

Edward Langerak May, 1999

## A Christian Argument for Political Self-Restraint

I argue that Christians have important theological and moral reasons for tolerating the right kind of wrong-doing, and that therefore we should develop in ourselves a nuanced disposition toward political self-restraint when deciding and arguing for coercive legislation. My first section outlines a Christian covenantal ethic that both grounds and qualifies these points. The next section discusses how political liberalism can and does remain committed to its emphasis on the rights of free and equal individuals, but in a chastened way that allows the recognition by liberals of the importance of including distinctive religious and moral commitments within deliberations in the public square. The third section argues for a useful but principled accommodation between Christians and chastened political liberalism on the civility of public square debates.

### Christian Covenantal Ethics and Toleration of Wrong

Covenantal ethics can be compared and contrasted with the social contract tradition that has decisively influenced political liberalism. The appeal of a social contract is that autonomous individuals voluntarily (though, perhaps hypothetically) make promises agreeable to all the contractors. In the Hobbesian strand of the tradition, these agreements are based on little more than the self-interest of the parties, whereas in the Kantian strand, the parties impose other restrictions on themselves that give the agreements a moral character not reducible to prudential bargaining. The best known example of the latter is John Rawls' use of the "veil of ignorance" to screen out the undeserved advantages and disadvantages (such as congenital health conditions) of the contractors, in order to insure a hypothetical contracting situation that is fair to all. Under the "veil" restriction, each person will be treated as free and equal, since no contractor can risk turning out to be someone not so treated. Indeed, regarding each other as free and equal choosers is the underlining theme in this influential version of political liberalism, which is why it emphasizes our right to decide which goods to pursue, rather than our rightly deciding the right goods to pursue.

Covenantal ethics also incorporates elements of voluntariness as well as respect for free and equal individuals, but they play a different role from that of contract thinking. Covenants typically are grounded in gifts, entrustments, events, or actions whereby persons become vulnerable to each other in a caring community that seeks both the common good and the good of each individual. The covenantal roles are important ingredients in the identities of the members, and how one responds to one's covenantal privileges and responsibilities shapes that identity. Covenants endure over time, and circumstances change those responsibilities in ways that cannot be explicitly listed, which is why the idea of a marriage contract sounds as strange and minimalistic as a list of parent's duties to children or of children's to parents. People often discover that they have covenantal responsibilities and recognize what they are, rather than negotiate an agreement about them; the corporate and historical dimensions of our existence can

sometimes saddle us with responsibilities that we never foresaw, much less contracted for. This does not mean that voluntariness plays no role in covenantal thinking, since we can affirm or refuse responsibilities that bear down on us, and whether and how (gladly or reluctantly) we do so has important implication for our identities. Indeed, generally the special covenants that shape us--community, church, family--have an "exit privilege" that distinguishes them from slavery, which is an important feature that underscores the continuing importance of voluntary choice in covenants, even as it underscores the difference from the unencumbered choice of entering a commercial contract. When people affirm covenantal responsibilities that events thrust on them by saying "I had no choice," they are indicating not that they are not free to refuse, but that they could not refuse and still keep the moral identity that their covenantal life had so far defined for them. Appreciating how a thickly encumbered covenantal self recognizes rather than simply chooses responsibilities is quite compatible with admiring the decision precisely because one appreciates that covenantal ties bind without reducing to bondage.

That covenantal responsibilities cannot be explicitly listed as contractual duties creates a problem and a corresponding opportunity for a covenantal ethic. The problem is that being grounded in entrustment, gratitude, and caring relationship, it provides more motivation than precise guidance, a more lively "why" for action than a specific "what." Of course, if we think of covenantal responsibilities as covering a spectrum from strict duties--some of which are legally enforceable, like murder and theft--to supererogatory self-sacrifice that goes beyond obligation, it is quite possible to be fairly explicit about the strict duties, and perhaps even the obligations in the middle range of the spectrum. But many of our covenantal responsibilities depend on a thick description of vulnerability and "response-ability," and are inspired more by stories of good Samaritans than by coercion or even moral disapprobation. Thus many moral decisions will be debatable, even among covenant members. The corresponding opportunity is that, to avoid problems of "indeterminate earnestness" when even the saints are finite at best and foolish at worst, a covenantal upbringing must nurture character with stories, symbols, and role models in a way that develops a disposition to discern the (more or less) appropriate response in exquisitely complex and ambiguous situations. I admit, and in this paper ignore, the difficulties of achieving such a disposition, and simply note that it will be appealed to later.

So far I have been alluding to what are called "special covenants," those with family and smaller communities. But covenantal ethics also teaches an "inclusive covenant" with all persons. Unfortunately, the dark side of too many covenantal people is that they do a better job of being neighborly to those with whom they are in special covenantal relationships than in recognizing the scope of who is a neighbor; it is difficult to infuse the inclusive covenant with the vitality too often restricted to special covenants. Hence Jesus' parable of the good Samaritan. It is natural and appropriate that special covenants have thicker motivations, ties, and responsibilities, but the Biblical doctrine of being created in God's image, requires us to recognize that every person deserves the sort of

love and respect due imagers of God. This doctrine has rightfully been called "the democratizing of the image of God," since it makes a radical move: the high status that until then in the Middle East was claimed only by royalty, is now applied to all persons. The implication is that some of the awe we feel toward God we should also feel toward all persons, who image God, both as "mirrors" who have some of God's characteristics, such as creativity, and as "representatives" who have the privilege and responsibility to make stewardly decisions about how to live and act in God's world.

This awe toward imagers of God calls for a reverential and diffident love, one that incorporates a "stand-back" element and not just an urge to nurture: it "eschews domination" and, says Glenn Tinder, fans both a reason and a passion for seeing each individual as "exalted" and as an end-in-herself. Tinder argues that this reverence toward the sanctity of persons provides a firmer ground for toleration than do appeals to utility or to a secular notion of universal dignity. Even if liberty is not a value in itself, it is such an important aspect of incorporating all other values to oneself that we must take a "tragic view of liberty" and admit that the theological requirement to grant it to fallen people, while an act of hope, does make a possible way for sin. Toleration, after all, is neither indifference nor affirmation; it involves enduring behavior that one thinks is wrong on a matter that one cares about. This is why it took so long for Christians to realize that, not only are there powerful practical and prudential arguments for religious toleration, there are also important theological and covenantal moral principles to ground it. Each normal, adult member of a covenantal body is a thinking member, and must be addressed as a hearer and giver of reasons, not just as a follower of orders, even of orders that are in his or her own interests. Thus Christians have theological reasons for respecting autonomy, though they need not agree with the type of liberalism in which autonomy outranks all other goods. And, of course, many actions cannot be tolerated. However, that is not because they are wrong, but because they are wrong in ways that cause significant and intolerable balances of harm over benefit. Indeed, we may have to be intolerant of some actions which are based on views that, while wrong, can be respected as reasonable and as ones that people are entitled to hold. The question we must return to is whether, when deciding issues of intolerance and coercion, Christians should be covenantally disposed toward specific sorts of self-restraint in making their political decisions and arguments about harms and goods, out of respect for imagers of God, even erring ones.

