

REVIEW ESSAY

Religion and the Imaginary Republic

Religious Conviction in Liberal Politics by *Christopher J. Eberle*.
Cambridge: Cambridge University Press, 2002. 405 pp.
\$75.00, cloth; \$28.00 paper.

The Clash of Orthodoxies: Law, Religion, and Morality in Crisis by *Robert P. George*.
Wilmington, DE: ISI Books, 2001. 387 pp.
\$24.95, cloth; \$14.95, paper.

Religion and the Obligations of Citizenship, by *Paul J. Weithman*.
Cambridge: Cambridge University Press, 2002. 227 pp. \$55.00, cloth.

Reviewed by Travis D. Smith

Modern political science is founded upon the idea that political matters are best understood by considering how people actually think and act rather than imposing upon them idealistic notions of how they ought to think and act. This teaching is not inherently conservative. It is compatible with conceptions of progress, and it tells the reformer how to proceed in order to succeed. It explains why, among the most ambitious modern projects, the Baconian project continues to thrive, steadily transforming the world, ostensibly for the relief of man's estate, whereas the Marxist project, premised upon fantastic conceptions of history and human nature, combined with nebulous promises of dubious desirability, is both a fatality and a legacy of casualties.

America's founders recognized that the success of their experiment depended upon fitting it to men as they found them. Observing that it is impossible to abolish ambition among free men, they set out to make ambitions counteract each other to the advantage of the common good. Since factions naturally arise among men, they prudently

aimed to manage the effects of these divisions instead of trying to excise their causes. A prominent cause of division is the diversity of convictions regarding matters divine. Even Thomas Hobbes, whose name is a longstanding byword for atheism, acknowledged that religion "can never be so abolished out of human nature." Although Hobbes is best known for proposing the subordination of the church to the state and mandating public worship, even he ultimately counsels that it is probably best if everyone were let alone to believe what "he liketh best," so long as he refrains from violence. In order to reconcile liberty and equality, the American resolution judiciously prohibits the establishment of an official state church while protecting the free exercise of religion.

An influential faction within contemporary political philosophy would prefer to cure this cause of division by giving everyone the opinion that religion is a strictly private affair. Its members are generally more confident that ideal situations have practical, and especially judicial, applications, the actual be-

liefs and practices of men and women notwithstanding. It is not their declared position that everyone should have the same irreligious opinion, for they are staunch defenders of pluralism and respecters of diversity. But citizens of a liberal democracy, they argue, are morally obliged to treat their deepest convictions as if they are politically irrelevant, whatever those convictions themselves happen to say about politics. This principle is egalitarian inasmuch as it is imposed upon religious and irreligious persons alike. Partisans of this position do not always call religions "religions," but instead devise generic labels like "comprehensive doctrines" in order to denote a category of metaphysical commitments held prejudicially that are deemed too divisive to be welcome in liberal democratic deliberations.

Justice is as disinterested an interest as there ever was. Every civilized person claims to be on its side. The proponents of the suppression of religiously informed political positions defend this exclusion in the name of justice. They find the meaning of justice much less controversial than religion. Within a narrow range of arguments they tinker with their concept of justice and the conceptions of personhood, dignity and rationality connected to it. It seems that they tend to entertain even fewer disputes regarding their most favored policy outcomes. It would be ungenerous to insist that contemporary philosophy is committed principally to the advocacy of specific policies. Certainly, religious faith is not determined by political preferences. Although, in fairness, the stakes involved and the obligations entailed by a person's commitment to either a religious or secular outlook are, taken on their own terms, incommensurable.

