

## RELIGION, CITIZENSHIP AND OBLIGATION

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*Abstract:* This paper concerns norms which govern citizens' appeals to religion in politics. John Rawls developed the most influential such norms in his treatment of public reasoning, and the paper pays special attention to Rawls's arguments. Rawls is sometimes said to have defended an exclusivist position, hostile to the public political expression of religion. It is shown that Rawls' arguments proceed from a very different set of premises than most arguments for exclusivist positions. More specifically, Rawls's arguments connect norms of public reasoning with the need to solve an assurance problem in his ideally just society, which he calls "the well-ordered society". That problem arises because the well-ordered society would enjoy a privileged kind of stability. Seeing the context of Rawls's discussion of public reason raises question about what, if any, relevance that discussion has for those of us who live in societies that are not well-ordered. The paper concludes by taking up some of those questions.

*Keywords:* citizenship, public reason, Rawls, assurance problem, ideal theory, non-ideal theory.

*Resumen:* Este artículo analiza las normas que determinan las reivindicaciones de los ciudadanos con respecto a la religión dentro de la política. John Rawls desarrolló la más influyente de todas en su tratado del razonamiento público y en este artículo prestamos una especial atención a sus argumentos. Con frecuencia se afirma que Rawls ha defendido una posición exclusivista y hostil hacia la expresión pública y política de la religión. Se ha demostrado que sus argumentos provienen de un conjunto mucho más



diferenciado de premisas que la mayoría de los argumentos para posiciones exclusivistas. Más concretamente, conectan las normas del razonamiento público con la necesidad de resolver un problema de convicción en una sociedad idealmente justa: lo que él denomina “la sociedad bien ordenada”. Ese problema surge porque la sociedad bien ordenada disfrutaría de una especie de estabilidad privilegiada. Al observar el contexto del análisis de Rawls sobre la razón pública emerge una pregunta acerca de la relevancia, si la hay, que este análisis tiene para aquellos de nosotros que vivimos en sociedades que no están bien ordenadas. El artículo concluye suscribiendo algunas de esas cuestiones.

*Palabras clave:* ciudadanía, razón pública, Rawls, problema de convicción, teoría ideal, teoría no ideal.

Religion is one of the most potent political forces in the contemporary world. Its power is evident in popular movements of discontent with existing institutions, including but not only terrorist and revolutionary expressions of discontent. It is evident in the ways that rulers and regimes try to demonstrate their legitimacy, so as to secure the moral support of those who live under them. In many parts of the world, it is evident in the ways that the power to make political decisions is allocated among a society's constituent groups and in the content of the different legal codes to which different members of the same polity are subject. In the US, its power is evident in some of the ways that candidates appeal to voters, in some of the constituencies which are courted and in some of the reasons that votes are cast.

Not all these manifestations of religion's political power touch on the subject of this essay, for I am concerned here with *citizenship* and religion. I shall have more to say in a moment about what citizens are. But whatever else they are, citizens are persons to whom those who hold political office are accountable, in a robust sense of 'accountable'. Their accountability to citizens is not merely a matter of prudence or good politics, but of political morality.

Political morality is worked out or discovered by philosophical reflections on political life. Citizenship, which I have just said is one of the concepts of political morality, is therefore a concept that is defined by political philosophy. Once we see that one of the conditions of citizenship is the in-principle accountability of office-holders, and we see *why* those in office are accountable to citizens, it is clear that not all regime-types have citizens. Indeed, not even all regime-types that are decent and legitimate have citizens. Some such regime-types have subjects. But whatever may be true of other regime-types, the liberal democracies of political theory have citizens. Actual liberal democracies are largely made of persons who should be treated as, and who should behave as, citizens.



Liberal democracies, both ideal and actual, shall be my concern here. And so I shall begin by saying something about liberal democratic citizenship. This will enable us to look at arguments for norms of citizenship, including norms concerning appeals to religion in politics. John Rawls developed the most influential such norms in his treatment of public reasoning, and I shall pay special attention to Rawls's arguments. I shall try to show that those arguments proceed from a very different set of premises than most arguments for exclusivist positions. More specifically, Rawls's arguments connect norms of public reasoning with the need to solve an assurance problem in his ideally just society, which he calls "the well-ordered society". That problem arises because the well-ordered society would enjoy a privileged kind of stability. Seeing the context of Rawls's discussion of public reason raises question about what, if any, relevance that discussion has for those of us who live in societies that are not well-ordered. I shall conclude by taking up some of those questions.

