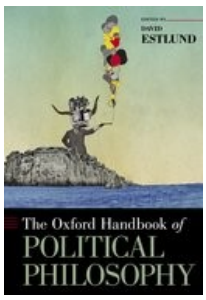

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CHAPTER

12 Religion and Politics

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Abstract

Contemporary democratic states tend to be highly secular, even as, in some of them, religious fundamentalism is growing. This article takes a secular state to be roughly one whose legal and institutional frameworks exhibit separation between the state and the church—meaning religious institutions. Religious citizens commonly see secular states as unfriendly toward religion. This article addresses the question of how secular governments can provide for the liberty of all in a way that observes a reasonable separation of church and state and minimizes the alienation of religious citizens. Achieving the optimal balance between an appropriate secularity in the state—which in practice implies governmental neutrality toward religion—requires both institutional principles, such as those appropriate to a constitution, and principles of civic virtue that apply to individual conduct.

Keywords: separation of church and state, secularism, constitution, civic virtue

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Contemporary democratic states tend to be highly secular, even as, in some of them, religious fundamentalism is growing. Let us take a secular state to be roughly one whose legal and institutional frameworks exhibit separation between the state and the church—meaning religious institutions. Religious citizens commonly see secular states as unfriendly toward religion. An important question for this essay is how secular governments can provide for the liberty of all in a way that observes a reasonable separation of church and state and minimizes alienation of religious citizens. Achieving the optimal balance between an appropriate secularity in the state—which in practice implies governmental neutrality toward religion—requires both institutional principles, such as those appropriate to a constitution, and principles of civic virtue that apply to individual conduct. Let us start with the former.

1. Separation of Church and State

An appropriate church–state separation is widely and plausibly considered a protection of both religious liberty and governmental autonomy. This separation is most commonly discussed in relation to restricting governmental activity toward religion. We may also take the separation more broadly, as requiring some
p. 224 restriction of the activities of churches toward government. That facet of separation will ↳ also be considered. As to governmental regulation and structure, three central principles are (a) a liberty principle, which requires government to protect religious liberty; (b) an equality principle, which requires its equal treatment of different religions; and (c) a neutrality principle, which requires governmental neutrality toward religion.

The liberty principle is implicit in the standards for freedom of action, conscience, and thought essential for a sound democracy. The appropriate scope of liberty has been extensively discussed. Here I simply record sympathy with the idea, defended in Mill's *On Liberty* (1859, 9–10) and in a multitude of writings following it, that justification of restrictions of liberty must come from adequate evidence that nonrestriction will be significantly harmful. Mill had in mind harm to persons; on my view, preventing harm to property or the environment may also justify some restrictions of liberty.

There are different kinds of establishment. *Formal establishment* occurs when (as in England) there is a statutory or broadly constitutional governmental role for a particular religion. Formal establishment may simply provide for representation of a particular religion in one or more governmental institutions: No governmental powers are conferred, as opposed to, say, membership in a parliamentary body. In any case, formal establishment does not imply *doctrinal establishment*, which occurs when certain substantive religious doctrines (say, about the meaning of marriage) are given a specific legal role. Doctrinal establishment may exist in degrees: Its extent is proportional to the power of the established church and the strength of the specifically religious doctrines built into that role. If, moreover, a specific denomination is established, this represents a higher degree of establishment than where only a much wider framework, say, Christianity, is established. If, by contrast, only "civil religion" is established, the degree is lower still.[1]

Formal establishment is possible where the religious officials in question are committed to exercising governmental influence only where it meets nonreligious criteria for benefiting the populace a whole. Doctrinal establishment may imply governmental support for special privileges, such as higher educational funding, for members of the established church, but its strength varies with the doctrines, especially those constituting a moral or political view, characteristic of the established religion. Formal establishment may, but need not, carry doctrinal establishment with it. Doctrinal establishment may, depending on the religion in question, have little or no effect on governmental policy. For these reasons, it is a contingent matter whether establishment necessarily results in unjustified restrictions of liberty or is simply a matter of special representation by one segment of the population. Even merely formal establishment, however, constitutes a liability to unjustified governmental restrictions of liberty and is at least unharmonious with the equal treatment of religions—and of citizens themselves—which is an ideal of democracy.[2]

The equality principle prohibits establishment as ordinarily understood: minimally, as implying that a
p. 225 particular religion has state endorsement and some ↳ statutory role in determining laws or public policies. If all religions had a common element and if establishing a religion could be built solely on this element, then a *limited* kind of establishment might be possible within the constraints of equal treatment of different religious (limited partly because the common element might be major in one religion and minor in another).[3] Even such limited establishment, however, would be inconsistent with governmental adherence to the neutrality principle. The neutrality principle is not entailed by even the other two together nor clearly required by the U.S. Constitution. In political philosophy, it is also more controversial.[4] Much more could be said about each, but here a few further clarifications must suffice.

