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Rawls on Religion in Public Debate

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INTRODUCTION

Can religious argument be a part of public political debate in a modern liberal democracy? Can religious believers genuinely affirm the rules of liberal democracy without losing their own identity and moral integrity? Is there a justification for "privatizing" religion for the sake of political values such as public peace or stability, or for advocating a law on the basis of an appeal to strictly religious reasons, in spite of the modern differentiation of politics from religion?

The questions with which I begin this study are intensively debated in contemporary political philosophy. Nobody reasonably questions the possibility of entertaining religious arguments in our private life – they are simply a part of our ongoing ethical conversation, in that some of our deepest desires, needs, values, goods, and duties are derived from religious experience. Such experience is often an essential element of the philosophy in terms of which we conduct our lives. Yet serious disagreements emerge when the relationship between religion and politics comes to be debated. The main problem pertaining to the presence of religion in what theorists like to call the "public square" – meaning, broadly, the arena of public discourse internal to a society – is not the issue of having a religious world view as such, but rather that of there being a plurality of religious and philosophical goods, values, norms, etc., which are not always compatible, because their content cannot be a matter of public consensus. As Amy Gutmann and Dennis Thompson rightly state,

when seeking to address the problems of contemporary democracy: "Political decisions are collectively binding, and they should therefore be justifiable, as far as possible, to everyone bound by them" (Gutmann and Thompson, 1996, 13).

Pluralism within society entails a very basic conflict between two values. The first of these is the requirement for public justification of political arguments, based on shared values. The second is what John Stuart Mill, in *On Liberty*, called the pursuit of "our own good in our own way" (Mill, 17), and what William A. Galston calls "expressive liberty", whose core is the "ability of individuals and groups to lead their lives as they see fit" (Galston, 2005, 45). This conflict prompts the question about the possibility of, and conditions for, religious constraints being admitted into public political debate.

The tradition of liberalism has developed both the idea of a separation of the state from religion and the idea of religious freedom itself. However, it hasn't ever reached agreement about any detailed solutions with regard to these matters. Seeking to strike a balance between radical secularization on the one hand, and friendly cooperation between church and state on the other, when it comes to the religious neutrality of the state liberal democracies exhibit a range of variants. However, despite the differences, there is common agreement about the foundations of religious freedom: religious apostasy should not be recognized as a crime in civil law, and nobody can be forbidden from, or coerced into, maintaining religious convictions and practices.

From a theoretical standpoint, there are three possible directions we might go in when seeking a solution to the problem of the differentiation of religion from politics:

a) religious exclusivism or state secularism – in which religious arguments are simply excluded from political life, and religion is effectively limited to the private sphere and to the realm of religious organizations (Robert Audi, Richard Rorty);

b) religious inclusivism – in which religious arguments are accepted within political life, even where such reasoning is taken to constitute a basis for coercive laws (Michael Perry, Christopher Eberle);

c) various mixed forms – public religious arguments are accepted conditionally, subject to various kinds of limiting constraints

(a group far from unanimous in their opinions, including a variety of authors, such as John Rawls, David Hollenbach, Nicholas Wolterstorff, Kent Greenawalt, Jeffrey Stout, Anthony Laden and Paul Weithman). [1]

The topic of my research is the conception of political liberalism developed by John Rawls in his 1993 book *Political Liberalism* [PL], and revised in his well known article from 1997, "The Idea of Public Reason Revisited" [Idea]. I shall argue that Rawls offers a promising alternative to both secular liberalism and religious fundamentalism. His conception has been widely debated, attracting both support and criticism.

