POLITICAL LIBERALISM AND INCLUSION OF RELIGION

By

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I.   INTRODUCTION

[1]   In this essay, I discuss inclusion of religion in John Rawls's theory of political liberalism. The overall rationale that defines the essay is my conviction that in the face of growing religious demands that are redefining public and political boundaries, relations, and interactions, political liberalism offers ample theoretical and normative resources extending the viability of liberal democracy. Arguably, Rawls noticed the trend and upcoming challenges, and by formulating an idea such as political liberalism he tried to defend democracy and democratic values, and reconcile religious and secular demands within a workable scheme of political arrangement.[1]

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[1] Consider the minimal, almost absent, representation of religion in his *A Theory of Justice*. JOHN RAWLS, A THEORY OF JUSTICE (Harvard University Press 1971). What led Rawls to reconsider and reformulate his pursuit of political justice and put growing religious demands into the equation, to the dismay of his many liberal fans and followers, in the next decades cannot be anything other than religious resurgence. In his last published interview, Rawls articulated his apparent interest in religion in his later works as follows:

> I think the basic explanation is that I'm concerned about the survival, historically, of constitutional democracy . . . Religious faith is an important aspect of American culture and a fact of American political life. So the question is: in a constitutional democracy, how can religious and secular doctrines of all kinds get on together and cooperate in running a reasonably just and effective government?

[2]   For the reasons I explore in this work, political liberalism is distinguished from its

counterparts as being a theory of liberal democracy that would appeal equally to the religious

and the secular, in view of the current transformation of politics in the world. First and foremost,

political liberalism presents a radical shift from the legacy of the theory of liberal democracy that

has evolved particularly since the nineteenth century, which is characterized by secularization of

public and political sphere and its concomitant moral outlook. Secondly and equally important,

Rawls has not only severed relations with secularist liberal reasoning but also developed an

outstanding perspective that rendered comprehensive secular conceptions equal among other

moral and religious conceptions. This is an original and significant approach, since, previously,

comprehensive secular conceptions have always been considered as the moral foundation of the

liberal state, whether they were expressed in the manner of an official state ideology, civil

religion or a loose idealistic entity lingering over the political establishment. Rawls's approach

enabled him to overcome serious difficulties of consensus and legitimacy issues facing citizens

of faith with regard to democracy and its foundations.

> What assumptions would you have to make about religious and secular doctrines,
> and the political sphere, for these to work together?

JOHN RAWLS, COLLECTED PAPERS 616 (Samuel Freedman ed., Harvard Univ. Press 1999).
Notice Rawls's reference to the survival of constitutional democracy. It is interesting to see that
for Rawls a notion such as religion in public life, which was absent in his earlier works, now has
become a matter of survival for democracy. In fact, Rawls is not alone in making this
assumption. Since the late 1980s, in parallel to social and political changes, we have seen a
resurgence of particular literature in political theory, aiming at or challenging the foundations of
liberalism, and liberal democracy for that matter, in the name of religious demands and claims.
See infra notes 2-7 and accompanying text for examples. This sort of literature was merely
absent three decades ago. Rawls's significance in this context derives from his ability, unlike
many other prominent liberals, to capture new challenges posed by rising religious claims and
his formulation of a new understanding of democracy that would prove viable and workable in
the face of those challenges.

[3]   In the following, I mainly argue that political liberalism presents an account of political morality that should be agreeable to most citizens of faith. My position in the essay runs against what has been previously said by critics of Rawls, such as Weithman,[2] Quinn,[3] Connolly,[4] Neal,[5] Murphy,[6] and Galston,[7] who argued that Rawls's view aims to restrict and limit public presence of religion. Contrary to that argument, I contend that Rawls's reasoning behind the basic notions of political moral conception, overlapping consensus, and public reason enables citizens of faith to be involved in formation of political morality extensively. This not only extends the scope of recognition of political principles but also increases public recognition of religious views. In the second section I focus on the controversial notion of reasonableness of religious views and discuss the implications and imperatives of Rawls's assumption of reasonable pluralism for religious views. Finally, in the third section, I argue that political liberalism presents a neutral rather than a secularist normative outlook. The logic of political liberalism, I maintain, does not allow prioritization of secular views over religious views or vice versa.

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[2] Paul J. Weithman, *Rawlsian Liberalism and the Privatization of Religion: Three Theological Objections Considered*, JOURNAL OF RELIGIOUS ETHICS 22 (1994).

[3] Philip L. Quinn, *Political Liberalisms and Their Exclusions of the Religious*, *in* RELIGION AND CONTEMPORARY LIBERALISM (Paul J. Weithman ed., Univ. of Notre Dame Press 1997).

[4] WILLIAM E. CONNOLLY, WHY I AM NOT A SECULARIST (Univ. of Minnesota Press 1999).

[5] Patrick Neal, *Political Liberalism, Public Reason, and the Citizen of Faith*, *in* NATURAL LAW AND PUBLIC REASON (Robert P. George & Christopher Wolfe eds., Georgetown Univ. Press 2000).

[6] ANDREW R. MURPHY, CONSCIENCE AND COMMUNITY: REVISITING TOLERATION AND RELIGIOUS DISSENT IN EARLY MODERN ENGLAND AND AMERICA (Pennsylvania Univ. Press 2001).

[7] WILLIAM GALSTON, LIBERAL PLURALISM: THE IMPLICATIONS OF VALUE PLURALISM FOR POLITICAL THEORY AND PRACTICE (Cambridge Univ. Press 2002).

