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SOME REMARKS ON
PAUL WEITHMAN'S IDEA
OF CITIZENSHIP AND PUBLIC REASON

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Patrick Loobuyck

Introduction

On the attractiveness of Rawls' political liberalism

I'm always pleased to read an author with a religious background, who concludes "that Rawls's development of liberal theory is the best available" (Weithman 2016, 42) to think about the place of religion in the public sphere. In societies wherein living-together is based on and constrained by the normative ideas of freedom and equality, Rawls's political liberalism (Rawls 1993) and idea of public reason (Rawls 1999) is on the one hand restrictive enough to guarantee stability and on the other hand open enough to give secular and religious citizens enough rights and opportunities to develop their own life. That is exactly why Rawls's political liberalism is so attractive: it is convincing for religious as well as non-religious citizens, for progressive as well as conservative citizens, for liberal as well as more traditional citizens.

In his book *Rawls, Political liberalism and Reasonable Faith*, Weithman engages successfully with (mainly religious inspired) authors who have criticized Rawls because his political liberalism would give not enough place for religion in the public sphere. However, as Weithman convincingly argues in chapter 3, Rawls's political liberalism does not imply a privatization of religion. Critics such as Timothy Jackson, David Hollenbach, John Courtney Murray or John Langan didn't understand the whole idea and purpose of Rawls's project. Rawls's political liberalism and his guidelines for public reason are not "deeply suspicious of comprehensive doctrines, especially religious ones" and he doesn't think that "religious political argument is inherently destabilizing" (Weithman 2016, 162). Public reason is not against religion at all. With his proviso (cf. *infra*) Rawls offers us the least restrictive guideline of public reasoning sufficient to solve the assurance and stability problem of open societies confronted with deep diversity.

But I would add that Rawls's idea of political liberalism and public reason can also stand the test of critics, such as Paul Cliteur (2010), who argue that the Rawlsian ideas about liberalism and state neutrality are too soft and leaves too much place in the public for religion and especially for traditional, orthodox and conservative comprehensive doctrines. According to these critics, these religious comprehensive doctrines are conceived as dangerous for the liberal democratic culture and should be restricted. Concerning public reason, Robert Audi (1989, 1997, 2000, Audi & Wolterstorff 1997) for his part has argued that only secular reasons and motivations should be allowed in the public debate. According to Audi, religious people should in public and political discussions exclude their religious convictions and only follow secular rationales and motivations.

Rawls however rightly distinguishes his idea of political liberalism from an idea of liberalism as a secular and autonomy-based comprehensive doctrine asking everybody in society not only to accept freedom and equality as public values but also to live and organize their own lives according to the principle of individual autonomy. Indeed, in a Rawlsian society, citizens are free to choose for a monastic or convent life. And in a Rawlsian society people can built their lives on communitarian, religious or conservative principles wherein individual autonomy and self-determination are not central. However, Rawls is not too open for religion, since he clearly draws a line: religions and other comprehensive doctrines may not infringe citizen's basic liberties and all citizens should endorse and accept for the right reasons freedom and equality as the moral foundation of liberal societies. Therefore religion and theology have no place in the public justification of the Rawlsian society's public policies.

I

The idea of public reason

This article focuses on chapter 6 and 7 of Weithman's book. In these chapters he makes a detailed reconstruction of and gives some interesting comments on the concept and application of Rawls's idea of public reason. The two chapters have a different focus. Chapter 6 supports a more inclusive view with special attention for the legitimacy of religious inspired political positions that cannot be presented independent of religion. Chapter 7 is more restrictive, giving more attention to the public reason *requirement* that "when necessary to assure others of their allegiance to the constitution, citizens show how the reforms they favor can be supported by liberal democratic values and are consistent with constitutional procedures" (Weithman 2016, 165).

Weithman accepts two important basic principles of Rawls's idea of public reason.

1. Liberal democracy and state neutrality require that laws and policies – esp. when constitutional essentials and matters of basic justice are at stake – can be formulated and justified in political terms. Therefore legislators, judges and other governmental officials should fulfil “their duty of civility” to one another and to other citizens (Weithman 1993, 217; 2001, 135). This implies that religious arguments or arguments from particular comprehensive doctrines cannot be used by politicians, judges and state officials to explain why laws which are binding for every citizen, are legitimate laws. In the words of Rawls: politics and laws should not only be based upon reasons citizens can understand (as Servetus could understand why Calvin wanted to burn him at the stake – Rawls 1999, 138) but also upon reasons that all citizens might reasonably accept.

