

RAWLS
and
RELIGION

*The Case for
Political Liberalism*

Daniel A. Dombrowski

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Daniel A. Dombrowski

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INTRODUCTION

Politics and religion are, as a recent president of the American Philosophical Association has put it, a dangerous mixture; combining them, even in an academic context, is likely to generate more heat than light.¹ In the last few years, however, there has been a renewed interest in this topic that has been fueled by controversies regarding abortion, the phenomenon of fundamentalism as a growth industry, and other factors, including the perceived decline of secular culture. It is the thesis of the present book that these controversies, as well as the theoretical problems that underlie them, can be best sorted out and responded to through appeal to the thought of the greatest contemporary defender of liberalism, John Rawls.

Despite the fact that Rawls is the most influential political philosopher in the twentieth century, his thoughts on religion have not been sufficiently studied or understood, most notably due to the assumption that he is more interested in topics other than the relationship between politics and religion. But this assumption is incorrect. I will show not only that Rawls is interested in the relationship between politics and religion, but that, as he sees things, the relationship between these two is at the core of the problem that liberalism has for centuries meant to solve. Further, I will show that Rawls's interest in the relationship between politics and religion spans his career from: (1) essays written before *A Theory of Justice*—1971 (hereafter: TJ); (2) to TJ itself; (3) to essays written between TJ and *Political Liberalism*—1993 (hereafter: PL); (4) to PL itself—which largely incorporates the insights found in essays written after TJ; (5) to work written after PL, including *The Law of Peoples*—2000 (hereafter: LP).

My synoptic view of Rawls's career requires some explanation. Perhaps the key question that has dominated Rawls scholarship since the publication of PL is the relationship between the early and late Rawls. Clearly there is a great deal of *both* continuity and discontinuity between TJ and PL. The major discontinuity is that his view in TJ was often—but not always—articulated in terms of what he now calls a comprehensive doctrine; his stance is now articulated in the more modest terms of political liberalism.

But the overall thrust of my treatment of Rawls is based on continuity in his writings, which I emphasize for several reasons. I reached a defense of the continuity thesis only after having done something that I suspect few scholars have done: I reread TJ from cover to cover—a new copy without twenty-five years of marginalia—in light of PL. I was amazed at both (1) the degree to which TJ anticipates and, strange as this sounds, expands on ideas found in PL; and (2) the degree to which Rawls was already focused on the relationship between politics and religion in TJ, a focus that everyone who has read PL and LP has noticed in the latter works.

The continuity thesis is enhanced when it is realized that the phrase “justice as fairness” (as well as the original position, the veil of ignorance, the priority of the right to the good, and the two principles of justice) is retained in the later Rawls under the umbrella term *political liberalism*, hence I will often switch back and forth without qualification between “justice as fairness” and “political liberalism.” Of course I will also indicate, when appropriate, where the views found in PL (and LP) deviate from those in TJ. For the most part, however, PL builds on or clarifies TJ, in my view. Hence in almost every chapter I will cite both works.

There are four notable discontinuities between TJ and PL: (1) in TJ there is no clear distinction, as there is in PL, between moral and political philosophy; (2) thus there is no clear distinction in TJ, as there is in PL, between a moral (comprehensive) view of justice and a political conception of justice; (3) the idea of stability in TJ is especially problematic; and (4) Rawls admits in PL that he had underestimated the depth of the problem in TJ of making his idea of a well-ordered society consistent.²

But these discontinuities between TJ and PL are still perfectly compatible with an overall continuity thesis. In fact, in order to even understand the nature and extent of the problems listed in the previous paragraph one needs to see them as arising from a point of view internal to justice as fairness as that concept is developed in *both* TJ and PL. Rawls himself correctly speaks of a “unity” of both “spirit and content” to TJ and PL. That is, once the problems in the previous paragraph are addressed, the structure and content of TJ and PL are, as Rawls correctly sees things, “the same.” The ambiguities in TJ are largely cleared up by presenting from the outset justice as fairness as a political, rather than as a moral, conception.