II.   POLITICAL LIBERALISM AND RELIGION

[4]   Rawls's idea of political liberalism stands for a normative account of a fair and stable ground of political association among individuals who espouse diverse religious, moral, and philosophical worldviews.[8] Today, moral struggles that take religious, philosophical, or ideological forms increasingly influence politics. The idea of political liberalism is valuable because of its focus on moral division in a society and its peaceful resolution of those divisions.[9] It is a significant idea, because (1) it addresses pluralism of conceptions of the good, now a commonplace characteristic of modern societies, and builds political legitimacy upon this pluralism; (2) it represents a fair account of political justice that takes into account the diversity of worldviews and lifestyle choices in formation of political morality; and (3) it invokes a stable system based on an extended notion of consensus over political principles.[10] Furthermore, contrary to comprehensive liberal and non-liberal aspirations, the idea of political liberalism appeals to a minimal moral conception which centers on the principles of public political life and leaves other spheres of social and individual lives off the political agenda.[11] These features of political liberalism altogether present an indispensable normative and theoretical resource for political problems faced by contemporary pluralist societies.

[5]   In *Political Liberalism*, John Rawls addresses this basic question, "[H]ow is it possible for there to exist over time a just and stable society of free and equal citizens, who remain

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[8] JOHN RAWLS, POLITICAL LIBERALISM 37 (Expanded ed., Columbia Univ. Press 2005) (1993).

[9] *Id*. at 10.

[10] *Id*. at xxx.

profoundly divided by reasonable religious, philosophical, and moral doctrines?"[12] His answer is

that the "basic structure" of the society, the main social, economic, and political institutions,

must be effectively regulated by a political conception of justice that is the focus of an

overlapping consensus of at least the reasonable comprehensive doctrines affirmed by its

citizens.[13] When devising this consensus, Rawls puts a deliberate emphasis on the

"reasonableness" of comprehensive doctrines.[14] For Rawls, this character of doctrines is an

inter-subjective consensual condition which encourages and enables each party to reach

consensus over a common political good.[15] Thus, he asserts, religious views, along with non-

religious comprehensive views, could be deemed reasonable[16] and thus accommodated into a

broad public consensus "provided only that they acknowledge the principles of the political

conception of justice and appreciate its political ideals of person and society."[17]

[6]   Political liberalism introduces a novel way of reasoning about issues such as political

morality, political legitimacy, social consensus, and public/private distinction. This, I believe,

translates into a radical shift in liberalism in dealing with the issue of religion in public and

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[11] *Id*. at 151.

[12] *Id*. at 4.

[13] JOHN RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 44.

[14] *Id*. at 36, 58-66.

[15] *Id*. at 61.

[16] *Id*. at 170. Note that a reasonable religion is not "a religion according to reason." In Rawls's use, reasonableness does not have any metaphysical connotation. *Id*. at 62. Rather, it is a characteristic in the doctrines that is conducive to agreement and consensus for public purposes. *Id*. at 61. I will take up the issue of reasonableness and reasonable religion later in the essay.

[17] *Id.* at 200.

political contexts. In general, and in contrast to non-liberal and comprehensive liberal alternatives, political liberalism provides a more inclusive outlook with regard to religious views. This inclusive aspect of political liberalism can be observed mainly in the following three areas below.

i.   Equality of religious and secular doctrines in the formation of political morality

[7]   Political liberalism aims to uncover a political moral conception of justice that a variety of reasonable doctrines, religious and nonreligious, liberal and nonliberal, may freely endorse.[18] It is an essential aspect of political liberalism to be an expression of liberal democracy that would equally appeal to the religious and the secular. Political liberalism aims to define a common ground of consensus in which a variety of comprehensive doctrines might converge at the commonly acknowledged principles of public and political life.[19] This means that religious comprehensive doctrines espoused by citizens of faith are not to be marginalized in the formation of political morality or disfranchised by their secular counterparts in public life. Rawls emphasizes that doctrines must endorse the political conception "freely" without political manipulation and pressure, or use of force.[20] Free endorsement of the political conception also implies that doctrines that are acting as such possess a condition of equality through the process of political consensus. They are equally free in their participation and involvement in

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[18] *Id*. at xxxix.

[19] *Id*.

[20] *Id*.

determination and acknowledgment of common principles that would be applicable to the political domain, thus affecting all. Assuming that many citizens in democracies value certain religious traditions, inclusion of the religion in the political consensus should provide more legitimacy and stability to the political regime.

ii.   *Separation of the political and background culture*

[8]   The political conception regulates merely the political domain of basic political, social, and economic structures.[21] It does not directly apply to the internal life of the elements in the background culture, such as churches, universities, clubs and teams, various associations, and the family, as long as basic rights and liberties of the individuals are protected.[22] A quick observation of contemporary politics will show that most issues of religion emerge in and are related to the background culture. This includes religious resistance to the secularization of social life, education, associational life, and limits to religious expression in those areas. Certainly, most of the conflict arises because the distinction between rules that apply to the political and the background elements are frequently violated, or they are considered as inseparable. These sorts of conflicts are now common in some European countries due to growing demands of immigrant communities of religious expression, such as religious garments in public schools, dietary regulations, or those pertaining associational freedom such as rezoning for building temples, etc.[23] Most of these issues could be surprisingly smoothly resolved in a

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[21] *Id*. at 11.

[22] *Id*. at 443-4.

[23] *See generally* ISLAM, EUROPE'S SECOND RELIGION (Shireen T. Hunter ed., 2002).

system where the political and civil distinction is established more firmly. [24]

iii.   A wide-ranging common ground of consent

[9]   Stability of the regime of political justice is based on an idea of a wide-ranging ground of consensus, the overlapping consensus, which embodies a convergence of various moral, philosophical, and religious views, each of which affirms the political conception from within their own comprehensive views.[25] The nature of this consensual process is quite participatory and thus effective at both ends.[26] Such a wide-ranging consensus provides a public recognition to political values and principles as well as to doctrines in their public involvement.[27] This gives a significant inclusive character to the consensual process.