Although liberty is the default position for a liberal democracy (a kind of democracy in which, as on Mill's conception, a commitment to preservation of a kind of maximal liberty is a basic structural element), it cannot be unlimited. The limitations are determined by moral considerations such as human rights.[5] The appropriate limitations would in any case prohibit certain extreme forms of religious conduct, any kind that, like ritual human sacrifice and ceremonial mutilation of children, violates clearly reasonable standards for protection of persons. Even nonviolent wrongful treatment of women and, especially, children may be justifiably prohibited by law, as where children are forced, under religiously protected parental powers, to marry in their teens, as the State of Texas has maintained occurred in a Mormon community raided by Texas authorities in the spring of 2008.

This limitation on protection of religious liberty has many kinds of manifestations. Proper protections of religious liberty provide for great diversity in styles of life but prohibit (non-self-defensive) harms to other persons. Even restrictions of religious liberty that involve only standards of dress may be warranted. Consider how certain garments would be dangerous in a factory in which they might be caught in machinery. The questions raised recently in France concerning dress codes for students and, in Turkey, concerning the propriety of head scarves for women are different and more controversial. We can say, however, that the mere fact that a mode of dress is not a direct harm to anyone does not imply that government can have no justification for restricting it in public. The case for governmental restraint should, other things equal, be stronger in proportion to the importance of the mode of dress for the religious citizens in question.

As these points indicate, equality must be understood to allow differential treatment provided its basis is nonreligious and otherwise justified. Consider having state holidays on Christian feast days. This may, in fact, advantage Christians but may be justifiably instituted as sufficiently serving a majority of the population, although not *on the ground that* this majority is Christian. The policy might equally have benefited some other religious group. Structural bias is not entailed by differential effect. But, as the equality principle implies, minority religious groups should, at least within the limits of practicability, be given comparable leave for their religious observances, particularly in government employment.

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Even religious freedom and governmental neutrality toward religion, then, *may* be limited in some ways in a morally well-grounded liberal democracy that is *appropriately* neutral in matters of religion. This point may be uncontroversial, but there is disagreement concerning the degree to which a liberal democracy may *promote* the practice of religion as such, provided it does not favor any one religion.[6] Suppose a majority of the people want national interdenominational celebrations of certain religious holidays or, say, compulsory religious education in the schools. Why is this objectionable? After all, a government might (as in some European countries) provide for religious children to be instructed only in their own denominations and by people approved by authorities in those denominations, and, for the nonreligious, governments might provide religious education that, being simply *about* religion, is essentially secular. Such curricular requirements might, however, benefit the religious, if only by promoting understanding of the religions studied and thereby limiting prejudice or, sometimes, exposing secular students to some of their attractive elements that can be brought into the curriculum without endorsement. The requirements might, to be sure, also benefit secular students, say, by reducing dogmatism among religious students or even their religious identification itself.

Neutrality toward religion—the third standard of the partial theory of church–state separation that I am defending—presents a definition problem even apart from the difficulty of defining "religion."[7] Two points will add clarity. First, neutrality does not imply indifference. Indeed, religious liberty is an important kind and governments should solicitously preserve it. Second, as noted already, governmental neutrality toward religion does not prevent contingencies from adversely (or positively) affecting religious institutions through laws or public policies.[8] Consider science education. Government may require teaching evolutionary biology in public school science—even in required science courses—despite some religious parents'

contending that this infringes their religious liberty to bring up their children believing in, say, creationism. To be sure, a liberal-democratic government may not properly sponsor hostility to religion, but that cannot be understood to preclude teaching, as true or highly confirmed, a theory that denies some scriptural claims. Teaching evolutionary theory as true does not (at least for all versions of that theory) imply any metaphysical claims, including any denial that the physical world was created by God.[9]

Given that for some political philosophers (notably Rawls), liberal democracy should be neutral toward "comprehensive" views of the good, it should be stressed that the governmental neutrality supported here is not *value*-neutrality. Such neutrality is not implied by every kind of neutrality toward comprehensive views of the good. There is no easy way to specify just what range of values government should be neutral toward, but that it need not be value-neutral overall is evident even in relation to the kinds of moral considerations that, for any sound democracy, figure in restricting liberty. As illustrated above, these involve a notion of harm. Thus, even on a negative conception of morality according to which its concern is
p. 227 only to prevent harm, we would still need an account of harms or of some still wider range of ↳ evils that can justify limitations on the freedom of citizens. For liberal democracy is clearly committed to supporting the maximal liberty that citizens can exercise without producing certain harms (or a substantial likelihood of them).[10] Thus, even if a liberal state could be neutral toward the good, it cannot be neutral toward the bad.

There is, however, no sharp distinction between a government's restricting liberty as a way to prevent harm and its doing so as a way of promoting some good. Consider education. Compulsory education is essential to prevent the harms attendant on ignorance. These include dangers to the physical or psychological health of the population due to ignorance or superstition (as where inoculations or hygienic measures are resisted), waste of resources, and liability to political manipulation by demagogues as well as. But education is surely one kind of good, and in practice it is impossible to provide education in a way that makes it effective in preventing harm yet is not, in the main, inherently good. This is illustrated by competent teaching of history, literature, and science, among other subjects. Moreover, at least where it is the liberty of children that is restricted, considerations of what is for their positive good, as opposed to preventing harms to them, may carry substantial weight. They may certainly carry such weight in choosing among different ways in which children's liberty may be restricted to avoid harm to them.

