

Convergence in the Public Square?

Religious Conviction in Liberal Politics by Christopher J.

Eberle. Cambridge: Cambridge University Press, 2002. Pp. x, 405. \$75 (hardcover), \$28 (paperback); *Religion and the Obligations of Citizenship* by Paul J.

Weithman. Cambridge: Cambridge University Press, 2002. Pp. xi, 227. \$55 (hardcover).

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

I begin with Paul Weithman’s book, which is less encompassing and briefer, though refreshingly distinctive in its significant use of empirical evidence for its thesis. Weithman is the editor of *Religion and Contemporary Liberalism*,[\[1\]](#) an anthology of important original articles that combines his own sympathetic portrayal of “the liberalism of reasoned respect” with a number of important criticisms and defenses of the “liberal restraint principle,” or what in his new book Weithman calls “the standard view,” what Christopher Eberle calls “justificatory liberalism,” and what the late John Rawls made a defining characteristic of “political liberalism.” A generic version of the restraint principle is that conscientious citizens ought to restrain themselves from using non-public reasons to advocate coercive legislation unless they also are willing and able to provide public reasons for it.[\[2\]](#) Rawls has been the main instigator and target in this debate, and in his last published discussion of public reason, he credits Weithman for increasing his sensitivity to the role of religion as an important contributor to democracy.[\[3\]](#) One wishes Rawls could have read this book, because Weithman marshals an impressive array of empirical research (chapter two) to show just how important religious convictions and institutions have been in enabling people—especially minority and low income people—to achieve what he calls “realized citizenship” and “full participation” (carefully defined in chapter one) in their society. Since Rawls would agree that the latter is a great good for a democracy, and since it comes as a package with the tendency to use religious arguments in the public square, Rawls would have had a better

appreciation of the tradeoffs for the health of democracy that his restraint principle would impose. Unless, of course, the “package” claim is false and the democratic benefits of religious nurture and motivation in politics are compatible with Rawlsian restraint, which is what Robert Audi argues in *Religious Commitment and Secular Reason*,[\[4\]](#) an important book that is a favorite (and respected) target for both Weithman and Erbele. Whether the restraint principle would undermine the healthy roles of religious institutions and convictions in nurturing good citizenship, or whether it at least would cost significant frustration and alienation (given the religious source of much good citizenship) is, to a large extent, an empirical issue, and anyone who enters this debate should read Weithman’s book. He admits (chapter three) that if we had an ideal “deliberative democracy,” perhaps religious convictions would not need to be used as antecedently given norms. But in our non-ideal situation, in which citizens so often function simply as voters or constituents--protecting their economic and other interests rather than considerately giving and hearing reasons regarding the common good--non-negotiable religious convictions can play an important counter-weight, as the debates over slavery and civil rights showed. This strikes me as an important point, and it, along with other perceptive observations of how politics actually functions in the USA, convince me that political liberals have too often been naïve or dismissive about the social and political costs of the restraint principle.

But, of course, the above point also underscores the normative side of the issue; even if political liberals agreed that there are significant social and political costs to the restraint principle, they may claim that the duty of civic respect requires that we pay it. So in the rest of his book, Weithman directly takes on the relevant normative issues. First, some conceptual ground clearing. Chapter five rebuts two concepts of what “votes” are and advocates a third: they are neither simply expressions of preferences (they are counted and determine political outcomes) nor exercises of power (when is the last time your vote was decisive?). Rather, a voter is “voluntarily doing his part in a role-specific collective undertaking: citizens’ collective undertaking of determining political outcomes” (103). And that is why it must be done responsibly; to vote irresponsibly is to “fail the universalizability test”[\[5\]](#) since “I would want to know that my interests have been properly taken into account” by other voters (104). With the other concepts of voting, I may want to know only that my vote counted equally, but in a collective undertaking, especially one in which the government is seen as

our *agent* (114), I have not only “liberty interests” at stake, but also “reputational interests” (116). The latter interests expand the scope for civil respect beyond the “coercive legislation” issues that are the more usual focus (including Eberle’s) of the debate, and the wisdom of this extension depends on whether our government is popularly seen as our agent. Those of us who frequently travel abroad with college students are impressed (and often pleased) at how quickly and sharply people in many other countries distinguish between the American people and the American government. Of course, in some cases, that may be due to their own politics being dubiously democratic. But, given the loud debate and close votes in so many of our elections and legislatures, I am not yet convinced that my reputation is significantly at stake, even though it seems I am increasingly in the minority. Instead, I suspect everyone recognizes how divided we are, and the main problem has to do with how coercive legislation impinges on liberty interests. At any rate, Weithman concludes that responsible voting and advocacy requires citizens having “what they reasonably take to be adequate reasons for impinging on” (109) others’ interests.

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

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

Notice first that the bar is lower for voting than for advocacy—voters need not be prepared to

say what they think justifies the measure.^[6] For one thing, when I am voting in private I may reliably remember that I was once convinced by an excellent argument that I should vote a certain way, but I have now forgotten the argument itself (127). So I know I have a good reason, but *cannot* (not just *will* not) say what it is. On the other hand, when I am publicly advocating^[7] for a particular vote, I need to have the details of the argument; I cannot expect other citizens to trust my memory that I had a good one while I admit that I forgot what it is. As one who has reached the point of knowing *that* I hid my own Easter eggs without knowing *where*, I am charmed by Weithman's position here. But Eberle, who is younger, will have none of it: "A citizen's obligation to respect his compatriots imposes on him an obligation to do his best to *address* [them]...to *inform* them about his reasons for coercing them" (95). The context makes it clear that Eberle thinks this is a matter of respect that applies whether one is advocating one's favored coercive policy or merely voting for it. Given his conceptual analysis of voting, Weithman could point out that individual voters are hardly coercing others, since a single vote does not have that kind of power; rather, as noted above, they are participating in a role-specific collective activity of determining a political outcome. But I doubt if that would change Eberle's mind, since he could point out that the political outcome is a coercive one, and therefore each of those participating in the collective activity are obliged to address those coerced. There is some common ground: Weithman says that the sort of sentiment that Eberle articulates is an *excellence* of citizenship, but insists it is not a *duty* (129). We will return to this important distinction.

