

Toleration after Babel: God-talk and the Politics of Reasonableness

Politics and Policy 32.3 (2004)

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The current debate over the place of religious claims in public discourse has, to a certain extent, become a battle over “reasonableness.” In the wake of the influential work of John Rawls, several prominent political theorists have argued that citizens have a moral duty to limit their political deliberation to a particular set of propositions that can be recognized as reasonable, while critics respond that such a limitation is not only impracticable, it is exclusionary. In this essay I return to Locke’s Letter Concerning Toleration and Kant’s Conflict of the Faculties in order to show that the continuing struggle over the place of religion in contemporary liberal society is not simply the result of a failure to apply a liberal doctrine with the proper rigor and precision. It is the inevitable consequence of the enduring presence of moral disagreement that an appeal to doctrine can neither transcend nor dispel.

God-talk is back. Or perhaps it never completely disappeared. In any case, appeals to the Divine Will have become increasingly prevalent in our political discourse in the last few years. One of the most conspicuous examples of this has been the way President George W. Bush has called down the powers of a just and freedom-loving God to support military campaigns in Afghanistan and Iraq. He has linked his particular political policies to Providence more emphatically and more often than Clinton or Reagan and perhaps more than any president since Lincoln. Yet President Bush has not been the only one who has called for Divine backup. Many opponents of the current administration have also appealed to the God of the Christian Gospels, insisting that the President’s policy of preemptive war could not be the will of a Creator who chose to manifest himself through the life of Jesus Christ. This struggle over contrasting interpretations of the Christian God, moreover, is taking place against a larger backdrop involving a variety of religious claims made by Muslims and Jews both inside and outside of the United States. Anyone listening closely to current debates over the governmental response to the threat of terrorism would be hard-pressed to deny that much of our political language on all sides of the issue is infused with theological commitments.

This resurgence of religious language on the national stage has come as a surprise to many academics and intellectual elites who have spent the last fifty years convincing each other of one of the great myths of twentieth-century social science – that religious commitment will be washed away as a tidal wave of education and industrial development sweeps the world into modernity. But this resurgence has *not* come as a surprise to a good deal of religious people. While professors have been teaching modernization theory, people in the streets of the inner city as well as on the golf courses of affluent suburbs have been getting religion. In the United States

religious commitment has reached unprecedented levels and it does not look like it will wane any time soon. According to recent polls, 95% of Americans say that they believe in a god and more than 44% report that they attend services of some type every single week. Even if many respondents are exaggerating their own devotion, the fact that they bother to make such claims signals that they find themselves in an extraordinary, religiously charged atmosphere. Philip Jenkins has recently written that the Pentecostal movement (which began with a handful of devotees in Los Angeles in the 1906) now boasts over 400 million followers worldwide, and that number might reach one billion within fifty years.¹ Similarly, although not to the same extent, Islam and Orthodox Judaism are surging in areas in which levels of education and industrialization are steadily climbing.²

What is now becoming clear is that the story of inevitable secularization is simply false. People do not necessarily become less religious as they become better educated and wealthier. Furthermore, the religious groups that are growing fastest are those that are embedded within liberal societies but are offering an alternative to the modern, secular worldview. Members of these groups are apt to invoke theological language whether they are talking about their personal lives, the economy or political policy. Many of these people are unwilling to distinguish between their religious lives in which religious language is permissible and their political or public lives in which such language is in bad taste. They address controversial issues concerning war, the death penalty, physician-assisted suicide, same-sex unions, and bioethics within specifically religious frameworks of meaning. The resurgence of God-talk is a sign that an increasing number of people understand themselves and the world around them primarily if not solely within the context of particular theological commitments.

This influx of religious language makes many citizens of liberal democracies nervous. Can free and equal deliberation actually take place between individuals or groups of individuals who bring God into political debates? Is it appropriate in liberal democracies that political deliberation and ultimately political decisions be based on religious convictions? Isn't there something non-negotiable about such claims that runs counter to the possibility of democratic compromise? If this is the case, can liberals really tolerate the religious zealot or fundamentalist?

For about a generation, several prominent legal and political theorists have sought to allay these anxieties by insisting that all liberal citizens have a moral duty to refrain from appealing to religious beliefs in certain political contexts. The following essay focuses on this

¹ Philip Jenkins, *The Next Christendom* (Oxford: Oxford University Press, 2002).

² While sociological research in this vein has grown exponentially in the last few years, one of the best introductions to this current wave of religion in the public sphere is still José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994).

liberal response to the proliferation of religious language in political deliberation. This study arises from a concern with political discourse in the United States, but the argument is germane to other liberal democracies as well. Although there are several variations to this argument, they all share a similar ethical imperative: Citizens, even if they are convinced of the validity of their beliefs, should not articulate them (and in some cases even be motivated by them) when deliberating over political fundamentals if they suspect that their fellow citizens might not share their beliefs. They should appeal only to reasons and arguments that their fellow citizens can understand so that political discussions are equally accessible to all participants. This should be done out of respect for the dignity and autonomy of each citizen. By limiting public deliberations to that which can be recognized as *reasonable*, citizens can avoid making policy decisions on grounds that are incomprehensible or unacceptable to a portion of the population. They can avoid employing the coercive power of the state to impose their own inaccessible beliefs on others. In other words, God-talk is out. Advocates of this position, including Ronald Dworkin, Thomas Nagel, Charles Larmore, Bruce Ackerman, Robert Audi, and of course John Rawls, argue that some form of this deliberative self-restraint is essential for a well-ordered liberal democracy. Fair and stable democratic outcomes depend on a citizenry that is willing to restrict its political deliberations to arguments and beliefs that can be recognized, at least in principle, as reasonable.³

There are many, however, who take issue with this argument. They insist that the ethic of reasonable restraint, what Joseph Raz calls “epistemological abstinence,” is not only unrealistic and impracticable; it is exclusionary.⁴ Although it might aim at the maintenance of liberal fairness and toleration, in practice it unfairly discriminates against certain types of citizens. Specifically, it prevents religious citizens from participating in political affairs *as religious citizens*. Resting on

³ The literature surrounding this debate is expansive, to say nothing of related issues in constitutional law, electoral politics and legislative behavior. However, the argument that citizens have a moral duty of reasonable restraint can be traced through the writings of several important contemporary liberal theorists. Ronald Dworkin is one of the first to articulate a version of this argument in “Liberalism” *Public and Private Morality*, ed. by Stuart Hampshire, 1978. Thomas Nagel expands on Dworkin’s basic conception when he argues “that a limit somehow be drawn to appeals *to the truth* in political argument.” See his “Moral Conflict and Political Legitimacy,” *Philosophy & Public Affairs*, 16 (1987) 218. Charles Larmore expresses a similar position in *Patterns of Moral Complexity* (1987) as does Robert Audi in “The Separation of Church and State and the Obligations of Citizenship,” *Philosophy & Public Affairs*, 18 (1989). Bruce Ackerman also defends a “principle of conversational restraint” in “Neutrality,” *Liberalism and the Good*, ed. by R. Bruce Douglass, 1990, 29. John Rawls has been instrumental in formalizing this argument and developing it into a complex and nuanced theory. He has reformulated his position in “The Idea of Public Reason Revisited,” *University of Chicago Law Review* 64 (Summer 1997) 765-807. See also *Political Liberalism* (New York: Columbia University Press, 1993). This argument has been recently rearticulated by Thomas Schmidt, “Religious Pluralism and Democratic Society: Political Liberalism and the Reasonableness of Religious Beliefs,” *Philosophy and Social Criticism*, 25 (1999) 43-56.

⁴ Joseph Raz, “Facing Diversity: The Case of Epistemic Abstinence,” *Philosophy & Public Affairs* 19 (1990).

the assumption that any politically relevant beliefs can be easily translated into a supposedly common language of public accessibility, it places special constraints on those citizens who are either unable or unwilling to restrict their public discourse to beliefs that are deemed politically reasonable. Many critics, including Richard John Neuhaus, Stephen Carter, Sanford Levinson, Michael Perry and a host of others, argue that the duty of epistemological restraint singles out religious citizens for exclusion. They see an asymmetry between religious citizens who are expected to suppress their most cherished beliefs when acting in the public sphere and nonreligious citizens who are allowed to retain their supposedly more accessible beliefs. This asymmetry, they argue, is at odds with the aspiration of liberal toleration and fairness. If we aspire to be truly just society, we should not permit the exclusion of religious citizens. Instead we should seek to maintain an inclusive public forum in which a whole range of religious and nonreligious beliefs and argument are permissible.⁵

What is most remarkable about these critics, however, is not their call for the inclusion of religious perspectives within the boundaries of acceptable public discourse. What is remarkable is their implicit claim that the entire project of setting theoretical boundaries to political debate is either unfair or ineffectual. As one scholar puts it, “[It is possible] that this whole quest to discover legitimating criteria that will determine what types of discourse should be admitted into the public square is fundamentally misguided.”⁶ By casting doubt on the fairness of excluding particular religious beliefs from political deliberation, these critics raise questions about fundamental aspects of liberal doctrine, including its crucial distinctions between public and private, secular and religious and even reasonable and unreasonable.⁷ They seem to challenge the

⁵ Recently an entire volume of the *Wake Forest Law Review* was devoted this issue. Many of the most important participants to these debates over the past decade contributed, including Michael Perry, Paul J. Weithman, Robert Audi, John A. Coleman, Kent Greenawalt, Steven D. Smith, and Nicholas Wolterstorff. See *Wake Forest Law Review* 36, 2 (2001). One of the first expressions of dissatisfaction with the argument of reasonable restraint, however, was Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, MI: Eerdmans, 1984). Yet the debate did not reach a larger, popular audience until Stephen Carter’s book, *The Culture of Disbelief* (New York: Doubleday, 1993). In academic circles, however, a lively interchange began in the early nineties and has not yet shown any signs of abating. For some of the first articulations, see Sanford Levinson, “Religious Language in the Public Square.” *Harvard Law Review* 105 (1992); Michael J. Perry, *Love and Power: The Role of Religion and Morality in American Politics* (Oxford: Oxford University Press, 1991); Larry Alexander, “Liberalism, Religion and the Unity of Epistemology,” *San Diego Law Review*, 30 (1993). For an excellent introduction to the theoretical contours of this debate, see Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square* (Lanham, MD: Rowman & Littlefield, 1997).

