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What is This?
Religion in the public sphere: Incentivizing reciprocal deliberative engagement

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Abstract
Commonplace among deliberative theorists is the view that, when defending preferred laws and policies, citizens should appeal only to reasons they expect others reasonably to accept. This view has been challenged on the grounds that it places an undue burden on religious citizens who feel duty-bound to appeal to religious reasons to justify preferred positions. In response, I develop a conception of democratic deliberation that provides unlimited latitude regarding the sorts of reasons that can be introduced, so long as one is prepared to defend them against criticism. Moreover, I contend that religious citizens have a powerful incentive, based on their religious convictions, to be fully responsive to criticism. I defend this proposition by drawing on Robert Erlewine’s account of Hermann Cohen’s ‘religion of reason’.

Keywords
Hermann Cohen, Robert Erlewine, mutual accountability, public deliberation, religious incentive

Commonplace among proponents of deliberative democracy is the view that political decisions are regarded as legitimate only insofar as they are judged to be justifiable by all affected citizens. These decisions must be subject to free, open and reasoned dialogue aimed at developing justifications that all affected citizens can be expected reasonably to accept. As a result, citizens are required to act in accordance with a criterion of reciprocity when defending the laws and policies that they favor. Under most circumstances, they must appeal only to propositions that they reasonably believe all other discussants can endorse.

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Yet a number of religiously minded deliberative theorists – including Christopher Eberle, Nicholas Wolterstorff and Paul Weithman – have challenged the commonplace specification of what the legitimacy of political decisions entails. They argue that it places unacceptable constraints on democratic deliberation to the extent that the criterion of reciprocity imposes an undue burden on how religious citizens are permitted to defend their claims. Religious citizens may not regard as an option refusing to rely on religiously based reasons to justify the laws and policies they favor. But because religious reasons cannot reasonably be expected to be acceptable to all affected citizens, reliance on them is deemed off limits (or at least is strongly curtailed) under the commonplace specification. This being the case, state the religiously minded theorists, the demands of legitimacy should entail that if, despite their best efforts, religious citizens are unable to justify their favored laws and policies without appealing to religious reasons then they should be excused from being required to do so.

In response, I here lay out a conception of democratic deliberation that provides not merely wide but unlimited latitude with respect to the sorts of reasons that can be introduced – so long as those who offer them are prepared to defend them against criticism. Indeed, I contend that religious citizens have a powerful religious incentive to engage in public deliberation, including with staunchly secular citizens, in such a way that they are fully receptive and responsive to criticism. They have good reason, on the bases of their religious convictions, to endorse the criterion of reciprocity. I must be clear that I do not intend to suggest that the religious incentive to embrace reciprocity is bound to be received amicably by religious citizens. This is an empirical matter that would involve taking better stock of the sheer diversity of the ways in which religious citizens maintain their faiths than I can provide. My primary concern is instead to provide solid theoretical support for the contention that there exist salient avenues to motivate deliberative engagement in accordance with the commonplace specification from within the comprehensive religious commitments of religious citizens, particularly those who embrace Abrahamic monotheism in any of its forms: Judaism, Islam and Christianity.

To make my case, I will proceed as follows. In order to offer an adequate philosophical context and to provide a sense of where I come down on the issue, I first lay out the state of the debate among deliberative theorists regarding the proper role of religion in the public sphere. I then draw on Robert Erlewine’s lucid account of Hermann Cohen’s ‘religion of reason’ to cash out the religious incentive to engage in democratic deliberation in accordance with the criterion of reciprocity. Cohen’s work focuses squarely on Judaism, but the line of argument he provides has wider religious implications on which we can draw (see Erlewine, 2010: 17). For Cohen’s considerations capture the internal logic of Abrahamic monotheism more generally.

I Religion in the public sphere: The contours and trajectory of the debate

There are at least 6 specifiable positions regarding the role of religion in the public sphere that have gained currency (some far more than others) in the past two decades: exclusionism; the laissez-faire model; weak inclusionism; strong inclusionism; the translation criterion; and mutual accountability. Permit me to discuss each in turn.
I:1 Exclusionism

Exclusionism has few vocal proponents among the ranks of deliberative theorists. Strict exclusionists, whose most notable proponent is Richard Rorty, call for a complete or nearly complete separation of religion and politics (see Rorty, 1999, 2003). They contend that religious arguments generally have no business being included in political discourse. The defiance of this dictate by religious citizens not only exhibits deep disrespect for fellow citizens, it also tends to clog up the public docket with concerns that end up being nothing more than irresolvable ‘conversation stoppers’. This being so, religious and non-religious citizens alike are best served by focusing their attention on concerns regarding which a consensus, a compromise, or (at minimum) a substantive bargain can be achieved.

Amy Gutmann, who defends what she refers to as the ‘two-way protection’ of religious communities, offers a weaker form of exclusionism. On its face, such protection is intended to foster a reciprocal relationship between ethical identity and democratic politics: a relationship in which religious communities are protected from undesired incursions by the state while the state remains free from interference by these communities. But if we take Gutmann at her word, this is not how the relationship actually is to operate. For as she states, ‘Ethical identity is accommodated when doing so pushes democracy in the direction of greater justice or at least avoids undermining legitimate political decision making’ (2003: 187). In other words, religious communities are tolerated and their concerns are permitted to gain a public airing just insofar as these concerns serve the purposes of the state (assuming, of course, that the state pursues greater justice). Otherwise, we are left to suppose, the reliance on religious reasons to defend favored laws and policies is unacceptable. Such reasons should be excluded from political discourse.

