Beyond Political Liberalism

Toward a Post-Secular Ethics of Public Life

TROY DOSTERT

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University of Notre Dame Press
Notre Dame, Indiana

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Notre Dame, Indiana 46556
www.undpress.nd.edu
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Manufactured in the United States of America

Library of Congress Cataloging-in-Publication Data

Dostert, Troy Lewis, 1968–
Beyond political liberalism : toward a post-secular ethics of public life /
Troy Dostert.
p. cm.
Based on the author's thesis (doctoral)—Duke University.
Includes bibliographical references (p.) and index.
ISBN-13: 978-0-268-02600-4 (pbk. : alk. paper)
ISBN-10: 0-268-02600-9 (pbk. : alk. paper)
1. Political ethics. 2. Religion and politics. 3. Liberalism—Religious aspects.
4. Religious pluralism—Political aspects. I. Title.
BJ55.D64 2006
172—dc22
2006023895

∞ *The paper in this book meets the guidelines for permanence and durability of the Committee on Production Guidelines for Book Longevity of the Council on Library Resources.*

Beyond Political Liberalism

For the members of the Church of the Abiding Savior,
Lutheran

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Acknowledgments

This book originally took shape as my doctoral dissertation in political theory at Duke University. I must first, therefore, thank the members of my dissertation committee: Rom Coles, Ruth Grant, Stanley Hauerwas, Elizabeth Kiss, and Tom Spragens. I had hoped from the start to write something that would allow me to draw on my combined interests in political theory and theology, and each of them was graciously willing to help shepherd such a project. Individually and collectively they consistently offered judicious criticism and encouragement, and many of the core ideas of the book were influenced by their guidance. Special thanks are due to my advisor, Tom Spragens, whose sage advice was a constant resource through both the dissertation and the book-writing process.

I must also thank those who took the time to read portions of the book and whose reflections and criticisms were invaluable: Dan Bell, Bill Cavanaugh, Evan Charney, Eldon Eisenach, and Vivian Wang. I presented a number of early chapter drafts at the meetings of the American Political Science Association and Southern Political Science Association, and I benefited from discussions generated during and after those presentations. During 1998–99 I received a dissertation fellowship from the Kenan Institute for Ethics at Duke and had the pleasure of participating in its graduate colloquium in ethics. The members of that colloquium provided valuable feedback on an early version of the book's argument.

At the University of Notre Dame Press, Jeff Gainey and Chuck Van Hof both offered essential encouragement and support throughout the publication process. I also benefited enormously from the careful critiques of two anonymous reviewers, both of which made the book much stronger than it otherwise would have been.

I owe my first serious encounter with the rewards of scholarship to Alan Houston, who at the University of California, San Diego, supervised my undergraduate honors thesis on Isaiah Berlin. His friendship and counsel came at a crucial stage in my intellectual development and played a key role in my decision to pursue academic life as a calling.

Through the course of researching and writing this book I have become more cognizant than ever before of the ways in which we are indebted to the communities that sustain and shape us. In this light I must thank my parents, Bruce and Ardith Dostert, and my brother, Trent Dostert, for their unfailing love and support. I cannot begin to thank my wife, Manisha Dostert, for her boundless devotion and companionship. She has influenced this book in more ways than she knows, and she has shared in every triumph and frustration associated with it. Our son, Miles, was born right before I finished the first draft of the book. I am in his debt as well, for his sheer exuberance and delightful presence have become daily reminders that there are things more important than writing books.

I dedicate this book to a particular community that became our spiritual home during the last several years we spent in Durham, North Carolina. The Church of the Abiding Savior, Lutheran, is a remarkable example of a community dedicated to embodying the reality of the church as an alternative polis. The opportunity to witness its members' faithfulness and selflessness continues to give me hope that the vision of politics advanced in this book is an ongoing possibility. I am eternally grateful for the privilege of having shared in their journey.

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Introduction

One of the most pressing dilemmas in contemporary political theory concerns how we should conceive of political life in light of the challenges posed by moral diversity. When citizens with widely divergent ethical or religious convictions clash in public debate, how can we approach such disagreements constructively? How can we work toward a stable and legitimate basis for political life, given that we do not share the same presuppositions about what constitutes the proper end of human activity? And to what extent should space be given to particular groups or communities to pursue their own distinctive practices and way of life, even when these might in some respects be at odds with public purposes as currently understood? Conceptualizing what is at stake in moral disagreements in public life and determining an appropriate response to them are political tasks of the first order, daunting though they may be.