All three books here under consideration argue against the exclu-

sion of religion in liberal democratic politics. Christopher J. Eberle, in *Religious Conviction in Liberal Politics*, and Paul J. Weithman, in *Religion and the Obligations of Citizenship*, analyze the moral obligations of the religious citizen from within the philosophical tradition of those who tend to promote religion's exclusion. They confront directly what Weithman refers to as "the standard approach," which Eberle calls "justificatory liberalism": Given the coercive nature of law, the argument goes, respect for persons, due to all citizens equally, requires every citizen to be able to justify their public speech and political activity on the basis of reasons that meet an hypothetical counterfactual standard of "universal accessibility." Because personal religious convictions fail to qualify, citizens are obliged to refrain from relying upon religion while engaging in politics.

Stylistically, Eberle's text is demanding, meticulous, and sometimes repetitious. In the introduction the author confesses that his book is too long. Both Eberle and Weithman try to render academic technical language understandable. Weithman's prose has a more natural feel and the examples he uses to illustrate his arguments are familiar. Although Weithman's conclusions take the form of principles branded with numerical markers (if you are in a rush, you will find them at 5.1 and 5.2), he refrains from resorting to the more irksome conventions of the literature.

Both Eberle and Weithman explicitly set out to show left-minded persons that they should not oppose the role of religion in liberal democratic politics too hastily. Religiously motivated activists supported civil rights and opposed slavery, the death penalty, and the doctrine of nuclear deterrence.

Churches provide material relief and other benefits to the poor, marginalized, and otherwise disadvantaged. Although Eberle occasionally insists that there are some controversial issues (polygamy, for example) regarding which there is "no credible nonreligious reason" to oppose liberalized policies, both authors express a concern that those who would bar religion from politics perceive religiously motivated citizens only in caricature. Eberle remarks, "the evangelical or fundamentalist, particularly one who advocates policies that are unpopular among academics, serves as the most common whipping boy for the justificatory liberal." These same academics do not, in turn, object so vociferously to the politics of liberation theology. Weithman suggests that liberal theorists sometimes confuse the advocacy of policies they happen to find disagreeable with the violation of moral obligations. Both authors warn against stigmatizing citizens who take their religion seriously in political affairs. People resent being told that they are violating their moral duties by doing what they think morality requires of them. They are hardly going to believe that they are violating their moral obligations, I would add, whenever they are so accused by those whom they see as proponents of incomparably greater immoralities. Both Weithman and Eberle argue that religiously motivated citizens should not be treated with contempt or condescension, or accused of being disloyal citizens. It is usually out of a strong sense of loyalty and responsibility that they want to participate. It is preferable to allow them to work within the system, however inconvenient that may seem, than leave them no choice but to operate outside the system and possibly against it. Deeming it unacceptable will not end religiously motivated political

action. Prohibiting it would only drive it underground.

Eberle argues that justificatory liberals have not discovered an argument strong enough to disqualify religiously motivated political speech and behavior and weak enough not to exclude nonreligious opinions and motives ordinarily deemed appropriate or essential to liberal democratic politics. Nor shall they ever find one consistent with their fundamental commitments. With secular reasons failing the same tests of universal accessibility that are designed to rule out religious reasons, any restriction upon the public expression of religious convictions proves arbitrary—even if, Eberle argues, people account for their religious convictions on the basis of "mystical perception." Weithman makes a complementary argument, indicating that conceptions of public accessibility are always based on "ill-specified and controversial" counterfactual conjectures that "cannot plausibly be spelled out." Both authors employ Rawlsian-style arguments against Rawlsianism. There is "reasonable disagreement" over what counts as a publicly accessible justification, over the idea of citizenship itself, and even over the meaning of rationality or autonomy. Discerning that the standard academic theory of liberalism depends upon reasonably contestable premises, Weithman concludes that it cannot legitimately impose limits on the free expression of rival positions. Any standard that claims to establish what counts as universally accessible reasons, Eberle argues, amounts to a utopian idealization, limited and influenced by the non-ideal position of its proponents. It involves pretending to know fully what one knows only partially.