2. Ordinary citizens who are not state officials fulfil their duty of civility by doing what they can to hold government officials to the idea of public reason. Moreover, in an ideal situation reasonable citizens think of themselves *as if* they were legislators when they vote for representatives and when they participate in public political debate concerning constitutional essentials and matters of basic justice (*ibid.*, 135-6). However, when constitutional essentials and basic justice are not at stake, “citizens and legislators may properly vote their more comprehensive views” (Rawls 1993, 235) and in the so-called background culture “there are no restrictions” at all (Rawls 1999, 153; 1993, 215, 220, 382). In civil society, media, churches and universities, religious and other comprehensive doctrines may properly play a role, without any restrictions.

II

Public reason in the non-ideal world

But what are the role and obligations of ordinary citizens in a non-ideal world? That is the main interest of Weithman. In *Political Liberalism* Rawls defends for non-ideal situations his so-called 'inclusive view': religious arguments and arguments from other comprehensive doctrines are allowed in certain circumstances, depending on historical and social conditions. Abolitionists and Martin Luther King for instance (Rawls 1993, 249-251) were not unreasonable and did not go against the idea of public reason. Their interventions were based on a particular religion, but it can easily be seen that they supported political values of freedom and equality for all. They use religious arguments in a way "that strengthen the ideal of public reason itself" (Rawls 1993, 247).

Later, in the new introduction of *Political Liberalism* in 1996 and more substantively in his article "The Idea of Public Reason Revisited" (1997, now in 1999, 129-80), Rawls changed his mind and defended the so-called "wide view of public reason" that can be summarized with the famous Rawlsian proviso: It is allowed "to introduce into political discussion at any time our comprehensive doctrine, religious or nonreligious, provided that, in due course, we give properly public reasons – and not reasons given solely by comprehensive doctrines – to support the principles and policies our comprehensive doctrine is said to support" (Rawls 1999, 144 – other formulation in 1993, 152 and li: "... that in due course proper political reasons ... are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support").

In chapter 6 Weithman argues that the Rawlsian proviso may be too strong and a too burdensome demand to place on

religious (American) citizens (Weithman 2016, 137, 147). What with citizens who are not able or willing to justify their positions by public reason – by reasons that can be presented “independently from comprehensive doctrines of any kind” (Rawls 1999, 143)? What with positions for instance against legalizing assisted suicide because one thinks it is wrong to choose death over life and because one thinks societies lose something of great ethical significance when they regard the moment of death as subject to individual control? (*ibid.*, 139) This position appeals to political principles, but cannot be presented – as Rawls (1999, 143) requires – independent of a particular comprehensive doctrine about the common good for society.

From the Rawlsian perspective, in both cases the citizen violates her duty of civility because she evinces her willingness to coerce others on the basis of her comprehensive doctrine. As Weithman remarks: Rawls thinks “trust, respect and friendship are threatened unless citizens believe others *are willing* to justify their positions by public reason” (Weithman 2016, 144 [my italics], see Rawls 1993, 218; Rawls 1999, 136).

According to Weithman now, this is not necessarily the case. For Weithman (2016, 131) it is not obvious how the moral ideal of public reason can impose a moral *requirement* for citizens in a non-ideal situation. As long as citizens do not threaten mutual trust, respect and civic friendship, they can use in the public comprehensive doctrines to justify their political position. That is the reason why the position of abolitionists, and the political interventions of Martin Luther King or the Jewish refugee theologian Abraham Heschel, which were based on religion, are in fact no problem for liberal democracy – even if for the sake of the argument we would suppose that they were unable and unwilling to translate their religious arguments in terms of public reason. According to Weithman, even if they would have refused

to justify their position in any other terms than in religious terms, their religious based interventions do not endanger or undermine assurance, trust and civic friendship.

III

Quid Habermas?

One of Weithman's concerns is that some church activities, religious traditions and discourses contain elements that can contribute to the validity, cohesion and justice of liberal democracies. "Citizens' comprehensive views, including their religious views, may contain ideas that can leaven political debate and may help to motivate ordinary citizens' efforts on behalf of reform." (2016, 165) Moreover, religious values and Christian stories can appeal even to non-theists and non-Christians, and they can be politically relevant. "Religion makes meaningful the most common and fundamental human experiences – suffering and death, sin and guilt, repentance, forgiveness and redemption, the experience of injustice and vulnerability, the hope that right will triumph." (*ibid.*, 143) As such religion can serve as an intellectual resource in political argument.