I:2 The laissez-faire model

Stanley Fish (1999) provides perhaps the most prominent defense of the laissez-faire model. According to this model, citizens are free to rely on any form of communication – argumentation, rhetoric, narrative, browbeating – that they regard as most effective for achieving their political aims. Religious citizens in particular are not required, or even asked, to ‘consider the perspectives and interests of a diverse body of fellow citizens who are known to hold rival religious and nonreligious doctrines’, states James Boettcher (2005: 499) in describing the laissez-faire model. They are under no moral obligation either to justify their aims or how they pursue them to others. Nor need they restrain themselves from relying on religious considerations however they choose to do so. Political expediency is all that matters.

I:3 Weak inclusionism

Weak inclusionism has a considerably longer list of proponents – most notably including John Rawls and Robert Audi – than either exclusionism or the laissez-faire model. According to weak inclusionists, who are the strongest proponents of the commonplace
specification, citizens maintain a moral obligation to offer suitable political justifications to fellow citizens in order to defend the political decisions they favor. Suitable political justifications must satisfy three basic conditions: they must be reasonable, public and accessible.

Some of Rawls’ critics challenge his reliance on the notion of reasonableness, viewing it primarily as a criterion for determining who can be included in what Marilyn Friedman calls the ‘legitimation pool’: the pool of citizens who make up the collective body whose support is required to affirm the legitimacy of the state’s use of coercive power (Friedman, 2000; see also Galston, 1994 and George and Wolfe, 2000). Their concern is that Rawls arbitrarily limits the sorts of comprehensive doctrines that count as reasonable to those whose adherents are already predisposed to endorse justice as fairness, if not comprehensive liberal views.

Yet Boettcher persuasively argues that the Rawlsian notion of reasonableness applies most directly not to the content of citizens’ comprehensive doctrines but instead to the disposition that citizens maintain with respect to political judgment and behavior. Regarded in this way, citizens count as reasonable so long as they are willing to propose and honor fair terms of cooperation under conditions of reciprocity. They stand prepared to offer reasons in defense of the laws they favor in a manner that is consistent with treating other citizens as free and equal (see Rawls, 1995: 134; and Rawls 1999: 136 f.). And they recognize and accept the ‘burdens of judgment’, or the idea that reasonable citizens in diverse democratic societies are bound to disagree over comprehensive considerations (see Rawls, 1993: 54 ff.). As Boettcher notes:

Being reasonable means not only accepting but expecting disagreement about important questions, including the questions of justice and constitutional interpretation that primarily comprise the domain of public reason. And when the source of our disagreement can be located in the burdens of judgment, disagreement is reasonable disagreement, even when we are confident about the validity of our claims. In other words, we do not presume from the fact of disagreement alone that others must be unreliable reasoners, stupid, selfish, willful, or blinded by ideology and prejudice. (2004: 605–6)

To be reasonable, then, is not necessarily to be a proponent of justice as fairness or a comprehensive liberal doctrine. While it is the case that political conceptions of justice and comprehensive doctrines can be reasonable or unreasonable, their status in this regard is determined by their proponents’ dispositions: by whether, as Rawls remarks, they are affirmed ‘in a reasonable way’ (see Rawls, 1993: 14, 60; Rawls, 2001: 191).

This approach to reasonableness contextualizes how Rawls conceives of the publicity condition, which is most clearly captured in his conception of public reasoning. When taking part in democratic deliberation, in particular when what is under discussion are fundamental political issues – constitutional essentials and matters of basic justice – citizens are morally obligated to limit the kinds of reasons given in support of favored laws to reasons consistent with regarding others as free and equal. Reasons supported by core democratic values work especially well in this regard, including the pursuit of political institutions that foster fair terms of cooperation and essential constitutional rights and liberties (see Rawls, 1993: 1 f.; see also O’Flynn, 2006). For the commitment to
exercising political power is proper only when we sincerely believe both that our proffered reasons are sufficient to justify the political outcomes we favor and that others will agree.

Rawls is thus quite clear, in comparison *inter alia* to Audi, that public reasons should not be confused with secular reasons per se (see Audi, 1993: 701; and Audi, 1997: 16). As Rawls notes:

> We must distinguish public reason from what is sometimes referred to as secular reason and secular values. These are not the same as public reason. For I define secular reason as reasoning in terms of comprehensive nonreligious doctrines. Such doctrines and values are much too broad to serve the purpose of public reason. (1999: 143)

For reasons to be properly public, then, they must speak to all democratic citizens, not merely to those who are predisposed to endorse one’s wider comprehensive belief set.

Public reasons, in turn, must be *accessible*. They must be reasons that all interlocutors can evaluate ‘in light of standards shared by human beings generally’, Boettcher remarks (2009: 229). This can include common sense scientific and historical knowledge and the political values specified and ordered by a reasonable political conception of justice and endemic to a constitutional democracy. That reasons are intelligible to all parties thus is not sufficient. Rather, notes Rawls, citizens ‘must give [others] reasons they can not only understand – as Servetus could understand why Calvin wanted to burn him at the stake – but reasons we might reasonably expect that they, as free and equal citizens, might reasonably accept’ (1999: 138; see also Joshua Cohen, 1996: 413). As Gerald Gaus thus puts it, accessible reasons are not just reasons that appeal to us; they are reasons for others (see 2003: 209).