[10]   Consider a philosophical doctrine along the line of comprehensive liberalism that values autonomy and individualism. The promotion of these values might require institutional

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[24] John Rawls, *The Idea of Public Reason Revisited*, 64 U. CHI. L. REV. 765, 783-84 (1997). Free expression of religion in the background culture might lessen or eliminate adversity between religions and the state. *Id.*   The idea of public reason, which is among the essentials of political liberalism, is also defined in view of this cultural separation between the political and the background. *Id.* Public reason determines political relations between the constitutional government and citizens and among citizens themselves. *Id.* It also represents a political consciousness upon which various comprehensive doctrines agree, and through which they communicate with one another in public issues. *Id.* As a logical consequence of the separation of cultural realms, the public political and the background, public reason whose content is given by the political conception need not be used by the elements in the background culture in deliberations and discussions even if those that pertain to political issues. *Id.* According to the wide view of public reason, reasonable comprehensive doctrines, religious or nonreligious, may engage public political discussion as long as they can provide proper political reasons in due course. *Id.*

[25] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 134.

[26] *Id.*

arrangements and these arrangements might need to extend not only to political life but also many areas of social and individual life. Furthermore, these values might be considered as ideals or necessary conditions of a well-ordered human life. Now consider a religious doctrine that espouses a certain conception of good life shaped by an allegiance to God and a notion that every action and every aspect of life should become an act of witness to the creation of God.

[11]   According to the basic tenets of political liberalism, these two doctrines can be involved in an overlapping consensus as long as they fall into the category of the reasonable. Reasonableness is not a metaphysical category; it is not about the content of beliefs.[28] Rather, reasonableness allows intersubjective moral formation, i.e. offering fair terms of cooperation that are acceptable by other free and equal citizens.[29] Accordingly, a member of the philosophical doctrine may affirm a liberal political conception for reasons of autonomy, and a member of the latter on the grounds that it expresses God's intention of, say, peace and harmony on the earth— ideas highly valued by all traditional religions. An overlapping consensus enables these two distinct doctrines to converge at common political principles using distinct reasons. What is more significant is that this consensual logic of political liberalism indirectly provides these two distinct reasons with public recognition, since both participated in the consensus, agreed upon common terms that are fair to each party, and thus constituted the foundation of political morality. Now, each party can claim their part in this foundation and show allegiance to it.[30]

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[27] *Id.*

[28] *Id.* at 62.

[29] *Id.* at 61.

[30] These features of political liberalism may look theoretically ordinary as they may be expressed by other liberal theories. Liberalism in general is committed to the idea of equality of citizens; a notion of social contract or consent is frequently invoked, and some kind of a public/private distinction is commonplace. *See* Alan Ryan, *Liberalism*, in COMPANION TO CONTEMPORARY

[12]   To better understand the inclusive potential of political liberalism, let us consider those three areas. I maintained above that the idea of political liberalism might equally appeal to the religious and the secular because, in defining a common ground of consensus, political liberalism does not devise a procedure which marginalizes or disfranchises religious views against their secular counterparts. This feature of political liberalism might appear in line with the liberal tradition of freedom, equality, and moral autonomy of individuals. However, equality of conceptions of the good has not always been the locus of liberal political practice. Since the Enlightenment, in liberal democracies, a political conception of mostly secular orientation has been used to define political principles and relations.[31]

[13]   Thus, one way to prevent further religious conflicts is to establish a general constitutive liberal idea, frequently expressed through a civil religion, which accommodates among other things a variety of religious expression and exercise through institutional arrangements that are carefully devised to keep religion in place. Practical variations of this idea differ across modern Western democracies, from the United States, where religious action or position by the State is specifically prohibited, to many European countries, which continue to have established religions

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POLITICAL PHILOSOPHY 291-312 (Robert E. Goodin & Philip Petitt, eds, 1995). What makes political liberalism different, however, is its inclusiveness with regard to diverse conceptions of the good that goes beyond accommodation. Accommodation in a political context denotes a settlement or resolution which is often regulated or promoted by a superior authority. Accommodation as such is a good thing; however, it is limited. It implies a (political, moral, philosophical) hierarchy between individuals, peoples, or ideas. The dynamics of political liberalism – the formation of a political conception of justice, overlapping consensus on that conception, and the operation of the conception as public reason in constitutional issues – cannot afford any such hierarchical reasoning. An overall examination of political liberalism will show that its logic goes beyond accommodating or providing suitably the subjects to live, express, or sustain. Rather, it is about building a moral foundation for the political association that would prove fair and stable in terms of the consensual structure that lays that foundation.

[31] JOSE CASANOVA, PUBLIC RELIGIONS IN THE MODERN WORLD 38 (1994).

as a legacy of Erastian tradition, but at the same time are very sensitive to any sort of public political role that could be played by religion or religious authorities.[32] The idea underlying all these practices and policies is that religion *ipso facto* cannot define political authority because, when it did, it undermined social harmony and public order.[33] Therefore, political authority should be defined by a far-reaching secular conception, distant from religion but also tolerant of religious expressions as long as religion commands merely in its own domain. Needless to say, the boundaries of this very domain are to be defined by the secular conception.

[14] The equality of conceptions of the good in formation of political morality, then, is a significant shift from what we observe in the theory and practice of liberal democracy. It is an implicit rejection of the superiority of the secular to the religious and the religious to the secular in political relations. The latter two features of political liberalism can be construed in the same fashion. For instance, the separation of political and background cultures is a notion similar to the public/private distinction, an idea frequently expressed in the liberal tradition.[34] However, the similarity between these notions is only in their reasoning; their contents are substantially different. Rawls is quite emphatic about that.[35] But let us focus here on the reasoning part. In the liberal tradition, the distinctions such as public and private, political and personal, political and civil, and finally political culture and background culture, serve in defining the very basic idea or ideal of liberalism: protection of civil and political liberties of individuals.[36] Technically,

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[32] *See* Veit Bader, *Religious Diversity and Democratic Institutional Pluralism*, 31 POLITICAL THEORY 265, 265-94 (2003).

[33] CASANOVA, *supra* note 31.

[34] *See generally* Ryan, *supra* note 30.

[35] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 220 n.

the state is the promoter of these liberties through legislative, executive, and judicial powers, but at the same time, it is the very agent against the excesses of which these liberties need to be protected. In practice, however, boundaries between these domains tend to shift in favor of the state.

