

AN OPEN QUEST: THE PUBLIC, THE PRIVATE AND THE POSSIBILITY FOR AN
ETHOS OF MUTUAL RESPECT

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Dissertation under the direction of Professor Victor Anderson

This dissertation examines the differing construals of the public/private relationship as distinction, hierarchy and, paradox, and the theoretical implications of these construals, in order to gain clarity on the public role of religion and the possibility for a liberal ethos of mutual respect. Through an analysis of these differing construals, it is shown that rights have no independent force of their own, but are inextricably tied to conceptions of the good. The interrelatedness of the right and the good calls for a certain level of public morality appropriate to social life in a shared moral context. This shared moral context entails a moral commitment to pluralism that theoretically and practically calls for a public religious voice and the public morality that best honors this commitment is expressed in an ethos of mutual respect. A core argument of the dissertation is that William Galston's ethical liberalism provides a far more satisfactory theoretical foundation for an ethos of mutual respect than either John Rawls's political liberalism or William Sullivan's civic republicanism for it alone pays adequate heed to the interrelatedness of such concepts as public and private, or political and religious, and how this interrelatedness points toward an ethos of mutual respect. Support for the argument

for an ethos of mutual respect is provided by way of the practical example of the use of the religious voice by Martin Luther King, Jr.

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CHAPTER I

THEORETICAL FOUNDATIONS: CONSTRUING THE PUBLIC AND THE PRIVATE

When the project at hand was in its infancy, still being conceptualized, there were grand and sweeping aspirations as to the lasting impact it would have not just on the academic study of ethics and society or of religion and politics, but on how regular people actually conducted themselves in their daily lives. The project was going to set right, once and for all, precisely what is wrong with contemporary liberalism by demonstrating the illiberalism of liberalism. The general argument was intended to address the perceived crisis of authority in modern liberal democratic societies, in which citizens generally embrace the ideals of religious tolerance and freedom, but have particular moral views to which they wish others would hold. In a pluralistic liberal democratic society, characterized by multiple religious and secular communities, in which public interaction is required for the preservation of civil society, ways to allow all to express public faith adequately would have to be found. The conclusion to this argument would be that we must make space in liberal theory and the public sphere for the religious voice – best understood in this context as the explicit and deliberate articulation and expression of religious (or other comprehensive) views and a constitutive element of the self as citizen – if we wish to truly honor liberalism’s commitment to diversity and provide a context in which true political conversation and cooperation can be achieved so as to ensure the future stability and flourishing of liberal democratic society. Once the incontrovertible truth of the position was laid bare, the

censoring of potentially divisive speech in the public sphere would halt and liberalism's theoretical and practical integrity would be restored.

There are many problems with this potential project, but the most troublesome, for it is completely insurmountable, is the fact that it is basically formulated as a conclusion in search of an argument. While working backwards in the ultimately futile attempt to construct a valid argument that proved the point, the true nature of the issue at hand, i.e. the public role of religion in liberal democratic society, presented itself. The fundamental problem is not that there is no space in liberal theory and the public sphere for the religious voice. It is, rather, that there are multiple ways in which the concepts of public and private are construed in liberal theory and these construals have different implications for the public role of religion in and the public ethos of liberal democratic society.

Diversity is a fact of liberal democratic society. It is a fact that has led some to the conclusion that there must be a distinction between public and private, while leading others to the conclusion that the public and the private exist in hierarchical relation to each other. Still, others have construed the public and the private as paradoxical. All theories of liberalism have had to contend with this issue of the public and the private. What is meant by "public" and "private"? What is the relationship between the two concepts? What are the theoretical implications of each of these different types of construals? Without an understanding of the different ways in which the key concepts of public and private are construed and the attending theoretical commitments, it is difficult to gain clarity on the public role of religion and the possibility for a liberal ethos that fully expresses the best elements of liberalism – liberty, tolerance and mutual respect. The remainder of this chapter examines the differing conceptions of the public/private relationship as distinction, hierarchy

and, paradox, though the final conception will only be examined briefly in the current chapter as subsequent chapters address in far greater detail what it means to conceive of the public and private as existing in paradoxical relationship to each other.

The Public/Private Distinction: John Rawls and Liberal Neutrality

In the interest of fairness, it is important to begin with a caveat. It would be inaccurate to say that John Rawls, with his particular conception of liberal neutrality, political liberalism, perfectly demonstrates the theoretical position of drawing a distinction between the public and the private. As with most things theoretical, there is no perfect fit, only that which is true *for the most part*. Summarizing his political liberalism, Rawls explains:

It elaborates a political conception as a freestanding view working from the fundamental idea of society as a fair system of cooperation and its companion ideas. The hope is that this idea, with its index of primary goods arrived at from within, can be the focus of a reasonable overlapping consensus. We leave aside comprehensive doctrines that now exist, or that have existed, or that might exist. The thought is not that primary goods are fair to comprehensive conceptions of the good associated with such doctrines, by striking a fair balance among them, but rather fair to free and equal citizens as those persons who have those conceptions.¹

With that in mind, Rawls's political liberalism is instructive for understanding the ways in which construing the public and the private as relatively distinct from each other impact the formation of particular theoretical commitments. Before one can understand the implications of Rawls's distinction between the public and the private, however, it is necessary to first understand how he came to conceive of the two concepts as he did.

¹ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 40.

Rawls ultimately comes to his position on the public and the private by way of his Kantian conception of the individual and its implications for pluralism.² Pluralism is understood as a natural offshoot of the free rationality of individuals. Being relatively autonomous, individuals are capable of and entitled to rational self-government. This is the very heart of liberal theory as it emerged in the post-Reformation and Enlightenment periods. One of the core tenets of liberal theory is the equality of individuals that results from the ideas of autonomy and freedom. As Joan MacGregor argues: “The idea of freedom at work in most liberal works is Kantian, that is, freedom as autonomy or individual self-determination. It is freedom as rational self-government of the individual agent not freedom as collective self-determination.”³ Recognizing this equality of individuals with the right of self-determination is often understood to mean that liberalism can neither assert nor deny the truth of any particular world view or, in Rawls’s terminology, comprehensive doctrine. As the argument goes, even with the fullest powers of reason and the freest discussions, it is unreasonable to expect that individuals will always arrive at the same or even similar conclusions in deliberations on the good.⁴ The dilemma of modern liberal democratic society, that of uncoordinated individuals, with a plurality of faiths, traditions and norms, all of which could be assumed by persons as unrestricted principles of reason, has the potential to lead to chaos. So one asks, on what reasonable basis can individuals coordinate thought and action? On what reasonable basis can they organize society and act responsibly toward others? Given the differing faiths and beliefs, citizens most likely cannot agree on any source of moral authority, which suggests that people cannot agree on any specified ordering

² Cf. John Rawls, “Kantian Constructivism in Moral Theory,” in *The Journal of Philosophy* 77:9 (1980), as well as *Political Liberalism*, Lecture III, particularly §1 and 2.

³ Joan MacGregor, “Liberalism and Democracy,” *Philosophy East and West* 38: 3 (1988): 335.

⁴ Rawls, *Political Liberalism*, 3-4.

of moral values. Yet, no society can function without some form of public agreement, so on what foundation is this agreement to be built?

For Rawls, there are only two real answers to this question for a pluralistic society: agreement is to be found either through oppression, which is clearly unacceptable in a liberal democratic society, or through the formation of an overlapping consensus. Rawls explains that an overlapping consensus “consists of all the reasonable opposing religious, philosophical, and moral doctrines likely to persist over generations and to gain a sizable body of adherents in a more or less just constitutional regime.”⁵ An overlapping consensus forms, in part, from these various reasonable comprehensive doctrines in respect to a limited range of principles of justice. In a liberal democracy, the idea is that there is basic agreement on three fundamental ideas: society as a fair system of cooperation, citizens as free and equal, and a well-ordered society as regulated by a political conception of justice. From these fundamental ideas develop the principles of justice to which all reasonable and rational people can assent. We assent to these principles that are constitutive of a political conception of justice for two reasons: first, there are good public reasons to do so and, second, there are aspects of our respective comprehensive doctrines that also provide support for the legitimacy of these principles. With this concept of an overlapping consensus Rawls is trying to do two things. First, he is trying to establish a basis for stability in his political conception of justice and, second, he is trying to acknowledge the limits of public reason.⁶

Rawls’s overwhelming desire to provide a theory of and for democratic stability provides his theoretical motivation and it is this intensely focused pursuit of stability that underlies Rawls’s position on overcoming difference. It is also this intensely focused pursuit

⁵ Rawls, *Political Liberalism*, 15.

⁶ Cf. *Political Liberalism*, 15ff. The concept of public reason will be discussed in greater detail below.

that leads Rawls to conceptualize the public and private as he does, as well as to add a third category. Reasonable pluralism, understood as a permanent feature of the public culture of democracy, is the condition that results in a society of free institutions that “tend to generate not simply a variety of doctrines and views” but “that among the views that develop are a diversity of reasonable comprehensive doctrines” and they are “in part the work of free practical reason within the framework of free institutions.”⁷ Theorizing a possibility for political stability under these conditions of reasonable pluralism, while avoiding coercive action, leads Rawls to the idea of the normative public and the substantive “private” as two distinct spheres. Yet, this simple description does not do justice to the complexity of Rawls’s thought on that which is public and that which is not, for Rawls actually draws three distinctions: the public, the nonpublic and the private. The “public” essentially refers to all that which is overtly political and by “nonpublic” Rawls means not a governmental or quasi-governmental group, but a social group nonetheless, i.e. associations in society that largely constitute the background culture of that society. “Private”, by contrast, refers to that which is purely non-social, i.e. individual or familial.⁸

Since what Rawls is after is a freestanding *political* liberalism, the private truly is distinct from the public and nonpublic.⁹ The nonpublic, which certainly may include religious, philosophical or moral comprehensive views, is differentiated from the public, but because of the idea of the background culture and the overlapping consensus, this differentiation cannot be considered to be absolute – the boundary between the public and the nonpublic is relatively thin and fluid.

⁷ Rawls, *Political Liberalism*, 36-37.

⁸ Rawls, *Political Liberalism*, 220n.

⁹ Rawls explicitly states the exclusion of the private in his discussion of public and nonpublic reasons (to be discussed in further detail below). The private, as inherently exclusivist, has no part to play in a specifically political conception. Cf. *Political Liberalism*, 220n.

Writes Rawls, the public culture “comprises the political institutions of a constitutional regime and the public traditions of their interpretation (including those of the judiciary), as well as historic texts and documents that are common knowledge.”¹⁰ The nonpublic background culture consists of all that which is non-political, including all of the various comprehensive doctrines that gain adherents in the society, social organizations, both formal and informal, scientific societies and just what all commonly understand as the “culture” of that society. In both the public culture and the background culture, Rawls assumes a set of givens, a “fund of implicitly shared ideas and principles.”¹¹ This fund of implicitly shared ideas in the public culture allows for the assent to the principles of justice while in the background culture it allows for an overlapping consensus on a political conception of justice. In the original position, conceived as a hypothetical situation in which persons of equal ability decide to agree on principles of social cooperation without knowledge of how anyone, including themselves, is placed in society, rational decisions become subject to reasonable constraints. Each person will be wary to propose principles that are to their own advantage for they understand that, were they to be accepted, some future circumstance of which they are unaware could arise in which they would be bound by this accepted principle that might now be to their disadvantage. The end result of this process is rational agreement on reasonable principles of justice to which all could readily assent.¹²

The hypothetical nature of the original position does not negate the fact, however, that Rawls does embrace the notion that individuals must be emotionally, intellectually, and ontologically capable of drawing an effective line between their public and nonpublic

¹⁰ Rawls, *Political Liberalism*, 13-14.

¹¹ Rawls, *Political Liberalism*, 14.

¹² Cf. Rawls, *Political Liberalism*, 305-310.

identities and of *initially* setting aside their particular commitments in the interests of political stability and an overlapping consensus. For Rawls, political liberalism concerns the individual *as citizen*, whose comprehensive views are suspended and bracketed, but who nevertheless present their comprehensive views in the public sphere provided they are reasonable and receive support in the form of proper public reasons. The ideal of public reason is critical to Rawls's political conception of justice for it is public reason that brings about the overlapping consensus needed for stability. Public reason regards the guidelines of inquiry appropriate in a liberal democratic society, meaning it is the "principles of reasoning and rules of evidence in the light of which citizens are to decide whether substantive principles properly apply and to identify laws and policies that best satisfy them."¹³ Public reason is that part of reason that governs the deliberations of citizens with regard to matters of basic justice and constitutional issues. In public discussions of these issues, the reasons offered by any one person or group in support of or opposition to the issue at hand ought to be reasons that all parties might reasonably be expected to endorse given the generally shared truths of that society.¹⁴ One cannot initially put forth reasons that rely solely on potentially exclusivist comprehensive doctrines. It is this very factor that makes public reason central to a political conception of justice.¹⁵

Generally speaking, public reason refers to governmental venues and functions (e.g. political debates, judicial decisions, political campaigning, voting), while nonpublic reason is associated with unofficial networks of private groups communicating on public matters, such as professional associations, churches and civic organizations.¹⁶ The concept of public

¹³ Rawls, *Political Liberalism*, 213.

¹⁴ Rawls, *Political Liberalism*, 224-225.

¹⁵ Rawls, *Political Liberalism*, 223.

¹⁶ Rawls, *Political Liberalism*, 220.

reason is based on the notion that citizens have a genuine desire to justify their public actions on grounds that others could not reasonably reject. This indicates that citizens have a moral duty to civility “to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.”¹⁷ Citizens are, of course, free to use any reasons they desire, including comprehensive views, but to do so initially violates the duty to civility. One cannot reasonably expect others to assent to a principle or policy the legitimacy of which is derived solely from a comprehensive view that potentially holds no truth for those others. Rather, these nonpublic reasons are admitted as supplementary support for public reasons, providing a deeper justification that comes with the overlapping consensus. It is left to individuals “to settle how they think the values of the political domain are related to other values in their comprehensive doctrine.”¹⁸ Rawls argues that history demonstrates that persons do this pretty effectively and he affirms that “there are many reasonable ways in which the wider realm of values can be understood so as to be either congruent with, or supportive of, or else not in conflict with, the values appropriate to the special domain of the political as specified by a political conception of justice.”¹⁹

Rawls does, therefore, recognize the value of the comprehensive doctrines to which individuals assent, he simply asserts that they have a limited and specialized role to play in political liberalism. His conceptions of the individual, pluralism and the public, nonpublic and private all tie together to create a coherent theory of political liberalism in which the concept of public reason plays a vital role. Furthermore, these concepts all point toward a theory of liberal neutrality of aim characterizing a strictly political conception of liberal

¹⁷ Rawls, *Political Liberalism*, 217.

¹⁸ Rawls, *Political Liberalism*, 140.

¹⁹ Rawls, *Political Liberalism*, 140.

democratic society that seeks to provide a foundation for public agreement in the form of an overlapping consensus while still avoiding the problematic position of favoring any particular comprehensive doctrine.²⁰ Construing the public, the nonpublic and the private as he does commits Rawls to the position of liberal neutrality.²¹

The Public and the Private as Hierarchy: William Sullivan and Civic Republicanism

As was true with the conception of the public and the private as distinct, there is no perfect fit between any given scholar or strand of political theory and the conception of the public and the private as hierarchy. For present purposes, however, it is helpful to examine the civic republicanism of William Sullivan for it represents a political theory that foregrounds the formative aspects of the public sphere and incorporates an understanding of publically constituted values or beliefs and, therefore, can be interpreted as depicting the relationship between the public and the private as a kind of hierarchy.²² Sullivan's critique of liberalism points toward the notion of hierarchy:

²⁰ Liberal neutrality is not a monolithic theory. It is generally expressed in one of three different senses, each of which provides a fairly unique justification of liberalism. *Neutrality of aim* and the very closely related *neutrality of procedure* maintain that state actions and policies should not promote any conception of the good over any other conception for the justification of liberalism is not to be found in appeals to the superiority of any particular way of life, but rather in the openness that allows for individuals to determine their own conceptions of the good. *Neutrality of outcome* is the idea that the liberal state is justified only if and when the actual operation of its institutions, principles and policies show no favoritism toward certain ways of life. *Neutrality of opportunity* is the position that liberalism alone is hospitable to all ways of life and is, therefore, justified as the preferred form of political organization. Though there are very fine lines of distinction between these three theses, Rawlsian neutrality is most closely aligned with neutrality of aim. Cf. William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (New York: Cambridge University Press, 1991), 100.

²¹ Rawls himself was uncomfortable with the use of "neutrality" as a descriptor for his political liberalism because of the possibility for considerable confusion given its multiple meanings (e.g., neutrality of aim, neutrality of opportunity and neutrality of outcome), though he does reluctantly decide to use the terminology by which others have come to understand his theory of political liberalism. Cf. *Political Liberalism*, 191.

²² It should be noted that Sullivan develops his civic republicanism largely as a negative argument against liberal theory, the practical effect of which is that much of what he says about the private and a fair amount of what he says about the public comes via his critique of liberalism rather than through positive assertion of his own theoretical conception. This circumstance influences the way in which Sullivan's construal of public and private are presented in this chapter.

Seen in broad perspective, liberalism represents a decisive break with the long tradition of civic republican thought, which argued that a self-governing society requires a shared general understanding that there is a scale of substantive ends and values upon which the vitality of social practice depends. In the civic republican view, the aim of public, especially governmental, institutions was precisely to express this general understanding of the ends of social life and to cultivate the kinds of practices that nurture both those ends and the character of the citizens.²³

What civic republicanism takes as public – the nurturing of substantive ends and the cultivation of character – is, in liberal theory, generally considered to be private, or at least nonpublic in Rawlsian terminology, and this provides the key to understanding Sullivan’s conception of the public and the private. It is the notion that the value of the political, which is constitutive of the public sphere, lies in its ability to cultivate civic virtue and the character proper to citizens that illustrates the hierarchical construal of the public and the private in Sullivan’s theory.

Sullivan’s roundabout method of defining the private in opposition to liberal understandings of both public and private makes it, at times, difficult to ascertain precisely what he means when he employs the term, but it is nevertheless possible to gain a general understanding of how he conceives of the private given the contexts in which the term usually appears. Sullivan seems to equate the private largely with the unfettered pursuit of desires.²⁴ He often employs the phrase “competitive individualism” to cast the private sphere into somewhat Hobbesian terms, depicting it as the realm of individual wants and desires, as the realm of pure self-interest.²⁵ In and of itself, this is not especially problematic for this is not a terribly unusual interpretation of “the private”. Unlike Rawls, however, Sullivan only employs two categories so if the private is the sphere of self-interested desire and motivation,

²³ William Sullivan, *Reconstructing Public Philosophy* (Berkeley, CA: University of California Press, 1982), 59.

²⁴ Cf. *Reconstructing Public Philosophy*, chapter 2, section 2.

²⁵ Cf. *Reconstructing Public Philosophy*, 215, for an example of his usage of “competitive individualism”.

then the public must be everything else. It would seem, then, that Sullivan does not really entertain the notion of private morality and this, therefore, places the burden on the public to provide some sort of foundation for morality in society.

This does not quite paint the whole picture, however, for Sullivan recognizes that there are limits to what public political culture can achieve. Sullivan maintains that there is a civic republican awareness of “the complexity and difficulty of concretely realizing the ideal of the just polity through imperfect institutions in unpredictable circumstances.”²⁶ Thus, there is a place in civic republicanism for the private loyalty to comprehensive religious or philosophical views. “Republican statesmanship,” Sullivan argues, “is always a matter of achieving a complicated and delicate balance.”²⁷ Yet, while he speaks of balance, he also contends that civic republicanism is after a public life that is “lived meaningfully for ends beyond power and the satisfaction of private desire.”²⁸ The private, while certainly not void of meaning and value, is for Sullivan an insufficient foundation for the requisite morality and significance of public life. Public political culture is envisioned as “the realization of a public good that is more than the sum of individual wants and desires.”²⁹ Sullivan argues further that the public political community is conceived of as being prior to the individual for, “the republican tradition has taught that there is an ineluctably participatory aspect to political understanding that develops only through the moral maturation of mutual responsibility.”³⁰ Thus, for Sullivan, the private is primarily the sphere of self-interested desire, though still imbued with meaning and value, while the public is the sphere of moral conscience and the search for meaningful life. It is in this sense that it is appropriate to

²⁶ Sullivan, *Reconstructing Public Philosophy*, 176.