## 1. LIBERAL DEMOCRATIC CITIZENSHIP

It is useful to think of citizenship is both a status and a role.

Thinking of citizenship as a status conveys the fact that citizenship confers an identity that may be a source of pride, an identity in virtue of which one is entitled to press certain demands of those who administer society's governing apparatus. Under the influence of the British sociologist T. H. Marshall, the status of citizenship has sometimes been described as the status of full membership in one's society<sup>1</sup>. Marshall's way of thinking about the citizenship in this way is suggestive and illuminating.

It is plain that people struggle for certain concomitants of citizenship, such as employment, the right to vote or for greater control over means of production, to gain greater social, political and economic security. Thinking of citizenship as full membership adds an additional dimension to our understanding of these struggles. Full membership in an organization is distinguished from the status of associate membership and non-membership, in part by the possession of certain rights and privileges. The struggle by excluded classes and groups to secure the rights and privileges of citizenship can be understood as a struggle to secure goods that are valued in part because they are indicators of full membership<sup>2</sup>.

Second, full members participate in an organization in a way that others do not. The rights and privileges of membership are therefore enabling conditions. By likening

<sup>1</sup> Marshall, T. H. (1950), *Citizenship and Social Class and Other Essays*, Cambridge University Press.

<sup>2</sup> Shklar, Judith (1991), *American Citizenship: The Quest for Inclusion*, Harvard University Press.



citizenship to membership, Marshall –in effect– reminds us of points that have also been stressed in recent Catholic social thought. Citizens are participants in the common goods of their society<sup>3</sup>. Participation in those goods on a footing of equality has enabling conditions. Part of the argument for extending certain rights and privileges to members of previously excluded groups is that doing so is necessary if people are to be equal participants in the common good.

I shall simply assume that liberal democratic political morality does not allow states to tie full membership to religious convictions. That is, I shall assume that liberal democracy requires that citizens have certain rights and privileges, such as the right to hold office, the right to influence political outcomes through voting and participation, the right to publish one's opinions, and the right of access to impartial courts. And I assume that these rights and privileges should be enjoyed equally by all citizens regardless of their convictions, that citizens should be able to change their religious convictions without losing them, and that religious opinions ought not to be grounds for denying citizenship to someone who wants it. Whatever problems and puzzles religion raises for citizenship, I take these assumptions about the status of citizenship to be uncontroversial.

It is also useful to think of citizenship as a role. By that I mean that there are certain activities that are characteristic of citizenship. Seeing what these activities are helps us to characterize citizenship or to say what it is. The role of citizenship is functional. When citizens engage –or at least when they engage well– in their characteristic activities, they contribute to the functioning of a larger whole. To make this contribution is what gives the characteristic activities their point. That larger whole is, of course, political society. And so the role of citizenship is a political role and its characteristic activities are political activities.

As I have already hinted, I am concerned with citizenship in a liberal democracy under modern conditions. The characteristic activities of liberal democratic citizenship are those that make for participation in democratic decision-making: discussion and voting, as well as agitating, protesting and advocating. Not everyone who occupies the role of citizen will engage in these activities or will perform them well. But when someone in the role does engage in those activities, and does so well, she –or he– is playing or doing her –or his– part.

The citizen's role is hedged in by obligations, prohibitions and permissions. There are qualities of character that dispose incumbents to stay within the hedge-rows, and to perform the characteristic activities of citizenship better or worse. These qualities that dispose someone to perform her role well are the virtues of citizenship.

<sup>3</sup> See generally Hollenbach, David (2002), *The Common Good and Christian Ethics*, Cambridge University Press.



This second way of thinking about citizenship might seem to bear most directly on the topics of our conference, for it is this way of thinking about citizenship that seems to raise many of the most interesting normative questions about the place of religion in politics. Those questions have attracted a great deal of philosophical attention. In particular, philosophers have asked what obligations citizens are under with respect to reliance on religious considerations in voting and in defending or criticizing laws and policies in public discussion. It is in this connection that the public reliance on religion, for example, is said to be forbidden because it is inherently uncivil or disruptive.

