

Religious Convictions in Public Life

During his visit to the United States last autumn, Pope John Paul II spoke frequently of the relation between religious belief and public-mindedness. In a homily delivered in Baltimore, for example, the pope said, "Christ has commanded us to let the light of the Gospel shine forth in our service to society. How can we profess faith in God's word and then refuse to let it inspire and direct our thinking, our activity, our decisions, and our responsibilities toward one another?" Appealing to American history and the specific challenges confronting American democracy, the pope argued that religious insights properly enter the discussion of central issues in our public life:

The basic question before a democratic society is, "How ought we to live together?" In seeking an answer to this question, can society exclude moral truth and moral reasoning? Can the biblical wisdom which played such a formative part in the very founding of your country be excluded from that debate? . . . Would not doing so mean that tens of millions of Americans could no longer offer the contribution of their deepest convictions to the formation of public policy?

However, when philosophers and political theorists ask whether religious convictions are appropriately included in the deliberations of a democratic society, they soon find that this is not a question of simple right and wrong. Matters are much more complex. To begin with, consider the wide range of issues that may be judged to have a religious dimension. Abortion is the most controversial example, but it by no means stands alone. Welfare provision, capital punishment, treatment of animals, environmental protection, military policy, and a host of other political matters may be tied to religious understandings.

This fact helps to account for one stumbling-block in debates about the role of religion in political life: people often condemn the use of religious grounds when it opposes political positions they favor, but welcome use of religious grounds when it supports their own positions. Some of those who complain about the religious sources of pro-life positions had no difficulty with religious grounds for promoting civil rights or opposing capital punishment. If we are going to con-

front this subject in a serious way, we must resist the easy conclusion that religion is fine when it supports our views and illegitimate when it opposes them. We must be less partisan than this.

At the same time, we must recognize that none of us is capable of compartmentalizing our convictions on various subjects, any more than we are capable of fully separating our emotions from our intellectual positions. If persons have strong religious convictions, these will influence to some degree their political opinions; they cannot help themselves. But that does not mean people should self-consciously rely on religious convictions to settle political questions. Perhaps they should formulate their views in some other way.

Constitutional Principles

In the United States, discussion of these issues often centers on the religion clauses of the First Amendment. Under the free exercise clause, citizens are free to believe what they choose, to express their beliefs, and, with limited exceptions, to worship as they wish. Under the establishment clause, the government is forbidden to establish any particular religion, in the manner in which the Anglican Church is made the Church of England, or even to prefer some religions or churches over others. Christian groups cannot be preferred to Jewish groups; Christian and Jewish groups cannot be preferred to Islamic and Buddhist groups. According to modern Supreme Court interpretation, government cannot prefer all religions to no religion or antireligion. This last principle is controversial, however; many think that a general preference for religion should be permissible.

What have these legal constraints to do with our topic? When we look at the relation between free exercise and the problem of how political decisions are made, one point is obvious. Many people see their religious convictions as having some political implications. One aspect of the *full* exercise of their religion is their acting upon these implications. Another point is slightly less obvious. If some people act on their

religious convictions, that may thwart the free exercise of people with other religious convictions. For example, if enough people vote their religious conviction that drug use is sinful, that can impair the free exercise of people whose religion calls for the use of drugs. As we shall see, however, only some uses of religious convictions genuinely thwart the free exercise of others; other uses do not.

The establishment clause has equally significant consequences for political decision and discourse. Suppose a law was overwhelmingly based on religious grounds and designed to promote a particular religious understanding. Suppose, further, that all this was announced in the preamble to the statute. That would certainly be an establishment of that religious point of view. Some writers have concluded that whenever officials, or perhaps even citizens, promote particular political positions because of religious grounds, this involves an actual or potential breach of the establishment clause. A more moderate but otherwise similar position is that each reliance on a religious ground offends some *value* or *spirit* of nonestablishment. On this view, the values underlying the establishment clause press toward nonreligious political judgment and discourse.