²⁷ Sullivan, *Reconstructing Public Philosophy*, 176.

²⁸ Sullivan, *Reconstructing Public Philosophy*, 92.

²⁹ Sullivan, *Reconstructing Public Philosophy*, xi.

³⁰ Sullivan, *Reconstructing Public Philosophy*, 21. Cf. *Reconstructing Public Philosophy*, 173.

characterize Sullivan's construal of the public and the private as a hierarchy. The private is not unimportant, but cannot contribute to the formation of the moral in the same way the public can.

For Sullivan, as for Rawls, political life is about securing stability and justice. Sullivan goes further, however, when he suggests that political life is also about achieving public happiness through a moral culture of justice, dignity and fellowship.³¹ According to Sullivan, "Morality is always a social, or in the classical sense, a political reality, and a moral philosophy must explicitly make this connection. If such a connection is missing or tangential... a responsible moral philosophy must become persuasive about this connection. That means defining and discussing moral questions within the complex situation of social...relations."³² Sullivan posits a conceptual link between moral reasoning and the patterns of public life and this leads to the position for Sullivan that private fulfillment and "the working out of personal identity and a sense of orientation in the world depend upon communal enterprise."³³

What all of this suggests is that one of the primary roles of the public is to aid in personal self-development, properly understood. Civic republicans reject the liberal conception of self-development which can be generally understood as the idea that, as a result of the free rationality of individuals, everyone is to decide for themselves what their ends are and how best to go about achieving those ends in a context relatively free from interference and coercion. By contrast, civic republican conceptions of self-development veer toward the development of self *as citizen* with the cultivation of the necessary virtues and traits of character that make one well-suited toward citizenship. For civic republicans,

³¹ Sullivan, *Reconstructing Public Philosophy*, xii, 215.

³² Sullivan, *Reconstructing Public Philosophy*, 154.

³³ Sullivan, *Reconstructing Public Philosophy*, 158.

self-development conceived in this way represents a moral ideal.³⁴ This grants the public a certain substantive authoritativeness that is not present in liberalism and commits civic republicanism to different theoretical positions than those found in liberalism, generally, and liberal neutrality, specifically.

Civic republicanism is committed to an idea of the self as a naturally political being. Thus, the idea of a social contract, in which individuals come together for self-interested and utilitarian reasons, is unsatisfactory. Rather, Sullivan calls for a civic covenant, understood as “a bond of fundamental trust founded upon common commitment to a moral understanding. Covenant morality means that as citizens we make an unlimited promise to show care and concern to each other.”³⁵ This idea of the civic covenant also commits civic republicanism to a telos of social life and universal community in which we seek to fulfill our natural disposition toward a life of virtue, both publicly and privately. This life of virtue, furthermore, is understood by Sullivan to constitute our freedom. He writes: “For the republican tradition, civic virtue is the excellence of character proper to the citizen. It is freedom in a substantive sense, freedom understood as the capacity to attain one’s good, where *goodness* describes full enjoyment of those capacities which characterize a flourishing human life.”³⁶ By turning self-interested motives into genuinely civic acts through the public political culture, Sullivan commits to an identification of the individual good with the well-being of the community.

This identification illustrates nicely the expansive role that the public plays in Sullivan’s theory of civic republicanism. While still assigning value to the private, as the

³⁴ Sullivan, *Reconstructing Public Philosophy*, 157.

³⁵ Sullivan, *Reconstructing Public Philosophy*, 161. It should be noted that the depiction of the social contract presented here is Sullivan’s and not my own.

³⁶ Sullivan, *Reconstructing Public Philosophy*, 163.

realm of want and desire, but also as the realm of comprehensive views that gain ultimate loyalty, Sullivan construes the public as having hierarchical priority over the private for it is in public life that individuals find their natural fulfillment and it is in the public sphere that the meaningful life is found. By conceiving of this relationship between the public and the private as he does, Sullivan is able to commit to the idea that “the first and final concern of politics, like that of the family though in a more universal way, is mutual moral cultivation.”³⁷ Sullivan is following Aristotle here, who writes:

However that may be, if (as we have said) the man who is to be good must be well trained and habituated, and go on to spend his time in worthy occupations and neither willingly nor unwillingly do bad actions, and if this can be brought about if men live in accordance with a sort of reason and right order, provided this has force, -- if this be so, the paternal command indeed has not the required force or compulsive power (nor in general has the command of one man, unless he be a king or something similar), but the law has compulsive power, while it is at the same time a rule proceeding from a sort of practical wisdom and reason. And while people hate men who oppose their impulses, even if they oppose them rightly, the law in its ordaining of what is good is not burdensome.³⁸

Public life is inherently meaningful for it is necessary for moral maturation. Furthermore, this moral maturation is constituted in part by a care for others with whom we share our social context. In this sense, public life is like private, or familial, life writ large. Thus, in the end, it is Sullivan’s conception of the public as formative, and the commitments that flow from this conception, that help to set him and his civic republicanism apart from Rawls and liberal neutrality.

The Paradox of the Public and the Private: William Galston and Ethical Liberalism

Once again, it seems necessary to begin with a caveat or, in this case, two caveats. Of course, what was true of the sections on Rawls and Sullivan is no less true here – William

³⁷ Sullivan, *Reconstructing Public Philosophy*, 168.

³⁸ Aristotle, *Nicomachean Ethics*, trans. Martin Ostwald (NJ: Prentice Hall, Inc., 1999), book 10, chapter 9.

Galston's ethical liberalism ought not to be considered a "textbook" example of construing the public and the private as paradox. Galston's formulations of these concepts share theoretical space with both Rawls's construal of relative distinction and Sullivan's construal of relative hierarchy while, at the same time, diverge enough to be categorized separately. It is this circumstance that leads to the second caveat. Galston's ethical liberalism functions as a critique of liberal neutrality and civic republicanism, but it also functions as a kind of synthesis of and elaboration on some of the best elements of both liberal neutrality and civic republicanism. For these reasons, Galston is found to be particularly helpful in the attempt to explore new possibilities for a public role of religion and a liberal ethos fully expressive of the best elements of liberalism. *The following chapters aim to explore in considerable depth the construal of the public and private as paradox and the implications of that construal for liberal theory.* Thus, this current section is quite self-consciously limited in its initial examination of the paradox of the public and the private so as not to leap ahead to conclusions without proper foundations.

For all intents and purposes, Galston understands the public in similar terms as Rawls's conception. Galston does not, however, employ the third category of nonpublic so while the private includes sentiments and attachments for both theorists, Galston sees the (reasonable) comprehensive views classified as nonpublic by Rawls as belonging to the private. This is not the root of their theoretical divergence, however. The root of the divergence lies in the conception of the relationship between these categories. For Galston, the sway of the public extends deep into the private in both formal and informal ways, while the private, once it moves beyond mere conscience, is fully a part of the public agenda.³⁹

³⁹Galston, *Liberal Purposes*, 292-293. An example of the formal influence is constitutional laws against racial or gender discrimination in many varied realms, such as housing, employment, or associational groups, by

While there is a measure of fluidity in Rawls's boundary between the public and the private, for Galston one can say that, often, the public is the private and vice versa.

For Galston, the public, which consists of all that is governmental, but also includes our liberal public principles, understood as the core commitments of a liberal democratic society, i.e. the practical, theoretical and moral commitments, exists in a type of continuum with the private, which is in a state of constant flux. Liberal public principles, that aspect of the public with which Galston is most concerned, are not neutral and cannot be because of their association with the private, but these need not be considered problematic for they are pluralistic and, therefore, allow for the type of diversity expected in a liberal democratic society. Galston writes: "Liberal public principles should be seen as more than simply overriding but less than fully pervasive...they structure a set of influential tendencies in reference to which all activities and choices are compelled to be defined."⁴⁰

Galston goes on to argue that the whole framework of the public is based on a conception that "constitutes, intentionally, a kind of minimal perfectionism that...defines a range of normal, decent human functioning."⁴¹ This minimal perfectionism contains a pantheon of virtues necessary in a liberal democratic society for that society to remain vibrant and self-perpetuating. For that reason, the liberal society must have a wide reaching tolerance for diversity or else it ceases to be liberal, but it cannot be indifferent to the formation of character. It is in the public interest for individuals to act virtuously. It is in this respect that Galston's ethical liberalism resembles Sullivan's civic republicanism.

which liberal public principles are extended throughout society. The informal influence can be seen in such practices as divorce or the emancipation of minors, in which traditional familial bonds have been reinterpreted in light of liberal understandings of free choice and contractual relationships.

⁴⁰ Galston, *Liberal Purposes*, 296.

⁴¹ Galston, *Liberal Purposes*, 177. Cf. *Liberal Purposes*, chapter 8 for a more complete discussion of Galston's theory of liberal public goods.

According to Galston, drawing a distinction between the public and the private – and the liberal neutrality that results from such a distinction – leaves liberalism unable to honor the “lived experience (and highest possibility) of liberal life.”⁴² By conceiving of the public and the private as paradox, Galston believes he is providing a “more morally and humanly attractive account of liberalism, an account that can relieve many thoughtful individuals of the need they now feel to choose between liberal principles and their own moral experience.”⁴³ The public and the private are inextricably linked in a complex and constantly fluctuating relationship so that the public often *is* the private and the private often *becomes* the public. As Galston observes, “the achievement of appropriate relations between them is an endless task of imperfect adjustment. But at least liberal societies, unlike most others, are conscious of the necessity of this task and build this consciousness into their guiding principles and basic institutions.”⁴⁴

The remaining chapters of the current project examine the theoretical implications of this construal of the public and private as paradox and the ways in which they are found to be more satisfactory than either the public and private distinction characteristic of Rawls’s liberal neutrality or the public and private hierarchy of Sullivan’s civic republicanism. To restate the purpose of the project at hand, what we are after is clarity on the public role of religion and the discovery of new possibilities for a liberal ethos that fully expresses liberty, tolerance and mutual respect. To do this, it will be necessary to find answers to such as questions as how to achieve the conditions necessary for individuals to fulfill their obligations to themselves and their obligations to society, but also to allow society to fulfill

⁴² Galston, *Liberal Purposes*, 76.

⁴³ Galston, *Liberal Purposes*, 17.

⁴⁴ Galston, *Liberal Purposes*, 304.

its obligations to its citizens and how to truly provide for the mutual respect of all individuals and the substantive views by which their identities are constituted?

Chapter two begins to answer these questions by evaluating the concepts of the right and the good, and how they are related to each other. The concept of the priority of right is examined in light of the previous discussion of construals of the public and the private, for it is from the principle of the priority of right that the argument for liberal neutrality draws much of its strength. By understanding the public and the private as paradox, rather than distinction, one can make the theoretical move to the position that anything that can be expressed in the language of rights can be transposed into the language of the good. The argument that liberal neutrality cannot favor any particular conception of the good and still be an affirmation of individuals as autonomous, rational beings presents a separate paradox for liberalism itself can be shown to be a theory of the good. This becomes evident through an examination of the fact that the rights individuals claim for themselves have no independent force of their own, but rather are inextricably tied to conceptions of the good.

Chapter three makes the move to the practical, moral and theoretical commitment to pluralism entailed by the accepted conceptions of both the public and the private and the right and the good. By demonstrating that public morality matters, for we live in a shared moral context, it is argued that the pluralist commitment is dependent on an ethos of mutual respect. Pluralism ought not to be understood as a descriptive fact of liberal society, but rather as a moral commitment that both theoretically and practically calls for a public religious voice. It is also argued that the practical understanding of tolerance as indifference essentially misses the point of tolerance and contributes to a measure of illiberalism in liberal democratic society.

This argument foreshadows the conclusion presented in chapter four that the public morality necessary for liberal society to remain vibrant and true to its commitments is to be found in the ethos of mutual respect. Furthermore, it is argued that this possibility for an ethos of mutual respect is fully compatible with liberalism if we accept the construal of the public and the private as paradox and the theoretical implications of that construal. Finally, it is asserted that the liberal ethos of mutual respect pays more heed to the fundamental liberal elements of tolerance, liberty and egalitarianism than the reigning liberal ethos of individualism and ought, therefore, be given due consideration as a new path in our open quest for a sustainable liberal ethos.

Chapter 5 concludes the work by making the final judgment that Galston's ethical liberalism is more satisfactory than either Rawls's political liberalism or Sullivan's civic republicanism for it alone is hospitable to the concept of an essential religious voice and the ethos of mutual respect that seems to conceptually follow from the assertion of an essential religious voice. This chapter also makes the move from theory to practice and, in the process, provides further support for the legitimacy of both ethical liberalism and an ethos of mutual respect. A brief analysis of the use of the religious voice by Martin Luther King, Jr., closes the chapter and the project. This analysis of the ways in which King's public speech, both in method and in message, illuminated the interrelatedness of the public and the private provides a practical example of how an ethos of mutual respect would actually manifest in society and how it would fulfill all of the moral commitments one would expect from the ethos of a liberal democratic society.

CHAPTER II

THE PARADOX OF RIGHT AND GOOD IN LIBERALISM

There is a deep misunderstanding in much of liberal theory that lies at the very core of liberalism and has profound effects on the public experience of citizens in a liberal democratic society. It is a misunderstanding about the relationship between the right and the good, with Rawlsian liberals arguing for the priority of right based on the concept of individual autonomy.⁴⁵ As the argument goes, because of the priority of right, liberal democracies must remain neutral on conceptions of the good life; they cannot favor any particular conception of the good. The central problem with this line of thinking is that liberalism *is already* a theory of the good life. This condition ought not to be construed, however, as destructive toward the right and individual rights. Understanding and acceptance of the assertion that liberalism is a theory of the good helps to clarify the nature of rights and the relationship between the right and the good, which provides us with the opportunity to re-evaluate longstanding conceptions of both the framework and the substance of the public sphere.

The concept of the priority of right emerged in the aftermath of the Protestant Reformation, alongside of and in conjunction with other constitutive ideas of the European Enlightenment and it is important to regard it in this light. The priority of right, and the premises on which it is predicated, should be understood as a direct response to the

⁴⁵ I use the descriptor “Rawlsian” to refer to those liberal theorists who tend towards liberal neutrality based in large part on Kantian principles of rationality, autonomy, duty, priority and so on. As perhaps the most widely known liberal theorist fitting this description, it seems expedient to label the loosely configured “school” as “Rawlsian.”

oppressive traditionalism to which the Reformation and Enlightenment were responses. The priority of right is inherently related to the fundamental Enlightenment idea of the autonomous, rational self and is a key theoretical underpinning of much of liberal theory. When viewed in the larger scope of liberal society, however, arguments for the priority of right are shown to be partial and incomplete. Specifically, when we look at the rhetoric of rights as a political phenomenon, certain problems with the theoretical deployment of the priority of right become clear. In the context of moral and political life, the priority of right ultimately precludes the possibility of full recognition of and respect for pluralism. The argument here is not that moral or political claims made in the name of rights are not often valid. It is, rather, that to hinge these claims on the priority of right has the effect of foreclosing on subsequent evaluation, intelligent conversation, rational disagreement, and so on, the exclusion of any of which is absolutely not conducive to the ends of equality and diversity. This ought not to lead to the assumption, however, that if right does not have priority then good must. The whole concept of priority is a misunderstanding in the theorizing of “rights” and “goods”. It fuels an ongoing misunderstanding of the nature of political and moral life as a citizen in a liberal democratic society and it most assuredly stands in the way of theorizing liberalism in such a way as to provide the substance needed to perpetuate a vital pluralistic society.

Correction of this misunderstanding can be achieved by clarifying the concepts of the right and the good and the relationship between the two. This correction results from demonstrating that rights are teleological, that anything one can express in the language of rights can be easily transposed into the language of good and that rights are inherently related

to attending conceptions of the good. These are bold, though not unsupportable, assertions.⁴⁶

In order to understand just what is at stake in this argument, it is instructive to briefly examine the force the concept of priority exerts in liberal theory.

The Priority of Right

Immanuel Kant effectively set the standard for arguments for the priority of right. As Kant argued, the capacity for practical reason makes us responsible moral agents and, as responsible moral agents, we must be able to justify our actions to others. Justification must come in a form that can be universally recognized. Individual autonomy serves as the basis for moral enfranchisement and establishes persons as equals with the freedom to pursue our own ends. It is our capacity for practical reason, resulting from our autonomy, which makes it possible for us to step back from our own feelings and desires and prioritize the right over the good, thereby justifying our actions.⁴⁷ Kant argues:

Only man, and, with him, every rational creature, is an end in himself. He is the subject of the moral law which is holy, because of the autonomy of his freedom. Because of the latter, every will, even the private will of each person directed to himself, is restricted to the condition of agreement with the autonomy of the rational being, namely, that it should be directed to no purpose which would not be possible by a law which could issue from the will of the subject who is the passive recipient of the action. This condition thus requires that the person never be used as a means except when he is at the same time treated as an end.⁴⁸

⁴⁶ Liberal theory has tended to fall into two broad categories: utilitarianism and the far more predominant deontologism. The position I am assuming here belongs to neither camp, though bears resemblance to both in certain aspects. The utilitarian takes the good to be prior to the right, and is results-driven, while the deontologist takes the right to be prior to the good and focuses on moral laws, duties and obligations. My position is best described as teleological which I concede is similar to utilitarianism, but is goal-oriented, and therefore less consequentialist than utilitarianism. It is the position that neither the good nor the right can claim priority and is, therefore, distinct from both utilitarianism and deontologism.

⁴⁷ Cf. Immanuel Kant, *Critique of Practical Reason*, ed. Lewis White Beck (NJ: Prentice Hall, Inc., 1993) particularly book 1, chapter 3, 75-92.

⁴⁸ Kant, *Critique of Practical Reason*, 91.

If one accepts that the moral law is based in the subject rather than the object of practical reason, Kant argues, then one also ought to accept that the subject is prior to its ends and, if this is the case, the right is prior to the good. As with many other contemporary liberal theorists, Rawls adopted a thoroughly Kantian position in his political liberalism, guided throughout by the belief that individuals cannot be sacrificed to the good of another, or even to the good of the whole, for to do so would be to treat individuals as means rather than ends.

This immediately brings to mind Rawls's rejection of the utilitarian thesis which is instructive for understanding the role of the priority of right in Rawlsian liberalism. In utilitarian theories, rules of justice serve only to maximize the happiness of mankind. For Rawls, however, following the Kantian interpretation, happiness is a subsidiary concept. Happiness is not the goal of life; rather, it is a by-product of carrying through a rational plan of life. The Rawlsian understanding here is vaguely reminiscent of Aristotle's *eudaimonia* in which, through living in accordance with the virtues, we achieve satisfaction; but in Aristotle's vision, a life in harmony with the virtues is the goal, not the satisfaction we experience as a result.

The issue becomes the fundamental problem of how to understand happiness and the good in relation to free and equal rational individuals. Liberals of the Kantian persuasion reject any theory that bases an individual's moral duty on any kind of appeal to happiness.

Kant argues in *Critique of Practical Reason*:

The principle of happiness can indeed give maxims, but never maxims which are competent to be laws of the will, even if universal happiness were made the object. For, since the knowledge of this rests on mere data of experience, as each judgment concerning it depends very much on the very changeable opinion of each person, it can give general but never universal rules; that is, the rules it gives will on the average be most often the right ones for this purpose, but they will not be rules which must hold always and necessarily. Consequently, no practical laws can be based on this principle. Since here an object of choice is made the basis of the rule and

therefore must precede it, the rule cannot be founded upon or related to anything other than what one approves; and thus it refers to and is based on experience. Hence the variety of judgment must be infinite. This principle, therefore, does not prescribe the same practical rules to all rational beings, even though all the rules go under the same name – that of happiness. The moral law, however, is thought of as objectively necessary only because it holds good for everyone having reason and will.⁴⁹

As rational subjects we ought to value all others as ends rather than (merely) means and this necessitates that any theory of liberalism, to gain legitimacy, will need to be based on principles to which all could readily assent, thereby excluding happiness as a basis for legitimacy. A public sphere organized around, or even admitting to, appeals to necessarily contingent ideas of the good is doomed to be inadequate. The only good that is inherently so is the rational will of free and equal persons. If happiness were the ultimate end then we would not let reason guide our conduct, but rather whim, instinct or desire. Since individuals do, however, have the capacity for practical reason, there should be the recognition that the function of reason is not to secure happiness, but to produce and guide the will in conformity to the individual's obligation to the right. The hypothetical utilitarian imperative of maximizing the good of mankind allows persons to act *relatively* reasonably, whereas the categorical imperative of Kant or the original position of Rawls allows unconditionally reasonable action, in theory anyway.

