
The Duties of Religious Citizens and Justificatory Liberalism

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by

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Even angels would not live in peace with men they regarded as enemies of God.

Jean-Jacques Rousseau, *Emile*

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Chapter I

What to Make of Religious Citizens and Religious Reasoning

California's Proposition 8, the ballot proposal designed to restrict the definition of marriage to opposite-sex couples and overthrow a judicial ruling allowing same-sex marriage, is the most recent of many ballot proposals dealing with same-sex marriage. The proposition was supported by members of the Catholic Church, the Church of Latter-Day Saints, Pastor Rick Warren of Saddleback Church, and many other religious groups. While not all who supported the proposition did so from a religious position, it is clear that much of the political capital necessary for its passing was generated by religious views and organizations. Some political opponents to Proposition 8 were so infuriated by the perceived religious involvement that they created and aired a television commercial depicting Mormons invading a lesbian couple's home, taking their rings, and ransacking their home in search of their marriage license. Upon finding the license, they rip it in two. The political commercial ends with the statement, "Say NO to a Church taking over your government."¹

Colorado's Amendment 2, passed in 1992, was written to prevent laws banning discrimination against gays and to nullify gay rights laws already existing in some areas of Colorado.² The political charge for Amendment 2 was led by Colorado for Family Values, a group formed by David Noebel, Tony Marco, and Kevin Tebedo. Colorado for Family Values

¹ "Home Invasion." Television commercial paid for by Courage Campaign Issues Committee. www.couragecampaign.org

<http://www.kutv.com/content/news/topnews/story/California-Anti-Prop-8-Commercial-Depicts->
² I recognize that there are differences between Colorado's Amendment 2 and California's Proposition 8 that may lead many individuals who supported one to not support the other. However, for the purposes of this paper, they are similar in the necessary way to expound on the role of religious reasoning and citizens.

said that their inspiration was a feeling that, “America has deteriorated because it has turned away from literal interpretations of the Bible, and fundamentalist church teaching must play a bigger role in government.”³ Bill McCartney, at the time head coach of the University of Colorado football team, called the homosexual lifestyle an “abomination of almighty God” and supported Amendment 2 on this basis.⁴ Kevin Tebedo said to one church group, “[W]e say that we should have separation of church and state, but, you see, Jesus Christ is the king of kings and the lord of lords. That is politics, that is rule, that is authority. So whose authority is going to rule?”⁵

Is it Proper Outrage?

These sorts of statements often bring outrage to some citizens, while others are worried about the relegation of their religious worldview to only their private lives. Perhaps few issues raise such political ire and dissension as religion in public life often does in American politics. Too often these divisive arguments are accepted as the norm, and the real questions are left unasked and unanswered. Is the Courage Campaign’s advertisement and outrage justified? Are citizens like Kevin Tebedo violating their civic duties when they make such statements? What sorts of principles should govern a citizen’s public reasoning and when have citizens failed in their civic duties?

While the “U.S. Constitution, drafted in 1787 and ratified in 1788,” may be “a godless document,”⁶ Americans are by no means an irreligious people. Perhaps more important than the religiosity of America’s citizens however, is the wide variety in view points.

Arguments over whether America was founded as a Christian nation aside,⁷ it is clear that

³ Keen, Lisa and Goldberg, Suzanne. *Strangers to the Law* pp. 7

⁴ Eberle, Christopher. *Religious Convictions in Liberal Politics* pp. 4

⁵ Keen, Lisa and Goldberg, Suzanne. *Strangers to the Law* pp. 13

⁶ Kramnick, Isaac and Moore, R. Laurence. *The Godless Constitution: A Moral Defense of the Secular State*. pp. 27

⁷ An interesting discussion over this issue can be read in Kramnick and Moore’s *The Godless Constitution*.

we are now, as our newly elected President pointed out, “a nation of Christians and Muslims, Jews and Hindus, and nonbelievers.”⁸ Thus, we might think it important to set some rules about what is required of us, as citizens in a liberal democracy, when we attempt to justify our political views and persuade our fellow citizens. A basic feature of liberal democracies is their tendency toward a pluralistic society. The free institutions in a democracy generate a culture where “a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result.”⁹ These comprehensive doctrines¹⁰ are often irreconcilable. Clearly, this could lead to problems. How are fellow citizens who have differing comprehensive views of truth going to reach agreement or even have reasonable discussions about fundamental public issues? When is our outrage justified? Citizens must reflect on what sort of reasoning is appropriate when fundamental political questions are involved.

One suggested solution to this problem has been Justificatory Liberalism.¹¹ Justificatory Liberalism is a position within liberalism distinguished by its concern with appropriate reasoning. It suggests that we have duties to our fellow citizens. We should treat them with respect and as free and equal citizens. These duties are what ground the principles of public reason which Justificatory Liberals advocate. This view is complex and comes in many different varieties, but its essence can be distilled into two principles.¹²

- (1) **The Principle of Secular Pursuit** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to pursue reasoning which is “properly public.”¹³

⁸ Obama, Barack. *The Inaugural Address*

⁹ Rawls, John. *The Law of Peoples: With “The Idea of Public Reason Revisited.”* pp. 131

¹⁰ Similar to the idea of a worldview.

¹¹ I owe my choice of the term “Justificatory Liberalism” to Christopher Eberle’s work, *Religious Conviction in Liberal Politics*. I am unaware of how prominent this term is used in other philosophical literature, but it seems a fitting and fair terminology.

¹² This is of course my view of Justificatory Liberalism and its basic principles. There may be those who disagree, but that it amounts to these points is a position I will be arguing.

¹³ Exactly what properly public means varies among philosophers. Rawls believes reasoning must be based on “public conceptions of justice” which are available to all in a community and are based on

(2) **The Principle of Moral Restraint** – Citizens in a liberal democracy have an obligation to refrain from advocating and supporting laws unless he/she has reasons which are “properly public”.

The first principle should be understood as a serious goal. Citizens are obligated to make a sincere effort toward language which is accessible to all. They need to pursue a secular rationale. The second principle varies from one justificatory liberal to the next.¹⁴ In essence, if the pursuit of secular rationale fails, then one should withhold their support and advocacy of their favored coercive laws. In addition to these principles about a citizen’s duty, Justificatory Liberalism makes suggestions about what it means to be properly public, and what sorts of reasoning are accessible to everyone.

The Plan

I will be outlining and explaining Justificatory Liberalism, with a particular focus on John Rawls’s and Robert Audi’s versions. I will then explore two problems for Justificatory Liberalism. The first problem deals with how restrictive these principles can be, and whether the Principle of Moral Restraint correctly depicts religious citizens’ civil duties. The second problem deals with a particular type of citizen who may be troubling for the Justificatory Liberal.

The first problem is a worry about how the Principle of Moral Restraint is derived. It clearly does not merely follow from the Principle of Secular Pursuit. Citizens may honestly try their hardest in their pursuit of properly public reasons, but they may fail in this pursuit. What should we expect of religious citizens who fail in their pursuit of a secular rationale, accessible to all, for their favored public policies? I will defend the idea that a citizen is not a bad citizen who supports a position for their personal religious

certain rules he outlines. Audi simply says the reasons must be secular, not dependent on adherence to any religious view or any other comprehensive doctrine.

¹⁴ In this work, we’ll see the difference between Rawls and Audi on this issue.

reasons, after failing in a search for proper public reasons.¹⁵ The Principle of Secular Pursuit requires sincere effort, but it does not tell us what a citizen is to do when they fail in this search. Notice that said citizen would still fulfill this obligation, so long as she made an honest and thorough attempt at pursuing a secular rationale. The duty of respect does not ground restraint on the part of a religious citizen simply because of their religious reasons. This paper will explore this problem and possible responses.

The second problem is that of a particular sort of citizen. This is the citizen with an exclusivist form of a comprehensive doctrine. For the purposes of this paper, I will refer to these sorts of citizens as exclusivist citizens, or sometimes just exclusivists. The exclusivist's comprehensive doctrine has three main features. (1) The religion or comprehensive doctrine does not allow that other comprehensive doctrines could aid one in a search for ultimate truth. Generally, this stance is tied to a high degree of conviction.¹⁶ (2) The religion or comprehensive doctrine claims that anyone outside the view is vulnerable to an extremely large harm for those outside of the religion, and/or an extremely large benefit for those inside the religion.¹⁷ (3) The religion or comprehensive doctrine has some idea of a moral or religious duty to promote the salvation or general well-being of other people.¹⁸ As most justificatory liberals (Rawls and Audi) believe their views to be accessible to all in a liberal democracy, the existence of the exclusivist will be shown to be a problem for the justificatory liberal's mission. Exclusivists have no good reasons to be

¹⁵ The same could be said for personal reasons stemming from other comprehensive doctrines.

¹⁶ This would mean, for example, not only believing in the Bible as an inerrant source of knowledge, but also believing that any other religious view would not be helpful in one's search for knowledge.

¹⁷ For many religions this takes the form of heaven and hell, but there are certainly other possibilities. For instance, we might think of a Marxist exclusivist who believes that those without Marxist views are wage slaves with the wool of capitalism firmly pulled down over their eyes while the Marxist understands and will promote true freedom.

¹⁸ One may wish to add that the religion or comprehensive doctrine does not explicitly endorse ideas like public reason or tolerance. There is of course the theoretical possibility of a comprehensive doctrine which matches the criteria set out here, but considers following ideas of public reason as necessary to salvation or extremely important. Since this seems unlikely and I cannot think of any comprehensive doctrines which accept 1 and 2 but would fail this criteria, it has been relegated to a footnote.

concerned with the civil duties Justificatory Liberalism outline. For exclusivists, 'caring' about their fellow citizens will primarily involve attempts at conversion. In exploring the problem of the exclusivist, we can consider enlightenment period arguments for religious toleration. I will consider the dispute between John Locke and Jonas Proast, who are both arguing from within exclusivism, in their letters about toleration. Ultimately, there does not seem to be good reasons for supporting religious toleration with exclusivism, and these same reasons may be applied to ideas of public reason. Instead, we will consider an argument by Jean-Jacques Rousseau as a better way of grounding religious toleration and the ideas of public reason.

These challenges suggest certain modification. All told, I will defend three points on the topic of religion and public reason. (1) Citizens have an obligation to search for public reasons and to frame their advocacy in secular rationale when this search is successful. On this point, I largely agree with justificatory liberals in grounding this principle on a duty of respect. (2) A religious citizen may be a responsible citizen even while supporting or opposing a law for solely religious reasons. The duty of respect does not require a citizen who fails in their search of a secular rationale to refrain from supporting their favored policy. Instead, we may have good reasons to believe that it is disrespectful to require this of religious citizens. (3) Religious exclusivists have no good reasons to follow the principle of secular pursuit and other liberal principles. An exclusivist who is interested in the general welfare should be more interested in 'saving' the whole world for their comprehensive doctrine. As such, following the principles of justificatory liberalism or being religiously tolerant may be at odds with their perceived moral obligations. At the very least, an exclusivist citizen should not be very concerned with such ideas. Hence, a religious citizen will not fulfill actual moral obligations that citizens in a liberal democracy

have, except perhaps by accident.¹⁹

There are many issues that belong in this territory, and a fuller treatise would deal with all of them. How should governmental bodies and our elected representatives deal with religion? What sort of separation of church and state is suggested in a liberal democracy like ours? There are many other questions that can and should be asked. However, for the purposes of this paper, I will maintain a narrow scope solely concerned with the role of the citizen in a liberal democracy.

Let's begin our exploration of a citizen's reasoning.

¹⁹ One might think because of this that religious exclusivists make inherently poor citizens, and as such perhaps do not deserve full participation as citizens. I do not believe that coercion of religious citizens is therefore justified, though it is an interesting question. I currently do not plan on exploring this problem, but will leave it in order to focus on the other issues outlined here.

Chapter II

Two Views of Justificatory Liberalism and their Basic Principles

A liberal democracy can be a strange creature. Because they are composed of a pluralistic citizenry, one might worry how anything will ever get done. How can people representing so many comprehensive doctrines come together in rational discussion in an effort to sort out problems and make decisions? It is clear that a liberal democracy requires some ground rules, a common language, in order to communicate and make reasonable public decisions. A popular suggested solution has been Justificatory Liberalism.