Although *Political Liberalism* is not a treatise about religious freedom, the role of religion figures as an important issue in this book. Rawls's conceptions of political justice and public reason imply some religious constraints in public debate. However, the same constraints are also imposed on all other comprehensive doctrines – philosophical, moral, etc. By introducing the concept of reasonableness, Rawls opens up a new perspective on the question of religion and liberalism. He expresses this problem more sharply in the Introduction to the Paperback Edition of PL, and in the article "The Idea of Public Reason Revisited", indicating that religious doctrines, especially ones that are fundamentalist or, at least, less sympathetic to liberalism, are the real test of a well-ordered society. [2]

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[1] Daniel Dombrowski (2001: 114) establishes four categories: *pure exclusivism* (Rorty, Gray), *partial inclusivism* (Rawls, Audi), *partial exclusivism* (Quinn, Smolin, Wolterstorff) and *pure inclusivism*. Hollenbach (1991, 87-106) mentions three approaches toward religion in public life: a) a liberal democratic stance with secularist implications (Rorty and Rawls as a moderate secularist), b) a view endorsing the fundamental presuppositions of liberal democratic theory while seeking to provide greater public space for religion (Greenawalt), and c) a critique of standard liberal democratic theory that seeks to justify a much greater public role for religious convictions (Perry, Lovin).

[2] In the Introduction to the Paperback Edition of PL, Rawls writes that the problem of building a just and stable society of free and equal citizens is relatively easy where different reasonable liberal doctrines are concerned. He writes: "Thus, the question should be more sharply put this way: How is it possible for those affirming a religious doctrine that is based on religious authority, for example, the Church or the Bible, also to hold a reasonable political conception that supports a just democratic regime?" (PL, xxxix). Religion engages even more of his attention in "The Idea of Public Reason Revisited", where the whole section entitled "Religion and Public Reason in Democracy" is devoted to dealing

Rawls's way of thinking about religion might be summarized by two statements. The first comes from "The Idea of Public Reason Revisited": "There is, or need be, no war between religion and democracy" (Idea, 176). The second, in *Political Liberalism*, claims that "under reasonable pluralism the religious good of salvation cannot be the common good of all citizens" (PL, xli). To identify the proper place for comprehensive doctrines in political life is one of the major tasks of political liberalism. Accomplishing this for religion amounts to more than just answering certain questions that are important for all religious citizens: it would also constitute a real test of the workability of political liberalism. Rawls is trying to explain both the positive role of religion and the need for limits and constraints to be imposed on it in public life.

In this study, I aim to present Rawls's views concerning religion and politics in the context of the conflict of values which emerges in liberal democracy, and to consider the various different attitudes to this problem found in contemporary political philosophy. In Chapters One and Two, my intention is to outline the original project of Rawls himself, concentrating on his key ideas: the demarcation of public culture, background culture and private culture, his conception of reasonableness, wide public culture and the wide proviso of public reason, and of the liberal principle of legitimacy and that of reciprocity. I will also cover Rawls's conception of the religious person as a "wholehearted" citizen in a liberal democracy.

In Chapter Three, I present the disagreement between Rawls and Christopher Eberle about religious argumentation in public life. According to Eberle, religious constraints violate both religious freedom and the liberal principle of living life as one has chosen to do so. I focus on the critique of Rawls's ideas of reasonableness and mutual respect, which in his system furnish the principal reasons for the constraints of public reason. I also examine the problem of inclusion of religious groups which contest mainstream liberal culture.

In Chapter Four, I discuss the views of Robert Audi – his affirmation and his critique of political liberalism. Audi criticizes Rawls from a different standpoint than Eberle. Seeking to identify shared

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with the problem of the compatibility of religions with the institutions of political liberalism.

public reasons for instituting coercive laws, he advocates two main principles for civic ethics: the principles of secular reason and of secular motivation. He also argues that political liberalism cannot refrain from entertaining some definite conception of the good.

In Chapter Five, I try to respond to both of these kinds of challenge to Rawls's political liberalism. His conception is *de facto* an alternative to both secular liberalism and religious fundamentalism: he neither privatizes religion nor promotes a secular culture. What he does do, though, is propose some mechanisms to defend against religious intolerance or religiously (or doctrinally) motivated discrimination. I examine the application of the wide proviso of public reason and investigate various other philosophical conceptions as potentially complementary to Rawls's. Subsequently, I attempt to compare his views with those of Jürgen Habermas, concentrating on the problem of translation of religious values into political ones.

This study closes with an Addendum whose purpose is to offer a comparison between Catholic social teaching and political liberalism. I spell out the overlap between these two doctrines, both with regard to the values of religious freedom and tolerance and with respect to the idea of the common good. I show that the demarcation between morality and law need not lead to the privatization of religion: being subject to forms of constraint need not prevent the Catholic Church from active engagement in the public sphere.

