the principles adopted in the original position may impair my ability to exercise, or even require me altogether to surrender, the values that give my life its core meaning and purpose, then how could I agree in advance to accept those principles as binding—any more than I could subscribe to a procedure that might result in my enslavement as the outcome...³⁷⁰

In light of Galston's concerns, it seems fair to ask whether affirming justice as fairness will result in my way of life losing out.

With respect to the Christian way of life, we can be sure that many of these citizens of faith see their religion as more than “a mere hobby” (to take a phrase from Stephen L. Carter). So, if affirming justice as fairness could mean “losing out” or “watering down” or being “less than forthright about” one's way of life, then some Christians will appraise the cost of affirming justice as fairness too high a price to pay. Thus, for a good many Christians there are doubts about whether justice as fairness actually has political space for them, or whether it will in the end, bend their way of life to fit its own social and political ideals.

According to many Christian citizens of faith, they are called by Jesus to be “not of this world.”³⁷¹ To put this another way, as believers, they are to live a distinct way of life; one that is *not* bent toward “this world.” The question is: does justice as fairness have a robust enough respect for diversity to permit a uniquely Christian way of life, with all its unusual features? To many Christian citizens of faith it is not clear that it does.

The struggle I have implicitly, though not explicitly, been describing is what I will call the problem of homogenization. Broadly speaking, this is the process wherewith one blends diverse parts or groups into a uniform pattern. More specifically, the problem of homogenization,

³⁷⁰ Galston, William. *Liberal Purposes*. Cambridge University Press, 1991, p. 146-7.

³⁷¹ John 18:36; cf. Colossians 2:8.

as many Christians might understand it, is the method and/or manner in which justice as fairness shapes differing ways of life to cohere with it, the outcome of which is less religious diversity.³⁷²

I think some Christian citizens find the prospect of homogenization problematic for two main reasons. First, homogenization encourages spillovers from one group to another, eventually wearing down distinctions between the two. Usually religious groups bear the brunt of spillovers. Second, homogenization can, ultimately, threaten future generations of some ways of life by eroding their distinct virtues and values. In the end, the erosion caused by homogenization could have destructive consequences for religious ways of life. I will refer to the former as “spillover effects” and the latter as “free-erosion.”³⁷³

The problem of homogenization is obviously intended to challenge political liberalism’s practical implications for some religious groups. I find this sort of challenge much more interesting than a complaint about the justice of Rawls’s idea of public reason itself. Public reason is clearly complicit in the problem of homogenization but not the sole perpetrator. In the remainder of this section I will fill in the problem of homogenization by explaining spillover effects and free-erosion in more detail.

3.1 *Spillover Effects and Homogenizing Outcomes*

Spillover effects are one way in which justice as fairness has homogenizing consequences for different ways of life. “Spillover effects” (or simply, *spillovers*) take

³⁷² It is important to note that many Christians do not value religious diversity as such. Indeed, for a good many believers religious diversity is a tragic notion. Because of this one might be tempted to say that there is something odd about Christians invoking the value of diversity in making their case against Rawls. It is important to keep two things in mind however. First, many Christians value religious diversity because the religious way of life (as opposed to the non-religious) usually promotes virtues and values that are, generally speaking, more consistent with Christianity. That is to say, they support more traditional virtues and values. So, Christians value religious diversity because it is *religious* diversity rather than *secular* diversity. Second, Rawls’s commitment to diversity is a separate matter, one not determined by whether Christianity actually values religious diversity. So, the question is: does Rawls’s liberalism value diversity?

³⁷³ I borrow these terms from John Tomasi. See Tomasi, John. *Liberalism Beyond Justice*. Princeton University Press, 2001.

place whenever some alien virtue or value has been successfully absorbed by some ethical orientation thereby revising or augmenting that perspective.³⁷⁴ For instance, suppose X stands for some liberal value—e.g., obtaining economic security, advancing democracy, participating in government and so on—that was previously unknown to a uniquely Christian way of life. Spillover effects will take place just in case X is absorbed by Christians and X subsequently revises or expands that comprehensive view.

Subtle spillovers over time, or a few significant spillovers, could be harmful to very different ways of life. For example, although not exactly analogous, think of the hostile implications of Western European virtues and values on traditional Native American ways of life in the wake of colonialism in the Americas. “The bare threat of spillover effects—absent any liberal account of how unavoidable spillovers might be counteracted and absorbed—may disaffect people who might otherwise have signed on” to political liberalism.³⁷⁵

The question is: does justice as fairness encourage spillovers? It sometimes seems that Rawls is in support of spillover effects from justice as fairness to other, very different, comprehensive views. Consider:

Should an incompatibility later be recognized between the political conception and their comprehensive doctrine, then they might very well adjust or revise the latter rather than reject the political conception...These adjustments or revisions we may suppose to take place slowly over time as the political conception shapes comprehensive views to cohere with it.³⁷⁶

Rawls appears to be acknowledging the fact that there will be some inconsistencies between justice as fairness and one’s comprehensive doctrine (e.g., Christianity). He describes what he thinks is a favorable historical development, namely, citizens adjusting

³⁷⁴ Tomasi 2001, pp. 33, 39 and 56.

³⁷⁵ Tomasi 2001, p. 33.

³⁷⁶ Rawls 2001, p. 193.

or revising comprehensive views, rather than revising justice as fairness. So, as the above passages shows, if citizens do not succeed in making these adjustments for themselves, Rawls hopes the changes will “take place slowly over time as the political conception *shapes* comprehensive views *to cohere with it*.” The Rawlsian ideal stated here seems consistent with the following: if Christianity lacks X, where X is some liberal ideal, then Christianity ought to be malleable to X in order to better cohere with justice as fairness.

For many Christian citizens (and I suppose other faith traditions as well) this is problematic. A uniquely Christian way of life holds to a view that is precisely the opposite of the Rawlsian position. Should some inconsistency arise between justice as fairness and their comprehensive view, they would advise revising justice as fairness and maintaining the integrity of their tradition. As a result, some Christian citizens may believe they have reasonable grounds for fearing that justice as fairness will have homogenizing effects on their way of life.

Rawlsians might rightly point out that spillover effects, and their consequence of shaping citizens, may not be entirely undesirable. If spillovers succeed in making citizens more concerned about justice, then over time this will produce a more just population and so, a better society. Thus, spillover effects can produce good long term consequences for humanity. This is, in fact, true. Nevertheless, for many Christians there are still some concerns about liberal spillovers.

According to the uniquely Christian perspective, humans are finite: their visions of achievement are always partial, conditioned by historical and social location. This means that human visions of justice can go seriously wrong; history is replete with such examples (e.g., religious intolerance, racial discrimination, biased conceptions of personhood, etc.). Thus, rather than risk being shaped by finite, partial and historically conditioned perspectives, Christians

prefer being bent toward infinite, impartial and lasting principles and proceeding in a spirit of humility (e.g., “I could be wrong about this.”). Of course, it is not clear that justice as fairness disagrees with the sort of humility that follows from recognizing ordinary human fallibility. Nevertheless, Rawls would disagree with Christians on what follows from human fallibility. Namely, he is opposed to resting justice as fairness on divine directives or commands that Christians believe are eternal and unchanging. Here I think we get a glimpse at a significant issue dividing the Rawlsian project from the uniquely Christian way of life. I will return to this matter below (section 5) and again in the next chapter.

Furthermore, insofar as Christian citizens desire that their moral orientation is unpolluted (or unblemished) by “this world” they will be suspicious of liberal spillovers. One worry is that spillover effects may distract believers from their central mission—i.e., fidelity to Jesus Christ. Additionally, spillovers can blind Christians to the socio-political needs around them. For example, consider how the principles and values of the Jim Crow South *spilled-over* into the popular Christian culture of the time. This outcome had an undesirable consequence on many white Christians. It led to tolerating and accepting the social practice of racial discrimination. If however, Christians were more leery of how their comprehensive views were being bent “to cohere with” the generally accepted social and political norms around them, then they may have seen what social and political justice morally demanded of them as ambassadors of Christ’s love and compassion. They could have resisted discrimination in principle and in practice. Thus, not only will spillovers have homogenizing outcomes, they may also have corrupting ones as well.

Tomasi argues that the most devastating consequences of spillover effects are that they can lead to the erosion and even, eventual disappearance of, dissimilar ways of life.³⁷⁷ For this

³⁷⁷ Tomasi 2001, p. 31-2.

reason, it is important to explain why “free-erosion” (to use Tomasi’s phrase) is so destructive for certain ways of life. I turn to consider this issue now.

3.2 *Free-Erosion and Homogenizing Outcomes*

At the heart of the problem of homogenization is free-erosion. The idea behind free-erosion is that the dominant political ideals within society tend to wear down other ways of life, especially ones that are very different. Put another way, over time a state, or society’s leading moral and political perspectives will cause the gradual disappearance of other, differing ways of life. So, free-erosion moves a society away from deep diversity and toward homogenization. Thus, free-erosion is another explanation of how liberal politics can have homogenizing effects.

Tomasi explains how liberal politics are like the current of a river, pushing everything in its flow in one direction. “Some strong vessels can overcome the reflective, individualizing effects” of liberal politics and culture “but that current nonetheless exerts an influence on the course of life taken by each and every citizen.”³⁷⁸ For this reason, Galston submits that “liberalism is not equally hospitable to all ways of life or to all subcommunities.” The disappearance of many ways of life is inevitable; “ways of life that require self-restraint, hierarchy, or cultural integrity are” especially “likely to find themselves on the defensive, threatened with the loss of both cohesion and authority.”³⁷⁹ Thus, by eroding dissimilar ways of life, liberalism generates a more homogenous society, which is why some religious groups believe they have reasonable grounds for snubbing political liberalism, or at least being skeptical about its claims to respect diversity.

In his noteworthy book, *Liberal Virtues*, Macedo acknowledges the erosive and homogenizing effects of liberalism. In a now notorious passage, he says

³⁷⁸ Tomasi 2001, p. 14.

³⁷⁹ Galston 1991, p. 293.

If all the world became liberal, all the world would become the same in certain important respects. Individuality, constrained by liberal norms, would flourish everywhere, but the diversity of forms of political organization would be eliminated, the differences between forms of social life would be reduced, and every sphere of social life would bear the peculiar tint of liberal values. It would be wrong to identify the spread of liberalism with the maximization of diversity...³⁸⁰

And then, almost to spite more traditional ways of life, Macedo claims that “Liberalism holds out the promise, or the threat, of making all the world like California.”³⁸¹ Presumably, Macedo believes California is the beacon of humanity. To be sure, most Christian citizens disagree. Thus, if liberalism does in fact have the erosive and homogenizing impact on society that Macedo claims that it does, then many Christians will find liberalism problematic. “It might well be rational for me to prefer a multiplicity of separate homogeneous communities, one of which is my natural home, to a single pluralistic community in which I fear I may have no real place.”³⁸²

The question we must now consider is: does justice as fairness generate erosive and homogenizing effects? Rawls seems to acknowledge that it does. He claims that “the institutions of the basic structure have deep and long-term social effects and in fundamental ways shape the citizen’s character and aims, the kinds of persons they are and aspire to be.”³⁸³ Elsewhere he says that liberal forms of politics will “inevitably encourage some ways of life and *discourage others*, or even *exclude them altogether*.”³⁸⁴ Thus, it appears to some that Rawlsian liberalism does produce erosive and homogenizing consequences and so may not have an abiding respect for religious diversity.

Along these lines, Galston, in his influential essay, *Two Concepts of Liberalism*, argues that justice as fairness lacks a robust respect for deep diversity. He claims that “Rawls’s *Political Liberalism* attempts to give due weight to our deepest differences” but that “it ultimately fails to

³⁸⁰ Macedo, Stephen. *Liberal Virtues*. New York, NY: Oxford University Press, 1990, p. 278.

³⁸¹ Macedo, 1990, p. 278.

³⁸² Galston 1991, p. 148.

³⁸³ Rawls 2005, p. 68.

³⁸⁴ Rawls 2005, p. 195.

take those differences seriously enough.”³⁸⁵ This is especially true he says, in the case of religion.

To support his claim, Galston remaps the historical terrain surrounding the development of liberalism. He says that the historical record demonstrates “two quite different strands” of liberalism based on “two distinct principles.”³⁸⁶ There is on the one hand an autonomy-centered liberalism. This account sees the core of liberal thought as a “commitment to sustained rational examination of self, others, and social practices” and most importantly, as a means to “individual self-direction in at least one of the many senses explored by John Locke, Immanuel Kant, John Stuart Mill, and Americans writing in an Emersonian vein.”³⁸⁷

There is, however, another strand of liberal thought emphasizing not autonomy, but diversity (or tolerance). In this way, liberalism might be thought of as an endeavor to achieve a deep respect for pluralism, a message that forms the core of Locke’s *Letter Concerning Toleration*. Tomasi puts this broadminded liberal promise this way: “to find a moral form of human living-together for people who see the point of their lives in irresolvably different ways but are committed to sharing a social world with one another.”³⁸⁸ Galston maintains that a diversity-centered liberalism will have a robust respect for pluralism, seeing it as fundamentally important to the liberal project to preserve the integrity of these many dissimilar and irreconcilable ways of life.³⁸⁹

³⁸⁵ Galston, William. “Two Concepts of Liberalism.” *Ethics* 105 (1995), p. 521.

³⁸⁶ Galston 1995, p. 521.

³⁸⁷ Galston 1995, p. 521.

³⁸⁸ Tomasi 2001, p. 8.

³⁸⁹ Galston provides a helpful example of the two concepts of liberalism: “Consider, for example, two possible stances toward food. According to the first, the selection and consumption of food is to be guided by personal taste and choice alone. According to the second, it is a reflection of God’s goodness and is to be regulated by religious rules. A society that contained instances of only the first stance might contain a very wide range of consumption patterns but would be less diverse...than a society that contained instance of both stances...It is my thesis that liberal society not infrequently act in ways that reduce diversity, so understood.” (Galston 1995, p. 521-2.)

Rawls's view attempts to find a balance between autonomy and diversity. As Galston explains, the liberal hope is that these two values can coexist so that "the exercise of autonomy yields diversity, while the fact of diversity protects and nourishes autonomy."³⁹⁰ Unfortunately, the liberal hope of harmonizing these two principles looks more like a high-minded ideal than something achievable in real societies. Galston submits that "these principles do not always, perhaps even do not usually, cohere; that in practice, they point in quite different directions" so that "autonomy tugs against specific kinds of lives that differ fundamentally, not just superficially, from many others and whose disappearance would reduce social diversity."³⁹¹ The problem, therefore, according to Galston, Tomasi, Hauerwas et. al., is that "any liberal argument that invokes autonomy as a general rule of public action in effect takes sides in the ongoing struggle between reason and faith, reflection and tradition."³⁹² Thus, some critics claim that although Rawlsian liberalism aims to ride the fence between autonomy and diversity, Rawls unwittingly puts justice as fairness on the autonomy-centered side of the divide by invoking individual autonomy as a fundamental liberal value. As such, he has restricted pluralism and so hastened the problem of homogenization.