2. Freedom of Expression versus Coercive Conduct

The liberty, equality, and neutrality principles apply to conduct in general, but so far I have focused on principles of governmental conduct that are most needed for preserving a reasonable separation of church and state. These three principles apply to governmental laws and policies relating to free expression as well as to other kinds of behavior. Free expression, however, may have many purposes besides advocacy of laws or public policies, and most of it is nongovernmental in any case. In both instances—those of advocacy or other support of laws or public policies and those of free expression with no such purpose—liberal democracies recognize a moral right to "maximal" freedom of expression in public discourse. Here, as in other realms of conduct, liberty is the default position: Roughly, in regulatory activities, it is restrictions of liberty, especially of thought, expression, and free association, that governments must justify. Permitting "natural" and other liberties does not normally need justification.

Those engaging in free expression need not have any particular purpose in expressing themselves. More important here, they need not aim at coercion or even persuasion. By contrast, advocacy of laws or public policies normally is intended to persuade, and most of those are coercive. Moreover, supporting them by voting to institute them is commonly intended to require conformity on pain of legal penalty, which is a
p. 228 form of coercion. For coercion of others, as opposed to free expression, ↳ there are higher standards—both moral and legal. We are morally free, and should be legally free, to seek to *persuade* others to do things of

kinds that we ought not to *coerce* them to do. The preferability of persuasion over coercion is especially prominent where a proposed law is one whose support depends on religious considerations.

Related to this distinction is another: In both ethics and politics, it is essential to distinguish *rights* from *oughts*. There are things many of us ought to do, such as give to charity, which we nonetheless have a moral right *not* to do. No one may coerce charitable contributions or even properly assert that financially able noncontributors violate the rights of charities. Much of what we ought to do lies in the realm of private conduct, say, between spouses or friends. Here as elsewhere having a right to do something, such as make a demand on a friend, does not imply having any reason to do it and is compatible with the wrongness of doing it.

Given our moral rights, free expression and advocacy should be *legally* limited only by a harm principle, *roughly* a principle to the effect that the liberty of competent adults should be restricted only to prevent harm to other people, animals, or the environment (in that order of priority). *Ethically*, however, both free expression and advocacy—and especially advocacy of coercive laws and public policies—should meet standards higher than this very permissive legal one. The next section proposes and defends some principles expressing such higher standards, and the concluding section will take up ethical standards concerning free expression with content that does not support coercion.

3. Ethical Standards for the Advocacy of Laws and Public Policies

Regarding the ethics of good citizenship, many principles have been proposed. The most plausible ones embody some notion of appropriate reasons for citizens in democracies to take as a basis of political decisions. The reasons may also be called public, secular, or evidentially adequate. Here is a well-known principle from Rawls:

> Public reason is the sole reason the court exercises. It is the only branch of government that is visibly on its face the creature of that reason … Citizens and legislators may properly vote their more comprehensive [e.g. religious] views when constitutional essentials and basic justice are not at stake. (1993, 235)

Rawls has qualified this principle in ways that complicate assessment of his view. In the same lecture he adds, "provided they do this in ways that strengthen the ideal of public reason itself" (1993, 247) and in the preface to a later version of the same work, he says that reasonable comprehensive doctrines "may be
p. 229 introduced in public reason at any time provided that in due course public reasons, given by a ↳ reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support" (1993, li–lii).[11]

A different standard has been proposed by Kent Greenawalt:

> Legislation must be justified in terms of secular objectives, but when people reasonably think that shared premises of justice and criteria for determining truth cannot resolve critical questions of fact, fundamental questions of value, or the weighing of competing benefits and harms, they do properly rely on religious convictions that help them answer these questions. (1988, 12)[12]

Still more permissive toward the propriety of basing political decisions on religious reasons is Weithman's view that

> Citizens of a liberal democracy may base their votes on reasons drawn from their comprehensive moral views, including their religious views, without having other reasons which are sufficient for

> their vote—provided they sincerely believe that their government would be justified in adopting the measures they vote for. (2001, 3)[13]

I have defended a standard I have termed *the principle of secular rationale*:

> Citizens in a free democracy have a *prima facie* obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, adequate secular reason for this advocacy or support (e.g. for a vote). (Audi 2000, 86)[14]

This principle is probably more restrictive than any of the above except for Rawls's principle cited first—on the assumption that the laws in question, which restrict human conduct, very commonly involve either "constitutional essentials" or basic justice and so would fall under his restrictions as well.[15] Here are some of the needed qualifications of secular rationale principle and an indication of its basis.