Given these three conditions for suitable political justifications, it stands to reason that citizens are called upon publicly to restrain their employment of comprehensive reasons, particularly when deliberating about fundamental political issues. Restraint does not involve being prohibited altogether (on moral grounds) from employing comprehensive reasons in public deliberation, Rawls maintains. However, such reasons must be neither the sole nor the decisive reasons on which citizens rely to develop suitable political justifications, since they are neither public nor can they be expected to be accessible to other reasonable citizens (see Boettcher, 2007: 226).

This nonetheless leaves considerable latitude for introducing comprehensive reasons into public deliberation. First, Rawls sets no prohibitions whatsoever against being motivated to pursue political influence based on comprehensive considerations. Second, restraint is delineated by what Rawls calls the ‘wide view of public culture’. It does not apply to the background culture – to ‘the culture of daily life, of its many associations: churches and universities, and clubs and teams, to mention a few’ (1993: 14). As a result, in the vast majority of daily interchanges with others, comprehensive reasons can be utilized without limitation.

Third, in cases of public deliberation within the wide view of public culture that are focused on fundamental political issues, that is, in which citizens are morally obligated to exercise restraint, Rawls condones reliance on what he calls the ‘proviso’. Citizens are permitted to rely on comprehensive reasons in public deliberation even in such cases
‘provided that in due course political reasons – and not reasons given by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support’ (1999: 152). Rawls even gives wide latitude to how the proviso can be satisfied and on whom the duty to satisfy it falls. He simply states that it should be ‘appropriately satisfied in good faith. Yet the details about how to satisfy this proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance’ (ibid.: 153).

Fourth, there are even contexts in which Rawls permits citizens reasonably to include comprehensive considerations without fulfilling the dictates of the proviso. This includes the practices of declaration and witnessing. Declaration involves expressing deeply held convictions in democratic deliberation that others cannot be expected to share but that clarify or contextualize the nature of one’s political proclivities. The aim of declarations, on Rawls’ account, is to affirm – from within one’s comprehensive doctrine – how one is in a position to endorse a reasonable political conception of justice. They reveal the congruence between one’s wider convictions and one’s political predispositions. By comparison, witnessing involves objecting to established legal dictates strictly on the basis of comprehensive considerations. It provides citizens who otherwise endorse a reasonable political conception of justice with the opportunity to express dissent: to draw on comprehensive considerations in order to voice displeasure with laws while still remaining committed to the legitimacy of the polity and the political process.7

I:4 Strong inclusionism

In consonance with weak inclusionists, strong inclusionists – including Nicholas Wolterstorff, Christopher Eberle and Paul Weithman – endorse the proposition that citizens have a standing moral obligation to seek suitable political justifications. They take issue, however, with the contention that citizens should be required even under the limited conditions delineated by Rawls to restrain their reliance on comprehensive reasons. Indeed, they argue, the practice of restraint, as required by the criterion of reciprocity, can be expected adversely to affect the lives specifically of religious citizens: to be unfair to, disproportionately burdensome for and disrespectful of them when it comes to articulating and defending favored laws. Specifically, it undermines their religious integrity, which has resulted in the strong inclusionist challenge to weak inclusionism being dubbed by Mark Jensen (2005) the ‘integralist objection’.

Boettcher identifies two dimensions of integrity specified by strong inclusionists that lead religious citizens to be adversely affected by the restraint requirement. The first is the conscience dimension, which concerns the conscientious attempt by religious citizens to identify, understand and fulfill their standing obligation to uphold their convictions. The second is the unity dimension, which is focused on the attempt by religious citizens to shape their lives as a whole in accordance with their convictions such that they are able to lead a fully integrated life across all pursuits.

Both dimensions of integrity may be strained, first, by Rawls’ claim that reasonable citizens are to give priority to public political concerns when these come into conflict with comprehensive considerations. The public political values of a constitutional democracy, which are embodied in his conception of political liberalism, are ‘not easily
overridden’, he states, even by comprehensive reasons that their adherents find highly compelling (2001: 189). Second, based on two prominent examples provided by Rawls in ‘The Idea of Public Reason Revisited’ of the manner in which religious citizens can come down with respect to the acceptability of political liberalism, Patrick Neal (2000) argues that in order to be deemed reasonable, religious citizens must ‘wholeheartedly’ embrace Rawls’ argument. Refusal to do so, according to these examples, can be rooted, states Rawls, only in self-interest or in the interests of the group with which one is affiliated.