While varying in details, and perhaps in some cases more significant respects, many prominent thinkers including “John Rawls, Charles Larmore, Bruce Ackerman, Robert Audi, Amy Gutmann, Thomas Nagel, Lawrence Solum, and Gerald Gaus,”²⁰ have held the view which I will refer to as Justificatory Liberalism. Justificatory Liberalism is distinguishable from mere liberalism in that it posits a commitment to the assertion that each citizen should pursue public reasons for his/her supported measures of coercive public policy. It is the justificatory liberal’s view that this claim follows from one’s duty to respect one’s fellow citizens. The justificatory liberal also holds,

Central to the idea of public reason is that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, except insofar as that doctrine is incompatible with the essentials of public reason and a democratic polity.²¹

Justificatory Liberalism is meant to be an open idea accessible to all, or at least a large majority of citizens within a liberal democracy. One should be able to agree with

Justificatory Liberalism, not matter one’s personal comprehensive doctrine. After all, if

²⁰ Eberle, Christopher J. *Religious Conviction in Liberal Politics*. pp. 11

²¹ Rawls, John. *Law of Peoples: With “The Idea of Public Reason Revisited.”* pp. 132. John Rawls refers to his version of Justificatory Liberalism as the idea of public reason.

Justificatory Liberalism was not accessible to the vast majority of a democracy's citizenry, then it would be a poor idea to help such a society deal with the communication issues with which we are concerned.

Justificatory liberalism will vary between thinkers, and how its commitments are spelled out will be important in understand what problems the theory might have. In order to better understand Justificatory Liberalism, I will explore two influential thinkers in the line of thought of Justificatory Liberalism, John Rawls and Robert Audi. After outlining their views, I will show the similarities between the two and how we can construct a generalized Justificatory Liberalism. This generalized Justificatory Liberalism will hold two principles: the Principle of Secular Pursuit, and the Principle of Moral Restraint.

Rawls's Idea of Public Reason

Rawls's essays on his idea of public reason are a good starting place for an understanding of the debate over the place of religion in public life and as an example of Justificatory Liberalism.²² The Idea of Public Reason is not by any means a simple concept. Rawls goes about defining it in a sort of round-about manner, explaining its purpose, describing its multiple aspects, and telling us what it isn't and where it doesn't apply. However, I think a rather straightforward description can be found when Rawls describes how a citizen uses public reason. Rawls writes,

A citizen engages in public reason, then, when he or she deliberates within a framework of what he or she sincerely regards as the most reasonable political conception of justice, a conception that expresses political values that others, as free and equal citizens might also reasonably be expected reasonably to endorse.²³

Rawls's argument for the Idea of Public Reason is that it stems from an ethical duty. We

²² The original Idea of Public Reason can be found in John Rawls's *Political Liberalism*. The paperback version of *Political Liberalism* also contains *The Idea of Public Reason Revisited*. References to the IPR:R will be taken from the version in *Law of Peoples*, and references to IPR will be taken from *Political Liberalism*.

²³ Rawls, John. *Law of Peoples: With "The Idea of Public Reason Revisited."* pp. 140

have a duty of civility, and as the Idea of Public Reason “belongs to a conception of a well-ordered constitutional democratic society,”²⁴ we have an obligation to explain ourselves in public terms, using values known and available to all within society. In a ‘well-ordered constitutional democratic society’ pluralism is to be expected, and if we are to treat our fellows as free and equal citizens (which Rawls believes we have an ethical duty to do so) then we must follow public reason.

This description so far may seem fairly simple, but Rawls gives five aspects to the Idea of Public Reason. These five aspects are,

1. The fundamental political questions to which it applies (the what of public reason)
2. The persons to whom it applies (the who of public reason)
3. Its content as given by a family of reasonable political conceptions of justice (the content of public reason)
4. The application of these conceptions in discussions of coercive norms to be enacted in the form of legitimate law for a democratic people (the legitimacy of public reason)
5. Citizen’s checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity²⁵

The first aspect is that the Idea of Public Reason only applies to political discussions of fundamental questions which take place in the public political forum. These are the questions which are dealt with by public officials on matters of government coercion. This also seems to describe part of the second aspect as Rawls gives three groups who deal with these questions: judges, government officials, and candidates for office. He also seems to include leaders of political movements. In other words, if I am acting as the office of legislator debating on the Senate floor about abortion, then I must appeal to public reason. However, if I am merely sitting around my kitchen table the same rules do not apply. What about the middle ground? What if one is canvassing for a political cause or going door-to-

²⁴ Rawls, John. *Law of Peoples: With “The Idea of Public Reason Revisited.”* pp. 131

²⁵ *Ibid.* pp. 133

door talking to one's neighbors? Rawls thinks that the ideal of public reason²⁶ also involves the citizenry. Ideally, citizens will think of themselves as if they were legislators and thus use public reasons when involved in public life. It seems that Rawls doesn't *require* that citizens behave in such a manner, but only believes the ideal is best fulfilled by a populace which consistently acts according to the tenets of public reason. In fulfilling the ideal, citizens will respect the rules of public reason when they knock on doors or canvass for a political cause. Rawls claims that this sort of populace is vital to a democracy as it importantly keeps candidates and public officials using public reasons. He thinks that a citizenry which respects the Idea of Public Reason will vote accordingly, and will make sure public officials are acting responsibly.

The third aspect concerns what sorts of political conceptions of justice are acceptable for people to appeal to as opposed to their individual comprehensive doctrines. The Idea of Public Reason requires that we leave our own individual comprehensive doctrines²⁷, be they religious or secular, in our private lives and instead reason using reasonable political conceptions of justice. Rawls claims these conceptions must follow three rules: they must apply to basic political and social institutions, they can be presented independently from any comprehensive doctrine, and they can be worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime. Political conceptions which meet these criteria include conceptions of citizens as free and equal persons, and of society as a fair system of cooperation. The fourth aspect basically claims that if the ideal of public reason is being realized then the law enacted by the majority is a legitimate law and is politically and morally binding on citizens, and the fifth

²⁶ Note, the *Ideal* of Public Reason is distinct from the *Idea of Public Reason*. Rawls clarifies as saying that the Ideal of Public Reason is realized when the Idea of Public Reason is followed by all those involved and thus satisfying their duty of civility to one another.

²⁷ One's comprehensive doctrine is something like the ends one pursues, one's understanding of the basic meanings of the world, etc. A key example would be a religious doctrine, but not all comprehensive doctrines must be religious in nature.

aspect is about duties of the citizenry within the ideal of public reason. The citizens should offer one another fair terms of cooperation based on what they view as the “most reasonable conception of political justice.”²⁸ Therefore, they should check that the terms they propose are at least reasonable for others to accept as free and equal citizens, not as second-class citizens or citizens in an inferior political position.

How will the Idea of Public Reason with these five aspects function in society? Rawls states that we engage in public reason when we appeal to a political conception which follows the rules outlined in the content of public reason when we debate fundamental political questions. This still allows us to include in our political discussion our comprehensive doctrine, religious or nonreligious, so long as in due course we use proper public reasons to support our ideas. Rawls calls this *the Proviso*. Thus, it’s completely legitimate for Martin Luther King Jr. to quote the Bible when he says, “[W]e will not be satisfied until justice rolls down like waters, and righteousness like a mighty stream,”²⁹ or to give a religious reason for his support of racial equality. It is within the Idea of Public Reason to use Christian ideals when arguing points, so long as these same ideals can find a parallel justification in the language of public reason (i.e. public values of freedom and equality). Due to the proviso, the Idea of Public Reason can be seen as a largely permissive idea of what is acceptable. Thus, we can see that being opposed to same-sex marriage simply because your church says so does not follow public reason, but one could argue against slavery from a largely Christian viewpoint³⁰ so long as the values invoked are also public political values or they are accompanied by sincere purely public reasons.

Even with *the Proviso*, we are still left with the question of why someone who follows one of these comprehensive doctrines should follow the Idea of Public Reason. We

²⁸ Ibid. pp. 136

²⁹ MLK Jr. *I Have A Dream* quoting Amos 5:24

³⁰ Man is created in God’s image and the equality of man in God’s eyes may lead a religious individual to reject slavery. These sorts of arguments may be okay under the Idea of Public Reason as they

live in a pluralistic society with many different comprehensive doctrines. As Rawls himself puts it, “How is it possible – or is it – for those of faith, as well as the nonreligious (secular), to endorse a constitutional regime even when their comprehensive doctrines may not prosper under it, and indeed may decline?”³¹ Rawls recognizes that a religious member may accept toleration and public reason as a *modus vivendi*. One is accepting a system to protect one’s religious liberty in the face of opposing viewpoints. However, if one party was to gain full power it could impose its own religious (or secular) doctrine as the sole admissible faith and impose laws and rules suggested by their doctrine. They would seem to be justified in doing so. Here, “The constitution is, as it were, honored as a pact to maintain civil peace.”³² Rawls thinks in situations like this, groups are agreeing for the wrong reasons. If one’s comprehensive doctrine was to gain popularity and power, one would be left with no reason to follow the rules. This powerful comprehensive doctrine might then be tempted to use state power and break the rules of the idea of public reason in order to impose their own views. This will lead to lawlessness if a comprehensive doctrine becomes much more powerful than others.

One might also worry about why citizens should set aside the whole truth as they see it, and appeal to public reasons. As Rawls himself puts it, “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?”³³ As Rawls points out, we put limits on reasons in legal areas: defendants can’t be forced to testify against themselves, spouses can’t be made to testify against one another, evidence that is received through improper searches is not admitted in the court. As a society, we often “recognize a duty not to decide in view of the whole truth so as to honor a right or duty, or to advance an

³¹ Rawls, John. *Law of Peoples: With “The Idea of Public Reason Revisited.”* pp. 149

³² Ibid.

³³ Rawls, John. *Political Liberalism* pp. 216

ideal good, or both.”³⁴ So it certainly seems feasible that we might accept not using the ‘whole truth’ in order to promote goods like respecting our fellow citizens, being able to have reasonable debates, and others.

What view could a religion or a comprehensive doctrine take towards public reason which would avoid these difficulties? A religion might think that the limits of public reason are actually suggested by their religious tenets. As Rawls points out, “a religious doctrine may say that such are the limits God sets to our liberty.”³⁵ This idea gives us two different distinct conceptions of toleration. One is solely political, expressed only in terms of rights and duties protecting religious liberty under a reasonable political conception of justice. The other is expressed within a comprehensive doctrine.

While it is not always explicit, Rawls’s work does point toward the principles we discussed earlier: the principle of secular pursuit and the principle of moral restraint. However, we will need to distinguish a key difference between Rawls and Audi on the principle of moral restraint. As such, Rawls’s work points toward the following principles.

- (1) **The Principle of Secular Pursuit** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to pursue reasoning which is “properly public.”
- (2) **The Principle of Moral Restraint (Rawls)**– Citizens in a liberal democracy have an obligation to refrain from advocating and supporting laws unless he/she is prepared to give reasons which are “properly public” in due course.

For Rawls, “properly public” reasoning must be based on “public conceptions of justice” which are available to all in a community and are based on the certain rules which he outlines. His duties and requirements set forth in the idea of public reason, claim that citizens are only fulfilling the ideal of public reason and their civil obligations by reasoning

³⁴ Ibid. pp. 219

³⁵ *Law of Peoples: With “The Idea of Public Reason Revisited.”* pp. 151 Rawls also points out in an interesting footnote how a religious may reinterpret its own tenets in such a way as to agree with constitutional democracy. He cites Abdullahi Ahmed An-Na’im’s work toward an Islamic reformation along these lines.

in such manners that are accessible to all. In practice, this will require pursuit of secular reasons. This is how the Principle of Secular Pursuit is drawn from Rawls's work. If one has an obligation to give public reasons in due course, then one will also have an obligation to pursue such reasons. Also, Rawls explicitly states,

[The ideal of public reason] holds equally for how citizens are to vote in elections when constitutional essentials and matters of basic justice are at stake. Thus, the ideal of public reason not only governs the **public discourse** of elections insofar as the issues involve those fundamental questions, but also how citizens are to **cast their votes on these questions**. Otherwise, public discourse runs the risk of being hypocritical: citizens talk before one another one way and vote another. (Emphasis added)³⁶

Clearly, Rawls's theory falls under our category of Justificatory Liberalism with its two basic principles. Notice that one way Justificatory Liberals may vary from each other is on the principle of moral restraint. For Rawls this only requires that one give public reasons in due course, not that one's political views are in fact motivated by these public reasons. Let's consider another theorist, and whether his thought looks significantly different.