⁶ Levinson, 2077.

⁷ Steven D. Smith articulates some of the most provocative and challenging implications of this position. See his *Foreordained Failure: The Quest for a Constitutional Principle of Religious Freedom* (Oxford: Oxford University Press, 1995) and “The ‘Secular,’ the ‘Religious,’ and the ‘Moral’: What are We Talking About?” *Wake Forest Law Review*, vol. 36, no. 2 (2001) 487-509. Even Kent Greenawalt, who is sympathetic with much of the argument for reasoned restraint, concedes that “secular reasoning” is

very possibility of delineating a liberal doctrine that would not exclude some position or perspective present in a community and thereby conflict with the ideal democratic practice of inclusive debate. And here they hit a raw nerve. They draw attention to an ambiguity in the liberal project that has haunted it from the very beginning.⁸

The project of constructing liberal doctrine, in contrast to the task of reflecting on liberal practice, aims at securing a particular vision of political justice by establishing an authoritative theoretical framework of governance that is invulnerable and enduring, regardless of the historical events or political contexts. Although the search for stable principles of justice by means of theoretical elaboration goes back at least to Plato's *Republic*, this search takes on a peculiar form in its liberal manifestation. It rests on two assumptions: first, that acceptable principles of justice would be acceptable to every member of society if considered properly, and second, that those principles could be historically realized if members would simply assent to them and apply them to their political lives. Given these assumptions the task of liberal theory is to demonstrate that a particular set of moral ideals is the most reasonable given the practical circumstances in which citizens find themselves. What characterizes liberal theory here is its emphasis on implementation. By presenting an irrefutable argument to their fellow citizens, liberal theorists hope to convince them to accept particular moral ideals and apply them to their political institutions and behavior. In this way the formulation of liberal doctrine, as a practical project of reform, is inextricably tied to certain epistemological claims concerning truth and reasonableness. And these epistemological claims are aimed at governing belief and conduct.

The task of constructing and implementing a liberal doctrine rests on a line of reasoning that can be called the *reasonableness* argument. This argument begins with the recognition of

inadequate to resolve many contemporary political issues. See *Private Consciences and Public Reasons* (New York: Oxford University Press, 1995) 180-181.

⁸ Whether they would like to admit it or not, it seems that the religious critics of reasoned restraint have found an unlikely ally in post-structuralist thought. By raising questions about the innocence of defining what is reasonable in a liberal democracy, these critics echo Foucault's concerns with "discourse legitimacy" and highlight the illicit exclusions of particular "regimes of knowledge." These themes resonate through Michael Perry's exchanges with David Smolin, a self-described evangelical Christian. Smolin forces Perry to move toward a position that is very close to the one espoused by Stanley Fish. See David M. Smolin, "Regulating Religious and Cultural Conflict in Postmodern America: A Response to Professor Perry." *Iowa Law Review* 76 (1992), and Perry's response, "Religious Morality and Political Choice: Further Thoughts - and Second Thoughts - on *Love and Power*." *San Diego Law Review*, 30 (1993). See also Stanley Fish, "Mission Impossible: Settling the Just Bounds Between Church and State." *Columbia Law Review* 97 (1997): 2255-2333 and William Connolly, *Why I am Not a Secularist?* (Minneapolis: University of Minnesota Press, 1999). The attempt of some Christian critics of reasoned restraint to distance themselves from post-structuralism can be seen in the debate between Fish and Richard John Neuhaus. See Stanley Fish, "Why We Can't All Just Get Along" and Richard John Neuhaus, "Why We Can Get Along," and "Stanley Fish Responds to Richard John Neuhaus," *First Things*, 60 (February 1996) 18-40.

enduring disagreement between various contending parties. Advocates of each party derive their controversial beliefs from assumptions that are not shared by other parties. No single party is able to demonstrate conclusively that its assumptions are incontrovertible. Therefore no single party can dictate policies without appealing to assumptions that their opponents reject. The theoretical defense of liberal doctrine seeks to overcome this impasse by setting aside the irreconcilable truth-claims of contending parties and appealing instead to an independent source or *reasonable basis* that lies beyond the empirical divisions and competing claims present in society. This new basis can serve as a philosophical common ground on which contending parties can secure durable moral agreement. By organizing their political speech and behavior around that which can be defended by arguments and beliefs that are derived from the reasonable basis, liberal citizens can rise above the standoff that religious and moral disagreements produce and achieve fair and equitable political solutions.

This *reasonableness* argument is utilized in many of the contemporary discussions concerning the role of religion in the public sphere, yet it is not new. This line of reasoning, or something very similar to it, is present in the work of the pivotal theories of Locke and Kant as well as Rawls. By looking briefly at the way in which each of these thinkers seeks to formulate and apply a liberal doctrine, I hope to show that in spite of differences they all appeal to a type of independent and privileged basis that transcends the intractable religious or metaphysical conflicts characteristic of liberal polities. However, this basis, as the starting point to any theoretical argument and the standard by which other arguments are measured, cannot itself be justified by arguments or reasons. There is no way to defend it beyond reference to itself. Defenders of the liberal doctrine cannot provide a logical proof or a collection of evidence that demonstrates that their *reasonable basis* is in fact *reasonable*. They must simply assert it and hope that it is accepted. If opponents reject the foundations of their argument, if they refuse to accept the reasonable basis as reasonable or if they come to believe that it is no longer tenable, defenders of that basis are at a loss. They cannot offer further arguments that could adequately respond to their opponents' attack. When the very definition of reasonableness is at issue, the only methods of mediation available are rhetorical persuasion, manipulation or coercion.⁹

The reasonableness argument is coherent only in the context of potential or supposed agreement concerning what reasonableness entails. As soon as the basis itself is challenged, the

⁹ Professor Smolin has recently illustrated this point. In response to Perry's defense of "ecumenical dialogue," Smolin asked, "Why should those who view pluralism and fallibilism as vices accept them as norms of civic culture?" Perry can only respond to Smolin by reiterating his claim that ecumenical openness is superior to the alternatives; all the reasons that he could give will rely on this basic belief. If Smolin remains unconvinced (which we should expect), they are at a standstill.

argument can no longer claim to rest on universally acceptable predicates. It loses its privileged position above the fray of political debate and returns to the level of any other controversial religious or metaphysical claim. This does not mean that the argument is thereby proven false, only that the reasonable basis, ostensibly an uncontroversial starting point, is proven controversial. Perhaps this is obvious. Any theoretical defense of a political regime is open to controversy; it rests on the acceptance of certain claims and rejection of opposing claims. Yet it seems that the reasonableness argument seeks to obscure this basic fact by invoking certain principles not simply as true but as universally acceptable – as reasonable, accessible and neutral. We have seen in contemporary debates, however, that these terms are most often employed to defend claims that are *not* universally accepted. They are used to mark out the limits of acceptable argument and to exclude noncompliant citizens, often religious citizens, who find themselves outside these predefined boundaries. It should not be a surprise to us that many of these marginalized citizens will object to this strategy and, if they able, they will mobilize in opposition to it. Insofar as the liberal regime is involved in a systematic repression of religious yearnings in the realm of political deliberation, it becomes vulnerable to the volatile and dangerous eruptions of those yearnings in other arenas of our common life.

Since arguments concerning liberalism and religion are by their very nature contentious and prone to misunderstanding, I want to be explicit: I am not rejecting the practice of toleration or liberal institutions as such. I am convinced that our tradition of liberal practice, especially in the United States, has in many ways been successful at allowing religious diversity to flourish while protecting religious and nonreligious minorities. What I find unsettling is the deployment of one particular theoretical defense of liberal deliberation that is characterized by a dual movement, the bracketing off of certain types of moral and religious claims as impermissible on one hand and the appeal to reasonableness on the other. By pointing out the difficulties of establishing liberalism in this way, I hope to show that the continuing struggle over the place of religion in contemporary liberal society is not simply the result of a failure to apply this type of doctrine with the proper rigor and precision. It is the inevitable consequence of the enduring presence of deep, moral disagreement, disagreement that an appeal to doctrine can neither transcend nor dispel. For this reason, we should be wary of abstract appeals to a pure liberal doctrine. In fact the attempt to codify the reasonableness of liberal practices into a liberal doctrine might do more to subvert than secure its declared aim of sustaining the peaceful coexistence of seemingly irreconcilable and contending parties.

Locke: Reasonableness as Disciplined Belief

More than three hundred years ago, John Locke first published his principled defense of religious toleration and his argument has served as a model ever since. In a move that has become commonplace in liberal theory, Locke identified the condition of deep, moral disagreement within which toleration is such an important and difficult project. In the *Letter Concerning Toleration*, Locke writes:

For every Church is Orthodox to it self; to others, Erroneous or Heretical. For whatsoever any Church believes, it believes to be true; and the contrary unto those things, it pronounces to be Error. So that the Controversie between these Churches about the Truth of their Doctrines, and the Purity of their Worship, is on both sides equal; nor is there any Judge, either at *Constatinople*, or elsewhere upon the Earth, by whose Sentence it can be determined. The Decision of that Question belongs only to the Supream Judge of all men, to whom also alone belongs the Punishment of the Erroneous.¹⁰

In this important passage, Locke points out two crucial characteristics of societies that are wracked by religious and moral disputes. First, those who believe in particular doctrines will reject beliefs that are in opposition to theirs. Those who are bound by certain authoritative commitments will insist that competing commitments are wrong. Although this might seem obvious, it is a point that is often ignored or suppressed in many contemporary discussions of toleration. Genuine moral and religious difference entails conflict. Second, Locke concedes that there is no way to adjudicate between competing commitments that will be acceptable to all parties. Anyone who attempts to sort out the truth of particular doctrines or the worth of various types of worship takes up the banner of one religious party or sect and stands in opposition to others. Locke states unequivocally that in such cases of disagreement, there is no human judge, no authoritative voice, that could determine that one doctrine is true while another is false.