First, prima facie obligations are *defeasible* and may be overridden. Appeal to religious considerations could be necessary to muster support for laws that will prevent Nazis from coming to power. Then one *should* appeal to them. Emergencies may produce overriders of many prima facie obligations. Second, the prima facie obligation in question is compatible with a *right to act otherwise*. The secular rationale standard is an element in good citizenship; it need not be legally enforced nor taken to curtail liberty. It does not limit rights, legal or moral. Still, there are wrongs within rights—as with as with prosperous people's giving nothing to charity or a teacher's sharply criticizing a good student for a subtle though avoidable error in a paper—that we ought not to do even though we have a right to.[16] Third, a *secular reason* for an action (or a belief) is roughly one whose status as a justifier of action (or belief) does not evidentially depend on (but also does not deny) the existence of God, nor does it depend on theological considerations or on the pronouncements of a person or institution *as* a religious authority. This notion is epistemic, roughly a
p. 230 matter of evidential grounding. It is not a matter of the content of reasons: A ↳ secular reason may be that preserving governmental neutrality toward *religion* is desirable.

Not just any reason is appropriate to advocacy of law or public policy. My concern here is religious reasons, but there are other kinds, such as claims based on superstition, that are ethically unacceptable. Hence the requirement of an *adequate* reason: one that, in rough terms, evidentially justifies what it supports. Excusability is the fifth element needing comment. It can explain why a person who does not live up to the principle of secular rationale is not ipso facto a "bad citizen." Like other failures, this one may be fully excusable, as with someone brought up under conditions of scrupulously systematic religious domination that makes acting otherwise psychologically impossible. Any theory of obligation or responsibility should take excusability into account, but excusability is only a protection from blameworthiness, not a status to be sought. The sixth point needed here is that principle of secular rationale is *nonexclusive*: It does not rule out having *religious* reasons for legal coercion, nor imply that such reasons can have no justificatory power, nor rule out having *only* religious reasons for lifting oppression or expanding *liberty* (which is not to say that there are no ethical applicable to using such reasons). It concerns coercion, not behavior of just any kind, and it accords with the idea that freedom is the default position in a liberal democracy.

Defining religion is another problem for understanding secularity. Fortunately, we do not need a definition, as opposed to important criteria. Here are nine, each relevant to, although not strictly necessary for, a social institution's constituting a religion or (as applied to individuals) to an individual's having a religion: (a) appropriately internalized belief in one or more supernatural beings (gods); (b) observance of a distinction between sacred and profane objects; (c) ritual acts focused on those objects; (d) a moral code believed to be sanctioned by the god(s); (e) religious feelings (awe, mystery, etc.) that tend to be aroused by the sacred objects and during rituals; (f) prayer and other communicative forms concerning the god(s); (g) a worldview according the individual a significant place in the universe; (h) a more or less comprehensive organization of life based on the worldview; and (i) a social organization bound together by (a) through (h).[17] Some of

these, say, (a), (d), (g), and (h), are more important than others for understanding religion and indeed for this essay; but the vagueness of the notion of a religion remains a problem for political philosophy.

Two further clarifications are needed. First, a person can be religious without belonging to an institutional religion, and these elements of a religion (at least the first seven) apply to individual conduct. Second, secularity is no easier to characterize than religion and shares the vagueness of "religion." It is clarifying, however, to note that secularity in individuals is compatible with their being *spiritual*, for instance, devoted to meditation, nonviolent, and sensitive to subtle apparent communications from nature or the apparently supernatural. We must therefore distinguish the spiritual from the religious. Spirituality is compatible with *secularism*, in the sense of a position calling for a strong separation of church and state and implying
p. 231 opposition to religious worldviews as, for instance, not rational. Secularity, ↳ then, is compatible with but does not entail, secularism. Endorsing the principle of secular rationale does not commit one to either of these.

4. Natural Reason, Secularity, and Religious Convictions

Regarding the basis of the principle of secular rationale, I will suggest only that, first, it supports liberal democracy and religious liberty; second, it helps to prevent religious strife; and, third, it is needed to observe the do-unto-others principle—a kind of universalizability standard—because clearly, rational citizens may properly resent coercion based essentially on someone *else's* religious convictions. Note that it might also be called *the principle of natural reason*.[18] This would highlight both its central stress on our natural rational endowment and its continuity with certain elements in the natural law tradition as expressed in Aquinas (among others). It would also indicate that the principle centers on what people have in common and is not antireligious. Clearly we can take our natural endowment as God-given even if we regard the *knowledge* it makes possible—notably including moral knowledge—as attainable independently of theology or religion. A religion can make moral claims and even "scientific" (factual) claims—understood roughly as claims having moral or scientific content and confirmable by moral or scientific methods. There is no good ground for holding either that such claims must be tied to the religion in question for their intelligibility or their justification or that a religion or theology's implying unreasonable positions in these moral or scientific matters has no bearing on assessing it, particularly in its bearing on sociopolitical life.[19]

Natural reason is a general human capacity for apprehending and responding to grounds for belief and for action.[20] It is customary to speak of human reason in relation to both the theoretical realm, in which we must regulate belief, and the practical realm, in which we must regulate action. Theoretical rationality is present given an appropriate responsiveness to the grounds for belief, which may be broadly conceived as truth indicators. Practical rationality is present given an appropriate responsiveness to grounds for action, grounds that may be broadly conceived as goodness indicators. A person rational in an overall way—globally rational—must have both kinds of rationality and a significant degree of integration between them.