PL is like TJ in trying to offer an alternative to utilitarianism in terms of an attempt to carry to a higher order of abstraction the traditional doctrine of the social contract, which in PL Rawls gives a new name: overlapping consensus. (We will see that the social contract as traditionally conceived is not to be elevated above utilitarianism or religious beliefs when they are parts of comprehensive doctrines in conflict with other comprehensive doctrines.) There is also continuity between TJ and PL on the topic of religion, which is discussed much more in TJ than commentators have noticed. And the emphasis in PL on the political impact of the Reformation makes explicit what was certainly implicit in TJ regarding the

rise of liberalism and of toleration. Further, in PL Rawls is confident that by concentrating on a few classical problems surrounding religion we will be able to develop the intellectual tools necessary to deal with other contemporary problems concerning race, ethnicity, and gender. In effect, PL not only clears up the obscurities of TJ, it also paves the way for an adequate treatment of problems barely touched on in TJ, but in a fashion that renders explicit what was implicit in that great work.³

The meaning of each technical term in Rawls, and the implications of these terms for issues concerning politics and religion, will become apparent at some point in the book, although many are used long before they are explicated, a procedure that will, at times, require some patience on the part of the reader. The term *liberalism* itself is meant in a broad sense so as to include utilitarian varieties as well as rights-oriented varieties, the latter including libertarian as well as Rawls's own rights-oriented political liberalism. If I specifically intend Rawls's own view I will always qualify "liberalism" with "political" or "Rawlsian." But I will not be making a Rawlsian technical distinction between the words "concept" and "conception."

The chapters fall into two main groups. Chapters 1–6 deal largely with *theoretical* issues concerning politics and religion. Here I will try to bring the full force of Rawlsian political theory to bear on the major theoretical issues in the subject matter in question. Several misconceptions of Rawls's thought held by some religious believers will be dealt with explicitly (e.g., that Rawlsian liberalism is necessarily tied to individualism or egoism and that his political philosophy is at odds with the religious tradition associated with the common good). Along the way there will be some surprises (e.g., that for Rawls himself the love that is prominent in religious ethics is seen as continuous with, but wider than, the sentiment of justice; and that the extreme nature of dominant end views, as in St. Ignatius of Loyola's view of serving God, should strike even religious believers as irrational or mad).

The theoretical chapters in Part I are meant to exhibit a certain reticulative wholeness. I start in chapter 1 with a brief history of the problem that liberalism, in general, and Rawlsian liberalism, in particular, is meant to solve. This problem first surfaces, and paradigmatically surfaces, in the desire of religious believers from different confessions to find a fair decision-making procedure whereby they could live together in a just society. This chapter thematizes the reasonable differences that characterize the modern world. Mere pluralism is different from reasonable pluralism in that the former, but not the latter, is perfectly compatible with dogmatism if the plurality of religious groups that are different from one's own are viewed as potential objects for persecution. Political differences can be resolved only by entering into something like the original position, which is discussed in chapter 2 along with the connection between the original position and religion.

This chapter is also concerned with the objection that the abstractness of the original position replaces the priority of *agape* in Christianity, hence religious

believers who are Christian should be skeptical of the Rawlsian view. An adequate response to this objection requires a consideration of the extent to which the Rawlsian view is a type of proceduralism and the extent to which it is compatible with substantive moral beliefs defended by religious ethicists. Chapter 3, however, deals explicitly with the substantive claims made in Rawls's two principles of justice—the equality principle and the difference principle—and the relationship between these two principles and the social ethics in the Abrahamic religions (Judaism, Christianity, and Islam). Crucial distinctions are made between the reasonable and the rational in Rawls, and between two different senses of reasonableness. These distinctions are needed both in order to understand the Rawlsian separation of the right and the good as well as to argue against the objection from some religious believers that Rawls's view is individualistic or egoistic.