Notice second that Weithman's proviso differs from the liberal restraint principle in insisting only that advocates be prepared to indicate what *they* think justifies the measure; they need not be prepared to appeal to considerations they reasonably think *others* could reasonably accept as justifying the measure. His examples include Jerry, who votes for legislation and candidates just because they agree with his religious doctrine of natural law (and thereby, he sincerely believes, promote the common good), and Sarah, who justifies voting for particular candidates just because they are endorsed by her pastor and she sincerely believes her pastor is an authority on the relevant issues. The liberal restraint principle would ask them to be prepared either to give some additional--public--reasons for the decision, or at least to give some public reasons for accepting natural law or the pastor's credentials as a political authority. Weithman insists that even if it would be ideal to give public reasons, it is not

an obligation. He thinks political liberals mistakenly “begin by trying to determine what justifications or reasons citizens are obliged to offer one another” or “begin with intuitions about civility” and then let these considerations set the benchmark for political civility (135). But his “collective undertaking” analysis of voting and advocacy implies that the political liberal puts the cart before the horse: citizens “cannot determine...[what is responsible citizenship]...without knowing what arguments they can reasonably expect others to offer them...” (135). This “reasonably expect” (applied not just to arguments from others, but also to expectations of how they vote and how they treat others) can be interpreted either as “what a reasonable person can expect,” which is largely an empirical issue, or as “expectations regarding reasonable arguments and conduct,” which is largely a normative one. The empirical interpretation clearly distinguishes itself from the normative approach of the political liberal, as described above. But, given the quality and types of arguments (and voting habits and ways of treating the opposition) actually used in American politics, it seems an unpromising route to political wisdom. So I think Weithman takes the normative route: “What expectations are reasonable depends, in turn, on how it is reasonable for citizens to think of their role and on what citizens can reasonably expect others to believe about the reasons they owe each other” (135). Now, using a normative filter for what is reasonable seems similar in spirit to the above rejected strategy of political liberals. So probably Weithman is simply pleading for a wider sense of “reasonable”: “If there are reasonable disagreements about what kinds of reasons are accessible...then it would be unreasonable for some citizens to expect others to offer them reasons they [the hearers, presumably] regard as accessible” (135). Here Weithman may be underscoring a possible circularity in political liberalism when it distinguishes “reasonable” from “rational” and perhaps conceptually builds right into the former the restraint principle itself: “Reasonable persons...desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept.”^[8] Depending on what is meant by “terms all can accept,” one probably needs some more premises to get to the restraint principle, but such premises are sometimes treated as explications of “free and equal” or as obviously embedded in “fair” or “civility.”^[9] At any rate, would seem to beg the question for the political liberal to have a notion of reasonable that is so morally loaded that it entails the restraint principle. Still, I think we do not know just how much broader Weithman’s notion is until he unpacks how it is more normatively

loaded than mere instrumental rationality, but less so than the political liberal's reasonableness. To say there "is reasonable disagreement about some subject when reasonable people reasonably endorse different conclusions about it" and that the latter depends on "how they arrived at those conclusions" (136) simply underscores the question. For Weithman, reasonable people need not restrict coercive legislation to matters of justice—their religiously distinctive vision of the good could reasonably become part of their political agenda (208 and throughout). Could reasonable people support a genuine monarchy, as in Thailand? Could reasonable people deny freedom of religion? Well, it depends "upon what disagreements political philosophy *should* [my emphasis] regard as reasonable and upon empirical data about the societies in question" (136). Weithman seems sure that the latter criterion would rule out for contemporary America the young John Locke's denial of religious freedom, but the presence of vocal Christian Reconstructionists, who argue for a theocracy, would seem to require for his criteria the philosophical *shoulds* as much as the empirical data. Weithman does not include "reasonably" in his two central principles, but he does use it to argue for his view over political liberalism and he needs it to distinguish his view from the "anything goes" of agonistic radical inclusiveness. I do not think it will be clear just how close or far from the latter he is until we know more about the normative filter he builds into "reasonable."

Weithman's final two chapters consist of criticism of Audi's and Rawls' versions of political liberalism. Rawls' restraint principle applies to any non-public comprehensive doctrine, including secular moral ones such as utilitarianism—which Rawls thinks is controversial because it overlooks differences between individuals by treating the body politic as a single body--and the Kantianism that informs his own comprehensive liberalism, with its overriding emphasis on individual autonomy. But Audi's "secular rationale" restraint principle applies only to distinctly religious arguments, not secular moral ones. This version of the restraint principle allows a much greater resource for public arguments, but it also raises the question of whether it is fair to encourage controversial secular doctrines into the fray while morally restraining religious ones. Audi thinks that religious doctrines have distinctive features, such as appeal to infallible supreme authority, condemnatory tendencies ("abomination" and "damnation" rhetoric), threats of domination and fanaticism, and passionate concern with the sins of others, all of which make the public wielding of them a greater danger to religious freedom and basic

liberties than the use of secular reasons (Audi, 100-03). Both Weithman and Eberle present data and considerations aimed at showing that Audi's worries here are overblown, and that some of the very "totalizing" features Audi lists are a recipe for resentment and alienation in those believers who are asked to refrain from integrating their non-public doctrines into their political arguments while seeing controversial secular doctrines carry the debate (Eberle, 183). In fact, Eberle presents a persuasive case that evangelical believers—most of whom are "integrators"—have a vested interest in religious freedom and pluralism, since the latter is precisely what nurtures group identity (knowing who we are *not* helps us know who we are) and thereby individual moral identity (chapter two). I suspect Audi would note that their having a vested interest religious freedom does not imply that they know that they do or that their totalizing doctrines will motivate them to protect it for everyone, especially with well-known postmodernists like Stanley Fish notoriously egging them on: "To put the matter baldly, a person of religious conviction should not want to enter the marketplace of ideas but to shut it down, at least insofar as it presumes to determine matters that he believes have been determined by God and faith."[\[10\]](#)