[15]   Then, what makes Rawls's distinction of political and background culture special? Principles of political justice do not directly apply to the internal life of the elements in the background culture.[37] In fact, the enterprise of political liberalism is defined by its "political," not "comprehensive" focus.[38] If we imagine the political liberal polity as a political association which emerges as result of social cooperation between individuals of diverse comprehensive doctrines, then the background culture that lies beyond the political conception may be construed as the "life zone" of the doctrines along with their respective organizations, institutions, traditions, expressions, etc. Thus, the political/background distinction advanced by Rawls serves a dual purpose: it not only protects liberties of the individuals in line with general liberal theoretical reasoning, but also protects comprehensive religious and secular doctrines.

[16]   Protection of comprehensive doctrines as such is an essential aspect of political liberalism, since the realization of political liberal ideals depends on a consensus achieved among those doctrines.[39] This takes us to the third feature of political liberalism, namely the wide-ranging common ground of consent it presupposes. Stability of the regime of political justice is based on an idea of a wide-ranging ground of consensus, the overlapping consensus,

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[36] *See, e.g.*, Ryan, *supra* note 30.

[37] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 443-44.

[38] *Id.* at xxvii.

[39] *Id*. at 134.

which embodies a convergence of the various moral, philosophical, and religious views, each of which affirming the political conception from within their own comprehensive views.[40] This consensus is wide-ranging in the sense that it is inclusive of diverse views of the good life, including religious views, and contributes to those views by presuming their involvement in the consensual process.[41]

[17]   Perhaps, the biggest contribution of Rawls in this context is the moral reasoning he developed that enables us to identify moral problems pertaining to the foundation of political regimes.[42] In a way, Rawls deconstructs the moral foundation of liberal democracy, reconsiders the conditions of social consensus, and reformulates normative principles in light of new assumptions regarding the socio-political conditions of the modern democratic society.[43]

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[40] *Id.*

[41] This, however, has not always been the case. In many variants of liberal theory, religion is considered a private affair; it may give meanings to the lives of individuals and guide their actions in their private undertakings, but it is not expected to convey a public role. *See* Ryan, *supra* note 30. The public domain in this view is to be defined by a secular conception of a comprehensive nature, which accommodates religious views within the framework of individual liberties but fundamentally different from or unrelated to any sort of religious identity. A political view as such can provide a large space for the exercise of religion, safeguard the diversity of religion, and protect religion from the interference of the state. Nevertheless, it is fundamentally limited. Although it is accommodative, its appeal for particular religious views – especially the ones that are held by the majorities – may be significantly limited. Moreover, because of its essentially secular identity, it does not necessarily invoke the consent of religious views. Consider a society where a religion or religious view is upheld by a majority of the people. In light of Rawls's reasoning, a view of secular nature, different from and unrelated to a religious identity, can be maintained only in two ways. Either it is formed as result of a *modus vivendi,* so that there is not a better alternative for the foundation of political morality; or, it is maintained by the oppressive use of state power. Rawls, supra note 8, at 47, 147. In Rawls's understanding, stability based on the first condition is fragile, and stability based on the latter is not moral and legitimate. Id.

[42] Here I am particularly referring to Rawls's notion of "priority of right," RAWLS, POLITICAL LIBERALISM, *supra* note 8, Lecture 5.

[43] *See generally id.*

Obviously, religious views play a major role in this reformulation by involving in the consensus overt principles that would regulate the political domain.

III.   RELIGIOUS VIEWS IN REASONABLE PLURALISM

[18]   Since political liberalism is based upon the idea of a reasonable agreement among various and opposing comprehensive views, it can still be rejected by those who oppose engaging in a consensual agreement with others.[44] The notion of reasonableness thus plays a constitutive role in political liberalism. Reasonableness in this case is not a simple quality; rather, it is a condition that defines, shapes, and characterizes the whole enterprise of political liberalism. In Rawls's formulation, reasonableness signifies a morally valuable form of political interaction between free and equal citizens, free of domination or manipulation.[45] Reasonable persons recognize that other reasonable persons might affirm moral ideas different from their own. Thus, they are ready to offer fair terms of cooperation that other reasonable people can agree upon.[46] Political liberalism can be realized if only a great majority of a society is politically reasonable.[47] Accordingly, individuals belonging to different reasonable moral and religious views constitute altogether the condition of reasonable pluralism.[48] This is the sociological base of overlapping consensus and thus the political conception of justice in political liberalism.

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[44] *Id*. at xvi.

[45] *Id*. at 48-50.

[46] *Id*.

[47] *Id*. at 38.

[19]   The inclusive potential of political liberalism, as it is expressed in the equality of religious and secular doctrines in the formation of political morality, separation of political and background cultures, and the wide-ranging common ground of consent, should be considered in view of the reasonableness and the assumption of reasonable pluralism. Political liberalism, as explained in the previous section, places a great importance on the inclusion of religious views in the consensual procedure. This does not mean, however, that the process is wide open to all sorts of comprehensive views regardless of their normative contents and claims. On the contrary, even an inclusive regime such as political liberalism has its own logical limits. The theoretical consistency and moral pursuit of justice in political domain cannot be maintained with an all-inclusive outlook. Reasonableness defines the boundaries of inclusion.

[20]   The criterion of reasonableness as such also plays a major rule in defining the nature of religious inclusion in political liberalism. Actually, religion is the area whose reasonableness is discussed by Rawls more specifically than any other area.[49] The issue at stake is whether religious views are politically reasonable enough to involve in the consensual structure; or in other words, whether religious views are compatible with the idea of political liberalism. Rawls is emphatic about reasonableness, and excludes clearly unreasonable views from political liberalism.[50]

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[48] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 37.

[49] *See generally id*. at 458-90.

[50] As Rawls writes:

> For [those who reject constitutional democracy] the political relation may be that of friend or foe, to those of a particular religious or secular community or those who are not; or it may be a relentless struggle to win the world for the whole truth. Political liberalism does not engage those who think this way. The zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship.