Audi's Principles

Audi believes that citizens should follow a principle of secular rationale. This "says that citizens in a liberal democracy have a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, an adequate secular reason for this advocacy and support (say for a vote)."³⁷ To Audi, a secular reason is a reason which gives one justification for some proposition, independently of any religious propositions. He considers this prima facie obligation to be an obligation which gives reason for action which is "strong enough to justify the action in the absence of conflicting considerations, but can also be overridden by one or more such

³⁶ Rawls, John. *Political Liberalism* pp.215

³⁷ Audi, Robert. *Religious Values, Political Action, and Civic Discourse* pp. 276

considerations.”³⁸ As he expresses elsewhere,

A secular reason is, roughly, one whose normative force, that is, its status as a prima facie justificatory element, does not (evidentially) depend on the existence of God (for example, through appeals to divine command), or on theological considerations (such as interpretations of a sacred text), or on the pronouncements of a person or institution qua religious authority.³⁹

Audi suggests some examples of possible overrides such as cases where secrecy may be necessary (thus not requiring that one gives one’s secular reason), or possibly a case where one “suddenly finds that one must vote,” the opposition is voting without secular reason, and one is sure that a proper secular reason could be found upon further exploration of the issue. Even in these situations, it is clear on Audi’s account that the normative force of one’s reasoning must be areligious in the way outlined above.

Audi suggests a second principle, the principle of secular motivation. According to this principle, one has a prima facie obligation to restrain advocacy and support of coercive laws and public policy, unless one’s sufficient motivation is by secular reasons. Audi states,

[O]ne has a (prima facie) obligation to abstain from advocacy or support of a law or public policy that restricts human conduct, unless one is sufficiently motivated by (normatively) adequate secular reason, where sufficiency of motivation here implies that some set of secular reasons is motivationally sufficient, roughly in the sense that (a) this set of reasons explains one’s action and (b) one would act on it even if, other things remaining equal, one’s other reasons were eliminated.⁴⁰

With this principle, Audi is disapproving of arguments which would follow the principle of secular rational on their face, but which are tacitly dependent on a comprehensive doctrine. He outlines two examples which seem quite apt. Religious citizens may often argue against physician assisted suicide on grounds which on their face may be secular considerations, but which would not be convincing without the underlying belief that life is a gift from God. He also considers those who when arguing against the teaching of creationism in schools,

³⁸ Ibid. pp. 278

³⁹ Audi, Robert. *The Separation of Church and State and the Obligations of Citizenship* pp. 278

⁴⁰ Audi, Robert. *Religious Values, Political Action, and Civic Discourse* pp. 281

may offer motivating secular considerations, but these reasons are actually proposed from an anti-religious motivation.⁴¹ While I find this case implausible, Audi uses it effectively. In the hypothetical case where someone opposed the teaching of creationism in school *simply* for the reason that they opposed religion, and then was to claim that evolution was real science while creationism was mere humbug without knowing any facts about either, they seem to be just as wrong on Audi's principles as the religious citizen we just considered.

There is also a key difference between Audi's theory and Rawls's here. Notice that Audi's obligations are related to laws or public policy which restrict human conduct, whereas Rawls's work is to be applied in matters of constitutional essentials and matters of basic justice.⁴² These ways of understanding the scope of public reason may agree on many issues, but also vary widely from each other. Consider a religious citizen who finds gambling sinful, and on that basis favors laws regulating gambling. This is certainly restricting human conduct, but is it a constitutional essential or a matter of basic justice? It does not seem so. As such, Audi's principles would apply, but not Rawls's. On the other hand, consider a religious citizen who favors the posting of the Ten Commandments in a courthouse because he/she thinks it is something God would want. This does seem to be a constitutional essential, but it does not restrict human conduct. Rawls's theory would apply, but not Audi's. As such, one can see how Rawls's and Audi's views are not just contrasted by a narrower or wider scope, but by a different scope.

It can be seen that when combined these two principles are very analogous to the basic principles given for Justificatory Liberalism. Audi demands that citizens give secular reasons, which will require citizens to pursue such reasons in the course of advocating for his/her chosen coercive laws. In addition, Audi's second principle requires that these sorts of reasons are those reasons that motivate citizens. As such, if a citizen does not have

⁴¹ Ibid. pp. 281-282

⁴² Rawls, John. *Political Liberalism* pp. 214

secular reasons for their favored view, they must refrain from supporting such proposed measures. In this way, we get the principle of secular pursuit and the principle of moral restraint from Audi's view.⁴³ There is a difference here between Rawls's and Audi's views. Audi requires that these secular reasons are the motivation behind one's advocacy, whereas Rawls merely hold that one must be ready to give secular reasons in due course to be justified in one's advocacy. This difference may be key to various objections I will pose later. As such, the principles of Audi are,

- (1) **The Principle of Secular Pursuit** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to pursue reasoning which is “properly public.”⁴⁴
- (2) **The Principle of Moral Restraint (Audi)** – Citizens in a liberal democracy have an obligation to refrain from advocating and supporting laws unless his/her *motivating* reasons are “properly public”.

Audi's view is not meant to be anti-religious. He specifically rejects the dogma that “religious beliefs are irrational or non-rational and therefore cannot meet the standards of public reason... [and] that there are no available decision procedures for resolving religiously based moral disagreements.”⁴⁵ On Audi's view, it is quite possible that a religious citizen might view the principle of secular rationale as necessary for living in harmony in a pluralistic liberal democracy and might accept it as such, even though the principle does not disallow substantial appeal to one's religious beliefs and reasons. Audi specifically posits another idea, the theo-ethical equilibrium, to explicate how a religious person should approach considerations about his/her public lives and his/her religious doctrine. Audi argues that if our conception of God is of an omniscient, omnipotent, and

⁴³ It should be clear that I owe some of the terminology behind these principles to Audi's own.

⁴⁴ Exactly what properly public means varies among philosophers. Rawls believes reasoning must be based on “public conceptions of justice” which are available to all in a community and are based on certain rules he outlines. Audi simply says the reasons must be secular, not dependent on adherence to any religious view or any other comprehensive doctrine.

⁴⁵ Thiemann, Ronald F. *Religion and Legal Discourse: An Indirect Relation*
In Audi's article pp. 278

omnibenevolent being, then it seems reasonable that God would create secular paths to discovering basic moral truths. As he puts it, “Why would a perfectly good God compound the tragedy of some people’s rejecting their beneficent creator with allowing the absence of routes by which reason can at least lead conscientious nonbelievers to the discovery of sound standards for civilized life?”⁴⁶ If these secular paths to basic moral truth do exist, as many natural law theorists and others claim, then conscientious citizens should pursue a theo-ethical equilibrium. In the absence of good secular moral argument for a coercive policy, then a believer should question his/her religious reasons for supporting the restriction. Since God would create secular reasons, if one can’t find any, then it would be likely that one’s religious reasons are mistaken. This same logic could also go the other way, where one may question or abandon a secular ethical claim in order to reach equilibrium with one’s theology. In this way, Audi suggests compatibility between ethics and at least some forms of theology.

This compatibility may be especially welcome in liberal democracy, where pluralism is taken not as a historic fact, but an almost necessary state. Audi pursues the idea of a “theo-ethical overlapping consensus” between “religiously based ethics and the most plausible secular ethical standards.”⁴⁷ His view is that there seems to be, or at least may be, great degrees of overlap on such issues as human dignity, prohibitions on cruel treatment, honesty, etc. To this end, Audi hopes for more exchange between moral philosophers and theologians. Such exchange may very well lead to less stress between the two and more cohesion within a liberal democracy’s pluralistic polity. I share his hope.

Problems with Justificatory Liberalism

It should be clear from the previous exegesis of Rawls’s and Audi’s views about public

⁴⁶ Audi, Robert. *Ethics and Religion: Philosophical, Psychological, and Political Connections* pp. 11

⁴⁷ *Ibid.* pp. 12

reasoning, that they share the two basic principles of Justificatory Liberalism. Both of their theories have been rooted in the necessity for a 'common language' between citizens in a pluralistic society, and more importantly, the ethical obligations citizens have to one another in liberal democracies. These ethical obligations include treating other citizens with respect, as free and equal citizens. As far as it goes, I agree that a principle of secular pursuit can be grounded in these ethical obligations of citizenship. However, I disagree that these requirements go so far as to *obligate* citizens to refrain from supporting their favored views if their only motivating reasons are religious or other non-secular reasons. I will directly oppose Audi's version of the principle of moral restraint, and I will support part of Rawls's principle and oppose some of it. While a citizen's ethical and civil responsibilities do not end with the principle of secular pursuit, I will take the view that a citizen need not follow the principle of moral restraint in order to discharge his/her obligations.

Additionally, Rawls and Audi have attempted to craft views that are not anti-religious and that take a neutral stance toward religion. As such, the idea of public reason and Audi's two principles should be accessible to at least most religious citizens. However, I posit the view that this will not be the case for at least some religious citizens, and quite possibly many! In inadequately addressing these citizens, justificatory liberals are missing out on an important piece of their mission.

First, we will address the issue of moral restraint, and then we will come back to what sorts of religious citizens will be a problem to the justificatory liberal.

Chapter III

The Problem with Moral Restraint

The two characterizing principles of Justificatory Liberalism are:

- (1) **The Principle of Secular Pursuit** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to pursue reasoning which is “properly public.”
- (2) **The Principle of Moral Restraint** – Citizens in a liberal democracy have an obligation to refrain from advocating and supporting laws unless he/she has reasons which are “properly public”.

Of the two principles of Justificatory Liberalism, the principle of moral restraint seems far less obvious to me. As such, I will not be dealing at length with the justification for the principle of secular pursuit. It seems clear that a duty of civility and respect requires one to approach fellow citizens in language that is accessible to them, and for the purposes of this work I will leave this principle unchallenged. However, while viewing one’s fellow citizens as free and equal may justify this principle, it seems much less clear that respect goes so far as to require restraint. Calling on citizens to refrain from voting in the way they deem best seems a relatively drastic measure, and so we may believe that justifying such a principle will carry a heavy burden. Generally, political involvement is encouraged in liberal democracies. The value of a civically involved public ranges anywhere from being a societal good, to being a necessity for the actual running of a democracy depending on which conception of democracy one might take.⁴⁸ Either way, political involvement is a value typically encouraged by liberal thinkers. Any attempt to curtail this involvement will require scrutiny.

On the other hand, the principle of moral restraint may seem intuitively plausible.

⁴⁸ Paul Weithman outlines some of these conceptions of democracy and their understanding of a politically involved citizenry in *Religion and the Obligations of Citizenship* pp. 71-82

Statements like Kevin Tebedo's and Bill McCartney's in the case of Colorado's amendment 2 have the tendency to outrage. We often sense that these individuals are acting disrespectfully to their fellow citizens. As such, we naturally expect a rejection of restraint as an expression of disrespect and we might "take advocacy of restraint as a necessary and effective means of discouraging other citizens from emulating [such] behavior."⁴⁹ If I must refrain from advocating and supporting my favored position unless I have the requisite secular rationale, then I am forced to consider my fellow citizen's views and to think of issues in public terms as opposed to solely within my own favored comprehensive doctrine.

In looking forward to the discussion ahead, it is important to remember the distinction between Rawls and Audi in relation to the Principle of Moral Restraint. Rawls's view is much more forgiving to religious citizens on this topic. They are allowed to use religious language, so long as they give parallel secular reasons in due course. Audi, on the other hand, requires that these secular reasons are taken as the proper basis for legislation. These reasons need to be motivating reasons. As such, some of the arguments ahead apply mainly to Rawls's view, some mainly to Audi's, and some which seem to affect both.