These challenges are especially acute when they concern religious differences. The convictions that animate the lives of religious citizens touch upon the most crucial matters: the nature of good and evil, the path to salvation, the substance of a virtuous life. Citizens of diverse religious faiths, as well as those without religious commitments, disagree profoundly over such questions. And these disagreements cannot be neatly detached from the stuff of politics; indeed, they often reveal themselves most sharply in public debate. To be sure, religious diversity is not the only significant kind of moral diversity in political life. While contentious debates over multicultural education, school prayer, gay marriage, or capital punishment are frequently fueled by citizens' disparate moral convictions, these kinds of disagreements do not always have religious differences at their core. Nevertheless, in many respects, the differences that separate citizens as members of religious communities with divergent constitutive understandings and practices do exemplify the challenges of moral diversity, and they are apparent in many of today's most vexing public disagreements. How any conception of politics responds to the public presence of religious diversity is, therefore, one crucial test of its desirability.

The dominant approach to this question within contemporary liberal theory is that of political liberalism. Developed most fully and notably by John Rawls, political liberalism works within the tradition of theorizing the relationship between religion and politics initiated by John Locke in his work *A Letter Concerning Toleration* ([1689] 1983). Locke's approach to securing tolerance and church-state separation involved establishing a firm boundary between the civic and private realms. Within the latter realm churches would be free to carry out their distinctive purpose (defined by Locke as seeking "the Salvation of Souls"), while within the former the state would govern authoritatively, in the interests of the commonwealth as a whole (39). Rawls and other political liberals continue this project by theorizing a basis for political cooperation that can allow citizens with widely disparate convictions and ways of life to support a properly configured public sphere. Once liberal societies reach agreement upon an "overlapping consensus" of shared political norms and values, a conception of "public reason" becomes available through which citizens may deliberate together about political essentials. The boundary between the public and nonpublic realms can thus be legitimately established, and citizens are given a clear way to differentiate their obligations *qua* citizens from those, religious or otherwise, that they may recognize in their nonpublic lives. Via the shared political language of public reason, public discourse can be guided straightforwardly by distinctly political values, thereby circumventing the discord that can be occasioned when citizens bring their more comprehensive and contestable convictions forward in public life. The challenges raised by religious diversity are thus conclusively settled, as public reason allows citizens to approach their disagreements in a spirit of commonality, without allowing their conflicting worldviews to complicate the attainment of a just political order.[1]

My project in this book involves challenging this approach to public life. By examining political liberalism's conceptualization of religious diversity

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and its strategy for responding to it, I question the desirability of managing this diversity through the device of liberal public reason, and I suggest that a politics less devoted to a narrowly circumscribed public realm will be better suited for religiously diverse liberal societies. Indeed, I seek to contest the fundamental logic of political liberalism—that religion as such constitutes a distinctive threat to public order—and instead argue that religious communities themselves have a great deal to offer in approaching the challenges of religious diversity, and moral diversity more generally, in a responsible manner. Stated simply, my argument is that it is through engaging our diversity directly, rather than seeking to control it, that we stand the best chance of negotiating public space successfully. And I offer an alternative to political liberalism with this aim in view.

Political Liberalism's Appeal

It is not hard to appreciate why political liberalism has gained a substantial following. What it promises is a way to steer a course between two alternative theoretical frameworks, neither of which by itself appears to be fully compelling. The first is what has been called "perfectionist liberalism." Defended in different forms by thinkers such as Joseph Raz and Ronald Dworkin, this approach emphasizes the distinctive ethical attributes of a liberal way of life, for instance individualism or personal autonomy, and defends liberal political arrangements as a way to encourage those attributes in citizens generally. Dworkin contends that "the most plausible philosophical ethics grounds a liberal faith," and that "liberal equality does not preclude or threaten or ignore the goodness of the lives people live, but rather flows from and into an attractive conception of what a good life is" (2000, 242). Dworkin's own conception of liberalism is premised upon his ideal of "ethical individualism," which informs his particular defense of egalitarian justice, as well as his account of liberal citizens as self-determining beings (4–7). Similarly, Raz builds his defense of liberalism around the notion that personal autonomy is a "constituent element of the good life," and that liberal states should design public policy with an eye toward helping citizens achieve it (1986, 408).

Perfectionist liberalism traces its lineage not through Locke's *Letter*, with its primary emphasis on establishing a secure boundary between the political and the private spheres, but rather through thinkers such as John Stuart Mill and Immanuel Kant. It draws upon a rich tradition of liberal philosophical thought on the nature of the good life, thereby offering a robust depiction of the value of the liberal ideal. But as political liberals have pointed out, this way of life will not appeal to all citizens equally. Charles Larmore notes that a liberal politics that privileges the value of autonomy is deeply at odds with the Romantic values of "belonging and custom," and the life lived in obedience to a shared tradition (1990, 343–344). And Rawls stresses that a comprehensive commitment to autonomy or liberal individualism will inevitably prove to be "incompatible with other conceptions of the good, with forms of personal, moral, and religious life consistent with justice and which, therefore, have a proper place in a democratic society" (1985, 245). Would not the state's acting upon a perfectionist conception of liberalism lead to the kinds of paternalism and coercion that liberals have long resisted, carried out (ironically) in the interests of attaining a more perfect liberal political order? A perfectionist liberalism appears to pave the way toward making liberalism nonliberal.