[21]   In political liberalism, reasonableness is the basic criterion of compatibility.[51] But Rawls discusses the issue of compatibility in connection with the issue of stability.[52] We can ensure compatibility only if we have stability in the first place.[53] Rawls asserts that political conception must be accepted unconditionally and for the right reasons.[54] Thus, religious doctrines and adherents must not accept liberal political conception as a *modus vivendi*. For instance, Rawls maintains that the sixteenth and seventeenth century politics of toleration was based on a *modus vivendi* between Catholics and Protestants.[55] In that case, should either party attain power, it would impose its religion over the other.[56] Similarly, the right ends are not achieved when the citizens of a democratic society accept the political principles of a constitution and the liberties it provides, but are unwilling to see their religious or nonreligious doctrine decline under any circumstances.[57] Political liberalism rejects such interest-based allegiances to a political conception.[58] The aspirations of individuals and groups in political life must be consistent with the idea of free and equal citizens and their basic liberties.[59]

RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 442.

[51] *Id*. at 58.

[52] *Id*.

[53] *Id.*

[54] *Id.* at 148.

[55] *Id*.

[56] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 148.

[57] *Id.* at 458-60.

[58] *Id.*

[22]   Rawls, therefore, is emphatic about a "wholehearted" acceptance of the tenets of political conception by religious doctrines.[60] He argues that the extent to which a religious doctrine understands and recognizes the fact of pluralism determines where it will stand in terms of public reason.[61] If it is to ensure the liberty of its adherents, the religious doctrine must recognize in reciprocity the liberties of other free and equal citizens.[62] But can we assume that all religious doctrines and their adherents might automatically realize this and further agree to sacrifice their reasons on behalf of public reason? It is hard to answer this question affirmatively. For instance, Neal states that "the citizen of faith cannot accept the strong reading of the idea that her commitment to political liberalism must be wholehearted and firm."[63] This reading, he argues, would mean that principles of political conception should take priority over one's religious views.[64] This cannot happen without denying the ultimate authority of God.[65] Thus the citizen of faith must reject the idea that some other principle – like public reason – beyond what her religious views acknowledge, could claim authority in her affairs even if this means only those in

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[59] *Id.*

[60] *Id*.

[61] *Id.*

[62] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 458-60.

[63] Neal, *supra* note 5, at 183.

[64] *Id.*

[65] *Id.*

the political domain.[66] The standard of (religious) truth is the ultimate arbiter in judging the legitimacy of such claims.[67]

[23]   This vein of criticism challenges not only political liberalism but also any other political/moral system in which principles derived from sources other than the divine. In fact, basic rules of social and economic life could be denied in the same fashion. But it should be noted that political liberalism is a view perhaps most open to such claims.   It would be absurd to argue that political liberalism asks religious citizens to deny the authority of God. Basic ideas of political liberalism such as overlapping consensus, public reason, and reasonable pluralism are formulated in order to provide a consensus among people without violating or endangering their conceptions of the good life. Political liberalism does propose that people continue to value their religious, moral, and philosophical views, and that they also engage in social cooperation defined by fair terms of cooperation acceptable to all.[68] People might have different reasons to endorse those terms, but as long as they can do so in light of their religious views, it would extend the stability of the public order.[69]

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[66] *Id*.

[67] *Id*.

[68] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 460.

[69] Interestingly, between the lines, Neal cannot resist stating this possibility:

> [T]his does *not* mean that the citizen of faith cannot commit herself to some of the values that Rawls characteristically describes as part and parcel of political liberalism. She may well believe that liberty of conscience and equality of citizenship are fundamental aspects of just political regime, and that she is bound to support such principles in practice. Insofar as she is committed to these practices, it will be because the conception of political justice yielded up by her comprehensive religious beliefs specifies them as just.

[24]   In Rawls's terms, one needs to be politically reasonable in his moral views to come to

terms with an idea of public reason.[70] This implies that the fact of reasonable pluralism in

democratic societies, the notion that serves as the point of departure for Rawls, excludes those

who oppose cooperating with others.[71] Indeed, Rawls notes from the outset that political

liberalism does not engage those who think of politics as a means to impose on others a

particular way of life or moral view.[72] Thus, in political liberalism, being reasonable appears to

be a moral prerequisite to being involved in cooperation, engaging in overlapping consensus, and

participating in public reason. Being unreasonable in cooperation leads to *modus vivendi*, an

outcome deemed undesirable by political liberalism.[73] The formulation of political liberalism in

this way implies three forms of religious views:

> (i) If a religious doctrine is politically reasonable, that is if it is ready to cooperate
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> with others in order to reach fair terms of political conduct agreeable by every
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> other free and equal citizen, then political liberalism is a suitable way for this

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Neal, *supra* note 5, at 183. Rawls could not ask for more! For political liberalism, the issue at stake is reaching a consensus among the controversial and opposing moral views in order to formulate a public political conception of morality that would define political relationships between the state and citizens and among citizens themselves. Cite to Rawls theory or internal cross-reference to that supposition in this paper. RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 44. To this aim, those moral views must be open to the idea of consensus in order to be accommodated within this political scheme. That is, in broad terms, an understanding of toleration – like that of Neal's citizen of faith – ought to be involved in dealing with others who adhere to alternative moral views.

[70] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 460.

[71] *Id*. at 441.

[72] *Id*.

[73] *Id*. at 459.

religion to live by its tenets without fearing drawbacks implied by comprehensive

or ethical liberalism;

(ii) If a religious doctrine is politically unreasonable, that is, if it engages in

cooperation but favors its own interest over the terms of cooperation, then the idea

of public reason cannot be fully realized due to lack of overlapping consensus;

this doctrine has to find a way to attain compatibility with political ideas and

values of the political moral conception;

(iii) If a religious doctrine is unwilling to cooperate at all, it will be opposed by

liberal political order.