On this point Weithman reminds me of the position that Jürgen Habermas defended in his article *Religion in the Public Sphere* (2006) and other chapters of his book *Between Naturalism and Religion* (Habermas 2008). It would be interesting to know what Weithman thinks about Habermas's position since he does not make any reference to it. My prediction would be that Weithman's appreciation will be ambivalent.

On the one hand he will have sympathy for Habermas's positive attention and appreciation for the semantic potential of religion in a post-secular society. Indeed, with a reference to

Weithman, Habermas insists that religious communities and churches have played a positive role for democratic culture. Habermas does not only emphasize the right of religious citizens to take part in public discussion, but also the loss for society as a whole in case they are prevented from doing so. Because we can never anticipate what we might learn from them, it is important to conserve as much as possible all cultural sources that nurture citizens's solidarity and their normative awareness (cf. Habermas 2008, 111).

... for it cannot be sure that secular society would not otherwise cut itself off from key resources or the creation of meaning and identity. Secular citizens or those of other religious persuasions can also learn something from religious contributions under certain circumstances, for example, when they recognize buried intuitions of their own in the normative truth contents of a religious utterance. (*ibid.*, 131)

More than Rawls does (see Loobuyck & Rummens 2010, 2011), Habermas's postsecular approach insists that the content of religious contributions to the public debate should be taken seriously. The Rawlsian proviso seems to imply that religious arguments do not perform any semantic work and leave the content of public reason unaltered. According to Rawls "the introduction into public political culture of religious and secular doctrines, provided the proviso is met, does not change the nature and content of justification in public reason itself" (Rawls 1999, 153)

For Habermas, in contrast, religion has a special power to give expression to important moral intuitions and "can also open the eyes of citizens to aspects that were hitherto neglected." (Habermas 2008, 264; see also ch. 2, 131, 139-40, and 245). Crucial for Habermas is the idea that religious speech may be a

vehicle for original truth contents that can be preserved in the translation process of making arguments equally accessible to all. (In a review article of Rawls's published BA thesis, Habermas argues that also Rawls's political liberalism itself is an "outstanding example of a philosophical translation" and "a philosophical reshaping" of ideas and motives originating in a religious comprehensive doctrine, Habermas 2010).

Moreover Habermas, just like Weithman, defends the religious mono-glot: some religious citizens may not be able to fulfil the duty of civility and public reason. Agreeing with Weithman that some religious persons are incapable of discerning "any 'pull' from any secular reasons" (Weithman 2002, 157), Habermas argues that religious people should be able to make contributions to the public and political debate without having to provide adequate political, public reason translations for their religious arguments (Habermas 2008, 128).

On the other hand, Habermas proposes a more strict interpretation of the proviso (*ibid.*, 130-1). He introduces an institutional threshold that divides the informal public sphere from the formal political sphere like parliament, courts, ministries and administrations. In the parliament, for instance, religious arguments are not allowed. "The truth contents of religious contributions can enter into the institutionalized practice of deliberation and decision-making only when the necessary translation already occurs in the pre-parliamentarian domain, i.e., in the political public sphere itself." (*ibid.*, 131)

So, while Habermas is in a way more positive about the contribution of religion than Rawls is, it is still Rawls who defends the most inclusive position. For Habermas the transformation of religious into political arguments already has to be completed in the informal public sphere. Martin Luther King is not welcome with his religious speech in the parliament. Rawls,

in contrast, leaves the informal public sphere totally free and allows religious arguments also in the formal public sphere provided political reasons supporting the same position can be found in due course.

From Paul Weithman's book chapters, it is not immediately clear how Weithman would evaluate the position of Habermas. It seems that he would appreciate Habermas' positive account of religion, but what about the Habermasian institutional filter as proviso? Does it make a difference for Weithman if the speech of Martin Luther King took place at a public manifestation in the civil society, in the so-called background culture or in the formal political sphere of Congress and Parliament? Habermas for his part writes about the position of Weithman: "By contrast, Nicholas Wolterstorff and Paul Weithman wish to jettison even this proviso. However, they thereby infringe against the principle that the state should remain neutral toward competing worldviews, contrary to their claim to remain in line with liberal premises." (*ibid.*, 132) I suppose that Weithman would not fully agree with that statement?