Third, and perhaps most worrisome, to the extent that religious reasons cannot be decisive in suitable political justifications, the exhibition of restraint may well end up requiring that religious citizens give voice to their concerns in a manner that does not represent their claims of conscience authentically or accurately. This is so to the extent that religious citizens take themselves to be religiously obligated to base their political judgments and behavior on comprehensive considerations. They cannot do otherwise if they are to maintain integrity. For such citizens, then, there can be no choice of leaving religion at the courthouse door, as it were. Rather, remarks Wolterstorff:

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. It is their conviction that they ought to strive for wholeness, integrity, integration in their lives: that they ought to allow the Word of God, the teachings of the Torah, the command and the example of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. Their religion is not, for them, about something other than their social and political existence; it is also 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. (1997: 155; original emphases)

Religious citizens may not regard as a matter of choice whether or not to engage in democratic deliberation by publicly appealing to religious convictions. Failure to do so may be a fundamental breach of integrity – a betrayal of conscience and a fundamental disruption to living a unified life – hence an abandonment of their basic moral identity. This being so, calling on said citizens to forgo appealing solely or decisively to religious convictions not only fails to allow their non-religious interlocutors to know the true motivations for the laws they favor. It is also a basic violation of the free exercise of religion, which is quite likely to foment rather than mitigate the threat of political polarization, potentially compounding the sense of alienation by religious citizens with their radicalization.

In order to avoid such an outcome, strong inclusionists argue that seeking to offer suitable political justifications does not carry with it the attending moral obligation to exercise restraint in drawing decisively on religious reasons. According to Eberle, for example, respect for others demands that citizens acknowledge that various constraints on public reason giving follow from what he calls the ‘ideal of conscientious engagement’. Citizens must pursue rational and, indeed, secular justifications for the moral
propriety of favored laws, withhold support for laws for which a rational justification cannot be produced, listen carefully to criticisms of said justifications, and respond by attempting to articulate reasons that others regard as sound (see Eberle, 2002: 104 ff; and Eberle, 2009: 165 f.). But we nonetheless are at liberty to rely solely or decisively on comprehensive reasons if we resolutely believe that cashing out our justification in public and accessible terms would prove unsuccessful in properly illustrating the position we defend. As Eberle thus states, each citizen ‘has an obligation sincerely and conscientiously to pursue a widely convincing secular rationale for her favored coercive laws, but she doesn’t have an obligation to withhold support for a coercive law for which she lacks a widely convincing secular rationale’ (2002: 10; original emphases).

In response, weak inclusionists argue that the integralist objection does not hold up, and rightly so. With respect to the unity dimension, religious citizens – as with all citizens in contemporary democratic societies – are bound to meet a variety of obstacles to achieving a unified life, including religious, ethnic, cultural and social fragmentation. ‘As a practical matter,’ states Boettcher, ‘we can expect that most citizens will have had the experience already of encountering alien beliefs and practices and of satisfying and balancing various role-specific requirements in their communities, professional lives, and other nonpolitical domains’ (2007: 245). This being so, the demand for unity in any sort of robust form – as the demand to live a fully integrated life according to one’s convictions across all of one’s pursuits is bound to be – is not only incompatible with living in complex societies, it also need not be viewed as a necessary condition for living a life of integrity. Living a life of integrity instead can be viewed, say, as a means to live a life in such a way that one views oneself as worthy of respect as a person of conviction across all pursuits precisely because one can navigate living in a world of difference and disagreement.

What then of the conscience dimension? In order to illustrate it more clearly, Eberle (2009) offers the example of the Agapic Pacifist, who staunchly and vociferously opposes all aspects of warfare and militarization based on the understanding of Jesus’ teachings regarding how to interact with one’s enemies. The Agapic Pacifist defends this position (and cannot do otherwise, according to Eberle) by appealing directly and solely to scripture, most notably to Luke 6: 29–38, in which Jesus commands his followers to turn the other cheek upon being struck rather than to raise one’s fist in anger. As a result, according to Eberle, Rawls ends up in the odd position of accusing the Agapic Pacifist – who exhibits utmost respect for all human beings inasmuch as he or she values every human being’s right to live a life free from the threat of physical violence and premature death – of moral failure because of the refusal to exercise deliberative restraint. In other words, on Rawls’ account the refusal by the Agapic Pacifist to rely solely or decisively on public and accessible reasons when offering political justifications regarding a fundamental political issue takes moral precedence over the comprehensively based respect for all human beings that the Agapic Pacifist’s pursuit of global non-violence embodies.

But, in consonance with weak inclusionism, it is entirely possible to question whether the Agapic Pacifist truly is unable to cash out her or his comprehensive considerations in public and accessible terms at the critical moment at which she or he seeks to win over others to her or his way of thinking. Both Gandhi and Martin Luther King rooted their appeals to non-violence in comprehensive doctrines, but they also were able to defend
their actions precisely in terms of Rawls’ preferred idiom: on the basis, that is, of the
rights that individuals enjoy just insofar as they should count as free and equal persons.
It is perhaps for this reason that Rawls himself notes, in assessing disputes among the
framers of the US Constitution regarding the warrant of religious establishment, that
‘With some care, many if not all of these arguments can be expressed in terms of the
political values of public reason’ (1999: 165).

Moreover, weak inclusionists can question whether the scriptural passage to which
Eberle’s Agapic Pacifist appeals does in fact condone the refusal publicly to justify their
actions to others. For along with calling on his followers to turn the other cheek upon
being struck, Jesus also discusses the considerable import of being charitable to fellow
human beings just as God has been charitable to humanity in general. Viewed in terms of
their public comportment, it is entirely reasonable to contend that the Agapic Pacifist
does not in fact respond to the needs of others in the way that Jesus demands: that he
or she ultimately condones a form of uncharitable treatment of others by failing to adhere
to the criterion of reciprocity. As a result, we should question whether Eberle’s defense
of the conscience dimension of integrity holds up. This is not to say that we necessarily
should accept the restraint requirement in the way that Rawls defends it. As I will discuss
shortly, at the end of the day I do not endorse this requirement. The point, rather, is that
Eberle’s critique does not hold up.