It is a debated question whether Rawls's project of a well-ordered society is a highly idealized one or a sound theory based on moral rights and duties. Do Rawls's duty of civility and virtue of reciprocity really belong within a theory of justice, or do they lie beyond the scope and reach of all principles of justice? This book represents one sort of attempt at helping to answer that question – in this case by considering it in the light of the issues surrounding the role of religion in public debate.

CHAPTER ONE

THE POLITICAL LIBERALISM OF JOHN RAWLS

The main goal of political liberalism

For Rawls, achieving a just and fair social order was always an over-
riding concern. In his most famous book, *A Theory of Justice*, he took
to working out the universal principles of social justice which, he
thought, would be acceptable to all rational persons in the wake of
a due process of reflection, drawing heavily on Immanuel Kant's
principle of autonomy. Shortly after the publication of *Theory*, Rawls
began to increasingly acknowledge the fact of pluralism in respect
of the moral, philosophical, and religious views present in society.
From the 1980s on, he tended to use the term "political liberalism",[1]
by which he meant to describe the ideal of a stable, just and plural-
istic society of free and equal citizens. The main source that we have
now for his conception of political liberalism is the book, first pub-
lished in 1993, entitled *Political Liberalism*.[2]

    The general goal of his new project was to answer the ques-
tion: "How is it possible that deeply opposed though reasonable

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[1] Rawls uses this term in his articles "The Idea of an Overlapping..." (Rawls
1987, 23f) and "The Priority of Right and Ideas of the Good" (Rawls 1988, 271, 273
and 275). As he declares in his Introduction to the first edition of PL, the idea of
political liberalism "began to take shape" in his mind in the late 1970s (PL, xxxiii).

[2] All references to *Political Liberalism* [PL] are to the paperback version.

comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?" (PL, xx).[3] As a project, *political liberalism* derives from a longstanding liberal tradition of political thought, traditionally focused on the rights, liberties and autonomy of individuals, on respect for democratic rules and the free market economy. Political liberalism stresses the fact of pluralism within a society, together with the neutrality of the state. Autonomy is no longer the basic value: instead, the main organizing ideas are those of society construed as a fair system of cooperation, and of persons as free and equal citizens.

Rawls states that modern liberal society is characterized not by a simple pluralism pertaining to diverse philosophical, religious and moral views as such, but rather by "a plurality of reasonable yet incompatible comprehensive doctrines", which is "the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime" (PL, xviii). The legitimacy of political power cannot be drawn from any particular world view; nor, even, can it come from rough-and-tumble compromises such as might occur between various competing views and doctrines.[4] The basic rules legitimizing the political system are instead derived from ideas implicit in the public political culture of a democratic society as such.[5]

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[3] *Comprehensive doctrines* are just those philosophies of life which include religious, moral, and philosophical convictions. This definition leaves room for both religious and secular doctrines. A *political conception of justice* is a conception specifying "the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life, from one generation to the next" (PL, 3).

[4] "Thus, a main aim of PL is to show that the idea of the well-ordered society in Theory may be reformulated so as to take account of the fact of reasonable pluralism" (PL, xliii). "(…) [I]t is the fact of reasonable pluralism that leads – at least me – to the idea of a political conception of justice and so to the idea of political liberalism" (PL, xlvii).

[5] Rawls's view here overlaps with that of Charles Larmore, who presents political liberalism as that version of it which abstains from values connected specifically to individualism and which stresses, instead, the value of rational dialogue, equal respect and neutrality on the part of the state (Larmore, 1996, 144-145).

The philosophical paradigm

The question of political legitimacy requires that we engage in reflection about the very foundations of society. Rawls was strongly inspired by the methodology of Kant, who simply "begins analytically by elucidating the underlying principle(s) implicit in our commonsense judgments of moral worth" (History, 146). Similarly, Rawls, at the very outset of *Political Liberalism*, analyzes the most fundamental ideas of the political culture of a liberal democracy, along with the simple and sincere judgments of citizens. In his historical inquiry, he sets out to depict both the principal ideas governing modern societies and the philosophical paradigm of modernity in Western civilization. His key statement in this regard is that "[f]or the ancients the central problem was the doctrine of the good and for the moderns the central problem was the conception of justice" (PL, xl).