Settling Just Bounds

These intractable religious disputes nurture uncertainty and suspicion. When these elements are combined with the force of arms, the result is violence and political instability. Disagreement over religious doctrine, Locke tells us, is a pernicious “Seed of Discord and War” and a powerful “provocation to endless Hatreds, Rapines, and Slaughters” (*Letter* 33). What is needed, then, is a way to separate religious zeal from the risk of military imposition. The

¹⁰ John Locke, *A Letter Concerning Toleration*, ed. by James H. Tully (Indianapolis, IN; Hackett, 1983) 32.

intractable conflicts over religious truth must somehow be bracketed off beyond the power and influence of governmental coercion. Locke describes this principal task in the *Letter*:

I esteem it above all things necessary to distinguish exactly the Business of Civil Government from that of Religion, and to settle the just Bounds that lie between the one and the other. If this be not done, there can be no end put to the Controversies that will be always arising, between those that have, or at least pretend to have, on the one side, a Concernment for the Interest of Mens Souls, and on the other side, a Care of the Commonwealth. (*Letter 26*)

By determining that which the commonwealth should concern itself with and distinguishing it from the affairs of religion, Locke hopes to bring an end to those conflicts, which have “produced all the Bustles and Wars . . . upon account of Religion,” (*Letter 55*). By setting just bounds between state and church, Locke believes he can remove or bracket off the exasperating religious disputes from the political realm. By doing this he not only seeks to protect government from misuse and manipulation by particular religious sectarians, he also wishes to shelter authentic and sincere religious devotion from the dangers of government intrusion.

Yet here we confront our first difficulty with his principled defense of a liberal doctrine of toleration. If Locke is right when he says that there is no way to adjudicate between religious claims, that there is no way to secure public certainty and agreement over the content of religious doctrine and practice, then how are we to secure agreement on where the proper sphere of religious exercise ends and the sphere of civil governance begins? How are we to “distinguish exactly the Business of Civil Government from that of Religion”? Locke makes it clear that magistrates do not have any special insight into the mysteries of religious truths. “Neither the Right, nor the Art of Ruling, does necessarily carry along with it the certain Knowledge of other things; and least of all of the true Religion” (*Letter 36*). Yet the possibility of setting just bounds rests on the assumption that magistrates, along with their subjects, have the capacity to characterize, delineate and define religion to such a degree that they can distinguish between it and the political realm. Although they cannot secure certain knowledge concerning the content of religious truth, they are expected to have some type of understanding about what religion is and what it is not, so that they can distinguish it from the business of civil government.

Distinguishing Certain Knowledge from Reasonable Belief

Locke overcomes this impasse by implying that there is a categorical difference between these two types of claims. The religious or metaphysical sectarian professes to have comprehensive knowledge in matters of religious truth while the Lockean theorist maintains no

more than a general understanding of the proper realms of religion and government. The first is a claim to certain knowledge or truth and the second is an appeal to reasonable belief. In the *Essay Concerning Human Understanding* (which he had been working on for several years before he published the *Letter*), Locke draws a thick line between knowledge and belief and argues that the recognition of this distinction is crucial to avoiding the twin dangers of skepticism and enthusiasm.¹¹ Knowledge is that which is directly perceived with certainty. In contrast, Locke defines belief, opinion, judgment or faith (he uses these terms almost interchangeably) as that which is taken-to-be-true or assented to without the immediate perception of certainty. Knowledge involves the passive reception of relations; it is a type of inactive awareness. Belief involves the deliberate judgment of probability; it is an active capacity to grant or withhold assent. Although the analytical tradition has come to treat knowledge as a species of belief whose propositional content is true, Locke explicitly assigns knowledge and belief two very distinct realms in the understanding.¹²

By restricting the definition of certain knowledge to the direct perception of simple ideas, Locke places it outside the reach of conflict. One cannot even be in error concerning this “visible certain truth,” since error can only be made in cases of assent (*Essay* IV.20.1). For this reason we can be sure that those who claim to have certain knowledge concerning controversial matters of a religious and metaphysical nature are either deluded or attempting to delude others. Locke’s narrow definition of certain knowledge banishes it from normal discourse and makes it irrelevant to the daily lives of his readers. What is vastly more important than the narrow province of certainty is the expansive realm of uncertainty. “Man would be at a great loss,” Locke writes, “if he had nothing to direct him, but what has certainty of true knowledge. For that being very short and scanty, as we have seen, he would be often utterly in the dark, and in most of the actions of his life, perfectly at a stand, had he nothing to guide him in the absence of clear and certain knowledge” (*Essay* IV.14.1). Even while discussing the nature and extent of knowledge, Locke is intent on demonstrating that the greater part of our understanding is spent confronting that which

¹¹ Although Locke did not add his chapter on enthusiasm until the fourth edition of the *Essay* in 1700, the entire work can be read as a response to the type of radical subjectivity unleashed by sectarian religiosity, a problem that concerned Locke from the very beginning of his career.

¹² John Locke, *An Essay on Human Understanding*, ed. by Peter Nidditch, (Oxford: Clarendon Press, 1979) IV.14.4. Although Locke is adamant about the importance of this distinction, he seems to modify it almost as soon as he presents it. By introducing the categories of habitual, demonstrative and sensitive knowledge into his original definition (IV.2), Locke blurs the line between certain knowledge and uncertain belief. He specifies various degrees of knowledge that entail various degrees of certainty and warrant various degrees of acceptance. In doing this, Locke treats knowledge itself as the result of an act of assent that must be governed and disciplined. In this way he pushes most types of knowledge toward his definition of probable belief.

cannot be known by immediate and certain perception. “Most of the Propositions we think [or] act upon are such, as we cannot have undoubted Knowledge of their Truth” (*Essay IV.15.2*).

How are we to respond to a world in which certain knowledge is sometimes difficult if not impossible to attain? Locke does not tell us to withhold our assent except in cases of absolute certainty. Such a stance would be “childish peevishness.” The realm of belief and probability supplies us with what we need to navigate through this life if we work hard, acknowledging the incompleteness of our understanding and conducting our inquiries into the realm of uncertainty with methodological rigor. Under conditions of uncertainty, we have a duty to regulate our assent in a careful and orderly manner. “The necessity of believing without knowledge, nay, often upon very slight grounds, in this fleeting state of action and blindness we are in, should make us more busy and careful to inform ourselves” (*Essay IV.16.4*). We fulfill this duty by employing our judgment. Locke defines judgment as “the faculty which God has given to man to supply the want of clear and certain knowledge in cases where that cannot be had” (*Essay IV.14.13*). The correct use of judgment is crucial for us as we find our way through the realm of probability where perception and proofs are “not constant and immutable” (*Essay IV.15.1*).

Uncovering the “True Religion” of Disciplined Belief

By regulating our judgment in matters of controversy – that is, by collecting evidence, determining the probability of a proposition on that evidence and adopting a level of confidence corresponding to its probability – Locke believes that we can arrive at a substantial body of moral truths. We can come to understand the natural law, which for Locke comprises all of those moral duties that are accessible to human reason, unaided by divine revelation. We can also establish the reliability of the New Testament, which reveals to the disciplined mind a thorough moral code of ethical behavior. It is important to note that Locke’s project is not to belittle or trivialize religious belief, but to save the “true church” from the ungrounded assertions of frauds and bigots. He wants us to reject the undisciplined beliefs that have all-too-often served as tools for manipulation and deceit, a “Cloak of Covetousness, Rapine and Ambition” (*Letter 43*). And in their place he urges us to establish a set of warranted, disciplined religious beliefs, a reasonable Christianity. This is the implicit aim of the *Letter Concerning Toleration* and explicit task of Locke’s later religious writings, *The Reasonableness of Christianity* and his *Paraphrases of the Epistles of St. Paul*.¹³

¹³ John Locke, *The Reasonableness of Christianity as Delivered in the Scriptures*, ed. by George W. Ewing (Washington, D.C.: Gateway, 1965) and *A Paraphrase and Notes on the Epistles of St. Paul to the Galatians, 1 and 2 Corinthians, Romans, Ephesians*, edited by Arthur William Wainwright, (Oxford: Clarendon Press, 1987).

Locke insists that reasonable faith must be derived from individual choice, the personal acceptance or rejection of a set of propositions. “True and saving religion,” he tells us, “consists in the inward perswasion of the Mind without which nothing can be acceptable to God” (*Letter* 27). Since “the care of each Mans salvation belongs only to himself” (*Letter* 47), all men and women are obliged to think through their own religious beliefs and retain only those that can be justified according to Locke’s method of disciplined belief formation. In this way, Locke’s method serves as the reasonable basis upon which we can build a reasonable and rational theory of moral obligations and rights. This is the firm ground we can stand on as we develop a comprehensive theory concerning matters of morality, religion and science.¹⁴

Now we can see how Locke, who at first glance seems so cautious about the possibility of adjudicating between religious claims, can forcefully and repeatedly make declarations concerning “true religion” and the “true church” (*Letter* 23, 25, 26, 27). It is by appealing to the reasonable basis of disciplined belief, that Locke can “distinguish exactly the Business of Civil Government from that of Religion” and “settle the just Bounds that lie between the one and the other” (*Letter* 26). His ability to distinguish civil interests from religious interests rests on a particular conception of what the parameters of true religion could be, and necessarily excludes other conceptions. Although Locke was very aware of how controversial these issues were in his own day, he confidently appeals to the difference between the indifferent things and those things that are required by the Holy Scriptures, between outward show and inward devotion, and between the circumstances of ritual and the essential core of religious expression (*Letter* 41). Each of these distinctions presupposes his notion of disciplined belief as the standard and measurement for authentic religious practice. The project of setting just bounds between civil government and the business of religion is intimately connected to the project of attaining a reasonable religion.¹⁵

¹⁴ Some might object to my reading of the *Letter* by pointing out that Locke distinguishes between beliefs and actions and argues that the magistrate should concern himself only with actions. Yet Locke’s open declaration that certain “practical articles of religion” (as opposed to speculative ones) must be regulated by the commonwealth places the clear distinction between beliefs and actions in doubt. More fundamentally, the very distinctions that inform Locke’s argument and authorize state coercion rest on a particular understanding of disciplined or reasonable belief. David Wootton makes this point succinctly: “We need first to note that the *Letter Concerning Toleration* is partly a work about what Christians should believe.” David Wootton, “Introduction” in John Locke, *Political Writings* (London: Penguin Books, 1993) 97.