Moreover, Audi might add, even if freedom to worship is maintained, encouraging integrated believers to legislate religiously-based coercion will cause an even greater "resentment and alienation" problem in those coerced than if religious believers are encouraged to use his restraint principle. Interestingly, Audi also employs the sort of universalizability argument that Weithman does: when you are upset because the restraint principle asks you to acquiesce to a liberty you oppose, ask yourself whether you would want to be coerced by another's religious doctrine against doing something your religion permits (Audi, 203). Notice that the question is not just about coercion—it is whether citizens find it worse to be coerced by a majority's religious doctrine than by a majority's controversial secular doctrine. This is largely an empirical issue, and I think the jury is out on it. As one who thought the Iraqi preventative war did not meet "just war" criteria, my resentment at (among other things) paying taxes for it only increased when President Bush told Palestinian Prime Minister Mahmoud Abbas that God instructed him to strike down Saddam Hussein. But my alienation was hardly allayed when he backed up his religious justification with what looks to me like a simplistic utilitarian one. On the other hand, when my Quaker neighbor advocates for a pacifist national policy on the grounds that

only a “functional atheism” would motivate one to “use violence in helping God make history turn out right,” I am more intrigued than offended. Perhaps the ambivalence simply underscores the difficulty in using informal, “golden rule” versions of universalizability, but I suspect that many Kantians would put the utilitarian willingness to override rights in the same resentment boat with appeals to religious doctrine.

The question of resentment is, I think, as important as it is undecided. Most of the contributors to the public square debate agree that a healthy democracy is not simply a matter of majority rule; it must nurture the loyalty of minorities in a way that enables them to acquiesce in political decisions that coerce them in disagreeable ways.^[11] Both Weithman and Eberle are admirably sensitive to what political liberals too often ignore: that believers whose identity requires them to integrate their faith and their politics feel alienated and resentful when their distinctive religious concerns, which cannot be backed by public reasons, are not welcomed into the debate in the way that other concerns are. But perhaps the only thing worse than having my distinctive religious convictions politically discounted is being disagreeably coerced by your distinctive religious ones (or your moral ones, Rawls would add). It would be useful to see some solid empirical research here. Most of what I’ve read consists of the sort of anecdotal and speculative suggestions that I gave above.

In addition to his “secular rationale” restraint, Audi argues for a “secular motivation” principle, whereby citizens should avoid advocating for coercive legislation unless, in addition to whatever religious motivation they have, they also have a secular motivation that would sufficiently motivate their advocacy (and explain it) even if they did not have a religious motive. I am persuaded by Weithman’s counterexample: Joan could have such a powerful religious objection to Physician Assisted Suicide that the secular slippery slope arguments she uses to persuade others simply do not move her, though she thinks that, were she to lose her religious identity, they likely would be sufficient (156-59). Her losing this identity, of course, is difficult for her to imagine—Weithman compares it to a doctor who has overwhelming reasons not to have sex with his patients and tries to imagine whether, if he did not have these reasons, his having taken the Hippocratic Oath would be sufficient; he thinks so but it is rather like asking what another person would do. Still, I agree with Weithman that Joan is morally permitted to advocate a view using secular arguments that do not sufficiently move her (because other ones

overwhelm her motivation).[12]

Weithman's final chapter concludes that Rawls' restraint principle "is an attractive liberal democratic ideal" (211), but he insists throughout that "it is not immediately clear how moral ideals can impose moral requirements" (186). This brings us to Eberle who, I think, disagrees on both counts, but does so because of a "pursuit principle" that is consistent with the spirit of Weithman's book. Eberle's book comes with deservedly high praise in blurbs from several of the heavy hitters in this debate. Nicholas Wolterstorff says it "is easily the best analysis and critique available" of the restraint principle, and Michael Perry, who has published several important books on this topic, calls it "the new gold standard," the book in this area he would recommend if someone were to read just one. One reason for this regard is that Eberle gives clear-headed and fair-minded summaries of most of the major writings in this area over the past few decades, and he integrates them into his own perceptive critique of the main views and his original contribution to the debate. The latter includes notably his distinction between the *principle of pursuit*—his proposal that citizens should respect each other by pursuing the ideal of conscientious engagement—and the *doctrine of restraint*, which he rejects. This is an important distinction, and one that even the casual reader will remember, since Eberle takes the advice of the preacher who said, "Tell them what you are going to tell them, then tell them, and then tell them what you told them." (Indeed he follows this advice several times on the same main points, which purchases clarity at the price of repetition.)

Eberle introduces his distinction in Part Two, after discussing in Part One some of the important empirical research—mentioned above—about religion, citizenship, and pluralism and also introducing what he calls "justificatory liberalism"[13] and its restraint principle. With his distinction, Eberle addresses two very different audiences. First, he "has no interest in providing aid and comfort for a mindless or intransigent sectarianism" (187), so he tries to persuade the "anything goes" crowd that they are morally obliged "to exit their parochial worldviews, to do what is within their power to inhabit the respective points of view of their compatriots, and to attempt to articulate reasons...that are convincing to their compatriots" (82). Second, he wants to persuade the political liberal that, if citizens have sincerely pursued public justification but have failed to find public reasons, then they are not morally bound by the restraint principle, and they may in good conscience vote and advocate for

coercive legislation based only on their distinctive religious beliefs.