From this perspective, we can see a certain tension between the free exercise and establishment clauses. The most expansive idea of free exercise might allow citizens and officials to use religious grounds whenever they find them to be relevant. The most expansive view of nonestablishment might preclude use of religious grounds. How can we work our way out of this dilemma?

Religious Impositions

The first step is to distinguish between *religious impositions* — actions that would inhibit the free exercise of religion — and other uses of religious grounds in political judgment. Suppose that out of Christian convictions, someone proposes that all non-Christians be taxed, with the benefits going to Christian churches. This step would straightforwardly prefer the Christian religion; it would discourage the practice of other religions. Such legislation is clearly at odds with the religion clauses. In any case where legislators and citizens have a similar motivation — even if the policies they favor are less egregious — they offend at least the spirit of the religion clauses. The beginning of wisdom is to recognize that such religious impositions and motives to impose are wrong. They are not appropriate for any citizen in our liberal democracy.

However, not all uses of religious grounds involve an imposition. And it is these other uses that require closer examination. Imagine, for instance, that a legislator proposes to restrict factory farming. She thinks

on religious grounds that higher animals deserve more consideration from human beings than they have received. She does not wish to promote her religious belief or discourage anyone's religious practice. She wants only to give animals a more decent life. If the legislation is adopted, no one's religious beliefs and practices will be directly affected. This is a use of religious grounds that does not involve an imposition; here, no one's free exercise is affected. No religious views are established, except in the sense that legislation regarding the treatment of some animals coincides in part with some religious views.

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How should our deliberations over such a law proceed? Most animals that we eat for meat live pretty awful lives, caged without much ability to move. Should we care very much about this? Do pigs and chickens count for a great deal, or should we regard their lives as essentially for our own purposes? Some people inform themselves on this subject without respect to religious convictions. Others draw from religious beliefs. That does not mean any neat connection exists between most religions and any particular positions. Some Christians and Jews, for example, believe that the Bible establishes that animals are for human dominion; if so, we don't have to worry about factory farming, except for assuring the health of human beings who work in this particular industry or consume its products. Other Christians and Jews think that we are called to care seriously for all creatures. From this perspective, aspects of factory farming are much more disturbing. Maybe a higher price for meat would be worth paying in order to give the animals we kill more freedom to move about and engage with other animals. When they face this issue, is it all right for citizens and legislators to make up their minds on religious grounds and to defend their choices in these terms, or should people try to rely on nonreligious bases of decision?

Basic Positions

Political philosophers disagree on this question. Some say that citizens and officials are completely free to rely on whatever grounds seem compelling to them. This position, of course, fits well with the idea that religious liberty includes relying on religious grounds when one makes political choices. An opposing position is that people in a liberal democracy should make

decisions on bases that are widely shared and accessible to all citizens. At least at this point in history, certain ideas — for example, that the government should show equal concern for all citizens — are fundamental tenets of all liberal democracies, and of ours in particular. These ideas would be appropriate starting points for political decisions. The notion that Genesis establishes that animals are subject to dominion for human use would not.

One version of this argument points to the *unfairness* of adopting coercive legislation on bases that one cannot expect a significant portion of the population to accept. On this view, it would be unfair to restrict factory farming, and prevent farmers from selling to consumers the better-tasting and less expensive meat that it produces, because some people make religious judgments that many farmers and consumers reasonably do not accept. The fairness argument on the other side is that it is not fair to prevent people from relying on grounds that they find most convincing.

Another argument that religious grounds in particular are improper bases for political positions is that large injections of religion will cause conflict and dissension, and feelings of exclusion. The opposing view holds that an open airing of religious positions may enhance understanding of political possibilities and of the relevance of religion for society.