Chapter 4 deals with the historical background to Rawls's thought as it bears on religion. I show how the Rawlsian opposition to egoism, little noticed by his critics who are religious ethicists, is largely connected to his Kantianism. But Rawls's view is much more indebted to the Aristotelian tradition than many religious thinkers notice, especially those religious traditionalists who are sceptical as to whether the (Kantian) Enlightenment was a good thing. After having considered Rawls's relationship to Aristotle and Kant, I will be in a position to examine the liberty of the ancients and that of the moderns in that Aristotle and Kant are quintessential examples of each of these periods. Once again, the point is to respond to religious traditionalists who show a preference for the liberty of the ancients. One of the clearest differences of opinion between political liberalism and ancient/modern views concerns the attitude we ought to have toward what we have inherited by nature or culture, hence I also deal with political liberalism's approach to the natural lottery.

Chapter 5 treats the Rawlsian view of the good and of the common good. We will see that in political liberalism those who are the losers in the natural lottery are protected and also that no obstacles are put in the path of those who desire to explicate and act on higher-order (supererogatory) moral and religious sentiments that serve to bind a community of persons together as long as such higher-order sentiments are not imposed on others through the political process.

Chapter 6 deals with various methodological considerations. We will see that Rawlsian reflective equilibrium leaves room for distinctively religious beliefs based on faith or on religious intuitions. And overlapping consensus, which is crucial in Rawls's later thought, allows citizens to invoke theological or metaphysical doctrine if they wish, although it is not necessary to do so to support the principle of a well-ordered society. The Rawlsian view is noncomprehensive liberalism, in contrast to comprehensive liberalism. The latter has often been seen, quite legitimately, as antireligious. The final methodological consideration deals with the Rawlsian publicity requirement, which stipulates that political principles be rejected that would "work" only if they were not publicly acknowl-

edged. Such publicity is both a necessary condition for the objectivity required in the original position and a sign of respect for other citizens, whatever their religious beliefs.

Part II, by way of partial contrast, deals with the *practical* ramifications of Rawlsian theory. The practical issues treated concern toleration of the intolerant—especially intolerant fundamentalists; race; sex; abortion; pacifism; the status of animals and marginal cases; and fair elections. The hope is that these chapters will rescue the work from irrelevance for those readers who are impatient with pure theory. We will see, however, that Rawls refuses to apologize for being an abstract theorizer when it is considered that the more severe our disagreements in politics, the greater the need to attain an abstract point of view that will enable us to see how to adjudicate our differences.

The book ends with an Epilogue, where Rawls's achievement in political philosophy is put into historical perspective, largely with the aid of certain ideas from Alfred North Whitehead, who, like Rawls, sees an understanding of the seventeenth century as crucial in the effort to get our bearings right today.

Throughout the book I will take seriously Richard Rorty's claim that for Rawls religious toleration is *paradigmatic* for a just democratic political outlook. The Rawlsian view is diametrically opposite that of Martin Heidegger, who thought that the scientific, cultural, religious, and political life of a society was the working out of a single set of philosophical ideas; all significant human activity was philosophy whether it knew it or not. Rawls, by way of contrast, would have us rest content *in politics* if Catholics, Mormons, and agnostics could articulate together the sensibility that enables us to be fair to people with whom we have little else in common philosophically speaking, rather than trying in vain to ground that sensibility on something more basic.⁴

Rawls's heightened interest in religion in PL is connected with nothing less than his desire to see constitutional democracy survive. In a 1998 interview in the liberal Catholic magazine *Commonweal* (which is anthologized in his *Collected Papers*⁵), Rawls indicates that even if many religious believers are only nominally so (over 90% in the United States claim to be religious believers of some sort), the political problems created by a clash of contrasting comprehensive doctrines would lead to disaster without something like political liberalism to ameliorate the disputes as they arise. We will see that politically liberal principles can fit in as parts of various comprehensive doctrines, whether religious or nonreligious, hence it is no more true to say that Rawlsian political philosophy leads to "secularism" than it is to say that it is a veiled argument for religious beliefs.