Natural reason is plausibly considered an endowment of normal adults who have the kind of understanding of a natural language appropriate to functioning in civil society. Given this level, the prima facie obligation to have natural reasons is not in general unfulfillable. Certainly normal adults literate enough to understand even the narrative passages of the Bible can get at least a foothold in understanding such reasons and in seeing some of the benefits of having them where instituting coercive laws or public policies is in question.

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5. Natural Reasons and Religious Identity

In the light of these examples, we can also address the idea that according natural reason the status suggested by the principle of secular rationale jeopardizes the sense of identity of religious citizens or at least imposes on them a kind of second-class citizenship. Why should this be so? The principle does not imply that religious reasons are not *good*, or even less truth conducive than secular ones. It also reflects the specific understanding that religious people can *view* the former as generally better reasons and can be motivated more (or wholly) by them. The principle posits a prima facie obligation to have adequate secular reasons for supporting institutional coercion; it does not preclude or disparage having religious reasons.

It should help to consider the power of the Golden Rule: Any normal adult can understand, through natural reason, the revulsion to being compelled to do something (such as kneel and recite prayers) on the basis of someone *else's* religious convictions. If we can rationally want others to abstain from coercing us on the basis of their religious reasons, we can understand religious reasons well enough to be guided by the principle of secular rationale.

It may also help to stress a complementary companion to the secular rationale principle:

> *The principle of religious rationale*: Religious citizens in a liberal democracy have a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, adequate religious reason for this advocacy or support.

The underlying idea is that the ethics of good citizenship calls on religious citizens to constrain their coercion of fellow citizens by seeking a rationale from their own religious perspective. They may do this quite compatibly with seeking a secular rationale, and each effort may aid the other. This is a perspective that, in such a weighty matter, it might be at best hypocritical for religious citizens to ignore. This point is defensible both on ethical grounds and from at least the majority of religious perspectives—including some from which the principle of secular rationale would be rejected. The point is one reason why the principle may be considered an element in the ethics of citizenship.

Given the common coincidence between religious reasons for legal constraints on freedom and natural (thus secular) reasons for the same constraints, the principle of religious rationale is an important complement to its secular counterpart. The same kind of coincidence might be expected regarding religious and secular reasons for supporting basic liberties. Freedom of religion is a central case, but the dignity of persons, which is supportable on both religious and secular grounds, is another basis of convergence between secular and religious reasons.

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6. Toleration

The ethics of citizenship in a pluralistic democracy must take account not only of actual disagreement between citizens but of the possibility of *rational* disagreement between "epistemic peers": roughly, persons who are (in the matter in question) equally rational, possessed of the same relevant evidence, and equally conscientious in assessing that evidence. Rational disagreement between epistemic peers can occur not just interreligiously—between people who differ in religion (or one or more of whom is not religious at all) but also intrareligiously. There is, for instance, no one Christian position on abortion and no one Islamic position on the status of women.[21]

To be sure, if we think a disagreement is with an epistemic peer and we wish to retain our position, we should try to find new evidence for it or at least try to discover a basis for thinking the disputant is not as rational or as conscientious as we are in appraising the issue. But sometimes the most reasonable

conclusion is that there is epistemic parity between us and hence the disagreement cannot be readily resolved in one's favor. This may seem to many conscientious citizens to be how things stand on the permissibility of assisted suicide, capital punishment, or abortion.

How should one respond to a situation of persisting disagreement with an apparent epistemic peer? One response is skepticism: Conclude that neither party has knowledge or even justification. Perhaps, however, there is a difference in the disputants' conflicting justifications that neither can discover. But we should not always suppose that this is so or that our own view is rationally preferable to that of an apparent epistemic peer. A better response here is humility: minimally, concluding that we might be mistaken or less justified than our peer is in holding a contrary position. Humility tends to prevent taking one's view as a basis for establishing coercive laws or public policies, and in that way it gives some support to the idea that for democracies liberty is the default position: the preferred position when there is not a cogent reason for coercion.

With all this in mind, we might endorse

> *The principle of toleration*: If it not reasonable for proponents of coercion in a given matter to consider themselves epistemically superior to supporters of the corresponding liberty, then in that matter the former have a prima facie obligation to tolerate rather than coerce.

In practice, this principle depends on the conscientiousness of those who would coerce. If unconscientious, they would readily think it reasonable to take defenders of the liberty in question to be less than epistemic peers. If conscientious, they would tend to resist taking this view. Indeed, highly conscientious government officials—or virtually any conscientious, rational, and tolerant person with coercive power over others—will, if unopposed by actual disputants, try to think of the best *hypothetical* defense they can construct in favor of the liberty they would restrict. They would then extend the principle to that case.

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7. Privatization versus Activism: Religious Considerations in Public Discourse

It is appropriate to conclude with some comments on some of the standards for religious expression—whether argumentative or simply expressive—in public discourse. So far as religion is concerned, these standards are in effect standards for *non*privatization of religion.