As a result of this understanding, Rawls must object to the utilitarian theory that places no restrictions upon the subordination of some people's interests as long as the net good of society is maximized. In the utilitarian scheme, people become mere means, objects in the pursuit of some maximized good, and their basic nature as free and equal persons with the capacity for practical reason is denied. For Rawls, the principle of utility is unfit to serve as a basis for morality for it leaves rights vulnerable and lacks the necessary respect for the

⁴⁹Kant, *Critique of Practical Reason*, 37.

inherent dignity of persons that ought to result from the essential nature of persons as free and autonomous. For Rawls, there can be no such thing as an instrumental defense of freedom and rights. He summarizes the point in *Political Liberalism*:

The priority of liberty implies in practice that a basic liberty can be limited or denied solely for the sake of one or more other basic liberties, and never, as I have said, for reasons of public good or of perfectionist values. This restriction holds even when those who benefit from the greater efficiency, or together share the greater sum of advantages, are the same persons whose liberties are limited or denied. Since the basic liberties may be limited when they clash with one another, none of these liberties is absolute; nor is it a requirement that, in the finally adjusted scheme, all the basic liberties are to be equally provided for (whatever that might mean). Rather, however these liberties are adjusted to give one coherent scheme, this scheme is secured equally for all citizens.⁵⁰

As rational and reasonable moral agents, according to Rawls, we have both the capacity to conceive of the good and the ability to pursue that good while also possessing a capacity for fairness and the willingness to cooperate with others on reciprocal terms out of respect for others as our equals.⁵¹ As free and equal moral agents possessing these two moral powers, it is unreasonable to obligate persons to fulfill ends which they themselves have not chosen, regardless of their source, for, Rawls explains, “As free persons, citizens claim the right to view their persons as independent from and not identified with any particular...conception with its scheme of final ends.”⁵² The rights that we claim by our very nature constitute a framework within which all can choose their own ends, either on an individual or group level, and the argument for the priority of right ties the ideal of neutrality to the primacy of individual rights. Rights trump other claims and protect persons from attempts to impose a particular conception of the good, no matter how well-intended, how

⁵⁰ Rawls, *Political Liberalism*, 295.

⁵¹ Cf. *Political Liberalism*, 19-20.

⁵² Rawls, *Political Liberalism*, 30.

universally beneficial, how democratically chosen. Rawls makes clear that his liberal political conception of justice contains three main features:

First, a specification of certain basic rights, liberties and opportunities; second an assignment of special priority to those rights, liberties and opportunities, especially with respect to claims of the general good and of perfectionist values; and third, measures assuring to all citizens adequate all-purpose means to make effective use of their liberties and opportunities.⁵³

Individual rights cannot be sacrificed for the common good and they are not premised on any particular conception of the good – they simply *are* and must, therefore, be respected. This, according to Rawls, is impossible without the priority of right, understood as the expression in justice as fairness of the restriction against ideas of the good that are not political ideas and/or do not belong to a reasonable political conception of justice.⁵⁴ A liberal society must remain neutral among ends. Rawls does not mean to argue that rational judgment on the worth of particular conceptions of the good is impossible. His point is that the institutionalization of any given conception of the good would require coercion in order to give it effect and this violation of rights would negate any possible benefit gained.⁵⁵

Political society rightly conceived must, and will, via the priority of right, allow sufficient space for myriad ways of life that are capable of gaining support, but will evince no coercive action and favor no particular conception. For Rawlsian liberals, the desirability of the liberal state lies not in its promotion of a certain way of life, but in the very absence of any sort of promotion. The liberal state, they argue, does not need any substantive theory of the good to function well. One is left to wonder, though, even as Michael Sandel asks, “how is it possible to affirm certain liberties and rights as fundamental without embracing some

⁵³ Rawls, *Political Liberalism*, 6.

⁵⁴ Cf. *Political Liberalism*, 173-176.

⁵⁵ The matter of coercion will be addressed later in the chapter.

vision of the good life, without endorsing some ends over others?”⁵⁶ The fact of the matter is that liberal society does promote a particular way of life and does so on the basis of a substantive theory of the good that emerged in response to the negative experiences of the traditionalism of the Middle Ages and the Early Modern period.

Alasdair MacIntyre correctly observes that “liberal theory is best understood, not at all as an attempt to find a rationality independent of tradition, but itself as the articulation of a historically developed and developing set of social institutions and forms of activity, that is, as the voice of a tradition.”⁵⁷ A significant part of this tradition has been to limit promotion of the human good, but this cannot be equated with a complete lack of conceptions of the good or an injunction against promotions of the human good. There has been a persistent confusion between limiting the promotion of the good and excluding promotion of the good, a result of which has been a shift in focus – ethics in liberal theory has ceased to be about “the good” and has become focused largely on “the right”.⁵⁸ In this model, moral reasoning is seen as imposing a general framework upon subjective determinations of the good, but withholding any sort of judgment on the quality of those determinations. This point finds support in the practical example of constitutional law in the United States. The Bill of Rights presents a list of liberties considered so fundamental as to be incontrovertible and juridical history illustrates a court system clearly guided by a principle of the priority of right, assuming individuals are capable of choosing their own ends. An unfortunate byproduct of this course has been a liberal malaise in which we find ourselves overwhelmed by what has seemingly become an administered society where rights and interests reign supreme while

⁵⁶ Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: The Belknap Press of Harvard University Press, 1996), 10.

⁵⁷ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), 345.

⁵⁸ Sullivan, *Reconstructing Public Philosophy*, 87-88; Cf. Sandel, *Democracy's Discontent*, 53-54.

values are largely sequestered in the realm of the “private”.⁵⁹ What this misunderstanding on the priority of right has led to is a narrowly focused attention on individual freedom and rights that runs counter to the common sense position that liberalism is predicated on goods as inseparable from, and necessarily related to, rights.

The Integration of the Right and the Good

As a result of arguments for the priority of right, much of modern liberal theory has contended, either deliberately or by inference, that rights are ends, that rights have value in and of themselves. To fully respect the rational autonomy and legitimate diversity characteristic of a liberal democratic society, we must acknowledge the priority of right. While there is nothing inherently wrong with Kantian arguments for the priority of right based on our condition of possessing a rational autonomous will, it is an incomplete portrait. If we probe a bit deeper into the nature of rights, it becomes evident that rights have no independent force of their own. The rights that citizens claim for themselves are not arbitrary; there is a reason why we have these rights (rather than some other set) and any attempt to justify these claims without some appeal to goods will ultimately be meaningless. Any rights persons claim for themselves are only claimed as such because they promote, reflect or enforce pre-existing notions of the good. Rights are, therefore, justified teleologically as the means to the liberal good life. Rights are instrumental goods valued because they are seen as useful to the individual. This is not to take away from the moral weight of rights, for they do have enormous value, but to view them as “trumps in every shuffle of the deck”, or as of anything other than strategic value in our moral universe, is ultimately to see rights in an incomplete form and to miss the interconnectedness of right and

⁵⁹ Robert Bellah, et al., *The Good Society* (New York: Alfred A. Knopf, 1991), 81.

good. We possess certain rights by virtue of our *purposiveness* and the worthiness of our actions and ends; the concept of “right” makes little sense without it being oriented toward something and the concept of “good” makes little sense without some means of attaining it. Any consideration of rights cannot help but point us in the direction of concepts of the good for their validity depends on their underlying principles.⁶⁰

Rights are considered to be absolute and failure to grant or honor a right is considered intolerable in such a way that the failure to obtain a good is not. Couching liberal discourse in the language of rights does not allow for the weighing of alternative considerations the way a discourse in the language of goods would. It is in this sense, then, that liberal theory disguises its broad conception of the good as a theory of rights. Pluralistic liberal societies are characterized by the notion that no values are (or ought to be) authoritative for that would be “prejudicial to our rights and liberties,” says Beiner.⁶¹ Yet, it would be difficult to argue that the liberal scheme itself is not intended to be authoritative – one of the few truth claims of liberalism is that all individuals possess a rational, autonomous will by nature. The reluctance to defend this claim in the name of the good denies it any moral basis unless we move past the rhetoric of rights to see that it is choice itself that holds the position of the highest good in Rawlsian liberal theory.

What liberal theory has chosen to express in the language of rights is more adequately expressed in the language of the good. As Beiner astutely notes, “it would be impossible for us to make sense of why we put liberty ahead of perfection if we disregarded the fact that we had already defined liberty...as the good.”⁶² Liberalism’s stance that there should be no judgment on the substance of conceptions of the good is a betrayal of liberalism’s settled

⁶⁰ Cf. William Galston, “Defending Liberalism,” *The American Political Science Review* 76:3 (1983): 623-624.

⁶¹ Ronald Beiner, *What’s the Matter with Liberalism?* (Berkeley, CA: University of California Press, 1992), 8.

⁶² Beiner, *What’s the Matter with Liberalism?*, 26.

position on liberty as the highest human good. There is no meaningful difference between saying, for example, that everyone has a fundamental and incontrovertible right to determine their own ends and saying that determining one's own ends is good. The ranking of priorities in this way establishes, in theory, the neutral framework in which individuals are able to pursue the good as independently defined, but this is a false presumption. Rawlsian liberalism may take great pains to avoid making public judgments on individual choices, but it makes the paramount judgment that the liberal model of choice ought to be privileged. Contained within this judgment is a particular conception of human life and society. What this boils down to is the liberal answer that the human good, however defined, rests on public justice and private morality rather than any sort of public morality.⁶³

This particular distinction between public and private only makes sense if the liberal doctrine of the priority of right, as commonly understood, is allowed to stand as is. Yet, rights do not exist independently of the good, nor do they exist in such a hierarchical relation to each other. At the heart of liberalism is not Michael Novak's "empty shrine" or the absence of any real moral core so as to allow for the fullest possible exercise of freedom of conscience.⁶⁴ While there can be no agreement on the good because of pluralism, Rawls maintains, we can at least agree on certain rules of public conduct that will protect the generalized goal of freedom of conscience, of freedom to pursue one's individually defined ends. Rawls elaborates:

A modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines, but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens. Political liberalism assumes that, for political purposes, a plurality of

⁶³ Cf. Beiner, *What's the Matter with Liberalism*, chapter 2.

⁶⁴ Cf. Michael Novak, *The Spirit of Democratic Capitalism* (New York: Simon & Schuster, 1982).

reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime. Political liberalism also supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime.⁶⁵

Rawls does acknowledge that “the right and the good are complimentary” though he heavily qualifies this comment, and continues to draw a distinction between the two concepts, by insisting that a political conception draw on only those “admissible ideas of the good [that] respect the limits of, and serve a role within, the political conception of justice.”⁶⁶ However, no sound political philosophy can ignore the moral basis of public life and that includes liberalism.⁶⁷ It is, after all, seemingly evident that liberalism is grounded on a moral conception and that it does promote a more particularistic view of the good than is indicated by Rawls.⁶⁸

The focus on rights claims in political discourse leads to an untenable and fallacious assumption about the equality of rights and rights claims. All rights and rights claims are not created equal; all rights and rights claims do not exist “in abstraction from the heterogeneous and differentiated considerations that lead us to describe something as good or as advantageous.”⁶⁹ Despite liberal neutrality’s attempts to advance the idea of the equality of rights or rights claims, it is an undeniable fact that liberal democratic society favors one set of rights over another and does so on the grounds of a particular conception of the good. Using freedom of speech, as an example, to say that one has the right to be critical of a political official’s character or record, but does not have the right to knowingly disseminate false information about that official’s character or record, is to say that this society has

⁶⁵ Rawls, *Political Liberalism*, xviii.

⁶⁶ Rawls, *Political Liberalism*, 176.

⁶⁷ Sullivan, *Reconstructing Public Philosophy*, 59.

⁶⁸ Daniel Callahan, “Tradition and the Moral Life,” *The Hastings Center Report* 12:6 (1982): 28.

⁶⁹ Beiner, *What’s the Matter with Liberalism?*, 91.

determined that honesty and integrity in political discourse are of sufficient value as to limit other forms of speech when they conflict with this particular good. Additionally, the right to free speech does not trump rights to reasonable public safety – one cannot shout “Fire!” in a crowded theater. These rights claims have already been decided at the level of the good. To reiterate what has been previously argued, any rights individuals have are considered such by virtue of their association and integration with the good and limits on rights are determined in accordance with this conception of the good.

Those who would argue in response that liberalism may be a moral conception based on certain ideals, but still remains neutral with regard to human perfection, seem to be missing the point. The argument is not that rights, and the goods to which they correlate, constitute the totality of goods. It is more precise to say that they constitute the goods in common in a liberal democratic society. The language of rights and their underlying goods work within the public sphere, as it is currently understood. There are many parts of the human good that fall outside of the scope of the public sphere. The argument is that we must take liberalism seriously as containing within it a theory of the good *for pluralistic liberal democracies* which will then finally allow us to move past this idea of neutrality. Liberal democratic society depends upon the presence of certain virtues in order for that society to remain sustainable and there is no reason, nor any point, to deny this in the name of the priority of right. For example, civil tranquility absolutely requires that not all, but at least a majority of citizens maintain the necessary virtues of mutual respect, tolerance, and fidelity.⁷⁰ These virtues are instrumental to the successful functioning of a liberal democratic society, yet are not always consistent with self-interest or rights claims. They are so fundamentally

⁷⁰ Cf. Galston, *Liberal Purposes*, chapter 8.

important to the health of the liberal society, in fact, that liberal society ought to take an interest in promoting, developing and reproducing them.

Enumerating these necessary virtues and identifying their relevance to the health of a liberal society provides for the understanding of a foundational conception of the good which Galston believes helps to resolve the contradictions within liberalism. From Galston's point of view, this foundational conception of the good is made evident from the shortcomings of the Rawlsian approach of liberal neutrality. The practical viability of Rawlsian neutrality is impacted by the paradox of his political liberalism – that theories of the good and language of the good must remain largely outside of the public sphere so as to respect pluralism, with the exception of the liberal theory of the good. To be sure, Galston argues, liberalism does provide ample public space for the pursuit of the good on an individual basis, largely through its own constitutive element of one particular good in common, equality of opportunity, understood here to mean access to the means, including the developmental capacities, for the pursuit of the human good for each individual. The successful pursuit of this goal, and the social conditions both conducive to and resulting from this pursuit, constitute the real liberal good.⁷¹ So it is not the case that what is being proposed here is the institutionalization of a particular conception of the good that would require coercion to gain effect. It is, however, the case that the liberal good, which is already institutionalized in liberal society, ought to be made explicit. As Stout contends in *Democracy and Tradition*:

Democracy...*is* a tradition. It inculcates certain habits of reasoning, certain attitudes toward deference and authority in political discussion, and love for certain goods and virtues, as well as a disposition to respond to certain types of actions, events or persons with admiration, pity or horror. This tradition is anything but empty. Its ethical substance, however, is more a matter of enduring attitudes, concerns,

⁷¹ Cf. Galston, *Liberal Purposes*, chapters 8 and 9.

dispositions, and patterns of conduct than it is a matter of agreement on a conception of justice in Rawls's sense.⁷²

If liberalism wishes to do justice to its purported end of paying due respect to individual diversity it needs to do two things: come to terms with the conception of the good upon which it is built and give itself the tools it needs to ensure its own vitality by re-imagining the relationship between the right and the good *and* the public and the private as relationships of paradox rather than distinction.

Theories of pluralistic liberalism simply cannot seek to ground themselves solely on social agreement about basic rights. There must be some moral grounding. Liberalism is about “the protection of diversity, not the valorization of choice” and, therefore, rights cannot be used to protect choices that lead individuals away from, at least, the goods in common.⁷³ There is no “right to do wrong” for even when we grant rights because interference is deemed inappropriate, the real aim is to protect not “individual integrity or self-constitution, but rather the ground of moral action.”⁷⁴ In this case, rights “are derived from, and serve the cause of, morally correct conduct.”⁷⁵ To assume otherwise is to confuse rights with rightness, to confuse individual choice with compelling accounts of right conduct. For this reason, Galston surmises that invasions into negative freedom “can be wrong in principle only if the mere fact that the impetus toward the good is external somehow negates the worth

⁷² Jeffrey Stout, *Democracy and Tradition* (NJ: Princeton University Press, 2004), 3. It should be noted that Stout relies on the work of Robert Brandom throughout *Democracy and Tradition* to make the argument that what originated as an implicit democratic tradition has since become explicit through “norm-instituting social practices” such as the giving and requesting of reasons for our ethical commitments. Cf. Robert Brandom, *Making it Explicit: Reasoning, Representing and Discursive Commitment* (Cambridge, MA: Harvard University Press, 1994), in which he explores the normative phenomenon of human subjectivity, the various relations between meaning and use of linguistic expressions and how participation in discursive practices makes implicit norms explicit.

⁷³ Galston, *Liberal Purposes*, 329, n. 12.

⁷⁴ William Galston, “Defending Liberalism,” 623.

⁷⁵ William Galston, “On the Alleged Right to Do Wrong,” *Ethics* 93:2 (1983): 324.

of the good end so achieved; that is, only if the consciously willed pursuit of a goal is a necessary condition of the value of attaining it.”⁷⁶

Suppose the state was to pass a “duty to rescue” law which made it a punishable offense to fail to come to the rescue of someone in peril. While it may very well be the individual’s choice to do nothing after witnessing a person in dire need of rescuing, that individual is now compelled to act under force of law. Is the rescue of the imperiled person any less good for the rescue being compelled? Does the fact that the impetus toward the good was external in any way mitigate the goodness of the end achieved? It would be difficult to argue that it does. At this point, one might object that what is being proposed here creates far too much space for coercion. While it is agreed that the non-coerced pursuit of the good holds priority over the coerced pursuit of the good, the position that the non-coerced pursuit of the bad (relative to the liberal goods in common) enjoys priority over the coerced pursuit of the good is utterly rejected and this indeed allows for small measures of paternalism and mitigated coercion. The consequences for liberal democratic societies, however, are not nearly as dire as one might initially think. This challenge is taken up in the following section.

Coercion

If the very substance of rights is integrated with the idea of the good, then arguments about rights do not enjoy priority. Anything that can be expressed in the language of rights can be transposed into the language of the good without losing meaning and without foreclosing on subsequent debate, as rights discourse often does. Liberal discourse about the public and private spheres should not, therefore, hinge on arguments for the priority of right,

⁷⁶ Galston, “On the Alleged Right to Do Wrong,” 323-324

which tend to confuse the issue. One need not fear, however, that this move would open the floodgates to coercion. Galston is correct that, “what is distinct about liberalism is not the absence of a substantive conception of the good, but rather a reluctance to move from this conception to a full-blown coercion of individuals.”⁷⁷ Any good liberal theory must take seriously the idea that genuine virtue, value or religious faith cannot be the product of force, but at the same time any good practical liberal theory must recognize that we can and do accept some measure of paternalism and coercion in liberal democratic society without considering it a breach of liberty or equal respect. Following the lead of John Locke, we may differentiate between persuasion and coercion. In *A Letter Concerning Toleration*, Locke notes this difference: “And such is the nature of the understanding, that it cannot be compelled to the belief of anything by outward force...it is one thing to persuade, another to command; one thing to press with arguments, another with penalties.”⁷⁸ To paraphrase Locke, it is the right of any person, be they motivated by good conscience themselves, to teach, instruct, or attempt to redress the erroneous by the use of argument and good reason.

Additionally, Locke pointedly rejects the idea that toleration translates into an inviolable private sphere of conscience. There is no right, as it were, not to be challenged on our conceptions. The Lockean distinction between coercion and persuasion, Galston asserts, “creates space for a legitimate liberal public discourse that can help sustain the liberal polity.”⁷⁹ Tolerance means “reliance on speech rather than force; it does not mean that authoritative public discourse should be neutered.”⁸⁰ Liberal neutrality denies the

⁷⁷ Galston, *Liberal Purposes*, 89.