[25]   In terms of political liberalism and its principles of political justice, the religious

doctrines in the first form constitute compatible religion because they are reasonable. The views

in the third form are clearly unreasonable and thus incompatible. The second form of religion

constitutes the in-between category. This sort of a view should not be opposed outright because

it initially involves cooperation although not for the right reasons. As long as it continues to

uphold its interest-based position, it cannot be trusted and thus cannot be offered fair terms. This

will undermine the consensus. But since it is initially involved in the cooperation, there is a

chance that it will change or eventually relinquish its interest-based position and embrace the

political conception for the right reasons. One could envision a change in the socio-political

position over time, as the consensus proceeds from *modus vivendi*, to constitutional, and

eventually to overlapping consensus.[74]

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[74] In political liberalism, political reasonableness underlies the legitimacy of the political system. In Rawls's view, the legitimacy of the principles of political association is established by the endorsement of politically reasonable citizens. *Id*. at 37. But this does not mean what Marilyn Friedman's essay suggests; namely that reasonable citizens are thereby entitled to use coercive power over unreasonable citizens without their consent. *John Rawls and Political Coercion of*

IV.   POLITICAL LIBERALISM: NEUTRAL NOT SECULARIST

[26]   Neutrality is no doubt a controversial concept. It has many connotations that could be

misleading, and it is open to misuse. Liberal theory goes hand in hand with the image of state

neutrality while adopting a higher ground of justification, such as the ideal of autonomy.[75] As

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Unreasonable People, in THE IDEA OF POLITICAL LIBERALISM: ESSAYS ON RAWLS (Victoria
Davion & Clark Wolf eds., 2000). Rawls maintains that in a democracy marked by pluralism, it
is not surprising to see unreasonable views that reject democratic freedoms. RAWLS, POLITICAL
LIBERALISM, *supra* note 8, at xvi-ii. The primary concern of political liberalism is not to coerce
these people but to secure stability for the reasonable majority. Rawls suggests containing these
views "like war and disease" so that they do not overturn political justice. *Id.* at 64 n. If the
reasonable is understood in the sense suggested by Erin Kelly and Lionel Mcpherson, then the
containment of the unreasonable will only extend to political domain, namely politically
unreasonable actions and behavior that would threaten the overall stability. Erin Kelly & Lionel
Mcpherson, *On Tolerating the Unreasonable*, 9 J. OF POL. PHIL. 38 (2001). This is to some
extent a practice of the liberal mantra, tolerating the intolerable, but determined in light of the
problem of stability surrounding democratic societies marked by inevitable moral diversity. All
in all, Rawls holds, except for certain kinds of fundamentalisms, all the main historical religions
are amenable to an idea of political conception of justice and thus may be considered as
politically reasonable views. RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 170.
        Considering the distinctive features of fundamentalism might help to clarify the
difference between reasonable and unreasonable religious views. According to the findings of
the Fundamentalism Project undertaken by Martin Marty and R. Scott Appleby, religious
fundamentalism is generally defined by its opposition to modernity, its selective appropriation of
the past, its totalitarian impulse, and its militancy. FUNDAMENTALISM PROJECT: A SERIES FROM
THE UNIV. OF CHICAGO PRESS (Martin E. Marty & R. Scott Appleby eds., 2004) (1993). L.C.
Griffin notes that "[w]hat the Enlightenment philosophers and Rawls praised as tolerance,
consensus, and pluralism, the fundamentalists condemn as immoral relativism and godless
secularism. . . . They want their comprehensive doctrine to provide the complete structure for
state, society, and family, replacing the liberal institutions of the modern democratic state with
one ideology. L.C. Griffin, *Fundamentalism from the Perspective of Liberal Tolerance*, 24
CARDOZO L. REV. 1631, 1634-35 (2003). Rawls admits the possibility of such views and
suggests containing them. RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 64 n. But that is not
the only problem with such views. They also espouse a militant approach, fighting against the
moderates, secular humanists, etc. The situation gets even more problematic when such views
invoke transcendent references to justify their actions. I do not think Friedman would label the
containment of such views as illegitimate and unjustified.

[75] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 191.

the argument goes, the state provides a neutral framework for the individuals idealized as self to choose their own ways of life and personhood. Critics of liberalism have attacked this conception of neutrality for its impracticable and unrealizable outlook.[76] I think what animates most of the criticism in this line is another problem that lies deeper.

[27]   Neutrality is frequently charged with a secular bias; it is meant to refer to a ground of political justification impartial to diverse religions, which is characteristically defined not only as nonreligious but also as secularist in character.[77] One widely accepted meaning of the church and state separation draws on this logic. This view holds that in the wake of religious wars and conflicting religious doctrines, maintaining peace, order, and stability in the society requires the state not to uphold any religion or pursue any religious goal.[78] In this respect, the state becomes secular (i.e. not serving any religious purpose or non-religious). But at times this logic is pushed further and is turned into an ideological instrument against religion.[79] I call this a secularist

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[76] That debate is beyond the scope of this work. For more on the debate, *see* MICHAEL J. SANDEL, LIBERALISM AND THE LIMITS OF JUSTICE (2d ed. 1998) (1982); ALISDAIR C. MACINTYRE, AFTER VIRTUE: A STUDY IN MORAL THEORY (2d ed. 1984) (1981).

[77] *See* discussions between Paul Weithman and Robert Audi. Paul Weithman, The Separation of Church and State: Some Questions for Professor Audi, 20 PHIL. AND PUB. AFF. 52-65 (1991); Robert Audi, Religious Commitment and Secular Reason: A Reply to Professor Weithman, 20 PHIL. AND PUB. AFF. 66-76 (1991).

[78] *See* Audi, *supra* note 77.