¹⁵ It is important to note that Locke is not making a distinction between religious and nonreligious beliefs or metaphysical and nonmetaphysical ones. He is distinguishing between reasonable and unreasonable beliefs. Reasonable beliefs are those that can be justified according to his practice of disciplined belief formation. Unreasonable beliefs cannot. His argument is that we are warranted in assenting to some religious claims, but not to others.

By employing this method of disciplined belief, we can also come to realize that certain types of religious commitment must be prohibited. Actions and beliefs that directly oppose or threaten the basis on which the regime is built simply cannot be allowed. Locke writes, “No Opinions contrary to human Society, or to those moral Rules which are necessary to the preservation of Civil Society, are to be tolerated by the Magistrate” (*Letter* 49). It is for this reason that Locke can so easily dismiss the importance of particular rituals when they conflict with what he has determined to be the civil interest. For example, he presents us with the example of Melibaeus whose religious commitment requires him to sacrifice his calf. If the killing is not prohibited by law, that is, if the killing is not prohibited by legal restrictions that are derived from Locke’s *reasonable* basis, then he sees no difficulty in allowing Melibaeus to sacrifice his calf. Yet if the magistrate has some reasonable interest in forbidding the slaughter of cattle throughout the population, then he can also forbid Melibaeus from carrying out his religious duty. Locke explains “that in this case the Law is not made about Religious, but a Political matter: nor is the Sacrifice, but the Slaughter of Calves thereby prohibited” (*Letter* 42). Here we see Locke’s attempt to transcend the irreconcilable religious conflicts by invoking the reasonable basis of civil interest. Yet the import of his argument is clear: Even if Melibaeus believes that the fulfillment of his religious duty is necessary for his salvation, the magistrate’s judgment concerning the civil interest of his subjects takes precedence. Locke could say that religious citizens have not been singled out for discrimination since the rule of law is applied equally to all citizens, that the judgment is political and not religious. Yet Melibaeus would surely see the matter differently.¹⁶

In a similar way Locke argues that neither Mahumetans (his stand-in for Catholics) nor atheists can be tolerated by a reasonable regime. Those who “deliver themselves up to the Protection and Service of another Prince” (*Letter* 50) and those “who deny the Being of a God” (*Letter* 51) threaten the stability of the commonwealth by rejecting the *reasonable basis* on which it stands. Those who consider themselves to be obliged to an authority other than their regional government, offer up their “blind obedience” to a foreign power (*Letter* 50). They fail to regulate their beliefs in such a way that will lead to the recognition of the reasonableness of remaining loyal to their local magistrate. Likewise, those who reject the existence of a god altogether cannot be trusted to recognize the importance of keeping promises and oaths. “The taking way of God,” Locke argues, “dissolves all” (*Letter* 51). The recognition of a supreme lawmaker who ensures

¹⁶ While the example of Melibaeus might sound a bit dated, such cases are not as rare as one might think. Less than ten years ago, the United States Supreme Court confronted these very same issues in *Church of the Lukumi Babulu Aye, Inc. v. City of Hialeah* 508 U.S. 520 (1993).

moral behavior through rewards and sanctions, Locke insists, is an essential part of being a reasonable citizen.

For contemporary liberals who wish to canonize Locke as the patron saint of toleration, these exclusions are often an embarrassment. Yet we should be careful not to dismiss them too easily as the residual bigotry of a less enlightened time and place. By reconstructing a more palatable Lockean doctrine that would allow for Catholics, atheists and the occasional animal sacrifice, we risk distorting the essential argument of the *Letter*. Locke's doctrine rests on his understanding of what reasonableness entails. Religious or irreligious beliefs that might foster practices that conflict with civil law are justifiably excluded because they diverge from his *reasonable basis* of disciplined belief. Religious commitments that push against the boundaries between civil government and the business of religion are unreasonable and must be excluded from Locke's tolerant commonwealth.¹⁷ For Locke, the only truly justified beliefs are those that can be derived from the method of disciplined belief formation.

In an effort to rise above the seemingly intractable religious disputes of his age, Locke de-emphasizes the importance of certain knowledge and appeals to the reasonable basis of disciplined belief. In the *Essay*, the *Conduct of the Understanding*, and his *Thoughts Concerning Education*, Locke presents a method for sifting through the uncertainty that we daily encounter by assenting to propositions only in proportion to the evidence we can find in favor of them. Yet when Locke applies this method to the existing political realm, he seems to imply that his method of belief formation can yield something more than limited probable judgment. He believes that we can secure a set of universally held, rational beliefs that can serve as a basis for moral, religious and political agreement. And for our purposes, this basis is as good as certain. Here we see a shift from the acknowledgement of irreconcilability to the assertion of universal agreement. In the *Letter* Locke recognizes the impossibility of achieving a public certainty in matters of religion, yet he then goes on to establish a *reasonable basis* upon which "true religion" can be defined and a limited toleration can be grounded. After pointing out that every church is orthodox to itself and that there is no human judge who can arbitrate between orthodoxies, he invokes the "Judgment of all Mankind" (*Letter* 49). After explicitly pointing out that there is no judge who can adjudicate between competing religious claims, Locke supplies us with a surrogate judge, the reasonable basis of disciplined belief. If we discipline and regulate our judgments in the way Locke prescribes, we will come to a universal agreement concerning God, morality and politics.

¹⁷ Eldon Eisenach points out that according to Locke's argument, entire churches could be outlawed: "Unless they meet both organizational and doctrinal tests congruent with the maintenance of true practical opinion, they have no right to exist." *Two Worlds of Liberalism: Religion and Politics in Hobbes, Locke, and Mill* (Chicago: University of Chicago Press, 1981) 80-81.

Until that time, however, those who regulate their judgment in the way Locke lays out are justified in setting the limits of toleration, and, if need be, excluding those who refuse to be measure up.

Kant: Reasonableness as the Self-Legislation of the Subject

Although Locke's aspiration for universal agreement may still linger with us, his attempt to shore up the specifics of such an agreement by grounding his doctrine on the *reasonable basis* of disciplined belief did not accomplish what he had hoped. The propositions that he believed to be incontrovertibly reasonable provoked controversy from the moment he presented them in print. By the time Kant popularized (and transformed) the concept of Enlightenment in the late eighteenth century, the substantial set of beliefs concerning morality and religion that Locke sought to secure had come under heavy attack. Although Locke was widely praised as one of the architects of the new era, much of what he had maintained in his philosophical and religious works was openly challenged by a series of skillful critics. While it is possible that the young Kant might have believed that something like Locke's method could yield moral principles and secure a tolerant liberal regime, he was soon shaken from his "dogmatic slumbers" and began to reexamine the claims that had been put forward in the name of Reason. Confronted with the continuing theoretical controversies of his day, Kant declared that the philosopher's stone of unassisted reason could not yield the moral and philosophical truths in the same way that his predecessors believed. In the *Critique of Pure Reason*, Kant shows that pure reason cannot provide an irrefutable proof of the creation of the world, the distinction between simple and complex substances, the idea of natural causality or the necessity of an absolute being or first cause – all of which are fundamental to Locke's *reasonable basis*.¹⁸ To accept such claims without qualification would be to accept dogmatic assertions as necessary truths. Such an act would be an affront to the dignity and autonomy of the individual mind.

For Kant, something other than Locke's method was needed to provide a satisfying explanation of moral action and political justice.¹⁹ Yet instead of abandoning the quest to achieve

¹⁸ Kant examines these claims in his famous discussion of the four antinomies of pure reason. *Critique of Pure Reason*, trans. by Norman Kemp Smith (London: McMillan, 1933) 427/455; 435/463; 445/473; 453/481. Referred to in the following pages as *KrV*. The page numbers that are given are those of the A and B edition of the Akademie edition.

¹⁹ Of course Kant is not only responding to Locke's argument. In fact, he is as much interested in confronting the rationalism of Leibniz and Christian Wolff as he is the empiricism of Locke and Hume. Yet for present purposes, let it suffice to say that Kant recognizes Locke as one who claims "to know the being

a theoretical defense of liberal practice, Kant sought to correct earlier errors in order to construct a doctrine that would be invulnerable to critique. His attempt to provide a solution to the theoretical difficulties of moral philosophy pushed him further and further into the realm of abstract argument. Yet the conclusions that he arrived at had a direct bearing on his understanding of legitimate political institutions. Although Kant carefully distinguishes between the realm of civil law and that of virtue, his vision of the liberal, tolerant regime rests on his moral philosophy. And his moral philosophy is grounded on the notion of the free and rational subject. For Kant, political principles are legitimate insofar as they are “commensurate with the spirit of the laws of freedom (laws which a people of mature, rational powers would prescribe for itself) even if it is not literally asked for its consent.”²⁰ The idea of the autonomous subject serves as the starting point for a defense of the liberal polities and, as we will see, is a crucial standard in determining the limits of Kantian doctrine of liberalism.

Discovering the Basis of Moral Law in the Reasoning Subject

Kant replaces Locke’s *reasonable basis* of disciplined belief formation with a new basis grounded in the rational subject itself. By doing this, Kant can explain “once and for all the reasons which occasion all the confusions of philosophers concerning the supreme principle of morals. For they sought an object of the will in order to make it into the material and foundation of a law . . . Instead, they should have looked for a law which directly determined the will *a priori* and only then sought the object suitable to it.”²¹ Kant steers clear of the difficulties that plague Locke’s moral theory by beginning with the will of the individual subject instead of unwarranted and dogmatic claims concerning the world of objects. He hopes to avoid taking conditioned arguments as unconditioned ones by basing his moral law on the only thing that is unconditioned, the rational subject itself.