In modern times, as a result of the Reformation, the modern state and the developments of modern science, moral philosophy has turned towards a different paradigm: the question of the content of moral obligations has been preceded by the question of morality's own basis (History, 11). The historical experience of the Reformation and its aftermath has proved that modern democracy does not require one leading comprehensive doctrine as its glue. Instead of referring to some religious or philosophical goods, Rawls proposes that we make use of a conception of justice which, in contrast to that which treats it as congruent with our comprehensive goods (as it was taken to be in *Theory*), is now presented as political justice. Rawls finds intellectual support in the theories of such different philosophers as Hume or Kant, who provide solid foundations for modern ethical doctrines, especially when they declare, from different perspectives, that "the knowledge or awareness of how we are to act is directly accessible to every person who is normally reasonable and conscientious" (History, 11).

What engenders a society is the fact of cooperation occurring within a group of persons. Our author says that the principle of that cooperation should not be derived either from God's law or from an independent moral order, but instead should be "established by an undertaking among those persons themselves in view of what they regard as their reciprocal advantage" (PL, 97). The presumption of

some sort of social cooperation in a modern democracy is implicit in the idea of free and equal citizens. This is a paradigmatic notion for Rawls.

Thus, Rawls's conception of society corresponds to the idea of a fair system of cooperation sustained over generations. This notion is accompanied by two others: the conception of persons as free and equal citizens, and the idea of a well-ordered society as a society effectively governed by a political conception of justice. With this presumption, Rawls is able to formulate his introductory question: "[W]hat is the most appropriate conception of justice for specify-ing the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life, from one generation to the next?" (PL, 3). A central goal of political liberalism, then, is to develop a political conception of justice that could be freely endorsed by adherents of any of the plurality of reasonable comprehensive doctrines that exist, be they liberal or nonliberal, religious or nonreligious.

The next element of the philosophical paradigm is the fact of their being in place a reasonable pluralism, combined with a moral pos-tulate of tolerance, in such a society.[6] A reasonable pluralism means "a diversity of opposing and irreconcilable religious, philosophical, and moral doctrines" (PL, 3-4). This pluralism is "the inevitable out-come of free institutions" (PL, 4).[7] A system of fair terms of coopera-tion is a system of public rules in a political sense. The fair terms of cooperation have to be acceptable to all citizens, with the latter seen to be free and equal, where this in turn means that the principle

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[6] Within contemporary liberal democracies, it is common knowledge that the fact of pluralism is a deep, highly relevant, and widespread consequence of free-dom of thought and expression, and cannot simply be ignored (cf. Daniels, 1996, 146).

[7] When describing the political culture of a democratic society, Rawls men-tions three features: a) the fact of there being a reasonable pluralism; b) "the fact of oppression" – namely, that the sharing of one common comprehensive doctrine can be maintained only through the oppressive power of the state; c) the fact that "an enduring and secure democratic regime" can only be maintained by being freely supported by the vast majority of the politically active members of a socie-ty (PL, 36-38). Rawls also adds, for the sake of completeness, a fourth feature: "the fact that the political culture of a democratic society, which has worked reason-ably well over a considerable period of time, normally contains, at least implicit-ly, certain fundamental intuitive ideas from which it is possible to work up a po-litical conception of justice suitable for a constitutional regime" (PL, 38, n. 41).

of reciprocity must be respected. In Rawls's theory, the principle of reciprocity lies somewhere between altruism and a principle of mutual advantage. In his own words, this is a relation "expressed by principles of justice that regulate a social world in which everyone benefits judged with respect to an appropriate benchmark of equality defined with respect to that world" (PL, 17).