⁷⁸ John Locke, *A Letter Concerning Toleration*, ed. James H. Tully (Indianapolis, IN: Hackett Publishing Company, Inc., 1983), 27. Locke was specifically concerned with religious toleration in his attempt to rediscover the possibility of civil politics in the aftermath of the Reformation, but his argument holds up for a discussion of any type of diversity.

⁷⁹ Galston, *Liberal Purposes*, 262.

⁸⁰ Galston, *Liberal Purposes*, 261.

opportunity to non-coercively encourage citizens to seek the good. There is nothing inherently coercive about making space in the public sphere for conversation on the good, whether it is about the goods in common of liberal theory or of other, more comprehensive religious conceptions of the good. In fact, liberalism is commonly understood as providing the most suitable environment for the free exchange of ideas. This exchange of ideas in the public sphere consists not just of persuasion, however, but also of a sort of mental habituation, what Locke had in mind when he balances “strong arguments and good reasons [...] joined with the softness of civility and good usage” in his *A Letter Concerning Toleration*.⁸¹ Alexis de Tocqueville also made reference to “the slow and quiet action of a society upon itself” in reference to the internal workings of the American public sphere.⁸² This calls to mind a public sphere robust enough to admit a wide variety of views, ranging over every matter of social import. Some ideas will “ripen” while others will not. The value of the ideas themselves, and the conviction of those advancing ideas in the public sphere, determines the persuasiveness of any given argument. Not to allow freely an entire category of ideas into the public sphere for fear of coercion is to pass a negative judgment not just on the position these ideas hold in the substantive lives of individuals, but also on the ability of individuals, and society in general, to *decide for themselves* what they find reasonable and to what they assign value.

This is not to say, however, that everything is subject to the rule of the private sphere of conscience. Civil authority takes precedence over individual liberty when the two are at odds, “for the private judgment of any person concerning a law enacted in political matters, for the public good, does not take away the obligation of that law, nor deserve a

⁸¹ Locke, *A Letter Concerning Toleration*, 33.

⁸² Alexis de Tocqueville, *Democracy in America, Volume II*, trans. Henry Reeve (New York: D. Appleton & Company, 1904), 456.

dispensation.”⁸³ There is a distinction between private conscience and public order and when our private conscience leads us to actions or opinions that constitute a threat to public order, that is where our private conscience must acquiesce. It is coercion directed at individual ways of life that should be guarded against, not coercion for public purposes, which is necessary to the survival of society. It is, for example, perfectly acceptable for government to force people to pay taxes to support a public education system, but government cannot force those same people to use that public education system. This leaves us with the “familiar if somewhat indeterminate clash between the individual’s resistance to coercion and the community’s need to constitute its basic structure in circumstances of nontrivial moral division.”⁸⁴

There are two important distinctions to keep in mind here. First, space in the public sphere for conceptions of the good is not equivalent to endorsement or enforcement of those conceptions; it is, rather, respectful of the genuine diversity that characterizes a liberal democratic society for it allows for the expression, through persuasive means, of that which is constitutive of individual identities. Second, there is the full recognition that the liberal theory of the good is not an all-encompassing theory, but should be part and parcel of any more comprehensive theory of the good for a citizen of a liberal democratic society. When the more expansive elements of any given conception of the good come into conflict with the public order, it is legitimate to give priority to the liberal good over the individual good for public purposes. All liberal societies already do this for it is vital to the survival of society. For example, it is acceptable for the state to restrict the use of controlled substances, even though some may require use of those substances for religious sacraments, so long as the

⁸³ Locke, *A Letter Concerning Toleration*, 48.

⁸⁴ Galston, *Liberal Purposes*, 110.

restriction is applied evenly and not targeted at its use by specific individuals for the express purpose of a religious sacrament.⁸⁵ The state is advancing its liberal good through such coercive measures, a good that benefits all in society, which is the focus of the coercive measure rather than the prohibition of the exercise of private conscience.

It was said before that what distinguishes liberalism from other theories of political society is not the absence of a conception of the good, but its accepted set of reasons for prohibiting the movement from the good to coercion. In some cases, these reasons prohibit coercion altogether, in some coercion is limited to the “collective provision of capabilities or opportunities” or, most frequently, these reasons substitute “respectful persuasion” for coercion.⁸⁶ The point is that liberal society would be hard pressed to maintain itself if all forms of “coercion” and all reasons for coercion were rejected out of hand. This is not to make light of the liberal preoccupation with the threat of moral coercion and theories of liberal neutrality, with their professed intention of defining forms of social life free from moral coercion in contexts typically defined by moral disagreement, have generally been regarded as the premier response to this perceived threat. All too often, however, theories of liberal neutrality leave us with little more than the proposal of “a peace treaty among forces too weak to overawe one another.”⁸⁷ This is not the only possible solution for the minimization of coercion and, to be sure, it is the minimization of coercion with which we should be concerned for that is all that is possible in an actual liberal democratic society. Liberalism is the best possible means to minimize coercion in society and liberalism absolutely retains its legitimacy, even when a measure of coercion persists. As Galston

⁸⁵ In *Employment Division, Oregon Department of Human Resources v. Smith* (1990), the U.S. Supreme Court made this ruling, deciding that the free exercise of religion does not give individuals exemption from “generally applicable laws” deemed to be in the interests of public safety.

⁸⁶ Galston, *Liberal Purposes*, 180.

⁸⁷ Galston, *Liberal Purposes*, 296.

frames the point, “a liberal pluralist society will organize itself around the principle of maximum feasible accommodation of diverse legitimate ways of life, limited only by the minimum requirements of civic unity.”⁸⁸ There is a difference between the minimal content of the good – substantive, yet parsimonious – that liberal society is required to defend in support of itself and the diverse conceptions above that baseline of what makes for a full and well-lived life which society, by no means, should attempt to defend, but should certainly be willing to grant consideration to, at least to the fullest extent possible.

Conclusion

The life of a society consists not just in its formal political life, but also in the social swirl of all the varying conceptions of the good. The good is, as Galston observes, a continuum rather than a dichotomous choice.⁸⁹ One need not choose between the liberal good and their own conception of the good for the liberal good is not all-encompassing. It pertains to the “continued sustenance” of the liberal society and is crucial for those living in a liberal democratic society to the possibility of pursuit of other, more encompassing conceptions of the good. It is not problematic that there is such a thing as the liberal conception of the good, but it is problematic that this conception of the good is not made explicit. All of the talk about the priority of right and the equality of rights and rights claims, reasons cited for remaining neutral on conceptions of the good, serve as cover for the promotion of the liberal good. As was previously argued, if the tradition of liberalism is to do justice to the defined end of paying due respect to diversity, it must come to terms with this conception of the good. It must also expand the public sphere to a degree sufficient

⁸⁸ Galston, *Liberal Pluralism* (Cambridge, NY: Cambridge University Press, 2002), 119.

⁸⁹ Galston, *Liberal Purposes*, 9.

enough to allow expression of other, typically complementary, conceptions of the good that help to define the lives of individuals and, thus, are already at work in the life of society.

A highly functioning liberal society must be an “open quest”, allowing for the involvement of all members of society, in pursuit of the goods in common, as well as more particular conceptions of the good.⁹⁰ As a partisan stance, “liberalism is not and cannot be the universal response, equally acceptable to all, to the challenge of social diversity.”⁹¹

Genuine pluralism demands the equality of opportunity to attempt to persuade others to see the value in additional conceptions of the good. It seems unlikely that a majority of the citizenry can be relied upon to embrace liberal principles solely on the basis of philosophical considerations. Most people will rely in some way on the traditions with which they are familiar to find support for democratic principles and provide incentives to live by them. Liberalism, with its emphasis on rights claims, tends “to corrode moralities that rest either on traditional forms of social organization or on the stern requirements of revealed religion.”⁹²

We are left to wonder what is lost when political discourse becomes little more than the trading back and forth of rights claims; what is lost when political discourse loses its vitality and becomes little more than (quasi) legal discourse?

There can be no disputing that in democratic societies a certain level of moral disagreement will persist for moral disagreement is nothing more than the condition that exists when different individuals have differing conceptions of the nature of the good. If we accept this, though, we must also accept that the very idea of moral disagreement makes little sense without the understanding that there *is* a nature of the good. To argue against the position that all people seek to live well, hope and aim to act in such a way in practical life as

⁹⁰ Bellah, et al., *The Good Society*, 9.

⁹¹ Galston, *Liberal Purposes*, 297.

⁹² Galston, *Liberal Purposes*, 279.

to attain this goal, and recognize that their social context affects, at least to an extent, their ability to live well is to rail against common sense. On this, surely, agreement can be found. Liberalism purports to withhold comment on what specifically constitutes for given individuals “living well” while providing space for a multiplicity of reasonable paths in the attainment of a life lived well. It is, therefore, perplexing that “concern about moral questions is often relegated to the realm of private anxiety, as if it would be awkward or embarrassing to make it public” when it would certainly appear to be the case that whatever may differentiate us does not include the desire to live well.⁹³

Liberal neutrality assumes that the language of values is neutral, but it deceives itself. The so-called neutral discourse of values “is already predisposed toward a particular way of experiencing and thinking about moral and political phenomena.”⁹⁴ These moral commitments of liberalism influence and, at times, limit the ability of members of society to fully live a particular life and they do so in the name of protecting diversity.⁹⁵ Yet, to fully protect diversity it would be necessary to fully understand, and therefore provide the possibility of mutual respect for, the many different faith communities that are constitutive of our given liberal society. Open discourse in the public sphere on conceptions of the good, the infusion of the religious voice in the public sphere, would seem to go a long way toward remedying this incoherence in liberalism. Liberalism needs a wide range of virtues to sustain itself, not all of which are provided for by the implicit liberal goods in common. Liberalism can’t be strictly about individual rights, but must also be about collective purposes to maintain coherence as a society and to ensure continued vitality. Values and virtues matter. Making adequate space in the public sphere for the religious voice is not only compatible

⁹³ Bellah, et al., *Habits of the Heart*, xli.

⁹⁴ Beiner, *What’s the Matter with Liberalism*, 41.

⁹⁵ Galston, *Liberal Purposes*, 277.

with liberalism, it is the right thing to do and it is necessary for the preservation of a genuinely pluralistic liberal society.

CHAPTER III

THE PUBLIC RELEVANCE OF THE RELIGIOUS VOICE: THE PLURALIST COMMITMENT

It was stated at the outset that there are multiple ways to construe the public and the private and that these differing construals carry with them certain commitments that impact, sometimes profoundly, both public and private life. This is a long-standing fact of democratic society. The perceived political and social divide we bear witness to today, however, is a relatively recent development emerging out of the gradual move over time towards a formalistic preoccupation with rights and interests and away from the moral needs of persons and society. Yet, as I have argued, rights are not so very distinct from goods, from our sources of morality. The previous chapter made the case that we cannot restrict the religious voice in the public sphere on the pretense of the priority of rights. The argument for bringing the religious voice into the public sphere goes further, however. It is not simply the case that a public religious voice is compatible with liberal democracy; but that liberal democracy benefits from a public religious voice. The public relevance of religion extends beyond the mere fact of its existence for not all forms of human development are compatible with and supportive of liberalism.

While this is generally true of Rawls's political liberalism, he draws a distinction between morality and politics nonetheless, which leads him to an exclusive focus on distinctly political virtues. Political virtues include reasonableness, civility, tolerance and fairness and are essential to the realization of political justice, but Rawls is representative of those liberal theorists who have difficulty finding a place for nonpolitical virtues (such as

temperance, prudence, wisdom, integrity or shame) in their theories of liberalism. There is the general fear that even non-coercive public support for nonpolitical virtues would still have the effect of favoring a particular way of life. For reasons detailed in the previous chapter, this argument is unconvincing. While the political virtues are certainly necessary to the preservation of liberal society, they are not sufficient.

The protection of human dignity is a matter of paramount concern in liberal theory and actual liberal societies. William Sullivan points out in *Reconstructing Public Philosophy* that this protection “depends upon the moral quality of social relationships and this is finally a public and political concern.”¹ This helps to illustrate the value of religion (and other comprehensive views) in the public sphere. There is such a thing as the moral culture of a society and one cannot assume that this moral culture will engender the traits of character liberalism needs without any effort on the socialization of virtues. All of the varying religious traditions found in America, all of the religious voices, contribute to the construction and maintenance of a social ethos – heavily dependent on a certain level of morality – that does not determine the totality of individual lives, but does help to define what we should publicly affirm as citizens living in liberal society together.² Liberalism needs religion in the public sphere because virtue still matters. Private acts have public consequences. Liberalism needs religion in the public sphere because we live in a shared moral context and, therefore, public morality matters. Liberalism needs religion in the public sphere because pluralism is about a shared commitment, a social ethos, and not mere

¹ Sullivan, *Reconstructing Public Philosophy*, 22.

² This argument is a modification of Galston’s account of the role of ‘liberal purposes’, in which he argues that “the modern liberal state is best understood as energized by a distinctive ensemble of public purposes that guide liberal public policy, shape liberal justice, require the practice of liberal virtues, and rest on a liberal public culture.” My argument presented here uses the same basic premises as Galston’s, though it is considerably narrower in scope. In the following section, I will expand upon this idea of a social ethos. Cf. *Liberal Purposes*, 3.

accommodation. Liberalism needs religion in the public sphere because there is more to genuine diversity than indifference.

A Shared Moral Context

According to Rawlsian liberalism, individual character is private business. So long as persons conduct themselves in accordance with certain public procedures, they are fulfilling their obligations as citizens. Yet, this Rawlsian schema does nothing to help preserve or create morally coherent lives for individuals. In fact, by requiring a separation of the public and the private, even if this separation is temporary and incomplete, it would seem to inadvertently work against a morally coherent life. To honor the full lives and the full dignity of persons, our political obligations ought to exist as part of a morally coherent life. This kind of life, however, depends in large part on the kind of people we are, on our character, and regardless of how strenuously contemporary liberalism supports the priority of rights and neutrality, there is a genuine relationship between character and society. The moral character of the individuals in a society directly impacts the nature of the political community and how that community both organizes and governs itself.³

The liberal society must have a wide reaching tolerance for diversity or else it ceases to be liberal, but it cannot be indifferent to the formation of character. It is in the public interest for individuals to act virtuously. Galston aptly summarizes the issue when he writes:

The operation of liberal institutions is affected in important ways by the character of its citizens (and leaders) and . . . at some point the attenuation of individual virtue will create pathologies with which liberal political contrivances, however technically

³ Bellah, et al. *Habits of the Heart*, xli-xlii. This is not a conflation of individual morality with political obligation. It is not necessary for one to be virtuous to fulfill their minimum political obligations, though it is certainly helpful and far more beneficial to society in general for more people to be virtuous than not. This position is, therefore, different than the classical conception of the relationship between virtue and politics as expressed by Aristotle.

perfect their design, simply cannot cope. To an extent difficult to measure but impossible to ignore, the viability of liberal society depends on its ability to engender virtuous citizenry.⁴

Liberal society is no different than any other type of society in the sense that the private acts of individuals have public consequences, but it is a special case in that we must walk a fine line between the needs of society and the relative freedom of individuals. We must not undermine liberalism in the attempt to engender certain virtues. Fortunately, this tension between virtue and self-interest is a tension within liberalism itself and not between liberalism and something other, such as religion. The tools to bring about a satisfactory level of public morality that helps to shape our shared moral context in such a way as to engender a sufficiently virtuous citizenry already exist within liberalism. All that is needed is a willingness to recognize the inadequacies of the formalism that has held sway since the mid-20th century and move toward a more substantive conception necessary for the shared moral context in which we live.

Ronald Beiner observes that “the great mistake of liberalism is to pretend that modernity forces us to regard private morality as reigning supreme and public morality as limited to the business of negotiating ‘successful accommodation’ between ourselves as rational individuals.”⁵ The formalism characteristic of Rawlsian liberalism creates the illusion that our fate is ours and ours alone, that we, as citizens of one society, do not, in fact, share a collective destiny. The distinction between the private and the public is “a cultural artifact only, varying with time and place.”⁶ To think otherwise, or to think that there are private acts without public consequences, is not only flawed thinking, but is also detrimental

⁴ Galston, “Liberal Virtues,” *The American Political Science Review* 82:4 (1988): 1279.

⁵ Beiner, *What’s the Matter with Liberalism?*, 34.

⁶ Daniel Callahan, “Minimalist Ethics,” *The Hastings Report* 11:5 (1981): 22.

to liberal society. Even J. S. Mill, who's "harm principle" is often held up as a quintessential doctrine of a liberal minimalist ethic, stressed the importance of a public morality:

It would be a great misunderstanding of this doctrine to suppose that it is one of selfish indifference, which pretends that human beings have no business with each other's conduct in life, and that they should not concern themselves about the well-doing or well-being of one another, unless their own interest is involved. Instead of any diminution, there is need of a great increase of disinterested exertion to promote the good of others . . . Human beings owe to each other help to distinguish the better from the worse, and encouragement to choose the former and avoid the latter.⁷

Liberty does not mean that citizens are automatically bestowed with the traits of character that will allow them to properly direct their lives. Freedom without guidance seems nearly cruel, in fact, and it has the effect of creating a vapid society. The modern trend of drawing distinctions between the public and private realms has resulted in the reduction of the public realm largely to "formal institutions in which the conflicts among the 'interests' of civil society [are] umpired and negotiated, draining public life of intrinsic morality and significance."⁸

In order to "uphold the prerogatives of the autonomous, choice-making individual", Rawlsian liberalism must forbear judgment about the substantive character of the choices of individuals, which essentially locks one into a formalistic theory of liberalism and, by extension, a particular conception (or perhaps lack thereof) of citizenship.⁹ For liberals like

⁷ John Stuart Mill, "On Liberty," in *John Stuart Mill: On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 1991), 84. Of course, in the end Mill asserts that the final decision on the conduct of life resides with the individual, but he sees no conflict of individual liberty with the exhortations or persuasions of others towards virtue. This is a position with which I take no issue.

⁸ Sullivan, *Reconstructing Public Philosophy*, 13. Jürgen Habermas and others writing on discourse ethics have much to say on the matter of the public sphere, but are not included in the present discussion for two reasons. First, discourse ethics and, specifically, the work of Habermas are sufficiently complex enough as to warrant far more attention than can be given in the current context and it is difficult to discuss any one aspect of Habermas's treatment of the public sphere without being drawn into related discussions of theories of communicative action or epistemology. Second, and more importantly, discourse ethics is, like Rawlsian liberalism, formalistic, operating with the same Kantian presuppositions I have critiqued here and, therefore, would create an element of redundancy I wish to avoid.

⁹ Beiner, *What's the Matter with Liberalism*, 31.

Rawls, conceptions of citizenship boil down to little more than theories of exclusion.¹⁰ The concern rests on questions of formal membership, how persons become citizens, rather than on how persons conduct themselves as members of civil society. This seems contrary to both common sense and historical experience. Personal conduct in the public sphere matters and leaving any sort of public morality out of the equation of social life fails to honor the “lived experience” of liberal life, for life in a society – and particularly a society of free association – isn’t merely a conglomeration of claims and claimants, but an organic whole to which every member contributes in both overt and subtle ways and these contributions, singly and as a whole, determine the course of future events for that society. Religion, as both the source and expression of at least a large part of the moral point of view of individuals, gains its relevance to the public sphere in part through the need for this public morality. While the moral voice is not always religious in nature, the religious voice is always moral in nature. By diminishing the importance of these social actualities, the formalism of Rawlsian liberalism ends up being a bit of a rickety wall built around an unrealizable ideal that bears little resemblance to how vital societies should and do function.

The inability of the formal public sphere to support an adequate public morality that will help to engender a sufficiently virtuous citizenry makes clear the need for a more substantive conception. Of course, this substantive public sphere, which will readily admit the various religious traditions and the moral standards included therein, will make for a more robust public life and public morality. It will also assuredly make for increased moral disagreement. This is the precise situation Rawlsian liberals seek to avoid for fear of the curtailing of individual rights and political instability, but these fears are found to be exaggerated. Making adequate space in the public sphere for the religious voice, and the

¹⁰ By this I mean exclusion from, or inclusion in, the rights and privileges of membership in society.

moral standards that are sure to emanate, will allow for the possibility of balancing the competing voices and standards, both religious and secular, against each other, bringing into consideration such fundamental concepts as the purpose of man in the world, man's place in society and the elements of a good life. Both private conscience and prudence guide us through our social context and our balancing of competing traditions and standards, bringing the relevant premises concerning goods and virtues to bear on particular situations.

