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BOOK REVIEWS

Religious Conviction in Liberal Politics by Christopher J. Eberle. Cambridge: Cambridge University Press, 2002. Pp. x, 405. \$75 (hardcover), \$28 (paperback); *Religion and the Obligations of Citizenship* by Paul J. Weithman. Cambridge: Cambridge University Press, 2002. Pp. xi, 227. \$55 (hardcover).

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The sheer amount of literature on the "religion in the public square" debate has become overwhelming, but these two cutting-edge books are welcome additions indeed, since they perceptively analyze the most important previous contributions and also make genuine advances in the discussion. It is appropriate to review them together; they share a deep appreciation for some of the main moral aims of political liberalism, as well as sharp but measured dissent from it. Also, they can be put into dialogue with each other, and not just because the authors thank each other in their acknowledgements.

I begin with Paul Weithman's book, which is less encompassing and briefer, though refreshingly distinctive in its significant use of empirical evidence for its criticism of the "liberal restraint principle," or what Weithman calls "the standard view," what Christopher Eberle calls "justificatory liberalism," and what the late John Rawls made a defining characteristic of "political liberalism." A generic version of the restraint principle is that conscientious citizens ought to restrain themselves from using non-public reasons to advocate coercive legislation unless they also are willing and able to provide public reasons for it. Rawls has been the main instigator and target in this debate, and in his last published discussion of public reason, he credits Weithman for increasing his sensitivity to the role of religion as an important contributor to democracy.¹ One wishes Rawls could have read this book, because Weithman marshals an impressive array of empirical research (chapter two) to show just how important religious convictions and institutions have been in enabling people—especially minority and low income people—to achieve what he calls "realized citizenship" and "full participation" (carefully defined in chapter one) in their society. Since Rawls would agree that the latter is a great good for a democracy, and since it comes as a package with the tendency to use religious arguments in the public square, Rawls would have had a better appreciation of the tradeoffs for the health of democracy that his



restraint principle would impose. Whether the restraint principle would undermine the healthy roles of religious institutions and convictions in nurturing good citizenship, or whether it at least would cost significant frustration and alienation (given the religious source of much good citizenship) is, to a large extent, an empirical issue, and anyone who enters this debate should read Weithman's book.

Of course, there is also the normative side of the issue; even if political liberals agreed that there are significant social and political costs to the restraint principle, they may claim that the duty of civic respect requires that we pay it. So in the rest of his book, Weithman directly takes on the relevant normative issues. First, some conceptual ground clearing. Chapter five rebuts two concepts of what "votes" are and advocates a third: they are neither simply expressions of preferences (they are counted and determine political outcomes) nor exercises of power (when is the last time your vote was decisive?). Rather, a voter is "voluntarily doing his part in a role-specific collective undertaking: citizens' collective undertaking of determining political outcomes" (103). And that is why it must be done responsibly; to vote irresponsibly is to "fail the universalizability test" since "I would want to know that my interests have been properly taken into account" by other voters (104). With the other concepts of voting, I may want to know only that my vote counted equally, but in a collective undertaking, especially one in which the government is seen as our *agent* (114), I have not only "liberty interests" at stake, but also "reputational interests" (116). Weithman concludes that responsible voting and advocacy requires citizens having "what they reasonably take to be adequate reasons for impinging on" (109) others' interests.

And what are these adequate reasons? What sort of restraints, if any, should responsible citizens impose on themselves? Here Weithman proposes what might be seen as a middle ground between the liberal restraint principle, on the one hand, and a radically inclusive, "anything (legal) goes" view (sometimes called "agonistic," from Greek for "contest"), on the other. Here are his two central principles:

- (5.1) Citizens of a liberal democracy may base their votes on reasons drawn from their comprehensive moral views, including their religious views, without having other reasons that are sufficient for their vote—provided they sincerely believe that their government would be justified in adopting the measures they vote for.
- (5.2) Citizens of a liberal democracy may offer arguments in public political debate which depend upon reasons drawn from their comprehensive moral views, including their religious views, without making them good by appeal to other arguments—provided they believe that their government would be justified in adopting the measures they favor and are prepared to indicate what they think would justify the adoption of the measures.