My final point about Christian covenantal ethics, is that it sees many of the main secular ethical theories as one-sided exaggerations of valuable elements in a responsible ethic, and not simply as contradictions to it, though it recognizes that an exaggeration can sometimes inspire contradictions and not just embellishments of the truth. Even Christians who are leery of appeals to a natural law available to neutral reason can grant that the fall does not prevent humans from appreciating the basic values necessary for social existence, if not flourishing. Thus we are not surprised that there tends to be, among thick world views (or what Rawls calls "comprehensive doctrines"), an

overlapping consensus of thin, or minimal, values. These tend to emerge only on those special political occasions when we are asking about possible accommodation between communities with different--and even largely conflicting--outlooks. To call such values "thin" or "minimal" is not to imply that they are shallow or lack intensity. Nor does it imply that they are a universal foundation for tacking on the thick or maximal values that are distinctive to communities and that give moral and religious identity and motivation to individuals. Thin values are generally embedded in the thick ones, and it takes special effort and special occasions to see whether there is overlapping consensus and what it might be. And when it is located, it involves the values that are closest to our moral bones: "thinness and intensity go together, whereas with thickness comes qualification, compromise, complexity, and disagreement." Moreover, each community will retain its distinctive way of expressing the basic values; they are less a moral Esperanto than a recognition that different comprehensive doctrines have their distinctive ways of inspiring overlapping commitments to the health of social unions. Still, these basic values can function as a check on maximal ones; even if they cannot be given a context independent justification, their sharing common features can be used to critique abuses sometimes perpetrated in the name of diversity. Of course, one can agree with the above and still wonder whether any overlapping consensus is substantial enough to settle most debates about what society should legally tolerate and what it should not.

### Chastened Political Liberalism and the Public Square

Political liberalism sometimes is interpreted as using Enlightenment neutral reason to objectively ground the exalting of individual autonomy so far above every other value that any efforts to restrict it must appeal only to autonomy itself as defined and defended by universal reason. Without deciding whether such an interpretation is friendly or hostile toward liberalism, I want to sketch an alternative interpretation that makes use of, or at least is consistent with, what some of its most recent and prominent defenders are saying in response to its Christian, communitarian, and other critics.

First, liberals recognize that there is a family of views that go under that name, and that criticism of some liberal views is hardly illiberal, since the same criticism may be leveled by other liberals. The liberalisms that I want to include in my sketch share the core doctrines that all persons are intrinsic sources of moral claims who have equal dignity and worth, and that their moral right to choose (ie. affirm or change) their own course of life must be respected and promoted at very high cost, though not at all costs. Any implications about neutrality regarding the good are derived from the previous claims rather than assumed at the core.

Second, although some liberals appeal to fear, implying that political alternatives to liberalism are invitations to instability and even religious wars, liberalism can appeal to civic virtue and other moral values when discussing toleration and appropriate limits on political debate. Hence Paul Weithman refers to "the liberalism of reasoned respect,"

which is a matter of virtue rather than prudence. Civility involves not just courtesy, or polite manners that accord with conventional rules of etiquette, although almost every one can think of prudential and even moral reasons for cultivating a disposition toward courtesy. Civility also involves respect toward fellow citizens with whom one disagrees, and the issue is what such respect requires. For liberals, given their political goal--a peaceful and democratic social union of a diversity of social unions of free and equal individuals --it involves, they believe, a self-imposed requirement, or at least a disposition, regarding at least some types of coercive legislation, to provide or be ready to provide arguments with premises that one can reasonably believe those bound by the legislation could reasonably accept. This does not mean that a liberal must expect actual acceptance of the premises, since people can be programmed with any number of influences that prevent them from accepting what they reasonably could. And often this programming results in their holding wrong but reasonable beliefs, so their refusal to accept premises they reasonably could accept, is itself reasonable, which is why liberals refer to what they reasonably could accept, rather than what they should accept. Of course, with a broad enough notion of "reasonably could accept," one could claim that any premise that anyone reasonably accepts could be reasonably accepted by anyone else, even if it violates their deepest commitments, since they could reasonably hold other commitments. Thus liberals need a connotation something like "reasonably could within their commitment to their own reasonable comprehensive doctrine." This qualification still allows appeal to many more premises than one can reasonably expect everyone actually will accept. The point is important, since sometimes non-liberals point to the lack of an actual consensus as evidence that the liberalism of reasoned respect cannot get off the ground. Of course, the notion of what others could reasonably accept, rather than what they are expected to accept, can easily be abused by those without intellectual humility. Indeed, one might argue that its fair-minded use is enhanced as much by spiritual resources, such as religiously inspired love, as by liberal respect for moral equality. A final point about the value of civility: prudence has no trouble seeing how religious wars should be avoided even at fairly high cost in terms of compromise; it is less clear just how valuable social harmony and the reluctance to coerce is relative to the cost of compromising values important to one's moral and religious identity. Liberals who appeal to civility rather than fear must be willing to confront that issue.

Third, chastened liberals recognize the depth and width of our disagreements and also that Enlightenment moral doctrines are just one of many competing comprehensive doctrines. Thus use of the Lockean legacy of universal human rights must involve liberal appeal, not to self-evident truths, but to a public philosophy or cultural Idea of a society which has been so heavily influenced by Locke and his heirs that the legacy has become the common political coinage. This coinage must be rejected by none of the reasonable comprehensive doctrines, usable by all of them, and underwritten by most of them. For the latter, part or all of the public philosophy can be seen as true, given their distinctive religious and moral views, but there must also be a free-standing justification of it as at

least reasonable for those who do not share the doctrines from which it can be seen as true. Obviously the latter justification depends on what is meant by reasonable, and some liberal notions of reasonable persons--such as Rawls': they "desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept" --is in such convenient harmony with what Rawls sees as the core of the public philosophy, that even sympathetic critics can wonder about the difference between "reflective equilibrium" and mere circularity. Richard Rorty's suggestion--frank, but not entirely friendly--to simply collect and baptize the platitudes that "we bourgeois liberal democrats" use is, as Nicholas Wolterstorff notes, a type of "we-ism" which merely asserts that no justification is needed. One advantage of Rorty's insouciant historicism is that any "we" has wide latitude in exegeting "the public philosophy," which allows for substantive decisions about what counts as "American ideals." Such exegetical freedom might answer the charge that the public philosophy is not substantial or determinate enough to engage debates about controversial issues such as abortion or tolerable marital arrangements. Of course, the price for such latitude is that one "we's" public philosophy may not seem very reasonable to another "we's," a problem that prompts Rorty's hopeful advice that we can at least keep talking and trying to "redescribe" things for each other. The question for me is whether Christians can offer something other than asserting that the talking need not include appeals to "the public philosophy" as a sort of liberal middleman in the conversation.