I believe there is something to this critique of Rawls's liberalism. These critics are close to identifying an important obstacle or point of contention between many Christian citizens and Rawlsian liberalism. Nevertheless, the problem of homogenization is not exactly the principle issue dividing them. In the next chapter I will lay out what I take to be this much more central dividing line.

³⁹⁰ Galston 1995, p. 521.

³⁹¹ Galston 1995, p. 521.

³⁹² Galston 1995, p. 526.

4. Responding to the Problem of Homogenization

In this section I will provide a Rawlsian response to the problem of homogenization.

Basically, my response turns on two points: (1) Rawls's admission that "there is no social world without loss" and (2) Rawls's rejection of neutrality of effect.

4.1 *There is No Social World without Loss*

An important moral basis for the problem of homogenization seems to be that liberalism ought to promote and protect a diversity of ways of life. Thus, citizens of faith ought to be assured that justice as fairness has political space for their way of life. If they cannot be assured of this fact then they have moral grounds for rejecting justice as fairness.

Rawls, however, denies precisely this fact. He claims that a liberal society should provide space for a wide range, relatively sizeable number, of "reasonable" ways of life. But he denies that any particular way of life has a claim to survival or flourishing or adequate space within a liberal order. No order, liberal or otherwise, can ensure adequate space for every way of life, reasonable or not. So, it cannot be an objection to Rawls's liberalism that it fails to provide such space for this or that way of life, reasonable though it may be.

In *Political Liberalism*, Rawls takes a Berlinian view of the social world. That is, he adopts the position of the notable liberal theorist Isaiah Berlin, who says, "There is no social world without loss."³⁹³ According to Berlin, it is a conceptual truth that "we are doomed to choose" between social worlds and values "and every choice may entail an irreparable loss."³⁹⁴

In an instructive footnote, Rawls explains Berlin's (and his) position.

Values clash and the full range of values is too extensive to fit into any one social world; not only are they incompatible with one another, imposing conflicting requirements on institutions; but

³⁹³ Rawls 2005, p. 197.

³⁹⁴ Rawls 2005, p. 197, note 32. Rawls quotes Berlin's "Two Concepts of Liberty," reprinted in *Four Essays on Liberty*. New York, NY: Oxford University Press, 1969, pp.167ff.

there exists no family of workable institutions that can allow sufficient space for them all. That there is no social world without loss is rooted in the nature of values and the world, and much human tragedy reflects that. A just liberal society may have far more space than other social worlds but it can never be without loss. The basic error is to think that because values are objective and hence truly values, they must be compatible. In the realm of values, as opposed to the world of fact, not all truths can fit into one social world.³⁹⁵

It is important to stress that Rawls believes that history supports his claim that political liberalism will be able to support more diversity than other social worlds while also maintaining a sense of justice. “A just liberal society may have far more space than other social worlds” nevertheless no social world “can be without loss” of some ways of life. This explains why Rawls believes spillovers and free-erosion are, to a certain degree, unavoidable. “The principles of any reasonable political conception must impose restrictions on permissible comprehensive views, and the basic institution those principles require inevitably encourage some ways of life and discourage others, or even exclude them altogether.”³⁹⁶

Rawls describes how socially encouraging and discouraging certain comprehensive views will come about for two main reasons: “their associated ways of life may be in direct conflict with the principles of justice; or else they may be admissible but fail to gain adherents under the political and social conditions of the a just constitutional regime.”³⁹⁷ Let me briefly consider these two instances.

The first case represents forms of life and beliefs that are incompatible with a sense of justice. For example, a conception of the good that is incompatible with a reasonable sense of justice might require “the repression or degradation of certain persons on, say, racial, or ethnic, or perfectionist grounds.”³⁹⁸ The outcome might be to accept one or other of the following: slavery, social prejudice, political discrimination, bigotry, or in principle inequities. To be sure,

³⁹⁵ Rawls 2005, p. 197, note 32.

³⁹⁶ Rawls 2005, p. 195.

³⁹⁷ Rawls 2005, p. 196.

³⁹⁸ Rawls 2005, p. 196.

all of these are unacceptable in a society of free and equal citizens. Their passing, though challenged by some, is clearly justifiable. Thus, political spillovers or erosive measures that wear away these ways of life are morally warranted. When talking about ways of life that are incompatible with a basic sense of justice, presumably, Rawls's critics will embrace spillovers and free-erosion as desirable and so also see certain homogenizing outcomes as beneficial.

The second case however, is altogether different than the first. Rawls supposes that groups falling into this category will include forms of religion. Recall that these religious associations are "admissible" within liberal democracy. Rawls does not say what he means by "admissible." Presumably, he means that "admissible" forms of religion adhere to a reasonable political conception of justice, respecting their fellow citizens as free and equal.

Notwithstanding, these religious associations fail to maintain adherents under the social and political conditions generated by political liberalism. This is *not* the result of mandate or coercion but the unintended by product of adopting a particular social world. So, perhaps, the consequence of accepting justice as fairness will mean that some valuable religious way of life will become less successful or appealing. I take it that Rawls's critics find this form of free-erosion objectionable.

Notwithstanding, there are countless ways of life that have value and it is simply impossible for any social world to accommodate them all. To put this fact differently, no matter what social world we instantiate there will be some "good" or "valuable" ways of life that are crowded out. So, a social world that crowds out this or that good or valuable way of life is not in itself a complaint against that social world that carries much force. As stated, there is no way to avoid such a complaint from some quarter or other. Thus, sustaining this challenge against Rawls is not likely to be persuasive.

Furthermore, in so far as Rawls's critics are arguing that justice as fairness cannot deliver on its promise to respect diversity then, they are vulnerable to the demand to show that their alternative does better in terms of delivering a broader respect for pluralism. After all, it may well be that justice as fairness cannot deliver a socially robust diversity—one that preserves all ways of life— but it may, nevertheless, do better than any alternative on that score. To put it simply: even if justice as fairness gives us less diversity, it does not follow that there is any alternative that gives a greater degree of diversity, while also delivering justice. Thus, even granting that Rawls's view produces erosive and homogenizing effects for some ways of life this is not necessarily a strike against it.

4.2 *Neutrality of Effect is an Unreasonable Demand*

It may be that the problem of homogenization is a problem only if we presuppose that political liberalism maintains a commitment to neutrality of effect. Rawls is committed to *neutrality of aim*—i.e., the liberal state should not intentionally favor or promote any particular comprehensive doctrine over another. Rawls, however, like other liberals, must reject *neutrality of effect* as an unreasonable political demand. The neutrality of effect maintains that the state is not to act in a way that makes it more likely that citizens will accept a particular conception of justice rather than another. Rawls steadfastly says,

It is surely impossible for the basic structure of a just constitutional regime not to have important effects and influences as to which comprehensive doctrines endure and gain adherents over time, and it is futile to try to counteract these effects and influences, or even to ascertain for political purposes how deep and pervasive they are. We must accept the facts of commonsense political sociology....Neutrality of effect or influence political liberalism abandons as impracticable.³⁹⁹

Rawls therefore abandons the prospects of eliminating or curbing neutrality of effect as impractical. He instead acknowledges that the effects of political liberalism on society cannot be

³⁹⁹ Rawls 2005, p. 193-4.

morally neutral, but neither can any other political conception. Throughout history it is generally recognized that political systems provide the ethical framework around which citizens understand themselves and the world they live in. Certainly, various political structures must influence the normative perspectives of those who live under them. So, to the degree that neutrality of effect is unavoidable it ought to be regarded as uncontroversial.

Every political order is non-neutral in its effects on the background culture and its various associations and so forth. Because of this there can be no commitment to neutrality of effect. Thus, since every political order generates non-neutral effects on some permissible forms of life, it makes no sense to require of any political order that it not produce non-neutral effects. Consequently, claims of non-neutral effects do not constitute compelling complaints against a liberal political order.

Even still, Rawls admits that some reasonable religious groups may find life in a liberal order less favorable than, say, life in a non-liberal order that affirmatively protects certain groups from the effects of a just and legitimate political regime. As Rawls puts it, there are “various religious sects [that] oppose the culture of the modern world and wish to lead their common life apart from its unwanted influences.”⁴⁰⁰ Rawls contends that justice as fairness attempts to honor, so far as possible, “the claims of those who wish to withdraw from the modern world in accordance with the injunctions of their religion.”⁴⁰¹

This situation, however, generates a pressing problem: what to do about the education of children belonging to these various religious sects? Under the autonomy-based liberalism of Kant or Mill, there are requirements designed to promote the values of autonomy and individualism as the proper ideals for governing one’s life. These ideals are obviously

⁴⁰⁰ Rawls 2005, p. 199.

⁴⁰¹ Rawls 2005, p. 200.

troublesome for some religious ways of life; ways of life that teach self-restraint, familial hierarchy and religious fidelity.

Rawls contends that justice as fairness has a different aim and requires far less than Kant or Mill on this score. Justice as fairness will

ask that children's education include such things as knowledge of their constitutional and civic rights so that, for example, they know that liberty of conscience exists in their society and that apostasy is not a legal crime, all this to insure that their continued membership when they come of age is not based simply on ignorance of their basic rights or fear of punishment for offenses that do not exist. Moreover, their education should also prepare them to be fully cooperating members of society and enable them to be self-supporting; it should also encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society.

So, in order to encourage liberty of conscience in religious sects, Rawls believes fundamental matters of civic education must be addressed. Educating children on these core issues will promote religious engagement as something voluntary and non-coercive. Locke's *Letter Concerning Toleration* explains how true religion is a matter of conscience, something not brought about by force or manipulation. Thus, Rawls believes that the minimalist requirements of justice as fairness find a balance between religious integrity and individual liberty.

Rawls anticipates an important objection at this point. Some will certainly say that requiring that education includes these political themes is, in effect, insisting on a comprehensive liberal education. This, of course, is exactly what religious sects withdrawing from society are wishing to avoid.

Rawls resists, however, the accusation that a minimalist civic education is tantamount to liberal indoctrination. He says that the objection turns on a distinction between comprehensive versus general liberalism. For Rawls, justice as fairness is not a comprehensive form of liberalism. Its scope is much more limited. This means that beyond the requirements already described above, Rawls believes that "justice as fairness does not seek to cultivate the distinctive virtues and values of the liberalisms of autonomy and individuality, or indeed of any other

comprehensive doctrine.”⁴⁰² In this way, justice as fairness is general in its scope and approach. It attempts to honor, so far as possible, “the claims of those who wish to withdraw from the modern world in accordance with the injunctions of their religion” at the same time, justice demands that the state endeavor to ensure that withdrawing from the world is a matter of conscience and not religious coercion.

In this section, I attempted to deflect the problem of homogenization. I pointed out that there is no social world without spillovers, free-erosion and thus, no political order without some homogenizing consequences. These features of the social world are simply unavoidable. For this reason, the problem with justice as fairness cannot be that it does not avoid homogenizing outcomes. Rawlsian liberalism permits as much diversity as is compatible with a sense of justice. In the end, therefore, I believe that the accusations and fears associated with the problem of homogenization are misguided. Nevertheless, the challenge itself is an interesting one. I think that the type of objection considered here begins to touch at the heart of the disagreement between Rawls and his Christian critics. It comes close to grasping but, I believe, never quite articulates the central issue dividing them. The next chapter discusses this more fundamental matter. In conclusion, I want to briefly hint at where we will go from here.

5. Conclusion: Where to Go from Here?

The problem considered throughout this chapter alludes to what I take to be a deep and abiding issue separating the Rawlsian project from the uniquely Christian way of life. However, the matter is not so easily articulated. I believe the main issue is not actually a problem with any particular feature of Rawls’s liberalism. For this reason, putting one’s finger on the issue is not simply a matter of analyzing the nuts and bolts of *Political Liberalism*. Rather, seeing the great

⁴⁰² Rawls 2005, p. 200.

divide between these two camps will involve reflecting on some important underlining presuppositions embraced by these respective groups.

To be sure, our presuppositions about the abilities, limitations and possibilities of humanity in the political world will inform and color our political philosophy. The assumptions we bring to the table will be largely responsible for the conclusions we reach. Consequently, I think it is important, if not imperative, to look into some of the basic presuppositions about the human condition embraced by Rawls and many Christians. I will briefly gesture toward these presuppositions now, leaving the majority of this articulation for the next chapter.

An important presupposition dividing Rawlsians from the uniquely Christian way of life comes down to what one thinks about the nature of sin and the need for divine grace. This issue begins to come to light whenever Christians complain that Rawls's theory is an attempt to hollow out political speech so as to exclude any reference to transcendent values and divine judgment, or when it is claimed that Rawlsian liberalism crowds out Christian virtues and values; leading to what Richard Neuhaus has called "the naked public square" or to what Pope John Paul II has named "the culture of death."⁴⁰³

Why is this so problematic for many Christians? Not principally because Rawls's view actually precludes believers from referencing their values in public political discourse. (Chapter one demonstrated that Rawls view does not bar religious arguments.) Nor does justice as fairness in anyway restrict the free-exercise of the uniquely Christian way of life. Rather, the issue ultimately at stake here is the fact that Rawls's liberalism does not accept, or, have any need for, fundamental Christian doctrines like, sin and grace. These doctrines are of obvious importance for many believers, helping them make sense of the world and their place in it. The result of rejecting these doctrines means that Rawls's view is much more optimistic than, say,

⁴⁰³ Neuhaus, Richard. *The Naked Public Square*, 2nd ed. Grand Rapids: MI, Eerdmans Publishing Company, 1991.

Augustine's, or more recently, Reinhold Niebuhr's, in its understanding of our human capacity for creating just institutions. In order to understand the dividing lines between Rawls and Augustinian type Christians it is important to take a closer look at this issue. In chapter five I will turn our attention to these matters.

CHAPTER FIVE

Rawls and the Christian Religion: Where the Conflict *Really* Lies

1. Introduction

In the previous chapter, we began to see why pointing to Rawls's idea of public reason as the threat to religious ways of life is not quite right. Public reason is not really the source of the trouble for the Christian religion. Neither public reason, nor Rawls's two principles of justice put believers at a social and political disadvantage. Nonetheless, the problem of homogenization is, for many Christians, an obstacle to Rawls's liberalism. I tried to show, however, why this problem cannot be sustained. As Rawls puts it, "there is no social world without loss" and so it is unreasonable to expect any political order to guarantee political space for each and every "reasonable" way of life in perpetuity.

Nevertheless, these critics are on to something important. I think the friction many Christians experience with respect to Rawls's liberalism is best explained by a deep and abiding antagonism between the spirit of Rawls's project—which shares a kind of Enlightenment commitment to the possibility of progress, even the historical perfection of our natures without divine intervention—and the spirit of many Christian faiths—according to which our nature is of its own corrupt and this world can be redeemed only through divine intervention. The present chapter argues that this is the main point of contention between Rawls and some varieties of Christianity.