I:5 The translation criterion
The translation criterion is defended by Jürgen Habermas. It specifies a mode of inter-
action between religious and non-religious citizens that is intended, according to him,
to offer a viable middle ground between the positions taken by weak and strong inclu-
sionists. For he seeks to articulate how to derive the benefits of restraint that Rawls
envisions without insisting that citizens restrain themselves in the manner that Rawls
requires. When, despite their best intentions, religious citizens are unable to support
preferred laws and policies by means of public – or what he calls secular (but by
which he means neutral, in the sense of being non-sectarian and non-comprehensive) –
reasons, Habermas argues that not merely non-religious but avowedly secular citi-
zens should still be prepared to cooperate fully with religious citizens in deliberative
processes that are designed to reach mutually acceptable outcomes. This entails that
secular citizens exhibit the willingness to take part in the task of translating sectarian
claims offered by religious citizens into reasons that secular citizens can understand,
critically assess and perhaps even accept. As he declares with respect to the presenta-
tions of religious citizens:

... secular citizens must open their minds to the possible truth content of those presenta-
tions and enter into dialogue from which religious reasons then might well emerge in the
transformed guise of generally accessible arguments. Citizens of a democratic community
owe one another good reasons for their political statements and attitudes. Even if the reli-
gious contributions are not subjected to self-censorship, they depend on cooperative acts of
translation. For without successful translation there is no prospect of the substantive content
of religious voices being taken up in the agendas and negotiations within political bodies and in the broader political process. (2006: 11; see also Habermas and Ratzinger, 2005: 51)

Secular citizens thus are asked by Habermas to set aside their tendency to think strictly in terms of a secularist self-understanding of modernity. They do well to embrace living in a post-secular society: to adjust cognitively to the continued existence and political activity of avowedly religious communities and to develop a self-reflective attitude toward the claims of religious citizens and their resilience as a political force. This involves transcending the baseline secularist understanding of modernity according to which religious claims have no cognitive content.

Religious citizens have a responsibility to carry out as well, for they must develop a self-reflective attitude toward modernity itself. In the contemporary world, Habermas declares, the certainties accompanying faith are ‘always already networked within fallible beliefs of a secular nature; they have long since lost – in the form of “unmoved” but not “unmovable” movers – their purported immunity to the implications of modern reflexivity’ (2006: 9; see also Habermas, 2002: 150 f.). As a result, religious citizens must be prepared to accept the possible truth content contained in claims made by adherents of other religions, the authority of scientific knowledge and the institutional priority of secular reasons in the formal public sphere: the sphere in which deliberation strictly among legislators takes place.

I:6 Mutual accountability

The ideal of mutual accountability is defended by Cristina Lafont. It is intended to permit all citizens to adopt whatever cognitive stance they deem appropriate in public deliberation – whether religious or not – without abandoning the pursuit of offering suitable political justifications, insofar as it is coercive laws and policies that are being justified. According to Lafont:

... citizens who participate in political advocacy in the informal public sphere can appeal to any reasons they sincerely believe in, which support the coercive policies they favor, provided that they are prepared to address any objections based on reasons generally acceptable to democratic citizens that other participants may advance against such policies. (2009: 132)

With respect to the restraint requirement, then, citizens need only respond to objections that are based on ‘generally acceptable’ reasons, or (not unlike Rawls’ public reasons) reasons that any democratic citizen reasonably can be expected to accept.

In line with strong inclusionists, Lafont is concerned that Rawls’ restraint requirement is too demanding, that it is too strict in its limits on the introduction of comprehensive reasons into public deliberation. But her main concern is that he regards it as a moral obligation that citizens must offer generally acceptable reasons whether or not they are challenged by others in the process of justification. Put another way, according to Lafont, restraint should not be a matter – as it is for Rawls – of discerning on one’s own that one is unable to provide a suitable political justification in the pursuit of political influence. Rather, she remarks, citizens ‘must exercise restraint only in a much more specific case,
namely, when they can find no convincing way to show \textit{(against objections)} that the coercive policy they favor is in fact consistent with the democratic commitment to treat citizens as free and equal’ (2007: 27; emphasis added).\footnote{Lafont is also critical of Habermas. While Habermas is rightly concerned with eliminating the exclusion of religious claims from deliberative uptake, she worries that he counter-intuitively \textit{condones} the exclusion of a certain set of non-religious claims. This results in a distribution of cognitive burdens that is far less balanced than he indicates.\footnote{Secular citizens, Lafont notes, ‘are not allowed to publicly adopt an epistemic stance toward religion according to which religion has “no cognitive substance.”’ Thus, in contradistinction with religious citizens, they cannot make public use of their sincere beliefs, if they happen to be of a secularist type that contradicts the possible truth of religious claims’ (2009: 247). The obligation to maintain cooperative, reciprocal relations with others should not derive from being bound to take seriously that their claims or the comprehensive bases of support for these claims have cognitive content, that they may be true. As such, she continues:}