The six constraints for the pursuit principle add up to an “ideal of conscientious engagement” (104) that is rigorous indeed: 1. Pursue a high degree of rational and moral justification for the favored coercive policy. 2. Withhold support from a policy for which one does not find a sufficiently high degree of rational justification (which by itself seems to imply Weithman’s 5.1 and 5.2 principles cited above). 3. Attempt to communicate to compatriots the reason for the coercive policy. 4. Pursue public justifications for it. 5. Listen to and try to learn from compatriots’ critiques.[\[14\]](#) 6. Avoid any rationale that denies the equal dignity of compatriots. Eberle justifies this list not so much as an indirect moral duty based on the pragmatic considerations that it will help achieve one’s morally important cause (though it will) or that it will enhance civil peace (though it will) but mainly as a matter of “recognition respect” toward persons,[\[15\]](#) which he patiently and at great length unpacks as implying a prima facie obligation to refrain from coercion and hence an obligation to justify it when it is necessary (85-104). That he makes it a matter of respect rather than of avoiding social discord is parallel to his analysis of the political liberal’s rationale for the restraint principle. With what Eberle calls “the argument from Bosnia,” some liberals call for privatizing religion in order to avoid war and conflict. Eberle argues that this consideration is not relevant to the United States today. He agrees that there are regions today where the argument is (and times in history when it would be) “compelling” and “privatization is essential” (158). Notice that “privatization” (religious arguments are excluded from public political advocacy) is a much stronger version of restraint than the “inclusive” version political liberals call for today, which allows—even encourages—any religious arguments that can be backed up by public arguments. Since the most volatile areas, such as Bosnia and Palestine, are ones that include believers with the “overriding and totalizing obligation to obey God” (149) that Eberle uses to reject the inclusive restraint principle in the United States, it is worth noting that in other circumstances he sees this commitment as compatible with a privatization that is even more restricting than the restraint principle. So the overriding and totalizing duty to God yields only a prima facie duty to integrate one’s religion with one’s political advocacy.[\[16\]](#)

Liberals also use what Eberle calls the “argument from divisiveness,” which he rebuts by claiming that any divisiveness caused by using distinctive religious arguments seems outweighed by

the divisiveness caused by trying to privatize them. He cites some significant costs of privatizing; for example, where would we be without the abolitionists, and would it not be better to have people be open—and criticizable—about their religious politics instead of secretive? But I think he should have debated the inclusive restraint principle here, since the inclusive version avoids many of the costs he ties to privatization and since liberals who worry about mere divisiveness rather than religious wars call for the inclusive rather than the privatization version.^[17] In any case, as Eberle notes, political liberals now more often appeal to the very sort of respect that he himself uses for the pursuit ideal, rather than to the fear of chaos. Thus he agrees with Rawls that we are looking not just for a stability based on a pragmatic and prudential “modus vivendi,” but a principled one based on the right reasons—the sort of civic respect that can also be justified independently by reasonable moral and religious comprehensive doctrines.^[18]

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

One argument I worry about involves his claim that “a citizen who respects his compatriots is forbidden to treat them as a means *only*, but he isn’t forbidden from treating them as a means *at all*” (125). Eberle sees this as implying that if citizens trying to coerce me meet the pursuit ideal, they are treating me as an end, and the fact that they reject the restraint principle, coercing me without providing arguments they reasonably think I reasonably could accept, they are simultaneously treating me as both

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

Even if Eberle dropped the above argument, he could still maintain that those who fulfilled the pursuit principle are sometimes justified in going against the restraint principle. How often this would happen depends on the availability of public reasons, which Eberle addresses in the third and final part of his book. Eberle's pursuit principle requires only the sort of "leveraging" that Audi's motivation rationale tried to avoid: one need only find arguments that are acceptable to others; one need not find them personally convincing, and different arguments for different audiences are fine, though, to avoid manipulation it is desirable^[19] to find a widely convincing argument that one accepts (101). I see no reason why political liberals may not avail themselves of a similar latitude, but Eberle notes that their use of "public reason(s)" suggests a set of considerations that would appeal to all reasonable audiences, and he quickly locates trouble for the *populist* understanding of public justification (204-05). By relying on what people actually accept, it does respect people as they actually are, but it needs qualification, since there are likely (almost) no beliefs that every person in the country accepts. Even if political liberals use his own leveraging approach, they will have to rule out young children and the mentally incompetent. And any stronger qualifications get dicey. The most influential view has been that of Rawls, which I have been using: public reasons are those that reasonable citizens can reasonably expect the other citizens can reasonably accept. Note that others need not actually accept them, since they may be making a mistake in logic or failing to recognize some part of the public culture that

they *could* recognize. Of course, “could” cannot be interpreted as “logically possible” or even ‘causally possible,’ since my accepting the thickest and most distinctive of my comprehensive doctrine implies that others theoretically could as well. So the scope of public reason must include what reasonable people could assent to within their distinctive comprehensive doctrines. As Rawls lately put it, we should be able to think inside another’s moral identity enough to be able, in a sincere and non-manipulative way, to “conjecture...[from] other people’s basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reasons.”^[20] Eberle thinks that, since reasonable persons accept Rawls’ burdens of judgement,^[21] this route leads to agreement on little but “the most platitudinous claims” (215). In fact, says Eberle, given that John Calvin reasonably believed that agreements on fundamentals is essential to social order, he reasonably rejected religious freedom and reasonably burned Servetus at the stake. Eberle thinks that the alternative to his analysis here is that Rawls builds a commitment to religious freedom right into his conception of “reasonable,” in which case the latter “would be utterly without interest” (383,n.48). But recall that in his evaluation of the argument from Bosnia, Eberle discounts any worries about religious freedom in the United States today, partly because even fundamentalists, to say nothing of Calvinists and evangelicals, see that they have a vested interest in it. Rawls would add that it has become part of our “public culture”: “We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions...”^[22] into what he lately agrees is “a family of political conceptions of justice, and not just one,” that will yield “many forms of public reason... [including] Catholic views of the common good and solidarity when they are expressed in terms of political values.”^[23] So into “reasonable” Rawls builds the willingness to appeal to one among several versions of public reason that are a plausible interpretation of the public culture. This latitude allows a fair amount of flexibility, but surely it requires in a nontrivial way that any reasonable United States citizen have a version of public reason that includes lip service to religious freedom. In fact, one wonders how even Christian Reconstructionists today can have Calvin’s “stability belief” in their “evidential set”^[24] of beliefs that meet minimal standards of rationality. So I do not think Eberle’s appeal to the burdens of judgement shows that there are only a few Rawlsian public reasons. Indeed,

Rawls' above ecumenical talk of many forms of public reason could invite an inordinately wide reflective equilibrium in interpreting "public culture," yielding a rather bloated but debatable set of public reasons. However we are talking about civic virtue here, a moral internal restraint rather than a legally precise external constraint, and I see no reason why political liberals cannot appeal to the sort of sincerity and discernment that is a necessary part of any appeal to virtues and ideals.