Political liberalism thus reaffirms the public/private distinction invoked by Locke and limits its emphasis to obtaining *political* norms with which to regulate the public sphere, as opposed to wider ethical ideals that would inevitably generate disagreement among citizens with diverse worldviews. The virtue of "reasonableness" that undergirds political liberalism's conception of citizenship is considered a political virtue, connected to a political way of reasoning, and as such it may be very different from the way in which citizens reason personally about morality or ethics (Rawls 1996, 215). Similarly, while citizens must employ a version of *political* autonomy in their public lives, they are not obligated to view their nonpublic convictions and obligations through the lens of *personal* autonomy. They are free to regard those commitments as involving obedience to a shared faith or tradition (97–99, xliv–xlv). At the same time, however, political liberals insist that while this vision of liberalism is strictly political and not perfectionist in nature, it is nevertheless built upon a moral foundation. Rawls, for instance, stresses that citizens must affirm their allegiance to liberal justice on moral grounds (1996, xl), and Larmore also is at pains to emphasize that political liberalism rests upon a "core morality" (1990, 346). Why is this important?

Establishing a liberal regime on a moral foundation allows political liberals to differentiate their approach from the other competing liberal framework: modus vivendi liberalism. For modus vivendi liberals, political justification is pursued prudentially, in the hope of attaining provisional political agreements in societies deeply divided over the good life. What is most important is not that citizens share a commitment to particular political norms, let alone a commitment to a comprehensive way of life. Rather, it is simply to facilitate the negotiated compromises and strategic truces that allow citizens with widely disparate constitutive understandings to live amicably. Patrick Neal calls this "vulgar liberalism," and defends it as a "chastened and minimalist" liberalism best suited for polities in which citizens possess radically incommensurable worldviews (1997, 8). Similarly, John Gray argues that "the aim of *modus vivendi* cannot be to still the conflict of values. It is to reconcile individuals and ways of life honouring conflicting values to a life in common. We do not need common values in order to live together in peace. We need common institutions in which many forms of life can coexist" (2000, 5–6).[2]

Modus vivendi liberalism clearly evinces a significant attentiveness to the moral diversity likely to be present in contemporary liberal societies, especially when contrasted with perfectionist liberalism. But for political liberals it gives up far too much. It seems to rule out, for instance, the shared societal commitment to distributive justice that characterized Rawls's project in *A Theory of Justice,* a project that could only be successful if citizens were unified around the priority of social justice as a goal for liberal politics. Citizens whose allegiance to liberal justice involved "simply going along with it in view of the balance of political and social forces" would lack the deep-rooted attachment to social cooperation needed to realize liberal justice to the fullest extent (Rawls 1996, xl). What political liberalism seeks, in short, is "stability for the right reasons," and modus vivendi liberalism cannot promise this (xliii).

In its commitment both to rejecting the paternalist temptation of perfectionist liberalism and its insistence upon the ideal of a shared moral commitment to justice and political stability, political liberalism promises a way to incorporate citizens with wide-ranging moral and religious commitments within the liberal project. It aims not merely for civic peace but for a realization of the goods of mutual respect and, even, civic friendship (Rawls 1997, 771). As such it is an inspiring vision. But for my purposes in this study, it presents two central difficulties. Both have substantial implications for the status of religious citizens and their role in public life.

Where Is the Politics in Political Liberalism?

A number of recent analyses of political liberalism have focused on whether its emphasis on stability and a shared moral foundation for political life results in an attenuated democratic politics. Roberto Alejandro suggests that Rawlsian politics "is so concerned with the exclusion of divisive issues that might threaten the stability of a well-ordered society and so interested in removing any contingency that might impair the orderly application of the principles of justice that it might engender a passive citizenry, one willing to silence its criticisms rather than risk the instability of the political order" (1998, 134).[3] Stanley Fish contends that the principles embedded in political liberalism's ostensibly overlapping consensus are just a way of blanching political life. Like all approaches to liberalism that trace their inspiration to Locke, political liberalism claims to establish a common point of view to govern the public realm that can transcend the struggle between incommensurable worldviews. But such a strategy inevitably purges political life of the motivations that give politics its driving force: it requires us to abstract from our histories, our deepest convictions, and the commitments that propel us to conceptualize and strive to bring about our visions of justice and the good. This can only be done "by turning the highest things into the most ephemeral things (higher in the sense of 'airy') and by making the operations of the public sphere entirely procedural, with no more content than the content of traffic signals" (Fish 1999, 12).