Secular citizens may very well be cognitively closed to the possible truth of creationism, the perversity of homosexuality, or many other religious views. Nonetheless, they owe their fellow citizens the cognitive effort of providing arguments to show why they think that the policies they propose are wrong. What their fellow citizens happen to believe tells them what they have to ‘take seriously,’ that is, it tells them \textit{what belongs to the deliberative agenda of the informal public sphere}. (2009: 137; original emphases)

Giving fair consideration to others’ claims, whatever they may be, thus should require nothing different of religious and secular citizens. Taking their claims seriously simply ‘obliges us to engage them seriously. That is, it obliges us to \textit{evaluate them strictly on their merits} and thus to be prepared to offer the counter arguments and counter evidence needed to show them that they may be wrong, in case one thinks they are’ (2007: 249; original emphases). Secular citizens need be no more receptive – cognitively speaking – to the religious claims of religious citizens than are religious citizens to the secular claims of secular citizens. All that is required of \textit{any} citizens is that they be prepared to provide the best challenges that they can offer when they disagree with others’ public stances.\footnote{Lafont is no less critical of strong inclusionism. When it comes to the argument against exhibiting restraint when deliberating over fundamental political issues, she remarks:}

Notice that what is at issue is not so much whether religious citizens have the right to \textit{include} their sincere beliefs and reasons in the informal public sphere, but whether they have a right to \textit{do nothing more}. The main issue . . . is whether they can be released from the obligation to check whether their arguments \textit{can be made good in view of all other arguments available}. (2007: 137; original emphases)

But there is no viable argumentative avenue from the right to lay out in public deliberation whatever considerations we deem appropriate to the right to be discharged from
being accountable for doing so. To believe otherwise may lead religious citizens in particular to accept that they ‘have the right to exercise whatever political influence their religious reasons may have on other … citizens without the reciprocal obligation of making such advocacy responsive to the scrutiny of generally acceptable reasons and objections brought to bear by other citizens’ (2007: 138; original emphasis).

Taken as a whole, Lafont’s ideal of mutual accountability has much to be said for it. It is criticism that should spur the appeal to seek suitable political justifications. If others accept our political judgments on the basis of comprehensive reasons, without being coerced or subject to some other form of persecution, then nothing further should be required of us. Citizens of all doxastic persuasions are free to offer whatever reasons they see fit, so long as they accept that they have no privilege to be free in turn from being responsive to challenges and calls for clarification by others, given that they are pursuing the establishment of coercive laws that apply to others as well as to themselves. Citizens hereby have unlimited latitude to offer religious reasons in public deliberation. But, in line with Boettcher, ‘citizens are not exempt … from criticism by their compatriots, who are directly affected by their political choices. After all, citizens are accountable to one another for their political claims and their collective decision-making’ (2007: 246; original emphases). To ignore or dismiss criticism in this context goes against the religiously supported conscience, or so I will argue in the next section.

Indeed, religious citizens have good reason to seek to discover in their convictions content that they deem worthy to convey to others in a manner that others can accept. Strictly speaking, pace Lafont, this is not because generally acceptable reasons override religious reasons. Instead, the commitment to engage in democratic deliberation in accordance with the criterion of reciprocity can be supported by a duty to one’s faith just inasmuch as it can be supported by a duty of citizenship. Hence, offering generally acceptable reasons can be the result of a religious imperative per se. I now lay out my argument for this proposition by drawing on Erlewine’s elucidation of Hermann Cohen’s religion of reason.

II The religious incentive to deliberate

The religious incentive to engage in democratic deliberation on the basis of mutual accountability can be cashed out specifically in terms of Hermann Cohen’s conceptualization of bearing witness, which introduces the idea of the ‘suffering servant’. Cohen, a philosopher of religion, conceives of bearing witness quite differently than Rawls conceives of witnessing; it is not primarily limited in its function to voicing dissent. Drawing on it will permit us to see the religious value of three practices that are crucial to deliberative engagement. First, Cohen’s conceptualization reveals the merits of doing what one can to convey one’s religiously based convictions in accessible terms even if one is at liberty to deliberate through the use of whatever reasons one deems appropriate. Second, it promotes being willing to suffer criticism of and to be answerable for one’s publicly offered claims. Third, it highlights why one should be willing to suffer the consequences of restraint to the extent that one feels called upon, based on one’s own terms, to protect one’s most hallowed convictions from criticism. Interestingly, this dovetails with a key component of the Rawlsian restraint requirement, which, states Boettcher,
‘entitles citizens to set aside certain beliefs from the practice of ongoing deliberative, critical scrutiny’. In taking this route, one ‘opts out of the political demand to treat her religious convictions as contestable political beliefs’ (2005: 512 and 513, respectively). Note, however, that according to my understanding of mutual accountability, which is slightly looser than Lafont’s, citizens have no prima facie or overriding obligation to practise restraint with respect to the public use of comprehensive reasons. If one seeks to protect one’s comprehensive considerations from criticism, then one has a conscientiously grounded obligation to exhibit restraint.