These are charges I want to examine, but first I want to point out that the first way of thinking of citizenship is of considerable interest as well. I have already noted that full membership in liberal democracies has certain enabling conditions. Should society itself bring it about that those conditions are satisfied? The answer depends upon what the enabling conditions are. The attempt to identify those conditions and to answer the question can raise questions about religion, politics and citizenship.

Religious organizations can sometimes help to satisfy the enabling conditions, by helping citizens develop some of the skills and habits of participation. But religion and religious organizations may oppose the satisfaction of other conditions that are said to be enabling. It is sometimes argued, for example, that women can be full members of liberal democracies, able to participate on a footing of equality with men, only if they can control the demands of child-care and hence can control their fertility. This is said to require their access to legal abortions<sup>4</sup>. Or it may be said that wearing the burkha, even voluntarily, is incompatible with women's political equality, or that the religious teaching that women have a natural vocation for home-making is incompatible with it. I hope I have said enough to indicate why I think the first way of thinking about citizenship raises very hard normative problems. I am sorry I shall not have time to take these up.

## 2. THE ROLE OF CITIZENSHIP AND ITS OBLIGATIONS

I shall start with the problems raised by the second way of thinking about citizenship, problems about the ethics of political participation. Many of the philosophers who have studied these problems have defended an exclusionist or quasi-exclusionist position, defending moral principles that forbid citizens' reliance on religious claims in political argument and voting, or allowing it only with significant qualifications. As I noted a

<sup>4</sup> Sunstein, Cass (2007), "Ginsburg's Dissent May Yet Prevail", <http://articles.latimes.com/2007/apr/20/opinion/oe-sunstein20>.



moment ago, the arguments for these principles are often premised on the assumption that religion is disruptive or is inherently uncivil, or they rely on our intuitions about what could or what happen if citizens rely on religious conviction in political argument or act for religious reasons<sup>5</sup>.

There are, I think, several problems with these arguments.

Let's start with the argument that reliance on religion is inherently uncivil. It is an exercise of incivility. This argument suffers from –and perhaps plays upon– an ambiguity in the word 'incivility' and its cognates.

Taken one way, to describe some behavior as an instance of incivility is to say that is behavior which is inconsistent with or not befitting someone who is a *civis*, who occupies the role of a citizen. This charge presupposes that the norms governing behavior in that role are already in hand and so it cannot be used to ground those norms without circularity.

In English, to describe behavior as exemplifying incivility can be to describe it as an instance of rudeness or impoliteness. If we assume that citizens should treat one another politely, then –if reliance on religion is indeed uncivil in this sense of 'uncivil'– it would follow that citizens ought not to rely on religion. But we cannot simply assume that the antecedent of the conditional is true. We need to know what relations among fellow citizens should be like, what treatment the dignity of that status merits, what civic friendship demands and what 'politely' means. In sum, we need to know a good deal about the role of citizenship and its norms *before* we can assume or grant that citizens should treat one another politely. The norms of citizenship are, however, what the argument is supposed to *deliver*. The argument gives the appearance of delivering them only by first taking 'incivility' in one way, as meaning 'impoliteness', and then assuming that impoliteness exemplifies the other meaning of 'incivility', namely 'conduct unbecoming someone who has the role of citizen'.

Consider now the allegation that reliance on religion is somehow impolite, and so will engender mutual distrust among citizens. This accusation belongs to a family of charges according to which reliance on religion has bad consequences. Stronger members of the family hold that religion can lead to institutional instability and civil unrest. These are, of course, empirical predictions. In the large democracies of the west, at least, they do not seem especially plausible, at least without lots of qualifications saying what positions religion is used to advocate, what religions are involved, and what the religious history of a given society is.

<sup>5</sup> A classic example is Audi, Robert (1989), "The Separation of Church and State and the Obligations of Citizenship", *Philosophy & Public Affairs* 18, 259-296, especially at 296.



Because I think arguments from incivility are badly flawed, I do not think that they constitute the best defenses of the exclusivist position nor, indeed, are they the best way to understand what motivates the position in its most plausible form. On my reading, some kind of exclusivism—really a “qualified inclusivism”—is most plausibly presented as the upshot or requirement of a sophisticated Rawlsian framework. While Rawls is sometimes read as relying on the premise that public appeals to religion in political argument are inherently uncivil or destabilizing<sup>6</sup>, I do not think he subscribes to the argument I have just criticized.