This chapter develops in the following way. First, I examine the Augustinian perspective of sin and why this view of human nature has important implications for the limitations of justice here on earth (section one). After this, I turn to surveying Rawls's presuppositions with respect to human nature. Rawls's view also carries with it important implications for justice and I will

examine these (section two). Next, I will underscore the apparent antagonism between Rawls and this brand of Christianity, focusing on precisely where the conflict lies between them. The distance between their respective presuppositions would seem to make overlapping consensus questionable at best (section three). Nevertheless, even if overlapping consensus (and stability for the right reasons) is not forthcoming we are not without hope. I submit that a constitutional consensus is good enough for fostering a sufficient degree of political stability and social unity between citizens (section four).

2. Christianity, Original Sin and the Limitations of Justice

This section outlines a particular line of thought within the Christian tradition. The line of thought I have in mind follows the theology of St. Augustine of Hippo (c. 354-430 CE). The particular features of Augustine's thought I wish to emphasize are his conceptions of "the fall," "original sin" and the necessity of divine grace.⁴⁰⁴ For a good many Christians, Augustine's thought helps to form the essence of orthodox doctrine on these matters. Certainly, Augustine's theology touches on much more than just sin and grace. But these elements of his thought inform his view of human nature and the world as a whole and so these ideas are of critical importance for our present inquiry. Thus, for the purposes of this chapter I will refer to those believers adhering to Augustine's conception of these core doctrines (i.e., the fall, original sin, necessity of grace) as Augustinian Christians. I will, nevertheless, sometimes draw upon other Christian thinkers falling within the Augustinian tradition (e.g., Luther, Calvin, et. al.). This section closes by discussing what these doctrines mean for the possible establishment of enduring peace and justice here on earth.

⁴⁰⁴ For an excellent treatment of Augustine's views on these matters see Mann, William E. "Augustine on Evil and Original Sin" in *The Cambridge Companion to Augustine*. New York: NY. Cambridge University Press, 2005, pp. 40-49.

2.1 *On the Fall of Humanity and Original Sin*

“The Fall” is a technical term in the Christian tradition denoting the first sin of Adam and Eve. It is believed that this first act of disobedience brought disaster and divine judgment upon the natural world and especially humanity. Before the fall, humans lived in complete obedience to God in an age of innocence and perfection. In this state, human beings enjoyed absolute peace in a flawlessness world, a world that God called “very good” (physically and morally speaking). But subsequent to the fall (and with the introduction of sin) the natural world, including humanity, was fundamentally changed.⁴⁰⁵

The doctrine of the fall is at the heart of Christian theology. It is believed that *all* human beings still suffer from the effects of the fall. Among the many consequences of the fall are the loss of innocence and immortality, alienation from God and the perpetual subjection to sin’s bondage. According to Augustine, so profound were the effects of the fall for humanity, that it actually changed our nature.⁴⁰⁶ He explains how “concupiscence” was a lasting consequence of the fall: the inordinate desire for personal fulfillment (e.g., lust) and the longing to impose one’s own will upon the world (e.g., pride).⁴⁰⁷ In this manner, it is believed that Adam and Eve’s original sin was actually transferred to their offspring (i.e., all of humanity) hitherto.

As understood by Augustinian Christians, the fall of humanity has generated what is usually called the doctrine of “original sin.” As stated by Augustine, “The deliberate sin of the first man is the cause of original sin.”⁴⁰⁸ The doctrine of original sin implies that all humanity has inherited sin from the first act of disobedience. The inheritance of sin means that all persons are born with a corrupt nature and being born with a “corrupt nature” indicates that everyone is born

⁴⁰⁵ For a complete biblical account of the fall see Genesis 3. For Augustine’s account see *On the Literal Interpretation of Genesis*.

⁴⁰⁶ *City of God* 13.3.

⁴⁰⁷ *City of God* 14.15.

⁴⁰⁸ *On Marriage and Concupiscence*, II, 26.43.

with an innate desire to disobey God's perfect moral law.⁴⁰⁹ For Augustinian Christians, this implies that in everyday life and discourse everyone has an inborn propensity to act immorally. The doctrine of original sin is important for both Augustinian Christians in the Roman Catholic tradition and for many Protestant's as well (especially those of Reformed churches). Because of its importance, the doctrine was in due course dogmatized in numerous Protestant creeds and officially formalized by the Roman Catholic Church at the Council of Trent.

For Augustinian Christians, it is difficult to overstate the corrupting consequences of original sin. Martin Luther insisted that original sin has led to the total depravity of our nature. So much so that even the human will is completely enslaved by sin.⁴¹⁰ John Calvin agrees. In the following, Calvin demonstrates his familiarity with Augustine's conception of original sin and concupiscence, insisting that humanity is utterly corrupt apart from God's grace:

Therefore original sin is seen to be a hereditary depravity and corruption of our nature diffused into all parts of the soul...wherefore those who have defined original sin as the lack of the original righteousness with which we should have been endowed, no doubt include, by implication, the whole fact of the matter, but they have not fully expressed the positive energy of this sin. For our nature is not merely bereft of good, but is so productive of every kind of evil that it cannot be inactive. Those who have called it concupiscence have used a word by no means wide of the mark, if it were added (and this is what many do not concede) that *whatever is in man from intellect to will, from the soul to the flesh, is all defiled and crammed with concupiscence; or, to sum it up briefly, that the whole man is in himself nothing but concupiscence...*⁴¹¹

Similarly, *The French Confession of Faith* (1559) maintains that:

We believe that man was created pure and perfect in the image of God, and that by his own guilt he fell from grace which he received, and is thus alienated from God...so that his nature is *totally corrupt*. And being blinded in mind, and depraved in heart, he has *lost all integrity*, and there is *no good* in him...And although he has a will that incites him to do this or that, yet it is *altogether captive to sin*, so that he has no other liberty to do right...We believe all the posterity of Adam is in bondage to original sin.⁴¹²

⁴⁰⁹ See Romans 5:17-19

⁴¹⁰ See Luther's *Bondage of the Will*. This, however, is not exactly Augustine's view.

⁴¹¹ Calvin, *Institutes of the Christian Religion*, bk II, chap.1, italics are mine.

⁴¹² *The French Confession of Faith* was prepared by Calvin and his pupil and approved by a synod at Paris, 1559. Quoted from *The Creeds of Christendom*, vol. III, (ed.) Philip Schaff, p. 365, italics are mine. The phrases "lost all integrity" and "no good" and "altogether captive to sin" are meant to describe a person's spiritual nature apart from God's saving grace. Reformed theologians maintain that "original sin" and so also, total depravity, does not imply that people can do no good acts, as man sees goodness, but only that humanity cannot please God by their unredeemed acts of goodness.

Also, *The Heidelberg Catechism* (1563) says that humanity by nature is “prone to hate God and neighbor.” It states that unless our nature is “born again by the Spirit of God” it is depraved” so that human beings are “wholly unapt to do any good, and prone to all evil.”⁴¹³ Additionally, *The Westminster Confession* affirms the same: on account of the fall, all humanity is “wholly defiled in all the faculties and parts of soul and body” and “made opposite to all good, and wholly inclined to all evil.”⁴¹⁴ The point needing emphasis here is that according to the Augustinian tradition (as evidenced by these and numerous other Christian confessions), human nature, in its natural condition, is corrupt and evil, lacking the capacity to redeem herself from this condition.

2.2 On the Limitations of Justice without Divine Grace

The doctrine of original sin and its transmission to all subsequent human beings has important consequences for achieving a good and just society here on earth.⁴¹⁵ Augustine believed that apart from the grace of God, human beings are unable to act justly and so also incapable of establishing peace on earth. His view was that the “earthly city” would always be marked by conflict since peace is not a human accomplishment but a “gift from God.”⁴¹⁶ “Peace in this life is difficult even for saintly people who earnestly strive for the goods of the eternal city. It is even more of a problem for those who are dedicated only to the values and goods of this world.”⁴¹⁷ The problem is that seeking to establish a society on temporal principles and values can never be more than incomplete and unstable. It is incomplete because it lacks the

⁴¹³ *The Heidelberg Catechism* is the famous German confession of faith. Quoted from *The Creeds of Christendom*, vol. III, (ed.) Philip Schaff, p. 309-10. Again, humans are “wholly unapt to do any good,” as God counts and understands goodness. This does not mean that man cannot do good acts, as humanity counts goodness.

⁴¹⁴ *The Westminster Confession of Faith* (1647) is the notable English confession of faith. Quoted from *The Creeds of Christendom*, vol. III, (ed.) Philip Schaff, p. 615.

⁴¹⁵ In this section I am indebted to *Augustine through the Ages: An Encyclopedia* edited by Allan D. Fitzgerald. Grand Rapids, MI: Eerdmans Publishing Company, 1999.

⁴¹⁶ Augustine, *City of God*, 15.4.

⁴¹⁷ Burt, Donald. “Peace.” In *Augustine through the Ages: An Encyclopedia*. Grand Rapids, MI: Eerdmans Publishing Company, 1999, p. 630.

eternal principles and values of God and unstable because it lacks God's intervening grace and power. Thus, human beings, of their own accord, cannot achieve a society of lasting peace and justice.⁴¹⁸

In the final analysis, Augustinian Christians maintain that human beings, with only their own resources to draw upon, are not suited for justice.⁴¹⁹ There is a deep and fatal flaw in our nature which will always impede justice at every step. Augustine tries to explain the evils of his own day by looking "inward to the dark realm of the "weak will" which deliberately chooses evil," indeed cannot resist evil.⁴²⁰ Referring back to Augustine, Alasdair MacIntyre and Charles Taylor remind us how helpless we are in our natural condition: our will takes pleasure in "defying divine and human law," it is set on "consent[ing] to evil" and "radical perversion" which can only be healed by divine grace.⁴²¹ Consequently, "It is absurd to suggest that the creature could make itself good, or even improve itself, on its own."⁴²²

To think human nature is capable of making itself good, or improving itself "on its own" is analogous to the sin of pride and idolatry. For Augustine, pride was the initial evil impulse behind the fall of Adam and Eve.⁴²³ It was the inflated aspiration of thinking that man could be like God and would thus, have no further need for divine assistance. Likewise, one definition

⁴¹⁸ For Augustine, lasting peace and justice on earth must ultimately await the establishment of the Kingdom of God at the coming of Jesus Christ. Yet some temporal peace and justice is possible here and now but only through the grace and redemptive work of God. For an excellent account of Augustine's views on the possibilities of peace in the city of man see Burt 1999, pp. 629-632. For a broader treatment of Augustine's political ideas see Weithman, Paul. "Augustine's Political Philosophy" in *The Cambridge Companion to Augustine*. New York: NY: Cambridge University Press, 2005, pp. 234 – 252.

⁴¹⁹ This does not suggest that humanity should not attempt to act justly, but only that human being will, ultimately, never be able to completely instantiate a perfectly just society apart from divine assistance.

⁴²⁰ Scott, Joanna. "Contemporary Influences of Augustine's Political Thought." In *Augustine through the Ages: An Encyclopedia*. Grand Rapids, MI: Eerdmans Publishing Company, 1999, p. 660.

⁴²¹ See Charles Taylor. *Sources of the Self: The making of Modern Identity*. Cambridge, MA: Harvard University Press, p. 138; Alasdair MacIntyre. *After Virtue*, 3rd ed. Notre Dame, Ind.: University of Norte Dame Press, 2007, p. 175.

⁴²² Rogers, Katherin. "Fall." In *Augustine through the Ages: An Encyclopedia*. Grand Rapids, MI: Eerdmans Publishing Company, 1999, p. 351.

⁴²³ Augustine, *City of God*, 14.13

Augustine gives to pride is “the love of one’s own excellence.”⁴²⁴ So, believing humanity is capable of their “own excellence” (e.g., justice without divine help) is to express a spirit of arrogance over and against God. Thus, committing the sin of pride involves believing that without divine intervention it is possible to make it on one’s own, to redeem oneself, to perfect the world, to improve our own nature. This is also an idolatrous aspiration. To think of, or engage in, political activity as if it were capable of redeeming humanity is the worshiping of a false idol (or ideal). According to Augustinian Christians, nothing but the grace of God can deliver us from the defects of our fallen nature. This has obvious implications for social and political justice. It suggests that trusting in, or looking to, humanistic principles or ideals alone is not only useless, but also vanity, “chasing the wind.”

To conclude this section, if our nature is inherently evil, then it is difficult to see how, apart from divine intervention (and, perhaps a strong authoritarian state) we can contain injustice. In the final analysis, no amount of enlightened principles or values is sufficient for redeeming us from this state of affairs. Thus, without divine assistance our nature is not suited for justice. But if our nature is not suited for justice, then we are incapable of establishing a just and stable society. To think otherwise is either prideful, idolatrous or both.⁴²⁵

3. Rawls, Human Nature and the Promise of Justice

The picture we get from Rawls regarding our nature and capacity for achieving justice is very different from that of the Augustinian Christian.⁴²⁶ Indeed, there appears to be a feature of

⁴²⁴ Augustine, *On the Literal Interpretation of Genesis*, II.14.18

⁴²⁵ Note that the Augustinian claim is not an empirical one. Rather, it is a metaphysical explanation of a deeper religious reality.

⁴²⁶ This does not mean that Rawls’s view is anti-religious or altogether void of any religious dimensions. To the contrary, some scholars have begun to look at some of the religious undertones of Rawls’s work. For example, see Weithman, Paul. “Does Justice as Fairness Have a Religious Aspect?” Forthcoming in Jon Mandle and David Reidy, eds., *The Blackwell Companion to Rawls*, Wiley-Blackwell Publishing, Malden, MA, 2013.

Rawls's view, possibly even taken as a free-standing political view, which is in tension or is perhaps inconsistent with certain reasonable Christian faiths (like Augustinianism).⁴²⁷ To state the tension explicitly, this is the idea that our nature permits, at least under favorable conditions, a just polity. To put it otherwise, Rawls's view is that it is not unrealistic to suppose that we are capable of justice, without divine intervention. To be sure, we need reformed institutions and we need those reformed institutions to reshape our nature. However, there is nothing fixed in our nature (i.e., no original sin, no fatal flaw, no total depravity, or fallen nature, etc.) that stands in the way of this, at least in principle.