Notice first that the bar is lower for voting than for advocacy—voters need not be prepared to say what they think justifies the measure. For one thing, when I am voting in private I may reliably remember that I was once convinced by an excellent argument that I should vote a certain

way, but I have now forgotten the argument itself (127). So I know I have a good reason, but *cannot* (not just *will not*) say what it is. On the other hand, when I am publicly advocating for a particular vote, I need to have the details of the argument; I cannot expect other citizens to trust my memory that I had a good one while I admit that I forgot what it was. As one who has reached the point of knowing *that* I hid my own Easter eggs without knowing *where*, I am charmed by Weithman's position here. But Eberle, who is younger, will have none of it: "A citizen's obligation to respect his compatriots imposes on him an obligation to do his best to *address* [them] . . . to *inform* them about his reasons for coercing them" (95). Weithman says that the sort of sentiment that Eberle articulates is an *excellence* of citizenship, but insists it is not a *duty* (129).

Notice second that Weithman's proviso differs from the liberal restraint principle in insisting only that advocates be prepared to indicate what *they* think justifies the measure; they need not be prepared to appeal to considerations they reasonably think *others* could reasonably accept as justifying the measure. His examples include Jerry, who votes for legislation and candidates just because they agree with his religious doctrine of natural law (and thereby, he sincerely believes, promote the common good), and Sarah, who justifies voting for particular candidates just because they are endorsed by her pastor and she sincerely believes her pastor is an authority on the relevant issues. The liberal restraint principle would ask them to be prepared either to give some additional—public—reasons for the decision, or at least to give some public reasons for accepting natural law or the pastor's credentials as a political authority. Weithman insists that even if it would be ideal to give public reasons, it is not an obligation. He thinks political liberals mistakenly "begin by trying to determine what justifications or reasons citizens are obliged to offer one another" or "begin with intuitions about civility" and then let these considerations set the benchmark for political civility (135). But his "collective undertaking" analysis of voting and advocacy implies that the political liberal puts the cart before the horse: citizens "cannot determine . . . [what is responsible citizenship] . . . without knowing what arguments they can reasonably expect others to offer them" (135). This "reasonably expect" (applied not just to arguments from others, but also to expectations of how they vote and how they treat others) can be interpreted either as "what a reasonable person can expect," which is largely an empirical issue, or as "expectations regarding reasonable arguments and conduct," which is largely a normative one. The empirical interpretation clearly distinguishes itself from the normative approach of the political liberal. But, given the quality and types of arguments (and voting habits and ways of treating the opposition) actually used in American politics, it seems an unpromising route to political wisdom. So I think Weithman takes the normative route: "What expectations are reasonable depends, in turn, on how it is reasonable for citizens to think of their role and on what citizens can reasonably expect others to believe about the reasons they owe each other" (135). Now, using a normative filter for what is reasonable seems similar in spirit to the above rejected strategy of political liberals. So probably Weithman is simply pleading for a wider sense of "reasonable": "If there are reasonable disagreements about what kinds of reasons are accessible . . . then it would

be unreasonable for some citizens to expect others to offer them reasons they [the hearers, presumably] regard as accessible" (135). Here Weithman may be underscoring a possible circularity in political liberalism when it distinguishes "reasonable" from "rational" and perhaps conceptually builds right into the former the restraint principle itself: "Reasonable persons . . . desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept."² Depending on what is meant by "terms all can accept," one probably needs some more premises to get to the restraint principle, but such premises are sometimes treated as explications of "free and equal" or as obviously embedded in "fair" or "civility." At any rate, it would seem to beg the question for the political liberal to have a notion of reasonable that is so morally loaded that it entails the restraint principle.