But the claim that he relies on that argument is understandable. On my reading, Rawls was both early and late concerned to show that the terms of cooperation in an ideally just liberal democracy would enjoy a privileged form of stability. In his early work, thinking that stability would inhere in the terms of cooperation, he referred to that form of stability as “inherent stability”<sup>7</sup>. Later, as his view developed in *Political Liberalism*, he referred to it as “stability for the right reasons”<sup>8</sup>. Terms of cooperation will enjoy that privileged form of stability only if citizens honor and are known to honor an exclusivist position which Rawls made less and less demanding over a ten year period beginning in the late 1980’s.

What distinguishes the argument I impute to Rawls from the form of argument I just criticized is that the stability with which Rawls is concerned is not institutional stability, but stability in terms of cooperation. And so his argument, unlike the argument I just criticized, does not turn on the claim that public appeal to religion will or may destabilize social institutions. It turns on the very different claim that if citizens generally violate his weak exclusivism, then the terms of cooperation among them may not be affirmed for the right reasons.

The difference matters. For under non-ideal conditions, perhaps *especially* under non-ideal conditions, it seems plausible that we should refrain from behavior that will destabilize basic institutions. Under non-ideal conditions, it is far less clear that we should refrain from behavior of a type that would, were it generally engaged in an ideally just society, bring it about that the terms of cooperation in that society were stable for less than ideal reasons. The latter claim is, in my opinion, much less plausible. It is not one that Rawls endorses. And it enables us to see the many complexities of questions about appeal to religion in public political argument.

<sup>6</sup> Hollenbach, David (1994), “Contexts of the Political Role of Religion: Civil Society and Culture”, *San Diego Law Review* 30, 877-901, especially at 880.

<sup>7</sup> See Rawls, John (1999), *A Theory of Justice*, Harvard University Press, 125, 436. I shall hereafter refer to this book as ‘TJ’ and shall cite it parenthetically in the body of the text.

<sup>8</sup> Rawls, John (1995), *Political Liberalism*, Columbia University Press, xlii. I shall hereafter refer to this book as ‘PL’ and cite it parenthetically in the body of the text.



### 3. JOHN RAWLS AND QUALIFIED INCLUSIVISM

I indicated a moment ago that Rawls endorses guidelines of public reasoning because he thinks that honoring those guidelines is necessary if terms of cooperation in a well-ordered society are to be inherently stable. I want to lay out Rawls's view because when we see what Rawls was really trying to do, we can see that his view does not have the immediate implications—nor was it intended to have the immediate implications—for our own, non-ideal world that it is often taken to have. That in itself is, I hope, an interesting and important result. To see how Rawls's argument goes, it will be useful to recall what the terms of cooperation are and how they are arrived at.

I have stressed that citizenship is a role, defined or specified by political theory. As part of specification of that role, citizens as such are said to have certain interests which political society is to advance and in the name of which public officials are accountable. Society advances those interests justly if terms of cooperation are fair. One of Rawls's key insights is, of course, that fair terms of cooperation are identified by seeing what citizens would agree to as free equals.

That those terms are unanimously adopted in the OP is supposed to show that they are collectively rational. The point of identifying collectively rational terms of cooperation is to allow citizens to enjoy the conditions those terms establish so that they can make their plans accordingly. We therefore want the agreement to be stable over time; an agreement on collectively rational terms would be for naught if the agreement would soon break down. But it is a familiar fact that terms which are collectively rational might not be individually rational. And so the rational thing for each individual to do may be to defect from terms of cooperation. And if each thinks others will defect, then he—or she—will think it rational to defect preemptively, so that society is not regulated by terms of cooperation. If this problem is to be averted, and if terms of cooperation are to be stabilized, compliance with the terms must be individually rational. But the individual rationality of compliance is not enough. If preemptive defection is to be avoided, the fact that each citizen recognizes the individual rationality of compliance must itself be a matter of public knowledge. In sum, each must have some assurance that others accept the terms of cooperation and will not defect.

What Rawls faced, then, is the threat that terms of cooperation which are collectively rational will be destabilized by a generalized prisoner's dilemma (cf. *TJ*, p. 505). But this is not Rawls's problem alone. The first great English-speaking political philosopher of the modern period, Thomas Hobbes, faced this threat and proposed a two-part way of averting it. Hobbes argued for an absolute sovereign who alters his subjects' pay-offs by attaching severe enough punishment to defections that it is no longer in the individual's





interest to defect. Public knowledge that the sovereign does this solves the assurance problem, and society is stable<sup>9</sup>.