For Rawls, it seems that the possibility of a just polity (of a “realistic utopia” as he puts it) is essential to rational hope and to engaging in politics without falling into despair, apathetic resignation or irrational dogmatic fanaticism. We must, in other words, believe that our nature is capable of something better. Allow me to quote a lengthy passage where Rawls clearly lays down some of his guiding assumptions:

The wars of this century with their extreme violence and increasing destructiveness, culminating in the manic evil of the Holocaust, raise in an acute way the question whether political relations must be governed by power and coercion alone. If a reasonably just society that subordinates power and its aims is *not possible* and people are largely *amoral*, if not incurably cynical and self-centered, one might ask with Kant whether it is worthwhile for human beings to live on the earth? We must start with the assumption that a reasonably just political society is possible, and for it to be possible, human beings must have a moral nature, not of course a perfect such nature, yet one that can understand, act on, and be sufficiently moved by a political conception of right and justice to support a society guided by its ideals and principles. *Theory* and *PL* try to sketch what the more reasonable conceptions of justice for a democratic regime are and to present a candidate for the most reasonable. They also consider how citizens need to be conceived to construct those more reasonable conceptions, and what their moral psychology has to be to support a reasonably just political society over time.⁴²⁸

In this section, I will underscore two features of Rawls's view mentioned in the above passage. I believe that these two aspects of his view stand in strong contrast to the Christian view considered above (section two). First, according to Rawls, the ordinary condition of our nature is

⁴²⁷ For now, I assume that Augustinian Christianity is a reasonable comprehensive doctrine on Rawls's view. I address this assumption directly in section six.

⁴²⁸ Rawls, *Political Liberalism*, p. lx; Cf., *Laws of People* p. 128.

not “amoral” rather, “human beings must have a moral nature.” For this reason, a second relevant assumption of Rawls’s view follows: our nature is suited to a just polis thus, “a just political society is possible.” Highlighting these differences will make it clear where the real conflict lies between Rawls and the Christian religion. I will now turn our attention to considering these two points of contention.

3.1 *Human Beings are Not Inherently Immoral*

For some time Rawls was a self-proclaimed “orthodox Christian” (something of the Augustinian variety) but would ultimately give up orthodox beliefs finding them increasingly more difficult to maintain. He explains how he was born into a “conventionally religious family” and grew up attending the Episcopal Church in Baltimore.⁴²⁹ He describes how as a Princeton undergraduate he became “deeply concerned about theology and its doctrines,” writing his senior thesis on the possibility of human community given the problem of human sinfulness.⁴³⁰ Upon graduation he considered “going to seminary” but since this was during the Second World War he decided to enlist and “wait until after the war was over.” The lengthy passage quoted above hints at how World War II caused him to revisit the question of whether justice was possible given the human proclivity toward injustice. He explains how his thinking profoundly changed during the war, so much so that he could no longer think of himself as orthodox, much less a believer. The reasons for Rawls’s “de-conversion” are interesting and highly relevant to our discussion. For this reason, I think a brief digression into these circumstances is appropriate.

Horrible atrocities, like the Holocaust, gave way to Rawls’s increasing skepticism about the orthodox Christian view of human nature and the belief that there was some divine will

⁴²⁹ I take my biographical notes on Rawls from “On My Religion” (1997) which is included in Rawls’s *A Brief Inquiry into the Meaning of Sin and Faith*. Cambridge, MA: Harvard University Press, 2009.

⁴³⁰ Rawls’s undergraduate honors thesis from Princeton University is now published; see Rawls. 2009. *A Brief Inquiry into the Meaning of Sin and Faith*. Cambridge, MA: Harvard University Press.

behind history. As we have seen, for example, the Augustinian view of humanity is centered on the assumption that human nature is gravely depraved and corrupt. On the one hand, this view seems to provide a satisfying explanation for horrendous acts of evil. If human nature is inherently corrupt, then we seem to have a sufficient cause for the origins of human atrocities like the Holocaust. On the other hand, however, how can we explain God's will for permitting (or decreeing) utterly evil human beings? Put otherwise: "Why would a benevolent God create humans so that they were naturally inclined to accept, not to mention engage in, such mass slaughter and destruction of other humans?"⁴³¹ For Rawls, assuming the depravity of humanity suggests a very a dark view of the world. It seems to make God culpable for "hideous evil," leading to extreme cynicism about whether humanity is suited for anything better. So, the Christian doctrines of original sin and divine sovereignty soon became morally troublesome and too existentially nihilistic for Rawls. He says, "To interpret history as expressing God's will, God's will must accord with the most basic ideas of justice as we know them. For what else can the most basic justice be? Thus, I [Rawls] soon came to reject the idea of the supremacy of the divine will as also hideous and evil."⁴³²

Rawls explains how during the months and years following World War II he was "led to an increasing rejection of many of the main doctrines of Christianity." "I came to think many of them morally wrong, in some cases even repugnant." Among these, says Rawls, was the doctrine of original sin.⁴³³ As stated, "Rawls questioned how a benevolent God worthy of veneration could exist who created the human species so that its will was naturally corrupt and predestined to commit evils, large and small."⁴³⁴ What seemed to trouble Rawls most was that accepting this

⁴³¹ Freeman, Samuel. *Rawls*. New York, NY: Routledge, 2007, p. 9.

⁴³² Rawls, *On my Religion*, p. 263.

⁴³³ Rawls, *On my Religion*, p. 263.

⁴³⁴ Freeman 2007, p. 9.

view was essentially consigning humanity to endless and continuous acts of evil. So, as Rawls explains it, “to the extent that Christianity is taken seriously...it could have deleterious effects on one’s character.”⁴³⁵ To believe that humanity is hopelessly immoral and self-centered will lead to a view of humanity that perpetuates evil and injustice upon the earth indefinitely. This in turn will suffocate hope for social and political reform, drowning humanity in total despair. Rawls submits that such a pessimistic scenario must lead one to wonder “whether it is worthwhile for human beings to live on the earth.” Thus, “the biographical point deserving emphasis here is that, in rejecting Christian doctrine, Rawls was rejecting Christianity’s pessimism about human nature and its skepticism of humanity’s capacities for justice, to find meaning in this life, and to redeem itself.”⁴³⁶

The idea that human nature is compatible with achieving justice is one of the overarching themes behind Rawls’s work. Indeed, Rawls’s view of justice and stability must find it plausible that our nature is amenable to moral reform and goodness. Indeed, Rawls’s argument in *Political Liberalism* (and *A Theory of Justice*) both rests on and seeks to vindicate the assumption that human nature is good, or at least, good enough “to support a reasonably just political society over time.” Paul Weithman says that if we suppose that Rawls takes human nature to be good, or at least good enough, “then we can read his work as, among other things, a sustained attempt to argue for the goodness of humanity.”⁴³⁷ With this in mind, Rawls’s view appears contrary to the Christian view considered above (section two).

⁴³⁵ Rawls, *On my Religion*, p. 265.

⁴³⁶ Freeman 2007, p. 11.

⁴³⁷ Weithman, Paul. *Why Political Liberalism*. Oxford University Press, 2010, p. 366. In the opening chapter of this informative text, Weithman tells us that that his hope for *Why Political Liberalism* is that it will be “of service to all those who wonder whether a just world is possible, whether we human beings are capable of sustaining such a world, and whether those of us with traditional conceptions of the good can achieve some unity of self while living with others as free equals under modern conditions. These questions were, I believe, of the deepest concern to the greatest political philosopher of our time.” (Weithman 2010, p.16)

We are beginning to see the real source of conflict between Rawls and many Christian citizens. Even so, allow me to make this conflict more explicit still. In an intriguing passage in his *Lectures on the History of Political Philosophy* (2007), Rawls makes a fascinating remark, almost in passing. He says, “St. Augustine and Dostoyevsky are the two *dark minds* in Western thought, and the former has shaped it profoundly.”⁴³⁸ This remark is telling. Among other things, it reveals Rawls’s estimation of Augustine.

Although Rawls never goes on to elaborate on his characterization of Augustine or Dostoyevsky, there is little question as to what Rawls was referring to by “dark minds.” He surely has in view Augustine’s conception of human beings as inherently sinful, and incapable of achieving any moral goodness apart from divine grace.⁴³⁹ As we have seen, according to Augustine, even at their best, human nature is intrinsically corrupt and bent toward evil. Rawls’s appraisal of this idea is that these are “dark” thoughts about our nature. They are dark thoughts precisely because they make the possibility and sustainability of justice impossible, apart from authoritarian coercion and divine intervention.⁴⁴⁰ If we must take these dark thoughts seriously, embracing the view that “human beings are largely amoral, if not incurably cynical and self-centered” then once again, we must ask, “with Kant, whether it is worthwhile for human beings

⁴³⁸ Rawls, *History of Political Philosophy*, p. 302.

⁴³⁹ For the purposes of this chapter, I do not intend to engage or presuppose any of Augustine’s larger political and moral theology. Rather, by “Augustinian Christian” I only have in mind Augustine’s view of original sin and the need for divine grace.

⁴⁴⁰ Weithman explains that these dark minds “held that human beings are too sinful, weak, and self-interested to live under free and just political institutions. Indeed, Augustine seems to have thought that political institutions were inherently coercive and punitive, and that they would have been unnecessary if human beings had remained in the state of innocence in which God created us. Augustine’s, Dostoevsky’s...views of human nature find clear expression in what they said about how political societies need to be stabilized. Augustine thought that society could be just only if it was unified by worship of the true God. Since all earthly societies are composed of members of the City of God and the City of the World, no such society is just. Every earthly society is a *modus vivendi* in Rawls’s sense, stabilized—to the extent that it is—by mutual knowledge of each person’s desire for peace. Dostoevsky of the Grand Inquisitor seems to have thought that human beings would be frightened and confused by freedom, and that society must be stabilized by religious authoritarians...” (Weithman 2010, p. 230-1)

to live on the earth.”⁴⁴¹ For Rawls, therefore, it is far better to resist the ideas found in these “dark minds.” Instead, we ought to look to the likes of Kant, Rousseau or Mill (e.g., more optimistic minds); to those maintaining that human beings have at least the capacity for good rather than seriously considering the prospect that our nature is inherently amoral.⁴⁴²

Indeed, Rawls seems especially drawn to Rousseau on this point. In particular, Rawls seems fond of Rousseau’s rejection of original sin in favor of humanity’s “natural goodness.” Rousseau explicitly affirms that “perfectibility” is a part of our nature; indeed, the two truths about our nature for Rousseau are that it is perfectible and compassionate. In his *Lectures on the History of Political Philosophy*, Rawls recounts, with some affinity, the Rousseauian account of the historical and social development of our nature. It is an entirely secular and naturalistic narrative. Consider:

The natural state (State of Nature) is not one of natural perfection but a primitive state in which our potentialities for perfection and our reason and moral sensibilities are undeveloped. They are realized only in society via many changes over time. Human misery and present vices and false values are not rooted in free choices but come about as the consequence of unfortunate historical accidents and social trends. Rousseau denies the first pair [Adam and Eve] could have acted from pride and self-will, for these motives are found only in society. Vice and false values are propagated by social institutions as each generation responds to them. *The way out lies in our own hands.*⁴⁴³

Clearly, Rousseau (and Rawls) believes that “the way out” of our unfortunate social and political troubles “lies in our own hands.” If we could only get our institutions right we can, in principle,

⁴⁴¹ Rawls 2001, p. 128.

⁴⁴² I should note that although Rawls shares much in common with Kant’s philosophy he clearly does not follow Kant’s thought in some key places. For example, Kant argued for the rational necessity of postulating affirming God, a soul and an afterlife. Rawls, however, certainly does not share this feature of Kant’s view. David Reidy has shared with me that privately Rawls regarded Kant’s views here as a giant cop-out and preferred Rousseau on this score. Nevertheless, Rawls’s ideal of “full political autonomy” draws together themes in both Rousseau and Kant. Full political autonomy is realized when we collectively and freely exercise our practical reason to make ourselves into mutually recognized, self-respecting free equals capable of giving one another justice. Rawls draws from Rousseau the idea that we can do this without the necessity of divine intervention and he draws from Kant the ideal self-understanding of ourselves as free equals capable of giving one another justice. Of course, the idea here is that that through the free exercise of our practical rationality, we can make ourselves into this moral ideal.

⁴⁴³ Rawls 2007, p. 209, italics are mine.

perfect our condition without divine intervention. Thus, following Rousseau, Rawls sees just institutions as an essential condition of our perfectibility apart from God.

It should now be evident why Rawls believes his conception of human nature is preferable to the “dark minds” of Western thought. If I am right about this, then we have located a point of real contention between Rawls and many Christians.

3.2 *Human Beings are Suited for a Just Society*

Rawls’s more optimistic account of human nature is necessary for justice as fairness to be possible, not to mention stable for the right reasons. Rawls says:

The answer we give to the question of whether a just democratic society is possible and can be stable for the right reason, affects our background thoughts and attitudes about the world as a whole...Debates about general philosophical questions cannot be the daily stuff of politics, but that does not make these questions without significance, since what we think their answers are will shape the underlying attitudes of the public culture and the conduct of politics. If we take for granted as common knowledge that a just and well-ordered democratic society is impossible, then the quality and tone of those attitudes will reflect that knowledge.⁴⁴⁴

The goodness of humanity and thus, the possibility of justice are, of course, important “background thoughts” that bring with them far-reaching assumptions about “the world as a whole.” One far-reaching Rawlsian assumption is that the evils of human nature and history are ascribed to faulty social institutions, political orders, human ignorance or some otherwise manageable defect in our nature or environment. To be sure, however, there is no need for divine intervention.

It is important for Rawls that we see that the views of human nature expressed by Augustine, Calvin, Luther, Dostoyevsky and others are potent threats to liberal democracy. Accepting these views would make liberal democracy unworkable and lead to perpetual problems of instability.⁴⁴⁵ Consequently, Rawls thinks it is imperative for him to resist the view

⁴⁴⁴ Rawls 2005, p. lix.

⁴⁴⁵ In the preceding paragraphs I am indebted to Weithman (2010).

that a just society is not suited to our nature. To do so, however, he must oppose key doctrines of orthodox Christianity and instead, adopt a view of our nature that makes humanity moral enough to “understand, act on, and be sufficiently moved by a reasonable conception of right and justice to show a society guided by its ideals and principles.”⁴⁴⁶ Rawls himself acknowledges that this means believing that we are good and moral even in the face of historical evidence to the contrary—e.g., two world wars, the Holocaust, etc., — all of which is enough to make one scoff at this assumption.

In rejecting the Augustinian conception of human nature, Rawls attempts to identify a form of political association that is “stable in the right way,” one that demonstrates moral progress is possible, at least under favorable conditions. In this way, Weithman says, by

showing that a well ordered society can be inherently stable, Rawls hoped to vindicate a different and brighter view of our nature. The idea of reciprocity lies at the heart of that view...The conditions defining the original position guarantee that the terms adopted there are fair...Those conditions also guarantee that human beings living in a well ordered society express our nature as free and equal rational beings when we regulate our lives by those terms...and so on Rawls’s view, living together on terms each thinks others could accept, being treated fairly and responding in kind, all suit and express our nature as it would unfold under just institutions...by showing what we can be, Rawls hoped to ground reasonable faith in human beings and in real possibility of a just, liberal and democratic society.⁴⁴⁷

Thus, insofar as Rawls argues for the real possibility of a just society he sets himself against the view that our nature is not capable of moral goodness or justice apart from divine assistance.

This demonstrates an important fact: Rawls believes that our nature is suited for a just society, at least under favorable conditions, and that attaining just institutions is, in some sense, possible for us. In discussing Kant, Rawls affirms this fact. He says that “we cannot sustain our devotion to the moral law, or commit ourselves to the advancement of its *a priori* object, the realm of ends or the highest good as the case may be, unless we firmly believe that *its object is possible*” and “we can believe that a realm of ends is possible in the world only if the order of

⁴⁴⁶ Rawls 2005, p. lx.