It is this process, this personal assessment and ordering of what we experience in the public sphere, which facilitates our uniquely human ability to live with each other in a society constructed and guided according to certain moral principles. One might observe here that this judgment bears resemblance to Rawls's "burdens of judgment" and, indeed, it does. What differentiates the position articulated here from Rawls, however, is the fact that I have foregrounded this interpretive process while Rawls subordinates it behind the veil of ignorance. However, just as Mill argued in *On Liberty*, the final decision on the conduct of life resides with the individual, but it is still incumbent upon us to seek to persuade others with whom we share a moral context toward a greater morality, a better way of conducting one's life. No doubt, many would argue that "a greater morality" or "better way of conducting one's life" are both subjective and, therefore, unfit for the public sphere, but I find this particular critique to be moot. Any conception of morality or view of the good life introduced via the religious voice in the public sphere will be no more and no less subjective than the foundational principles of liberalism itself and that is precisely why they *ought* to be allowed into the public sphere.

Society, as a moral community, does not serve the purpose of maximizing individual autonomy or protecting the broadest possible range of individually determined life plans.

Individual autonomy is certainly valued and protected to the fullest possible extent, but individual autonomy cannot be used as an excuse for the abandonment of any sort of substantive public morality. It is simply too important to the health of society itself and to the honoring of the actual lives of persons in society. The moral life lived within the overall framework of the standards and traditions that form the backbone of a liberal democratic society is constitutive of the life well-lived, regardless of how that is defined, for it provides the necessary context in which pursuit of more particular conceptions of the good can be adequately carried out.

It is important to stress, however, that this does not mean that society is governed by moral rules. In fact, it is quite the contrary. The moral order in a society is neither the cause nor the result of moral rules or laws for ethics and morals are part of the lived life. Reflecting on a life lived in common, and wrestling with the various voices in the public sphere, be they religious or secular, results in the engendering of relevant virtues as we make our way through moral dilemmas and social conflicts. It is this very process that creates a substantive public morality and constitutes the public moral life. It is this very process that gives substance to genuine pluralism.

The Pluralist Commitment

The public morality asserted to be so vitally important to the health of liberal society cannot be a random creation, cobbled together out of the wanton and fleeting dispositions of individuals in society. The public morality of a society is (or should be) the expression of the spirit of that society, the guiding principle(s) that organizes society, the glue that holds it together, the social ethos. There is a strong case to be made that, “under the liberal

dispensation, the ethos is – lack of ethos; individuals in this society are habituated to being insufficiently habituated.”¹¹ The failure to acknowledge this tendency stands in the way of liberal society being genuinely pluralistic for pluralism is about a shared commitment to *mutual respect*, which goes far beyond mere accommodation to difference. It is necessary to point out that I do not equate “equal respect” with “mutual respect”. Equal respect, which is most often highlighted in contemporary liberal theory, implies a unidirectional obligation to treat other persons as alike in value whereas mutual respect is to be understood as the reciprocal obligation to recognize the value of other persons and the value *to them* of their constitutive substantive views or beliefs.

It was previously argued that the protection of human dignity depends on the moral quality of social relationships. Genuine pluralism, with its commitment to *mutual respect* demonstrated through an ethos of consideration, is predicated on certain conditions that not only allow for, but hold most high, that protection of human dignity that lies at the heart of liberalism. For pluralism to be possible there must be a break from the monistic tendency in moral and political philosophy toward categorization and prioritization and a move toward a greater understanding of the need for a certain measure of civic unity that helps to make common life safe for deep diversity. A full and genuine commitment to mutual respect depends upon a conception of the public sphere as the arena of competition of *all* ideas, including ideas of the good life. Pluralism is not just a fact of liberal society, to which an appropriate response is the declaration that there are no ordering principles that bind us together, that shape our society. Pluralism is the belief that all of the diverse groups in a society – be they religious, racial, political and so on – be allowed to *thrive*, not merely survive. Pluralism is the principle that will bind a liberal society together. What is required

¹¹ Ronald Beiner, *What's the Matter with Liberalism?*, 22.

is a liberalism that is “sufficiently pluralistic to allow for the possibility of value trade-offs both between the competing values that make up individual well-being and between that good and other basic moral considerations.”¹² Pluralism, if it is to be a genuine honoring of human dignity, requires a recognition of the relationships at hand and is, therefore, much more than a commentary on the condition of liberal society. It is a commitment to a certain level of civic unity; that is to say, it is a commitment to the understanding that the common life of a society needs to be a coherent moral narrative. Pluralism is not a description of a state of affairs, but a way of *being* for both a society and its individual members and, furthermore, it is a way of being that requires a moral commitment to reign in individual autonomy.¹³

It has already been stated that individual freedom cannot be used as an excuse to abandon a substantive public morality. It is through public morality, in part, that we learn to scale back or reign in our own freedom, to govern our own selves. There is a fundamental difference between freedom and liberty, the recognition of which is essential for pluralism. While liberty is derived from freedom, it is not synonymous with freedom. Freedom, though true of individual nature, must be rolled back, if only just a bit, for individuals to function appropriately in society. Pluralism depends on this for pluralism is about a moral bond with members of society; it places certain restrictions, though voluntarily imposed, on how we conduct ourselves in society. In a genuinely pluralistic society, just because one has the right to do something does not mean it is the right thing to do.

¹² William Lund, “Politics, Citizens and the Good Life: Assessing Two Versions of Ethical Liberalism,” *Political Research Quarterly* 49: 3 (1996): 486. Cf. Galston, *Liberal Purposes*, 166-173.

¹³ This line of thinking is both a derivation from, and an expansion of, the work of both John Dewey and Alasdair MacIntyre. Cf. John Dewey, “Moral Theory and Practice,” in *International Journal of Ethics* 1:2 (1891) 186-203 and Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1980).

Freedom is essential and existential; liberty is practical and substantive. Liberty, as the condition of individuals *in society*, is deliverance from external control, but not unchecked freedom. To employ the classic language, freedom correlates to the human condition in the state of nature, but once we agree to come together in a society, we curtail our freedom and become satisfied with liberty, which places no restrictions on the will, but qualifies and conditions action.¹⁴ This is an important distinction for the sake of pluralism. In the abstract, human beings are discussed as these sorts of empty vessels of rational autonomy. In reality, human beings are substantive beings possessing nearly infinite ranges of experiences, attributes, opinions, beliefs, desires, aversions, and so on. In reality, the freedom of one individual is constantly coming into tension with the freedom of others, which is why in society we must be satisfied with liberty. The discussions of freedom and liberty are not mere intellectual exercises; they matter enormously because real people differ enormously, and not in inconsequential ways. Real people differ over the most serious, the most pivotal, the most categorical of values, but freedom is about self-interest whereas liberty is about self-interest *combined with* mutual respect and consideration for others with regard to those values.¹⁵

I have suggested that the current ethos of our liberal society is that of individualism. I have also suggested that this is inadequate for a pluralist society, as well as for individual

¹⁴ This argument is both a synthesis and an interpretation of multiple lines of thought, including the social contract and natural law theories of Thomas Hobbes and John Locke, the moral and political philosophy of Immanuel Kant, as well as the political philosophy of J.S. Mill. Cf. Thomas Hobbes, *Leviathan*, ed. C.B. MacPherson (New York: Penguin Books, 1968), chapter 21; John Locke, “The Second Treatise of Government” in *Political Writings of John Locke*, ed. David Wootton (New York: Penguin Books USA Inc., 1993); Immanuel Kant, “On the Common Saying: This May be True in Theory, but It Does Not Hold in Practice, parts 2 and 3,” in *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld and trans. David Colclasure (New Haven, CT: Yale University Press, 2006); Immanuel Kant, *Critique of Practical Reason*, book 1, chapter 1; John Stuart Mill, “On Liberty” in *On Liberty and Other Essays*, ed. John Gray (New York: Oxford University Press, Inc., 1991), chapter 4.

¹⁵ Cf. Galston, *Liberal Purposes*, 160-161.

members of that society. The individualist ethos corresponds to a minimalist ethic that deprives persons of the meaningful language necessary to communicate about their lives – their hopes and dreams, desires and goals, struggles and concerns – outside of their formal, contractual relationships. The individualist ethos relies upon, and thereby perpetuates, atrophied concepts of both personal and public morality by insisting on the distinction between private and public and applying different standards of morality to each. It has come to the point, even, that attempts at understanding, and public discussions of, the good of human beings are looked upon by many as a “suspect” activity.¹⁶ It has ultimately confused “useful principles for government regulation...with the broader requirements of the moral life, both individual and communal” to the point where now it is largely unacceptable to pass public judgment on, or even publicly question, the behavior of others, provided that behavior is within the bounds of the law.¹⁷

The net effect of this individualist ethos is both personally and socially devastating. It is paradoxically dehumanizing in the ways in which it strips persons of all that which makes them unique selves, leaving nothing behind but some one-dimensional depiction of a rational, reasonable agent. There would appear to be some validity to the conclusion of Robert Bellah, et al., who write: “What we find hard to see is that it is the extreme fragmentation of the modern world that really threatens our individuation; that what is best in our separation and individuation, our sense of dignity and autonomy as persons, requires a new integration if it is to be sustained.”¹⁸ A society that steadily weakens the moral ties that bind us together will soon find itself a nasty and hostile environment to all during times of social or political stress for, if citizens can’t remember their obligations of consideration and

¹⁶ Callahan, “Minimalist Ethics,” 21.

¹⁷ Callahan, “Minimalist Ethics,” 20.

¹⁸ Cf. *Habits of the Heart*, 286.

mutual respect to each other during times of prosperity and tranquility, they will be far less likely to do so when their backs are against the wall, so to speak. Alan Wolfe presents the issue thus: “If everyone is free to act as it chooses, what exists to insure that people will recognize their obligations to one another?”¹⁹ The short answer is that the state becomes responsible for ensuring some minimum standard of obligation is met, that the state assumes responsibility for preserving a minimal moral order necessary for the preservation of society. In this way, liberal individualism becomes a subtle, ironic defense of coercive authority.

It is the individualist ethos that leads liberalism to become the very thing it is supposed to forestall. I must revert back to my argument about freedom and liberty and again assert that Rawlsian liberals, who continue to categorize autonomy the way they do and thereby misjudge the nature of pluralism, do actual damage to both liberal society and genuine pluralism, without which liberal society does not truly exist. Liberty, as I have already suggested, is about self-interest indeed, but self-interest combined with consideration and mutual respect for others as substantive beings with whom we share our moral context. Rawlsian liberals do general damage to the dignity of all individuals (in the ways described above) and specific damage to the dignity of individuals who, for whatever reason (though these reasons are typically religious), cannot or do not affirm the Enlightenment Project. I find agreement with Galston when he argues that “any liberal argument that invokes autonomy as a general rule of public action in effect takes sides in the ongoing struggle between reason and faith, reflection and tradition.”²⁰ Liberal individualism, by placing an undue cognitive burden on religious citizens, jettisons any hope of being genuinely pluralistic. So it would appear that what started out as an effort to provide a context in which

¹⁹ Alan Wolfe, “Market, State and Society as Codes of Moral Obligation,” *Acta Sociologica* 32:3 (1989): 227.

²⁰ Galston, “Two Concepts of Liberalism,” *Ethics* 105:3 (1995): 526.

all persons, regardless of their unique, personal views, could find dignity through the benefits of liberty and pluralism has morphed, through the ascendancy of liberal individualism, into contradiction. More to the point, what started seemingly as “an effort to disentangle politics and religion...has culminated in...a characteristic liberal incapacity to understand religion.”²¹ There is a better, a more beneficial, a more authentic way.

Liberal theory of any breed posits the moral equality of human beings, which would seem, on the face of it, to be sufficient to accurately label a theory pluralistic. Consider, however, that to say that human beings are morally equal is to say they have equal moral worth and that is to say they have *positive* moral worth. All liberal theory, therefore, makes an argument for the worth of human existence. Consider also, that as rational beings with positive moral worth, but different moral ideas, it is necessary, according to theories of liberalism, to provide as much room as possible for the pursuit of our own autonomously discovered theories of the good. If the pursuit of individual theories of the good were unimportant then diversity would be unimportant to liberal theory, but it is not and so we know that liberal theory places considerable value on the pursuit of individual theories of the good for human fulfillment. So the purposiveness of human existence is itself a good of liberal theory. One is left to wonder, then, if it is okay, in fact necessary, for liberal theory to accept and promote these particular arguments about the good life, i.e. existence is preferable to non-existence and fulfillment of purposes is preferable to non-fulfillment, why is it not okay, why are we not free, “to enter into a fuller range of traditional arguments about the good life?”²² Why is it that the line between objectivity and subjectivity ends up being drawn precisely where most liberal theorists wish it to be drawn?

²¹ Galston, *Liberal Purposes*, 13.

²² Galston, *Liberal Purposes*, 93-94. Cf. “Defending Liberalism,” 626.

In the absence of any compelling argument for this partial skepticism on the good, liberal theory takes on the appearance of “an arbitrary arrangement of convenience rather than a principled position.”²³ This is due, one might argue, to the current inability of liberal theory to understand the role of religion, and other traditions about the good life, in the lives of real people. Rawlsian liberals, and a significant portion of secular individuals in general, would appear to be convinced, as Jürgen Habermas has observed, that “religious traditions and religious communities are to a certain extent archaic relics of pre-modern societies that continue to exist in the present.”²⁴ Rather than receiving consideration and mutual respect, as genuine pluralism would require, those who seek to use their religious voice in the public sphere are often handled much like “a species in danger of becoming extinct” and accommodated to an extent sufficient only to conserve the species.²⁵

Religious views are not, to those that hold them, silly relics or sentimentality, but fundamental aspects of moral personality and, therefore, are protected under the umbrella of pluralism. Diversity is a legitimate expression of the honest differences among individuals and groups with regard to matters such as the good life or reason versus tradition. Both autonomy *and* diversity need to be accepted as facts of personhood and society. When citizens show each other mutual respect, they “acknowledge the moral agency of those with whom they disagree and thereby treat their arguments as grounded not simply in personal preference or self-interest but in genuine moral conviction.”²⁶ That is precisely why liberalism needs the religious voice; without it pluralism is an illusion and an entire group of

²³ Galston, *Liberal Purposes*, 93-94. Cf. “Defending Liberalism,” 626.

²⁴ Jürgen Habermas, “Religion in the Public Sphere,” *European Journal of Philosophy* 14:1 (2006): 1.

²⁵ Habermas, “Religion in the Public Sphere,” 1.

²⁶ Thiemann, *Religion in Public Life: A Dilemma for Democracy* (Washington, DC: Georgetown University Press, 1996), 136.

persons is on the receiving end of the exact sort of treatment liberalism was intended to curtail.²⁷

In a society characterized by pluralism, the public sphere ought to be an arena of competition of all ideas; it ought to be quite expansive. It seems counter-intuitive to suggest, as Rawlsian liberals tend to, that certain citizens in a so-called pluralistic democracy should be required to publically repress, even if only initially, their *actual reasons* for their conduct and positions on issues of social import. I cannot say it better than Mark Cladis:

The noble Enlightenment hope in public reason should be reformulated, not as Rawls's hope in public reason trumping nonpublic reason, but as a democratic hope in a lively, rough-and-tumble political process of free and open exchange. This process of exchange – this alternative view of 'public reasoning,' namely the *public* (citizens) *reasoning* with each other – is not limited by what all 'might reasonably be expected to reasonably endorse'.²⁸

One might object, however, that the religious voice in political discourse is simply too divisive, that it precludes any possibility of compromise. I will not argue against the potential divisiveness of the religious voice in the public sphere, nor will I argue against the possibility of compromise becoming more difficult as a result of the presence of the religious voice.²⁹ I will, however, argue that the dangers of restricting the religious voice in political discourse outweigh the dangers of including it for the restriction does damage to the integrity of liberalism itself and can impede the possibility of genuinely productive dialogue.³⁰ As has already been argued, if we truly accept pluralistic liberal democracy and the mutual respect central to it, we must include all voices. Otherwise, liberal democracy tends toward pretense.

²⁷ Rawls himself concedes as much when he admits that his political liberalism, if properly constituted, ought to result in the shaping of comprehensive doctrines toward a political conception of justice predicated on public reason. Cf. *Political Liberalism*, 389.

²⁸ Mark Cladis, "Religion in the Public Sphere: Nothing Special about Religion," <http://blogs.ssrc.org/tif/2008/06/25/nothing-special-about-religion/> (accessed October 26, 2011).

²⁹ It does not seem outrageous to suggest that a public role of religion may actually cause more citizens to participate in democracy if they found it to be a fair and level playing field where they could participate without fear of ad hominem attacks.

³⁰ This claim will be explored in greater detail in chapter 5.

Also under consideration is the ultimate outcome of the process proposed by contemporary theorists of liberal democracy. If the religious voice is to be diminished because it is divisive, particular, non-reasonable, then it would stand to reason that all such “non-reasonable” arguments would eventually be diminished or even discounted.³¹ Ultimately, the result would be a conformist society. There is no part of liberal theory that points toward liberal democracy as conformity. Liberal society demands and requires better. A well-functioning liberal democratic society thrives on competition of individuals and ideas. To expand the arena of competition can only serve in the long run to strengthen liberal society by becoming an at least *more* coherent moral narrative of genuine pluralism. Not only can religious individuals bring their religious voice into the public sphere, but they should.

Tolerance or Indifference?

As with pluralism, contemporary liberal theory has also fallen short in its commitment to tolerance and unsurprisingly so for tolerance is, or is intended to be, that key political virtue which actualizes pluralism in our social relationships. In the Lockean view, modern societies are characterized by pluralism and, as a result, potential conflict. One of the great contributions of liberalism, in recognition of this characterization, is the concept of tolerance in the interest of improving common life.³² Pluralism, as the root of liberal diversity, can be traced back to the Reformation and the subsequent efforts to deal with the social and political consequences of the recognition and expression of varying interpretations of religious traditions. Of the various possible responses to post-Reformation pluralism,

³¹ As I previously suggested, this is the case with Rawls’s political liberalism.

³² Cf. Locke, *A Letter Concerning Toleration*.

liberalism adopted the position of tolerance, not just with regard to religious differences, but tolerance of all the substantive differences among us.³³ Heterogeneity was no longer seen as destructive of society and culture. As long as individuals in a liberal political society could agree to coexist within a framework of general civic unity, diversity would be respected and everyone's liberty would remain intact.

From a practical perspective, a strong system of tolerance is an absolute necessity for this coexistence to be fully realized.³⁴ It is considered so vitally important to the health and good functioning of a liberal democratic society because it provides room, so to speak, for the exercise of individual liberty, a basic right fundamentally tied to the essence of human beings as the holders of rational, autonomous wills. This shared essence is what makes persons equals and the systems of tolerance that should prevail in liberal democratic societies are intended to provide the practical expression of equality. Given this, tolerance on all levels should be sufficiently broad as to allow for virtually any conceivable (lawful) instance of pluralism.

Rawls interprets this to mean that the best, in fact, only legitimate stance for liberalism is one of neutrality. Furthermore, it seems as if Rawls wants to argue that tolerance predicated on the moral equality of human beings equates to the morally neutral state. Anything other than neutrality privileges a certain set of values and, as a consequence, devalues at best, and prohibits at worst, liberty and diversity for whichever individuals or groups find themselves standing outside this accepted sphere of values. The concrete reality faced by many modern liberal democratic societies, however, is that neutrality has resulted in

³³ Among the more alarming responses was, of course, the attempt to restore homogeneity of belief through coercion. A slightly less destructive, though still lingering, response was, as Galston has described it, "the restoration of homogeneity through rationalization of tradition-encrusted religious particularities into a single religion of reason." Cf. "Two Concepts of Liberalism," 525-526.

³⁴ Galston, "Two Concepts of Liberalism," 528.

the equation of tolerance as indifference. Liberty and equality have become identified with choice, while tolerance has morphed into some bizarre sort of liberal self-tolerance only, no longer extended to, nor even engaged with, those at odds with or uncomfortable with contemporary liberalism.