The Hobbesian way of averting the threat of instability is clearly undesirable. One problem pointed out by John Locke is that it is not clear that an absolute sovereign solves the decision problem of the social contract. It may be that rational individuals would prefer the no agreement point, the state of nature. Even if the institution of an absolute sovereign does solve the problem, the solution is not a desirable one. For what we would like is for terms of cooperation to be honored freely. If they are honored freely, in the appropriate sense of 'free', then terms of cooperation are stable, and stable for the right reasons.

Showing how the threat of the generalized prisoner's dilemma can be averted, and showing how terms of cooperation arrived at in the original position can be stable for the right reasons, requires showing that there is some other way to do the two things Hobbes's sovereign does. It requires showing how each person's pay-off tables can be or be made such that cooperation rather than defection is in his –or her– interest. And it requires showing how the assurance problem can be solved so that each knows others will not defect. On my reading, Rawls was deeply concerned with these two problems. In his later work, he adopted a distinctive and original answer to the first problem, in the form of an overlapping consensus. He endorses qualified inclusivism to help answer the second. Thus if I am right, Rawls's endorses qualified inclusivist norms of public reason to solve the assurance problem, to avert the threat of a generalized prisoner's dilemma and to show how justice as fairness can be stable for the right reasons.

Let me now try to explain this reading.

When an overlapping consensus on a political conception of justice obtains, Rawls says, "reasonable doctrines endorse the political conception, each from its own point of view" (*PL*, p. 134). So when an overlapping consensus obtains, utilitarianism provides Millian reasons for endorsing the political conception, deontology provides Kantian reasons, and Catholicism provides reasons rooted in its theological doctrine. If we assume that each citizen endorses his comprehensive doctrine, and takes the reasons it provides as reasons for him, then when an overlapping consensus obtains, then each citizen has reason to *affirm* the terms of cooperation from within his –or her– own comprehensive view. But are these reasons strong enough to stabilize the terms of cooperation? More precisely, do they provide each person sufficient reason not to defect from the terms of cooperation?

<sup>9</sup> See generally Hampton, Jean (1986), *Hobbes and the Social Contract Tradition*, Cambridge University Press.



To answer these questions, we need to recall what reasonable comprehensive doctrines endorse a political conception of justice, and terms of cooperation, *for*.

In a well-ordered society, the public conception of justice provides a “common point of view” (*TJ*, p. 4) or a “unified perspective” (*TJ*, p. 415) in which the settlements of citizens’ competing claims are “adjudicated” (*TJ*, pp. 4, 415). Philosophical points of view are defined by rules of reasoning and information drawn on by those who occupy them. When Rawls says that the public conception of justice provides a point of view for “adjudicat[ing]” citizens’ competing claims, I take it he means the conception furnishes values and principles on the basis of which questions of basic justice are to be settled, and rules of reasoning for moving from those values and principles to a settlement. For citizens to “acknowledge” their “common point of view” (*TJ*, p. 4) is for them to acknowledge that political outcomes are justifiable only if they can be supported by the values and principles of the political conception. Just citizens, who accept the terms of cooperation, regulate the claims they make by those values and principles. They refrain from pressing for more than they think those terms would allow them.

Adhering to the terms of cooperation thus requires that we sometimes act against our own interests. That is why justice can be costly. The costs could be especially high if no one else is adhering to terms of cooperation, or if they are only a small number. The potential costs have implications for what someone’s comprehensive doctrine gives him—or her—sufficient reason to do even when an overlapping consensus obtains. When there is such a consensus, each person has sufficient reason to adhere to terms of cooperation only when he—or she—has good reason to believe that others will adhere to it as well. To put the point in terms I used earlier, when an overlapping consensus obtains, each person’s pay-off table has the following structure: the pay-offs are such that it is rational for a person to honor the terms of cooperation, and treat the political conception of justice as authoritative, only when he—or she—has the assurance that all others or a sufficient number of others, also adhere to the terms and treat the conception as authoritative. Thus even if an overlapping consensus obtains, Rawls cannot show that terms of cooperation would be stable for the right reasons until he solves an assurance problem.

How is that problem to be solved? How can each person gain the assurance that others regard the terms of cooperation as authoritative?