⁴⁴⁷ Weithman 2010, p. 231.

nature and social necessities are not unfriendly to that ideal.”⁴⁴⁸ Thus, there is, for Rawls at least, the belief that the objective of a morally just society is conceivable, if not also promising, and that there is nothing in our nature and will antecedently preclude this possibility. Political and moral philosophy can, therefore, show that human nature is “not unfriendly to the realization of the well-ordered society by showing that, at least under favorable conditions of a just society, human nature is such that we can develop the sentiments needed to maintain it.”⁴⁴⁹

As such, Rawls’s view implies that human beings can shape the social and political world for the better. This is what Rawls refers to as a “realistic utopia.” To affirm Rawls’s vision, however, one must believe that human beings are not inherently selfish or amoral, and that the social and political world can be more than a contest for power. By affirming the possibility of a just and stable society humanity can overcome the pessimistic spirit that might otherwise seem inevitable for Augustinian Christians.

To conclude this section, allow me to succinctly review the assumptions that lie behind Rawls’s view and how these assumptions are likely to cause Augustinians to bristle. Rawls’s view presumes the following points. (1) There is no original sin or otherwise incurable flaw in our nature; thus, (2) natural goodness and moral perfectibility are possible, at least in principle. (3) The evils of human nature and history are ascribed to faulty social institutions, political orders, human ignorance or some otherwise manageable defect in our nature or environment. There is nothing inherently flawed about our nature. So, (4) the formation of just institutions is

⁴⁴⁸ Rawls, *Lectures on the History of Moral Philosophy*, p.319. Also, I should note that Kant thought we needed to postulate a libertarian conception of free will, an immortal soul, and God to sustain the rationality of our pursuit of a Kingdom of Ends. While it is not clear that these postulates are necessary to Kant’s political philosophy (i.e., the doctrine of right), they are clearly not part of Rawls’s political (or moral) philosophy. Thanks to David Reidy for pointing this out.

⁴⁴⁹ Weithman 2010, p. 364.

achievable without divine intervention, at least under favorable conditions; therefore, (5) human beings are suited for a just society.

To this end, Rawls says that “Our life in the world, and the world itself, lose their meaning and point” unless we “follow the moral law as it applies to us,” “strive to fashion in ourselves a firm good will,” and “shape our social world accordingly.”⁴⁵⁰ All of this assumes, of course, that we are capable of this much and that “the way out lies in our own hands.”

Augustinian Christians will, no doubt, vehemently deny the Rawlsian assumptions delineated above. Hence, they are likely to bristle under the culture of Rawls’s liberalism.

4. On Achieving Overlapping Consensus

Many Christian groups will have obvious problems with the Rawlsian view outlined above (section three). No doubt, they will find the spirit of the age (i.e., the *zeitgeist*) under Rawls’s liberalism less than congenial, for they will think that we are incapable of justice without divine intervention and that it is human vanity to think otherwise. Certainly, many Christians will endorse Rawls’s two principles as specifying an appropriate ideal to which we might refer as we engage in political activity in this fallen world. But these Christians will engage in political activity without any sense that this activity might terminate in the realization of something like real peace on earth, or a “kingdom of ends,” or Rawls’s “realistic utopia.” For such Christians, it is blasphemy or a worshiping of a false idol to think of, or engage in, political activity as if it was capable over time, at least in principle, of delivering us from the defects of our fallen nature as we experience it. This is something only God is capable of. Thus, without divine intervention humanity is morally bankrupt and so justice (including justice as fairness) is unattainable apart from divine grace.

⁴⁵⁰ Rawls, *Lectures on the History of Moral Philosophy*, pp. 160-1.

Of course, for Rawls—who after World War II found it impossible to affirm the traditional God of Christianity—to be unable to think of, or engage in, politics in this way is to leave humanity without any antidote to their crippling despair, one that is particularly bad under conditions of modernity. For Rawls, our nature must be such that if only we could get the social and political institutions right (perhaps, even have a little luck along the way) we might realistically realize utopia among one another. To be sure, Rawls does not claim that we will or even that it is likely that we will realize this realistic utopia. But it is humanly possible—not merely logically possible, but actually possible given what we know of human nature—and this possibility is enough to reconcile us to living in this world and to working toward enduring justice during our time alive.

For the reasons given above (sections two and three), Rawls’s view seems to endorse, in critical places, ideas that are fundamentally incompatible with those of many Christians. The question for Rawls now becomes: is it feasible to suppose that these believers can, nevertheless, affirm justice as fairness? Put differently: is it feasible to suppose that Augustinian Christians will affirm, *for the right reasons*, justice as fairness? Given Rawls’s aspirations for achieving “stability for the right reasons” (SRR) this needs to be a realistic prospect.

One way of achieving political stability is to secure a *modus vivendi*. So understood a *modus vivendi* entails that disputing parties reluctantly compromise important preferences, beliefs or objectives to live together peaceably. In the sixteenth and seventeenth century for example, European Catholic and Protestant powers eventually embraced a *modus vivendi* to end their bloody struggles. Should either of these parties gain an upper hand, however, they would have certainly imposed their doctrines on others. Thus, political stability, under these conditions,

is only acquired provisionally.⁴⁵¹ Achieving the essence of a *modus vivendi* seems plausible for Augustinian Christians.

As a long-term solution to political disputes, however, Rawls seeks something superior to a *modus vivendi*. Although a *modus vivendi* serves the practical goal of quieting divisiveness and encouraging social peace, in his view, it is not the best we can do. “What matters to Rawls is not only the fact of stability—as, say, relatively peaceable duration of a state through time—but the nature of this stability.”⁴⁵² So, it is better to achieve stability by means of an overlapping consensus. Put generally, an overlapping consensus holds whenever reasonable citizens endorse a reasonable political conception of justice from their point of view, from reasons cohering with (or consistent to) their own comprehensive doctrines.⁴⁵³ So, as Rawls explains it:

The problem of stability is not that of bringing others who reject a conception to share it, or to act in accordance with it, by workable sanctions, if necessary, as if the task were to find ways to impose that conception once we are convinced it is sound. Rather...a liberal political conception...is not reasonable in the first place unless it generates its own support in a suitable way by *addressing each citizen's reason*, as explained within *its own framework*.⁴⁵⁴

If the “liberal political conception” succeeds in “addressing each citizen’s reason, as explained within *its own framework*” then we have an overlapping consensus and thus, SRR.

In this way, there are three necessary and jointly sufficient conditions for obtaining SRR:

- (1) Reasonable citizens affirm a reasonable comprehensive doctrine.
- (2) Reasonable citizens endorse a liberal political conception of justice (e.g., justice as fairness).
- (3) There is overlapping consensus between (1) and (2).

⁴⁵¹ Accordingly, think of Hobbes’s *Leviathan* as an example of a *modus vivendi*; a solution to a hostile social and political climate.

⁴⁵² Mills, Caludia. “Not A Mere Modus Vivendi: The Bases For Allegiance to the Just State” in *The Idea of Political Liberalism* (eds) Victoria Davion and Clark Wolf. Lanham, MD: Rowman & Littlefield Publishers, 2000, p. 192.

⁴⁵³ An overlapping consensus requires only that there be no conflict between the comprehensive doctrine and political liberalism. Coherence is one way in which this might be realized, but bare consistency is another. For a more elaborate account of an overlapping consensus see *Political Liberalism*, Lecture IV.

⁴⁵⁴ Rawls 2005, p. 143; Cf. Rawls 2001, p. 186.

Put formally, for any citizen S, and liberal democratic state D, D achieves SRR if and only if S is capable of (1), (2) and (3).

Presently, let us assume that many Augustinian Christians are reasonable, affirming a reasonable comprehensive doctrine. This assumption seems sensible given Rawls's understanding of "reasonable" comprehensive doctrines.⁴⁵⁵ So, the question is: can Augustinian Christians also affirm (2), given what (1) entails for them—i.e., given the content of their comprehensive doctrine? It is not obvious that they can. Our extended discussion of Rawls's guiding presuppositions about human nature and justice (section three) should give us serious pause about this possibility.

Recall that the Augustinian Christian presupposition (ACP) with respect to human nature and the limitations of justice is roughly equivalent to the following.

ACP: Human nature *is* inherently corrupt and thus, *no* enduring moral formation is possible apart from divine intervention. So, social/political justice and stability *are not* possible without divine grace.

ACP is in fundamental opposition to Rawls's political presupposition (RPP). To make this clear, note, once again, the central presupposition guiding Rawls's political thought:

RPP: Human nature *is not* inherently corrupt. Human beings, under favorable conditions, *can* morally reform themselves. So, social/political justice and stability *are* possible even without divine intervention.

These are no small differences. The guiding presuppositions of ACP when contrasted with RPP reveal deep inconsistencies at the most fundamental level. For one thing, it is logically incoherent to hold to both ACP and RPP (e.g., it is incoherent to endorse a political conception that implies human nature *is not* inherently corrupt, while affirming a comprehensive doctrine

⁴⁵⁵ At the end of this chapter I attempt to make good on this assumption. I consider the question: "Are Augustinian Christians Reasonable?"

that affirms that human nature *is* inherently corrupt).⁴⁵⁶ Surely, however, the drastic contradictions between ACP and RPP are not only logically contrary.

For Rawls, I think these far-reaching differences demonstrate something even more significant than logical incoherence. And that is the realization that SRR is not likely to be forthcoming with (at least) Augustinian Christians. Although doubtful, some clever logician or political theorist may devise a way to square ACP with RPP for everyone *in theory*.

Notwithstanding, when one considers the conceptual distance between ACP and RPP, it seems to me that such believers will, at the very least, always find the *zeitgeist* of justice as fairness less than congenial for their way of life. If pressed, these citizens may unenthusiastically concede (i.e., reluctantly compromise) that justice as fairness has instrumental value—because it brings relative peace and stability—but what they will never be able to do is readily endorse justice as fairness for themselves, for its own sake.⁴⁵⁷ Thus, it seems to me that Augustinian Christians, if they ever do endorse Rawls’s liberalism, will do so only “grudgingly and reluctantly” and not “warmly and wholeheartedly.”⁴⁵⁸ However, this is a far cry from overlapping consensus and SRR.

This does not mean, however, that we must resign ourselves to a “mere *modus vivendi*.” Even assuming that SRR is not forthcoming for some citizens we are not completely without hope. In conclusion, I take steps toward mitigating the concerns raised by giving up on overlapping consensus and suggest that Augustinian Christians can, nevertheless, embrace a constitutional consensus.

⁴⁵⁶ My claim here is roughly similar to a point Samuel Scheffler has made with respect to Utilitarians. Rawls spends a good deal of time in *A Theory of Justice* demonstrating the many ways in which Utilitarianism is inconsistent with justice as fairness. But Rawls also claims Utilitarianism is a reasonable comprehensive view so, presumably, he believes Utilitarians can form an overlapping consensus with justice as fairness. However, according to Scheffler, “If utilitarianism is said to be included in the overlapping consensus on Rawls’s two principles, then are we to imagine that Utilitarians endorse Rawls’s arguments for the rejection of Utilitarianism even as they continue to affirm that view? This seems incoherent.” See Samuel Scheffler. 1994. “The Appeal of Political Liberalism.” *Ethics* vol.105, no.1, p.9.

⁴⁵⁷ Mills 2000, p. 193.

⁴⁵⁸ Mills 2000, p. 193.

5. Constitutional Consensus is Good Enough

In this section, I contend that although Augustinian Christians may never establish an overlapping consensus with justice as fairness a “constitutional consensus” is possible. Rawls describes a constitutional consensus as a sort of intermediate stage between a *modus vivendi* and overlapping consensus.⁴⁵⁹ Overlapping consensus is, according to Rawls, “the most reasonable basis of political and social unity available to citizens of a democratic society.”⁴⁶⁰ I believe that Rawls under appreciates the political value of a constitutional consensus and under estimates its ability to secure a sufficient level of stability and social unity in democratic societies.⁴⁶¹ I submit that given the “practical aim of political philosophy,” achieving a constitutional consensus may be good enough, or, perhaps even, “the best we can hope for.”⁴⁶²

Rawls introduces the idea of a constitutional consensus when attempting to deflect the charge that overlapping consensus is utopian.⁴⁶³ In so doing, he aims to explain how a constitutional consensus can historically arise out of a *modus vivendi*. This progression represents an important moral and political development. Citizens begin to recognize a better way of living together. In describing Rawls’s account, Rex Martin says:

⁴⁵⁹ Rawls 2005, p. 158ff.

⁴⁶⁰ Rawls 2003, p. 32.

⁴⁶¹ Similarly, Rex Martin has argued that “Rawls may have overestimated the degree to which overlapping consensus is needed to provide stability to his political conception of justice (or overestimated the additional stability it could provide). Or he may have underestimated the divisive tendencies in the various comprehensive moral and religious doctrines and thus have been too taken with the idea that a consensus among them is even possible. We need to reckon, then, with the idea that in the end an overlapping consensus of such doctrines may not be possible nor, if possible, really necessary or particularly desirable. For these reasons it is important to make the political conception of justice on its own a focus of consensus and a basis of stability (by utilizing a robust account of the democratic institutions), without requiring the mediation of the various comprehensive doctrines.” See Martin, Rex. “Rawls’s New Theory of Justice.” *Chicago-Kent Law Review* vol. 69 (1994): 737-761.

⁴⁶² Baier, Kurt. “Justice and the Aims of Political Philosophy.” *Ethics* vol. 99 (1989): p.776.

⁴⁶³ Rawls gives his fullest treatment of “constitutional consensus” in *Political Liberalism*, Lec. IV, Sec. 6. For a helpful analysis of constitutional consensus in Rawls’s work see Martin, Rex. “Rawls on Constitutional Consensus and the Problem of Stability.” *The Proceedings of the Twentieth World Congress of Philosophy* vol. 11 (2001): 81 – 95; more recently Martin, Rex. “Overlapping Consensus.” Forthcoming in Jon Mandle and David Reidy, eds., *The Blackwell Companion to Rawls*, Wiley-Blackwell Publishing, Malden, MA, 2013.

A constitutional consensus comes about, then, as the agreed-upon area of rights and practices widens; it comes about as the ground under that area deepens (as convincing political reasons for having such arrangements, reasons that go beyond the mere utility of a *modus vivendi*, gain acceptance and are taken on board). And it comes about as a conception of public principles of justice, with greater focus and definition, gains widespread support. These moves away from a mere *modus vivendi* allow[ing] a space to be created for citizenship. This new dimension creates the availability of a new role for political co-inhabitants, that of fellow citizens.⁴⁶⁴

From these remarks it is evident that a constitutional consensus is a significant step toward stability and social unity.