That is, we will see that Rawls is not asking religious believers to renounce their most cherished beliefs. They can even cite the Bible in their political arguments if they wish, as long as they also offer public reasons for their views.⁶ By "public reasons" Rawls does not refer so much to the right answers to public questions, but rather to the right sorts of reasons, those that can be understood and

assessed apart from any particular comprehensive doctrine, whether religious or nonreligious. Public reason refers to opinions that everyone might reasonably agree to, not to the fact that they necessarily agree.

It should be emphasized that Rawls is interested in more than a mere *modus vivendi* that calls to a halt, for practical reasons, the clash of comprehensive religious (or philosophical) doctrines. A political life together is, from a theoretical point of view, itself a good thing as we search for a liberal version of the common good: the assurance that everyone is treated with justice.

I think that it is fair to say that I am an admirer of Rawls's thought, but it will become evident in the course of the book that my admiration is not necessarily synonymous with my agreement with him on some important issues. For example, Rawls trivializes the integrative function of religious belief in his nonetheless insightful comments on St. Ignatius of Loyola. But religious believers themselves (e.g., Franklin Gamwell), who rightly emphasize the integrative function of religious beliefs, nonetheless often misplace where this integration should occur if they think that all of society should be religiously integrated, as I will argue in the Epilogue. Or again, Rawls's original position could be improved by a "revised original position," wherein a clear distinction is drawn between being a moral agent and being a moral patient. This distinction, I will argue in chapter 11, enables one to improve on the inadequate treatment Rawls gives regarding both animals and marginal human beings.

PART ONE

THEORY

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CHAPTER ONE

A BRIEF HISTORY

The problem that political liberalism as a philosophical stance is meant to solve can be stated quite directly: How is it possible to have a just society over time composed of free and equal citizens who are divided, sometimes profoundly so, by incompatible comprehensive religious (or philosophical) doctrines that are nonetheless reasonable? As a result of the Enlightenment, one way of responding to this problem is to try to find a new *comprehensive* philosophical and secular doctrine that would provide a synoptic worldview to deal with all of life's problems, that would be suitable to the modern world, and that would replace the supposedly outmoded faith of the Christian ages. But contemporary, Rawlsian *political* liberalism has no such comprehensive ambitions in that its aim is to adjudicate in a fair way disputes that arise among defenders of various comprehensive doctrines, whether religious or nonreligious. Pluralism—indeed reasonable pluralism—is a given, and the intention is not to replace or even to abandon comprehensive religious (or philosophical) doctrines, but neither is it to provide these doctrines with what Rawls calls “a true foundation.”¹

Rather, the intention is to defend *public* reason-discourse in politics. If comprehensive religious (or philosophical) doctrines are to be justified or given foundations, it is on some nonpublic (not exactly private) basis, as we will see. Hence whatever ideas of the good are to be found in political liberalism have to be appropriately public. That is, the truth or falsity of these comprehensive, nonpublic, religious (or philosophical) doctrines is not a matter for political liberalism to decide. At the heart of this position is a distinction that originates in democratic political culture marked by reasonable pluralism, a distinction that creates problems quite different from those faced in the ancient world.

In Socrates' day there was only one Athenian religion, a civic religion with public social practices, as detailed by Walter Burkert.² To be religious was to be a trustworthy member of society and vice versa. And to be a trustworthy member of society involved serving on juries and performing other duties associated with good citizenship.³ Rawls is on shaky ground when he claims, without argument,

that Homer's *Iliad* and *Odyssey* were not sacred texts (in what sense were they not sacred?—Plato was scandalized by Homer's stories because they inaccurately portrayed the *gods*), that Greek religion was not dependent on priests (what of the priests and priestesses at the holiest place in ancient Greek religion, Delphi?), and that in Greek religion immortality did not play a central role (although not a negligible role, either, as in the Orphic cult, the Pythagoreans, and the Eleusinian mysteries). Although some of his comments on the particulars of ancient Greek religion are shaky, his main point is certainly on the mark: ancient Greek religion, in general, and Athenian religion, in particular, was a civic religion of the *polis* that held something of a monopoly on religious sensibilities. There was no alternative idea of the highest good to the Homeric gods and goddesses (which shows that the *Iliad* and *Odyssey* were, in fact, sacred texts).