[79] This is similar to what Charles Taylor describes as "independent ethics." *Modes of Secularism*, *in* SECULARISM AND ITS CRITICS (Rajeev Bhargava ed., 1998). The best example of the secularist position as held by the state is the French republican secularism, which stands for the "liberation" of society and "emancipation" of the individual by the state from traditional and particularly religious conceptions, and imposition of a secular individual morality. Cecile Laborde, *On Republican Toleration*, 9 CONSTELLATIONS 167 (2002). For the history of the institutionalization of French secularism and the contemporary challenges it faces, *see* Jean Bauberot, *The Two Thresholds of Laïcization*, *in* SECULARISM AND ITS CRITICS 94 (Rajeev Bhargava ed., 1998).

position. Broadly, the difference between a secular state and a secularist state is that the former is non-religious, impartial, and perhaps neutral whereas the latter is anti-religious or at least partial toward religion in general.

[28]   This nuance between the secular and secularist position is frequently disregarded as both positions are considered as expressions of secularism. Nonetheless, in the world of practical politics, the difference between these two positions translates into distinct institutional arrangements, policies, legal procedures, etc., and thus effectively influences the role of religion in a society. One great achievement of Rawls is to keep the distance to those views that infuse neutrality with secularism—in a secularist sense.[80] Rawls puts a deliberate emphasis on the neutrality of the state without resorting to the secularist disposition.[81] Political liberalism does not prioritize secularist views over religious views; it seeks a ground of consensus that is agreeable to both kinds of views in reasonable ways.[82]

[29]   Neutrality of the state, in this way, forms the essence of political liberalism. That is, the liberal public order should strive to be neutral toward competing and controversial conceptions of the good life, religious and non-religious. Political liberal neutrality as such expresses a moral commitment to reaching terms of political association on which all citizens can reasonably agree.[83] It implies a form of public morality formed by neutral principles, which is justified without assuming the validity of the controversial conceptions of the good.[84] By providing the

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[80] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 457 n.

[81] *Id.*

[82] *Id.*

[83] *Id.* at 193-94.

[84] *Id.*

means for reaching generally accepted political principles, neutrality as such has a moral value. This is not, however, an open-ended proposition. Since political liberalism invokes a political moral conception that can be endorsed by all reasonable citizens, neutrality can only be applied to the conceptions of the good life that would be willing to endorse that political moral conception.[85] Thus, in political liberalism, neutrality means that so long as such a political conception is endorsed and its principles are implemented in the public institutions, then the state must not favor or promote any particular comprehensive doctrine.[86]

[30]   In political liberalism, the idea of reasonable overlapping consensus of comprehensive doctrines means that both religious and non-religious doctrines support a political conception of justice that defines a constitutional democratic society.[87] Doctrines, religious or secular, that cannot support such a conception are considered unreasonable.[88] Among those Rawls considers are "fundamentalist religious doctrines, the doctrine of the divine right of monarchs and the various forms of aristocracy, and, not to be overlooked, the many instances of autocracy and dictatorship."[89] The list is not, of course, exhaustive of all unreasonable doctrines. We should say, behind every unreasonable regime is an unreasonable doctrine. Autocratic and totalitarian ideologies are the obvious candidates.

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[85] *Id*.

[86] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 193-194.

[87] *Id*. at 458.

[88] *Id.* at 483.

[89] *Id*.

[31]   However, more importantly from a political liberal standpoint, there are less obvious candidates that can be equally as obstructive as religious fundamentalism in realizing political liberal ideals. These are what the critics like to call, fairly or unfairly, "exasperated laicism," "lay fundamentalism,"[90] and last but not least, "secular fundamentalism."[91] It is important to note that these terms are not used to describe official ideologies of autocratic regimes *per se* such as that of China, North Korea, or Pahlavi, Iran; rather, they signify some doctrines that are commonly found and quite vocal in many democracies. On the whole, I would like to argue that in many countries there is a current of secularism represented by various individuals, groups, and elites, in the form of an ideology or a comprehensive doctrine, which defends eliminating influence of religion or religious manifestations not only in the political arena but also in the social arena. When expressed in this way, it is not difficult to see the impossibility of a reciprocal understanding between this view and religious doctrines. As Rawls puts it, reasonableness occurs at both ends of the parties.[92] Here, it is not even plausible to think that a secularist citizen would offer fair terms of cooperative thinking that other religious citizens might also reasonably accept. Therefore, political liberalism engages not only theocrats but also those secular fundamentalists.

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[90] These terms were used by the Vatican as a reaction to a European Parliament resolution that asserted that "women's legal rights cannot be restricted or breached on the pretext of religion." Griffin, *supra* note 74, at 1641.

[91] Paul F. Campos used this term, quite unfairly, to describe Rawls's vision of liberalism. *See* Paul F. Campos, *Secular Fundamentalism*, 94 COLUM. L. REV. 1814-28 (1994). Campos directed his criticism particularly to the concept of public reason, which at the time was not as inclusive as Rawls put it in his later writings. RAWLS, POLITICAL LIBERALISM, *supra* note 8, at li. Though, even in its latest form, political liberalism might not live up to aspirations of the fundamentalist evangelical standpoint that Campos declared to represent.

[92] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at xlii.

[32]   Rawls puts an ultimate test before any party who wants to be a part of political liberal consensus. Citizens' allegiance to the political moral conception that ensures political, civil, and religious liberties must be unconditional.[93] If the allegiance is so "limited that none is willing to see his or her religious or nonreligious doctrine losing ground in influence and numbers, and such citizens are prepared to resist or to disobey laws that they think undermine their positions," then, the stability of the regime is not based on the right reasons. [94] This conditional allegiance arises for different reasons. For example it might be the interest of a religion to establish its hegemony or, in milder cases, it might be in the doctrine's interest to keep a certain degree of influence and number in the society. The same goes with the nonreligious doctrines.[95]

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[93] *Id*. at 459.