IV

Unable or unwilling?

According to Rawls's wide view of public reason, the religious discourse of abolitionists and those in the Civil Rights Movement are no problem at all. The proviso was fulfilled in their cases. As he wrote in a footnote: "I do not know whether the Abolitionists and King thought of themselves as fulfilling the purpose of the proviso. But whether they did or not, they could have. And had they known and accepted the idea of public reason, they would have." (Rawls 1999, 154; 1993, lii)

In line with this remark, the examples that Weithman uses in Chapter 6 to argue against the civic duty to present a political position independently from comprehensive doctrines do not convince me. Of course the discourse of Martin Luther King or Abraham Heschel, do not undermine trust, respect, stability and assurance, but this is the case *because* their position is obviously in line with the principles of public reason and translation in terms of freedom and equality is so easy that nobody can deny it. There is no reason to presuppose that King would not be prepared to present his position in more general, political terms of public reason. Why should he refuse?

But what if King with his moral authority at that time in US would also have defended, referring to the bible, that women are dependent of men and in a civil marriage women should have less rights than man, or that homosexuality or atheism are sins and therefore homosexuals and atheists should not be allowed in public service functions? And what if Luther King became the President of the US: can he still refer in public to the Bible and to God to argue that people should be treated as equals, and can he refer to God's punishment for the sin of slavery, racism, atheism or assisted suicide? The fact that King would refuse to translate these political positions in political language independent of his religion, would be problematic. However especially in these examples it would be understandable that King refuses to make a translation, because (he may know that) it is impossible.

If the religious position about a political issue defended by X can also be defended by appeal to principles independent of that religion, why should X refuse that it indeed happens? Maybe X is not aware of the necessity or maybe X cannot do it by himself, but that is logically independent of the willingness to translate. I agree with Habermas (2008, 127) and Weithman that any 'ought' implies a 'can'. Some religious citizens may not have enough

knowledge or imagination to find independent political justifications for their positions. However, there is a relevant difference between ‘unable’ and ‘unwilling’ to justify a position in the public by appeal to the values of public reason.

The fact that citizens may not be able to fulfil the proviso by themselves should not imply that they may refuse the idea that their (religious) position is translated for a broader (non-religious) public in political, independent terms. Without such a willingness, there is a problem because then, the citizen reveals that (s)he does not endorse the basic principle of political liberalism, namely that laws (esp. concerning constitutional essentials) should be based on arguments that can be accepted by all citizens, independent of their religion or other comprehensive doctrines.

Moreover, as Cristina Lafont pointed out, the religious monoglot is itself also problematic because it is non-generalizable. Without “the additional obligation to provide arguments and reasons that other citizens can reasonably accept [...] the practice of public deliberation in the informal public sphere would collapse.” (Lafont 2007, 251). If all citizens were to behave as mono-glots and make use of their prerogative to argue exclusively from their religious or otherwise comprehensive views, without any further justificatory obligation, it is totally unclear how the (institutional or Rawlsian) translation proviso could ever be upheld. It seems, therefore better to stick to the Rawlsian requirement that imposes on *all* citizens (also the religious monoglot citizens) the duty to engage in or at least to accept that others engage in the translation of their own religious arguments into political arguments.

V

The simple wide view of public reason

I suggest a less complicated reading of Rawls's proviso. You may call it the simple wide view of public reason. Rawls expects of reasonable citizens to endorse the basic principles of a liberal society: freedom of conscience, state neutrality (neutrality of aim and justification), separation of church and state, freedom of association, etc. Each citizen can do that "from within their own comprehensive view" (Rawls 1993, 147) and agreement on the basis of *modus vivendi* is not sufficient (*ibid.*, 147ff.). Endorsement for the right reasons is necessary to establish stability and assurance. And if that is guaranteed citizens can use religious arguments and references at any time and as much as they want.

In fact, Rawls never specifies who should fulfil the proviso. In one formulation he uses the expression "that in due course proper political reasons ... *are presented...*" (Rawls 1993, li-lij; 1999, 152n [my italics]), in another formulation he uses the expression "that in due course, *we give* properly public reasons..." (*ibid.*, 144 [my italics]) The 'we' can be understood as a generalized 'we' and can be interpreted in line with Habermas who explicitly writes that "this requirement of translation must be conceived as a cooperative task in which the nonreligious citizens must likewise participate" (2008, 131). So, the religious mono-glot is saved.