Following Rousseau, Kant argues that we experience ourselves as free only when we obey a law that we prescribe to ourselves. We are free, rational subjects insofar as our actions are governed by our own will and not by some external force. For Kant, the will is the source or cause of moral action. The commands of the will serve as the foundation of the moral law and the moral law serves as the source of our conception of good and evil. Our actions are good and rational not because of some external standard of goodness and rationality but because they are

of God and the immortality of the soul through experience” and he believes that such a position is untenable (*KrV* B 882).

²⁰ Immanuel Kant, *Conflict of the Faculties*, trans. Mary J. Gregor (New York: Abaris, 1979) 91. In the following I refer to this work as *Conflict* and give the page numbers from the Akademie edition.

²¹ Immanuel Kant, *Critique of Practical Reason*, trans. by Lewis White Beck (New York: MacMillan, 1993) 64. Subsequently referred to as *KpV*. Page numbers are from the Akademie edition.

initiated by a good and rational will. Kant explains, “The concept of good and evil is not defined prior to the moral law, to which, it would seem; the former would have to serve as a foundation; rather the concept of good and evil must be defined after and by means of the law” (*KpV* 62-62). Here we see that the act of the will is prior to the good of any particular outcome or state of affairs. This must be the case, Kant argues, if the moral law is to emanate from the will *a priori* and not on any conditioned object of the will in the world. By thinking through what a good will would decree to itself, we can uncover the moral law and its imperatives. We can discover the principles upon which all of us should conduct our personal and political lives.

Yet at the end of the second section of the *Foundations*, Kant concedes that he cannot demonstrate the existence of the self-legislating subject. He cannot ground the reasonable basis upon which he constructs his entire moral theory. A thorough defense would require several proofs that Kant simply cannot supply. The notion of moral self-legislation could only make sense, he argues, if we accept the concepts of free will, human immortality and the existence of a supreme good. Without freedom the idea of self-legislation is absurd and without the infinite horizon that the possibility of immortality and a supreme good provide, moral action appears pointless and futile. Yet in the first *Critique* Kant makes it clear that we can neither prove nor disprove any of these claims. Pure reason cannot secure the postulates that are necessary for the idea of a self-legislating subject to make sense.

Distinguishing Empirical Practical Reason from Pure Practical Reason

Kant overcomes this difficulty in the *Foundations* by insisting that there are various ways in which we use reason to make sense of the world. In a move that has structural and strategic similarities to Locke’s distinction between certain knowledge and reasonable belief, Kant distinguishes between empirical practical reason and pure practical reason. Empirical practical reason is deterministic; its theoretical claims are valid only within the context of a particular experience and it cannot provide moral principles beyond that context. While we are often seduced into making sweeping moral claims in the name of empirical reason, such claims are invalid. They extend beyond the limits of the particular syllogism in which they are substantiated. Kant writes, “It is in fact absolutely impossible by experience to discern with complete certainty a single case in which the maxim of action, however much it may conform to duty, rested solely on moral grounds and on the conception of one’s duty.” (*Foundations* 406-407) By attempting to ground morality on pure empirical reason we fall into absurdities that can only serve to make all morality appear as a “mere phantom of human imagination” (*Foundations* 407). Empirical practical reason has little to say concerning our moral lives and our political institutions.

Pure practical reason, in contrast, provides us with a rigorous moral law by presupposing those very aspects of our autonomous selves that speculative reason cannot justify. Even though the notions of free will, immortality and a highest good cannot be proven, our pure practical reason accepts them as hypothetical conditions or “necessary postulates” in our daily lives. For example, when we act we take ourselves to be free. When we choose a particular course of action, we assume that we are choosing freely. This presupposition is crucial to the possibility of freedom. “When we think of ourselves as free,” Kant argues, “we transfer ourselves into the intelligible world as members and recognize the autonomy of the will” (*Foundations* 453). It is only by accepting this assumption that we can make sense of common moral conceptions like responsibility, goodness and justice.

Of course there is something circular about taking the autonomy of the will as a necessary hypothesis for the moral law. In Kant’s argument, the awareness of our moral obligations serves as the ground for our knowledge of freedom, yet it is our concept of freedom that gives meaning to our moral obligation. But this self-referential circularity demonstrates that the presuppositions of pure practical reason rest at the very foundation of Kant’s theory. In our moral lives, Kant argues, pure practical reason has primacy over all other forms of reasoning. Speculative reason might remind us of the limits of our theoretical certainty, but it has no jurisdiction over the beliefs that morality requires us to hold. It is pure practical reason that insists that we take freedom, immortality and God as necessary hypotheses if we are to understand ourselves as truly autonomous.²² Kant recognizes that his notion of the self-legislating subject relies on a set of presuppositions that cannot be established by speculative reason. Yet by appealing to pure practical reason he can secure a *reasonable basis* that can serve as a standard for moral action and political behavior.

Spreading the Rational Religion of the Self-Legislating Subject

Kant argues that political principles are legitimate insofar as they reflect what a people of mature, rational powers would prescribe for itself. It is of little importance to him whether such a founding moment *actually* happens. The abstract concept of a self-legislating subject serves as a

²² John Silber has argued against those who have de-emphasized the importance of these “necessary hypotheses” that Kant relies on a notion of the highest good that is both immanent and transcendent. Silber insists that this dual nature of the highest good is crucial to Kant’s notion of duty. In contrast, Andrews Reath has responded that a theological conception can be distinguished from a secular or political conception of the highest good and that a coherent version of Kant’s moral philosophy can stand without these theological entanglements. John Silber, “Kant’s Conception of the Highest Good as Immanent and Transcendent,” *Philosophical Review* (1959) 469-492 and Andrews Reath, “Two Conceptions of the Highest Good in Kant,” *Journal of the History of Philosophy* 26 (1988) 563-619.

reasonable basis or standard by which he can judge the nature and limits of political institutions. Just as Locke invokes his method of disciplined belief in order to “settle the bounds” between civil government and religion and to distinguish between warranted and unwarranted religious claims, Kant applies his own version of the liberal doctrine to sort out rational religious claims from what he sees as dogmatic or sectarian assertions and to determine the proper role of government in religious affairs. Although this is the unmistakable task of *Religion within the Limits of Reason Alone*, we can observe the consequences of this doctrine even more explicitly in an often-overlooked treatise entitled *Conflict of the Faculties* that he published toward the end of his life.²³

In this work Kant turns his critical eye to the academic disciplines in the German university and the disputes that arise between them. He states that the university is an institution that is erected by the state in order to provide for the eternal, civil, and physical well being of its citizens.²⁴ These aims directly inform the tasks of the three “higher faculties,” theology, law and medicine, which teach future civil servants to perform their societal functions as clergymen, magistrates and doctors. The “lower faculty” of philosophy, however, has no stipulated task. As a “department of pure rational knowledge,” it takes as its mission the establishment of *a priori* principles involved in knowledge and action. It should therefore be free to pursue truth without interference from the government. The higher faculties embody what Kant refers to in “What is Enlightenment?” as the *private* use of reason, subject to political discipline, while the lower faculty can potentially embody the *public* use of reason, free from the directives of governmental authority.

Conflict arises when the “higher faculties” venture beyond their disciplinary borders and challenge claims made by philosophy or present their own claims as universal truths. In such cases, philosophy is justified in critically examining these teachings to determine if they can be sustained. In the treatise, Kant takes aim at each of the higher faculties yet the overwhelming majority of the work is an attack on the dogmatic and sectarian teachings of the theological faculty and a defense of a universal rational religion based on the notion of a self-legislating subject.

Kant begins by emphasizing that the theological faculty is subject to constraints while philosophy operates outside of or beyond external constraint. In order to ensure loyalty and civil

²³ One recent treatment of the implications of this text, however, is Susan Meld Shell’s insightful piece, “Kant as Educator: Reason and Religion in Part One of the *Conflict of the Faculties*,” *Kant’s Legacy: Essays in Honor of Lewis White Beck*, ed. by Predrag Cicovacki (Rochester, NY: University of Rochester Press, 2001) 333-367.

²⁴ In Kant’s original text, the linguistic connection between civil and physical well being and salvation is more evident than in translation. Kant uses the word *Heil* to refer to well being as well as salvation.

peace, the government regulates the theological faculty and exercises “very great influence to uncover the inmost thoughts and guide the most secret intentions of its subjects” (*Conflict* 21). Just as members the theological faculty are constrained by the decrees of the state, they are also restricted by the commands found in the text of scripture. In Kant’s terminology, the biblical theologians are bound to the contingent, empirical object of scripture. They cannot dismiss the ecclesiastical tenets they find in divine revelation without abandoning their official duty. In this way, the theological faculty is subject to the dual command of *governmental* decree and *scriptural* tenet. Thus when presenting its teachings, Kant argues, this faculty takes “no notice of its rational ground, but bases itself on the command of an external legislator” (*Conflict* 22). Here Kant draws a thick line between philosophers who are free to pursue truth without external constraints and biblical theologians who are constrained by scripture and disciplined by the needs and edicts of political authorities.