The alternate to Rawlsian looseness is to make the category of public reasons more precise by building in an epistemological filter into the reasoner ("adequately informed" or "fully rational") or the reason ("publicly accessible, or intelligible, or replicable, or confirmable," etc.). In chapter eight, Eberle's obvious enjoyment of and skill at analytic philosophizing shows that all of the usual suspects by way of epistemological restrictions either throw out the public wheat or else let in the private chaff. Using William Alston's highly regarded work in religious epistemology, he argues that mystical perception (or Christian Mystical Practice--CMP) satisfies most of the plausible normative filters, and the ones that it has trouble with are ones that also trip up the moral beliefs necessary to political liberalism. Did you know that "I perceived God telling me to do it" is in the same public intelligibility boat with "I perceived my mother telling me to do it"? Before you roll your eyes, read his argument (252-54). Justificatory liberals who shun the looseness of the above Rawlsian approach will, no doubt, do some nit-picking on some of Eberle's arguments, but I think this chapter should be required homework for them. I do think Eberle moves too quickly at points. For example, in rebutting the charge that religious claims are "conversation stoppers" because they are not subject to external criticism, he argues that CMP is subject to consistency tests, including consistency with moral claims that a morally perfect God would make (272). This would enable us to argue with the crazies that think God is instructing them to kill innocent people. But tell it to Soren Kierkegaard, who makes Abraham a knight of faith precisely because he tries to follow God's order to kill Issac, which (Kierkegaard claims) Abraham knows contradicts universal morality. I think that Eberle sometimes appeals to a morally neater religion than that of the Biblical heroes who inspire many sincere religious believers.

Eberle concludes his book with a critique of the theistic argument for the restraint principle, given by Audi and Perry, among others. They argue that since an all-good and all-powerful God would see to it that normal people know their moral obligations, at least the basic ones that should be encoded

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

This point raises the larger question of just how far apart Eberle and Weithman are from political liberals such as Audi. The latter concedes that integrated believers have a moral *right* to vote and advocate solely on religious grounds, and that what the restraint principle proposes is an ideal that yields only a *prima facie* obligation, the conscientious overriding of which is excusable (Audi, 95, 114, 203).^[25] Meanwhile, Weithman agrees time and again that political liberalism proposes an appropriate ideal or excellence of citizenship (129, 151, 211) but at the same time raises the important question of how one moves from ideals to obligations, since “there are times when it is *permissible* to behave irresponsibly even if it is not good or ideal to do so” (100). Even Audi’s “merely *prima facie*”

(161) ones need moral justification as *obligations* (163), Weithman points out. Eberle does not even debate the issue; he just goes ahead and makes the move: the “ideal of conscientious engagement” consists of “constraints...that each citizen ought to obey” (84) because, “as Robert Audi has helpfully argued in this context, a citizen who doesn’t violate anyone’s moral rights might nevertheless be morally criticizable” (105) for disobeying an ideal that they are “morally obliged to obey” (188). Eberle explicitly recognizes that Audi’s restraint principle is a *prima facie* one (56), and he ecumenically makes his proposed right for religious citizens to go against it a *prima facie* one: even though they have the moral (and, of course, legal) right to reject the restraint principle, they “ought to be extremely reluctant to impose coercive laws on their compatriots” (188).

Well, a reader can be excused for wondering if what we have here is mainly a difference in emphasis. The debate among theological ethicists about the link between ideals and duties goes back at least to when the reformers rejected the distinction Thomas Aquinas and others made between God’s commandments and God’s counsels. This distinction was used to interpret the extraordinary ethical rigor of Sermon-on-the-Mount injunctions by appealing to the ideal of going beyond the ordinary duties of keeping the commandments. The reformers worried that if saints keeping the counsels (and not just the commandments) were seen as performing beyond duty, they would also be seen not only as creating a bank of merit that the Pope could redistribute (hence the hated indulgences), but also as trying to be justified by good works that go beyond God’s requirements. Some Protestant ethicists, such as Joseph Allen, still take a hard line on this: “In a Christian context ‘second mile’ should be understood to mean ‘over and beyond what is institutionally required,’ and not ‘over and beyond what love requires.’”^[26] Allen goes on in this passage to say that if love requires a soldier to fall on a grenade (to spare his buddies the death that he might have avoided), then he is blameworthy if he fails to do so. I find more plausible Gregory Mellema’s *Beyond the Call of Duty*,^[27] which argues for a spectrum of levels of responsibility, including “quasi-supererogatory” responsibilities, whose non-performance is blameworthy in a way that the non-performance of supererogatory ones are not but in some lesser way than is the non-performance of obligatory ones. I suspect that if Audi, Eberle, and Weithman (and the spirit of Rawls) could discuss a suitably nuanced approach to levels of moral responsibility, they might find a fair amount of common ground. I think they could link the levels of

responsibility with considerations that can be put on spectrums that have sliding scales of importance. Such as:

1. What is the degree and type of coercion that would be 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. Audi (88-89) provides a set of distinctions that can help us think through this consideration; for example, taxation may be less coercive than forcing one to be inoculated, but unlike hunting fees, it is unconditional, so it may raise more resentment when it funds abortions or other things that are abhorrent to a taxpayer. Eberle agrees that the degree of rational justification required for coercive legislation rises with how averse those affected are to the proposed coercion (93).