Fourth, liberals can recognize with Rawls that, for public square debates, distinctive secular comprehensive doctrines are in the same moral boat, and should be in the same political boat, with religious ones. This should make American liberals reluctant simply to appeal to the non-"establishment of religion" clause in the first amendment to the Constitution as a way of forbidding legislation (and thereby decisions and arguments for it) that favors a particular religious view. I find plausible the argument that the non-establishment clause makes it constitutionally obligatory (and not just a matter of self-imposed civility) to avoid appeals to distinctive religious notions of human well-being when debating legislation. But that is why religious people have long argued that the non-establishment clause is in tension with the "free exercise of religion" clause, which seems to allow legislative argument by religious people who believe on religious grounds that their political views must be integrated with their religious ones. Even if the constitution is interpreted to favor non-establishment over free exercise of religion, that does not settle the legal question of what the interpretation should be, or the moral question of what civility requires (including for designing or amending a constitution), to say nothing of the religious question of what it means in this context to respect imagers of God.

And liberals can recognize that religious comprehensive doctrines are not necessarily in a different political boat because the passions they raise are especially destabilizing. The truth of this claim is relative to time and place, and seems not to be a plausible generalization today in most of North American or Northern Europe, though it may be

true, say, in the Middle East, the Balkans, or India. Indeed, I find persuasive the claim that, in the United States, the passions on the religious right are fanned less by theology and more by resentment at the unfairness of their views being devalued and excluded while secular comprehensive doctrines that are just as distinctive are allowed to dominate legislative debate. I, for one, would experience as much legitimate resentment at being significantly coerced by an unabashedly utilitarian decision as by an open appeal to someone else's scripture, since in neither case could I, as a Christian with Kantian leanings, be reasonably expected to reasonably endorse the premises. So I think liberals have good reason to avoid treating religious comprehensive doctrines differently from secular ones, though I grant that the *prima facie* duty to obey official constitutional interpretations requires due recognition of the unfortunate tension in the first amendment.

Fifth, in addition to granting the depth and width of disagreements, liberals can recognize the importance that, for many committed people, it is of utmost importance to express and explain their distinctive moral and religious identity. Using Rawls' distinction, listening to their moral identity is an important way of respecting their institutional identity. It was always implicit in most liberal views that much of what is called "the public square" can involve vigorous debate about moral, religious, and cultural views that are more or less independent of decisions concerning coercive legislation. But liberals could have more clearly emphasized the point that, not only in popular arts and literature, but also in editorials and opinion pieces, the prophetic voice of distinctive views are welcomed. Moreover, sometimes the term "background culture" when contrasted with "public philosophy" unintentionally conveyed the idea that the prophetic voice of the background culture should remain politely private. This is ironic, since, as critics have noted, the religiously prophetic voices of, say, Abraham Lincoln and Martin Luther King are some of the least sectarian and most motivating elements of American culture. Liberals can and should encourage the full expression of the most distinctive comprehensive doctrines in much of the public square. They can agree that a healthy democracy requires appeals to moral truths, consensus about common goods, thick theories of encumbered selves, the priority of *agape* over respect, distinctly value-laden intermediate associations and communities, and even theological agendas. At a minimum, they can encourage the nurturing of all the above as an important element in the lively background culture part of a very unnaled public square.

But some critics have argued that debates in the background culture are not taken seriously unless they are also part of the debate about legislation, and that so restricting religious debates, while privileging public reason in the politically most important part of the public square, would hardly reduce the resentment and alienation of believers who integrate their religious and political convictions. This is an empirical claim that I am not prepared to evaluate. But we should notice that Rawls and other liberals now make it explicit that comprehensive doctrines are permitted, even welcomed, in legislative debate. Indeed, liberals are using the phrase "deliberative democracy" as often as do

proponents of the "consocial" position that advocates a radically inclusivist position regarding religious reasons for legislation. Rawls' position is sometimes called "inclusivist," because he insists that, while one may use distinctive moral and religious reasons, one must be ready and willing also to include a public reason argument. This proviso specifies what he calls "the wide view of public reason," but his insistence on a self-imposed restraint against offering moral and religious arguments that cannot be backed up with public reason arguments, distinguishes his view from the laissez-faire approach of radical inclusivists. The latter think not only that one may introduce "unbacked" comprehensive doctrine considerations, but also that many, if not most, legislative issues cannot be settled by mere public-reason-backable considerations. Rawls is much more optimistic about the resources of wide public reason, at least for the constitutional essentials and matters of basic justice that he wants to protect from laissez-faire inclusivism. But he admits that the abortion issue, for example, may be one that public reason cannot settle. He insists, nonetheless, that even here one must use only publicly backed reasons to decide whether and which way to lean when the inevitable time to vote comes.

Guttmann and Thompson are liberals who agree with Rawls that reciprocity is central in deliberative democracy, and that it motivates citizens to seek agreement based on mutually acceptable principles. However, they use the abortion example to illustrate that, when there is a deliberative disagreement that becomes a standoff, parties need not choose between majority coercion, on the one hand, or compromise of a deeply felt comprehensive doctrine at the altars of agreement, civic peace, or civility, on the other. Reciprocity allows bargaining and then voting, as long as it is done in a spirit of moral accommodation. Just how the latter differs from compromise of one's principles is a long and not entirely clear story, but it involves the civic integrity that recognizes the requirements of moral consistency in one's own position, as well as the civic magnanimity that acknowledges the moral status of the opponent's position, while looking for possible points of convergence. They do retain the liberal implication that, while a pro-life person may appropriately insist that sanctity is more important than mutually respectful deliberation, she may have to recognize that her understanding of this value is not yet sufficiently enough appreciated by others to justify coercion--that discussion must continue. This view may differ from Rawls' only in degree, but it is an example of how some political liberals are open to discussion about how to cope with deliberative standoffs in ways that respect the deep convictions of religious believers.