Weithman's final two chapters consist of criticism of Robert Audi's³ and Rawls's versions of political liberalism. Both Weithman and Eberle present data and considerations aimed at showing that Audi's worries about religious fanaticism are overblown. Moreover some of the very "totalizing" features of religious commitments that Audi underscores are a recipe for resentment and alienation in those believers who are asked to refrain from integrating their non-public doctrines into their political arguments while seeing controversial secular doctrines carry the debate (Eberle, 183).

Weithman's final chapter concludes that Rawls's restraint principle "is an attractive liberal democratic ideal" (211), but he insists throughout that "it is not immediately clear how moral ideals can impose moral requirements" (186). This brings us to Eberle who, I think, disagrees on both counts, but does so because of a "pursuit principle" that is consistent with the spirit of Weithman's book. Eberle gives clear-headed and fair-minded summaries of most of the major writings in this area over the past few decades, and he integrates them into his own perceptive critique of the main views and his original contribution to the debate. The latter includes notably his distinction between the *principle of pursuit*—his proposal that citizens should respect each other by pursuing the ideal of conscientious engagement—and the *doctrine of restraint*, which he rejects.

Eberle introduces his distinction in Part Two, after discussing in Part One some of the important empirical research about religion, citizenship, and pluralism and also introducing what he calls "justificatory liberalism" and its restraint principle. With his distinction, Eberle addresses two very different audiences. First, he "has no interest in providing aid and comfort for a mindless or intransigent sectarianism" (187), so he tries to persuade the "anything goes" crowd that they are morally obliged "to exit their parochial worldviews, to do what is within their power to inhabit the respective points of view of their compatriots, and to attempt to articulate reasons . . . that are convincing to their compatriots" (82). Second, he wants to persuade the political liberal that, if citizens have sincerely pursued public justification but have failed to find public reasons, then they are not morally bound by the restraint principle, and they may in good conscience vote and advocate for coercive legislation based only on their distinctive religious beliefs.

The six constraints for the pursuit principle add up to an "ideal of conscientious engagement" (104) that is rigorous indeed: 1. Pursue a high

degree of rational and moral justification for the favored coercive policy. 2. Withhold support from a policy for which one does not find a sufficiently high degree of rational justification (which by itself seems to imply Weithman's 5.1 and 5.2 principles cited above). 3. Attempt to communicate to compatriots the reason for the coercive policy. 4. Pursue public justifications for it. 5. Listen to and try to learn from compatriots' critiques.⁴ 6. Avoid any rationale that denies the equal dignity of compatriots. Eberle justifies this list not so much as an indirect moral duty based on the pragmatic considerations that it will help achieve one's morally important cause (though it will) or that it will enhance civil peace (though it will) but mainly as a matter of "recognition respect" toward persons, which he patiently and at great length unpacks as implying a *prima facie* obligation to refrain from coercion and hence an obligation to justify it when it is necessary (85–104).

With what Eberle calls "the argument from Bosnia," some liberals call for privatizing religion in order to avoid war and conflict. Eberle argues that this consideration is not relevant to the United States today. He agrees that there are regions today where the argument is (and times in history when it would be) "compelling" and "privatization is essential" (158). Since the most volatile areas, such as Bosnia and Palestine, are ones that include believers with the "overriding and totalizing obligation to obey God" (149) that Eberle uses to reject the inclusive restraint principle in the United States, it is worth noting that in other circumstances he sees this commitment as compatible with a privatization that is even more restricting than the restraint principle. So the overriding and totalizing duty to God yields only a *prima facie* duty to integrate one's religion with one's political advocacy.

Liberals also use what Eberle calls the "argument from divisiveness," which he rebuts by claiming that any divisiveness caused by using distinctive religious arguments seems outweighed by the divisiveness caused by trying to privatize them. He cites some significant costs of privatizing; for example, where would we be without the abolitionists, and would it not be better to have people be open—and criticizable—about their religious politics instead of secretive?