A man's religion is not, on its own terms, merely a personal pref-

erence or choice. Eberle explains that religions commonly impose obligations that are “overriding” and “totalizing.” They are binding irrespective of a man’s desires or relations, and they extend to every part of his life. They cannot be conveniently compartmentalized and privatized. Moreover, a man’s religion “will likely constitute an essential component of his moral identity,” central to his understanding of what makes life “meaningful.” Eberle indicates that a great many people from a variety of backgrounds share this understanding of the significance of religion, and not just some few extremists. In a particularly convincing Rawlsian-style argument, Eberle utilizes the contrivance of the original position, arguing that nobody there would agree to the justificatory liberal’s restrictions upon religion in public given the fair chance that any one of them could turn out to be theists of a kind for whom religion matters in the manner described. Agreeing to those restrictions would mean consenting to a condition that would be “extremely burdensome” for those who turn out to be theists, unreasonably requiring them to “violate their most fundamental commitments.”

Eberle’s own position is that citizens are morally permitted to rely upon religious rationale alone to support coercive laws, but at the same time, “each citizen ought sincerely and conscientiously to attempt to articulate a plausible, secular rationale for any coercive law she supports.” He explains, “I have no interest in providing aid and comfort for a mindless or intransigent sectarianism.” Eberle indicates that a religious person need not find the secular rationale he offers to his fellow citizens convincing, so long as he tries to make it persuasive to them, since he only intends to “ameliorate the distress he causes

to his compatriots.” He may furthermore offer different arguments to different people—becoming all things to all men. This, Eberle tells us, constitutes respecting their dignity as persons. If a religious person follows Eberle’s advice well, and his favored policies meet with legislative success, we are assured that others “will find it easier to acquiesce to those laws,” presumably so long as it is “clear that he isn’t attempting to *manipulate* his compatriots.” This argument is unusually shrewd but psychologically inadequate. Meanwhile, Eberle reminds the religious person, “be open to movement in the opposite direction.” The deepest psychological insight and shrewdest political maneuver that I surmise from Eberle’s argument involves the anticipation that a discouraged religious person will change his mind about particular, unpopular aspects of revelation should he fail repeatedly in his efforts to devise persuasive worldly arguments on their behalf. But still, “a lack of secular corroboration” for one’s religious convictions remains insufficient cause to have them silenced. After all, given human fallibility and the difficulty typically involved in trying to think beyond the bounds of one’s own experiences, it would be surprising if every detail of God’s revealed will found secular confirmation forthcoming.

Defending religious liberties, Eberle observes that there is no “realistic prospect” of violent religious conflict, let alone “clerical tyranny, confessional authoritarianism, and religious persecution” in a modern liberal democracy. In America, religious citizens know that it is in their interest to uphold the free exercise of religion. Against those who simply find religion too divisive, he argues that an insistence upon the strict privatization of religion would be more divisive in a

potentially dangerous way since so many people would find that situation intolerable. The potential divisiveness of religion is an insufficient objection anyhow, as many secular political convictions are comparably divisive, and since every fight against injustice entails divisiveness.

Morally responsible political participation is not narrowly self-interested, Weithman acknowledges. It takes concern for the common good into account—and one may have a religiously informed conception of the common good. Citizens may vote on the basis of their religious views alone, but they must “sincerely believe that their government would be justified in adopting the measures they vote for.” Weithman leaves unspecified just how rigorous the required appraisal of one’s own conscience needs to be. I suspect that it must, of necessity, remain a matter of subjective determination since no power on this world can ascertain the sincerity of anyone’s beliefs. Citizens may also rely upon their religious views in public deliberations, Weithman argues, if they sincerely believe them to be justified and are “prepared to indicate what they think would justify the adoption of the measures [they favor].” Allowing for the expression of religious positions in the political process leads to their refinement and moderates their expression. Religious people and organizations are encouraged to develop secular arguments to supplement their positions, but Weithman approves of keeping the religious character of religiously informed positions up front. If this tends to inspire public opposition to them, he refrains from making an issue of it.