Liberalism emerged as a theory of society that would allow for maximum protection of legitimate diversity. The grand irony is that liberalism in practice has become a system that has little to no regard for legitimate diversity for it is now the case that respect for the views of persons in liberal society is no longer treated as a serious principle. The prioritizing of autonomy makes the statement that whatever beliefs we hold are to be considered as “individual preferences rather than as truth-claims about the world, truth-claims deeply embedded in a social tradition that gives those of us in it our primary identity and limits all other claims of authority.”³⁵ I have already made the case that liberal individualism leads to a troubling distinction between the public and the private and I must now return to that point. The prioritization of the right over the good and of autonomy over public conceptions of the good leads not to real tolerance but to an effective way of avoiding having to engage with views we may not share, all while operating under the guise of tolerance.

In Rawlsian liberalism, the subjective is relegated largely to the private sphere for individuals come to their own subjective beliefs on their own terms, as an exercise of their individual autonomy, but “the liberal distinction between public and private realms is a distinction in realms and types of toleration – certain beliefs and/or practices are deemed private and so beyond the realm of what even enters a calculus of toleration.”³⁶ Tolerance in

³⁵ Jon Gunneman, “A Theological Defense of the Brute: The Christian Stake in Liberalism,” (unpublished), 26. Quoted in Galston, *Liberal Purposes*, 117.

³⁶ Adam B. Seligman, “Secularism, Liberalism and the Problem of Tolerance,” *Theoria: A Journal of Social and Political Theory* 55: 115 (2008): 25.

modern liberal society has become the movement to privatization for if something can be classified as “private” and, therefore, beyond the realm of public consideration, then the issue of tolerance becomes irrelevant. The principle of indifference, not tolerance, is applied to the ever-expanding private sphere where matters of genuine diversity, such as fundamental beliefs on the nature of the individual or the purpose of human life and society, become matters of taste and preference rather than matters of a moral nature. It is nothing more than the trivialization of diversity to the extent that “differences or the arenas of difference are not deemed important enough to merit a principled tolerance.”³⁷ The substantive differences among us, the very subject matter of tolerance, are now privatized and trivialized to the point where they are considered irrelevant to public concern.

This move to push these differences into the private sphere, thereby rendering them effectively insignificant, is an expedient way to avoid engaging with difference, to avoid the commitment of mutual respect. Seligman seems correct when he observes that “the problem of tolerance of difference has been replaced by the legal recognition and entitlements of rights...modernity has elided the problem of tolerance, obviated the necessity to be tolerant, rather than made people tolerant.”³⁸ Tolerance as indifference becomes the problem of recognition, the problem of *acknowledgement*. Struggles over identity or community or status within community are all struggles for acknowledgement of who our true selves are and of what our society consists. These are not trivial matters. This is what pluralism is all about.

It is difficult to reconcile tolerance as indifference with the notion of a society of mutual respect for tolerance as indifference is merely another name for intolerance. The real

³⁷ Seligman, “Secularism, Liberalism and the Problem of Tolerance,” 24.

³⁸ Seligman, “Secularism, Liberalism and the Problem of Tolerance,” 26.

differences among us that are exiled into the private sphere, such as religious identification, permeate individual and social life. The indifference that has become a fundamental aspect of our social order via the certain construals of the public and the private, in practice, makes liberal society intolerant of nearly all ways of life. Liberal neutrality thus finds itself in a difficult position. Judgment is not countenanced in the private sphere and, to be sure, tolerance is not the practice of refraining from judgment, but the fruit of judgment.³⁹ So the question becomes whether liberal neutrality can truly be described as tolerant if its exercise of “tolerance” is largely constituted in the removal of substantive issues to the private sphere. Tolerance is not avoidance, nor is it indifference; it is recognition of the value and values of others with whom we share our social context through mutual respect.

Conclusion

It can hardly be maintained that a society that fails to exhibit true tolerance or mutual respect through the recognition of the real diversity of its people is a genuinely pluralistic society. There is a cognitive dissonance with Rawlsian liberalism. Rawls attempts to argue that liberal neutrality is an extension of Locke’s doctrine of religious toleration, but it is better characterized as an exaggeration of Lockean tolerance.⁴⁰ When tied in with such concepts as autonomy and the priority of rights, this exaggeration leads to a vision of

³⁹ There is a logical consistency here that may not be readily apparent. It makes no sense to say that one is tolerant of something with which they agree or readily accept. Tolerance is the result of finding something wrong or mistaken or otherwise unworthy of approval, but making the judgment that the good of allowing it to exist exceeds whatever good may result from terminating or removing that which is objectionable.

⁴⁰ From the Lockean perspective, tolerance meant the reliance on persuasive speech, which required engagement with others. Locke’s tolerance meant the rejection of coercion, not the rejection of the recognition of difference. Furthermore, Locke did not extend epistemological neutrality to the moral realm. There is a principled distinction between religious knowledge (i.e., theology) and moral knowledge on which the liberal polity depends.

liberalism that does not seem to be particularly helpful in the continuing struggle to meet the challenges of living in a genuinely plural liberal society.

Modern liberal individualism's handling of pluralism and the resulting problem of recognition of difference and mutual respect cannot be viewed as minor issues of relative unimportance for they reside at the very heart of our social life, "making demands that cannot be met by the privatization of that for which we demand recognition."⁴¹ Mutual respect offers an explanation of sorts and thereby satisfies the demand for recognition. Mutual respect is a way of saying that one finds you to be a person of worth and that there is value to the assortment of concepts and beliefs that are constitutive of who you are as a person for no other necessary reason than *because* they are constitutive of who you are as a person. Mutual respect is a way of both showing and asking that people be honest with each other and offer as explanation not appeals to minimalist shared beliefs, but rather actual reasons for assuming whatever positions individuals assume. Neutrality operates according to the principle that, in the public sphere, no voice is special; mutual respect demands that, in the public sphere, each voice is considered as special, as worthy of hearing.⁴²

There are profound differences among individuals, but the best way of dealing with the pluralism of liberal society is not to push difference into the private sphere and, therefore, out of bounds. Acknowledging differences in the public sphere honors the pluralist commitment and, as result, leads to a more cooperative society. Diversity equates to vitality because it is the sources of diversity that animate individual selves and social life. I am in agreement with Seligman who observes that "the maintenance of pluralistic forms of society and a constitutive tolerance of difference, as well as a tolerance of constitutive difference

⁴¹ Seligman, "Secularism, Liberalism and the Problem of Tolerance," 27.

⁴² Cladis, "Religion in the Public Sphere: Nothing Special about Religion."

may then turn on our ability to re-engage with traditions and eschew the ‘trump’ of individual rights.”⁴³ Above and beyond the matters of fairness or of honoring those professed commitments to pluralism and tolerance, a re-engagement with the traditions that make up the “stuff” of liberal society, and specifically religious traditions, will have a net positive effect on society for “religious communities are often concerned not only with the common good of the nation but also with the common good of all human beings.”⁴⁴ The religious voice in the public sphere can play the vital role of counterbalance to the cacophony of self-interested political voices. The role of religion is to give voice to values other than or in addition to basic liberal values. As a self-identified pluralistic, tolerant system of liberty and respect, it is enormously difficult to make a compelling argument for the principled limitation of the religious voice.

In summary, a genuinely diverse liberal democratic society cannot legitimately restrict the religious voice in the public sphere without doing harm to the very ideals of liberalism and perhaps jeopardizing liberal democratic society itself. No sound account of liberal democratic society should force individuals to choose between liberal principles and their own moral experience. The justification of liberalism is, after all, a question of ethics and does, therefore, concern concepts of the good life, both what constitutes the good life in a liberal democratic society and the appropriate means by which conceptions of the good life are to be expressed and realized. Liberalism needs the religious voice in the public sphere because we live in a shared moral context in which public morality matters and because pluralism is about a shared commitment to consideration and mutual respect as exhibited through tolerance. More practically speaking, liberalism needs the religious voice in the

⁴³ Seligman, “Secularism, Liberalism and the Problem of Tolerance,” 29.

⁴⁴ Bellah, et al., *The Good Society*, 182.

public sphere because it is unreasonable to expect that all, or even most, citizens will understand and embrace liberal principles solely on the basis of philosophical argument.

CHAPTER IV

LIBERALISM AND THE ETHICS OF MUTUAL RESPECT

Previous chapters have argued that the religious voice in the public sphere is fully compatible with liberalism generally, though not necessarily with the dominant current interpretation of liberalism. They have also demonstrated that a public religious voice, as previously defined, provides substantial benefit to liberalism and its professed grounding principles. It would seem, however, that the current individualist ethos that attends liberal neutrality simply cannot co-exist with a public role for religion. This is to the detriment of both individuals and liberal society as a whole. The distance between what liberalism professes to be and what the current dominant version of liberalism actually looks like serves to weaken both the justification of liberalism and the fabric of liberal society. Liberal society must move toward a more substantive understanding of liberalism as constituted by *moral* commitments. An ethos of consideration and mutual respect, which recognizes the moral commitment of pluralism (rather than just paying lip service to the idea), is far more conducive than the individualist ethos to a more authentic, well-functioning liberal society for it makes adequate space in the public sphere for the religious voice without doing damage to the foundations of liberalism, either in theory or in practice.

The problems of the individualist ethos begin to show themselves with a quick view toward the disconnect between the liberal principle of pluralism and the liberal reality of homogenization. As Beiner observes:

The official ideology of liberal society...is of course diversity – the rich multiplicity of different conceptions of the good or of the ends of life. But when one actually

surveys the liberal reality, what one sees is more and more sameness – of tastes, of clichéd perceptions of the world, of the glum ennui with which one reconciles oneself to the monolithic routines of our world.⁴⁵

As previously pointed out, Rawls himself argues that his political liberalism should and would lead to the molding of comprehensive views of the good toward his conception of justice.⁴⁶ It would seem that something along these lines has actually come to pass. So while liberal theory has held as a central theme the uniqueness and the dignity of the individual, it is also advancing a collective way of life that is steadily increasing its hold to the exclusion of other ways of life, such as religious fundamentalism. Galston argues: “To place an ideal of autonomous choice...at the core of liberalism is in fact to narrow the range of possibilities available within liberal societies. In the guise of protecting the capacity for diversity, the autonomy principle in fact exerts a kind of homogenizing pressure on ways of life that do not embrace autonomy.”⁴⁷ Liberalism is, and has always been, understood theoretically as being characterized by a distinctly open way of life, the purpose of which is to provide maximum space and opportunity for the flourishing of individually determined ways of life. This would seem to indicate widespread pluralism. Interestingly enough, however, genuine pluralism continues to be slowly squeezed out of society through the sanitization of the public sphere in the name of that distinctly “open” way of life known as individualism.

With the popular, though by no means complete, adoption of the liberal theory of neutrality as the guiding principle of public action, there has been the slow, but steady, purging of real difference, and the recognition thereof, from the public sphere. This not only offends against the liberal commitments to pluralism *and* individual dignity, but also quarantines conversations of the good and thereby deprives liberal society of its vast moral

⁴⁵ Beiner, *What's the Matter with Liberalism?*, 23.

⁴⁶ Cf. *Political Liberalism*, chapter 4, note 27.

⁴⁷ Galston, *Liberal Pluralism*, 23. Cf. Galston, “Two Concepts of Liberalism,” 526.

resources. The individualist ethos at work in contemporary liberal society is the product of modern theories of liberal neutrality, which have been critiqued in previous chapters. Now we must probe even further into the concept of the individualist ethos and its effects on society if we are to be able to find the path back to a liberalism that fully honors the lived lives of genuinely diverse individuals.

Confronting the Individualist Ethos

In the previous chapter, I made the argument that the individualist ethos – through its application of different standards of morality for the public and private spheres – ends up stripping pluralist society of its moral resources. By depriving citizens of the meaningful language required for public communication beyond that which is purely formal and contractual, we are left with a vacuous space where conversation on the good should reside. What the individualist ethos has done is precisely the opposite of what liberal neutrality was theorized to do. Because liberal society *is* a shared moral context and because liberal society *cannot* function without some sort of public morality, that vacuous space created by the lack of public conversation on the good has come to be filled with the subtly coercive authority of the state. The sense of disempowerment that permeates contemporary liberal society is real and it is a direct result of the neutralist dissolution of values into power.⁴⁸ This dissolving of values into power – the power of the individual will – though admittedly latent in much of liberal theory, was brought to the fore and fully legitimized, though unintentionally so, by Rawlsian neutrality.

⁴⁸ Sullivan, *Reconstructing Public Philosophy*, 19.

As was argued in chapter 3, Rawlsian liberalism makes the error of confusing means for ends and it is this confusion that provides the theoretical justification for the practical reality of an individualist ethos that is troublesome for both pluralism and individual dignity.

William Sullivan comments:

The central ambiguity of liberal philosophy arises from the contradiction between its moral intent of protecting the dignity of the individual and the categories of thought it has employed to elaborate and establish that idea. This conceptual dichotomy can be summarized in the divergence between the strand of liberal thinking that emphasizes individual moral autonomy and its other, utilitarian strand.⁴⁹

This observation captures the operative factors behind the Rawlsian confusion on means and ends. To make the argument explicit, any viable account of the good – including theories of liberalism – must be a theory of ends rather than means, yet it is not always immediately obvious what is a means and what is an end.⁵⁰ Take freedom as an example. As rational, purposive beings freedom is of utmost importance. It is, in theories of liberal neutrality, both the essential and functional end, the sole real good of the good life.⁵¹ We know this because Rawls and his peers stand firm in the opinion that the non-coerced pursuit of the bad is better than the coerced pursuit of the good. The end of freedom trumps all other ends. We must ask ourselves, though, why do we value freedom? Is freedom truly valued for its own sake or is it because freedom allows one to pursue the career that provides the most personal satisfaction or practice the religion one honestly believes will bring them eternal salvation?

⁴⁹ Sullivan, *Reconstructing Public Philosophy*, 18.

⁵⁰ Rawls's neutrality runs into difficulties along this line because of his prioritization of rights and the reliance on the conceptual category of "primary goods". As Galston puts it in *Liberal Purposes*, "Primary goods (more generally, all means) are good insofar as they contribute to an independently defined set of ends," 170. Apparent goods are often mistaken as real goods, and this leads to philosophical confusion.

⁵¹ This argument pertains only to the secular life of individuals in society. Neither Rawls nor Galston assert anything about the true ends of the spiritual life for they both acknowledge it is beyond the scope of political philosophy.

Isn't freedom valued because of the benefits it confers?⁵² Isn't freedom simply the means to pursue goods?

Subsuming values under the power to direct and enact the will, morphing the moral and political point of view of liberalism to that of instrumentalism, and fashioning the public sphere into little more than the formal arena for the contestation of rights claims essentially pits autonomy against the moral life when it ought to be the case that autonomy is integrated with the moral life. Daniel Callahan characterizes the problem:

Autonomy should be a moral good, not a moral obsession. It is *a* value, not *the* value. If, as too easily happens, it pushes other values aside, and if (all the worse) it rests on the conviction that there can be no common understanding of morality, only private likely stories, then it has lost the saving tension it competitively needs with other moral goods. Among them are piety toward tested and long-standing moral traditions, a search for morality in the company of others, community as an ideal and interdependence as a perceived reality, and an embracing of autonomy as a necessary but not sufficient condition for a moral life. The interesting and important work of morality is not the achievement of autonomy but the uses to which it is put and the moral ends it is fashioned to serve.⁵³

Historically, liberalism was tied to a theory of society that assumed that citizens would be bound together morally by tradition, culture and religion. With these assumptions at play in classical liberalism, theorists such as Locke were assuredly free to emphasize the significance – and benefits – of individual rights, but this certainly did not entail the individualist ethos we find today.⁵⁴ Reducing value to that which is useful in Hobbesian-

⁵² We can make the same argument about justice, which regulates freedom. Justice, despite what is argued by Rawls, is not an end in itself for, as Galston argues, "If we believe that justice is a subset of rational action, the value of justice is a corollary of the value we attach to rationality." Cf. "Defending Liberalism," 624. Justice lacks ultimacy and is not self-justifying; its value stems from the benefits conferred on both the agent and those affected by the actions of the agent. For example, an individual acts justly when they refrain from seizing my property for the sole reason that they want or need it, but the value in that act is not the act itself (or in this case, refraining from bad action), but the preservation of my property and individual rights. Justice is not the end here.

⁵³ Daniel Callahan, "Autonomy: A Moral Good, Not a Moral Obsession," *The Hastings Center Report* 14: 5 (1984): 42.

⁵⁴ There is, I believe, a deep misunderstanding of Lockean liberalism at play in theories of liberal neutrality. Lockean liberalism is certainly compatible with neutrality towards competing ideas of religious significance, such as salvation, but not towards competing ideas of the public good. Lockean liberalism absolutely requires a

style autonomous struggles begs the question, once again, of what, in society, exists to ensure that we meet our obligations to our fellow citizens and, perhaps more importantly, of how society is to be held together. One obvious deficit of this dissolution of value into instrumental power is that it “gives no basis for the moral ideal of treating citizens with equal dignity.”⁵⁵ Sullivan argues that it is the tendency of liberal thinkers to try to get around this problem through an appeal to natural rights and offers an insightful commentary on this tactic: “Ironically, the one kind of equality given by nature according to strictly utilitarian theory, equality in need and ignorance about moral absolutes, will not suffice to establish equality in political rights.”⁵⁶ Against Kant’s imperative that individuals should not be treated merely as means stands the individualist ethos which, though unintentionally, does just that.

Liberalism is not only about autonomy; it is also about responsibility – responsibility to the self, as well as to others. Autonomy allows individuals to fulfill their responsibilities to themselves – to achieve some measure of personal security, to maximize opportunities, to pursue life plans. Morality also allows individuals to fulfill their responsibilities to others – by facilitating mutual respect, creating just societies, and honoring the dignity of all. The concept of morality makes little sense outside of the context of society for it is in society that we learn how to act towards others – as responsible autonomous persons in a necessarily moral environment. Furthermore, if we return to the previous argument on the integration of rights and goods, we are reminded that equality and liberty, while understood most often as

considerable measure of consensus on such fundamental basics as the substance of key secular goods and, while it is the aim of government to preserve our individual rights, it is also the aim of government to pursue the public good, even when this may conflict with individual rights. Cf. Locke, “The Second Treatise of Government,” chapter 9. Somewhere along the way, these underlying assumptions of Lockean liberalism seem to have fallen off the theoretical map and the focus, at least for theories of neutrality, has rested nearly exclusively on his writings on rights. It is from this unfortunate trend that we get the individualist ethos.

⁵⁵ Sullivan, *Reconstructing Public Philosophy*, 41.

⁵⁶ Sullivan, *Reconstructing Public Philosophy*, 41.

rights, should also be understood as goods. That which is understood as goods cannot be sundered from the sphere of the good. Given this, it is difficult to fathom a coherent conception of autonomy that is not fully integrated with morality. This incoherence regarding the unnatural separation of autonomy and morality, relating to the dissolution of values into power, has led to a persistent tension in contemporary liberalism between “public” life and “private” morality.

In the end, we must ask ourselves if autonomy is of such supreme importance and supreme authority that it can withstand the lack of emphasis on responsibility and public morality. We must question whether or not it is possible to legitimate for a genuinely pluralistic society the position that autonomy “is really so important that we should require people who do not judge it so important to ignore their own ethical commitments when deciding proper courses of action for the state.”⁵⁷ Liberalism is about the protection of diversity, yet it seems unlikely that diversity can be protected properly in a limited public sphere. The neutralist vision of autonomy lacks the civic and moral resources to sustain self-government and, therefore, the individualist ethos “cannot secure the liberty it promises, because it cannot inspire the sense of community and civic engagement that liberty requires.”⁵⁸ A reasonably pluralistic public sphere ought to admit that there are a multitude of possible ways of life, of which the current individualist ethos is one, and that a significant purpose of the public sphere is to allow for comparison and critique of the strengths and weaknesses of these different alternatives. It is, Beiner notes, an unreasonable pluralism that “maintains that the supreme advantage of liberalism is that it supplies a neutral political framework for the coexistence of opposing ways of life, as if it furnished a kind of meta-way

⁵⁷ Stephen Mulhall and Adam Swift, “Rawls and Communitarianism,” *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge, NY: Cambridge University Press, 2003), 477.