Eberle makes a very important and, I believe, astute observation in claiming that too often people collapse the pursuit ideal into the restraint principle, thinking too hastily that any obligation to *pursue* public reasons implies the obligation of *restraint* if one cannot find them. I think he is also right in thinking that if integrated religious believers, who feel deeply obliged to inform their politics with their religious identity, were disposed to satisfy the pursuit ideal, resentment toward religiously-based coercion would be reduced, acquiescence toward it would be more palatable, and many political liberals should and would be more sympathetic to the overriding of the restraint principle when public reasons for coercive legislation cannot be found. I think he is perceptive in surmising that much of the offense that political liberals feel comes when fundamentalists reject both the pursuit ideal and the restraint principle, especially on hot-button issues like homosexuality (111).

One argument I worry about involves Eberle's claim that "a citizen who respects his compatriots is forbidden to treat them as a means *only*, but he

isn't forbidden from treating them as a means *at all*" (125). Eberle sees this as implying that if citizens trying to coerce me engage the pursuit ideal, they are treating me as an end, and when they reject the restraint principle, coercing me without providing arguments they reasonably think I reasonably could accept, they are simultaneously treating me as both an end and a means. Let's say I try to persuade you with public arguments that you should give me the money in your billfold (you are rich and I am poor; I need the money to help my children; you are intending to spend it on golf; etc.) but I cannot find any that I can reasonably expect you can reasonably accept (you have a thing about property rights; you already tithe; golf is central to the meaning of your life; etc.). So, while continuing my efforts to persuade you, I also pull my concealed gun, perhaps saying with sadness and pity for you that God tells me to help my children. Imagine my trying to convince Immanuel Kant that I am not treating you as a mere means. He would point out that what's relevant to that issue is not just what I *do* but what I *do not* do to have my way with you. In particular, I do not coerce you without your explicit or implicit informed consent, as when students use teachers, and vice versa. And the details of what democratic compatriots do or should consent to by way of political decision-making are exactly what this debate is all about.

Even if Eberle dropped the above argument, he could still maintain that those who fulfilled the pursuit principle are sometimes justified in going against the restraint principle. How often this would happen depends on the availability of public reasons, which Eberle addresses in the third and final part of his book. Eberle claims that "public reason(s)" suggests a set of considerations that would appeal to all reasonable audiences, and he quickly locates trouble for the *populist* understanding of public justification (204–05). By relying on what people actually accept, it does respect people as they actually are, but it needs qualification, since there are likely (almost) no beliefs that every person in the country accepts. At a minimum, political liberals will have to rule out young children and the mentally incompetent. And any stronger qualifications get dicey. The most influential view has been that of Rawls: public reasons are those that reasonable citizens can reasonably believe the other citizens can reasonably accept. Note that others need not actually accept them, since they may be making a mistake in logic or failing to recognize some part of the public culture that they *could* recognize. Of course, "could" cannot be interpreted as "logically possible" or even "causally possible," since my accepting the thickest and most distinctive parts of my comprehensive doctrine implies that others theoretically could as well. So the scope of public reason must include what reasonable people could assent to within their distinctive comprehensive doctrines. As Rawls lately put it, we should be able to think inside another's moral identity enough to be able, in a sincere and non-manipulative way, to "conjecture . . . [from] other people's basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reasons" (*Law of Peoples*, 156). Eberle thinks that, since reasonable persons accept Rawls's burdens of judgement, (including the recognition that reasonable people will weigh different types of values differently, having lived different kinds of lives), this route leads