Rawls, therefore, builds the idea of overlapping consensus on the idea of constitutional consensus stating that the former represents a still further advancement. So, by grounding overlapping consensus in a favorable and plausible account of constitutional consensus, Rawls hopes to establish that it (i.e., overlapping consensus) is not utopian. The point needing emphasis is that an overlapping consensus transcends a *modus vivendi* and a constitutional consensus in a number of important respects. Nevertheless, I contend that although the historical and political developments that could lead to an overlapping consensus are not unimportant, these measures are not entirely necessary for achieving ample stability and social unity.

Before defending this contention I must begin by pointing out how overlapping consensus transcends a constitutional consensus. In a variety of ways overlapping consensus goes beyond a constitutional consensus. I will underscore three places of particular interest. Overlapping consensus has (1) *greater focal specificity* (so it focuses on a smaller range of political conceptions); it has a (2) *broadier application* and a (3) *greater depth of justification*. Let me briefly explain these three differences.

First, an overlapping consensus has greater focal specificity. That is, with respect to political conceptions of justice it only permits conceptions that are “freestanding”—i.e., those

⁴⁶⁴ Martin “Overlapping Consensus,” forthcoming in Mandle and Reidy 2013.

committed to basic political values but have “no wider commitment to other doctrines.”⁴⁶⁵ A constitutional consensus is distinct from an overlapping consensus in focusing on a larger range of political conceptions of justice. Unlike an overlapping consensus, a constitutional consensus is not limited to “freestanding” conceptions, though it does have a general “agreement on certain basic political rights and liberties.”⁴⁶⁶ Nevertheless, there is no established family of acceptable political conceptions of justice as with political liberalism. There is, however, consensus over “the general structure of political authority” and consensus on “the legitimacy of a fairly detailed set of constitutional essentials, the features of which all citizens may reasonably be expected to endorse.”⁴⁶⁷

Second, overlapping consensus has a broader application. In addition to affording others a schedule of certain basic rights, liberties and opportunities (as stated in a constitution or bill of rights) it also maintains the priority of these rights and liberties when compared to other values and commitments. Furthermore, it installs proper measures, assuring that all citizens can make adequate use of their rights, liberties and opportunities. A constitutional consensus is not so wide in its application. To be sure, a constitutional consensus “has become wide enough to embrace most of the well-known constitutional rights, liberties, and opportunities and to cover the main contemporary democratic political institutions – universal franchise, contested voting, and majority rule decision making.”⁴⁶⁸ Nevertheless, it is not wide enough to cover the full range of principles and ideals embraced by political liberalism. Even so, the rights and liberties that it does range over are significant, fundamental and generally accepted by all citizens. So, although

⁴⁶⁵ Rawls 2005, p.13.

⁴⁶⁶ Rawls 2005, p. 159.

⁴⁶⁷ Martin “Overlapping Consensus,” forthcoming in Mandle and Reidy 2013; cf Rawls 2005, p.393.

⁴⁶⁸ Martin “Overlapping Consensus,” forthcoming in Mandle and Reidy 2013.

a constitutional consensus is not as wide as overlapping consensus it is wide enough in critical places.

Finally, a constitutional consensus differs from an overlapping consensus in its depth of justification. For our purposes this is perhaps the most important difference. For Rawls, overlapping consensus is said to offer a greater depth of political justification. This is because its political principles and values find justification in a citizen's comprehensive doctrine as well as the established conception of justice. A constitutional consensus does not acquire political consensus by grounding principles in one's comprehensive doctrine "much less in a shared public conception" of justice (as with an overlapping consensus).⁴⁶⁹ Rather, a constitutional consensus gathers agreement through certain democratic procedures (e.g., a commitment to a constitution) and through political compromise (e.g., mutual trade-offs). Rawls argues that this type of consensus "is not deep" enough to sustain enduring stability and so, problematic. So, an overlapping consensus is preferable.

Rex Martin has pointed out that what overlapping consensus aims to provide is "not political stability per se," but rather "stability for the right reasons."⁴⁷⁰ So, even in the face of profound pluralism, if a society can focus on a small range of liberal political conceptions of justice and establish a greater depth of justification, then important steps have been taken toward an overlapping consensus and thus, SRR. A constitutional consensus, on the other hand, permits compromise. The potential problem with political compromise is that it is thought to be "a tenuous solution," continually subjecting states "to renegotiation as the balance of powers and

⁴⁶⁹ Rawls 2005, p. 158.

⁴⁷⁰ Martin "Overlapping Consensus," forthcoming in Mandle and Reidy 2013; see also Rawls 2005, pp. xli, 388 n.21, 390, 391, 394; Rawls 1997, p.589.

interests shifts.”⁴⁷¹ So, for Rawls, a political consensus that does not rest in critical places upon compromise is important for establishing a deep and abiding stability—i.e., SRR.

In fact, Rawls argues that one of the main reasons to favor overlapping consensus is that “there need be no compromise.”⁴⁷² Rawls says:

Fundamental political questions can be settled by the appeal to political values expressed by the political conception endorsed by the overlapping consensus. In these circumstances a balance of reasons as seen within each citizens’ comprehensive doctrine, and not a compromise compelled by circumstance, is the basis of citizen’s respect for the limits of public reason. Any realistic idea of a well-ordered society may seem to imply that some such compromise is involved. Indeed, the term “overlapping consensus” may suggest that. We must show, then, that this is not the case.⁴⁷³

What is not the case? Namely, Rawls believes it is important to demonstrate that compromise is not needed. In this way, political compromise becomes one of the most fundamental differences between an overlapping and constitutional consensus. A constitutional consensus is anchored in political compromise whereas the basis of an overlapping consensus is centered on a more robust notion of personal endorsement. We might put it this way: a constitutional consensus has a “thin” view of political endorsement (i.e., “not deep”), whereas, overlapping consensus has a “thicker” view.

In either case, liberal principles of justice can be affirmed by democratic citizens. The nature of that affirmation is what’s at stake. In a constitutional consensus liberal principles are affirmed out of respect for, or acquisition to, some form of democratic procedure. This may sometimes (if not often) involve compromise. In an overlapping consensus, however, the principles are affirmed “for their own sake” (whatever that means). So, “by avoiding such constant renegotiation, or the continuing threat of defection, overlapping consensus reinforces

⁴⁷¹ Martin “Overlapping Consensus,” forthcoming in Mandle and Reidy 2013.

⁴⁷² Rawls 2005, p. 169.

⁴⁷³ Rawls 2005, p. 169.

the existing stability of a suitably...deep and focused public political conception; and this is the contribution it makes to the stability of such a regime.”⁴⁷⁴

When considering how important and fundamental “compromise” has been in the development of democratic societies, it is somewhat surprising to find “that throughout *Political Liberalism* compromise is treated as a dirty word, as though the last thing we would ever want is (curled lip, sneering tone) a compromise.”⁴⁷⁵ To be sure, Rawls understands the place of compromise, even recognizing its value is the history of freedom and the democratic process. Nevertheless, this does not mitigate the fact that he believes compromise, with respect to the basic structure of society, is less than desirable in well-ordered societies. He seems to think that compromise, at this critical point, would make a society vulnerable to instability. So, achieving overlapping consensus is our only “realistic” chance for permanent stability and widespread social unity.

Having laid out some key differences between an overlapping and constitutional consensus it is important to see where exactly I am disagreeing and also agreeing with Rawls. Rawls believes that the most stable societies need something more robust than a “mere modus vivendi.” I certainly agree. Rawls believes that a constitutional consensus is an important improvement on a modus vivendi. Again, I agree. Rawls insists that when compared to a constitutional consensus an overlapping consensus is better still. I agree, in principle. But this is where I begin to depart from Rawls. For the reasons given above (sections two, three and four) I do not believe overlapping consensus is likely to be in the cards (for all citizens) in deeply pluralistic societies. Be that as it may, a constitutional consensus does seem possible. I think Rawls under values a constitutional consensus. He believes it does not provide a sufficient

⁴⁷⁴ Martin “Overlapping Consensus,” forthcoming in Mandle and Reidy 2013.

⁴⁷⁵ Mills 2000, p. 196.

degree of stability and social unity. However, I contend that a constitutional consensus is good enough for securing a sufficient degree of long-term political stability and relative social unity.⁴⁷⁶

I have two main reasons for saying this.

First, although there is no overlapping consensus in The United States, the US seems to be a good example of a constitutional consensus; one that generates an adequate level of stability and relative social unity.⁴⁷⁷ The US clearly lacks focal specificity with respect to political conceptions (e.g., there are still a good many other conceptions of justice out there: perfectionism, socialism, utilitarianism, communitarianism, etc.). Nevertheless, Kurt Baier has argued that “although there seems to be no consensus on a conception of justice” in The United States “there is a consensus on something else, namely, on the procedures for making and interpreting law and, where that agreement is insufficiently deep to end disagreement, on the selection of persons whose adjudication is accepted as authoritative.”⁴⁷⁸ And it is not the case that this arrangement is “contingent on circumstances” or on a “fortunate convergence of interests.”⁴⁷⁹ Rather, citizens endorse this procedure as authoritative—though it often involves personal compromise—because citizens believe that this state of affairs secures and guarantees a measure of political “stability over a wide range of distributions of power.”

Furthermore, over time, the principles embodied in the constitution (e.g., freedom of religion, association, etc.) will become generally accepted social values. In due course, this will (generally speaking) foster “the virtues of tolerance, respect, and reciprocity” within society.⁴⁸⁰ I think that even Augustinian Christians will come to see this as having practical valuable, even if

⁴⁷⁶ These are two of Rawls’s main reasons for desiring overlapping consensus and SRR.

⁴⁷⁷ To be sure, The United States is no Hobbesian *modus vivendi*. In *Political Liberalism* Rawls sketches his account of how a constitutional consensus could historically evolve from a *modus vivendi*. On this understanding it would seem that The United States has advanced well beyond a *modus vivendi*. See Rawls 2005, p. 159ff. I am indebted to Kurt Baier here. See Baier 1989, p. 775ff.

⁴⁷⁸ Baier 1989, p. 775.

⁴⁷⁹ Rawls 2005, p. 147.

⁴⁸⁰ Baier 1989, p. 775.

only because it protects their religious way of life. So, even if overlapping consensus and SRR are not possible, achieving social unity and political stability to some degree is, nevertheless, still promising. Thus, a constitutional consensus seems good enough.

One may object at this point saying that a constitutional consensus is still, at vulnerable times, at risk of instability and social disorder. A single group within a society, like The United States, may be able to consolidate enough power to suppress the rights and liberties of the few. This would almost certainly be enough to undermine the authority of the constitution, thus, degenerating into a *modus vivendi* or something worse.

This, however, is precisely what the framers of US constitution had in mind when devising a form of government based on separation of powers, checks and balances. “They believed that by fracturing power and by wisely arranging the powers of the state, they could produce an enduring stable democracy that respected the right of minorities.”⁴⁸¹ In a now famous passage, James Madison (almost appearing to echo Augustine in places) says:

Ambition must be made to counteract ambition...It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither eternal nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself. A dependence on the people is no doubt the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of powers; where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual, may be a sentinel over the public rights.⁴⁸²

Rawls is likely closer to Kant’s view here than he is to Madison’s: we would need government even if we were angels. Be that as it may, for Madison, the US (a sort of constitutional consensus) relies on built-in compromises and “checks” that are intended to “counteract”

⁴⁸¹ Hershovitz, Scott. “A Mere Modus Vivendi” in *The Idea of Political Liberalism* (eds) Victoria Davion and Clark Wolf. Lanham, MD: Rowman & Littlefield Publishers, 2000, p. 225.

⁴⁸² James Madison, *Federalist* 51

potentially destabilizing human ambitions. Whereas Rawls seems to rely on some robust notion of endorsement (i.e., of a particular political conception) for stability, Madison hopes citizens will endorse a certain form of procedural justice. In this way, Madison (and other framers of the US constitution) thought that to achieve a morally justified form of political stability, it was not necessary for all citizens to endorse a similar political conception of justice. Neither was it necessary for the political conceptions to overlap with their respective comprehensive doctrines, providing a “deep” form of justification. Even without overlapping consensus, Madison seems to maintain that it is possible to hold states together, foster a degree of social unity and respect the rights and liberties of vulnerable citizens. He believed that overtime, the widespread acceptance of a just constitution, one that embodies the virtues of tolerance, respect, and reciprocity, will (generally speaking) stabilize society and unify its citizens. If correct, then following Baier, “[The United States’] existing constitutional consensus would seem to be sufficient for stable social unity, even though it does not amount to a consensus on a highly specific principle (or set of principles) of justice for the whole basic structure.”⁴⁸³

There is another reason why I think that a constitutional consensus is good enough. This is particularly important when considering the conceptual distance between Augustinian Christians and Rawlsians (section four). As we have seen, Augustinian Christians may not be able to willingly (or enthusiastically or of their own accord or without serious concern) endorse justice as fairness. So, the reason why a constitutional consensus is capable of achieving political stability and a sufficient degree of social unity is an important one.

Consider, therefore, how a constitutional consensus can gather its support from a *shared experience* whereas an overlapping consensus from the *reasons* each one has for affirming this or that political conception. On this point, Rawls may be “overestimating the importance of a

⁴⁸³ Baier 1989, p. 775.

shared allegiance to principles and [be] underestimating the importance of a shared history of living together.”⁴⁸⁴ By focusing on the *reasons* each one has for endorsement Rawls seems to be overemphasizing intellectual justification and undervaluing the significance of “the quality of our shared life together.”⁴⁸⁵ By focusing on the citizenry’s common life together each will see how the quality of their life is significantly tied to that of their compatriots. They share a common place in the world and in history; their future and destinies are connected for good or ill. With this in mind, when realizing that a common commitment to a constitution makes a certain quality of life possible, and makes it possible to live with others, then they will each affirm the constitution. But they will not necessarily affirm the principles and values of the constitution for reasons stemming from their comprehensive doctrines. Rather, they will do so because of the life they have experienced with each other (e.g., being a US citizen, living in the state of Tennessee, enjoying substantial rights and liberties, etc.). In this way, a constitutional consensus seems like a valuable step toward stability and unity. This, it seems to me, is something Augustinian Christians can support and get behind.

A constitutional consensus, however, is a reasonable political conception of justice. Augustinian Christians can affirm a constitutional consensus. Therefore, Augustinian Christians can affirm a reasonable political conception of justice.

On Rawls’s view, if we have something less than overlapping consensus, then we have something less than stability for the right reasons. But I am tempted to say, “so what?” Let us assume Rawls is correct. It seems to me that this does not imply (entail or suggest) that our society is doomed to disorder, anarchy, social dismay or perpetual violence. After all, the US constitution has endured more than two-hundred years: surviving a civil war, emancipation,

⁴⁸⁴ Mills 2000, p. 192.

⁴⁸⁵ Mills 2000. p. 198.

reconstruction, universal suffrage, two world wars, a great depression, civil rights movement and so on. Throughout its history it has increasingly secured and protected the rights and liberties of her citizens. Presently, the US constitution enjoys more widespread endorsement than perhaps ever in US history. Why do I mention these points? To underscore the fact that a constitutional consensus seems capable of achieving much of what Rawls wanted in terms of political stability and social unity and this seems good enough.