2. How basic and far-reaching is the legislation? When we consider all coercive legislation, and not just Rawls' constitutional essentials and matters of basic justice, some proposals, such as amendments to the constitution, have more potential for good or ill than others do. Thus even Weithman, not one to generate obligations out of mere responsibilities, agrees that "when the consequences of political outcomes are important enough... responsible commitment to political outcomes becomes obligatory" (100). Unlike some of the other books[\[28\]](#) I've mentioned, Eberle's and Weithman's do not much discuss the difference between a constitutional and procedural democracy, or interpretations of the first amendment, where the "non-establishment of religion" clause famously rubs against the "free exercise of religion" clause. Since the interpretation and even the wisdom of the first amendment (or the details of the Bill of Rights or of the Constitution itself) are issues affected by the debate over the restraint principle, it is fine to focus on the latter. But then one cannot assume that the safeguards built into our constitutional democracy[\[29\]](#) can be isolated from (a sizable) majority rule. Hence even those who reject the restraint principle as a general rule may be willing to give something like it some weight when deciding on basic constitutional issues.

3. What is the type and degree of harm the legislation is proposed to prevent?

Sabbath observance is very important to ultra-orthodox Jews in Jerusalem, partly because of the Exodus text I referred to earlier, but for most of us it does not involve the type and degree of harms dealt with by the commandments against stealing and murder. In the abortion case, however,

disagreement over the moral status of the fetus entails disagreement over whether abortion involves the harm of murder. Hence even those who deny that abortion is murder can appreciate why it is higher on the agenda of some integrated religious believers than is Sabbath desecration or divorce, both of which some believers have had reasons to see as legislative issues.

4. 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. Weithman notes that "it is questionable that our recognition of considerations as reasons is all-or-nothing" (205-06); some distinctive doctrines, or parts of them, are more widely shared than others are. And Eberle notes that we can appeal to the less controversial parts to make it as easy as possible for others to acquiesce to disagreeable legislation (127). Indeed, to the extent that political liberals are justified in their optimism about the scope of public reason, Eberle's pursuit principle by itself would make quite rare the occasions that integrated believers would need to consider legislating on the basis of distinctive beliefs. Of course, the scope of public reason is highly debated, and the latitude that we noted above in Rawls referring to "many forms of public reason" will hardly yield a precise definition of it. Like many open-ended notions that share vague "family-resemblances" rather than precise necessary or sufficient conditions, public reason seems to me to work better in practice than in theory. Weithman and Eberle have written substantial and contentious books on this issue while using only what almost everyone would agree are public reasons, but this is hardly decisive; even fundamentalists have used public reason to argue against requiring it (see Galston, *Liberal Pluralism*, 117). The question is how far public reason can go on politically substantive debates. I try to stay current with many of the actual public debates on such hot-button issues as abortion, euthanasia, and gay rights, and I am impressed with the frequency and range of public reasons used by religiously motivated citizens. So I think that even those who reject the restraint principle could agree that, when they have to go against it, the scales on the rest of these spectrums should be higher than when the pursuit principle is sufficient, especially when the reasons used are narrowly sectarian.

5. How central to one's identity and integrity is the belief to which one appeals? Audi's *prima facie* approach easily agrees that no one is obliged "to violate his deepest convictions" or to annihilate

essential aspects of his very self (Eberle, 150, 147). By the same token, integrated believers can distinguish between convictions central to one's integrity, the compromising of which would do psychological damage, on the one hand, and, on the other, those that might involve strong feelings--as matters of sex, for example, often do--but which are possible subjects for principled compromise or toleration.

6. How certain is one of the truth of the relevant belief, and how readily do others who are in a similar cognitive position agree that one is entitled to affirm it confidently? Eberle (263) cites the example of the activist who claimed that a flat tax was biblical policy, and therefore he saw no room for discussion. One could just as easily cite those who claim that God's fundamental agenda is the liberation of the poor. Eberle notes here that even those who believe the Bible is inerrant can be fallibilists about their apprehension of it. And the more exegetical debate there is among those who share one's basic beliefs, the less certain one should be about the wisdom of legislating one's interpretation of the disputed religious demands.

7. Is one deciding or advocating as a citizen, a public opinion leader, a member or leader of a religious or secular organization, a legislator, or a government official? One need not draw bright lines here to agree with Audi (62)[\[30\]](#) that roles are relevant to how strong a prima facie duty one has to exercise restraint. Many religious believers who reject the restraint principle for citizens would get nervous about having legislators exegete Scripture on the floor, or having judges rely on it in court decisions.

I do not claim that these seven spectrums are exhaustive, and I certainly do not claim that using them with sliding scales yields an algorithm for decisions about exercising restraint in the politics of a pluralistic society. In discussing Audi's example of a religiously inspired law that protects dandelions as "sacred," Eberle agrees that he would be resentful about such a law, but mainly because of the content of the law, rather than the distinctly religious rationale (138-39). He says he would feel as much frustration if environmentalists got the law passed on the grounds that dandelions are an endangered species. I do not share his view, since I think I could argue with environmentalists in a way that I could not with the Dandelionists. In both cases, I could challenge the validity of inferences, but with the environmentalists I could also argue about the premises with a much higher probability of

using reasons both sides could reasonably believe the other side could accept.^[31] But in any case, I think the above seven considerations could help us decide the extent to which we should encourage or discourage the Dandelionists to use restraint, partly because raising the considerations would help us better understand their outlook. That the vague and sometimes conflicting considerations provide less an algorithm than a way to muddle toward discernment would be a devastating problem if we were talking about legal rules. Instead we are talking about civic virtue and responsibilities that yield, at most, *prima facie* obligations, the strength of which can a matter of thoughtful disagreement. Reading these two insightful books will make such disagreement more intelligent and informed.

One final reviewer's point. Both books come with a useful index, but Weithman's comes with an even more useful bibliography. Eberle's lacks one, as do most of the recent Cambridge University Press books that I have referred to, including Audi's and Galston's. This is irritating, and authors should fight it. When there is another reference to an article that had been cited earlier, one has to go through potentially many pages of notes (Eberle has 66 pages of them) to try to find the relevant bibliographical data. For books with a significant number of notes, as there is likely to be in works on this topic, it would be better to give minimal bibliographical data in the notes and give the full data in a bibliography of works cited.