This connection between its teachings and external commands makes biblical theology particularly susceptible to dogmatism. As soon as its contingent doctrines are elevated to the status of universal truth, disagreement and dispute will naturally arise. Kant describes biblical theologians as “miracle workers” or “soothsayers and magicians.” They might be able to inspire a small band of followers, but they will not be able to provide a universally acceptable defense of their doctrines (30). Kant writes,

A division into sects can never occur in matters of pure religious belief. Wherever sectarianism is to be found, it arises from a mistake on the part of ecclesiastical faith: the mistake of regarding its statutes (even if they are divine revelations) for essential parts of religion . . . But since, in contingent doctrines, there can be all sorts of conflicting articles or interpretations . . . we can readily see that mere dogma will be a prolific source of innumerable sects in matters of faith unless it is rectified by pure religious faith. (*Conflict* 50)

Biblical theologians engender sectarian disputes because they take the contingent commands of statutes and scriptures as the unconditioned foundation of religion. Their mistake is similar to the one made by thinkers like Locke who try to ground moral law on their judgments concerning contingent objects. Such an error spawns the proliferation of illegitimate claims and needless disputes.²⁵

²⁵ Kant is especially contemptuous of Judaism in this regard, although he counted many Jews among his closest friends and students. He portrays Judaism as an archetypical sectarian religion because it “passes off externalities” as religiously essential. It should be noted, however, that he was also attacking orthodox Christianity by attributing to Judaism what he found disagreeable or sectarian about Christianity in its pre-Kantian form. Susan Meld Shell points out that the practice of using Judaism as a stalking horse for

These disputes could be solved, Kant argues, if we limited ourselves to a rational religion derived from universally acceptable moral principles. He aims to transcend the illegitimate claims of the theological faculty by supplying “one, universal and necessary” religion. Kant explains,

For unless the supersensible (the thought of which is essential to anything called religion) is anchored to determined concepts of reason, such as those of morality, fantasy inevitably gets lost in the transcendent, where religious matters are concerned, and leads to an illumism in which everyone has his own private, inner revelations, and there is no longer any public touchstone of truth. (*Conflict* 46)

The great danger of sectarian religious claims is that they undermine the possibility of maintaining a “public touchstone of truth.” For that reason they must be anchored or restrained by reason; they must conform to an authoritative moral philosophy. Whereas the faculty of theology advances dogma, the faculty of philosophy, following Kantian premises, defends true religion and morality.²⁶

We should not be surprised to discover that Kant’s rational religion rests on the notion of the self-legislating subject. By starting with the presupposition of the autonomous subject, he derives a religious faith that is grounded on moral duty. “So far as practical reason has a right to serve as our guide,” Kant writes in the first *Critique*, “we shall not look upon actions as obligatory because they are commands of God, but shall regard them as divine commands because we have an inward obligation to them” (*KrV* 819/847). The true or legitimate source of religious obligation is not an external deity or authoritative tradition, but the moral will itself. Allen Wood, one of the leading scholars of Kant’s religious thought, sums it up this way: “Kant is emphatic that morality does not rest on religion, but the other way around: Religious faith is founded on morality.”²⁷ Kant derives religion from his *reasonable basis* and then turns around

Christianity has a long pedigree. Spinoza seems to have originated this strategy, Voltaire developed it into an art, and Marx employed it notoriously in “On the Jewish Question.” (Shell 365). See also Leo Strauss, “Preface,” *Spinoza’s Critique of Religion* (New York: Schocken, 1965) 16-17.

²⁶ When Kant published his *Religion within the Limits of Reason Alone* in 1793 there was an outcry among theologians. Yet Kant confidently asserted that the doctrines that he defended were consistent with orthodox Christianity. His explicit task was to “save” religion by placing it within certain boundaries, “defining” it in a new and less philosophically vulnerable way. As he later argued in a letter to Frederick Wilhelm, he had established the credentials of Christian revelation in the only way that this could be established: he demonstrated its consistency with pure moral religion. If this has led him into heterodoxy, it is because the reigning orthodoxy simply does not measure up to the new standards of reasonableness. In *Religion within the Limits of Reason Alone*, he had even gone so far as to suggest that his work be taught as a “final course” for students in the theology faculty. When this suggestion was vigorously rejected, however, Kant tries external critique instead in *Conflict of the Faculties*. In either case, he is clearly seeking to supplant Biblical theology with what he called “rational religion” or “moral theology.”

²⁷ Allen Wood, “Rational Theology, Moral Faith, and Religion,” *The Cambridge Companion to Kant*, ed. by Paul Guyer (Cambridge: Cambridge University Press, 1992) 403. For an older account that has

and employs it as a “public touchstone of truth” in opposition to the dogmatic claims of religious and philosophical sectarians.

In an effort to resolve the conflict between philosophy and theology, Kant seeks to recover a “universal rational religion dwelling in every ordinary man” (*Conflict* 64). He argues that biblical theologians fail to achieve a universal faith because they are led astray by false reasoning. By attempting to derive religious truths from the contingent, empirical words of revelation, they produce only sectarian dogma. Kant, as a “philosophical theologian,” avoids this problem by distinguishing between theoretical or speculative reason and pure practical reason. Although we can employ speculative reason to achieve certain theoretical claims within the limits of a particular line of thinking, we must refrain from generalizing from its conclusions. In our moral and religious lives, we should take pure practical reason as our guide. Kant concedes that the claims of pure practical reason cannot be demonstrated in the same way as claims of speculative reason, yet he suggests that presupposing certain postulates concerning the autonomous subject are essential for the construction of a universal philosophy. He openly admits that his moral, religious and political theory rests upon the “necessary hypotheses” of pure practical reason.

Yet in *Conflict of the Faculties* the modesty of the second *Critique* seems to dissolve. He depicts the biblical theologians as blindly subservient to their own dogmatic parochialism, while portraying himself as a partisan of freedom and truth, faithful only to philosophy which “has not only the title, but also the duty, if not to state the whole truth in public, at least to see to it that everything put forward in public as a principle is true” (*Conflict* 32). He proclaims that his rational religion based on the self-legislating subject should serve as the “public touchstone of truth,” while the vulnerable and controversial claims that support this position are quietly obscured from view. In words that echo Locke and foreshadow Rawls, Kant describes his treatise as “properly speaking, merely political and not theological.”²⁸ He presents his alternative to biblical theology as a benign solution that transcends theological quarrels. Yet this move conceals the fact that Kant’s project is not completely benign. He hopes to undermine an existing position and usher in a new standard for legitimate discourse.²⁹

weathered the years well, see W.H. Walsh, “Kant’s Moral Theology,” *Proceedings of the British Academy*, XLIX (1963-64) 263-89.

²⁸ Kant in a letter to Staeudlin. (December 4, 1794) 8:513-15. Quoted by Mary Gregor in “Translator’s Introduction,” *Conflict of the Faculties*, xvi.

²⁹ For a fascinating account of “the hidden heart of Kant’s entire philosophy” as an alternative type of pietistic individualism, see Joseph P. Lawrence, “Moral Mysticism in Kant’s Religion of Practical Reason,” *Kant’s Legacy: Essays in Honor of Lewis White Beck*, ed. by Predrag Cicovacki (Rochester, NY: University of Rochester Press, 2001) 327-332.

Mary Gregor points out that for Kant “genuine peace among the faculties can come only if the ecclesiastical faith and the law of the land are purified to the point where they are completely consistent with *a priori* principles of reason and can be regarded as applications of them.”³⁰ This purification entails that each faculty as well as the state accept Kant’s *reasonable basis* as authoritative. Peace can replace conflict when they join together in a combined effort to hinder the spread of dogmatic and sectarian teachings. “In this way,” Kant tells us, “it could well happen that the last would some day be first (the lower faculty would be the higher) – indeed not in authority, but in counseling the authority (the government)” (*Conflict* 35). When the philosophy faculty takes its place as the chief advisor to state power, the presuppositions of pure practical reason can become the standard for determining the legitimacy of academic discourse and political discussion. As Susan Meld Shell puts it, with Kant “the university becomes the true visible church – dedicated both immediately and through the disciplining of the professions, to promote a national ethical culture.”³¹ Of course such collaboration carries with it a new type of vulnerability. Authoritative moral philosophy and rational religion can be stable elements of governmental policy only as long as the claims on which they rest are stable. In other words, Kantian morality can be a “public touchstone of truth” only as long as there is a general recognition of the binding authority of Kant’s *reasonable basis*.

Rawls: The Reasonable Basis as Common, Moral Intuitions

When Rawls takes up the problem of toleration in *Political Liberalism* he implies that the *reasonable basis* arguments that Locke and Kant employ are no longer tenable. They fail, at least as political doctrines, because they aim too high. The moral theories of Locke and Kant are inappropriate for contemporary liberal democracies that are characterized by deep, moral disagreement. The universalistic claims that lie at the base of their theories are out of place in a pluralist society where diverse and competing perspectives are present. In such a society, no comprehensive moral view can be acceptable as a public conception of justice. “The question the dominant tradition has tried to answer,” Rawls argues, “has no answer; no comprehensive doctrine is appropriate as a political conception for a constitutional regime.”³² Thus he begins with a chastened epistemology; he wants to take the fact of pluralism even more seriously than

³⁰ Mary Gregor in “Translator’s Introduction,” *Conflict of the Faculties*, xxviii.

³¹ Shell, 360.

³² John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1993) 135. Subsequently referred to as *PL*.

his predecessors. No comprehensive moral doctrine can “secure the basis of social unity, nor can it provide the content of public reason on fundamental political questions” (*PL* 134).

Rawls argues that a successful theoretical defense of toleration must begin with the recognition of persistent and intractable disagreement between alternative metaphysical accounts of justice and morality. Although some of his critics interpret this starting point itself as a philosophical claim about the impossibility of attaining metaphysical certainty, Rawls is careful not to entangle himself in the paradox of making the dogmatic skeptical assertion that moral knowledge is everywhere and always unattainable. Instead of making the strong argument that there is can be no metaphysical solution to public moral disagreement, he merely points out that we seem to have no reliable, public method to adjudicate these disputes short of state coercion. If we hope to develop a public theory that can articulate what is just and what is unjust in our society, it cannot depend on a particular controversial comprehensive doctrine.