My position thus stands in relation to the other approaches to assessing the proper role of religion in the public sphere in the following ways. It should be clear that I reject both exclusionism and the laissez-faire model. I embrace the weak inclusionist call for offering suitable political justifications in public deliberation, but – in line with strong inclusionism – citizens need not practise restraint, even as it is narrowly demarcated by Rawls. As Lafont shows so well, this does not entail that citizens should be free from the responsibility of being held accountable for publicly proffered claims. Yet, pace Lafont, this responsibility need not be understood directly in terms of one’s duty as a democratic citizen or what one owes to others. It can be based instead on the idea that failing to do so may adversely affect one’s protection of hallowed convictions.

But what of the religious incentive to accept the ideal of mutual accountability? How is it to be delineated? Toleration is universally regarded among deliberative theorists as a necessary condition for reciprocal deliberative relations. But it may be the case that toleration is not in fact necessary for reciprocal deliberative engagement after all. Indeed, consonant with Cohen’s considerations, it is entirely possible to be intolerant of competing comprehensive beliefs and practices while nonetheless accepting the ideal of mutual accountability. This is quite helpful for our purposes to the extent that those who call for toleration and perhaps even the embrace of diversity, as Erlewine notes, ‘fail to take into account the contours of the symbolic or discursive structure shared by the Abrahamic religions’ (2010: 3). They either do not acknowledge or, worse still, overlook entirely that believers may well maintain a ‘[s]tructural antagonism and hostility toward the Other’: toward any person ‘who is different from oneself in regard to culture and especially religion’ (ibid.: 3 and 183, n. 1, respectively).

This is not to say, of course, that there are not myriad substantive differences among the Abrahamic faiths. Rather, Erlewine suggests that in sharing a ‘discursive structure’ these differences belie a common internal operative logic the central feature of which is a tense dialectic between universality and particularity: between the particularity of a specifiable religious tradition whose adherents nonetheless take themselves to have a universal, world-historical and divinely ordained mission to fulfill. As Erlewine hereby remarks, ‘a particular community is imbued with universal significance, and as a result is brought into conflict with all other particular communities, which lack universal significance’ (2010: 10). Antagonism toward the Other – which may be accompanied by a desire to do physical or psychological violence – is deeply rooted in this dialectic.

How, then, does the discursive structure of the Abrahamic faiths operate? According to Martin Jaffee (2001), it is constituted by 4 schematic moments. First, a universal and transcendent God makes himself manifest to a particular human community in an act of revelation. Second, this chosen, or elected, community declares its obedience to God’s
love and will, which are bestowed ‘at the price of a collective endeavor which God entrusts to the community, and which the community willingly agrees to undertake’, as Erlewine puts it (2010: 10). Third, world history centers on the fulfillment of this endeavor; history ends upon its successful completion. Finally, the point at which this occurs, the eschatological conclusion, ‘brings about the complete reconciliation of the human order with the divine love and will’, Jaffee remarks (2001: 761).

Only the elected community has been given the divinely bestowed insight that permits its adherents to harmonize themselves with God’s plan for humanity. Those outside it lack this vital knowledge as well as any clear sense of how to access it (see Halbertal and Margalit, 1992: 171). The universality of God – being God for all human beings – thus does not of its own accord imply endorsement of openness to or inclusion of the unelected (see Margalit, 1996). This being so, the elected community is responsible both for seeing to it that the unelected do not, out of ignorance, misconstrue or defame God’s message so as to disrupt the divinely ordained mission and for doing what it can to awaken the unelected to this message. The unelected cannot be tolerated until they abandon their errant ways.

On its face the call for deliberative engagement with the unelected would seem to ‘require nothing less than that monotheistic religions be stripped of their discursive structure’, Erlewine remarks (2010: 18). Regarded in this light, he continues, ‘Either the religious person can accept the principles of tolerance and/or pluralism which are incompatible with her religious tradition as it understands itself . . . or the religious person can affirm a robust account of her religion, i.e. an account which preserves the discursive structure intact’ (ibid.: 28) but which leads her to be deemed out of step with the demands of political life in deliberatively democratic societies. But Erlewine asserts that this either/or, black-and-white understanding of the matter fails to capture a salient third option offered by Cohen: an approach to religious life that maintains the basic thrust of the discursive structure of the Abrahamic faiths without embracing antagonism toward the unelected. According to this option, the maintenance of deep faith is entirely compatible with the ideal of mutual accountability. It can be understood to support a religious incentive to engage in reciprocal democratic deliberation even with those with whom religious citizens fundamentally disagree.

In consonance with the discursive structure of the Abrahamic faiths, Cohen refuses to countenance the ‘otherness of the Other’: that the unelected deserve respect or recognition on the basis of their differences. This is most notable specifically with respect to their embrace of an unelected comprehensive doctrine. But this refusal need not entail failing to practise mutual accountability. While he retains allegiance to the notions of election and the religious shortcomings of the unelected, these notions nonetheless can be revivified in a manner that is wholly consonant with deliberative norms. Rejecting the pursuit both of forced conversion and of proselytizing, Cohen opts to embrace a mode of engagement with the unelected rooted in bearing witness, which involves ‘serving as a “light of the nations” by means of the conduct and way of life of the members of a community’, states Erlewine (2010: 16). One makes a point of conveying one’s convictions in their best possible light and in a manner that is accessible and appealing to the unelected, which follows, as Alan Wolfe puts it, from ‘being commanded by God to live an exemplary life so that others may have a model to follow’ (2003: 193; see also
Strictly speaking, bearing witness expresses intolerance because it involves seeking to overcome the otherness of the Other: to win the unelected over to the path of the elected. But this activity nevertheless is intended to be ‘humane’ and ‘ethical’ (to employ Erlewine’s terms) in the sense not simply of forgoing physical or psychological violence but, significantly, of being responsive to the needs and concerns of the unelected. This being so, Erlewine maintains that for Cohen ‘one serves God by bearing witness out of responsibility for the Other’ (2010: 172). Out of one’s obligation to one’s creed, one owes it to the unelected to be responsive to them.