After he formulated the proviso Rawls also acknowledges the vagueness of the expression "in due course". He leaves it open *who* has to find political and independent presentation of the religious arguments. "Many questions may be asked about satisfying this proviso. One is: when does it need to be satisfied, on the same day or some later day. *Also, on whom does the obligation to honor it fall.*" (1999, 153; 1993, lii, n.26 [my italics])

Concerning the other question ‘when should the proviso be satisfied?’ the answer of Habermas is clear (in the informal public sphere before entering the formal political sphere), while the answer of Rawls is again rather vague (in due course). Especially in non-ideal situations, the more inclusive position of Rawls is most plausible. Then, we can understand his ‘in due course’ as: no matter where, who and when but *somewhere before* the political decision wherein the political position becomes a law. This is the only requirement: everyone should accept that after the decision to implement a law government officials should be able to defend the law in political terms. Religious arguments can always be presented, even in the parliament and even by religious monoglots, as long as these citizens and politicians know and accept that these reasons cannot be the basis for state policy. This may be the most inclusive and simple way to read Rawls’s sentence: “The proviso of citizens’ justifying their conclusions in due course by public reasons secures what is needed.” (1993, lii)

VI

Inclusivism, stability and assurance

The position that Weithman defends in chapter 6, is in my opinion also in contradiction with chapter 7 wherein he proposes an interpretation of the public reason requirement as context-dependent (Weithman 2016, 163-5). When there are doubts about the allegiance of some (religious) citizens to the constitution, these citizens should show “that they accept duly enacted legislation and court decisions as legitimate”. “When necessary to assure others of their allegiance to the constitution, citizens show how the reforms they favor can be supported by liberal democratic values”.

This requirement seems to be in line with Rawls's remark that "the details about how to satisfy this proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance." (Rawls 1999, 153) Weithman's requirement however may be in contradiction with Rawls's "at any time" in his formulation of the proviso. According to Weithman religious arguments are allowed "so long as their doing so does not lead to doubt that they acknowledge the authority of the public conception of justice." (Weithman 2016, 162) The problem with this can be that doubt is often in the eye of the beholder. It can be a matter of personal opinion.

Apart from that, when is it the case that doubt arises? One of the answers is: when citizen X is not prepared to accept that his position should be translated before it can be used as an argument of the government for a law. In chapter 6 Weithman questions the Rawlsian duty that "when citizens argue in the public forum for a policy or principles bearing on the constitutional essentials or matters of basic justice, *she should be prepared* to defend their positions by appeal to principles drawn from a conception of justice that can be presented as independent of comprehensive doctrine. (*ibid.*, 141 [my italics]) However, it is precisely when citizens manifestly refuse to accept this duty that other citizens legitimately may start to doubt if they really "acknowledge the authority of the public conception of justice". There should be no doubt as long as citizens and politicians allow translation of their religious positions.

So what chapter 6 argues for (i.e. the participation of the unwilling religious mono-glot in the public debate) triggers immediately the public reason requirement. In other words: chapter 6 argues that certain citizens may refuse the proviso for themselves, but this creates doubt and doubt is according to

chapter 7 an argument to require that these religious mono-glot citizens show their willingness to accept the proviso...

Conclusion

According to Weithman and Habermas in a non-ideal situation citizens may present their political position from their own comprehensive doctrine, without translating their religious reasons in terms of public reason. The civic duty to present a political position independently from comprehensive doctrines of any kind can be too strong for some (religious) citizens.

However, according to Weithman it is acceptable that citizens are unable *and unwilling* to present their position in a way independent of any (religious) comprehensive doctrine. I argued that it may be reasonable to accept that some citizens are unable but that it is unreasonable to accept that they are unwilling to present their position in a way independent of any (religious) comprehensive doctrine.

All citizens have the moral (not legal) duty to accept that the state (state officials, judges) cannot use the religious (or other comprehensive doctrine) argument to justify laws concerning constitutional essentials and matters of basic justice. That means that all citizens should accept the proviso of what I have called the simple wide view of public reason. Because in a liberal democracy based on freedom and equality, political decisions are impartially justified with generally accessible reasons, all citizens must accept that if there is no willingness to present independent political arguments and reasons, their religious position and political ideas cannot be accepted as policy or law.

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