^[1] Notre Dame: University of Notre Dame Press, 1997. The articles were written for a 1995 conference on "Religion and Contemporary Liberalism."

^[2] This is roughly the version that both Weithman and Eberle treat, and the one I find most plausible. However, the liberal restraint principle comes in many variations; for example, some apply it only (or mainly) to government officials and candidates for office, some restrict it to constitutional essentials and matters of basic justice, and some specify secular rather than public reasons. In all cases the proposed restriction is moral and internal, which is why I use "restraint" rather than "constraint," since I think the latter connotes an external impingement, usually legal (others, including Eberle, use "constraint" and "restraint" differently). Public reasons, according to Rawls, are those that one can reasonably expect citizens affected by the legislation can reasonably accept, including all those citizens with distinctive and conflicting moral and religious views (their "comprehensive doctrines").

^[3] "The Idea of Public Reason Revisited," in John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), 154. Other liberals agree about

the role of churches in nurturing democracy; referring to sort of research that Weithman does, William Galston has recently said, “These churches serve as important training grounds for political skills, particularly for those without large amounts of other politically relevant assets, such as education and money.” *Liberal Pluralism* (Cambridge: Cambridge University Press, 2002), 16.

[4] Cambridge: Cambridge University Press, 2000. Reviewed in this journal by Francis Beckwith, January 2002 (19/1). Weithman thinks Audi cannot accommodate those who seek a “religiously integrated existence” (Nicholas Wolterstorff’s phrase) in which their politics are shaped by their religious convictions (152).

[5] I see no logical contradiction in universalizing “every voter consider only his or her own interests” even in the “collective undertaking” version of voting. Weithman evidently has in mind what Kant called “a practical contradiction in the will” (that we would not want to be on the receiving end of such a practice). Later, when he discusses *advocacy* and says, “If everyone participated in debate irresponsibly...then mutual distrust and incivility among citizens would be pervasive....Thus as with voting so with advocacy, the universalizability test shows the importance of acting responsibly” (110), he seems to be using a rule utilitarian rather than Kantian version of universalizability. I think he should stick to a Kantian version to avoid having to defend the prediction that if everyone openly advocated only her own self-interest, there would be pervasive distrust. The fact that I want you to take into account my interests in a collective undertaking (all that is needed for a practical contradiction) does not mean that I will mistrust you if you openly advocate only for your own. Of course, a sufficiently loaded notion of “trust” could qualify the latter claim, but then its need for political civility becomes controversial.

[6] Weithman might have noted that Kent Greenawalt’s influential *Private Consciences and Public Reasons* (Oxford: Oxford University Press, 1995), argued that self-restraint considerations should apply to advocacy in a way that they should not to voting (see his chapter 12).

[7] A very helpful feature of Weithman’s book is his careful analysis of what makes political advocacy a matter of *public* political debate. The “public square” can include what Rawls calls “the background culture” of any number of decidedly non-private institutions and venues but which are not part of political advocacy. For example, one can use the media to *explain* one’s convictions to others without advocating for coercive legislation. On the other hand, Weithman gives an interesting example where a church service became a public square political debate. It is a matter not of when and where but of “conversational pragmatics,” including intentions, unspoken conventions, uncodified practices, etc. (106-07 and throughout chapter five).

[8] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 50. Weithman clearly thinks “reasonable” is broader than Rawls does; see 206-09, but how much broader is not clear. Eberle notes that Rawls also insists that reasonable persons accept the “burdens of judgement,” which require that one admit that it is reasonable to contradict central features of one’s own comprehensive doctrine

(212). This may be tough for some versions of natural law theory, even though the latter are obviously reasonable in some broader sense. See Rawls' "Public Reason Revisited," *Law of Peoples*, 177.

[9] Eberle suggests that even integrated theists who feel a totalizing and overriding obligation to obey God (and therefore reject the restraint principle) meet Rawls' criteria of reasonable in that they are "willing to propose and abide by fair terms of social cooperation" (149), and I think his ideal of conscientious engagement does come close. But obviously it depends on how one defines "fair cooperation." Eberle notes that one way Rawls could argue for his view that fairness implies restraint is by claiming that it would be chosen behind the veil of ignorance. But Eberle gives a surprisingly persuasive argument that behind the veil of ignorance rational and knowledgeable persons would choose his own pursuit ideal in lieu of the restraint principle (147). (For what it is worth, I suspect folks would choose something like the framework of spectrums and sliding scales I discuss later.)

[10] *The Trouble with Principle* (Cambridge: Harvard University Press, 1999), 250. Fish adds, "The religious person should not seek an accommodation with liberalism; he should seek to rout it from the field." Fortunately, evangelicals listen to Fish very selectively.

[11] Even if the hope for consensus (we share the same public reasons) or convergence (we have different reasons for agreeing on something) is too optimistic and we can arrive only at some sort of *modus vivendi* based not on mutual respect but overlapping interests, it would be important to know whether your excluding my religious reasons is more dismaying than my being coerced by yours. Nicholas Rescher, in *Pluralism: Against the Demand for Consensus*, puts it realistically: "People of radically different ideas can co-operate without agreement and coexist without consensus....Consensus-seeking societies will aim to maximize the number of people who approve of what is being done; acquiescence-seeking societies seek to minimize the number of people who disapprove very strongly of what is being done" (Oxford: Clarendon Press, 1993), 189. But which choice is more likely to cause the sort of resentment and alienation that undermines even sullen acquiescence?

[12] Audi fears that if we are not sufficiently motivated by the secular argument that we use for others, we will engage in "leveraging"—using different arguments for different audiences, which he frowns on because advocates are not revealing who they are (Audi, 111). But as Wolterstorff argues in the widely-used textbook he co-authored with Audi, I can be very straightforward about what I am and what I am doing, and still respectfully appeal to my audiences' particularities (*Religion in the Public Square* [New York: Rowman and Littlefield, 1997], 107). Eberle agrees (101). I think such leveraging is compatible with the liberal restraint principle, as long as you think you have a set of arguments such that you can reasonably expect that each citizen affected by your favored legislation can reasonably accept at least one of them.