Political liberalism's proceduralism is not limited to the workings of the public realm. It also shapes the manner in which political liberals consider the claims of those who may have reservations about its conception of politics. J. Judd Owen discusses the way in which political liberalism resists fully engaging the concerns of its critics, for if it did so "it would not then be on its own ground—the ground of reasonable democratic consensus—but rather on the ground of dogmatic assertion," which would involve offering the kind of "comprehensive" claims, à la perfectionist liberalism, that political liberalism has declared off-limits to the public sphere (2001, 120). Similarly, John Tomasi wonders why political liberals seem unwilling to address the concerns of religious citizens who may worry about their particular traditions being eroded by the "spillover effects" of a public realm governed by liberal rights and norms. Shouldn't political liberalism be more attentive to this concern, given its purpose of accommodating a wide range of citizens with diverse views of the good life, including those who (while otherwise remaining reasonable) may have religious commitments that are in tension with some aspects of liberalism? (2001, 21–22, 33–39).

Tomasi suggests that political liberals' neglect in this regard is largely a symptom of "the peculiarly narrow view most liberal theorists take concerning the boundaries of political theory." If we limit our concerns to establishing a legitimate conception of liberal justice, political liberals maintain, we can then sidestep questions concerning nonpublic life and the kinds of personal lives citizens lead, and we need not reflect upon the effects liberal political arrangements might have on the shape of those lives (37). Political liberalism thus adopts a kind of official agnosticism with respect to the substance of citizens' nonpublic convictions, and this radically restricts the scope of political liberals' theorizing, and the kinds of political possibilities that are conceivable as a result. There is much to be said for this explanation, although I believe Tomasi is wrong to argue that political liberalism can do otherwise if it is to remain within its core presuppositions.[4] Indeed, I will argue that political liberalism's general devaluation of politics and its insistence upon securing social stability are both principled stances that work powerfully to inhibit democratic engagement. And as I will seek to show, this stance toward politics has serious implications for our ability to negotiate public space amid the competing claims of radically diverse religious communities.

Singling Out the "Problem" of Religion

Although political liberalism is committed to a hands-off approach when it comes to negotiating the claims of religious communities politically, it is not the case that political liberals are silent on the question of religion. Indeed, religion has become an increasingly prominent preoccupation within political liberal thought. This is especially the case with Rawls and Stephen Macedo, both of whom have focused substantial attention on how political liberalism functions with respect to religion. The paradigmatic question Rawls poses in *Political Liberalism* is indicative: "How is it possible for those affirming a religious doctrine that is based on religious authority, for example, the Church or the Bible, also to hold a reasonable political conception that supports a just democratic regime?" (1996, xxxix). This emphasis is also reflected in the kinds of historical examples we find in political liberals' accounts of politics; these frequently concern religious groups and their involvement in public life.[5]

That political liberals have shown more willingness to confront these matters is a welcome development and, indeed, a crucial task if they are to take seriously their ambition to craft a commodious politics. Yet there is an aspect of much of this theorizing that is highly troubling. Ashley Woodiwiss identifies a constitutive tendency within liberalism to "police" communities of faith, in the interests of preventing them from disrupting social unity (2001, 68–71, 76–81). Such an impulse can be seen as the product of a distinctive narrative, in which liberalism is seen as the guarantor of civic peace in the midst of internecine religious conflict. Locke's project, on this view, is uniquely representative of liberalism as a political tradition. Political liberals exemplify this perspective, for when they write about religious diversity it is frequently with an eye toward controlling its politically "harmful" features.[6] When citizens offer religious arguments in public debate, we must worry that they may be trying to colonize the public sphere with their particular convictions. This is not to say that political liberals seek simply to confine religious expression to the private realm, for they acknowledge occasions in which citizens' religious arguments might work to support the overlapping consensus—for instance, if citizens can explain how their convictions are consistent with public reason. But such concessions serve only to make it clear that in order for religious citizens' political activity to be consistent with liberal norms, it is incumbent upon them to ensure that their convictions are properly expressed, governed by the primary logic of public reason—to which their religious or ethical appeals must always be offered in service.

Political liberalism thus relies upon the preeminence of secular political values as a way to suppress the dangers of religion's public presence. "Secular" here does not presuppose a self-consciously anti-religious worldview or explicit hostility to claims of religious faith. Indeed, in keeping with political liberalism's commitment to steer clear of contentious religious disputes about the good life, such a position would be clearly out of keeping with political liberalism's core principles.[7] For political liberalism, secular values are merely those that have been purged of religious particularity; they are thus able to serve as political values suitable for public discourse in a morally diverse polity. Unless we as a society can agree upon the public sufficiency of these

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