Finally, it should go without saying that neither Rawls nor any of the liberals I have discussed have even considered, much less recommended, legal restrictions on political debate. In spite of their sometimes being interpreted as "banning" certain kinds of appeals, they have argued only for self-imposed restraints, not external constraints. Of course, liberals are willing to employ moral pressure, but so are we all; that is part of taking one's moral views seriously enough to argue publicly for them.

Principled Accommodation between Christians and Political Liberalism



I have presented an interpretation of Christian ethics that calls for principled toleration of wrong-doing and for viewing imagers of God in ways that overlap the "free and equal" perspective of liberalism. Being a covenantal ethic, it is suspicious of any liberalism that exalts the individual to the extent that autonomy trumps all other values, but its doctrine of imago dei motivates high respect for autonomy.

I have also presented an interpretation of liberalism that encourages an important role for deliberation in the public square about thick goods that individuals in community find themselves embracing, and not just about the procedural rights of individuals looking around for goods to choose. Being an outlook that emphasizes reciprocity, it emphasizes appeals to shared values, but it has become sensitive to the problem of how to respect those whose integrity puts a higher value on their politically relevant comprehensive doctrines than on social harmony.

So it is no surprise that I see these two outlooks more as friends than as enemies, and that I am interested in accommodation. I already noted that Christians have every reason to expect that important elements of a covenantal ethic will be found--perhaps in a somewhat distorted way--in many religious and secular outlooks, including liberalism. Here is another, historical consideration: John Locke heavily influenced liberalism. Although he wrongly assumed an Enlightenment view of neutral and universal reason, and although even that assumption probably would not without further mistakes yield the list of self-evident truths he thought it did, his Christianity heavily influenced his thinking, which in turn heavily influenced the writers of our founding documents. In particular, the rights that these documents try to protect from political fads, including the rights listed in the bill of rights, heavily overlap those that Christians, including consocialist ones, would like to protect against majorities, especially today when it seems that most people are suspicious of the bill of rights, when growing economic inequalities threaten stability, and when money and media have such influence on political majorities. Hence Christians should feel very grateful that we can cultivate our "dual citizenship" in a state with such a fortunate historical combination of mistakes and accomplishments. And we should be interested in cooperating with liberalism insofar as that is conducive to the health of this unusual experiment, especially given the main alternatives we see where religion is taken seriously and is integrated with politics. Relevant here is that even the element of liberalism that troubles some Christians the most--its insistence that reciprocity calls for self-imposed restraint on legislative argument--is an effort to take seriously the problem of how to keep minorities willing to remain loyal while losing the vote. Even if we think that liberalism does not allow full "dissent of the governed," we should appreciate its recognition that democracy gets its legitimacy less from the consent of the majority and more from the loyalty of the minorities, including those who have no realistic hope of becoming the majority. Balancing the latter's probable resentment if their distinctive views are not heard is their probable resentment if others' distinctive views, which they reject, are readily and frequently used to coerce them in significant ways.

Even those Christians who are willing to encode into coercive legislative their distinctive theological commitments--Sabbath observance, for example--can grant that prudence calls for using public reason sorts of rationale--the practical advantages a common weekly holiday, for example--as much as possible. There is no principled reason for unnecessarily restricting one's audience of potential voters; indeed, one's principles would likely forbid such a self-defeating strategy. This is why many pro-life proponents avoid theological premises in the public square; in fact, although many liberals and Christians point to the abortion issue as a paradigm case of one unsettlable by public reason, others--including pro-life advocates--treat it as a purely public reason debate. This should remind us that the issue of how many and what types of legislative issues are in principle settleable on public reason grounds is an empirical and conceptual issue, and a controversial one. The mere fact that people flatly disagree about what public reason recommends is not itself a sign that it is other than a public reason issue; it just means that it is hard to reach agreement, something that should surprise no one, especially Christians who believe that sin and self-love have noetic effects. For example, I have followed the debate over euthanasia quite carefully, and it seems to me that almost all of the disagreement is not over theological issues, such as God's property rights, but over complex public issues regarding the "negative fallout" and "slippery slopes" associated with various policies. Hence, it is possible that the actual practical difference for public square arguments between those arguing for and those arguing against self-restraint is less than many people imagine.

However, in addition to pragmatic reasons, I believe Christians should accept a principled argument for self-restraint, namely that treating persons as hearers and givers of reasons has implications for the types of persuading reasons one gives, and not just for whether one gives reasons. Of course, one can give reasons for purposes other than persuasion--to explain one's view, for example--when restraints (other than, perhaps, honesty and courtesy) are irrelevant. We respect one another's particularity precisely when we explain to each other our distinctive beliefs and motivations. But when one is trying to persuade an imager of God, or is trying to persuade others to coerce that imager of God, it seems to me to follow from the "stand-back" awe with which imagers of God are to be viewed, that we should be disposed to use arguments that we reasonably expect him or her, not only to understand, or appreciate, but reasonably to accept. Obviously, the dual use of "reasonably" means that mere stubbornness need not be accommodated, though we should use intellectual humility when deciding who is being bull-headed. Notice that if I can reasonably expect someone reasonably to accept my premises, I can also reasonably expect them reasonably to accept my conclusion, since I would use what I reasonably believe are valid inferences.

Some may now wonder whether this self-imposed condition is an important element of respect toward an imager of God, even when we know that the other does, in fact, reject the premises or conclusion. I grant that I would feel more resentment at a patronizingly arrogant use of it ("I know you completely disagree but I think you could agree if you

would just be more reasonable about it") than at straight-forward majoritarian triumphalism. But a careful and humble use of it is the respectful way we should love imagers of God; as givers of reasons that seek to persuade, rather than just provide autobiographical information about our motives or clarity about our commands, we should try to approach hearers of reasons with considerations that we reasonably think would reasonably persuade them, given both their political identity as citizens as well as their particular religious and moral identity. This point implies that, while it would be acceptable to use different arguments that try to persuade different hearers, when coercive legislation is involved, one must be ready to provide such reasons to everyone affected by it, rather than simply build up majority coalitions. In addition to showing respect to the choice-making privileges and responsibilities of imagers of God, such a policy overlaps the civic virtue proposed by political liberals. It puts a respectful content limit on deliberation and dialogue beyond that of proper procedure, and it assures minorities that we want to protect religious freedom and other central rights from simple majority rule, thus nurturing the loyalty of the minorities. It is a way of covenanting together to resist using the majority's free exercise of religion to override the minority's free exercise of religion. Hence I offer this disposition toward self-restraint as a principled accommodation between Christians and liberals.