Reasons for Restraint

Even considering the importance of political involvement, there are certainly some clear cases where one might be required by their civic duties to refrain from voting or advocating for a certain side of an issue. It seems clear that in the case where one has no rational justification for the support of their favored law, they are not justified in supporting it and should therefore refrain from advocating and supporting it (i.e. voting in its favor). Consider Nic, a citizen who is considering a proposal banning same-sex marriage in the state of Michigan. Nic follows the principle of secular pursuit and his other obligations as a citizen. He reads editorials in the newspaper, has discussions with friends heterosexual and

⁴⁹ Eberle, Christopher. *Religious Conviction in Liberal Politics* pp. 110

homosexual, married and unmarried, and researches similar proposals in other states and the results of said profiles. Suppose after weighing this evidence, Nic cannot come to a decision and sees, in his view, equal support for both a 'yes' or a 'no' vote on the proposal. Nic decides to solve his dilemma by flipping a coin: heads for yes, tails for no. Upon the heads result, Nic decides to support the proposal.⁵⁰ In this way, Nic's motivating reason is the result of a coin toss: not the result of any sort of rational justification. As such, citizens are entirely justified in outrage at Nic's behavior. In treating an issue of great significance, the important relationships of his fellow citizens, as something that can be resolved with a coin flip, Nic is being flippant in his responsibilities. He is not treating his fellow citizens with due respect.⁵¹

It is clear from examples such as this, that citizens are obligated to reach some level of rational justification for their favored policies, and if this is lacking they will disrespect their fellow citizens when they support such measures. Citizens need to have good reasons to believe that a given law is morally appropriate, not just guesswork. As Eberle puts it,

A rational citizen attempts to form his beliefs on the basis of the best available evidence, is willing to pursue evidence when it is not easily available, is willing to subject his own convictions to criticism, and is willing to change his convictions when the evidence seems to point definitively to the contrary.⁵²

However, this requirement for good reasons and rational justification is not the same as a requirement for properly public reasons. It just guarantees that one has *some* reasons for taking the view they hold as morally appropriate, not that these reasons are properly public obtained in following the principle of secular pursuit.

Before considering the principle of moral restraint deeply, one might think it follows

⁵⁰ If this example seems to close to a Buridan's ass dilemma (with no reasonable solution) instead consider the case where Nic flips the coin in advance, is motivated by the result of the coin flip, and then pursues a secular rationale for his view. He is clearly motivated in an inappropriate way.

⁵¹ Eberle considers more examples of various citizens in different situations in section 4.2, Respect and Rational Justification, of *Religious Conviction in Liberal Politics*.

⁵² Eberle, Christopher. *Religious Conviction in Liberal Politics* pp. 61

naturally from the principle of secular pursuit. Audi, in considering a liberal democracy's coercion-adverse nature, writes,

[W]hen there must be coercion, liberal democracies try to justify it in terms of considerations – such as public safety – that any rational adult citizen will find persuasive and can identify with. This is one reason why religious grounds alone are not properly considered a sufficient basis of coercion even if they happen to be shared by virtually all citizens. If fully rational citizens in possession of the relevant facts cannot be persuaded of the necessity of the coercion – as is common where that coercion is based on an injunction grounded in someone else's religious scripture or revelation – then from the point of view of liberal democracy, the coercion lacks an adequate basis.⁵³

Audi is clearly arguing for the two principles I have drawn out as central to Justificatory Liberalism.⁵⁴ However, notice what Audi says in reference to the first principle: "liberal democracies *try* to justify it." This is a claim about the reasoning which a responsible citizen will aspire to, or pursue. Audi, then, incorrectly bases his statement of restraint on this claim. The fact that a citizen should try to come up with reasons for their favored policies which are acceptable to "any rational adult citizen", seems in no way to justify that these citizens should not support their civic ideas on "religious grounds alone."

These two principles can and must be considered separately. The second is not justified from the first. In fact,

It seems entirely possible that a citizen can do everything that can reasonably be expected of her by way of attempting to discern a public justification, and thus have satisfied her obligation to pursue public justification, without being successful in the attempt. Pursuits can fail; we try but do not invariably succeed in our efforts.⁵⁵

The principle of secular pursuit alone, does not inform citizens what to do in the event that their pursuit of proper public justification fails. It may be the case, as the justificatory

⁵³ Audi, Robert. *Liberal Democracy and the Place of Religion in Politics* pp. 16

⁵⁴ He is arguing for the two principles I have given, not both of his principles in this passage. This passage seems to only include an argument for his principle of secular rationale, which contains both of the principles I have given. He is not arguing for his idea that those reasons must be *motivating* reasons.

⁵⁵ Eberle, Christopher. *Religious Convictions in Liberal Politics*. pp. 69

liberal believes, that a citizen should drop their support from said policy. However, it's clear that the second principle will require its own reasons and argumentation.

Why might we think one requires properly public reasons? Rawls worries that without the principle of moral restraint, we will have to worry about hypocrisy. "[P]ublic discourse runs the risks of being hypocritical: citizens talk before one another one way and vote another."⁵⁶ Hypocritical behavior like Rawls depicts would clearly violate a citizen's duty of civility and respect. Citizens are, to some extent, lying to their fellow citizens about the reasons they have for coercing them. The hope is that in forcing citizens to have properly public reasons to advocate/support a law, our civic discussion will not be filled with citizens just trying to appear to follow their civic duties (the principle of secular pursuit). Instead, we might have a more substantive real discussion about these public reasons, which will have a direct effect in the voting booth.

This worry could be solved with a different principle about honest discussion. Consider the following principle:

- (3) **The Principle of Honest Discourse** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to honestly communicate their motivating reasons.

Rawls's hypocritical citizens will still be considered to be acting disrespectfully in a pairing of principles 1 and 3, as opposed to 1 and 2. This alternative principle may be easier to justify than the principle of moral restraint. It does seem as if the real wrong of these hypocritical citizens is in being dishonest to his/her compatriots. If we as citizens are obligated to treat each other as free and equal citizens, with respect and civility, then it seems true that we should not seriously mislead our fellow citizens about our reasoning. On issues of great importance to our compatriots, it would be disrespectful to lie to them about our reasons for coercing them. While Rawls is correct in worrying about hypocrisy in

⁵⁶ Rawls, John. *Political Liberalism* pp. 215

public reasoning, he is incorrect if he thinks that the only way to prevent this is through ascribing to the principle of moral restraint (or some principle very similar to it). There may be many other principles, at least one of which is the Principle of Honest Discourse.

A Religious Case for Restraint

Audi doesn't leave his argument for restraint only hinging on an acceptance of the principle of secular pursuit. On his view there is good reason to think that a perfectly good God would provide secular paths to moral truths, meaning secular rationale and properly public reasons should be available to citizens for any moral truths. We will refer to this view as the religious case for restraint. Why would God deprive these paths of that ability?

Audi states,

This deprivation would seem to be much like imprisoning people for a wrong (or otherwise imposing a painful sentence) and making it impossible for them, while they serve their sentences, to conduct themselves with moral dignity and proper respect for their guards and fellow prisoners. Such prisoners would have neither religious nor even moral grounds for treating others in many of the ways God is widely believed to have commanded.⁵⁷

If these secular paths are available, then in advocating coercion of others, religious citizens should only appeal to public reasons. If they are left after searching for a secular rationale without one, then they would have good reason to believe that the position they advocated was not a moral truth. They might, therefore, reasonably dismiss this religious or theological belief. Audi refers to this process as searching for a *theo-ethical equilibrium*.⁵⁸ The availability of these sorts of paths make it unlikely that religious citizens in searching for a secular rationale for their moral claims will fail in this attempt, so long as those claims

⁵⁷ Audi, Robert. *Ethics and Religion: Philosophical, Psychological, and Political Connections* pp. 12

⁵⁸ This idea can be found in a number of Audi's work. It is found in *Ethics and Religion: Philosophical, Psychological, and Political Connections* but can be found explained perhaps more thoroughly in Audi's essays in his work with Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, or his paper, *The Separation of Church and State and the Obligations of Citizenship*.

are true. As such, if in discharging her obligation to the principle of secular pursuit, a citizen finds no good properly public reasons for her views, she should doubt her religiously motivated claims. Since it would be disrespectful to support coercion of one's fellow citizens on the basis of claims that one has good reason to doubt, she should refrain from supporting her solely religiously motivated policy.

It should be clear that this argument will only be compelling to those religious individuals who hold the religious ideas which are important to Audi's argument. There may be a great many religious individuals who do not believe in such a God, or find the transcendent nature of God to be such that these sorts of arguments will not be compelling. While I recognize that this argument will not be compelling to all religious citizens, and so may perhaps be dismissed as a whole-sale rescuing of the principle of moral restraint, it seems clear that many religious citizens do adhere to views like this, and as such is certainly worthy of consideration.

It is important to consider the premises on which this view hinges. Christopher Eberle has carefully drawn out an important premise which we may worry about.

Since each human being has access to adequate secular grounds for moral truths, then religiously grounded moral truths will likely be corroborable by adequate secular grounds.⁵⁹

Should we expect secular corroboration? If we don't, then this theistic argument for justificatory liberalism will fall apart. Notice that this premise is not a claim that there is likely to be corroboratory secular grounds, but that citizens are likely to ascertain them. There may be good reason to believe this on this religiously based argument, but it is clear that this will necessitate an additional underlying premise: that "citizens who pursue

⁵⁹ Eberle, Christopher. *Religious Convictions in Liberal Politics* pp. 302. Note that in Eberle's drawing out of the premises, this premise is labeled as (6). (For our purposes, it is the first premise we are seriously worried about)

secular corroboration go about their task in the appropriate manner.”⁶⁰ We might very well expect God to give citizens access to corroborable secular rationales for religiously grounded moral truths, but this does not guarantee that God plants such corroborable rationales directly into religious citizens’ brains. There may be work due on the citizen’s part, and there may also be other requirements necessary.

It seems that a citizen may be in an environment, so unfortunate, that no matter how she capable she is in attempting to find these corroborable secular reasons, that it is unlikely that she’ll find a motivating public reason for some of the religiously motivated truths which she holds. Eberle spells this idea out with three points. First, “whether it’s rationally appropriate for a citizen to assent to a given claim depends in uneliminable (sic) part on the testimony of other citizens.” Second, that the testimony of said citizens may be so skewed that it will be unlikely that a “citizen who pursues secular corroboration for a particular moral truth will succeed in that pursuit, no matter how assiduously she adheres to the canon of rationality.” Finally, a citizen’s failure to find secular corroboration may be due to the misuse of others’ cognitive capacities and not of the falsehood of those moral truths, entitling her to refrain from doubting uncorroborated religiously motivated truths.⁶¹ In evaluating a claim, a citizen’s rational justification depends not only on the method in which said citizen evaluates, but also background beliefs which he/she cannot help but rely on. Eberle makes a clear example,

[T]hat Socrates rationally assented to a Ptolemaic theory of the solar system depended not only on the “procedures” he employed in evaluating the theory, but also on the contents of his evidential set... Because the background beliefs which moderns rely are very different from those on which Socrates relied, it is irrational for us to accept the Ptolemaic theory. That difference is explicable not (necessarily) by differences between the manner in which moderns and Socrates govern beliefs, but by the very different background beliefs... employ[ed] to evaluate theories of the solar

⁶⁰ Ibid. pp. 308

⁶¹ Ibid. pp. 310

system.⁶²

Although I have never directly witnessed a platypus, I have heard talk of them by preeminent biologists, and even seen pictures and videos taken by others. Not only do I rely on testimony for this belief, it seems likely that for a great many of my beliefs I rely on indirect acquaintance. There does not seem to be a very good way around this. As such, the reasonableness of assenting to a claim is dependent on the testimony of others.