to agreement on little but "the most platitudinous claims" (215). In fact, says Eberle, given that John Calvin reasonably believed that agreements on fundamentals is essential to social order, he reasonably rejected religious freedom and reasonably burned Servetus at the stake. Eberle thinks that the alternative to his analysis here is that Rawls builds a commitment to religious freedom right into his conception of "reasonable," in which case the latter "would be utterly without interest" (383, n.48). But recall that in his evaluation of the argument from Bosnia, Eberle discounted worries about religious freedom in the United States today, partly because (as he had argued earlier) even fundamentalists, to say nothing of Calvinists and evangelicals, see that they have a vested interest in it, since conflict fosters group cohesion (43). Rawls would add that it has become part of our "public culture." "We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions" (*Political Liberalism*, 8) into what he lately agrees is "a family of political conceptions of justice, and not just one," that will yield "many forms of public reason . . . [including] Catholic views of the common good and solidarity when they are expressed in terms of political values" (*Law of Peoples*, 140–42). So into "reasonable" Rawls builds the willingness to appeal to one among several versions of public reason that are a plausible interpretation of the public culture. This latitude allows a fair amount of flexibility, but surely it requires in a nontrivial way that any reasonable United States citizen have a version of public reason that includes lip service to religious freedom. In fact, one wonders how even Christian Reconstructionists today can have Calvin's "stability belief" in their "evidential set" of beliefs that meet minimal standards of rationality. So I do not think Eberle's appeal to the burdens of judgement shows that there are only a few Rawlsian public reasons. Indeed, Rawls's above ecumenical talk of many forms of public reason could invite an inordinately wide reflective equilibrium in interpreting "public culture," yielding a rather bloated but debatable set of public reasons. However we are talking about civic virtue here, a moral internal restraint rather than a legally precise external constraint, and I see no reason why political liberals cannot appeal to the sort of sincerity and discernment that is a necessary part of any appeal to virtues and ideals.

The alternate to Rawlsian looseness is to make the category of public reasons more precise by building an epistemological filter into the reasoner ("adequately informed" or "fully rational") or the reason ("publicly accessible, or intelligible, or replicable, or confirmable," etc.). In chapter eight, Eberle's obvious enjoyment of and skill at analytic philosophizing shows that all of the usual suspects by way of epistemological restrictions either throw out the public wheat or else let in the private chaff. Using William Alston's highly regarded work in religious epistemology, he argues that mystical perception (or Christian Mystical Practice—CMP) satisfies most of the plausible normative filters, and the ones that it has trouble with are ones that also trip up the moral beliefs necessary to political liberalism. Did you know that "I perceived God telling me to do it" is in the same public intelligibility boat with "I perceived my mother telling me to do it"? Before you roll your eyes, read his argument (252–54). Justificatory liberals who shun the looseness of the above Rawlsian approach will, no

doubt, do some nit-picking on some of Eberle's arguments, but I think this chapter should be required homework for them.

Eberle concludes with a critique of the theistic argument for the restraint principle, given by Audi and Robert Perry, among others. They argue that since an all-good and all-powerful God would see to it that normal people know their moral obligations, at least the basic ones that should be encoded into law, theists should be suspicious of any religious demands for coercive legislation that cannot be backed by public reasons. As Eberle points out, this assumes a lot of optimism about how people use their God-given reason, and even theists who reject the doctrine of total depravity can argue that, given human nature and what we know about how our cognitive faculties can fail and be abused, sometimes believers may and even must trust religious convictions that contradict worldly wisdom. His example is legalizing heterosexual monogamy; other examples could be legislation against divorce or the pre-1965 legal prohibition of contraceptives. If these examples are problematic, that just underscores his realism when he concedes that "many of the policies citizens support solely on the basis of religious grounds will be misguided, foolhardy, or muddleheaded" (333). But that is the price of democracy. Interestingly, Audi's case for what he calls "Theo-ethical Equilibrium" is, I think, quite compatible with much of what Eberle says. Audi says that the pursuit of equilibrium is a *prima facie* obligation of civic virtue, and that when a conflict occurs, we should rethink both our religious and our secular convictions, and then decide which ones, if any, to adjust (Audi, 136–37). Given Eberle's pursuit principle, there is common ground here: failure to find public reasons should stimulate some (re)searching of one's political and moral beliefs as well as one's Biblical exegeses and even hermeneutics. There are texts such as Exodus 31:14–15 that demand death for anyone working on the Sabbath, but most contemporary Christians who integrate their politics and religion have found ways of interpreting these texts without advocating blue laws (much less the death penalty for violating them), and it would be no sign of religious laxity if they raised the same sort of considerations about texts regarding homosexuality.