Then there are various intermediate positions. I shall briefly mention two. One position is that everything depends on the *kind* of religious position. Views that are not too dogmatic and sectarian, that are open to competing points of view, play a useful role in politics. Views that are narrow and dogmatic, that leave nothing for dialogue with others, do not belong in the politics of a liberal democracy. Yet a different intermediate position, developed by John Rawls, distinguishes ordinary political issues from constitutional issues and issues of basic justice. For ordinary issues, religious grounds are appropriate; but for constitutional issues people should rely on public reasons, reasons that would have persuasive force for all reasonable citizens. On this division, the treatment of animals would probably count as an ordinary issue; abortion would be a constitutional issue.

Reciprocal Self-Restraint

These various arguments stand in powerful opposition; choosing between them is not easy. My own view is an intermediate one, and involves two claims. First, I do not think that basic premises of liberal democracy can settle exactly how far religious convictions should count in political life. Much depends on the history and cultural life of particular societies. We can think of self-restraint in using religious grounds as involving a kind of reciprocal concession: "I won't use my reli-

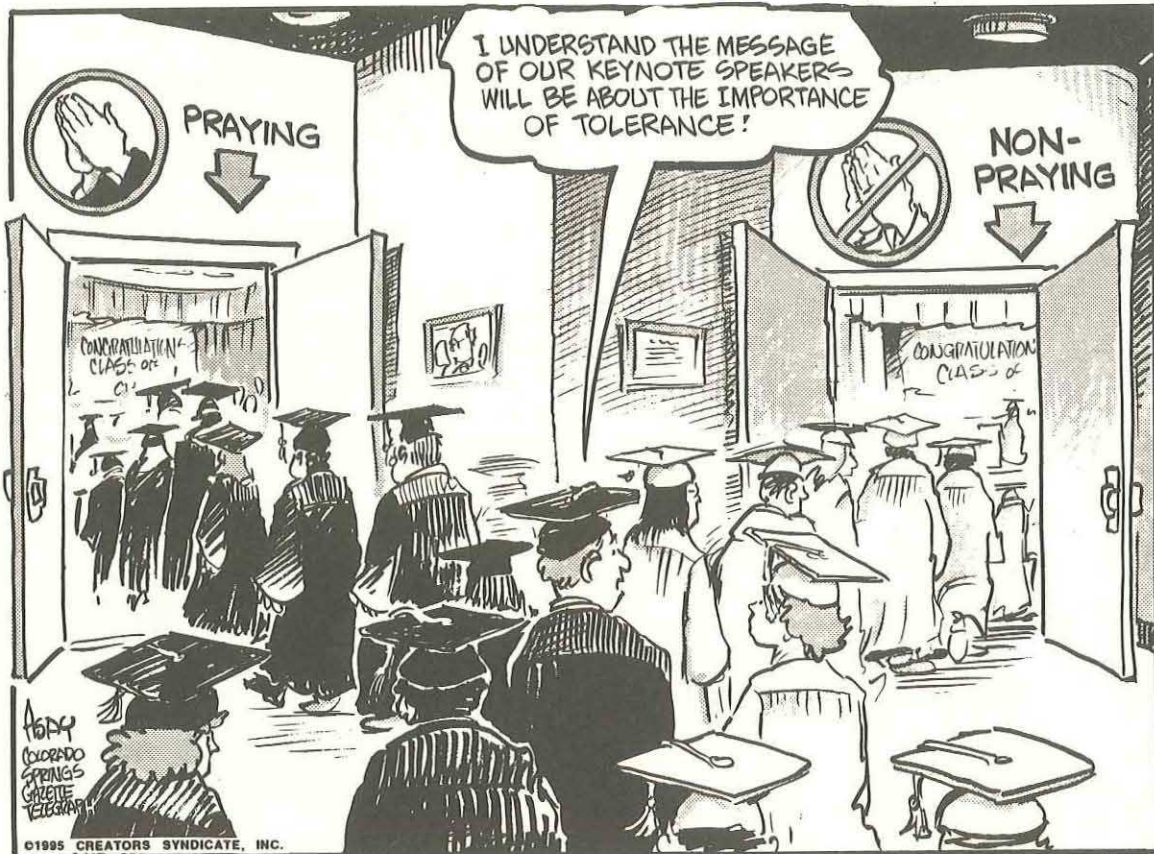
gious grounds to coerce you if you, in turn, will not use your religious (and perhaps similar) grounds to coerce me." Suppose virtually everyone in a society now uses religious grounds freely in reaching political conclusions. Telling some people that they should stop would not be fair; they would then forfeit their own use of religious grounds but be exposed to the widespread use of others'. If we ask what can reasonably be expected of people here and now in the United States, we have to ask about present practices and expectations.