[94] *Id.*

[95] In this case, it is easy to envisage the threat that a fascist or communist doctrine would pose. Those doctrines or ideologies vie for hegemony or would work efficiently only if they dominate the society. But, in a democratic society, a secularist view such as the following should not go unnoticed:

> [R]eligious toleration has much greater risks for me . . . I am content to leave others to the religious practices of their choice provided that they leave me free to enjoy none. But I will be very unhappy if this leads in time to my society becoming one in which almost everyone is, in one way or another, deeply religious, and in which religions plays a central part in all public discourse. Moreover, I would feel this way even if I would continue to enjoy the form protection of the First Amendment. What I fear is not merely the legal enforcement of religion but its social predominance.

T. M. Scanlon, *The Difficulty of Tolerance, in* TOLERATION: AN ELUSIVE VIRTUE 230 (David Heyd ed., 1996). To a certain extent, a view like this presents a conditional support to the basic liberties ensured by the constitutional regime. It does not deny the value of the basic principles of the political society. But it is troubled by the fact that reasonable pluralism emerged as result of free democratic institutions and is concerned with "maintaining a certain degree of success and influence for its own" secularist view. Under the standards of political liberalism, the allegiance of such a view to the democratic principles could be deemed insufficient and fragile, and even dangerous if it is pushed further. In political liberalism, Rawls states, "while no one is expected to put his or her religious or nonreligious doctrine in danger, we must each give up

[33]   Rawls also distinguishes public reason from secular reason. He defines the latter as "reasoning in terms of comprehensive nonreligious doctrines."[96] Secular doctrines and values, Rawls maintains, fall in the class of comprehensive doctrines, which include conceptions covering a wide range of human life and conduct, while public reason only serves about the questions of constitutional essentials.[97] Rawls also argues against the view that suggests the priority of secular arguments in the face of conflicting religious and sectarian doctrines.[98] According to a proponent of this view, "one has a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless one has, and is willing to offer, adequate secular reason for this advocacy or support."[99] In this case, secular reason is defined as reason "whose normative force does not evidently depend on the existence of God (or on denying it) or on theological considerations, or on the pronouncements of a person or institution *qua* religious authority."[100] In Rawls' perspective, these sorts of notions are

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forever the hope of changing the constitution so as to establish our religion's [or secularist view's] hegemony, or of qualifying our obligations so as to ensure its influence and success." RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 460. In this respect, stipulating some kinds of conditions, like Scanlon did above, to support the political system cannot be taken as a fair term by a citizen of faith. In fact, the very concern of Scanlon might just be reversed to express the concern of a religious citizen about seeing social predominance of non-religious views. All in all, preconditions as such are not conducive to consensus.

[96] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 457.

[97] *Id*. at 458.

[98] *Id*.

[99] ROBERT AUDI, RELIGIOUS COMMITMENT AND SECULAR REASON 86 (2000).

[100] *Id.* at 89.

ambiguous; it is not clear whether they are animated by a comprehensive doctrine or a purely political conception.[101]

[34]   The idea of public reason does not necessarily focus on the reasons from the standpoint of their being religious or non-religious, theological or not, but from their concord with the political moral conception that is accepted by reasonable religious or non-religious views.[102] In this respect, if secular reason is expressed as such, it must also go through the criteria of public reason.[103] Even if secular arguments are considered as "reflective, and critical, publicly intelligible and rational," for political liberalism, they are not necessarily better or preferable to religious arguments. [104] These arguments themselves do not provide public reasons.

V.   CONCLUSION

[35]   The idea of political liberalism presents an inclusive outlook when it comes to diverse worldviews that shape lives of citizens, and this inclusiveness is ever more present with regard to religious views. Rawls shifted the focus of liberal thought from comprehensive liberalism – of which principles and values could be opposed by many who espouse other views and could be subject to contention in political arena – to a liberalism of narrow scope which effectively leaves many areas and issues off the political agenda. In this respect, Rawls defends a separation of political and background cultural realms, the latter representing the area of civil society where

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[101] RAWLS, POLITICAL LIBERALISM, *supra* note 8, at 452, 457.

[102] *Id*.

[103] *Id*. at 457 n.

[104] *Id*. at 457.

religious and non-religious associations and organizations enjoy liberty in their internal affairs and protection.[105] The principle of political justice that defines the political structure does not apply in the background area. This separation effectively draws the boundaries between the political and the social, and limits political interference in the affairs of civil society. In fact, a separation as such can significantly alleviate tensions between religious groups and the state, provided it is properly practiced.

[36]   Moreover, and equally as important, political liberalism puts religious and secular doctrines on equal footing in the formation of political morality. This is an important principle because, since the Enlightenment, this has not been the case. There has always been some kind of a secular principle under which diverse religious views would peacefully live without violating one another's liberty. In the last section of the essay, I contend that although there is a parallelism between a secular and a neutral state, in many instances, the secular identity of the state is pushed further in favor of non-religious ideological aspirations, where the secular becomes the secularist. A secular state could be neutral toward religion, but a secularist is intrinsically anti-religious.

[37]   Another aspect of political liberalism that would appeal to citizens of faith is the wide-ranging consent it requires over the political principles. According to Rawls' theory, an overlapping consensus happens when citizens converge at common principles from within their own comprehensive doctrines using different reasons.[106] This consensual procedure provides public recognition to every comprehensive doctrine that enables its members to consent to those principles. Thus, religious doctrines, along with their non-religious counterparts, participate in

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[105] *Id*. at 443-44.

the consensus, agree upon terms, and thus constitute the foundation of political morality. They can now claim their part in this foundation and show allegiance to it.

[38]   Overall, these features of political liberalism should be rather agreeable to the citizen of faith. The appeal of political liberalism in this respect is crucial in establishing it as the normative expression of the idea of liberal democracy in societies divided by religious, moral, and philosophical differences. Perhaps, more than anybody else, the inclusive outlook of political liberalism in achieving and maintaining the political consensus reassures the citizen of faith. Political liberal expression of liberal democracy aims to be inclusive and just. Consequently, this gives us ample reason to approach political liberalism as a normative resource in dealing with ongoing disputes among religious and secular citizens and groups and between religion and the state in general, which plague politics in many societies.

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[106] *Id*. at 134.