Finding A Nonmetaphysical Basis

Pointing to what he sees as the pitfalls of metaphysical argumentation in the context of irreconcilable disagreement, Rawls strives instead to construct a nonmetaphysical theory of liberal toleration. He seeks to develop a theory that is political and not metaphysical. That is, it is not derived from any particular comprehensive moral doctrine but stems from an “overlapping consensus of reasonable comprehensive doctrines” (*PL* 44). Instead of grounding his principles of justice on the necessarily controversial conceptions concerning empirical world or of the requirements of duty, he sets out to find a *reasonable basis* in the already existing political culture of liberal democracies. He starts “by looking to the public culture itself as a shared fund of implicitly recognized basic ideas and principles” (*PL* 8). Once he discovers a set of common basic intuitions, he works to “elaborate” and “unfold” (*PL* 27) them by subjecting them to rigorous analysis and development. Finally he presents the elaborated principles back to his fellow citizens in the hope that they “win support by addressing each citizen’s reason” (*PL* 143). If he mistakenly distorts or misrepresents the considered convictions of the public culture, he expects that his fellow citizens will correct his failings through academic debate and that he will be able to present a new, adjusted formulation that will ultimately encapsulate our common, political conception of justice. This method of give and take, what he calls “reflective equilibrium,” will eventually yield principles that “can gain support of an overlapping consensus of reasonable religious, philosophical and moral doctrines” (*PL* 10). This method, Rawls concedes, is a “method of avoidance.” It purposely sidesteps difficult metaphysical quarrels, neither asserting nor denying any comprehensive moral views. Instead it attempts to uncover and

articulate a consensus or reasonable agreement that exists among competing doctrines in existing democratic societies.

Distinguishing the Rational Metaphysics from the Reasonable Politics

Throughout *Political Liberalism*, Rawls employs the term *reasonable* to describe this rough and ready agreement between various comprehensive doctrines. Recognizing that this term could be misleading,³³ he devotes a section of the second lecture to defining just what he means by reasonable and distinguishing it from the type of conclusions we reach if we confine our reasoning to the context of a particular comprehensive doctrine. Here we see Rawls follow the same technique that is at work in the arguments of Locke and Kant. He differentiates between two distinct categories of reasoning in order to bracket off one and turn our attention to the other. Rawls presents two types of understanding, *rational* and *reasonable*, a distinction that parallels his division between metaphysical and political.³⁴ According to his definitions, we act *rationally* when we construct comprehensive doctrines without recourse to the world around us – when we construct rigorous personal doctrines by applying consistent and logical rules in ranking ends and choosing between means to accomplish those ends. We act *reasonably*, in contrast, when we recognize the importance of other citizens and their diverse intellectual and moral views. Rawls defines reasonableness as a “willingness to propose and honor fair terms of cooperation” combined with a “willingness to recognize the burdens of judgment and to accept their consequences” (*PL* 49). Reasonable people “desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits others” (*PL* 50). Rational people, insofar as they are not also reasonable, lack this “moral sensibility” (*PL* 51).

Just as Locke emphasizes the centrality of reasonable belief and Kant turns to pure practical reason for the establishment and maintenance of morality, Rawls insists on the primacy of reasonableness. The application of reasonable principles creates the domains or spheres of life in which rational development of comprehensive claims can taken place, yet a rational

³³ Faced with Rawls’s repeated use of the term “reasonable,” one exasperated critic declares, “Rawls’s analysis of political issues amounts to little more than the shamanistic incantation of the world ‘reasonable.’” Paul Campos, “Secular Fundamentalism,” *Columbia Law Review* 94 (1994) 1816.

³⁴ Rawls also explicitly draws the connection between his distinction between the rational and reasonable with Kant’s distinction in the *Foundations* between empirical practical reason and pure practical reason. Yet he gives the reasonable an even more restricted sense by defining it within an intersubjective context (*PL* 48-49).

comprehensive doctrine cannot yield reasonable conceptions of justice.³⁵ Rawls cites David Gauthier's *Morals by Agreement* as an unsuccessful attempt to ground the reasonable on the rational. Gauthier ultimately fails because public reasonableness cannot be defined within the abstract boundaries of a rational argument. It can only be derived from the general agreement of diverse citizens in contemporary democracies. Any attempt to find a rational basis for that consensus involves metaphysical claims that are inappropriate for a pluralistic society. The theory of political liberalism, Rawls tells us, "stays on the surface."³⁶

Imposing Reasonableness

At times Rawls *equates* his political conception of justice with the general consensus, implying that his project is simply a description of what citizens living in democratic societies today have come to accept. This would seem to rule out the possibility of theoretically defending any particular substantive position. Rawls writes, "It is inevitable and often desirable that citizens have different views as to the most appropriate political conception [of justice]; for the public political culture is bound to contain different fundamental ideas that can be developed in different ways. And orderly contest between them over time is a reliable way to find which one, if any, is most reasonable" (*PL* 226-27). Here Rawls seems to be saying that public reason does not need any enduring substantive content at all. "Since these ideas can be interpreted in various ways, we get different formulations of the principles of justice and different contents of public reason."³⁷ He defends the idea of having a reasonable basis, yet he seems to concede that it may never yield the sorts of principles that he implied we needed to secure the "stability and social unity" of society. "Political liberalism, then, does not try to fix public reason once and for all in the form of one favored conception of justice."³⁸ Without any substantive content, the idea public reason becomes a stand-in for the status quo. Public reason means nothing more than the conceptions

³⁵ In an article following the publication of *Political Liberalism*, Rawls reiterates the primacy of his reasonable principles of justice: "A domain so-called, or a sphere of life, is not, then, something already given apart from political conception of justice. A domain is not a kind of space, or place, but rather simply the result or upshot of how the principles of political justice are applied." John Rawls, "The Idea of Public Reason Revisited," *University of Chicago Law Review* 64 (1997) 791.

³⁶ Staying on the surface not only requires that Rawls distinguish between rational and reasonable but that he also not say too much about this distinction. When Rawls does venture into more detailed description, he gets entangled in some very tortured reasoning. See his explanation of the difference between rationally-based voluntariness and reasonably-based voluntariness or his assertion that reasonable political conception that are "not necessarily the most reasonable." By introducing gradations of reasonableness, Rawls seems to contradict his characterization of reasonableness as that which fulfills minimal requirements of cooperation and self-reflection. Instead he implies that there is a substantive position that various political conceptions approach. "The Idea of Public Reason Revisited," 792 n68; 807.

³⁷ Rawls, "The Idea of Public Reason Revisited," 774.

³⁸ *Ibid.*

that people happen to accept as reasonable or even the lack of commonly accepted conceptions that exists in democratic societies.

At other times, however, Rawls argues that his conception of justice is a standard with which he can show how particular speech and actions of citizens in contemporary society are lacking. At moments in his argument, he implies that we should be able to extract substantive guidelines for political decision-making from his political principles. He insists that his principles cannot be accepted merely as a *modus vivendi* and that stability requires “wholehearted members” of society that endorse the principles of justice for the “right reasons.”³⁹ The principles of justice must be “freestanding” and “complete.” Yet it becomes evident that he overestimates the possibilities of his method as soon as he attempts to apply his guidelines to actual controversies in contemporary society. In fact, Rawls does not give us any reason to believe that this is even possible. When he does try to show how his principles could shed light on the difficult issue of abortion, he gets himself entangled in a series of assumptions that lead to conclusions that are by no means uncontroversial (*PL* 213).⁴⁰ At other points in his argument, Rawls implies that, according to his understanding of free and equal citizenship, homosexuals should have equal rights and that monogamous marriage should not be supported as such. Yet millions of Americans would disagree with him. They would either reject the way Rawls applies his political principles or, in some cases, they might even reject his principles. Rawls could only respond to these dissenting citizens by arguing that they diverge from the principles of justice because they suffer from some type of false consciousness. But this argument is especially problematic for Rawls since the source of his principles is purported to *be that very consciousness*. Political culture in a place like the United States is a mix of contradictory and conflicting ideas. In order to discern coherent and stable principles, Rawls has to work with an extraordinarily rarified version of that culture. He must ignore or suppress the contradictions and inconsistencies that permeate our political ideas. Insofar as Rawls attempts to articulate and apply substantive principles, he

³⁹ *Ibid.*, 781.

⁴⁰ Two of the first critics to point out the difficulties of the discussion of abortion in *Political Liberalism* were Jean Hampton and Peter de Marneffe. Hampton writes, “The abortion issue would seem to be a paradigm case of an issue on which reasonable people can reach different conclusions, by virtue of the fact that they weigh the relevant considerations differently.” Hampton, “The Common Faith of Liberalism” *Pacific Philosophical Quarterly* 75 (1994) 209. Marneffe echoes these same concerns: “The issue of abortion suggests, then, that there are important liberal positions on the scope and basic liberty that cannot be adequately defended in terms of liberal political values alone.” Marneffe, “Rawls’s Idea of Public Reason,” *Pacific Philosophical Quarterly* 75 (1994) 235. Rawls eventually adjusts his position, arguing that his claims in *Political Liberalism* were opinion and not argument. But he goes on to assert that if something like his opinion is the only position that can be supported by a “reasonable balance” of political values, then any other position would “run afoul of public reason.” If this is a retraction of his earlier position, it is a very ambiguous one. “The Idea of Public Reason Revisited,” 798 n80.

seems to reach beyond the confines that he places on his theory. He seems to appeal to a *reasonable basis* or independent source that is not subject to the complications of actual politics.

Rawls wants to have it both ways. He insists that his theory does not rest on any comprehensive moral view but he also argues that it provides substantive and applicable principles for political action. Yet when he emphasizes that his conception of justice political and not metaphysical, it is hard to see how it could do more than express the status quo. And when he presents his theory as a criterion or standard to judge contemporary practices, it is hard to see how it remains political and does not surreptitiously rely on certain metaphysical claims that he rules out at the beginning of his argument. Rawls seems to benefit from this ambiguity, however, oscillating from one point to the other just as the weakness of his position becomes apparent.