We might begin with the point that the uses of religious language are unlimited: Think not just of advocacy and persuasion but of self-expression, self-description, and providing information. I may need to indicate my religious position to say, in any depth, who I am. I might also want to *persuade* an audience of theistic physicians not to violate our relation to God by facilitating assisted suicide, even though I have, despite religious opposition to it, *voted* to legalize it for natural reasons based on respect for the liberty of others with different religions or none.

The position presented here sharply contrasts with the view that "the 'principle of secular rationale' rests on a false distinction between generally accessible reasons and religious ideas … there is no convincing constitutional or philosophical reason that democratic deliberation should be secular" (McConnell 2007, 161).[22] First, I make no claim that all religious ideas are inaccessible, on the basis of natural reason, to normal adults. But religious experience and sheer religious authority may, in the thinking of some people, figure as grounds of reasons, and there we either lack accessibility in a relevant sense or lack a basis in natural reason for either belief or action. Second, that a reason figures in deliberation, even importantly, is compatible with its being restricted in the moderate way the principle of secular rationale requires. The secular rationale principle does not preclude even overtly religious reasons playing a role in such

deliberation; its force is instead to constrain that role in a way that is defensible from many religious perspectives as well as on secular grounds. Granted, the constraints appropriate to the discourse and deliberations of the judiciary and, perhaps to a lesser extent, to legislators and other governmental officials acting officially, are stronger than those appropriate to citizens as such. These differences in degree are consistent with the principle and indeed seem to support it. Given these points, there is no justification for speaking of epistemic "pre-screening devices like the principle of secular rationale" (McConnell 2007, 169).[23] Religious reasons are not implied to be admissible in political discourse, inappropriate as possible evidences, or epistemically deficient.

A further point is that the principle of secular rationale applies to coercion, not liberalizations. One reason why liberalization (as lifting restrictions of freedom) differs from coercion in the range of appropriate reasons supporting it is that freedom is the default position in liberal democracy and may properly be supported by a wider variety of reasons than those needed to justify coercion. Liberalization can be justified
p. 235 by simply showing the lack of adequate natural reasons for coercion and, ↳ arguably, may be properly supported by conscientiously held personal reasons that include religious ones. This is not to say that appeal to religious reasons favoring liberalization is always evidentially adequate; it may be not only unneeded but also intellectually weak, misleading, or even divisive. Still, where religious reasons for liberalization, say, for lifting oppression, are combined with secular ones, this may have the good effect of enhancing both justification and motivation to act accordingly and of indicating an important case in which the two kinds of reasons coincide in their implications for law or public policy.

A fourth point is that even where we seek to enhance liberty, we could still be injudicious in the *way* we appeal to religious considerations, even where doing so is in itself unobjectionable. Doing it in a sectarian way, as where we appeal to a controversial clerical authority, may invite those with competing religious views to enter the discussion in such a way that avoidable trouble and perhaps serious strife will ensue. To be sure, there are apparently "comprehensive reasons" (in Rawls's sense), such as the value of a Kantian kind of autonomy, that are shared by all the religious traditions likely to be represented in a political discussion in a democratic state. But, even where such commonality among religions exists, pointing it out may or may not lead to people's bringing into public discourse religious arguments that divide rather than unify them.

The points so far made are addressed to individual citizens but also bear on the conduct of religious institutions and, indeed, on that of clergy acting as such and not simply as citizens. This is an important dimension of the topic of the proper relation between religion and politics in a democracy. Church–state separation is often conceived unidirectionally. But separation is symmetrical. Moreover, institutional ethics overlaps political philosophy in a way that makes the following principle appropriate for churches:

> *The principle of ecclesiastical political neutrality*: in a free and democratic society, churches committed to being institutional citizens in such a society have a prima facie obligation to abstain from supporting candidates for public office or pressing for laws or public policies that restrict human conduct, particularly religious or other basic liberties.[24]

This principle applies not only to religious institutions as social entities but (where this is different) to their official representatives acting as such. Even for churches not committed to citizenship in a liberal democracy, a case can be made that it would be good for them to recognize such a prima facie obligation of neutrality. This may support their commitment to their own religious mission, and it tends to conduce to political stability insofar as that is threatened by tensions that would come from religious institutions vying in the political arena. To be sure, if churches do enter politics, adhering to the principle of secular rationale would be desirable; but this mitigatory role is consistent with the ecclesiastical neutrality principle, which remains plausible. Ecclesiastical neutrality is generally desirable even where departures from it would not support coercion of a kind that is not justifiable by secular reasons.

p. 236 It may be objected that the ecclesiastical neutrality principle rules out churches and clergy taking *moral* positions. Granted the principle is no clearer than the distinction between the moral and the political. But making that distinction is intrinsic to any theory of clerical virtue. Three points will help. First, at least numerous kinds of moral propositions are secular in the sense in which the reasons have been said to be so above. Second, if some propositions are both moral and religious—say, that it is wrong to disobey God's command not to kill—either their behavioral directive (in this case, abstention from killing) can be justified by natural reason or they do not ground cogent objections to the principle. Third, a position need not be considered political simply because it is politically controversial, say, in contention between opposing political parties. Thus, stem cell research raises politically controversial moral issues, but its moral permissibility is not thereby a political question. Suppose, however, that clergy's taking public positions on its morality is consistent with the ecclesiastical neutrality principle. It does not follow that those positions may thereby be unobjectionably argued in public wholly on the basis of religious considerations. The principle of secular rationale makes advocacy wholly on this basis prima facie impermissible. Both principles imply that it is prima facie wrong to recommend *voting* for or against candidates on the basis of their positions on these issues, even if that basis is not political.