In the most compelling part of his book, Weithman examines the actual behavior of religious organizations and their real contribu-

tions to American political life. He shows that several political objectives vital to justice in a liberal democracy rely upon the activities of churches. "Churches," he stresses, "provide the means by which many people gain access to realistically available opportunities to participate in politics and develop a sense of themselves as citizens." Citizenship is not a formal category; it is an "achievement." Religious organizations help a great many otherwise disadvantaged people, especially the poor and minorities, achieve "full participation" in American political life to an extent unmatched by any other association in civil society. They make information available, foster indispensable civic skills and the confidence to use them, provide access to persons and means of influence, and show ordinary people that their involvement matters. Citizenship is thereby "realized" and people come to "identify with it," legitimizing the regime under which they live in their eyes. Naturally, these individuals often give expression to religious views in their public speech and political actions. But measured in terms of the practical realization of freedom and equality, the consequences of excluding them from politics on account of their religious qualities would be substantially worse than the ill effects of their continued inclusion. Others may want to blame this result on existing conditions in America that fall short of some abstract theoretical ideal. But Weithman discourages the imposition of philosophical abstractions upon concrete political situations, which are always far from ideal.

Religious organizations promote awareness of the living conditions of society's least advantaged, Weithman observes. They promote volunteerism and inspire commitment to the common good. Because

of the services they provide and the research some of them conduct, religious organizations acquire knowledge that is useful to legislators. Since they have a stake in legislation that affects those they serve, their voice should be heard. The empirical data they provide and the moral positions they express might otherwise go unheard. Even if their positions are unpopular and tend to "challenge or provoke," their expression invigorates democracy, putting the status quo to the test, prompting people to reevaluate and rearticulate ideas they would otherwise take for granted. Responsiveness to religious citizens' concerns on the part of government secures their continued dedication to the common good, recognition of their political institutions as legitimate, and compliance with their government's decisions.

Robert P. George's approach in *The Clash of Orthodoxies* is decidedly confrontational. The "clash" George describes involves all the important moral questions, from which arises a pressing "crisis." George depicts contemporary liberal theory as a "secularist orthodoxy," an official doctrine permitting little dissent among its adherents regarding its fundamental tenets. Characterizing secularism as an orthodoxy means that persuading secularists to reconsider their commitments is going to be no easier than convincing the devout to reconsider their faith. It implies furthermore that the secularist's effort to persuade the religious that their faith must be privatized amounts to a kind of proselytizing. George does not hesitate to impute to some contemporary liberal philosophers the practice of cooking up arguments and banishing religion from political discourse simply to rationalize particular policy outcomes. Ronald Dworkin's argument in *Life's Do-*

minion is "gotten up," he says, "specifically to justify abortion and euthanasia."

George agrees that liberal theorists cannot devise non-arbitrary principles refined enough to exclude religion from public discourse without also excluding their own convictions and, he adds, every one of America's founding principles. He acknowledges some common ground between his own position and that of John Rawls, affirming the idea that "public reasons" should form the basis of public policy. But he finds Rawls's conception of public reasons to be "unreasonably narrow and restrictive." Secularism cannot be neutral with respect to comprehensive doctrines because it is a competitor among them. The insistence upon the necessity for neutrality, George indicates, is neither morally neutral nor self-evident. Secularism is a "pseudo-religion" with its own authoritative traditions, prejudices, myths and metaphysics. It embraces a peculiar conception of personhood based on an abstraction from human nature, and it derives morality narrowly from considerations of choice and consent.