The game theoretic details are surprisingly complicated and I shall skip over many of them. For now, suffice it to say that what citizens know about one another’s commitment to the authority of a conception of justice depends, in part, upon what concepts and methods of reasoning they actually use when they argue about basic political questions. That, I believe, is why Rawls introduces guidelines of public reason—to provide a solution to the assurance problem. Looking at the guidelines of public reason Rawls actually endorses will help to support this conjecture.



Rawls says that he was initially drawn to what he calls the “exclusive view of public reason” (*PL*, p. 247, note 36). This is the view that citizens should never introduce reasons drawn from comprehensive doctrines into public debate about fundamental questions (*PL*, p. 247). According to the exclusive view, the only reasons that may be brought to bear are those provided by the values and ideals of the political conception of justice. To comply just with the exclusive view is to reason about questions exclusively from the “unified perspective” provided by that conception.

The exclusive view is highly restrictive. Its attraction, I believe, was that it promised an elegant solution to the assurance problem. If citizens were to use the concepts of their comprehensive doctrines to debate basic political questions, their arguments might be taken to suggest that they do not acknowledge the authority of the political conception to adjudicate those questions. On the other hand, if all the citizens of the well-ordered society were to comply with the exclusive view, then they would all adopt –and would all be seen to adopt– the “common point of view” or “unified perspective” whenever basic political questions are at issue. So long as they can be assumed sincere, the way they reason about these questions in public would then confirm their allegiance to justice as fairness and the assurance problem would disappear. The solution promised by the exclusive view depends upon the existence of an overlapping consensus, since citizens might not comply with the requirements of the view unless their comprehensive doctrines endorsed justice as fairness. But given the existence of an overlapping consensus, it seems to solve the assurance problem immediately.

Despite the attraction Rawls felt for the exclusive view, he never endorsed it. One of the reasons he did not, I think, is that he recognized that the view could not make good on its promise to eliminate the assurance problem.

Divisions about some political questions –Rawls’s example is the question of whether church schools should receive public funding (*PL*, p. 248)– can be so deep that adherents of different comprehensive doctrines come to doubt one another’s allegiance to political values. Rawls does not spell out the example in any detail. I presume what he has in mind is that even if champions of public funding publicly defend their position by appealing only to the political values of religious equality and religious liberty, their argument raises questions about whether they are also committed to church-state separation. Perhaps, it will be thought, they are using political values as a cover and do not really acknowledge the authority of those values. So the assurance can arise even when citizens of the WOS comply with the exclusive view. “One way this doubt may be put to rest,” Rawls suggests “is for the leaders of the opposing groups to present in the public forum how their comprehensive doctrines do indeed affirm [the] values [of the public conception]” (*PL*, p. 249). This is, in effect, the suggestion that leaders of opposing groups act on what Rawls called the “inclusive view” and make the existence of an over-



lapping consensus publicly known. Once the existence of an overlapping consensus is publicly known, Rawls thinks, the sincerity of each side's appeals to political values will no longer be in doubt. Mutual assurance of sincere allegiance to the political conception is therefore provided.

But Rawls quickly came to think that even the inclusive view was too restrictive. By his last published treatment of public reason, in "Idea of Public Reason Revisited", Rawls famously endorsed what he called the "wide view". The wide view allows citizens to introduce their comprehensive doctrines into public political argument at any time, subject to one restriction I shall mention below. Some readers have thought that in moving from the exclusive to the wide view, Rawls moved from a view of public reason that was overly confining to one that is too permissive<sup>10</sup>.

But Rawls's concern with the assurance problem explains the content and propriety of the view. The wide view allows citizens to introduce comprehensive doctrines into public political discussion –and, presumably, to vote– on the basis of their comprehensive doctrine "provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support" (*PL*, pp. xlix-l). When I discussed the exclusive view, I said that to reason about political questions using exclusively public reasons is to adopt and reason from citizens' "common point of view". So the wide view allows citizens to introduce and base their votes on comprehensive doctrine, provided that in due course they adopt and reason from that common viewpoint as well.