Further, for my purposes it is crucial to note that these gods and goddesses set the terms of politics. They were of noble birth; they explicitly sought honor, wealth, and prestige; and they, like human beings, were concerned for family and friends. The problems with which contemporary political liberalism are meant to handle, however, were only vaguely anticipated by the ancient thinkers when they *partially* rejected the Homeric worldview. In the early modern period, however, three major changes ushered in liberalism in an explicit way: (1) The Reformation in the sixteenth century fragmented the religious unity of the Middle Ages, a unity that was just as strong as that in the ancient *polis*. This religious pluralism eventually fostered pluralism of other kinds, which became a permanent feature by the eighteenth century. (2) The development of the modern state with its central administration had to negotiate its way between the aristocracy and the rising middle class. And (3), the rise of modern science in the seventeenth century brought about an inquisitiveness with respect to nature that required freedom of inquiry.

On Rawls's view, medieval Christianity had five characteristics that distinguished it from ancient civic religion, characteristics that were called into question in the modern period due to the three aforementioned changes that ushered in liberalism: (1) medieval Christianity tended to be authoritarian; (2) because it was a religion of salvation, medieval Christianity tended to insist on true belief as the Catholic Church taught it; (3) as a result, it was a doctrinal religion with a creed that was to be believed; (4) it was a religion with the authority to dispense grace as a means to salvation; and (5) it was an expansionist religion of conversion. When this muscular religion divided, it gave birth to a rival authoritative and salvationist religion. Luther and Calvin were as dogmatic and intolerant as the Catholic Church had been. This led to trouble, as is well known. In fact, the need for liberalism became especially apparant due to the religious wars in the aftermath of the Reformation, when the modern understanding of freedom of thought and liberty of conscience came into existence. Pluralism itself made religious liberty possible rather than anything intended by the Catholic Church or Luther or Calvin.⁴

Religious divisions remain. But these and other divisions should not be seen, not even by Catholics, as a disaster, but rather as the understandable outcomes of the activity of human reason. To see pluralism as a disaster is, in effect, to see the free use of human reason itself as a disaster. There is actually something intellectually exciting about the possibility of a reasonably harmonious and stable pluralist society. Until liberalism came on the scene, not even this possibility, much less its actualization, was clearly seen. It was previously assumed (as the long history of intolerance indicates), and in some circles it still is assumed, that a reasonably harmonious and stable society requires agreement on a single comprehensive religious (or philosophical) doctrine, on *the* common good. On this assumption intolerance was actually a virtue. But once people have to cooperate with others who seem quite different from them, it is much more difficult, if not impossible, to think that they are literally damned because they do not share one's own beliefs and hence should not be tolerated.

Reflective people came to see two basic alternatives: mortal conflict moderated only by exhaustion *or* equal liberty of conscience and freedom of thought. Rawls's political liberalism takes to heart the depth of this latent conflict still found whenever there is religious (or philosophical) pluralism. One way to try to resolve this conflict, but not the only way, is to try to establish a basis of moral knowledge *completely* severed from ecclesiastical authority. Hume and Kant tried to do just this by insisting that morality be accessible to everyone (not just the clergy) who is morally reasonable and conscientious, that the moral order arise from human nature itself (rather than from God's intellect), and that we bring ourselves in line with morality without the need for external (divine or hellish) sanctions. This is quintessential comprehensive liberalism rather than the more modest Rawlsian, political liberalism to be defended in the present book.⁵

Contemporary problems in liberal theory surrounding race, ethnicity, and gender can be dealt with in the terms required to respond to the intellectual problems brought to light by the Reformation, as we will see. By focusing on a few classic problems we should be able to respond to several others, even if Rawls's theory will ultimately need to be supplemented even regarding his own restricted concern for political justice. If religious (or other) liberty is to be denied—as when Calvin wanted to kill Servetus—we must justify such a denial in terms every reasonable person can understand *and* accept. Without these terms we would be left with a comprehensive doctrine that could be maintained only by the oppressive state use of deception or power. Neither Plato's "noble" lie nor the Inquisition were accidents in that the suppression of dissent or heresy were needed to preserve the regnant comprehensive doctrine. The same would have to occur if society were organized along utilitarian or Kantian lines *if* these views were seen as comprehensive.⁶