In sum, the main objective of this chapter was to identify the real point of contention between Rawls and many Christian citizens. I argued that the actual friction many Christians experience with respect to Rawls's liberalism is best explained by the spirit of their respective projects. In particular, Rawls shares an Enlightenment commitment to the possibility of progress, even the historical perfection of our natures without divine intervention. Whereas the spirit of many Christian faiths maintains that our nature is of its own corrupt and this world can be redeemed only through divine intervention. It might be that this disagreement is so fundamental that it precludes overlapping consensus. Even so, a constitutional consensus seems like a viable alternative, one that promises, to some degree, political stability and social unity. So, even if SRR is not forthcoming we are not without hope. In the next, and final, section I consider an important worry about the reasonableness of Augustinian Christians.

6. Augustinian Christians and Reasonableness: A Rawlsian Analysis

In closing, I consider an important worry. That is, one might be concerned that in so far as Augustinian Christians affirm a comprehensive doctrine that adheres to human depravity and the need for divine grace there is a question as to whether Rawls's liberalism would view such

citizens as “reasonable.”⁴⁸⁶ I claim that there is nothing in the Augustinian Christian’s religious doctrine (of human depravity and the need for divine grace) that necessarily entails that they are politically unreasonable citizens or adhere to a politically unreasonable comprehensive doctrine. It seems to me that the burden to show otherwise is on those who insist that such citizens are, in fact, politically unreasonable and do, in fact, hold an unreasonable comprehensive doctrine. Doing so, however, would certainly mean going beyond Rawls’s liberalism. One of the core claims of this dissertation has been to show that Rawls is quite hospitable towards citizens of faith, especially to those belonging to an “established tradition.” To be sure, when one considers the great measures that Rawls takes to include disparate citizens it would be a strange to discover that a robust tradition like Augustinian Christianity is barred from political liberalism.

In this section I do the following. First, I briefly discuss Rawls’s conception of the “reasonable,” in general terms. Second, I consider Rawls’s conception of “reasonable citizens.” Then, I examine his idea of a “reasonable comprehensive doctrine.” Next, I discuss Rawls understanding of a “reasonable moral psychology.” Finally, I make some concluding remarks. Throughout I am concerned with both Augustinian Christianity as a comprehensive doctrine and Augustinian Christians as citizens who affirm such a doctrine. As stated above, my main contention is two-fold: (1) there is nothing in the view that humans are depraved and in need of grace that entails Augustinian Christians are unreasonable on Rawls’s view and (2) the burden to show otherwise is on those who insist that such citizens must be unreasonable and thus, excluded from political liberalism.

⁴⁸⁶ Thanks to Adam Cureton for raising this pertinent worry.

6.1 On Rawls's Conception of Reasonable

The term “reasonable” plays a significant role in Rawls’s work. Though especially important in *Political Liberalism*, Rawls’s use of the term also features prominently in *A Theory of Justice* (1971) and as far back as *A Sense of Justice* (1963) and *Outline of a Decision Procedure for Ethics* (1951). For example, “The aim of justice as fairness is to try to derive all duties and obligations of justice from *reasonable conditions*.”⁴⁸⁷ The original position, therefore, is intended to yield *reasonable principles* which “most everyone would grant.”⁴⁸⁸ Before this, Rawls was interested in formulating a *reasonable* decision procedure for ethics. His aim was to explain ethical reasoning in terms of “a heuristic device which is likely to yield *reasonable* and justifiable principles.”⁴⁸⁹ To be sure, Rawls’s use of “reasonable” is far-reaching and multifaceted.⁴⁹⁰

Finding a succinct and explicit definition of reasonable, however, is not offered in Rawls’s work. James Boettcher has noted that “despite the obvious importance of the reasonable in political liberalism, Rawls has been reluctant to provide a straightforward exposition of its meaning.” Instead, Rawls “sometimes suggests that it is unnecessary to define reasonableness,” and for that matter the companion term rational, “directly or explicitly.”⁴⁹¹ “We gather their meaning by how they are used and by attending to the contrast between them.”⁴⁹² In other words, Rawls’s spells out the characteristics of the term “reasonable” with reference to the particular

⁴⁸⁷ Rawls’s *Collected Papers* 1999, p. 111, italics are mine.

⁴⁸⁸ Rawls’s *Collected Papers* 1999, p. 457.

⁴⁸⁹ Rawls’s *Collected Papers* 1999, p. 8, italics are mine.

⁴⁹⁰ For a more detailed analysis of Rawls’s use of “reasonable” see Brower, Bruce. “The Limits of Public Reason.” *The Journal of Philosophy*, vol.91 (1994): 5-26, in particular pp. 9-11; O’Neil, Onora. “Political Liberalism and Public Reason: A Critical Notice of John Rawls.” *The Philosophical Review*, vol.106 (1997): 411-428, especially pp.412-416; Boettcher, James. “What is Reasonableness?” *Philosophy & Social Criticism*, vol.30 (2004): 597-621; Freeman, Samuel. *Rawls*. New York, NY: Routledge, 2007, pp. 345-351.

⁴⁹¹ Boettcher 2004, p. 598.

⁴⁹² Rawls 2001, p. 82.

subject matter in question (e.g., reasonable *citizens* or reasonable *comprehensive doctrines*, etc.) and by contrasting the “reasonable” with the concept of the “rational.”

Rawls’s understanding of the reasonable and the rational was developed, in part, thanks to W. M. Sibley’s article *The Rational Versus the Reasonable* (1953).⁴⁹³ A complete analysis of Sibley is not needed here. Suffice it to say that following Sibley, Rawls begins to distinguish the rational from the reasonable. Roughly, “the rational” is the process of making “informed choices about ends... [and selecting] the most effective means to those ends” while “the reasonable” implies not just the exercise of intelligent judgment but “a willingness to consider our actions [ends] from a common standpoint and in light of the interests of others.”⁴⁹⁴ In *A Theory of Justice* the contrast between the reasonable and the rational “parallels Rawls’s distinction between the Right and the Good.”⁴⁹⁵ By the time we get to *Political Liberalism*, Rawls insists that reasonable principles (e.g., “the Right”) should not (or better, need not) be derived from rational principles (“the Good”). “Rather, the reasonable forms a distinct and independent domain of practical reasoning with its own independent moral principles.”⁴⁹⁶ Indeed, in *Political Liberalism* Rawls hopes to avoid taking a stand on which metaphysical or religious claims are rational. Thus, reasonableness is not based on rationality. This is not to say that the reasonable and the rational are mutually exclusive. On the contrary, Rawls says they are “complementary ideas” and comes in degrees.⁴⁹⁷ Citizens can be more or less reasonable and rational. What is important for Rawls is that citizens have the requisite *minimum* of each.⁴⁹⁸ I cannot now rehearse

⁴⁹³ Boettcher points out that “Rawls briefly discusses this essay in *Political Liberalism*, observing that Sibley’s account of the reasonable is ‘broader but consistent’ with his own.” See Boettcher 2004, p. 619n.10; cf. Rawls 2005, p. 49n.1; Rawls 2001, p. 7n.6.

⁴⁹⁴ Boettcher 2004, p. 603; cf. Sibley 1953, p. 554-560.

⁴⁹⁵ Freeman 2007, p. 345.

⁴⁹⁶ Freeman 2007, p. 345.

⁴⁹⁷ Rawls 2005, p. 52.

⁴⁹⁸ For example, “A person who is rational but wholly unreasonable is not fit for social life, and a person who is reasonable but wholly irrational is incapable of concerted action.” Freeman 2007, p. 345.

all the ways the reasonable compares and contrasts with the rational.⁴⁹⁹ Presently, I must narrow in on what Rawls means by “reasonable” as it relates to citizens and their comprehensive doctrines.

With respect to Augustinian Christians, the question is whether they are reasonable according to some necessary minimum degree to warrant their having political standing? As stated, I believe there is nothing in the Augustinian Christian view of humans as depraved and in need of grace that must entail they lack some required minimum degree of reasonableness. To support this claim, I move the discussion to a consideration of Rawls’s idea of reasonable citizens.

6.2 *On Rawls’s Conception of Reasonable Citizens*

There are a few main characteristics which are especially important to Rawls’s conception of reasonable citizens.⁵⁰⁰ One characteristic of a reasonable citizen is that they desire to cooperate with others according to terms that their political neighbors can accept.⁵⁰¹ Rawls says that citizens are reasonable when:

they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so. Those norms they view as reasonable for everyone to accept and therefore justifiable to them; and they are ready to discuss the fair terms that others propose...Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.⁵⁰²

In other words, reasonable citizens do not revert to coercion or manipulation in order to advance their desired ends. Rather, they continually respect others as free and equal and extend to them fair terms of cooperation. I have argued in chapter three that the biblical mandate to “do unto

⁴⁹⁹ To see how the reasonable both compares and contrasts with the rational see Rawls 2005, pp. 48-54.

⁵⁰⁰ Rawls 2005, p.58-66; Also, see Freeman 2007, pp.346-348.

⁵⁰¹ Freeman 2007, pp. 346-7.

⁵⁰² Rawls 2005, pp. 51-2.

others as you would have them do to you” suggests a Christian principle akin to Rawls’s criterion of reciprocity. Again, to the degree this is correct, the Augustinian can, and indeed should, be prepared “to propose principles and standards as fair terms of cooperation and abide by them willingly.”

Additionally, reasonable citizens recognize and appreciate the burdens of judgment.⁵⁰³ Rawls points out that inevitable disagreement will exist between citizens. Reasonable persons acknowledge this and recognize that these differences are reasonable. Put otherwise, they understand that agreement on moral, philosophical, and religious issues is difficult because of factors that lead people to make different judgments. “These include differences in education and experiences; vagueness of concepts, especially moral concepts; complexity of factual evidence; differences in the weight that people assign to the same considerations and evidence; and the complexity of normative considerations on both sides of a controversial issue.”⁵⁰⁴ This suggests that even if others fail to understand what we clearly know to be the truth, the burdens of judgment suggest that reasonable citizens will continue to regard others as retaining their status as deserving respect, recognition and cooperation. So, reasonable citizens, according to Rawls, will appreciate the burdens of judgment, realize that sensible disagreements exist on their account and maintain a desire to respect and cooperate with others.⁵⁰⁵ Keeping in mind that the context in question is entirely political and not ethical, the Augustinian Christian can respect the burdens of judgment and the fact of reasonable disagreement. At least, there is nothing in their comprehensive doctrine that implies this is impossible for them.

⁵⁰³ Rawls 2005, pp. 54-58.

⁵⁰⁴ Freeman 2007, p. 347. See also Rawls 2005, pp. 56-7.

⁵⁰⁵ Religious claims do not usually converge on truth. Reasonable people will forever disagree about religious claims. Unlike some other claims, say scientific claims, the free exercise of reason will eventually, at least in theory and on most issues, converge on what is the truth. This is, once again, why reasonable citizens respect the burdens of judgment.

Finally, if a citizen is reasonable then they will desire that others view them and their political opinions as reasonable. No reasonable citizen wants their fellows to see them as difficult to deal with, unfair or in some respect, extreme or imbalanced. They want to be regarded by their peers as judicious, evenhanded and sensible. And they want their political opinions to be likewise respected.⁵⁰⁶ To be sure, when speaking of the political domain and not the ethical, many Augustinian Christians will want their political views to be seen as “fair and sensible” by their unbelieving counterparts. In this way they can maintain that liberty of conscience, for example, is an important political value to be protected and esteemed, while at the same time maintain that moral goodness (certainly moral perfection) requires the grace of God.⁵⁰⁷

Bringing these points together: reasonable citizens (a) cooperate with others according to fair terms (b) recognize the relevance of the burdens of judgment and (c) desire to be reasonable and to be seen by others as reasonable. Now, it is critical that the reader keep in mind that the context here is political, with the focus on citizens, not *persons* as such. Also, note that in *Political Liberalism* the autonomy needed to achieve the requisite minimum degree of reasonableness is political and not moral in nature.⁵⁰⁸ As Rawls says, when “full autonomy is achieved by citizens: it *is* a political and *not* an ethical value.” He goes on to say, “by that I mean

⁵⁰⁶ See Freeman 2007, p. 347.

⁵⁰⁷ Rawls argues that the aforementioned characteristics influence the political conduct of reasonable citizens in important ways. Freeman is helpful on this point, putting Rawls’s view succinctly: Reasonable people are not egoists; they are not concerned only with promoting their own interests. Rather they recognize the independent validity of other’s claims (PL, 52). Also ‘they take into account the consequences of their actions on others’ well-being’ (PL, 49n.). They are willing to govern their conduct by a principle from which they and others can reason in common (PL, 49n.) In addition, reasonable persons are sensitive to the reasons that others have that stem from their conceptions of the good. They do not just act on what is rational from their own individual perspective, but take into account others’ points of view in deliberating on their actions and deciding what is rational for themselves to do...they are willing to rationally pursue their ends according to fair terms of reciprocity that respect others as equals...since reasonable persons want to cooperate with others on terms they can accept, they address others who hold comprehensive doctrines contrary to their own ...in terms of public reasons within the ‘public political forum’ ...the idea of public reason [therefore] is connected with the moral motive of reasonable persons to justify themselves to others in terms of principles that other reasonable persons could not reasonably reject. See Freeman 2007, p. 348-9.

⁵⁰⁸ Rawls 2005, p. 77.

that it is realized in public life by affirming the political principles of justice and enjoying the protections of the basic rights and liberties; it is realized by participating in society's public affairs and sharing in its collective self-determination over time."⁵⁰⁹ So, is this something Augustinian Christians can do?

Nothing prevents the Augustinian from exercising full political autonomy in the sense laid out here by Rawls. Though the Augustinian Christian may struggle to see how they might have moral autonomy as persons apart from grace, this does not preclude their having political autonomy as citizens. Surely they are capable of affirming just political principles and "enjoying the protections of the basic rights and liberties" that these afford them and others. Furthermore, the fact that persons are unable to do perfect moral actions apart from divine grace does not prohibit Augustinians from seeing it as a great good to politically participate "in society's public affairs" and to share "in its collective self-determination over time." So, *prima facie*, there is nothing about the Augustinian's religious doctrine of depravity and grace that necessitates their not being able to affirm these features.

It seems to me that Augustinian Christians can be reasonable citizens, or at least not unreasonable. It is at least possible, certainly conceivable, and in many liberal democratic societies where Augustinian Christians now live that they sincerely affirm their doctrinal commitment to human depravity and the need for divine grace while at the same time affirm the practical value of working with others politically. If this is the case then it is difficult to make the claim that such citizens are unreasonable. Nevertheless, the question now becomes this: even if some Augustinian Christian citizens can be conceived of as being reasonable, is it the case that their comprehensive doctrine (i.e., Augustinian Christianity) is a reasonable doctrine on Rawls's view? Put differently, perhaps many Augustinian Christians in liberal democratic societies can

⁵⁰⁹ Rawls 2005, p. 77-8, italics mine.

be bent toward liberal political values so that they can possess the requisite minimum degree of reasonableness needed for political standing. Nonetheless, we should still consider the degree to which Augustinian Christianity is a reasonable comprehensive doctrine, or at least not an unreasonable one.