Rawls refers to the "provided that" clause as "the proviso". The difficulty with interpreting it is figuring out what Rawls means by "in due course". On my reading, Rawls allows citizens to rely on their comprehensive doctrines without adducing public reasons in support of their positions, so long as their doing so does not lead others to doubt that they acknowledge the authority of the public conception of justice. If doubts never arise, then the proviso is never triggered and they need to do nothing more. Only if doubts arise, and others need assurance of their allegiance, must they provide assurance by actually adopting and reasoning from the "unified perspective" the public conception of justice provides. That is, I believe, why Rawls says that "the details about how to satisfy [the] proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance"<sup>11</sup>.

<sup>10</sup> Charles Larmore, for example, writes "In the forum where citizens officially decide the basic principles of their political association and where the canons of public reason therefore apply, appeals to comprehensive doctrine cannot but be out of place ... at least in a well-ordered society." See his "Public Reason" in Freeman, S.R. (ed.) (2003), *The Cambridge Companion to Rawls*, Cambridge University Press, 368-93, at 386f.

<sup>11</sup> Rawls, John (1999), *Collected Papers*, Harvard University Press, 592.



As I noted earlier, the guidelines of public reason are sometimes said to show that Rawls is deeply suspicious of comprehensive doctrines, especially religious ones, or that he thinks religious political argument is inherently destabilizing. But the wide view allows reliance on religious political argument at any time, restricted only by the proviso. The motivation for the proviso is not the conviction that religion destabilizes society or leads to civil strife. It is the fact that a person's reliance on religious argument can lead her –or his– interlocutors to doubt whether she –or he– acknowledges the political authority of justice as fairness. Rawls could have required citizens to assure one another of their commitments by requiring them to comply with more restrictive guidelines of public reason than those associated with the wide view. He could, for instance, have argued that citizens must *preempt* others' doubts about their acceptance of the political conception. In that case, he might have replaced the phrase “in due course” in the proviso with the phrase “at the same time”. Instead, the proviso requires citizens to adopt and deliberate in their “common point of view” only when they have good reason to think assurance is actually needed. If I am right about how the proviso is to be interpreted, then the claim that Rawls endorses guidelines of public reason because of hostility toward or fear of religion are serious misreading. In fact, Rawls goes to some lengths to advocate what is –by construction– the weakest and least restrictive guideline of public reasoning sufficient to solve the assurance problem.

#### 4. QUESTIONS AND IMPLICATIONS

We might call Rawls's view a form of exclusionism, but I think the proviso is better described as a qualified inclusivism. Religious claims, and claims from other comprehensive doctrines, can be included in public discussion subject to one qualification: that expressed by the proviso. I have tried to suggest that Rawls defends this qualified inclusivism as part of his effort to spell out the details of an ideally just society. Justice as fairness will be “stable for the right reasons” only if everyone in the well-ordered society knows that everyone else is committed to living up to its values and ideals. I am inclined to think that he is right about that case. If an ideally just society is to be stable for the right reasons, then its citizens have to adhere to the demand of qualified inclusivism. To claim that even qualified inclusivism is too restrictive is, in effect, to favor stability of some other sort than the kind Rawls wants to show. In my opinion, that would be a mistake for the well-ordered society.

I have tried to show that Rawls's treatment of public reasoning is part of his answer to a problem raised by his larger attempt to sketch a well-ordered society. The question



raised by this “re-contextualization” is what implications Rawls’s treatment has for those of us who live in societies that are not well-ordered.

I think many liberal democracies enjoy what Kurt Baier called a “constitutional consensus”<sup>12</sup>. In these societies, there is an agreement on some rights and liberties, and on procedures for political decision-making. But there is far less agreement on the scope of personal liberty, on the fair value of political liberties and the demands of economic justice. The principles on which consensus obtains may be valued for their own sake, as in an overlapping consensus. But I assume that they are also stabilized to a considerable degree by coercion, tradition and the unthinking habit of obedience, and that some citizens, at least, treat constitutional principles as the terms of a stable *modus vivendi*. These principles are treated as the best way to organize society, given a balance of power that is unlikely to change.

A constitutional consensus, like an overlapping consensus, raises assurance problems. It is rational for each to honor the constitution and obey the law only if each thinks that sufficiently many others will do so as well. But what citizens in a constitutional consensus need to be assured of is not what citizens in a well-ordered society need to be assured of. In particular, what they need is not the assurance that others acknowledge the authority of principles of justice and are moved by them for their own sake. Rather, the mutual provision of the assurance that sustains a constitutional consensus is compatible with deep disagreements about, for example, the legitimacy of the welfare state which shows itself in the ordinary politics of the US. What does weak inclusivism have to say to us under these conditions?