The points previously made about the conditions under which religious reasons may be brought into public discourse consistently with the principles of secular rationale and ecclesiastical neutrality leave open some matters of judgment that deserve brief comment. What are some of the general *standards* of good citizenship for the sociopolitical use of religious discourse? One is simply judiciousness. Will what we say be illuminating or alienating, consensus building or divisive, clarifying or obfuscating? There are myriad considerations here, of both ethical sensitivity and prudence. A second consideration is a spirit of reciprocity, based partly on a sense of universal standards available to all rational, minimally educated adult citizens. Consider the do-unto-others rule. The *wording* is Biblical; the *content* is a call for reciprocity, and it is expressible in nonreligious language and represents a standard that, in some form, is central in any plausible ethical view.

I close with the suggestion that public discourse in a liberal democracy is best served by citizens having an appropriate *civic voice*.[25] Such a voice is a matter of intonation and manifest respect for others' points of view and convictions. Our voice is not determined by the content of what we say but by *how* we say it. That, in turn, is partly a matter of *why* we say it. Our public voice may properly reflect religious elements, but in citizens adhering to the principle of secular rationale—of natural reason—it indicates respect for standards that, simply as rational persons, we do or can have in common and should take as a basis for setting proper limits on liberty. If these standards are not implicit in our religious commitments, they are at least likely to a reasonable basis on which we can conscientiously argue against coercive laws or policies based on someone else's religious convictions.

p. 237 The relation between religion and politics is a topic of great importance in the current global climate. Religion is a powerful force in politics, a pervasive element in the culture of most nations, and influential in many other realms. In many Western societies where the influence of religion has tended to wane among the more educated citizens, its influence among immigrants is often growing, as it widely noted in press reports about Germany, the Netherlands, Italy, and other countries. Whatever its sociocultural role, as we strive to support democratic government, we must find a sound and credible theory of the standards that should structure governmental relations toward both institutional religion and religious individuals. The essay has defended three principles toward this end: one calling for governmental protection of religious liberty, the second requiring government to treat different religious elements equally, and the third requiring governmental neutrality toward religion. These standards do not, however, speak to the ethics of citizenship for individuals. For that case I have proposed a principle of secular rationale—of natural reason—aimed at enhancing cooperation in pluralistic societies while respecting the importance of religious perspectives and convictions that may often divide people. This principle is combinable with a counterpart

principle of religious rationale, which calls on religious citizens to seek adequate religious reasons before supporting coercive laws or public policies. Both principles are supported by the principle of toleration, which requires abstaining from coercion where apparent epistemic peers argue for liberty, and by the principle of ecclesiastical neutrality. All of these principles support positing a prima facie obligation to respect liberty and to support its restriction only for the kinds of reasons that can be both respected and shared by rational, adequately informed citizens regardless of their religious position. The principles also make room for religious reasons to shape inquiry, to figure in deliberation, and to guide the discourse of religious citizens. The proper role of religious reasons in attempts to justify coercion is limited, but this is, in the long run, as much a protection of religious liberty as of the freedom rights of all citizens irrespective of their religious convictions.[26]

Notes

1. On one view of nonestablishment in the United States, the weak form of doctrinal establishment implicit in, say, requiring the Pledge of Allegiance (which refers to one nation "under God") an element of what I call formal establishment would be constitutional in the United States. For a case that such elements of "civil religion" are not unconstitutional, see Perry (2009).

2. For critical discussion of the compatibility of various forms of establishment with democracy, see Laborde (2011).

3. Whether "civil religion" might be establishable within the limits of the equality and neutrality principles is considered in my prior work (Audi 2009).

4. See Wolterstorff's contribution to Audi and Wolterstorff (1997).

5. This is argued in the context of an account of moral rights in my prior work (Audi 2005). It presupposes that rights have major importance but not that they are morally basic. The limitations could be defended by appeal to other kinds of moral standards.

p. 238 6. ↳ An extensive debate on the kind of religious neutrality appropriate to liberal democracy is provided by the contrasting views in Audi and Wolterstorff (1997).

7. For a legally informed analysis of governmental neutrality toward religion that defends neutrality in a way that supports this essay, see Koppelman (2006).

8. Vouchers that provide funds for parents to educate their children in schools of their choice—religious or secular—may also be viewed in relation to the three principles, especially the neutrality principle. They may differentially benefit the religious yet are not defined so as to favor religious over nonreligious citizens. Greene (1999) indicates special issues relating to the U.S. Constitution and some relevant legal literature.