But is it fair to those whose distinctive commitments call, in their view, for legislation on which they cannot find considerations that they can reasonably expect will be reasonably acceptable to others who will be coerced by the legislation? After all, their own moral integrity may be as important as political civility. While I do not wish to beg the question about legitimate grounds for coercive legislation (because it may go beyond Mill's "do not harm others" principle and include coercion to help others, or to avoid offense), I will consider this objection by referring to legislation to avoid harming others, since that is the hardest case for self-restraint. Although it is true that there is likely to be more overlapping consensus on harms than on offenses and positive benefits, any case I can make for self-restraint on a controversial harm should apply more easily to controversial offenses and benefits.

Consider proposed legislation where the harm to others that the law would prevent can be seen to be a harm only within a subset of comprehensive doctrines. It is not as easy to find plausible cases as some seem to think, since, once we properly define the latitude of the self-restraint, we can find plausible public reason arguments for a wide range of cases, such as environmental and species protection, control of pornography, and, as noted earlier, control of voluntary euthanasia and abortion. That a majority of people may reject such arguments does not, of course, decide whether one may reasonably expect them to reasonably accept them. Still, we can probably find cases of controversial harms where even the latter condition does not hold. Abortion may be our best example, though even here we have noted Perry's point that the harm of killing persons is hardly a sectarian prejudice, and that the "line-drawing" argument used by the Catholic Bishops about the worth of the fetus (that there is no non-arbitrary line to draw between

conception and infancy) is a public reason argument. But suppose someone's only reason for thinking that abortion is a serious harm is that she and her church so interpret the Bible, and suppose that she cannot reasonably expect more than a bare majority of others (at most) reasonably to accept her view. Should she not decide and publicly argue for coercive legislation solely on her distinctive religious grounds, perhaps also appealing to others' non-public reasons to build a majority coalition? I think the answer is, "It all depends," which is why I refer to nurturing a disposition (or eliciting a sense of *prima facie* obligation), rather than a simple rule. Here we must note a number of relevant considerations that provide not either-or classifications but matters of degree that must be seen on spectrums with associated sliding scales to inform the decision.

For example, how stable is the society, and would imposing a majoritarian but sectarian solution risk social unrest and perhaps cause more harm than it would prevent? This is not a liberal predilection for civic friendship and social harmony at any price over sectarian conviction, but a sober recognition that, like fire, religious passions are to be respected partly because they can run out of control. And what is the degree and type of coercion imposed on the minority? Even taxation is enforced with the sword power of the state, as Henry Thoreau's prison experience reminds us, but being forced to pay a small percentage of one's income is generally not as coercive as, say, forbidding abortion after a rape. Of course, being forced to help pay for that abortion, may be an especially distressing type of coercion. How basic and far-reaching is the legislation? We noted earlier that Rawls wants to restrict self-restraint to constitutional essentials and matters of basic justice, but I see no clear lines here, only an important spectrum. Where welfare legislation would fit, for example, depends on the details. Another consideration: what is believed about the type and degree of harm the legislation is proposed to prevent? Sabbath observance is very important to ultra-orthodox Jews in Jerusalem, but for most of us it does not rank with most of the second table of the commandments. In the abortion case, disagreement over the status of the fetus entails disagreement over whether abortion involves the harm of murder or something else.

Other relevant considerations also present spectrums. How distinctive is the norm appealed to? It may be borderline public reason or one of the more distinctive parts of one's thick theories, one that, if legislated, would seem to be an especially sectarian imposition. How central to one's identity and integrity is it? In John Keke's terms, it may range from a very basic commitment, compromised only with psychological damage, to one that is more conditional to "our station and its duties," to a loose sort of personal style. How certain is one of its truth, and how readily do others agree that one is entitled to affirm it confidently, especially others that seem to be in a similar cognitive position? Finally, is one deciding and arguing as a citizen, a public opinion leader, a member or leader of a religious or secular organization, a legislator, an executive, or as a judge? The relevance of these categories is not completely obvious. It is true that the latter offices involve an oath to uphold laws that others pass, rather than rely on one's own doctrine, but it is also true that the proper interpretation of those laws can be heavily influenced

by one's comprehensive doctrine. Any added responsibility for self-restraint derived from the power one has to affect coercive legislation probably cannot be easily linked to particular roles, any more than can the effect of one's advocacy on nurturing the loyalty of minorities to the system be easily linked to particular roles.

So I think there are many complicated, sometimes conflicting, often vague, frequently incommensurable, and usually ambiguous considerations to weigh when deciding whether to try to encode elements of one's distinctive comprehensive doctrine into law. Were we talking about legal guidelines this would be a devastating problem. But we are talking about self-imposed restraints, and, in the case of those with a Christian covenantal ethic, a restraint imposed by those raised with dispositions accustomed to negotiating vague and ambiguous moral spectrums without an algorithm. I admitted earlier that in this paper I will avoid the difficult question of how to produce such dispositions. For now I will assume that the emphasis on a covenantal caring that nurtures both love and respect will cultivate virtues that overlap those of civility. Assume a person with the intellectual humility to be teachable, a civil tongue as well as a civil ear that listens, an intuitive "tact" that is sensitive to appropriate "discourse ethics," and combine these with a reverence for the imago dei in others. Granted, such character is an ideal rather than the expectation, but I believe that insofar as one achieves such virtues, one will cultivate in oneself and others an unwillingness to impose one's thick values on others when one cannot reasonably expect them reasonably to accept those values, and that one will override this (felt) prima facie obligation only in the rare cases when a significant number of the above sliding scales are pushed far to one side of the relevant spectrums. I can see how a person might have an understanding of the abortion issue that would require an overriding of the reluctance to impose one's distinctive vision. Sometimes we must rely simply on the strength of the constitution, on the willingness of minorities to acquiesce--or at least submit--to coercion, and on the ability of our political system to accommodate deep controversy and resentments. But such a decision, I think, should be made rarely and reluctantly.