First, remember that the point of guidelines of public reasoning, as they apply to ordinary citizens, is to solve assurance problems. I do not see that reliance on religious arguments in public debate and voting for religious reasons are themselves incompatible with acknowledging—and assuring others that one acknowledges—the authority of constitutional principles to settle the questions on which they bear. And so, as citizens can appeal to their comprehensive doctrine in the well-ordered society, so they can appeal to it in societies that are not well-ordered. Indeed, since a constitutional consensus is much narrower in scope than an overlapping consensus, the principles on which a constitutional consensus obtains cover fewer issues that are covered by Rawlsian principles of justice. This leaves more room for appeal to comprehensive doctrine.

Second, weak inclusivism requires that citizens in a well-ordered society be sensitive to how their contributions to public deliberation are received. Only if they are can they recognize when the proviso needs to be satisfied. I think similar sensitivity is called for

<sup>12</sup> Baier, Kurt (1989), “Justice and the Aims of Political Philosophy”, *Ethics* 99, 771-90.



under the non-ideal circumstances of a constitutional consensus. Citizens must be ready to manifest their commitment to constitutional principles if that commitment is ever in doubt. And so if one of the constitutional principles on which there is consensus is a principle of church-state separation, citizens have to be ready to show their commitment to such separation if their reliance on religious arguments raises questions.

Third, weak inclusivism requires that citizens in a well-ordered society show how the positions they advocate can be supported by a public conception of justice on which consensus obtains. In a constitutional consensus, there is no consensus on a robust conception of justice. Conceptions of justice that gain adherence will differ, and the differences are deep. Yet all citizens, I think, must be prepared to show that they all recognize the authority, not only of constitutional principles, but of the demands of justice as they sincerely see them. For citizens who adhere to one of the Abrahamic faiths, this is not just an obligation of citizenship. It is also a religious obligation. These religions demand justice. Citizens who are believed to adhere to them, perhaps because they appeal to religious claims in politics, misrepresent their faith to its detriment if their conduct suggests otherwise.

Is it enough for citizens to show that they accept the authority of justice as they sincerely see it? Or must they do more? Someone who acts with sincerity and conscientiousness certainly betrays some morally valuable traits of character. She –or he– may satisfy her –or his– subjective obligations and thereby avoid blameworthiness. But sincerity is not enough to place someone entirely above reproach. If this is right, then citizens should acknowledge the authority of principles of justice which are right. Acknowledging the authority of those principles requires taking a society ordered by those principles as an ideal which our own society should approximate. I take that ideal to be a Rawlsian well-ordered society. If that is right, then citizens properly acknowledge the authority of justice only if they favor political positions which, if enacted, would advance that ideal. Citizens who appeal to religion in political debate should be ready to show how the positions they advocate and vote for do that. Satisfying this requirement is, of course, compatible with providing assurances that one acknowledges the authority of a democratic constitution. It is also compatible with endorsing political positions that are highly contentious. The demands of citizenship and the demands of civility as ordinarily understood can come apart!

Finally, most discussions of religion and citizenship focus on the obligations of religious citizens. Very little attention is paid to role of their interlocutors and the obligations they have in dealing with citizens of faith. I said a moment ago that religious citizens need a kind of sensitivity to how their arguments are received. I think those who are not inclined to rely on religious considerations are also required to show sensitivity, and to understand the position of those who are so inclined.





Anglophone discussions of religion in politics, both popular and philosophical, suggest that the reasons behind the insertion of religion into democratic politics are not well understood. They need to be if those who do the inserting are to be understood. To take just one example, many religious Americans find the increasing secularization of society profoundly alienating. The response to this alienation is a retelling of the past in which religious communities emphasize their separatism. They develop a sense of themselves as, if not on pilgrimage in the world, then at least at some distance from it in a world of its own. Their self-respect depends upon defining ourselves in contrast to the world of secular values. Members' conception of themselves is threatened by a very attractive identity with which it seems to compete: that of shared citizenship in a secular liberal democracy. Assertions of religion in politics are assertions of political views that are thought to be true. But they are also assertions of a valued self-conception in the face of great insecurity about one's own religious identity and commitment. They need to be received as such, rather than simply as attempts to impose or control.

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