It is important to remember that Rawls does not blindly stumble into these difficulties. They are inherent in the task that he sets for himself. He begins with the recognition that liberal theories concerning the ethical duties of citizens have always relied on some type of controversial epistemological claim. Locke's suggestion that we can arrive at a universally acceptable defense of toleration by disciplining our beliefs and Kant's proposal that we can do so by conforming to self-originating laws both grow out of comprehensive doctrines that continue to be contested. In our times, a successful defense of universal principles will have to rest on a chastened epistemology. Using a strategy that we have seen before, Rawls begins his quest to find a theoretical position that can "secure the basis of social unity" and "provide the content of public reason on fundamental political question" (*PL* 134), by distinguishing between rational and reasonable claims. By "bracketing off" narrowly rational and metaphysical doctrines and shifting our attention to what he calls the reasonableness of our "deep, moral intuitions," Rawls supplies us with a *reasonable basis*. He hopes to establish a society in which conflict is "greatly mitigated and contained within the bounds of reasonable principles of justice,"⁴¹ that is, within the boundaries of a universally applicable set of conceptions that transcends contemporary squabbles over metaphysical doctrines. He believes that most of us in contemporary liberal societies are already in agreement, although he concedes that he cannot provide an irrefutable defense for his *reasonable basis*: "I do not know how to prove that public reason is not too restricting or whether its forms are properly described. I suspect it cannot be done."⁴² At rare moments, however, when Rawls does articulate exactly what this basis might entail or how it might be applied to contemporary political decision-making, we discover that he is not simply reflecting what all

⁴¹ "The Idea of Public Reason Revisited," 804.

⁴² *Ibid.*, 803.

citizens agree upon, but presenting us with a new standard or limiting agent that can distinguish reasonable claims and legitimize the exclusion of claims that diverge from his *reasonable basis*.

Conclusion

If there is an element of truth to the account that I have given here, then the blindnesses and exclusions that critics have found in contemporary defenses of “political liberalism” are not entirely unique to his thought. They are connected to a much older liberal ambition to construct and implement a set of theoretical propositions that transcend controversy and thus ensure stability. This project, which we have seen in Locke and Kant as well as Rawls, leads liberal theorists to envision a society in which universally acceptable principles serve as the basis for a common understanding of justice. By bracketing off particular types of controversial truth claims from the public domain and then invoking a *reasonable basis* that stands apart from controversy, they hope to secure fair and tolerant regimes.

The aspiration to establish a doctrine that is free from the contingencies of history and circumstance and abstracted from any set of concrete practices is understandable. Yet the attempt to codify liberal practices and set down an enduring, substantive account of what reasonableness entails is in tension with our commitment to democratic deliberation. By constructing a doctrine of reasonableness that can serve as a standard of legitimacy that exists prior to political practice and sits in judgment of political deliberation, liberals seem to undermine liberal *practice* in an effort to secure a particular version of liberal *doctrine*. In a society that is characterized by deep, moral and philosophical disagreement, this type of principled or theoretical defense of liberal doctrine can neither circumvent controversy nor secure stability indefinitely.

Of course, we should not overlook that religious language and religious allegiance can be manipulated in ways that threaten the stability of the liberal regime and the freedoms that members of those polities enjoy. Yet in a polity that honors diversity and pluralism, these uses of religious language should be countered with arguments. They should not be brushed aside with an a priori dismissal based on a particular, contested conception of reasonableness. This approach rests on a false sense of what democratic deliberation should look like; it assumes that appropriate deliberation can only proceed from a set of perfectly accessible and harmonious principles.

Jeremy Waldron has pointed out the strangeness of this assumption, by drawing our attention to an experience we all have at one time or another, of having argued with someone whose world view was quite at odds with our own, and of having come away thinking, “I’m sure he’s wrong, and I can’t follow much of it, but, still, it makes you think . . . ?”

The prospect of losing that sort of effect in public discourse is, frankly, frightening – terrifying, even, if we are to imagine it being replaced by a kind of “deliberation” that, in the name of “fairness” or “reasonableness” (or worse still, “balance”) consists of bland appeals to harmless nostrums that are accepted without question on all sides. This is to imagine open-ended public debate reduced to the formal trivia of American television networks. [This] might apply to *any* religious or other philosophically contentious intervention. We do not have (and we should not have) so secure a notion of public consensus, or such stringent requirements of fairness in debate, as to exclude any view from having its effect in the marketplace of ideas.⁴³

Liberal theorists who are convinced that the continued viability of a liberal regime depends on a universal agreement concerning what is reasonable run the risk of moving beyond the articulation of a particular theoretical position toward its imposition. In an effort to realize their theoretical aspirations in the face of opposition, some have gone so far as to advocate a type of liberal orthodoxy, requiring the development of institutions that conform to a single standard of rational deliberation and a single vocabulary of political discourse. At times this includes the systematic exclusion of those who might challenge ideas that are held to be universally acceptable and reasonable. We can see this tendency not only in contemporary appeals to a strong version of public reason that excludes any arguments that are deemed unreasonable but also in Locke’s categorical rejection of various types of belief and unbelief in the tolerant commonwealth and Kant’s attack on biblical theology in the German university.⁴⁴

Insofar as liberal theorists attempt to silence or exclude dissenting voices by invoking a reasonable basis that is itself in dispute, they rig political deliberation before it even begins. They

⁴³ Jeremy Waldron, “Religious Contributions in Public Deliberation,” *San Diego Law Review*, 30 (1993) 841-42. Michael Sandel makes a similar point when he writes that “it is always possible that learning more about a moral or religious doctrine will lead us to like it less. But the respect of deliberation and engagement affords a more spacious public reason than liberalism allows. It is also a more suitable idea for a pluralist society. To the extent that our moral and religious disagreements reflect the ultimate plurality of human goods, a deliberative mode of respect will better enable us to appreciate the distinctive goods our different lives express.” Sandel, “Political Liberalism,” *Harvard Law Review*, 107 (1994) 1794.

⁴⁴ I believe that there are resources in both Locke and Kant that could counteract the dogmatic or doctrinaire reading that I have presented here and which has dominated much of the commentary on these thinkers. Although they both seem to hunger for the unity of a “true religion” of liberal morality that they can then utilize to resolve the scandal of political disagreement and division, they also seem at times to recognize the limits of human reason to generate this type of harmony. Locke repeatedly emphasizes human fallibility in the beginning of the *Essay* and openly acknowledges some of the ways his argument rests on certain religious presuppositions. Kant’s turn to aesthetics in *The Critique of Judgment*, according to Hannah Arendt, can be seen as an argument for the centrality of discourse in our moral and political life. In this way both of these thinkers provide a space for more open dialogue with religious citizens and thus reflect a liberal practice that extends beyond the confines of the limited doctrines that at times they seem to espouse.

suppress some of the deepest commitments that members of the polity hold. It should not surprise us when such a strategy provokes resentment, anger and even political unrest. If we wish to take seriously the permanent condition of pluralism and nurture our most promising practices of open and inclusive liberal debate, we should reject the universalizing aspiration of the reasonableness argument and the exclusions that it entails. We should recognize that the liberal communities that we inhabit are not characterized by universal consensus concerning a doctrine of justice or reasonableness but are animated by a continuing debate over what in fact such terms could mean. In a world in which reasonableness itself is in dispute, no political argument can transcend the rough and tumble conflicts inherent in political debate.

My point is *not* that the articulation of liberal doctrine is useless. There are important ways in which the theoretical explication of our political practices can be important and instructive. Reflecting on the choices that we have made and the institutions that we have erected can help us better understand why we have arrived where we are at and where we aspire to go. By attempting to distill our practices into comprehensible sets of ideas, we can come to see the possibilities and ambiguities within our own tradition and our own minds. Yet the attempt to implement those ideas as a final explanation of what democratic life entails is misguided. The danger is that doctrine can be employed to undermine or inhibit liberal *practice* at its best.

Perhaps we can better understand this distinction by considering Michael Oakeshott's description of moral principles as "abridgments" of tradition.⁴⁵ For Oakeshott, a theoretical doctrine is an abridgment of a complex practice. An abridgement does not precede that which it abridges. It does not serve as a foundation on which all details of a practice can be constructed nor the essential core once all the details have been cleared away. While it might be useful at times to abridge traditions or practices by formulating abstract moral principles, we should be very careful about how we then employ them. If we rely too much on abridgments we fall into the trap of the student who mistakes the Cliff's Notes of *The Sound and the Fury* for the real thing. We should be wary of using abstract doctrines as instruments for radically limiting or abolishing existing practices.

Thankfully, it would seem that the durability of liberal regimes does not depend on the articulation and implementation of an invulnerable doctrine or the imposition of theoretical distinctions based on an ultimately contested understanding of reasonableness. Although the boundaries of reasonableness continue to be debated, the practice of liberal toleration seems to have rooted itself in our common life. I would like to suggest that we do not tolerate those we

⁴⁵ Michael Oakeshott, *Rationalism in Politics* (New York: Barnes and Noble, 1962) 91-92, 97-98, 108, 135.

disagree with because of we are certain that we share an allegiance to a single unified and coherent *reasonable basis*. We tolerate those we find distasteful or deluded because we are motivated by various moral habits or ingrained practices of toleration that are the result of a long series of fragile, tentative and imperfect compromises that take place between shifting interests and evolving traditions.

In the *Letter Concerning Toleration* Locke argues that unless the boundaries between civil government and the business of religion are settled once and for all, there will be no end to controversy. Perhaps he is right. The boundaries that Locke hoped to establish continue to fracture and shift, and the controversies he hoped to resolve continue to unsettle our public institutions and political debates. Religious commitments continue to play a role in our political life. Although Richard Rorty derides religious claims as “conversation-stoppers,” the fact is that Americans have been conversing in and through religion and religious language since the Founding and there is no sign that the conversation will stop.⁴⁶ We have reason to believe that our practice of open deliberation will persist under conditions of disagreement. Liberalism as a practice came before and has been hardier than the doctrines that have sought to justify it. And if our practices deteriorate no amount of theorizing will be able to compensate for the loss. Our task, then, is not to delineate the content of reasonableness and then police the boundaries of liberal discourse, but to nurture the practice of open and honest discussion by entering into the fray with whatever moral languages available to us. Perhaps this is as reasonable as democratic citizens can be expected to be.

⁴⁶ Rorty argues that secular intellectuals should be committed to “privatizing religion – keeping it out of . . . ‘the public square,’ making it seem bad taste to bring religion into discussions of public policy,” “Religion as a Conversation-Stopper,” *Common Knowledge*, 3 (1994) 1-2.