There is a significant difference between a political view that allows for a plurality of opposing, yet reasonable, comprehensive doctrines and one that holds that there is but one such doctrine. Plato, Aristotle, St. Augustine, and St. Thomas

Aquinas each defended a version of the latter alternative. Indeed, since the Greeks the dominant view has been that there is but one rational conception of the good—the common good—and that the aim of political philosophy, along with theology and metaphysics, was to determine its content. And some contemporary comprehensive (rather than political) liberals still hold on to this view, which was also shared by Kant and Mill.⁷ Just as it is unreasonable to impose coercive laws on morally reflective members of another sect because one thinks that there is no salvation outside of one's own church, it is also unreasonable for utilitarians and deontologists to push their case too hard.

These comprehensive doctrines—both religious and nonreligious—are unreasonable as *political* views because they take the public's political power, in which citizens should have an equal share, to enforce a view concerning which people may very well differ uncompromisingly. Note that Rawls is not saying that the dictum *extra ecclesiam nulla salus* (outside the church there is no salvation) is false; rather he is claiming that to use the public's political power to enforce it is unreasonable. It is perfectly consistent within political liberalism to say that it would be unreasonable to use political power to enforce our own comprehensive religious doctrine on others, even if we believe it to be true, and even if our comprehensive religious doctrine should become so popular that it becomes dominant.⁸

A stable political society is not necessarily one that must constantly use or threaten force; rather it can consist in the establishment of an overlapping consensus among people with different comprehensive religious (or philosophical) doctrines who come to value politically liberal institutions for their own sake. For example, in the sixteenth century Catholics and Protestants did not share an overlapping consensus. Members of both faiths wished their rulers to punish heretics.⁹ When the principle of toleration was initially accepted, it was not as part of an overlapping consensus shared with members of another faith, but as part of a mere *modus vivendi* or a Hobbesian truce. If either faith had become dominant, the repression would continue. Until the development of liberalism, the fair terms of cooperation among Catholics and Protestants were extremely narrow. Toleration and liberalism grew hand in hand along with the view that citizens can be allowed to have irreconcilable conceptions of the good and of the common good, a pluralism that we can now see as quite normal.¹⁰

Although we will be returning to this Rawlsian view of history throughout the book, an initial challenge should be considered now from Russell Hittinger, who thinks both that Rawls is a historical relativist by privileging a liberal political philosophy that just so happens to be popular in our historical era and that Rawls denigrates the political views of those who came on the scene before the liberal era because of their perfectionism. Hittinger correctly notes that PL does not so much depart from the principles of TJ as it changes the background against which these principles are to be understood. And this background is historical and political, even if the original position is still ahistorical and hypothetical. Hittinger

agrees with Rawls that liberalism did not emerge simply as a response to the religious wars in that it emerged also as a response to the problem of how to replace a morality based on ecclesiastical authority. This replacement was attempted by various comprehensive liberalisms that Rawls himself now wishes to criticize. But Hittinger wonders how Rawls's notion of public reason would have to change if a theorist were to grant the social facts of feudal Europe a certain finality.

Presumably this would lead to a medieval comprehensive doctrine rather than a version of liberalism. Thus, according to Hittinger, there is a degree of historical relativism in Rawls's theory, a charge I will examine in more detail in connection with Rawlsian reflective equilibrium. Hittinger's (and Franklin Gamwell's) main criticism, however, is that perfectionism is not necessarily at odds with reasonable pluralism, as Rawls thinks. For example, theological debate between Catholics and Protestants does not necessarily imply incommensurate positions on the value of religion or the family. Indeed, Hittinger thinks that a *limited* perfectionism not only comports with, but actually facilitates, reasonable pluralism, say by having a government encourage religion as long as denominational differences are respected. Not all conflicts between comprehensive doctrines are as entrenched as those between Catholics and Protestants in the sixteenth century or between contemporary fundamentalists in Judaism and Islam.¹¹