In this manner, Christian reverence for the imago dei accommodates itself in a principled way to the liberal notion of civility, which goes beyond courtesy to regarding all citizens as free and equal choosers and implementers of a plurality of comprehensive doctrines in a thin, political, social union of thick, particular, social unions of individuals. The individual's "exit privilege" applies to the latter union but generally not to the former, so Christians can grant that individuals must work together with the sort of reciprocity that nurtures the long-term loyalty of minority social unions (and of individuals) to the political union. And liberals can accommodate the personal integrity of those who feel obliged to integrate their particular moral and religious loyalties with their politics. Liberals can do so by granting that, given the above complexities, sometimes the usual self-imposed restraint against using arguments that cannot be backed with public reasons may reluctantly be overridden. This concession would be in addition to granting that, in much of the deliberation in the public square, even regarding

legislation, distinctive doctrines should be encouraged as part of the dialogue.

I imagine there are two opposing types of criticisms of the above accommodation. One is that it is not true to the essence of either or both Christianity or liberalism. I cannot reply here other than to say that, if there are revisionist elements, I think they are true to the essence. The other type of criticism is that it is different only in degree from either or both chastened liberalism or the laissez-faire (consocial) view. I will address only the latter. First, a laissez-faire or radically inclusive view seems to allow, at most, only considerations of courtesy or prudence to restrict the sorts of appeals one makes when arguing for legislation (and not obviously even those when one is privately deciding how to vote). But I argue for a principled self-restraint based on covenantal ethics and the theological doctrine of creation in God's image. That this self-restraint overlaps the "reasoned respect" of liberalism means that, even if the liberal argument for it begs the question, Christians have a thick reason of their own to thin down legislative debates. Thus I am not calling so much for an "epistemological abstinence" as for Christians to use their distinctive theology and ethics as motivation for imposing an "appeal abstinence" on themselves and for joining with liberals in encouraging everyone to do so when deciding and debating coercive legislation. Of course, I am calling for nurturing a disposition to do so; as with Audi's theo-ethical equilibrium, any resulting sense of obligation is *prima facie* and can be overridden. Hence it may be the case that, in practice, the type of legislative debate that my position calls for may substantially overlap that of a civil and prudent inclusivist; I would merely be more reluctant, regretful, and apologetic about the cases where integrity overrides political self-restraint. Still, and this is my second point in reply, how we do something can affect not only how often we do it but also how it is perceived and received by those affected. I think we show respect to imagers of God when we convey the difficulty of the decision to coerce them with considerations we cannot reasonably expect them to accept. In conveying that, in this unusual case, we had to overcome principled reluctance, we also accommodate the liberal concern to nurture the loyalty of minority dissenters.

Presented at the Calvin College Conference on "Political Thought after Liberalism"

May 29, 1999

See Edward Langerak, "Duties to Others and Covenantal Ethics," *Duties to Others*, eds. Courtney Campbell and Andrew Lustig, (Netherlands: Kluwer Academic Publishers, 1994), pp. 1-9, and Chapter Three ("Covenantal Fidelity and Western Ethics") of *Christian Faith and Medical Ethics*, co-authored with Hessel Bouma, et. al, forthcoming, 1999, Eerdmans Publishers.

Reference to Rawls, etc.

Reference to Huff's research and to Samuel and Pearl Oliner's *The Altruistic Personality: Rescuers of Jews in Nazi Europe* (New York: The Free Press, 1992).

Reference to Sandel and to "thick" and "thin" notions of identity and values.

William F May, *The Physicians' Covenant* (Philadelphia:Westminster Press, 1983), p. 142.

See Hershel Shanks' "Democratizing the Image of God" (*Bible Review* XV/1 (February, 1999, p. 2) for references to biblical scholars who note that the Hebrews applied to all persons this stamp of royalty that had been claimed only by kings.

Richard Stith, "Toward Freedom from Value," *Bioethics Digest* 3.1 (1978), p. 6.

Glenn Tinder, *The Political Meaning of Christianity* (Columbia:U. of Missouri Press, 1989), pp. 35-36. Nicholas Wolterstorff notes that the free and equal doctrine of liberalism has its roots in 17th century Protestantism (in Paul Weithman, ed., *Religion and Contemporary Liberalism* [Notre Dame:U of Notre Dame Press, 1997], p. 168).

Tinder, *Tolerance: Toward a New Civility* (Amherst:U. of Massachusetts Press, 1976), p. 114.

Tinder, *Political Meaning*, pp. 102-16. Reference to Garcia's appeal (Weithman anthology) to *imago dei* as showing that the value of liberty is to use it rightly?

For discussion of toleration of (and cooperation with) erring behavior (though not of the error itself), see Edward Langerak, "Disagreement: Appreciating the Dark Side of Tolerance," *Philosophy, Religion, and the Question of Intolerance*, eds. Mehdi Amin Razavi and David Ambuel (Albany: State University of New York Press, 1997), pp. 111-24, and "Theism and Toleration," *A Companion to the Philosophy of Religion*, eds. Philip Quinn and Charles Taliaferro (Oxford: Blackwell Publishers, 1996), pp. 514-21, and the last section of Chapter Two ("Imaging God: Toleration, Cooperation, and Respect") in *Christian Faith and Medical Ethics*, cited in footnote #1. Perhaps refer to Garcia's (Weithman) claim that the value of liberty involves using it rightly.

Reference to my notion of respect and its relation to Wolterstoff's entitlement and Rawls' reasonable, and to Stanley Fish's confusion about broadmindedness.

On the noetic and political effects of sin there is endless debate; see Susan Schreiner's "Calvin's Use of Natural Law" in *A Preserving Grace*, ed. Michael Cromartie (Washington DC: Ethics and Public Policy Center, 1997), pp.51-76, and Stephen Moroney's "How Sin Affects Scholarship: A New Model" in *Christian Scholar's Review* XXVIII:3 (Spring, 1999), pp. 432-51. Apart from the debates over natural law and common grace, Christians can expect that even sheer self-love, if clever, can recognize the basic necessary conditions for social existence. And we can expect recognition of these conditions to yield talk about human rights, even as we expect that self-love will likely distort such talk in an individualistic direction.

Michael Walzer, *Thick and Thin* (Notre Dame:U of Notre Dame Press, 1994), p. 6.

*Ibid*, p. 9.

As John Kekes asserts about "deep conventions," even though he is a critic of liberalism and of the Enlightenment notion of a neutral reason. See his *The Morality of Pluralism*

(Princeton:Princeton U Press, 1993), p. 31.

As Sisela Bok claims in *Common Values* (Columbia:U of Missouri Press, 1995), p. 23. Bok argues that the minimal values include substantial negative and positive obligations, and not just procedural justice. One can grant that thin values are a check on thick ones without making the much stronger claim that thick ones without backing from the overlapping consensus are ipso facto suspect; reference to Audi, Perry, and Eberle's paper? (Or discuss in n12)

Some of the points are not new responses to criticism, but old points that are explicit or implicit in liberalism and particularly relevant to critics who may not have noticed them. I will henceforth use "liberals" as shorthand for "political liberals."