⁵⁸ Sandel, *Democracy's Discontent*, 6.

of life.⁵⁹ Liberal neutrality, and the individualist ethos it has engendered, struggle to maintain the integrity of the moral commitments of individuals and to comprehend the necessary integration of public and private, of right and good, and of autonomy and responsibility. Given this context, the turn to an ethos of mutual respect seems more promising.

The Ethos of Mutual Respect

What has become apparent is that the individualism that emerges from liberal neutrality seems incapable of producing an individually or socially viable and coherent way of life.⁶⁰ What is to be done about this? The clock cannot be rolled back, nor would one want to do that for it would mean a return to intolerance and oppression. Rather, a solution is to be found in the search for honest answers to persistent questions such as those posed by Michael Sandel: “How might our political discourse engage rather than avoid the moral and religious convictions people bring to the public realm? And how might the public life of a pluralist society cultivate in citizens the expansive self-understanding that civic engagement requires?”⁶¹ These types of questions address the possibility of a more honest relationship between individuals and the public realm, but are not easily answered because of a pernicious circularity to the problem of modern liberal society: a deeper engagement with the good in the public sphere requires a less one-dimensional public culture, but a more substantive public culture requires a deeper public engagement with the good.

William Sullivan correctly asserts: “If there is genuine hope for American democracy, it lies in developing a widespread commitment to dignity and justice and making

⁵⁹ Beiner, *What's the Matter with Liberalism?*, 73.

⁶⁰ Bellah, et al., *Habits of the Heart*, 144.

⁶¹ Sandel, *Democracy's Discontent*, 6-7.

that commitment politically effective.”⁶² We must find a coherent way to strengthen our moral commitments to tolerance, for the sake of genuine pluralism, and to equality, for the sake of human dignity. These commitments have been lost, both theoretically and practically, with the turn to liberal neutrality and the individualist ethos. A sound public philosophy needs to address the inner contradictions of social life and it needs to do so in non-contradictory ways, addressing both practice and belief. Once again, Sullivan provides a valuable insight:

At its deepest level, a public philosophy is a tradition of interpreting and delineating the common understandings of what the political association is about and what it aims to achieve. In a democratic political tradition such as the American one, this requires developing anew the understanding that dignity, mutual concern, and a sense of responsibility shared by all members of the society are essential to a morally worthwhile life.⁶³

A sound public philosophy that will help, rather than hinder, the stability of liberal society must once and for all come to the understanding that genuine pluralism is less a condition of society and more a moral commitment to preserve the integrity and dignity of persons with whom we share society and, therefore, must engage. A sound public philosophy must also finally acknowledge the fact that individuals cannot, even if they wish to do so, draw that distinction between public and private selves required by neutrality – a requirement that places an unfair burden on those for whom values and the good carry more weight than rights.

There have been multiple alternatives offered to liberal neutrality, each with its own set of problems. One example is communitarianism, which is problematic for employing the same language and conceptual framework as liberal neutrality. Another is civic republicanism, which is appealing in what it shares with liberalism, but is more paternalistic

⁶² Sullivan, *Reconstructing Public Philosophy*, 14.

⁶³ Sullivan, *Reconstructing Public Philosophy*, 10.

in its identification of the individual good with the public good and advocates for a farther – reaching government than can be countenanced by liberalism.⁶⁴ *I reject, however, the thesis that we must abandon liberalism to escape the individualist ethos; the argument throughout this work has been that there is more than one way to read liberalism and that liberal neutrality is an extreme reading of merely one strand of liberal thought. By recovering the Lockean vision of a public sphere infused with morality, liberalism can once again honor its own commitments to pluralism and the dignity of individuals.* We must recognize, though, that in the modern context there cannot be the expectation that religion, or any other customary tradition, will play the binding role it once did in American liberal democracy. That does not mean, however, that there can be no enduring moral commitment, emerging out of the religious voice and the public expression of conceptions of the good, that can serve to tie society together and create a substantive moral context in which not just rights, but also the attending goods, are given due and proper public consideration.

It is instructive here to return to Galston, whose theory of ethical liberalism certainly informs my own position. Galston surely seems correct that the most basic problem with liberal neutrality is that it is not honest with itself about being a theory of the good. To remedy this, Galston aims to present a more explicit theory of liberal goods that makes plain the value judgments and moral commitments of liberalism. For Galston, it is the organization of the liberal state around the pursuit of this distinct set of liberal goods and purposes that provides the justification of liberalism. While I am generally inclined to agree with Galston, there is the concern that, in much the same way as Rawls, he seeks to overly define his theory. In Rawls's attempt to elucidate a thin theory of liberalism, he ended up

⁶⁴ I admit that my own thought bears considerable similarity to civic republicanism, but stops short of full endorsement because of the problems just mentioned.

painting himself into the neutralist corner. Galston runs perilously close to painting himself into what many will see as the perfectionist corner. For Galston, the liberal state finds its justification not through some formal account of a laissez-faire system of benign oversight, but through its design as an arena in which liberal virtues can be and are actively fostered, allowing the maximum scope for their exercise and permitting, to the extent possible, the unfettered pursuit of liberal goods or purposes.⁶⁵ In the current climate, however, where it would appear that little of substance can gain significant agreement and in which the individualist ethos tends to reject the “fostering” of anything other than more individualism, Galston seems perhaps overly ambitious. Ambition is good, but pragmatic ambition is better. For all of these reasons, I am reluctant to follow in the path of either Rawls or Galston and their attempts to advance a theory of liberalism. If it is in fact at all possible to generate a fully satisfactory theory of liberalism, we must first start at the beginning. There is no hope for a coherent theory of liberalism until we at least gain clarity on the moral commitments of liberalism – concepts such as human dignity, liberty and pluralism are *moral* concepts upon which liberalism is built. The first step in the justification of liberalism is getting clear on what it *means* to truly embrace these moral commitments as the constitutive elements of liberalism as a theory of political society. Galston has many virtues to promote; I have but one, that of mutual respect. It is the common thread that unites all of the moral commitments of liberalism and, as such, it is incredibly simple and yet completely enveloping.

An ethos of mutual respect can serve as the collective comprehensive liberal doctrine and can do so in complete harmony with the principles of liberalism. An ethos of mutual respect will allow persons to meet both their individual and social responsibilities by re-integrating basic morality with the public sphere. It will, in the process, provide the basis for

⁶⁵ Galston, “Defending Liberalism,” 621.

a shared culture sufficient enough to support a vibrant society by providing a fundamental moral commitment conducive to life *in* society. An ethos of mutual respect will once again make the public sphere fully open to conversations on the good, thus reclaiming moral accountability from the state. In these ways, mutual respect can serve as a type of meta-virtue or even a meta-way of life for it is substantive enough to create the possibility of the more fully integrated individual and social life and yet benign enough not to do so coercively.

Mutual respect begins the work of allowing persons to meet their individual and social responsibilities for it is the *active* recognition that every individual is constituted by a corpus of beliefs, both inherited and self-discovered. These beliefs determine the disposition and actions of individuals and, therefore, it is to the advantage of everyone involved to gain some understanding of those beliefs and the role they play in individual's lives.⁶⁶ Mutual respect is not about the pursuit of truth so much as it is about showing consideration for others and the factors that make them who they are. One might, at a gut level, find another's beliefs to be silly, but with mutual respect one recognizes that they are not silly to the holder and, therefore, takes them seriously as determining factors in how actions are shaped in a shared context. Mutual respect is not about determining that, as a result of pluralism, nobody's views are special, but rather that everybody's views are special and worthy of understanding and consideration.

All that Galston argues as a positive benefit of his explicit theory of liberal goods works equally with an ethos of mutual respect while being less comprehensive than Galston's ethical liberalism. If the purpose of an ethos of mutual respect is understanding, rather than

⁶⁶ This is contrasted with the *passive* tolerance as indifference in which people effectively ignore those things which differentiate us.

protection of a sphere of rights, then it would “provide a more morally and humanly attractive account of liberalism, an account that can relieve many thoughtful individuals of the need they now feel to choose between liberal principles and their moral experience.”⁶⁷ In this way, it helps to provide a more sound basis for a shared culture in which all individuals are better able to live integrated lives. It would also provide for a more legitimate course of public action as it would mean greater moral discourse in the public sphere, filling that vacuous space and squeezing the state out as the arbiter of public morality. It resolves the conceptual problem, created by liberal neutrality, that “if moral and political life takes its distinctive character from, if moral and political issues and disputes are about, ends and purposes, [then] how can moral and political philosophy do other than address and attempt to resolve questions about ends and purposes?”⁶⁸ A public sphere characterized by mutual respect brings questions of the good out from the shadows and into the forefront, creating a more honest public sphere in the process and providing a type of meta-virtue for individuals living in a liberal democratic society.⁶⁹

It is important to remember that “reflection is prompted not by some exogenous and dispensable metaphysical itch but by the inner contradictions of daily life.”⁷⁰ Rawls’s greatest contribution to liberal theory has been the critical insight about the impact of pluralism on comprehensive liberal theory. It is because of this insight that the only “truth” pursued by an ethos of mutual respect is the truth of the benefit of seeking understanding through reflection. Robert Talisse astutely argues that, “although reasonable disagreement over Big Questions persists among sincere, intelligent, and rational persons doing their

⁶⁷ Galston, *Liberal Purposes*, 17.

⁶⁸ Richard Flathman, *Toward a Liberalism* (Ithaca, NY: Cornell University Press, 1989), 217-218.

⁶⁹ All of these points will be explored in greater detail in chapter 5.

⁷⁰ Galston, *Liberal Purposes*, 30.

epistemic best, there is no reason to hold that this is a *permanent* condition of a free society.”⁷¹ *Rather than responding to reasonable disagreement with the Rawlsian resignation that this disagreement is a permanent feature of liberal society, we should respond with a more vigorous persistence in moral inquiry and persuasive argument.*

Through an ethos of mutual respect, the particular views of an individual are taken seriously as being serious *to them*, while also allowing for a respectful exchange of ideas with the hope and intention of being morally persuasive. It is the depth of the conversation that allows for possibilities for the discovery of shared “truths”. An ethos of mutual respect does not require recognition of the truth of other’s beliefs, it requires merely the recognition that, “at least for the time being, there are persons who hold comprehensive doctrines that conflict with one’s own but who are nonetheless sincere, intelligent, and rational persons doing their epistemic best.”⁷² Reasonable people can and do disagree and the proper response is not to assume that one party or the other lacks the requisite intellectual or moral resources to comprehend the truth or that because disagreement exists there is no point to further discussion. What individuals and society should be after always, what should be the guiding purpose in both individual and social affairs, is greater understanding or, more to the point, connected understanding.

Connected understanding is that which is gained through reflection; it is at once the product of and the impetus for moral inquiry. Joseph Raz expresses the point succinctly:

Understanding is knowledge in depth. It is connected knowledge in two respects. First, knowledge of what is understood is rich enough to place its object in its context, to relate it to its location and its neighborhood, literally and metaphorically. Second, knowledge of what is understood is also connected to one’s imagination, emotions,

⁷¹ Robert Talisse, “Liberalism, Pluralism, and Political Justification,” *The Harvard Review of Philosophy* 13:2 (2005): 68.

⁷² Talisse, “Liberalism, Pluralism, and Political Justification,” 69.

feelings, and intentions. What one understands one can imagine, empathize, feel for, and be disposed to act appropriately regarding.⁷³

An ethos of mutual respect is predicated on this concept of understanding and the pivotal role it plays in producing individually and socially viable ways of life. Denying the role values play in individual lives and in the construction of public life demonstrates a profound lack of the understanding necessary for a genuinely pluralistic society that actually honors the dignity of persons for it deprives us of an invaluable tool for ensuring a vital public sphere. Accounts of values are interpretations of meaning and of sources of meaning and, therefore, can tell us a great deal about the person providing the account.⁷⁴ Restricting conversations on the good in the public sphere will hinder the acquisition of valuable insight into the thoughts, feelings and intentions of those with whom we share a moral context.

Conclusion

An ethos of mutual respect thus opens up the public sphere to a more honest, meaningful and purposive dialogue than that of mere rights claims and it does so in a way fully compatible with liberalism for mutual respect does not commit us to valuing the range of human goods, but rather to the valuing of the persons who hold them to be goods. By actively engaging with these individuals and their goods, we indicate a willingness to listen which leads to further understanding which, in turn, makes possible meaningful rational debate, deliberation and informed judgment. Rawls insisted on impartiality among opposed conceptions of the good, but impartiality does not require ignorance. Galston is likely correct that “impartiality will prevail if every conception of the good may be freely expressed and

⁷³ Joseph Raz, *The Practice of Value*, ed. R. Jay Wallace (New York: Oxford University Press, 2003), 48.

⁷⁴ Cf. Raz, *The Practice of Value*, 55-57.

each is given equal weight in the determination of social outcomes. That is, impartiality requires only that no conception of the good be accorded an initially privileged position.”⁷⁵

The best way to actualize this scenario is through mutual respect and the free and open public sphere created by the ethos of mutual respect for this ethos is a combination of tolerance, liberty *and* egalitarianism. It is the combination of everything liberalism is supposed to be about. Every person is given the opportunity to express his or her deepest, most meaningful commitments in an, if not friendly, at least not hostile, environment and each expression is shown due consideration as an honest expression of someone with decent intent. The benefit for individuals should be obvious – they are no longer asked to set aside their moral commitments when acting in the public sphere. The benefit for society is no less substantial for, “on any plausible theory of the good life, responsible moral agency requires moral deliberation, which in turn requires access to reliable sources of moral and factual information.”⁷⁶

It is a mistake to interpret a respect for the individuality of others as a ban on imagining for others a good beyond that which they imagine for themselves. Respect for others does not mean a prohibition on persuading them that their moral choices might be less valuable, or less desirable, than other potential choices or that non-coercive attempts to persuade others to think or act differently are categorically wrong.⁷⁷ The intuitive position, in fact, seems to be quite the opposite. Where is the respect in casting all public relationships as nothing more than contractual relationships? Where is the respect when individuals operate as if they have no obligations to others? Where is the respect for the self when the

⁷⁵ Galston, *Liberal Purposes*, 125.

⁷⁶ Robert Talisse, “Can Liberals Take Their Own Side in an Argument?,” in *Philosophy of Education in the Era of Globalization*, ed. by Yvonne Raley and Gerhard Preyer (New York: Routledge, 2010), 26.

⁷⁷ Callahan, “Autonomy: A Moral Good, Not a Moral Obsession,” 41.

primary operative principle seems to be to “go your own way” even if that means making less good, or even self-destructive, choices? How does it show respect for others when they are asked to stand mute on matters of utmost significance? An ethos of mutual respect provides the opportunity to once again see the forest rather than merely the trees and to truly honor liberalism’s moral commitments to pluralism and individual dignity by supporting an expanded public role for religion.

CHAPTER V

THE PRACTICE OF MUTUAL RESPECT

This project began with the assertion that, with regard to expressions of public faith in liberal democratic society, one fundamental problem that must be addressed is that there are multiple ways in which the concepts of public and private are construed in liberal theory and that these construals have different implications for the public role of religion in, and the public ethos of, liberal democratic society. These construals determine the differing theoretical and practical paths of liberal neutrality, civic republicanism and ethical liberalism. While all three theories have something positive to contribute to the study of liberal democratic society, the ethical liberalism of William Galston ultimately prevails as the most adequate theory. With the construal of the public/private relationship as that of paradox, and the theoretical commitments that have been shown to follow from that construal, ethical liberalism clears the path to an ethos of mutual respect. In addition to the theoretical commitments already explored in previous chapters, there is one final point to be made that seals the fate of Rawlsian liberal neutrality and the civic republicanism set forth by William Sullivan as less than adequate for a theory of a pluralistic democratic society. An underlying assumption of the argument for an ethos of mutual respect is that the religious voice is essential. All theories of liberalism assume some position on this issue though most, including those contained herein, do so implicitly. This underlying assumption, be it positive or negative, provides one's theoretical orientation and, therefore, requires comment.

The Essential Religious Voice

Both liberal neutrality and civic republicanism, with their differing standards of morality for the public and the private spheres, deprive individuals and society of the moral resources needed to have meaningful public communication. This deprivation is deeply felt in the constant conflicts experienced by those who do not consider their religious views to regard *something other than* their social and political lives. Audi and Wolterstorff argue the point in *Religion in the Public Square*:

It belongs to the *religious convictions* of a good many religious people in our society that *they ought to base* their decisions concerning fundamental issues of justice *on* their religious convictions. They do not view it as an option whether or not to do so... Their religion is not, for them, about *something other* than their social and political existence; it is *also* about their social and political existence. Accordingly, to require of them that they not base their decisions and discussions concerning political issues on their religion is to infringe, inequitably, on the free exercise of their religion.⁷⁸

What Audi and Wolterstorff recognize, and what is implicitly denied by both liberal neutrality and civic republicanism, is the essential nature of the religious voice. The religious voice is, in other words, *assumed*. It is not an option to disassociate oneself from firmly held religious beliefs for faith is a fully integrated aspect of the self; it is constitutive of the self, no less so than a person's race or sex. There is, after all, a reason why federal laws prohibit discrimination on the basis of race, color, religion, sex or national origin – each of these is a fundamental aspect of the self. To require a person to make public decisions without reference to or reliance upon religious beliefs, even if only initially, is essentially to require the disintegration of the self. The religious voice is no different in kind from, for example, the female voice. Our religious beliefs, or even lack thereof, along with other existential characteristics such as sex or race, shape our very being. Any norm that places restraints on

⁷⁸ Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1997), 105.

the religious voice, as the expression of fundamental comprehensive beliefs, is inherently unfair for it holds the religious to an impossible standard. Even if a person holding religious views wanted to abide by the restraints required by Rawls's political liberalism, they would not be able to.

It would certainly be overreaching to suggest that ethical liberalism asserts this *prima facie* religious voice, or even that liberal neutrality and civic republicanism reject it, for none of the theories of liberalism discussed herein provide any sort of real ontology along these lines, but where the theories of Rawls and Sullivan proceed in such a manner that is incompatible with an essential religious voice, Galston's theory is at least hospitable. Rawls's theory of liberal neutrality hinges on two fundamental elements, the procedural device of the original position and the concept of public reason. Any theory of liberalism must choose sides from the start in the debate over whether liberalism requires a separation of the state from religion or if the requirement is merely that of impartiality of the state toward religion. With the procedural device of the original position, which assumes the possibility of individuals being ontologically capable of setting aside their religious views, and the ideal of public reason, which sets multiple limits on the individual's appeal to "the whole truth as we see it" when considering public issues, Rawls clearly comes down on the side of separation.⁷⁹ The position of separation serves as an effective denial of an essential religious voice. The religious voice does not stand outside of reality, ready to provide some sort of commentary when called upon, but is rather a mode of self-articulation, ever-present and constitutive of self-understanding. Rawls begins with the assumption that the religious

⁷⁹ Cf. Rawls, *Political Liberalism*, 216-219, for a discussion of the legitimacy of public reason over against personal "truth".

voice is *not* essential, not primary, and all of his subsequent theoretical commitments reflect this assumption.

Sullivan's civic republicanism also includes an implicit denial of an essential religious voice, but differs from Rawls in important respects. Sullivan posits a distinctly political conception of the individual, even arguing that the political community is prior to the individual. As a result, Sullivan ends up identifying the individual good with the well-being of the community. The moral maturation of the individual *necessarily* occurs within the public political community and is at least partially equated with the political and social mastery that results from the participatory aspects of community life. This indicates that, at least for Sullivan's vision of civic republicanism, political life does the work commonly ascribed to religious life – providing meaning and the moral resources for self-development. The self-interestedness of the religious voice is, for public purposes, separated from the inherently moral political constitution of the self. The fact that it is, or can be, as with Rawls, “re-incorporated” further down the line as supplementary support for determined positions on public political issues ought not be confused with an affirmation of an essential religious voice. For the civic republicanism of William Sullivan, the only essential voice is the political.