For purposes of explication it may be pertinent to consider historical citizens as opposed to present citizens. Consider a Christian citizen, Bella, in the Deep South during the time of slavery. Bella has religious reasons for supporting the abolition of slavery; she thinks that all man is made in God's divine image, and that slavery is damaging and runs counter to the Christian demand of the Golden Rule and much of Jesus' teachings. It seems feasible that Bella may explore a secular rationale for her support of abolition, but fail due to her surrounding culture. Perhaps her parents are slave owners themselves, and she knows numerous respected people who will attest to the justification of slavery, that slave races are naturally and biologically inferior, that slavery is a moral institution, and that the abolition of slavery would greatly damage their traditions and economy.⁶³ Bella holds religiously motivated moral truth which she is unable to uncover using purely secular pathways due to her environment, not due necessarily to the lack of corroborable secular reasons or a lack in her cognitive capacities.⁶⁴ As Eberle states,

⁶² Ibid.

⁶³ I recognize that there may be secular reasons available even in this historical context, but this does not mean that those secular reasons are available to *Bella*. It may be the case that Bella has not heard secular arguments made during the time, and does not have access to those arguments.

⁶⁴ I understand that historically many Christians in the Deep South did approve of slavery. Eberle gives a different, closer to modernity, example. He considers Daniel Goldhagen's work *Hitler's Willing Executioners*, which analyzes the German culture prior and including the Nazi period. Goldhagen comes to the conclusion that German culture, even prior to the Nazi period, was corrupt and imbued with a concept of the Jew as a naturally destructive force. Thus, racist ideology was culture's common sense. Eberle is not certain that Goldhagen's position is not overdrawn, but it does make a useful point to him. "That German culture was deeply anti-Semitic, that German anti-Semitism was as much secular as religious, and thus that a citizen who happened to assent on religious grounds to

In large part, we are programmed by being socialized into a determinate culture. Consequently, when we form some secular ground, we do so by relying, inevitably and unavoidably, on the particular cultural contents we enjoy as a consequence of our maturation in a particular historical time and specific cultural space. Secular grounds, then, are cultural grounds.⁶⁵

This gives us good reason to doubt that citizens will be likely to find corroborative secular reasons. Requiring a citizen to doubt religious grounds which lack a secular rationale is in some way to require religious citizens to follow their cultural heritage, a cultural heritage which may be corrupt, manipulative, or distorted. Many religious citizens believe just this, that the secular aspects of their cultural heritage may be morally misleading, and therefore (on their point of view) it would be incorrect to give those secular aspects ‘veto power’ over their religiously grounded moral claims. While secular grounds cannot be reduced merely to widely-accepted cultural grounds, this is relevant to those reasons available to a society’s citizens. Not every citizen is as intelligent or clever enough to think of secular critiques to their own culture. Historically, it may be even accurate to think that most generally go along with cultural grounds. We tend to think of those who launch new effective secular critiques of their own culture as bright and unique thinkers.

The justificatory liberal seems hard pressed to come up with a good justification of restraint. Respect requires that we make genuine sincere attempts to speak in a language accessible to our fellow citizens, and to give them reasons which they may reasonably accept. It cannot, however, require that we actually have such reasons or stronger still, that we are motivated by said reasons. Respect doesn’t require that when we don’t have them we must refrain from supporting our favored policies. While there does not seem to be good arguments to ground the principle of moral restraint, let’s consider some possible reasons why one might be against it.

the claim that Jewish people are fully human but who attempted to discern a plausible secular rationale for that claim might very well fail to do so.” One may quibble with these historical examples, but it certainly seems evident that possibilities like those drawn out here exist.

⁶⁵ Ibid. pp. 314

Reasons against Restraint

Paul Weithman considers the importance of civil participation in democracies. In order to spell this out, he considers two sorts of participants: participants, and full participants. Mere participants in a society are “entitled to contribute to and partake of the social product in morally appropriate ways,” and are accorded this status by others. It is a position of entitlement, responsibility, and recognition.⁶⁶ Note however, that not all who are participants may be “legally or politically equal.” Some entitlements and responsibilities may be reserved for adults or legal citizens, but “children, refugees, stateless persons, prisoners, legal and illegal immigrants and those too severely mentally disabled or disturbed to exercise the rights and privileges of sane, competent adults” are included as society’s participants.⁶⁷ As such, mere participant is a different term from Rawls’s free and equal citizens. Participants may not be free or equal. This is where the idea of the full participant enters. Weithman states,

[I]n a liberal democracy full participants are citizens in the Aristotelian sense. They are entitled to vote and to seek and hold political office... it is opposed to second-class citizenship... I use the term “*full participant*” to emphasize that this is the highest status a democratic society can publicly bestow and that each person who has this status is as much a participant as anyone else who has it... Full participants are therefore free and, by important measures, equals.⁶⁸

On Weithman’s view, “the extension of full participation to everyone who should enjoy it, so that they are and know they are full participants in their society, is a great social and political achievement.”⁶⁹ To this end, realized citizenship is an important aspect of full participation. Full participation requires a realistic opportunity of being involved in all areas of public life.

⁶⁶ Weithman, Paul. *Religion and the Obligations of Citizenship* pp. 19

⁶⁷ Ibid.

⁶⁸ Ibid. pp. 20-21

⁶⁹ Ibid. pp. 22

From this idea, Weithman believes that religion and Churches have a role in promoting democracy. Weithman points out research which shows that churches promote realized citizenship by providing access to civil resources.⁷⁰ Churches were a place where citizens had an opportunity to network, practice speaking in public, lead meetings and group activities, recruit others, and approach authorities. While these skills may not be practiced in directly relation to the political sphere, it does allow citizens to practice the skills necessary to realize their citizenship. In addition, the study found that “no other form of institutional affiliation is nearly as highly correlated with voting as religious affiliation is.”⁷¹ Churches provide a location for people to gather, where informal conversation may often turn to politics. “Families which attend church regularly are less geographically mobile,” and therefore more attached to their local community which, “correlated with participation in local politics.”⁷² Churches asked their members to vote, encouraged other political activity almost twice as often as in the workplace and even more likely than other organizations.⁷³ It’s clear that churches foster political involvement, and in so doing promote realized citizenship.

More important than just fostering political involvement is religious institutions’ role as a balance to the “institutional tendency to reinforce educational and financial advantage.”⁷⁴ Much of the data gathered, suggested that opportunities to grow civic skills, “access to political information, the ability to contribute financially to political campaigns, all are distributed in ways that favor the moneyed and the better educated at the expense of

⁷⁰ Most of his evidence is drawn from the research of Verba, Schlozman and Brady in *Voice and Equality: Civic Voluntarism in American Politics*.

⁷¹ Ibid. pp. 41 referencing VSB, *Voice and Equality* pp. 359

⁷² Ibid. pp. 42 referencing VSB, *Voice and Equality* pp. 457, 460

⁷³ Ibid. pp. 43 referencing VSB, *Voice and Equality* pp. 373

⁷⁴ Ibid. pp. 44

the poor and the working class.”⁷⁵ This is at odds with the value of realized citizenship, and an understanding of citizens as full participants. Churches were a notable exception with equal opportunity to foster civic skills. Verba, Schlozman and Brady write,

The domain of equal access to opportunities to learn civic skills is the church. Not only is religious affiliation not stratified by income, race or ethnicity, but church apportion opportunities for skill development relatively equally among members. Among church members, the less well off are at less of a disadvantage, and African-Americans are at an actual advantage, when it comes to opportunities to practice civic skills in church.⁷⁶

As such, churches not only play a role in encouraging realized citizenship, but they act importantly in overcoming political inequality.

Religious institutions also contribute to the public sphere through raising political debate. Weithman points out a pastoral letter issued by Catholic bishop during the 1980s calling into question the values of the American economy and the American mindset over economic justice. In their letter, *Economic Justice for All*, they used both secular and religious reasoning to raise questions about the use or misuse of the relative prosperity of the American people. Weithman writes, “the bishops used their moral and religious authority to raise pointed moral questions about the distribution of wealth in the United States.”⁷⁷ In calling a society’s attention to the poor and those left behind, the Catholic bishops created civic discourse that may have not appeared without their assistance.

These contributions should give us some worry about the principle of moral restraint. If citizens, especially disadvantaged citizens, are asked to refrain from advocating from religiously motivated reasons, then they may grow discouraged.⁷⁸ These reasons and organization may be the very sources of their political involvement and civic skills.

Additionally, too strict of a formulation of justificatory liberalism may miss out on

⁷⁵ Ibid. As VSB wrote, “the effects of institutions in stimulating political involvement serve to reinforce initial advantage.”

⁷⁶ Ibid. pp. 44-45 quoting VSB pp. 320

⁷⁷ Ibid. pp. 51

⁷⁸ It should be clear that this argument mainly applies to Audi’s work, not Rawls’s.

meaningful discourse raised by religious individuals from a religious mindset, discourse which may be then debated upon secularly and give rise to new answers or draw attention to existing public problems. One may worry about religious organizations becoming the exclusive reasons for political participation, which would be contrary to many liberal ideals. However, this seems to be taken care of by our first principle: the principle of secular pursuit. If taken seriously, religious citizens who are motivated toward a realized citizenship will make genuine sincere attempts at secular rationale. They will, and are obligated to, invest time and effort in understanding the 'common language' in the public sphere and the public arguments surrounding the issue at hand. In addition, it seems true that churches' which encourage political involvement, have an obligation to inform their constituents about their obligations to pursue secular rationale and the other requirements of respect necessary in a liberal democracy. It seems too much to ask of religious citizens to leave behind those very reasons which brought them to public sphere in the first place.

These worries revolve around the privatization of one's comprehensive doctrine, which may be unfair of justificatory liberals to ask. Consider Matt, a Christian citizen who takes seriously being a steward to God's creation. Matt's view of nature is that it is God's sacred creation. Like many religious citizens, he holds his religious understanding dear to him, as part of his personal identification. In addition, suppose we have the preeminent example of justified economic development. The town is in economic trouble and the only available location for the incoming business is where a beautiful forest currently is. The incoming business is a responsible business known for their ethical practice. The forest does not contain any particular good.⁷⁹ Matt opposes the economic development because he is motivated by his religious beliefs and identity. Matt searches for a motivating secular rationale for being opposed to the economic development but is unable to find one. In his

⁷⁹ It contains no endangered species, rare plants, unique structures, etc.

search, he does an excellent job, talking to multiple sources and thoroughly exploring the arguments and history surrounding the event. The development would bring substantial jobs to an impoverished area, they will plant trees in response to the ones that are killed in the development process, and they are generally an environmentally responsible business. Matt, although unable to find a motivating secular rationale, still opposes the economic development on grounds that it is sinful to destroy God's creation and is against his religious beliefs.

I don't think I, or anyone else, would be justified in criticizing Matt for the way he dealt with this public issue. If anything, in dealing with the issue in a very serious and thorough manner, he seems deserving of a high degree of respect as an exemplar of the correct process in making public decisions. If I required of Matt that he should refrain from opposing the development (by perhaps protesting it, or voting for representatives to end it), I think I would be disrespecting him. I would be asking him to deny something fundamental to how he views his identity and asking him to do something which to him would seem morally terrible: standing by while part of God's creation is destroyed. Suppose our previous citizen, Nic, is again wrestling with the issue of same-sex marriage. He, like Matt, is an exemplar in his search for public argumentation, but is unable to find a motivating secular reason for his moral belief that homosexuality is wrong. He is not opposed to same-sex marriage because of a hateful prejudiced disposition against homosexuals, but because he has genuine religious reasons to believe that homosexual relationships are deeply wrong and sinful, and that allowing them to marry legitimizes behavior. We might even stipulate that Nic is motivated from a noble outlook, that he doesn't want homosexuals to damn themselves in some way because he loves and cares about them. In the same way, we would be disrespecting Nic, who holds his religious faith as substantive to his identity, if we asked him to deny standing up for something so fundamental to his identity and world

view.⁸⁰

These arguments stand in stark contrast to Audi's version of Justificatory Liberalism. Religious citizens should not be required to be motivated by secular reasons. On my view, Rawls's work fares somewhat better. While I have argued that there may be situations where one does not find a secular rationale, and in such situations religious citizens should not be obligated to refrain from supporting their beliefs, there still may be duties that respect entails in relation to my communication with my fellow citizens. If one is unable to find a secular rationale, this doesn't free one up for "Bible-thumping." It still may be disrespectful to my fellow citizens to consistently offer them religious reasons, because I should recognize that these reasons are not the sort of reasons they themselves can find persuasive. Rather, in this situation political support and advocacy we will take a much more self-centered approach.⁸¹ Religious citizens who are unable to find a secular rationale should phrase their language in such a way that respects their obligation to the principle of secular pursuit. They should acknowledge that this pursuit has failed and that their own reasons for holding the view they do are religious in nature, and therefore may not be persuasive to other. They should be free to vote and support their favored candidates and policies.