In this I follow Martha Nussbaum and, I think, Rawls, rather than Ronald Dworkin. See Nussbaum, "The Feminist Critique of Liberalism," The Lindley Lecture, University of Kansas, March 4, 1997, published by the University, p.4 and p.37n.8.

Reference to middle Rawls, Stout, Nagel, and Elie Wiesel talk at MN

"Religion and the Liberalism of Reasoned Respect," *Religion and Contemporary Liberalism*, ed. Paul Weithman (Notre Dame:U of Notre Dame Press, 1997), p. 33. As Weithman notes, Nicholas Wolterstorff, in his contribution to this anthology, also carefully distinguishes the prudential from the principled reasons Rawls and other liberals give for religious restraint; see "Why We Should Reject What Liberalism Tells Us," p. 168.

From the same root as "city," where we meet strangers, whose values we may not share but with whom we must interact. Reference to Mouw, Carter, Kingswell, Weithman (p. 34), etc.

The sort of respect that civility implies (beyond ordinary politeness) is, I think, relative to the goals of the mutual enterprise under discussion. For example, I believe that some of our mutual goals in a liberal arts college, such as shared governance and inquiry into the truth (which involves not just persuasion, scoring debaters' points, or post-modern redescriptions), require that in public debates we impose a restraint on ourselves against impugning low motives to one another. My post-modern, "great-suspector" friends, who are into unmasking latent agendas, have a point when they argue that I'm asking them to render useless one of their deep, illuminating, and very useful beliefs about human nature and academic debates when I ask for such self-restraint in the campus public square. Indeed, it is much stricter than chastened political liberalism, since it shys away from low-motive impugning even when the conclusion can be backed up with other types of academic arguments. My answer is analogous to my conclusion in this paper--given what is needed to nurture our common goals, and given available alternatives (such as referring to interests and consequences rather than motives), they should impugn others' motives only reluctantly and in exceptional circumstances.

Here I try to capture Rawls' "fundamental questions": "how is it possible for there to



exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?" (Political Liberalism, p. 4), as well as the communitarian point that these citizens often live in particular, thickly value-laden communities. Audi recognizes this combination by distinguishing first- and second-order communities, in response to Wolterstorff's claim that all we have are multiple communities (Religion in the Public Square, p. 137). I am not fond of referring to the political union as a community, but it is a social union of social unions that are communities of individuals.

Audi tends to use phrases like "reluctant or unwilling" and "at least reluctant," and "prima facie obligation" when referring to the self-imposed restraint (Religion in the Public Square, pp. 25 and 171) and Guttmann and Thompson talk somewhat ambiguously of both a "disposition" and a "requirement" to "seek mutually justifiable reasons" (Democracy and Disagreement, pp. 52 and 55).

Rawls, Political Liberalism, li.; Audi; Amy Guttmann and Dennis Thompson, Democracy and Disagreement (Cambridge:Harvard U Press, 1966), p. 52; etc. Whether this claim is meant as an inference, an intuition, or an assumption is irrelevant to my eventual conclusion that Christians have their own reasons to accommodate it.

Reference to Chris Eberle's paper?

Reference to Tim Jackson's civic agapism and to Edmund Pellegrino and David Thomasma, The Christian Virtues in Medical Ethics (Washington DC:Georgetown U Press, 1996), p. 123, where they argue that theological virtues such as agape provide a sort of "discernment" whereby, for example, "charity illumined autonomy" avoids both paternalism and the absolutizing of autonomy.

Reference to stages in Rawls

Political Liberalism, p. 50.

In Weithman, *ibid*, p. 179.

Reference to at least "Priority of Democracy" and "Private Irony"

Reference to Michael Perry, Religion in Politics (New York:Oxford U Press, 1997).

For discussion of the tension, see Ronald Thiemann's Religion in Public Life: A Dilemma for Democracy (Washington DC:Georgetown U Press, 1996), p. 57f.

Though Elie Wiesel warns that all over the world, the fastest growing religious groups are those who believe they have the ear of God and do not, therefore, need to listen to others (talk at U. of Minnesota reported in the Star-Tribune, Nov. 4, 1998, p. A4. Academics should listen to religious talk shows before deciding that religious fanaticism is no threat to political stability.

David Hollenbach notes that treating religion as private may be "a source rather than a cure" for the rising influence of fundamentalism ("Politically Active Churches,"

Weithman, op cit, p. 301). We noted that Rawls does not treat the "non-public" as private, and also that secular comprehensive doctrines can be as non-public as religious ones. One can expect legitimate resentment at treating them differently, which is one reason I side with Rawls against Audi (Religion in the Public Square, op cit, p. 30) by referring to comprehensive doctrines rather than merely religious ones, when discussing self-restraint.

Political Liberalism, p. 30. In this connection, Wolterstorff talks about respecting another's "particularity" and Audi about "empathetic civility" (Religion in the Public Square, op cit, pp. 110 and 172).

Rawls on "non-public does not mean private"

Jackson? Quinn? Wolterstorff

References to Jackson, Quinn, Neuhaus, Carter, etc.

Weithman, etc.

Reference to Rawls' new preface and to Guttmann/Thompson, etc.

Wolterstorff, Aug. 6, 98 handout on "Consocial Deliberative Democracy."

Lawrence Solum, "Law and Public Reason," APA Newsletters, 95.2 (Spring, 1996), pp. 54-60.

Political Liberalism, lii.

Ibid, lv.

Guttmann and Thompson, op cit, p. 55.

Ibid, pp. 79-94. Examples of convergence involve a tax form check-off for funding abortions, rather than using tax dollars (Minnesotans opposed to abortion help fund several thousand of them per year, according to Phil Picardi, MN Star-Tribune, Dec. 26, 1998, p. A27), and reliance on the criterion of "undue burden" when restricting abortions.

Reference to Spellman and Wolterstorff? To Sidney Mead's The Nation with the Soul of a Church New York: Harper and Row, 1975), which underscores that Jefferson and our Deistic founding fathers insisted that the infinitude of God (whose existence they believed assured moral truth and rights) and the finitude of humans require strong protection against sectarian coercion.

Wolterstorff, Aug. 6, 98 handout.