The natural law tradition, prevalently associated with but not exclusive to Roman Catholicism, not only offers universally accessible reasons (whatever Rawlsians say to the contrary), but its reasons are "rationally superior" to those offered by contemporary secular moral theories, argues George. Natural law is not merely revelation in disguise. He endeavors to demonstrate that modern natural science is on its side. And without it, there is only nihilism and the advantage of the stronger. Natural law arguments in hand, George candidly addresses several prominent issues regarding life, death, sex and family life. Because this book is not intended for an academic audience

alone, George expressly refrains from philosophizing in a technical fashion. The book is not so much written to convert the orthodox secularist as to defend those belonging to his own orthodoxy (mostly “morally conservative Jews, Christians, and other believers”), demonstrating that they are not the oppressive, irrational, blindly prejudiced misanthropes that they are routinely portrayed as. Adding legal arguments to his moral arguments, George indicates that he wants democratic, representative institutions to decide on controversial moral issues wherever jurisdiction under the Constitution properly falls to them. He makes an extended case against the present “tyranny” of judicial review, arguing that the courts have usurped legislative authority. That procedure was originally established “to ensure governmental conformity with natural law and to protect natural rights,” while giving the courts only limited authority “to set right what they perceive (perhaps rightly) to be a wrong.”

While George spells out some natural law arguments in detail, including the argument that explains the Church’s position on marriage, he does not provide complete arguments for every conclusion he attributes to natural law. In particular, he does not in this volume provide a sufficiently satisfying account of how natural reason alone discerns incontrovertibly the inviolability or intrinsic value of every human life—the most needful argument of all. It may be well that “Reason affirms that if any of us have a right to life, then all of us have it,” but George does not adequately demonstrate that every life at every stage and in every condition possesses an equal value that is inestimably high rather than dismissively low. Can that value be shown without overlooking the

unpleasant evidence nature wantonly provides to the contrary and without an appeal to divine love?

This question draws attention to an unresolved tension in George’s presentation. The idea of a clash of orthodoxies evokes an irreconcilable conflict between hostile worldviews representing elaborations of incompatible presuppositions. The natural law, however, invokes the idea that men are not inextricably bound by presuppositions. The irony of the book’s title is that at its roots it means a clash of right opinions, but the author is sure that only one side possesses the right opinions. If the natural law is real, there are only clashes between knowledge and ignorance, or more frequently, ignorance and ignorance. In principle, men may acquire true knowledge regarding moral matters through reasoned discourse. In practice, bringing people to the genuine knowledge of moral truth is not easy. Politically speaking, the most realistic hope is for right opinion, which does not require cogent arguments. Not having demonstrated the inviolability of each human life, George must be reckoning on a widespread opinion. His own argument precludes recourse to the revelation that men and women alike are all created in God’s image. I hesitate to suggest that he relies on pride, the inestimably high opinion that men naturally have of their own self-worth. It is better to suppose that he relies on wonder, for men naturally sense that humanity is something wondrous.

The theory of justificatory liberalism portrays itself as promoting toleration. Those whose opinions it seeks to suppress may well perceive it as intolerant. It should be seen primarily as a position given over to despair regarding the possibility of toleration. It represents a desire to circumvent poli-

tics and preempt controversy, supposing that it is much too unlikely that people who disagree about fundamental questions, and believe that their convictions have public significance, can coexist for long. It endeavors to generate a consensus among diverse peoples that their fundamental differences are irrelevant in their roles as citizens. This theoretical system depicts itself as impartial. But however difficult it is to educate people to toleration, it is even more difficult to educate them to impartiality. Intolerance, after all, arises out of partiality. Democratic people maintain a reasonable suspicion of anyone who claims to set aside their own interests. Impartiality must be reckoned rare, and democrats on principle reject the authority of the few on any grounds, especially that of allegedly superior rationality. Free and equal people reasonably respond more readily to appeals made with reference to enlightened self-interest than to impartial rationality. Theorists of liberal democracy often emphasize openness as an essential feature of the just regime. Democratic people are sensible enough to be suspicious of the purported openness of any professed impartiality in matters political, regardless of the apparent sincerity or rationality of its professor. Christians should not protest too much if the thoroughgoing partisans of this world treat them like they do not belong. On their own terms, they do not fully belong to this world. However, the state that upholds freedom and equality must, in the name of these goods, accommodate those whose faith cannot be neatly privatized. It should do so without protesting too much.

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