6.3 *On Rawls's Conception of Reasonable Comprehensive Doctrines*

With respect to Rawls's explanation of "reasonable comprehensive doctrines," he is intentionally inexact. He aims to avoid the danger of being too exclusive and thus, dismissing doctrines unnecessarily.⁵¹⁰ If a comprehensive doctrine adheres to an established tradition and meets some sensible provisions, Rawls is hesitant to exclude them from the domain of the reasonable. He says that, "Political liberalism counts many familiar and traditional doctrines—religious, philosophical, and moral—as reasonable *even though we could not seriously entertain them for ourselves, as we think they give excessive weight to some values and fail to allow for the significance of others.*"⁵¹¹ In other words, Rawls thinks that political liberalism can embrace many very dissimilar ways of life (like Augustinian Christianity), ways of living and thinking for example, that some reasonable citizens may find erroneous or distorted in some significant respect.

Undoubtedly, some reasonable citizens will view the reasonable comprehensive doctrines of very different ways of life as peculiar, ill-conceived, misguided or even foolish. Yet, this is not itself a strike against the tradition in question. Rawls is highly reluctant to label *any* established tradition as "unreasonable." To be sure, this reluctance leaves us with ill-defined criteria for what exactly is a reasonable comprehensive view. When, however, we turn to the text

⁵¹⁰ Rawls 2005, p. 59.

⁵¹¹ Rawls 2005, p. 59-60, italics are mine.

of *Political Liberalism* we find that Rawls has provided some help in identifying *reasonable* comprehensive doctrines.

In laying down his conditions, Rawls says that reasonable comprehensive doctrines are exercises in theoretical and practical reasoning. This means that reasonable comprehensive doctrines should provide an intelligible view of the world. They should address the essential religious and philosophical questions of human life in a way that is roughly consistent and coherent. They will also organize and characterize their values in a way that is compatible with a morally acceptable point of view (e.g., they will not seek to morally justify terrorism or slavery). Finally, although comprehensive doctrines are not fixed and unchanging, Rawls believes that they should belong to, or draw upon, “a tradition of thought and doctrine.”⁵¹² So, reasonable comprehensive views ought to be tied to a historically recognizable community.

It seems to me that the Augustinian Christian tradition can fit Rawls’s vague criteria. At the very least, the burden is not on the Augustinian to prove themselves reasonable, the burden is on those who claim that Augustinian Christianity *does not* (1) exercise theoretical and practical reasoning, (2) provide an intelligible view of the world and (3) organize and characterize their values in a way that is compatible with a morally acceptable point of view. In the absence of any compelling and unambiguous reason to think otherwise, Augustinian Christianity adheres to Rawls’s ill-defined criteria of a reasonable comprehensive doctrine. Thus, Rawls would, I think, contend that they are *not* guilty of charge of unreasonableness unless they are proven so beyond a reasonable doubt. Indeed, it would be surprising if Augustinian Christianity were not so regarded given Rawls’s ambition to bring together citizens with comprehensive doctrines, religious and nonreligious that are irreconcilable.

⁵¹² Rawls 2005, p. 59

We might also ask: to whom must an established tradition be regarded as reasonable, or at least not unreasonable? For example, who must affirm that the theoretical doctrines, or, practical values, of one comprehensive doctrine or other are intelligible, consistent and coherent? To whom, for instance, must the doctrine of human depravity and the need for divine grace be intelligible, consistent and coherent? Who has to assess whether the Catholic doctrine of papal infallibility is reasonable or whether the Buddhist belief in *Samsara* is intelligible, consistent and coherent? Certainly the adherents of these traditions affirm them, but to many outside these systems, they are obviously unintelligible and perhaps, even gravely unreasonable views of the world. To say however, that non-adherents of these systems must decide whether they are intelligible is to already stack the deck against them. This was something that Rawls aims to avoid. Rather, Rawls's liberalism does not take a stand on which doctrines are reasonable or not. In cases like this, *Political Liberalism* only asks whether it is conceivable that such a comprehensive doctrine can affirm a reasonable political conception of justice. If it is, then Rawls leaves it up to the tradition to work out their own metaphysical, religious and philosophical positions.

The fundamental idea behind a *reasonable* comprehensive doctrine is that they “recognize the burdens of judgment” and the importance of liberty of conscience.⁵¹³ Reasonable comprehensive doctrines recognize that there is “no reason why any citizen, or association of citizens, should have the right to use the state’s power to favor a comprehensive doctrine, or to impose its implications on the rest.”⁵¹⁴ So, the question is must Augustinian Christianity oppose this point on account of their belief in human depravity and the need for divine grace?

⁵¹³ Rawls 2003, p. 191-2.

⁵¹⁴ Rawls 2003, p.191.

It must be acknowledged that any Augustinian Christian or any Augustinian tradition affirming an autocratic or dictatorial political doctrine is politically unreasonable. So, this will certainly rule out some Augustinian Christians and traditions as unreasonable. But this does not imply that Augustinian Christianity *must* be regarded as an unreasonable comprehensive doctrine. At the very least, it is not obvious that Augustinian Christianity *is* affirming or *must* affirm or *likely* will affirm any such authoritarian doctrine. Indeed, above (section five) I was careful to offer reasons for thinking that Augustinian Christianity could embrace a constitutional consensus (as something more than a mere *modus vivendi*). That is, I attempted to show that Augustinians Christians can be political liberals and not for mere prudential reasons.⁵¹⁵ They can embrace many liberal ideals out of a genuine commitment to secure their temporal peace and stability. They might also affirm a constitutional consensus as a great political good since it takes measures to protect religious freedom and association, including *their* religion. Thus, Augustinian Christianity does not, or at least, need not seek to seize state power to secure or impose their way of life in liberal democratic societies.

6.4 *On Rawls's Reasonable Moral Psychology*

One objection likely to be forthcoming is that Augustinian Christians embrace a skewed moral psychology. For Rawls, one “special feature” of being a reasonable citizen is having a “reasonable moral psychology.”⁵¹⁶ On Rawls’s account, however, there is no reason to think that Augustinian Christians lack a reasonable moral psychology in the requisite minimum sense.

Rawls’s describes a reasonable moral psychology (with respect to the political and not the ethical) as (a) “their readiness to propose and to abide by fair terms of cooperation” and (b)

⁵¹⁵ I concluded that: a constitutional consensus is a reasonable political conception of justice. Augustinian Christians can affirm a constitutional consensus. Therefore, Augustinian Christians can affirm a reasonable political conception of justice.

⁵¹⁶ Rawls 2005, p. 82f.

they recognize the burdens of judgment and want to be participating citizens.⁵¹⁷ As stated above, there is no reason in principle why an Augustinian cannot politically fulfill these criteria.

In addition to this, *Political Liberalism* provides a brief discussion of certain desires which Rawls takes to make up the “moral sensibility of the reasonable.”⁵¹⁸ The desires he considers are: object-dependent, principle-dependent and conception dependent. Quickly, with respect to object-dependent desires the “object of desire or state of affairs that fulfills it, can be described without the use of any moral conceptions” rather it recognizes there is an important distinction between moral and non-moral ideas and principles. Principle-dependent desires (as tied to reasonable principles) are those that regulate how an individual, group or communities “are to conduct themselves in their relation with one another.” In other words, certain principles govern their actions and desires: “principles of fairness and justice that define the fair terms of cooperation are canonical examples.” Finally, conception-dependent desires are desires that require a reasonable conception for full articulation. Notice that the basic features of these sorts of desires need not be rejected by Augustinian Christians.

It would be mistaken to suppose that the Augustinian’s view of human nature precludes them from accepting these various desires. For one thing, Rawls stresses that his moral psychology “drawn from the political conception of justice as fairness. It is *not* a psychology originating in the science of *human nature* but rather a scheme of concepts and principles for expressing a certain political conception of the person and an ideal of citizenship.”⁵¹⁹ In so far as Rawls’s moral psychology is not drawn from, or dependent upon, some secular view of human nature the Augustinian will find it more agreeable. In any event, it is clear that one does not need to embrace Rawls’s particular conception of human nature to affirm a healthy moral psychology.

⁵¹⁷ Rawls 2005, p. 81.

⁵¹⁸ Rawls 2005, p. 82.

⁵¹⁹ Rawls 2005, p. 86-7.

For this reason, I think it is sensible to suppose that there is nothing in Rawls's account of a reasonable moral psychology that an Augustinian Christian *must* reject.

Furthermore, even if there were something in this moral psychology that an Augustinian Christian must reject or revise, it is not obvious that this would render them unreasonable in a way that is politically troubling. Recall that Rawls acknowledges that there are many possible moral psychologies.⁵²⁰ So, again, just because the Augustinian Christian might reject or revise Rawls's preferred moral psychology this does entail they have an unreasonable moral psychology. It might be that they, nevertheless, have a reasonable (or at least not unreasonable) moral psychology. For example, it seems to me that Augustinian Christian will recognize the relevant desires are necessary for a good moral psychology. They will, however, hold that although these desires may be necessary, they are not sufficient to move to them to action. So, the explanation that Rawls provides is inadequate in and of itself. Augustinian Christians will insist and in order to move one to action such desires also require the grace of God. But how does the fact that divine grace is also required strip the Augustinian Christian of a reasonable moral psychology? Certainly, Rawls would not suggest that it does.

So, as I argued above, the disagreement between Augustinians and their unbelieving peers rests on the belief that humanity—if we are to be redeemed from our immoral condition—must be so redeemed by divine grace. Political institutions, conceptions or policies are not sufficient for the task of redeeming humanity from their plentiful condition. In other words, divine assistance is needed for moral action and reformation. So, Augustinian Christians will insist that we are only able to act in accordance with a good moral psychology with divine assistance. So, is this disagreement sufficient to dismiss the Augustinian Christian as unreasonable?

⁵²⁰ Rawls 2005, p. 87.

There are at least three reasons to think the Augustinian Christians are not unreasonable on account of their moral psychology. First, Rawls does not say what brings reasonable citizens to recognize others as reasonable. To be sure, Rawls does not think that a particular sort of reasoning process validates us as reasonable. So, given this fact, it is possible, as the Augustinian claims, that the reasonableness of any individual is just the manifestation of God's common grace upon humanity. At a minimum, there is nothing in Rawls's view (as a political liberalism) that is at odds with this claim.

Second, the Augustinian's claim here is not an empirical one. Many people, even unredeemed individuals, manage to be reasonable. So, it must be stressed that Augustinians are *not* saying, as a matter of empirical fact, that people cannot be reasonable without divine assistance. Rather, the Augustinian's claim is purely metaphysical in nature; a matter of religious belief. That is to say, at the core of humanity there is a fundamental flaw—i.e., humans are bent toward sin. So, our actions are tainted by selfish ambition and/or pride. For this reason, human beings are easily led astray by their own desires and enticed, which in turn clouds our reasonableness. When human beings manage to act reasonably, however, they do so because God has graciously enabled them to do so. Thus, reasonableness is not something we can boast about on our own. Rather, it is a gift of God. So, the Augustinian Christian's claim is not a scientific explanation, but a metaphysical description of a deeper reality. Thus, once again, this is not incompatible with political liberalism

Finally, in so far as the Augustinian Christian holds that human beings manage to be reasonable only through God's grace one is correct in claiming that moral autonomy is in some sense ruled out. However, as I have tried to stress above, political liberalism does not rest on a view of moral autonomy. Rather, the principle form of autonomy in question is political in nature

and the view of political autonomy that it embraces is not one that Augustinian Christians must reject as incompatible with their own comprehensive doctrine. Augustinians do not claim that unredeemed human beings do not merit fair terms of cooperation or political justification. I argued above (section five) that Augustinian Christian can participate in a constitutional consensus and so, can still affirm a reasonable political conception of justice.

6.5 *Conclusion*

It is not likely to be the case that Augustinian Christians will participate in a full overlapping consensus. If pressed, these citizens may unenthusiastically concede (i.e., reluctantly compromise) that justice as fairness has instrumental value—because it brings relative peace and stability—but what they will never be able to do is readily endorse a view of justice without divine grace. So, it seems to me that Augustinian Christians, if they ever do endorse Rawls’s liberalism, will do so only “grudgingly and reluctantly” and not “warmly and wholeheartly” and this is because their view of human nature suggests a moral psychology at variance with the one Rawls uses. But although an overlapping consensus may not be forthcoming, they can affirm a constitutional consensus. Recall, however, that unreasonable doctrines, on Rawls’s view, cannot share in a constitutional consensus. They can only join in a *modus vivendi*.⁵²¹ The reasons I have provided in section five, however, suggest that it possible to suppose that Augustinian Christians can share in a constitutional consensus. Thus, if they can share in a constitutional consensus (as section five contends that they can) then it would seem that any unreasonableness must lie elsewhere (perhaps in their moral theology but not in their public life).

One final word, at many points Rawls emphasizes that he is starting with deliberately loose ideas of reasonable persons and reasonable comprehensive doctrines. This is because the

⁵²¹ See Rawls 2005, p. 489.

aim of *Political Liberalism* is to establish the stability of justice as fairness given as wide or permissive a view of reasonable pluralism as possible, one that is characteristic of contemporary liberal democracies. Rawls's ambition is to make his overlapping consensus (and argument for SRR) and to then leave it up to the adherents of these doctrines to work out their own internal accounts of how their own comprehensive doctrines cohere with political liberalism. Thus, in one sense, part of my project has been to assist Augustinian Christians in seeing that they do not really have compelling reasons to refuse political liberalism in the ways that some have argued (see chapter two for example). Rather, in the end, what ultimately divides Augustinians from Rawlsians is a matter of seeing human nature as fallen and redeemed by God's grace and not whether they are capable of reasonableness. It is sensible for Augustinian Christians to see themselves, and for others to understand them, as saying that human beings are able to be moral persons only through God's grace. At the same time, however, this does not preclude their acting as politically reasonable citizens out of their commitment to constitutional values and procedures they support as being protective and tolerant of their way of life. So, in the end, the division between Rawls and Augustinians does not prevent them from sharing in a constitutional consensus.

In sum, my core claim in this section is that there is nothing in the Augustinian Christian's religious doctrine of human depravity and the need for divine grace that necessarily entails that they are politically unreasonable citizens or adhere to a politically unreasonable comprehensive doctrine. It seems to me that the burden to show otherwise is on those who insist that such citizens are, in fact, politically unreasonable and do, in fact, hold an unreasonable

comprehensive doctrine.⁵²² In the absence of an unambiguous reason to this effect it is sensible to maintain a presumption in favor of reasonableness.

⁵²² Thanks to David Reidy for his help throughout this section.

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Vita

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