Reference to Wolterstorff's Stone Lectures and to the point that some religious outlooks encumber the self so heavily with sectarian loyalties that there is nothing left over for the other citizenship. Thomas Bridges, The Culture of Citizenship (SUNY Press, 1994) and (Wolterstorff?)

Stephen Carter....

Perry and the Catholic Bishops (Religion and Politics, p. 71). Cf Rawls, Guttmann/Thompson, etc.

On this I agree with Wolterstorff (Religion in the Public Square, p. 110), except that he thinks it is appropriate also as a matter of persuasion, not simply mutual understanding.

Wolterstorff (ibid, 106) notes that if we are willing to coerce people with conclusions they do not accept (as we must, since legislatures are not Quaker meetings and there will never be unanimity on legislation), it seems strange to single out premises as something we must believe they could accept. Even if we were talking about actual acceptance, I think unshared premises are in a different boat than unshared conclusions, since presumably the debate about who made the invalid inference (from the shared premises to the unshared conclusion) would be a public reason debate in which we could reasonably expect that, in principle, we could reach agreement. Consider the difference between being convicted because the jury made a different inference than you would from evidence that you agree is relevant, on the one hand, and, on the other, being convicted because the jury accepted evidence (a message from a soothsayer, say) that they know you cannot reasonably agree is relevant. The conviction and coercion is the same, but I believe you would have more grounds for legitimate resentment at injustice in the latter case, resentment that would reduce more severely your loyalty to the system. This point also motivates the liberal argument for self-restraint, for example, on legislation involving access to medical care: "Even if we have to rely on a majority vote to settle a disagreement where there are serious moral issues involved, if the reasons are constrained to those all must view as relevant, then the minority can at least assure itself that the preference of the majority rests on the kind of reason that even the minority must acknowledge appropriately plays a role in deliberation." ("Last Chance Therapies and Managed Care: Pluralism, Fair Procedures, and Legitimacy," Norman Daniels and James Sabin, *The Hastings Center Report* 28/2 [March-April, 1998], p. 37.) Entirely apart from the previous argument, however, is the point that, when properly formulated as "reasonably expect the other reasonably to accept," one cannot satisfy the "acceptable premise" condition without also satisfying an "acceptable conclusion" condition, unless one knowingly uses invalid inferences. This point illustrates how big a difference the "reasonably expect/reasonably accept" condition is from expectation of actual agreement, and how the condition could be easily and arrogantly abused.

The self-restraint would overlap the "content restriction" that radical inclusivists such as Wolterstorff assert (Religion in the Public Square, p. 77). If any and all religious arguments are to be welcomed, I do not see, for example, what prevents one from arguing fairly plausibly that only believers in God may take oaths. One can give counter religious arguments, but I would hesitate to predict which would be more persuasive to the majority, at least in some states. Of course, one could simply appeal to the first amendment, but why should a *laissez faire* proponent rule out arguing against that part of the bill of rights? Perhaps at some point we just have to hope for the best, but I think it is wise to join with liberalism in a principled accommodation that would nurture a

self-imposed restraint in favor of religious freedom.

Stephen Carter thinks it was important that he publish a book on Civility only after his book on Integrity; see *Civility: Manners, Morals, and the Etiquette of Democracy* (New York:Basic Books, 1998), p. xii.

This example makes me think that Kent Greenawalt's important distinction between religious imposition issues and non-imposition ones also points more to a spectrum than an either-or classification. *Private Consciences and Public Reasons* (New York:Oxford U Press, 1995), p. 58. Audi notes the difference between primary (both positive and negative) and secondary (both conditional and unconditional) coercion (*Religion in the Public Square*, op cit, p. 25). Paying taxes to support abortion is a secondary type of coercion but, unlike hunting fees, an unconditional one, and thereby could raise more resentment than some examples of primary coercion. Presumably this is why Guttmann and Thompson use this issue as an opportunity for "convergence" (see footnote 48).

Greenawalt agrees, *ibid*, p. 118. Gutmann and Thompson make the additional point that in "middle democracy," including everyday politics, distinctive normative beliefs may be as relevant as they are in Rawlsian basic essentials, so the issue of religious impositions is relevant to middle level decisions, even if they are less far-reaching than in, say, the bill of rights.

*The Morality of Pluralism*, op cit, p. 87-88.

A point made by Greenawalt, who also argues that public reason will be indeterminate on many executive and judicial decisions (*Private Consciences*, op cit, chap. 13).

Greenawalt may have a narrower notion of public reason--one more closely associated with expected actual consensus. He also thinks there is sometimes a relevant difference between being privately influenced by a particular comprehensive doctrine in reaching a decision, and publicly appealing to it when defending it. There may be some pragmatic relevance to this distinction, but the view I defend about respecting the privileges and responsibilities of imagers of God does not put much, if any, weight on it; one should be disposed against non-publicly backable coercion even in one's private decisions. On the other hand, I see no reason to agree with Audi (*Religion in the Public Square*, op cit, p. 29) that the public reason has to be so motivating that one would act on it even without the non-public reason; I think one need only reasonably expect that those affected can reasonably endorse whatever reasons one can find. Sanford Levinson also notes that it is hard "draw bright lines" between judges and legislators or executive officers (*"Abstinence and Exclusion," Weithman*, op cit, p. 92).

John Coleman notes in this connection that political and civil sometimes shade into one another (*"Deprivatizing Religion and Revitalizing Citizenship," Weithman*, op cit, p. 289).

A point emphasized by Mark Kingswell in *A Civil Tongue: Justice, Dialogue and the Politics of Pluralism* (University Park:Pennsylvania U Press, 1995) when he discusses

the move from "What is justice?" to "What is just talk?"

Reference to Hans-Georg Gadamer's *Truth and Method* (New York:Seabury Press, 1975) re. "tact" (e.g. pp. 7 and 17 [use of Helmholtz]) and Habermas.

Reference to my own pro-life view that calls for political overlap with legal pro-choice views?

Reference to Robert Adams, "Religious Ethics in a Pluralistic Society," *Prospects for a Common Morality*, eds. Gene Outka and John Reeder (Princeton:Princeton U Press, 1993). Reference to Wolterstorff (152 and 165) and Audi(172) and Rescher's *Pluralism on acquiescence*.

Reference to discussion in footnote 23.

Refer to the "God loveth adverbs" point in Wolterstorff, who borrows it from Charles Taylor, *Sources of the Self* (Cambridge: Harvard University Press, 1989), who borrows it from the Puritan writer Joseph Hall, who uses it to discuss the idea of calling, claiming that the spirit--the how--in which we live and act is as important as what we do (cited in Taylor, p. 224).