This point raises the larger question of just how far apart Eberle and Weithman are from political liberals such as Audi. The latter concedes that integrated believers have a moral (to say nothing of legal) *right* to vote and advocate solely on religious grounds, and that what the restraint principle proposes is an ideal that yields only a *prima facie* obligation, the conscientious overriding of which is excusable (Audi, 95, 114, 203). Meanwhile, Weithman agrees time and again that political liberalism proposes an appropriate ideal or excellence of citizenship (129, 151, 211) but at the same time raises the important question of how one moves from ideals to obligations, since "there are times when it is *permissible* to behave irresponsibly even if it is not good or ideal to do so" (100). Even Audi's "merely *prima facie*" (161) responsibilities need moral justification as *obligations* (163), Weithman points out. Eberle does not debate the issue; he just goes ahead and makes the move: the "ideal of conscientious engagement" consists of "constraints . . . that each citizen ought to obey" (84) because, "as Robert Audi has helpfully argued in this context, a citizen who doesn't violate anyone's moral rights might nevertheless be morally criticizable" (105) for

disobeying an ideal that they are “morally obliged to obey” (188). Eberle explicitly recognizes that Audi’s restraint principle is a *prima facie* one (56), and he ecumenically makes his proposed right for religious citizens to go against it a *prima facie* one: even though they have the moral (and, of course, legal) right to reject the restraint principle, they “ought to be extremely reluctant to impose coercive laws on their compatriots” (188).

Well, a reader can be excused for wondering if what we have here is mainly a difference in emphasis. I suspect that if Audi, Eberle, and Weithman (and the spirit of Rawls) could discuss a suitably nuanced approach to levels of moral responsibility, they might find some convergence in the debate over debates in the public square.

NOTES

1. “The Idea of Public Reason Revisited,” in John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), 154.

2. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 50.

3. Audi’s view is summed up in *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000). Reviewed in this journal by Francis Beckwith, January 2002 (19/1).

4. Because one can be a fallibilist about one’s politics without being a fallibilist about one’s deepest religious commitments (103—there must be a “not” missing in the fourth line from the bottom).

Democracy and Tradition, by Jeffrey Stout. Princeton University Press, 2004. Pp. xvi + 348. \$35.00 (cloth).

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Pessimists about democracy worry that contemporary democracies cannot foster the qualities their citizens must have if these societies are to remain democratic.¹ This is a worry most commonly voiced by American neo-conservatives. It is very different from two charges leveled at democracy by other thinkers who are also sometimes called “conservative” but whom Jeffrey Stout more aptly labels “neo-traditionalists”: the charge that democracies are not societies in which the good life can be led, and the stronger charge that the social forces at work in democracies make their citizens bad people.²

In this highly intelligent and challenging book, Stout directs a forceful combination of arguments against neo-traditionalist criticisms of democracy. The concluding pages of the book suggest that Stout thinks those arguments also provide him the material he needs to address the neo-conservative worry (307–08; see also 12). *Democracy and Tradition* is therefore not only an intelligent and challenging book, but a very ambitious one as well. It is a book in which Stout tries to lay out grounds for the hope he places in democracy, and to hold those grounds against the doubts and objections of a wide range of thinkers. Indeed, showing that hope in democracy is—to paraphrase Kant’s remarks about reasonable