Unlike either Rawls or Sullivan, Galston adopts the notion that all liberalism requires for its justification, with regard to the relationship between the state and religion, is impartiality for separation is simply impossible given the interrelatedness of the public and the private. Galston argues that liberalism is itself a theory of the good and that this is neither lamentable nor an obstacle to be overcome for goods are always operative in both individual and social life. As was previously argued, if we accept the notion of moral

equality among individuals – and all theories of liberalism do – then it is difficult to avoid the conclusion that there is a certain purposiveness to human life that entails the pursuit of the good.⁸⁰ Galston limits his concern to liberal purposes and goods, but his teleology holds true, in theory, for the whole of human life. Our purposiveness is essential and oriented toward fulfillment of the good; our purposiveness is, in fact, a good. It seems unlikely, therefore, that Galston would accept that the understanding of human ends – the beliefs about human purposes – and the self-articulation of those beliefs is anything less than essential. While Galston never explicitly says so, his theory of ethical liberalism certainly seems to suggest an acknowledgment of the essential nature of the religious voice.

That concept of the interrelatedness of the public and the private, the right and the good, which is so fundamental to Galston’s theory of ethical liberalism, is what makes it so conducive to an ethos of mutual respect. Rawlsian neutrality is far too formal, far too procedural, far too *cerebral*, to translate well into practice and to successfully honor the “lived experience” of liberal life. Sullivan’s civic republicanism is attractive in its assertions that character matters and that the public realm is an inherently moral context and, therefore, citizens have obligations to each other that go beyond the trading of rights claims. Yet, Sullivan’s civic republicanism moves far beyond “interrelatedness” and comes uncomfortably close to “absorption” of the private into the public. It has been the intention all along to stay within the liberal framework while developing an ethos of mutual respect and the paternalism of civic republicanism that will surely compromise the pluralism that is the hallmark of liberal democratic society ultimately renders the civic republicanism of Sullivan unsatisfactory.

⁸⁰ Cf. p. 58.

Love, Mutual Respect, and the Model of Martin Luther King, Jr.

All that remains is to discover what an ethos of mutual respect might actually look like, to make that successful transition from theory to practice. What lends support to the argument for the validity and practicality of an ethos of mutual respect – and Galston’s ethical liberalism as the grounding theory for an ethos of mutual respect – is that history does provide examples of individuals who have lived by an ethos of mutual respect, embodying the principles explicated in this work and proving the point that an ethos of mutual respect is not only fully compatible with, but also substantially beneficial to, liberal democratic society. One such example is Martin Luther King, Jr., who illuminates, through his efforts to open public speech to conversations of the good, the ways in which the meta-virtue of mutual respect contributes to a fully integrated and responsible life for individuals and society as a whole by providing a moral foundation for liberal democratic society above and beyond our commitment to individual rights.

To begin, Martin Luther King, Jr. serves as an excellent model for political and religious discourse. Using his public voice, he re-appropriated foundational documents of American liberal democracy in order to develop a universalized message incorporating both his political and religious insight. In this way, King was both a moralist and a political strategist, speaking equally not just to members of his faith or even to members of all religious faiths, but to those of no faith at all, as well. He utilized a theologically-based approach to politics, drawing on his commitments to Christianity, nonviolence and democracy, to express his understanding of the moral concept of love which he believed should be operative in all social relations, amongst all peoples, in all contexts. This concept of love can be understood as the complete actualization of the ethos of mutual respect

through his method of a public discourse that fully engaged his religious voice in the public sphere while still honoring the moral commitments of liberalism.

King found considerable agreement between Christian values and those of liberal democratic society. He also used his religious voice, however, as a corrective, calling the political structure to account and, in the process, demonstrating that the religious voice can serve as a critically useful tool for the construction of a more genuinely liberal society.⁸¹ His juxtaposition of the religious and the political in his thoroughly public ministry helped to create opportunities for those across the social spectrum to see how the issues with which our society grappled crossed all social, religious and political boundaries, to see the interrelatedness of the public and the private. King employed this method of juxtaposition in a speech given to the Montgomery Improvement Association (December 5, 1955):

And we are not wrong; we are not wrong in what we are doing. If we are wrong, the Supreme Court of this nation is wrong. If we are wrong, the Constitution of the United States is wrong. If we are wrong, God Almighty is wrong. If we are wrong, Jesus of Nazareth was merely a utopian dreamer that never came down to Earth. If we are wrong, justice is a lie, love has no meaning. And we are determined here in Montgomery to work and fight until justice runs down like water, and righteousness like a mighty stream.⁸²

King here is challenging his peers, both religious and nonreligious, to see that the question of justice is not merely a question of religion or of politics, but pertains equally to both spheres and, by doing so, he opens up the possibility for a more substantive public discussion on justice which can include conversations on the good.

⁸¹ Robert Michael Franklin, "In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls," *The Journal of Religious Ethics* 18:2 (1990): 59.

⁸² Martin Luther King, Jr., "Address to the first Montgomery Improvement Association Mass Meeting," http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/the_address_to_the_first_montgomery_improvement_association_mia_mass_meeting/ (accessed April 25, 2012).

This interrelatedness for King seemed to hinge on what he saw as the shared belief of both American liberalism and religion as he knew it in “the equal and inestimable value of the human personality.”⁸³ King was able to appeal to the foundational documents of American liberalism, particularly the Declaration of Independence, for in them he heard the echoes of scripture. By weaving together his religious and political sources, he presented a vision of human equality that entailed a substantive commitment to the common good, as well as to a set of shared civic virtues, yet was still a universalized message. King demonstrated his commitment to mutual respect through his commitment to an inclusive, public conception of justice that nevertheless included substantial religious insight and provided a bridge of sorts between the political and the religious. As Christopher Beem elaborates: “King’s belief in a fundamental coherence between Christianity and American liberalism enables Christians to legitimately and profitably direct themselves to the American political structure. Indeed, this cohesion allowed King to speak publicly and politically in a way that often made appeal to both groups at once.”⁸⁴ Franklin echoes Beem when he argues: “King’s social vision was thoroughly and admirably public and faithful to America’s best political traditions. His claims were never exclusive and divisively sectarian nor racially chauvinistic, but always available for wide public engagement and scrutiny. He treated the Constitution and the other “sacred” texts of American political culture with deference and employed them as sources for his public theology.”⁸⁵ One can see King’s belief in this coherence of values and his use of the religious voice in conjunction with the political voice in, for example, the “Speech at the Great March on Detroit” (June 23, 1963):

⁸³ Christopher Beem, “American Liberalism and the Christian Church: Stanley Hauerwas vs. Martin Luther King, Jr.,” *The Journal of Religious Ethics* 23:1 (1995): 124.

⁸⁴ Beem, “American Liberalism and the Christian Church: Stanley Hauerwas vs. Martin Luther King, Jr.,” 125.

⁸⁵ Franklin, “In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls,” 74.

I have a dream that one day, right down in Georgia and Mississippi and Alabama, the sons of former slaves and the sons of former slave owners will be able to live together as brothers. I have a dream this afternoon that one day, one day little white children and little Negro children will be able to join hands as brothers and sisters. I have a dream this afternoon that one day, that one day men will no longer burn down houses and the church of God simply because people want to be free. I have a dream this...that all men can live with dignity. I have a dream this afternoon (*Yeah*) that my four little children...will be judged on the basis of the content of their character, not the color of their skin...Yes, I have a dream this afternoon that one day in this land the words of Amos will become real and “justice will roll down like waters, and righteousness like a mighty stream.” I have a dream this evening that one day we will recognize the words of Jefferson that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” I have a dream this afternoon. I have a dream that one day every valley shall be exalted, and “every valley shall be exalted, and every hill shall be made low; the crooked places shall be made straight, and the rough places plain; and the glory of the Lord shall be revealed, and all flesh shall see it together.” I have a dream this afternoon that the brotherhood of man will become a reality in this day.⁸⁶

King’s ability to speak across boundaries effectively allowed him to influence both the moral and political social environment. By appealing to the common moral principles that give substance to both the foundations of American liberal democratic society and to faith as he understood it, King moved society as a whole toward a greater, more liberal, equality and justice.⁸⁷ King commented on the need for a more genuine liberalism that stands firm in its moral commitments in his “Address at the Prayer Pilgrimage for Freedom” (May 17, 1957):

There is a dire need today for a liberalism which is truly liberal. What we are witnessing today in so many northern communities is a sort of quasi-liberalism which is based on the principle of looking sympathetically at all sides. It is a liberalism so bent on seeing all sides that it fails to become committed to either side. It is a liberalism that is so objectively analytical that it is not subjectively committed. It is a liberalism which is neither hot nor cold, but lukewarm.⁸⁸

⁸⁶ Martin Luther King, Jr., “Speech at the Great March on Detroit,” http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/doc_speech_at_the_great_march_on_detroit (accessed April 25, 2012).

⁸⁷ Beem, “American Liberalism and the Christian Church: Stanley Hauerwas vs. Martin Luther King, Jr.,” 125.

⁸⁸ Martin Luther King, Jr., “Address at the Prayer Pilgrimage for Freedom,” http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/doc_give_us_the_ballot_address_at_the_prayer_pilgrimage_for_freedom/ (accessed April 25, 2012).

King understood that a strictly political conception, such as that conceived by Rawls, would never be sufficient to sustain a genuinely liberal society for one cannot separate the political from the moral commitments that are constitutive of liberalism. King renewed his call for a morally committed liberalism over a “lukewarm” liberalism and, in the process, demonstrated his own commitment to mutual respect and the integrated life, in his “Address at the Conclusion of the Selma to Montgomery March” (March 25, 1965):

The only normalcy that we will settle for is the normalcy that recognizes the dignity and worth of all of God’s children. The only normalcy that we will settle for is the normalcy that allows judgment to run down like waters, and righteousness like a mighty stream. The only normalcy that we will settle for is the normalcy of brotherhood, the normalcy of true peace, the normalcy of justice... Our aim must never be to defeat or humiliate the white man, but to win his friendship and understanding. We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience. And that will be a day not of the white man, not of the black man. That will be the day of man as man.⁸⁹

It was previously argued that it is unlikely that a majority of citizens will be able to embrace liberal principles solely on the basis of some rational theory of justice, no matter how sound, and that most people will rely in some way on the traditions with which they are familiar to find support for democratic principles and provide incentives to live by them. Once again, we must observe that an understanding of the interrelatedness of the public and the private and an integration of the two in both the social and individual life provides the best possible foundation for a shared culture. As Franklin writes, King provides the model in both message and method:

King was a thinker so lively and remarkable that he seemed to combine comfortably, even effortlessly, biblical evangelical theology, non-Christian religious truths, liberal philosophy and insights from the human sciences and literature with his own African American cultural tradition. He embodied intellectual eclecticism with an integrity

⁸⁹ Martin Luther King, Jr., “Address at the Conclusion of the Selma to Montgomery March,” http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/doc_address_at_the_conclusion_of_selma_march/ (accessed April 25, 2012).

forged through radical Christian activism. His model of being a person of faith and an authentic citizen of this nation and the world, is one which challenges and can inspire each of us, if only we will pause to hear him again and again.⁹⁰

It is this embracing of the relational aspect of social life in a liberal democratic society that lies at the core of the ethos of mutual respect exemplified by King for without this understanding of the relational aspect there can be no true commitment to pluralism. In his final work, *Where Do We Go From Here?*, King summarizes his social vision: “In a real sense, all life is interrelated. The agony of the poor impoverishes the rich; the betterment of the poor enriches the rich. We are inevitably our brother’s keeper because we are our brother’s brother. Whatever affects one directly affects all indirectly.”⁹¹ King’s pluralism was deeply rooted in his theology, to be sure, for he had an unwavering belief in the universality of God’s law and human reason, being made in God’s image, but he also saw liberalism as “the best means for approximating God’s truth in a pluralistic world.”⁹² For King, all things public and private, social and individual, political and religious, converged in one concept alone powerful enough to transform both people and society and to secure the justice liberalism seeks by being the full realization of the ethos of mutual respect. It is the concept of love.

When King spoke of love he did not mean love as sentiment or affection, but rather love as an “understanding, creative, redemptive goodwill for all men.”⁹³ He further elaborates on this concept of love in his 1967 speech, “Beyond Vietnam” and it is worth quoting at length:

⁹⁰ Franklin, “In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls,” 75.

⁹¹ Martin Luther King, Jr. *Where Do We Go From Here: Chaos or Community?* (Boston, MA: Beacon Press, 1968), 191.

⁹² Beem, “American Liberalism and the Christian Church: Stanley Hauerwas vs. Martin Luther King, Jr.,” 129.

⁹³ King, Jr., “Speech at the Great March on Detroit.”

Here is the true meaning and value of compassion and nonviolence, when it helps us to see the enemy's point of view, to hear his questions, to know his assessment of ourselves. For from his view we may indeed see the basic weaknesses of our own condition, and if we are mature, we may learn and grow and profit from the wisdom of the brothers who are called the opposition. This call for a worldwide fellowship that lifts neighborly concern beyond one's tribe, race, class, and nation is in reality a call for an all-embracing and unconditional love for all mankind. This oft misunderstood, this oft misinterpreted concept, so readily dismissed by the Nietzsches of the world as a weak and cowardly force, has now become an absolute necessity for the survival of man. When I speak of love I am not speaking of some sentimental and weak response. I'm not speaking of that force which is just emotional bosh. I am speaking of that force which all of the great religions have seen as the supreme unifying principle of life. Love is somehow the key that unlocks the door which leads to ultimate reality. This Hindu-Muslim-Christian-Jewish-Buddhist belief about ultimate reality is beautifully summed up in the first epistle of Saint John: "Let us love one another, for love is God. And every one that loveth is born of God and knoweth God. He that loveth not knoweth not God, for God is love. . . . If we love one another, God dwelleth in us and his love is perfected in us." Let us hope that this spirit will become the order of the day.

For King, the concept of love is first and foremost a religious concept for he is employing the Christian notion of *agape* love, but as King sees no real divide between the public and the private, his concept of love also has political connotations. While modern American liberal society has largely endorsed the ethos of individualism characteristic of Rawlsian liberalism, in which rights are given priority, King "came to see the inadequacies of individual rights conventionally understood. He grasped that civil rights, in particular, carried too much baggage of the dominant tradition of American individualism."⁹⁴ King developed an understanding of rights that linked them inextricably to morality. Burns explains:

Rights properly understood were not whatever a person claimed as his or her due, without any moral or political boundaries, but rather what was required for all people by the higher laws of justice and love, those entitlements that constituted the moral foundation of the beloved community. Legitimate rights were inherently limited by the same moral laws. In this sense, rights and responsibility were not a dichotomy, but interwoven.⁹⁵

⁹⁴ Stewart Burns, "From the Mountaintop: The Changing Political Vision of Martin Luther King, Jr.," *The History Teacher* 27:1 (1993): 11.

⁹⁵ Burns, "From the Mountaintop: The Changing Political Vision of Martin Luther King, Jr.," 12.

King's belief in the interrelatedness of all people as a result of our being created equal in the image of God entailed for him a belief in the existence of responsibilities toward each other which he saw as being fulfilled through love and which I have argued here are fulfilled through the connected understanding that results from the practice of mutual respect. Preston Williams builds on the observation by Burns when he argues that King saw both love and justice as integral to the value transformation he considered necessary for achieving a truly liberal society. This was so for King conceived of love as an *active* virtue, the result of which is justice.⁹⁶ In King's own words: "Let us be Christian in all of our actions. But I want to tell you this evening that it is not enough for us to talk about love, love is one of the pivotal points of the Christian faith. There is another side called justice. And justice is really love in calculation. Justice is love correcting that which revolts against love."⁹⁷ What makes love or mutual respect such a powerful agent for the attainment and preservation of liberal society is that they are both indications of a willingness to *listen* to others which leads to understanding which, in turn, makes possible meaningful rational debate, deliberation and informed judgment. Both love and mutual respect are ways of saying that one finds you to be a person of worth and that there is value to the assortment of concepts and beliefs that are constitutive of who you are as a person for no other necessary reason than *because* they are constitutive of who you are as a person.

Neither love nor mutual respect countenance indifference or inaction in the face of injustice, either real or potential. Love requires an engagement with the social world while justice is the translation of the vision of love into practice. Mutual respect requires, as well, an engagement with the social world for understanding comes through the reflection that

⁹⁶ Preston N. Williams, "An Analysis of the Conception of Love and Its Influence on Justice in the Thought of Martin Luther King, Jr.," *The Journal of Religious Ethics* 18:2 (1990): 19.

⁹⁷ King, Jr. "Address to the first Montgomery Improvement Association Mass Meeting."

occurs when we come into contact with values we may not necessarily hold. Both love and mutual respect include the reciprocal responsibility to recognize the value of other persons and the value *to them* of their constitutive substantive views or beliefs. In this way, both love and mutual respect are fundamentally important to the building of community. Without love and mutual respect, there is no real liberal society, just a mass of individuals either in tension with, or trying to avoid being in tension with, each other. The genuinely liberal society is constituted by the moral commitments to tolerance, liberty, and egalitarianism, but for King these moral commitments rest squarely on the foundation of love and the dignity and worth accorded to all people as being in the image of God. I have argued repeatedly that the ethos of individualism, in reality, does little more than pay lip service to the commitments of tolerance, liberty, and egalitarianism and thus without an ethos of mutual respect, these “commitments” are mere illusions. Williams summarizes the “work” of the concept of love aptly:

Love is a cohesive force that builds community and makes the state a natural instead of an artificial creation. The state is a community held together by and required by the interdependence and interrelatedness of humankind. It rests...on the social nature of human individuals and the bonding nature of love. Love also embodies a dignity and worth which helps to make possible a democratic equality in the state. When the bondedness produced by love is strained or ruptured by the requirements of distribution, the work of love becomes reconciliation. In the context of the state the end of such activity is a just and good society. Love puts forth both a moral and legal claim and pervades the private and the public sectors of society.⁹⁸

Love and justice contribute to the creation of cultural values, norms and institutions in line with the moral commitments of liberalism; that is to say, they contribute to the creation of a genuinely liberal society. In much the same way, mutual respect helps to provide a more sound basis for a shared culture in which all individuals are better able to live integrated lives

⁹⁸ Williams, “An Analysis of the Conception of Love and Its Influence on Justice in the Thought of Martin Luther King, Jr.,” 22-23.

by acknowledging the interrelatedness of the public and the private and providing a more legitimate course for public action by opening up the public sphere to greater moral discourse.

Conclusion

In the end, there are several conclusions to be drawn. The first is that King's conception of agape love and an ethos of mutual respect are two ways of talking about essentially the same thing, though King's love has a religious starting point while mutual respect has a philosophical starting point. Another is that it is difficult to refute the claim that the public and the private exist neither in distinction nor hierarchy to each other, but rather in the paradox of interrelationship. Lastly, if one accepts the interrelatedness of the public and private, then one will be drawn to the conclusion that ethical liberalism and the ethos of mutual respect that is based on ethical liberalism are more conducive, both theoretically and practically, to a genuinely liberal democratic society.

It may be the case that King's love is more comprehensive than mutual respect, for King carries his vision all the way into the realm of political protest where the ethos of mutual respect does not necessarily do so (though there is no reason to believe the concept of mutual respect could not be extended in such a way). What both concepts share, however, is the central idea that there can be no real separation of our public lives from our private lives and, therefore, if human dignity, human worth and human equality are to be anything other than hollow concepts there must be active engagement with those with whom we share our moral context for the purpose of gaining understanding. Without this understanding that makes tolerance and pluralism possible, there can be no real liberty and there can be no real

community. As King writes in his influential “Letter From Birmingham Jail”: “I am cognizant of the interrelatedness of all communities and states...Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.”⁹⁹

Galston argues quite well, and it seems likely that King would agree, that the public and the private are so inextricably intertwined that it is impossible to conceptually separate the two and that this does real damage to competing theories of liberalism such as those offered by John Rawls or, to a lesser extent, William Sullivan. Finally, when we take into consideration all that has been addressed here – the relationship between the public and the private, the question of the priority of the right and the good, the concepts of coercion, pluralism, and tolerance, the nature and role of the religious voice – and we try to gain clarity on what it really means to embrace the moral commitments these concepts entail, it is difficult to imagine any sort of ethos *other than* mutual respect that would work, so to speak, either on a theoretical or practical level. The common thread that unites all of these moral commitments is the virtue of mutual respect and the model provided by Martin Luther King demonstrates that the ethos of mutual respect works not only in theory, but also in practice.

⁹⁹ Martin Luther King, Jr. “Letter From Birmingham Jail,” http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/annotated_letter_from_birmingham/ (accessed 4/25/2012).

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