9. For discussion of this issue see Greenawalt (2005) and my critical study (Audi 2007). One may be reminded here of the "Lemon test": "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster 'an excessive entanglement with religion'" (*Lemon v. Kurtzmann* 403 US602 1971).

10. Mill's famous harm principle (1859, 9–10) exemplifies the kind of view in question.

11. This proviso seems extremely permissive and raises serious difficulties that cannot be pursued here.

12. This view is refined and defended in Greenawalt's later work, but the kinds of comments I make here should not be affected by his further work on the topic. Some of the points I make I in the following discussion are extended or given a wider context in my prior work (Audi 1990).

13. This principle is close to one defended in Wolterstorff: "Let citizens use whatever reasons they find appropriate"—with the understanding that their goal is "political justice, not the achievement of one's own interests" (1997, 112–13).

14. This formulation is drawn from my work (Audi 2000, 86). The principle has been widely discussed for example by

Wolterstorff (1997), Weithman (2001), and Eberle (2009).

15. My principle is in the main also less restrictive than one proposed by Habermas: He holds that "religious citizens must develop an epistemic stance toward the priority that secular reasons enjoy in the political arena" and that a "requirement of [secular] translation"—that "the truth content of religious contributions can only enter into the institutional practice of deliberation and decision-making if the necessary translation [of "convictions in a religious language"] already occurs in … the political public sphere" (2006, 10, 14). Even on a loose interpretation of "translation," this is a burdensome requirement that would likely keep many religious considerations from entering the decision making in question

16. This is defended in detail and by appeal to diverse examples in my previous work (Audi 2005).

17. These features are stressed by Alston (1964, 88). (I have abbreviated and slightly revised his list.) This characterization does not entail that religions must be theistic, but theistic religions are my main concern. It is noteworthy that in *United States v Seeger*, 380 US 163 (1965), the Supreme Court ruled that religious belief need not be theistic, but theistic religions raise the most important church–state issues at least for societies like those in the Western world. For discussion of the significance of *U.S. v. Seeger* in relation to church–state aspects of the foundations of liberalism, see Greene (1994). For discussion of the problem of defining "religion" constitutionally, see Greenawalt (2006), especially pages 498–511, which also discusses the notion of public reason.

18. One qualification is that there are secular reasons whose normative domain is not clearly encompassed by natural reason understood as an endowment of normal rational persons. Consider an aesthetic reason for believing that a line of poetry
p. 239 detracts from the value of the poem in which it occurs. If this requires sensitivity that a rational person need ↳ not have, it is not a natural reason, at least of an "ordinary" kind. The kinds of secular reasons are that are apparently not also natural ones, however, can be separated from the kinds of concern in this essay, which clearly are natural in the relevant sense.

19. For an informative discussion of Thomistic natural law theory that confirms this (e.g., by countenancing self-evident moral principles) see Grisez, Boyle, and Finnis (1987).

20. Compare the idea, implicit in this conception of natural reason as crucial for understanding limitations of governmental power, that "procedure-independent normative standards for democratic decisions does not support the rule of the wiser citizens" (religious or other) and that political philosophy should recognize "a requirement that political authority be justifiable to those subject to it in ways they can accept" (Estlund 2008, 39).

21. In a treatment of religion and minority rights, J. A. van der Den notes a tension in Islam. Speaking of "rights in the Qu'ran itself," he lists "the right to life, respect, freedom, equality, education, remunerated employment, property, leaving their country in the event of oppression, and a good life" (2008, 178). But he immediately adds: "The Qu'ran also contains rules that trample roughshod over equal rights, such as Sura 4: 34, which offers the following three-phase model for dealing with insubordinate wives: talk to her, shun her in bed, and, if that proves unavailing, beat her" (2008, 178).

22. Note that McConnell's objection also applies to many other political philosophers, including Rawls, Greenawalt, and Habermas.

23. The term *prescreening* is misleading *both* in suggesting limitations on expression and in implying that religious reasons are disallowed, rather than (prima facie) prohibited from standing alone as a basis of coercion.

24. The principle of ecclesiastical neutrality and its counterpart for clergy acting as such in public (rather than simply as individual citizens) are drawn from my prior work (Audi 2000). I noted there that the notion of institutional citizenship needs explication, but it is sufficiently clear for its limited purpose here. Chapter 2 also clarified the political in contrast with the moral. I should add that I do not consider it self-evident that a church should want to be an institutional citizen. But even for a church that does not, the principle of ecclesiastical political neutrality expresses a desirable standard.

25. The concept of civic voice is clarified in Chapter 6 of my prior work (Audi 2000) with special reference to the importance of motivation as typically influencing one's voice: Our motivation for what we say commonly influences our voice every bit as much as its content, and (as explained there) this is one among other reasons why civic virtue calls for avoiding the giving of reasons for coercion that (even if one thinks them evidentially adequate) do not motivate one and hence serve only a kind of rationalization. Any given content may be voiced in importantly different ways, and some of the differences are highly significant for the quality and harmony of civic discourse and political conduct.

26. For many helpful comments on this essay, I thank David Estlund.

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