My second claim relates to particular roles in our liberal democracy, and requires drawing a number of distinctions. The most important ones are between private citizens and public officials and between one's actual bases for judgment and one's stated reasons. Very briefly, I think private individuals should regard themselves as relatively free to rely upon and state religious reasons; public officials acting in their official capacity should rarely state religious reasons as their bases for political decisions, and they should be more hesitant than private citizens even to rely on religious reasons. I now turn to specific questions confronting legislators as they make judgments influenced by their own religious views and those of their constituents.

Constraints on Legislators

A first set of questions concerns the justifications offered by individual legislators, inside and outside the legislature, and their actual bases for judgment. Should a legislator proposing a bill to restrict factory farming say, "The Bible calls on us to give greater consideration to animals than we have done so far. If we are to be faithful to God's will, we should enact this legislation"? Whatever the appropriateness of such a speech in the legislative chambers, should a legislator explain his or her position in that manner to constituents? Should legislators make up their own minds on such grounds, even if they do not reveal them publicly?

At least on a national level, I believe we have reached a general understanding that legislators should not make such religious arguments. There are obvious reasons why this understanding has prevailed. In the first place, speech that relies explicitly on religious views is not likely to contribute directly to the resolution of immediate political issues. Even when such speech is intelligible to legislators and to citizens who do not share the underlying position that is presented, it functions as a kind of conversation stopper in political dialogue. In many religious arguments, the speaker seems to put himself or herself in a kind of privileged position, as the holder of a *basic* truth that many others lack. This assertion of privileged knowledge may appear to imply inequality of status that is in serious tension with the fundamental idea of equality of citizens within liberal democracies.



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The view that legislators should not present overtly religious arguments for particular laws and policies also reflects the principle that legislators represent *all* their constituents, members of diverse religions. Thus they should not present as crucial arguments grounds that are applicable only to members of certain religions. By refraining from such arguments, legislators demonstrate respect for the religious diversity of our population. Since religious tensions remain significant in the United States, the practice also reduces political and religious conflict in a desirable way. As far as the religious liberty of legislators is concerned, this restraint involves a rather minor impairment. Legislators have freely chosen a public role, and they often say less than everything that they think about particular issues.

How legislators should make up their minds is, for me, a more troubling question. Though we may agree that legislators should focus primarily on public reasons, we should not expect them systematically to disregard personal reasons and religious grounds. Purging one's discourse is much simpler than purging one's judgment; and it is much simpler to tell whether others are restraining their discourse than whether

they are restraining their judgment (a point of some importance where restraint includes an expectation of reciprocity). The primary restraint on legislators should be conceived as a restraint on public discourse, not on judgment.

Does this proposal endorse dishonesty and concealment? I think no one really expects legislators to reveal all their grounds for decision. If this is not expected, their failure to develop religious arguments that carry some weight with them is not really dishonest. The issue of concealment is more worrisome. Some people believe that it is good for citizens to know as completely as possible the bases on which legislators rely in making decisions. Such knowledge can help the citizens decide whether to support members for reelection, among other things. This is a telling point, but not telling enough to justify wide political speech cast in religious terms. In any event, I do believe legislators appropriately mention that religious grounds matter to them, and certainly legislators should not lie if they are asked directly whether they have religious reasons for a position. What a legislator should not do is make full religious arguments in the public political forum.