It should also be clear that there is a clear and vast difference between sincere and humble religious individuals advocating their views for religious reasons, and citizens who arrogantly insist that others defer to them because they have a special understanding of God's revelation and Truth. A refusal to rationally engage one's fellow citizens and an insistence on religious rule is not the mark of a citizen treating others with respect. It is

⁸⁰ I might think that Nic's position in this case is inherently disrespectful, and I know I certainly disagree with his position. I think there are even good reasons to disagree with it via conjecture, from within Christianity. However, the question here isn't if Nic is worthy of our outrage due to the *substance* of the position he holds, but rather if he deserves our outrage for the *way in which* he came to the position. I certainly think he doesn't.

⁸¹ I mean self-centered as in relation to oneself, not as arrogant or uncaring about others.

evident that some religious citizens have behaved in precisely such an antidemocratic and disrespectful manner. In the *Kitzmiller v. Dover* decision, Judge John E. Jones III concluded that,

Intelligent Designs' backers have sought to avoid the scientific scrutiny which we have now determined that it cannot withstand by advocating that the *controversy*, but not ID itself, should be taught in science class. This tactic is at best disingenuous, and at worst a canard. The goal of the ID movement is not to encourage critical thought, but to foment a revolution which would supplant evolutionary theory with ID.⁸²

These arguments are in no way meant to support this sort of behavior. The sincere presentation of religious reasons is not always disrespectful, but this sort of behavior is clearly reprehensible. Why this sort of behavior may be likely to occur and which religious citizens are likely to perpetuate such disrespectful and antidemocratic behavior should be brought to light in considering the exclusivist citizen in the next chapter.

Treating other citizens as free and equal means acknowledging various commitments they may have, including religious ones. It also means understanding that there are very real constraints on the way religion should enter the public sphere. While this chapter should outline a stark contrast to Justificatory Liberalism, it should in no way be misconstrued to show that religious reasons have free reign in public issues. Religious reasoning and argumentation will need to be tempered by respect for fellow citizens. The Principle of Secular Pursuit and the Principle of Honest Discourse are not often met easily, and it still may be the case that in practice many of the citizens which Justificatory Liberalism picks out as acting disrespectfully will also be picked out by the ideas I have outlined here. It seems unlikely that citizens like Kevin Tebedo or Bill McCartney have put in an honest and sincere search for properly public reasons,⁸³ and we may be justified in outrage at intelligent design proponents claiming to be motivated by science and secular

⁸² *Kitzmiller v. Dover Decision*. http://www.pamd.uscourts.gov/kitzmiller/kitzmiller_342.pdf

⁸³ This is most likely because they match the description of the exclusivist citizen outline in the next chapter.

reasons, when it seems clear they are motivated from their own religious views. While these principles and Justificatory Liberalism may both point fingers at many of the same individuals, it is important to distinguish and be clear about why these individuals are acting disrespectfully. Otherwise, we won't be able to suggest a real solution.

Chapter IV

The Problem of the Exclusivist Citizen

In considering the ideas of Justificatory Liberalism, we should consider the way it relates to all citizens in a democracy. This should bring to mind a citizen which I term the exclusivist citizen, or merely the exclusivist for short. The exclusivist citizen is a citizen who fits three qualifications:

- (1) His/her religion or comprehensive doctrine does not allow for *ultimate* truth in other comprehensive doctrines.
- (2) His/her religion or comprehensive doctrine includes a belief about an extremely large harm for those outside of the religion, and/or an extremely large benefit for those inside the religion.⁸⁴
- (3) The religion or comprehensive doctrine has some idea of a moral or religious duty to promote the salvation or general well-being of other people.

The first qualification stipulates that deep truths are found only within one's religion.⁸⁵ This qualification provides that one's comprehensive doctrine has something unique, and the second qualification involves the extreme importance of that unique thing. The thing may be one's relationship to God, and what makes it so important may be the extreme suffering of those who do not have this correct relationship. The third qualification is important to rule out a comprehensive doctrine which meets qualifications 1 and 2, but is perfectly okay with those outside of the religion not achieving salvation and thus being subject to some extreme harm. While it seem unlikely that a group which failed the third qualification, would take seriously calls to respect their fellow citizens, a view that failed to meet qualification 3 could theoretically accept Justificatory Liberalism.

⁸⁴ Very commonly, Heaven and Hell.

⁸⁵ It could also be the case that this is a little more extended than only one's own religion. An exclusivist might think only the Abrahamic religions have access to truth. The requirement is that the exclusivist citizen is *exclusive*, but the lines may be drawn slightly wider than only one's own religion.

The exclusivist citizen is what we often think of when we think of a religious fundamentalist. It also seems certainly possible that nonreligious views may fit these qualifications (one may think of an especially zealous Marxist).

These sorts of citizens pose a problem for Justificatory Liberalism. Justificatory Liberalism is supposed to be an idea available to all citizens within a democracy. Since a democracy tends toward pluralism there will assuredly be exclusivists within a democracy. Most likely, there will even be many different types of exclusivists. Justificatory Liberalism makes claims about the ethical duties of citizens, claiming that a duty of civility which requires citizens to treat one another as free and equal citizens creates the moral principles of public reason. However, it seems that for exclusivists they would have an overriding moral duty to their comprehensive doctrines.

The exclusivist actually has good reason to not follow the ideas of Justificatory Liberalism. If others really face eternal torment or some other gross harm, the correct moral action seems to be to do anything in one's power to convince others of the truth of one's comprehensive doctrine. Adhering to the ideals of public reason may actually decrease one's ability to persuade others, thus being morally deficient. Even if public reason is not harmful in this pursuit, it seems that it could be safely dismissed as irrelevant. Justificatory Liberals have not adequately explained how they are to be understood by exclusivists. Since the Justificatory Liberal wants all to be able to be good citizens and does not wish to attack individual comprehensive doctrines, the exclusivist poses a problem.

These issues and arguments extend from modern day back to the enlightenment with arguments over religious toleration. In the Vatican II Council's declaration of religious freedom, *Dignitatus Humanae*, they declared,

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 no one is to be

forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.⁸⁶

By “within due limits,” it seems that the Vatican II Council is concerned with other rights that belong to all humans. They say, “Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons.”⁸⁷ While the church seems to have taken a slight turn away from these liberal words in *Dominus Iesus*⁸⁸, a doctrine written by the current Pope, then Cardinal Ratzinger, which makes claims as to the deficiency of all religions outside the Catholic Church, there is still certainly a trend toward more respect for other religions and an acknowledgement of at least a civil right to religious freedom. Religious tolerance is now being espoused in doctrine by the Catholic Church and a large number of Christians.

This has not always been so and while we may now take it for granted in our democratic society that religious freedom is a right, it is certainly not apparent from a certain Christian view⁸⁹ that it should be. The main problem with this Christian view comes from its exclusivism. This exclusivism states that the only way to salvation is through the Christian religion and that all other religions lead down the path of eternal damnation. Arguing for religious toleration within the framework of Christian exclusivism is unlikely to be successful, and any successful toleration argument requires some sort of attack on the doctrine of exclusivism. These toleration arguments have much in common with arguments over public reasoning. They share many of the same issues such as respect for others and

⁸⁶ *Dignitatus Humanae*

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

⁸⁷ *Dignitatus Humanae*

⁸⁸ *Dominus Iesus*

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_en.html

⁸⁹ I recognize that some Christian’s may not fit neatly with the views put forward. By certain Christian view, I mean Christian exclusivism.

the importance of one's comprehensive doctrine to one's views, along with strong considerations about the force of things like heaven and hell and what sort of reasoning is appropriate and effective. Considering these sorts of arguments will be informative for our understanding of the exclusivist problem for Justificatory Liberals.

Locke and Proast: Toleration within Exclusivism

The arguments for and against religious toleration from within a normative Christian framework can be exemplified in a series of letters between Jonas Proast and John Locke during the 17th Century. Both published anonymously at the time, and Proast responded to Locke's *Epistola de tolerantia* (Letter on Toleration) with his own letter, thus sparking a debate between the two which would last three rounds (with a fourth letter of Locke's that remained unfinished). Locke argues for religious toleration from within Christian exclusivism and Proast responds. In his response, Proast summarizes Locke's main argument as such,

There is but one Way of Salvation, or but one True Religion.
No man can be saved by this Religion, who does not believe it to be the True Religion.
This Belief is to be wrought in men by Reason and Argument, not by outward Force and Compulsion.
Therefore all such Force is utterly of no use for the promoting of True Religion, and the Salvation of Souls.
And therefore no body can have any Right to use any Force or Compulsion, for the bringing men to the True Religion⁹⁰

This is a relatively fair summary of the main line of argument in Locke's first letter. He does have other arguments supporting it, but the crux lies here. Locke seems to disagree that force is of no use, but rather that it is of little use, is unnecessary, and is certainly not the best means for conversion. Proast rejects this argument by saying that there are situations in which it seems compulsion would be beneficial.

⁹⁰Proast, Jonas. *The Argument of the Letter Concerning Toleration* pp. 3

So long as Christianity is recognized as the True Religion, something which both Proast and Locke agree on, it seems morally necessary to be willing to use almost any means for conversion. If the result of not being a Christian is eternal damnation, then so long as we have a moral obligation to prevent horrible suffering for other people, we have a moral obligation to do anything we can to convince someone. After all, any temporary punishments pale in comparison with eternal punishment. If Locke is right and use of compulsion would actually have a negative effect on the spread of Christianity, than we would still have a good argument for religious toleration. Let's look at the arguments for the effectiveness of force with religious belief.

Locke opens his second letter by rebutting one of Proast's main counterarguments: that there has been no experiment that has been made to expect that true religion would gain from toleration. Locke suggests the history of Christianity itself and its rise in followers as a sign that its early historical growth in tolerant societies is evidence for its truth and evidence claiming that toleration is a practical religious virtue. Because Christianity grew by its "own Light and strength" this is good evidence that it is the true religion. Proast denies this by making note of the biblical story of Noah. Both he and Locke believe that Noah practiced the true religion, but at the time directly after the flood Noah and his family were the only people left. However, the "Worship of False Gods"⁹¹ still arose after Noah. Proast puts it well himself when he says,

[W]hen you have but consider'd, within how few Generations after the Flood, the Worship of False Gods prevail'd against the Religion which Noah profess'd, and taught his Children (which was undoubtedly the true Religion) almost to the utter exclusion of it (though that at first was the only Religion in the World) without any Aid from Force, or the Assistance of the Powers in being, ...considering that it found an entrance into the World, and entertainment in it, when it could have no such Aid, or Assistance.⁹²

⁹¹ Proast, Jonas. *Third Letter Concerning Toleration* pp. 4

⁹² Ibid.

If you accept Noah's being the true religion, then you cannot possibly believe that a religion's "own Light and strength" is sufficient, as the religion of Noah was not in power and was nigh near extinction.

If its own light and strength was enough, then no false religions should have gained many followers, if starting at all.

Proast says,

That the true Religion has always Light and Strength of its own, sufficient to prevail with all that consider it seriously, and without Prejudice, I readily grant. But... that it will always prevail in the World against other Religions, merely by its own Light and Strength, without the Assistance either of Miracles, or of Authority; then I must tell you, that prevailing by its own Light and Strength, is so far from being a mark of the true Religion, that it is not true...⁹³

Proast seems to be correct on this. Consider, for the sake of argument, that Christianity is the 'True Religion'. Many other religions have been able to arise, and if Christianity's 'Light and Strength' were enough then it seems that these religions should not have lasted long. Any new religion would be false and not have the same 'Light and Strength' as Christianity has. If this is enough for Christianity, then it seems unlikely that anyone would be persuaded away from the truth. However, if other considerations are important, as Proast seems to think, then other religions could rise up. It is easy to imagine a number of selfish reasons for which one might choose a religion. All debates over which religion is the fastest growing aside⁹⁴, Islam is certainly growing fast. Are all of these people being irrational in not acknowledging the 'Light and Strength' of Christianity? If so, then it seems that Proast is right and Christians should be doing something other than just getting the ideas out to try to

⁹³ Ibid.