[13] *Justificatory Liberalism* is the title of a book by Gerald Gaus (Oxford: Oxford University Press, 1996) that argues for stronger epistemological restrictions on public

reason than does Rawls.

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

[15] So any “reciprocity” considerations are derived not directly from our being compatriots engaged in democratic politics, but from what we owe compatriots as persons. This derivation from a category as broad as that of theists who appeal to being created in God's image allows the bold assertion of equal dignity in the sixth constraint, which rules out of court some arguments for discrimination, including religious ones based on Genesis 9 (which calls for the enslavement of Canaan). Personhood settles who within the state are compatriots, and how they should be treated, not the other way around. Weithman, on the other hand, is closer to Rawls in seeing the civic duties of democratic citizens as derived from features built into their role-specific collective undertaking of deciding political outcomes that determine how we use power over each other.

[16] I emphasize what may seem an obvious point because Eberle quotes approvingly (145-46) some powerful quotations from Wolterstorff and Michael Perry (“To ‘bracket’ such convictions is therefore to bracket—to annihilate—essential aspects of one's very self.”) that might be interpreted as almost absolutizing a duty to integrate one's religion with one's political advocacy, even in Bosnia, where religious believers are as likely as in the United States to be sensitive to the “anathema” of “knowingly and willingly” disobeying God (183).

[17] Thus I'm puzzled why he thinks the exclusive version is the stronger than the inclusive version (370n.3). He does promise a forthcoming critique of the inclusive version (375n.39); I think that until then we cannot evaluate his critique of the political liberal's use of the divisiveness argument.

[18] *Political Liberalism*, 143-47. See the introduction to the 1996 paperback edition for his comment on “right reasons” (xxxix). Eberle judiciously quotes (52-53) a number of political liberals appealing to respect, though I think the one from Weithman is his describing another's view rather than giving his own.

[19] Eberle says he knows of no theists who deny that public justification is desirable, and mildly chides Weithman for claiming that Wolterstorff and Philip Quinn deny the Rawlsian assumptions that it is both desirable and possible (369,n.67), since he says they deny only the latter. I'm not sure they deny either, but I have heard theists deny the desirability of always seeking consensus, arguing that it is more respectful of others' moral identities simply to give and receive each others' thick particularities without looking for thin versions of one's own identity in them.

[20] “Public Reason Revisited” in *Law of Peoples*, 156.

[21] Burdens of judgement include the recognition that reasonable people will weigh different types of values differently, having lived different kinds of lives.

[22] *Political Liberalism*, 8.

[23] “Public Reason Revisited,” *Law of Peoples*, 140-42. Eberle quotes (211-12) the

earlier part from *Political Liberalism*, where Rawls refers to *a* conception of justice. It is easy to get irritated at Rawls' ongoing "clarifications," though in fairness one should note that part of the exegetical problem is that Rawls comes closer than most philosophers to Eberle's ideal of conscientious engagement, not only listening to others but adjusting his views as a result.

[24] Eberle makes helpfully clear (61-64) the distinction between public justification and rational justification, the latter being a function of the manner in which one reasons as well as the "evidential set" of beliefs from which one reasons. So rational justification is perspectival--historically and culturally relative, within limits (354,n.36). Using a distinction from William Alston, one can *be* justified in a belief without being *able* to justify it publicly. John Calvin and the early Locke were probably rationally justified in believing that religious intolerance was necessary for stability, and could probably even give a Rawlsian reasonable justification for it, given the public culture at that time. But today most of us are not rationally justified in believing it, and, even if we were, could not reasonably publicly justify it, given any plausible interpretation of our public culture. That the public culture is historically and culturally relative does not, of course, prevent a political liberal from providing a non-public justification of its non-relative *truth* (and not just its reasonableness) based on a comprehensive doctrine that is a shared part of overlapping evidential sets.

[25] Audi uses language carefully: to excuse, rather than to forgive, is to imply that no wrong was intentionally done. Audi has consistently claimed that his restraint principle is a prima facie obligation linked to civic virtue, using phrases like, "one should at least be reluctant" to legislate against abortion (*Religion in the Public Square*, 171). I think Rawls also can be charitably interpreted as asserting a prima facie obligation, the strength of which is linked to how close a society comes to his "well-ordered ideal." (Weithman puzzles over how Rawls intends his theory to apply in actual versus ideal circumstances, as well as how he moves from an ideal to duties [186]).

[26] *Love and Conflict* (Nashville: Abingdon Press, 1984), 128.

[27] Albany: SUNY Press, 1991. Mellema suggests some level of responsibility for living up to even high ideals, at least in the sense that we are morally criticizable if we develop a disposition to never go the second mile (119).

[28] Including Galston's and Rawls'. And Perry argues persuasively in *Religion in Politics* (Oxford: Oxford University Press, 1997) that that the non-establishment clause makes it unconstitutional to appeal to distinctive religious notions of human well being when deciding on legislation.

[29] Which we probably owe to a fortunate historical combination of mistakes and accomplishments. John Locke, who heavily influenced American liberalism, 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 ones in the bill of rights,

heavily overlap those that religious believers, including Christian evangelicals, 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. So I agree with Eberle in his discussion of Locke and religious freedom (160-63) that the first amendment protects us from religious warfare, but one reason I feel safe from its being changed is that, as he quotes Perry, it has become part of our public culture. In other words, I am glad that Eberle's own pursuit principle implies that freedom of religion should be debated in ways that, as it turns out, are consistent with the restraint principle.

[30] And Greenawalt, *Private Consciences and Public Reasons*, chapters 12-14.

[31] Wolterstorff (*Religion in the Public Square*, 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 should reasonably believe they could reasonably accept. However, 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 affect more deeply your loyalty to the system.