For Rawls, one highly relevant question is the following: "[H]ow are the fair terms of cooperation to be determined?" (PL, 22). He answers that "the fair terms of social cooperation are conceived as agreed to by those engaged in it, that is, by free and equal citizens who are born into the society in which they lead their lives" (PL, 23). Rawls lists the "validity" conditions of such agreement: "these conditions must situate free and equal persons fairly and must not allow some persons greater bargaining advantages than others" (PL, 23).[8] Such requirements exclude any kind of "threats of force and coercion, deception and fraud" (PL, 23). These, however, are only very general principles – ones that still need to be rendered intelligible in more concrete terms, in the light of the principles of justice and the institutions of the basic structure.

Basic concepts

The political conception of persons

The evolution in Rawls's views pertains not only to his conception of justice, but also to his conception of persons. The person as *moral agent* in *Theory* has been transformed into the *person qua citizen* in PL. Persons acting as moral agents are understood in light of their moral doctrines; they are seen as subjects who are "capable of exercising their moral rights and fulfilling their moral duties and as being subject to all the moral motivations appropriate to each moral virtue the doctrine specifies" (PL, xlv). Persons are construed in PL both as being free and equal citizens, and as thinking of themselves as free and equal. A citizen here is still a moral person; however, he or she

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[8] A legitimate political order should not depend on "historically accidental or established delusions, or other mistaken beliefs resting on the deceptive appearances of institutions that mislead us as to how they work" (PL, 68).

is viewed from a political standpoint whose scope is limited to relationships of a strictly political kind. Rawls admits that his conception of persons is a moral conception "adapted to a political conception of justice and not to a comprehensive doctrine" (PL, 18, n. 20).

The status of citizenship is conceived as unique, and as standing out as such within the totality of our social life. This status relates directly to the basic structure of society: we are born citizens, and remain citizens until our death.[9] As citizens, we are subordinated to the state's coercive power. Thus, the ideal of the person affects the whole conception of political power, including any constraints on that power. Persons viewed as citizens are capable of a sense of justice and of a conception of the good. Rawls calls those two capacities *the two moral powers*.

The sense of justice is connected with a sense of reciprocity, reasonableness, and a sense of fair cooperation. This is "the capacity for an effective sense of justice, that is, the capacity to understand, to apply and to act from (and not merely in accordance with) the principles of justice" (KC, 312). Sustaining a conception of the good involves, *inter alia,* having the capacity to "form, follow, and revise" that conception (PL, xlvi). The moral powers are completed by "political virtues necessary for them to cooperate in maintaining a just political society" (PL, xlvi), by "the intellectual powers of judgment, thought, and inference", "a determinate conception of the good interpreted in the light of a (reasonable) comprehensive view" and, finally, "the requisite capacities and abilities to be normal and cooperating members of society over a complete life" (PL, 81). Persons are free in virtue of those two moral powers combined with the powers of reason, namely "judgment, thought, and inference" (PL, 19). Persons are equal in virtue of their ability to be fully cooperating members of society.

According to Rawls, "[c]itizens usually have both political and nonpolitical aims and commitments" (PL, 30), which Rawls refers to

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[9] Another problem is the problem of immigration. In PL, Rawls abstracts from this issue in order to "get an uncluttered view of the fundamental question of political philosophy" (PL, 136, n. 4). In his view, immigration is more properly construed as an issue lying within the field of international relations. In *The Law of Peoples,* Rawls declares that most of the traditional causes of immigration, such as political oppression, would "disappear in the Society of liberal and decent Peoples" (Law, 8-9).

as "two aspects of their moral identity" (PL, 31). Of these, one is related to political values, the other to comprehensive ones (cf. PL, 38). [10] In any given case, there will be a public basis for justification of the political conception of justice (PCJ), and also many nonpublic bases for such justification. This dualism is, according to Rawls, a result of "the special nature of democratic political culture" (PL, xxiii). Despite the variety of their personal commitments, the political values of citizens within a well-ordered society are "roughly the same" (PL, 32). The conception of *the person qua citizen* brings Rawls to the conclusion that "while citizens do not have equal capacities, they do have, at least to the essential minimum degree, the moral, intellectual, and physical capacities that enable them to be fully cooperating members of society over a complete life" (PL, 183).

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[10] "[C]itizens individually decide for themselves in what way the public political conception all affirm is related to their own more comprehensive views" (PL, 38).