⁹⁴ There is some debate as to how this should best be measured. While Islam grows very quickly, much of its current growth is owed to the higher birth rate in those countries where Islam is in the majority (Often third world countries) and some academics think that the rate of conversion is more important. However, statistics for these rates are typically unreliable due to social taboos for conversion and reported converts who do not persist in their new religion. For more check out http://en.wikipedia.org/wiki/Claims_to_be_the_fastest_growing_religion, and The Pew Forum on Religion and Public Life <http://pewforum.org/>

convert them. In my experience, enter any religiously minded philosophical discussion and it is rare to see someone convinced by the arguments for Christianity. If Locke is correct and Christianity's truth is so evident and also the only thing necessary for the spread of the religion, then it seems that the arguments for Christianity should reign victorious in most discussions, especially those discussions featuring experts on the subject.⁹⁵ If Christianity is the true religion and does lead exclusively to salvation, then it seems that Christians should be doing other things to spread its belief and meet their moral obligations.

Locke states,⁹⁶ "The inventions of men in religion need the force and helps of men to support them. A religion that is of God wants not the assistance of human authority to make it prevail." If this growing on its own without force from authority is really what separates Christianity from false religions, as Locke would like us to believe, this causes many other problems for the Lockean view. Christianity had a surge in power with the alignment of Christianity and the Roman Empire under Constantine I⁹⁷, suggesting that indeed authority has played a role in the growth of Christianity. Constantine had a conversion experience in, or around, 312 AD. After this, he issued the Edict of Milan in 313 AD, granting religious toleration to the previously persecuted Christians, and would eventually give them a favored position in Roman law. Constantine used materials to build Christian basilicas in Roman cities, used propaganda to spread the Christian faith throughout the empire, included Christian clergy in his court circle, and gave them a number of privileges they previously did not hold. His reign's effect was so important, that classical scholar Charles

⁹⁵ Here, I am thinking of such discussions as are common on University campuses. If the 'Light and Strength' of Christianity is completely sufficient for its spread, then it seems likely that academics knowledgeable in the field would be able to craft quite compelling arguments, yet it seems rare to see someone converted by these arguments. (The number of people fitting this description in my experience could easily be counted on one hand. While the success of the argument may not be the best way to decide its truth, it does seem certainly to be good reason to believe that it is not the best or only necessary way for the spread of an idea, especially where other methods are shown to be useful.)

⁹⁶ Locke, John. *A Second Letter Concerning Toleration* pp. 2

⁹⁷ Odahl, Charles. *Constantine and the Christian Empire*

Odahl claimed,

Thus, through the course of the long reign of Constantine (306-37), the Christian Church was transformed from a persecuted minority cult into an established majority religion; and the pagan state of classical antiquity evolved into the Christian empire of the Byzantine era.⁹⁸

When we look at the history of Christianity, even as Locke does when he analyzes past transgressions of religious tolerance, we see that authority has played a strong role in the traditional church and that many decisions have been made forcing theological view points between orthodoxy and heresy (The Council of Nicea, The Council of Chalcedon, etc.)⁹⁹. The Church as it is today and was in Locke's day had several strong theological beliefs that were held consistently based on the authority of these councils. Locke will have to either head toward a more heretical approach to the church¹⁰⁰, or abandon this line of argument entirely.

Locke also argues for religious toleration as he argues against the abilities of magistrates and the state's role in government. He claims that if the magistrates will severely and impartially set themselves against vice, in whomsoever it is found, and leave men to their own consciences in their articles of faith and ways of worship, "true religion will be spread wider, and be more fruitful in the lives of its professors,' than ever hitherto it has been, by the imposition of creeds and ceremonies."¹⁰¹ He professes that if severity or cruelty is done against anything other than vice, such as in this case religious beliefs, that people are more likely to take pity on the accused and that persecution and punishment for

⁹⁸ Ibid. pp. 2

⁹⁹ These councils were responsible for orthodox opinions on the nature of Christ and his relation to the idea of the trinity. While before these councils a number of opinions might have been considered 'Christian' after them one belief was held, and through excommunication and other uses of force others were declared heresy. For more about the councils see *The Four Councils* by Ward, J.W.C.

¹⁰⁰ This may be precisely what Locke did as a Unitarian. However, we see none of the arguments against traditional Christianity he may have in the text of his letters. It seems clear from his work that Locke intends his letters for a general Christian audience, not one which may take a more heretical view.

¹⁰¹ Locke, John. *Second Letter Concerning Toleration* pp. 3

these behaviors is wrong and as such will cause a “just prejudice against the religion that uses it... for where there is no fault, there can be no moderate punishment: all punishment is immoderate, where there is no fault to be punished.”¹⁰² Locke also thinks that a magistrate would be just as likely to commit error as the rest of mankind in the search for salvation, and so his use of force would not advance salvation or the true religion.

Proast’s response is that not practicing the one true religion is a vice and a fault, and as such should be punished by the magistrate. Indeed, St. Thomas Aquinas declared, “it is clear that the sin of unbelief is greater than any sin that occurs in the perversion of morals.”¹⁰³ They each view this sin as being the root of all others and that from it, all sorts of evil follows. Also, Proast is not asserting that every magistrate should be allowed to use force for his own religion, but only those that have the true religion, Christianity.¹⁰⁴ This seems correct if we have a real belief in Christian exclusivism. It also seems that Locke is in error when he claims that a magistrate would be just as likely to commit error as one of his subjects, especially during the time periods when Locke and Proast wrote. Not every individual knows how to read, especially in the original scriptural language, and most people do not have the money or the time to make a serious investigation into religious matters. Why not trust the authorities or a magistrate who can council with religious authorities? If Locke is right and the true religion can be known solely on its own rational merits, than it seems that someone who invested serious time and effort would stand a better chance at coming to the right conclusion than an everyday person.

Proast has the better of Locke in all of these arguments because of Locke’s agreement with Christian exclusivism. Here, it is a moral obligation to pursue others’ salvation and Christianity is the only way. It can be evidenced historically and

¹⁰² Ibid. pp. 4-5

¹⁰³ Aquinas, Thomas. *Summa Theologica* Q10 Article 3

¹⁰⁴ Proast, Jonas. *Third Letter Concerning Toleration* pp. 8

philosophically that at least some forms of intolerance could benefit the true religion. Most of the ways in which intolerance seems to be justified rests on the assumption that Christianity is certainly true. It seems that the power of this certainty matched with an obligation to love our neighbor and the threat of eternal damnation, is enough to justify just about anything. While the persecution of others has typically been tremendously cruel, Proast discusses less cruel forms of coercion that may be effective to salvation. Additionally, even if cruel techniques are used, if they can be shown to be effective to the conversion (and therefore salvation) they may be justified with a moral obligation to save people. While this persecution may not seem loving at all from a modern perspective, it may be considered that within Christian exclusivism. Perhaps an argument more critical of traditional Christian doctrine will be successful. Here we will look at one such argument.

Rousseau's Alternative

Jean-Jacques Rousseau's *Emile* is a treatise on education, and in Book IV of the novel¹⁰⁵ he deals with religious education. Here he gives a story known as "The Profession of Faith of a Savoyard Vicar," a story which is quite similar to his own religious education. The work is not purely a work on religious toleration, but the entailments of it are clear. The Savoyard Vicar is a Catholic priest, whom the narrator meets, although the Vicar does not argue strictly for Catholicism.

One of the main points of our preceding argument's problems was the power of eternal damnation. Rousseau's vicar says,

I find it hard to believe that they [the wicked] will be condemned to everlasting torments. If the supreme justice avenges itself, it does so in this life... What need to seek a hell in the future life? It is here in the breast of the wicked... This is what I am inclined to believe, without bothering to come to

¹⁰⁵ *Emile* consists of 5 books that can be roughly broken into 2 parts. The first part, Books I-III, focuses on the rearing of an independent and self-sufficient man. Books IV-V form the second part, and they attempt to bring this individual into society at large. See the Introduction by Allan Bloom in his 1979 translation of *Emile, or On Education*.

any decision about it. O God, merciful and good, whatever your decrees may be I worship them; if you punish the wicked endlessly, I prostrate my feeble reason to your justice; but if the remorse of these wretched beings should in time be extinguished, if their ills should end, and if the same peace awaits us all equally one day, I praise you for it. Is not the wicked man my brother? How often have I been tempted to be like him?¹⁰⁶

Rousseau's vicar does not go so far as to say he is certain that the wicked will not face eternal punishment, but he does seem to believe it would be better and more just if they did not. After all, they meet punishment already in this temporal world and it seems unreasonable that they *must* be punished eternally. This certainly takes some of the force away from arguments against religious toleration. If the wicked do not face eternal damnation, then our actions in this temporal world are perhaps better judged by their effects in this temporal world. The exclusivist no longer has eternity to appeal to, but instead he must argue for policy based on the present. It would be wrong to treat someone unfairly and attempt to convert by force because what you would be doing would not have a very positive effect on them. It would not be saving them from eternal damnation. There still might be some sway to arguments for intolerance, to spare the wicked some temporary amount of suffering, though the moral calculus here may be difficult and seems likely to come out in favor of toleration.

The Vicar then talks about his views on revelation and exclusivism. He argues for natural religion throughout, that is religion that can be known from one's own self and reason rather than revelation. He says,

As soon as people took it into their heads to make God speak, each group made him speak in its own way, and made him say what it wanted. If they had listened only to what God says in the heart of man, there would have been but one religion upon earth.¹⁰⁷

The vicar argues here that the revelation is unnecessary, and that all the really important

¹⁰⁶ Rousseau, Jean-Jacques. *The Profession of Faith of a Savoyard Vicar* Par. 108-109

¹⁰⁷ Ibid. Par. 141

doctrines can be received through one's own nature. It seems that Rousseau, or at least the vicar if we presume that Rousseau is not speaking for himself, is mistaken here. He asserts that the existence of God along with a number of other doctrines can all be received purely through natural reason. However, there are plenty of people who I think use their reason to the best of their ability and do not come to these conclusions. I think the more important notion for Rousseau here is that if God does exist, it seems unjust for him to punish based on revelation. The vicar continues,

I asked: *which is the right one?* Everyone replied: 'mine.' Everyone said: 'I alone and those who agree with me think rightly; all the others are mistaken.' *And how do you know that your sect is in the right one?* Because God said so. *And who told you that God said this?* My pastor, who knows all about it.... If those who follow the right path and those who go astray have the same method, what merit or what fault can be assigned to one more than to the other? Their choice is the result of chance; it is unjust to hold them responsible for it, to reward or punish them for being born in one country or another. To dare to say that God judges us this way is to insult his justice.¹⁰⁸

Rousseau is pointing out that if we really want to believe that God is just, it seems unjust for him to punish those with differing religious beliefs because they are at no more fault than being born in a certain country. It certainly seems true that one's location and family often dictate one's religious beliefs. While there may be converts between different religions (More so probably in today's liberal democracies), the vast majority simply follow social and family standards¹⁰⁹. This was perhaps even more true during the time period when these philosophers were writing, where information about other religions was more limited than it is today in our high technology democratic society. If the proponent of compulsion is correct, then what makes someone in a foreign land immoral for following the same

¹⁰⁸ Ibid. Par. 144-145

¹⁰⁹ I was not able to find any social statistics to back this up, however it seems prevalent from the fact that the religious majority typically stays the same or relatively close in percentage from generation to generation. Note that Saudi Arabia is primarily Muslim, America is primarily Christian, etc. A nation's history plays a large role in the religious views of its citizens. For international religious statistics check the World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/>.

standards by following a state ordained religion and thus coming to a different conclusion? Rousseau is proposing that there is no substantive difference between a Christian layman who follows what his priest tells him, and a Jewish layman who follows what his rabbi tells him, etc., etc. Therefore, it would be unjust for God to punish one and not the other. The Vicar says,

If there were only one religion upon earth, outside of which there was only eternal punishment, and if there was in any corner of the world a single honest man who was not convinced by this evidence, the God of that religion would be the most unjust and cruel of tyrants.¹¹⁰

If this is the case, what does it mean for the Christian doctrine that it is the exclusive revelation of God? Certainly, lots of people have not been convinced. There are even lots of people who have never even heard of the Christian revelation. It seems unjust and cruel for God to punish them.