But Hittinger plays right into Rawls's hands here. By requiring the adjective "limited" before perfectionism, Hittinger is admitting that political justice requires that *some* sort of restraint on our comprehensive doctrine is required if we are to be fair to others with a different comprehensive doctrine. And the fact that not all disputes between comprehensive doctrines need be as acrimonious as those between Catholics and Protestants in the sixteenth century is not so much a criticism of Rawls's thought, as Hittinger thinks, as a confirmation of it: Catholics and Protestants get along with each other these days (Northern Ireland aside, although there are rays of hope even here) *precisely because* they have been civilized by liberalism. They have come to realize that insistence on the whole truth in politics—with "whole truth" corresponding to one's own comprehensive doctrine—is incompatible with democratic citizenship and the idea of legitimate law. They now agree that fundamental political questions should be decided by public reasons that might be shared by *all* citizens as free, equal, and reasonable-rational.

Public reason has several noteworthy effects: it can quiet divisiveness and encourage social stability. But it is also important that these effects be brought about for the right reasons. Although Catholics and Protestants initially agreed to the principle of toleration as a mere *modus vivendi* or Hobbesian truce, eventually they came to see toleration and public reason as valuable in themselves. Christianity has come a long way from the days of Constantine (fourth century) when heretics were punished; from the time of Pope Innocent III (thirteenth century) when there was a religious war against the Albigenses; and from the early modern period following Pope Gregory IX, who established the Inquisition. Given this background it is not

surprising that the persecuting zeal that has been the great curse of the Christian religion should be shared by Luther and Calvin and other Protestant reformers, and that most of the American colonies had known established churches of some kind (Congregationalist in New England, Episcopalean in the South).

Luckily the United States as a whole steered clear of establishment and of a confessional state. At least partially because of the success of religious freedom in the United States, eventually (at the time of Vatican II) even the Catholic Church put forth its Declaration on Human Freedom (*Dignitatis Humanae*), where the principle of religious freedom in a constitutional democratic regime is praised. This religious freedom is *now* seen to rest on a traditional *religious* principle: the dignity of the human person. All persons, regardless of their faith, have religious liberty on the same terms.¹² As John Courtney Murray aptly put the point:

A long-standing ambiguity had finally been cleared up. The Church does not deal with the secular order in terms of a double-standard—freedom for the Church when Catholics are in the minority, privilege for the Church and intolerance for others when Catholics are a majority.¹³

In sum, Rawls is hardly a historical relativist, as Hittinger suggests, in that there has been slow *progress* at work in the last several centuries regarding questions in political philosophy that affect religion, a progress that entails a substantive moral judgment that could not be justified in a historical relativist scheme. And on Rawlsian grounds religious perfectionists must first limit the scope of their comprehensive religious doctrines (so as to impartially establish justice) *and then* explore the degree to which their perfectionistic standards are compatible with (or conducive to the flourishing of, according to Hittinger) reasonable pluralism.¹⁴

It has always been Rawls's view that the normal conditions of justice involve circumstances where human beings cooperate for mutual advantage, circumstances that are typified by conflict, however, as well as by commonality. And it is obvious why there are conflicts even among moral people: human beings are not indifferent as to how the benefits produced in a social setting of moderate scarcity are to be distributed. These differences of opinion are based on a diversity of religious (or philosophical) doctrines. But they are not necessarily due to human selfishness. Just as in the absence of danger there would be no occasion for the virtue of courage, so also without the conditions of moderate scarcity and without concern regarding how resources will be distributed there would be no need for justice. The fact that there is such a need is more due to these conditions than to any flaw in human nature.¹⁵

In fact, even the spiritual ideals of saints and heroes can be opposed irreconcilably, and when such an opposition comes to the surface the results can be tragic. The point here is that justice, by definition, is the virtue of practices where there are assumed to be competing interests. Disputes about justice and rights would not exist at all, perhaps, if the persons involved were saints *who agreed on a common*