Rousseau's Savoyard Vicar lays out a much more compelling reason for religious toleration than does Locke or any other moderate appeal arguing from within Christian exclusivism. The force of exclusivism is too strong for religious toleration arguments. The moral obligation to help others avoid eternal damnation will allow for almost any act so long as its results decrease the likelihood of this punishment. This of course requires absolute certainty on the part of the exclusivist, and an assumption either to maximize other's welfare or to convert others. If one does not care what may happen to others because of their own error, intolerance may not be justified. If one admits the possibility of being wrong in one's religious beliefs, then one may lead others astray by coercion. In this scenario, it may be better to remain 'hands-off' in relation to others' religious statuses and focus on ethical behavior aimed toward this life. An exclusivist citizen will not meet this possible ways out of religious intolerance. Any positives from religious toleration would

¹¹⁰ Rousseau, Jean-Jacques. *The Profession of Faith of a Savoyard Vicar* Par. 146

pale in comparison, and there is good reason to believe that some degree of persecution is certainly useful for the spread of religious belief. Rousseau's arguments work precisely because they are more critical towards this exclusivism. Rousseau gazes critically at eternal punishment, and toward the certainty of revelation behind exclusivism. It seems unjust for God to punish for the reasons Rousseau describes, and if they will not face eternal torment then we should not give them any temporary torment. His argument for religious toleration works because he undermines exclusivism, and thus undermines the power of seemingly present immoral acts with supposed long term infinite gains. In the last line of the work, the Savoyard Vicar is discussing what the 'sovereign judge' will say to them on judgment day. He says, "Will he not rather pardon the errors in which we were brought up than those we have dared to choose for ourselves?"¹¹¹ It seems likely that our religious beliefs owe much to chance of family and geographic location. Wouldn't it be more just for God to judge us for our intolerance and violent behavior towards others than for these religious beliefs?

Just as arguments for religious toleration fail under exclusivism, arguments for public reason will fail also. It would be unethical for an exclusivist to attempt to ground ideas in public reason or to exercise moral restraint if this would at all hinder the salvation of others. Any pleas from within exclusivism similar to Locke's worries about 'Light and Truth' or Locke's other worries, will be easily dismissed by Proast-like responses. An attack on exclusivism itself is necessary to ground public reason as well as religious toleration, and anything less will lack appeal. Most of our Justificatory Liberal authors want to avoid choosing sides in 'culture wars.'¹¹² However, this commitment to neutrality serves them poorly when dealing with the exclusivist.

¹¹¹ Ibid. Par. 196

¹¹² I am sympathetic to their goal.

Chapter V

Where to Go from Here

It is important to remember that even if these problems are considered as serious rebuttals to Justificatory Liberalism, this does not mean that ‘anything goes’ in public debate. The idea that there are rules based on respect involving the decision making process for civil issues seems correct, and also necessary in a liberal democracy. With its natural pluralism, a ‘common language’ is necessary for citizens with varied comprehensive doctrines to come together in making decisions for the common good. However, it is perhaps too optimistic to think that this language will always be available for one’s supported views. It is feasible that religious citizens may find themselves in a conflicted situation, wherein they are unable to find a secular rationale.

While a duty of respect may obligate such citizens to many things, it does not obligate them to restrain their support. Suggesting such an obligation may actually disrespect the religious citizen, and may function, as Weithman discusses, as discouraging realized citizenship. Martin Luther King, Jr., expressed the religious priority that many religious American citizens may feel,

You have a dual citizenry. You live both in time and eternity. Your highest loyalty is to God, and not to the mores or the folkways, the state or the nation, or any man-made institution... You must never allow the transitory, evanescent demands of man-made institutions to take precedence over the eternal demands of the mighty God.¹¹³

This goes to say that for many religious individuals, they may view their religion as bound up as part of their identity and as a totalizing obligation. This does not mean that all of these citizens will be exclusivist citizens. They may view their non-religious fellow citizens as worthy of respect and may understand that their own views do not necessarily have a

¹¹³ Wald, Kevin and Calhoun-Brown, Allison. *Religion and Politics in the United States* pp. 58

monopoly on the ability to pick out religious truths. Nonetheless, they find their religious commitments totalizing. This is in no way contradictory. Nicholas Wolterstorff also discusses 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... It is their conviction that they ought to strive for wholeness, integrity, integration, in their lives: that they ought to allow the Word of God, the teachings of the Torah, the command and examples of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. Their religion is not, for them, about *something other* than their social and political existence; it is *also* about their social and political existence.¹¹⁴

Religious belief does not end at most religious citizens' doorsteps.

Leftover Problems

This thesis has come nowhere close to exploring the many varied issues relating to Justificatory Liberalism, and the appropriate relationship between religion and political life. It has focused solely on the obligations of citizens, that is people in the role of citizen. The requirements of what is appropriate behavior between a person's religious beliefs, and their role in other areas of political life may be entirely different. While I will not spill too much ink on the issue in this paper, it seems likely to me that judges, elected officials, appointed government representatives, and many other public officials may be constrained more. One may ask more of these individuals. In submitting themselves as public servants in a liberal democracy, they must recognize and respect those citizens having differing personal views from themselves. Additionally, as representatives of a government which has no establishment of religion, they may be violating this by reasoning in solely religious way. Thus, when John Ashcroft asked his staff to sing Christian songs before work began, or as a senator described America as "a culture that has no kind but Jesus," I agree with Martha

¹¹⁴ Eberle, Christopher. *Religious Convictions in Liberal Politics* pp. 55 quoting Wolterstorff, Nicholas in *The Role of Religion in Decision and Discussion of Political Issues*, pp. 105.

Nussbaum's analysis of "disturbing."¹¹⁵ Behavior such as Alan Keyes claiming that "voters should choose him because Jesus opposes his opponent, Barack Obama" is disrespectful both to his opponent and to those citizens whose vote he seeks.¹¹⁶ Outlining the requirements of a duty of respect on political officials has been in no part a mission of this thesis, but is certainly a worthy goal. John Rawls's idea of public reason is a requirement for judges, discourse of government officials, candidates for political office, etc., whereas the *ideal* of public reason is what he applies to a liberal democracy's citizenry.¹¹⁷ As such, I do not view any of the issues outlined here as being objections to the Justificatory Liberal's ideas on this matter, but only in relation to their views of a citizens obligations.

This paper has also been chiefly concerned with matters of religious reasoning and method, not religious proposals themselves. Issues such as school prayer, the Ten Commandments being posted in courtrooms, intelligent design, and opposition to same-sex marriage may all be inappropriate or disrespectful proposals in themselves. I have merely argued that the *reasoning* that may lead to such positions is not always disrespectful. How the separation of church and state and issues of religious equality are to be construed in relation to these sorts of issues is an interesting and important exploration that I have left largely untouched. A comprehensive theory of religion and public life must deal with both of the issues drawn out in this section.

Possible Solutions

It is almost always easier to attack someone else's position than to build your own; it is easier to throw bricks at windows than to build a home. While the arguments here have been largely destructive, I have suggested several principles of public reason along the way.

¹¹⁵ Nussbaum, Martha. *Liberty of Conscience* pp. 5

¹¹⁶ *Ibid.* pp. 6

¹¹⁷ Rawls, John. *The Idea of Public Reason Revisited* pp. 133-135 The citizens fulfill the ideal of public reason by behaving as legislators obeying the idea of public reason. It is not so much the rules that are different, but the degree of moral obligation.

- (1) **The Principle of Secular Pursuit** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to pursue reasoning which is “properly public.”
- (2) **The Principle of Honest Discourse** – When citizens in a liberal democracy are advocating a coercive law, they have a duty to honestly communicate their motivating reasons.

The first principle seems clearly argued for by many justificatory liberals. I support their arguments as they pertain to this construal of the principle. Public life takes place in community and is inherently communicative. A requirement to treat one’s fellow citizens with respect will obligate all citizens to pursue reasoning and language which is accessible to all, and this will be language like Audi and Rawls outline. The second principle is to take care of the worries that Rawls and Audi have about hypocrisy.¹¹⁸ In addition, it seems to follow from treating other citizens as free and equal. It’s disrespectful to lie to people, and this seems particularly salient in relation to public discourse. In searching for the common good and common will, it is necessary for practical reasons to understand the actual motivations of citizens. These principles may not be the only principles. I have suggested earlier that in order to support one’s favored policies, one must have rational justification for their support.¹¹⁹ This would be at least one additional principle.

I have also suggested that there is at least one class of citizen, the exclusivist, who will most likely fail in his/her actual civil obligations. Justificatory Liberalism suggests that its principles should be accessible to all, but it seems clear that for these sorts of citizens, they should remain unconcerned with secular reasons.¹²⁰ Given the assumptions in their comprehensive world view, they are doing the correct thing in disregarding the principles

¹¹⁸ Audi, Robert. *Religious Values, Civic Action, and Political Discourse* pp. 280-283 and Rawls, John. *Political Liberalism* pp. 215

¹¹⁹ Which is as explained earlier, not necessarily the same thing as *properly public* justification.

¹²⁰ John Rawls says, “Central to the idea of public reason is that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, *except insofar as that doctrine is incompatible with the essentials of public reason and a democratic polity.*” (*Idea of Public Reason Revisited* pp. 132) This seems to be directly considering the kinds of worries I have outlined. If one recognizes this, then my contribution is that this should be pointed out more clearly and considered more thoroughly, possibly including arguments *against* these sorts of comprehensive doctrines.

outlined here. As such, these citizens are likely to disrespect their fellow citizens and will not respect the actual civil obligations they are under, except perhaps by accident. In moving forward, it will be prudent for those addressing issues of religion in public life to consider exclusivist citizens. If one wants to convince citizens to obey principles similar to those of Justificatory Liberalism or those principles I've outlined here, it will be necessary to either acknowledge that some people will inevitably not be convinced or to pose an argument against exclusivist doctrine.¹²¹

I have undertaken this work in an effort to understand the dual citizenry of which Martin Luther King, Jr., spoke, and to understand the real obligations of religious citizens in a society dedicated to religious equality. In the process, I hope I have put forth ideas that can be used to understand our fellow citizens and to help bridge the "mutual suspicion that sometimes exists between religious America and secular America."¹²² When able to, I agree with Justificatory Liberals and Barack Obama, that:

Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values. It requires that their proposals be subject to argument, and amenable to reason... Politics depends on our ability to persuade each other of common aims based on a common reality. It involves the compromise, the art of what's possible. At some fundamental level, religion does not allow for compromise. It's the art of the impossible.¹²³

It also seems true that in most cases of modern public life, this process will be accessible and successful. However, when a religious citizen is unable to, we ask too much if we ask them to leave their views at their doorstep. Asking a citizen not to vote for their favored policies requires a particularly strong reason, and lacking public justification is not strong enough. While I deny the principle of moral restraint, the principle of secular pursuit needs to be taken very seriously. "Any reconciliation between faith and democratic pluralism

¹²¹ It might be very prudent to make a modern update of Rousseau's argument.

¹²² Obama, Barack. *Call to Renewal Keynote Address*

¹²³ Ibid.

requires some sense of proportion,"¹²⁴ and therefore it is important to our public discourse to walk a middle path; a path which can be reasonably agreed upon by most members, both religious and non-religious. I think the views I have advocated are such a middle path, and in moving forward we must take seriously the calls to respect our fellow citizens, invest our time in a sincere effort at understanding public decisions and the point-of-view of those who disagree with us, and respect the enormous totalizing importance of our fellow citizens' worldviews.

¹²⁴ Ibid.

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