Cohen’s defense of this claim proceeds as follows. Religion, he contends, ultimately is rooted in reason. Religious truths – insights into the ways of God and his plan for human beings – are discernible through the use of one’s rational capacities. To the extent that one is rational, one is capable of being privy to these truths. As a result, revelation is thoroughly comprehensible. Even though only a particular community is elected, all human beings have the capacity to recognize the validity of revelatory insights (see Hermann Cohen, 1995: 138, 172). Furthermore, while sinfulness – especially on the part of the unelected – is a manifestation of human frailty, it is not on Cohen’s account due to a weakness of will but, rather, to a lack of knowledge (see ibid.: 211, 432). This has two implications. Knowledge of God’s love and will is teachable to all rational beings. And in line with the Socratic conception of moral behavior, to know what is right leads one necessarily to act rightly. Knowing goodness is a sufficient condition for doing what is good (which of course entails a lack of complete knowledge by the elected, given their own capacity to sin). These implications undercut hostility toward the unelected, who are to be pitied rather than hated for their sinfulness, for their failure to grasp God’s love and will. As a result, to the extent that sinfulness involves not a weakness of will – or, worse still, an intentional rejection of God – but instead an entirely correctable lack of knowledge, one can oppose the comprehensive considerations of the unelected ‘without failing to recognize the humanity of the Other’, Erlewine states. This is so ‘even if she worships idols. Error and sin . . . do not diminish the humanity of the one who errs and sins. While idolatry is to be opposed, the idolater is not to be hated’ (2010: 157).

Let us now return to the suffering servant modality of bearing witness in order to see how it supports deliberating in accordance with the ideal of mutual accountability. In terms of the religious incentive to deliberate, this ideal can be met in three specifiable ways. First, to the extent that they take themselves to be engaged in a world-historical and divinely ordained mission that can be achieved only via a humane relationship with the unelected, religious citizens are called on to convey their convictions in terms that the unelected can find accessible, hence perhaps as worthy of endorsement. They are not obligated as democratic citizens to restrain their use of comprehensive reasons when offering suitable political justifications, but – given the religious import of bearing witness – they do well to seek means to articulate their convictions and defend the laws and policies they support in ways that speak to the needs and concerns of their interlocutors. This is best served by adhering to the criterion of reciprocity. Indeed, reciprocity can be regarded as the best and surest path to unforced conversion: to doing one’s duty as a member of the elected religious community to bestow the knowledge of God’s love and will on the unelected. Second, religious citizens must willingly accept that bearing
witness entails countenancing and being responsive to criticism in the process of democratic deliberation. Being subject to criticism is never particularly easy or enjoyable. But given the divine mission religious citizens are called on to carry out, they have powerful reasons to suffer challenges that correspond with the responsibility to be answerable to others. This can be viewed as a particularly clear example of acting as the suffering servant. Third, they must be prepared to bear the consequences of restraint in cases in which they take themselves to be required to protect their convictions from such criticism, including from potential defeaters. Again, it may be frustrating to hold back in this way when engaged in democratic deliberation, but if one sees this as the best means to safeguard beliefs that one holds dear it may well be the right thing to do.

The willingness of religious citizens to suffer – especially in the face of disagreement with others – is fully warranted given the merit of serving, Cohen asserts, as a ‘sacrificial victim who exposes himself to suffering because of his knowledge of the irreplaceable value of this suffering for the historical welfare of mankind’. This impetus to suffer ‘does not derive its value from any sort of impulse toward asceticism, but rather in the recognition that suffering is a force in God’s plan of salvation’ (1995: 286 and 265, respectively). Indeed, adds Erlewine, ‘one suffers to draw the Other’s attention to the truth, as she can comprehend and benefit from it’ (2010: 174). Whether or not they choose to employ generally acceptable reasons, for the sake of their relationship with God and their role in fulfilling God’s plan, religious citizens maintain a powerful religious incentive to make every effort to find means to articulate their convictions in a manner that others can fully grasp and appreciate. It is in this way that mutual accountability can be embraced entirely in terms of religious dictates and the objection that the criterion of reciprocity places an undue burden on religious citizens diffused.

I do not deny that this idiomatic approach may be deeply uncomfortable for at least some secular theorists. But the fact remains that it is practically – if not conceptually – consonant with the commonplace specification of the legitimacy of political decisions. Given the world-historical stakes (and, indeed, that one’s salvation may lie in the balance), the embrace of reciprocal deliberative engagement should hold much more than instrumental value for religious citizens.

Notes
1. In a personal communication, Erlewine has noted that Cohen at times can be quite hostile to Christianity. This is a result of the extremely tense religious culture in 19th-century German society, especially when it came to debates – often intended explicitly to denigrate Judaism – over which of the Abrahamic faiths is most rational.
2. The first 4 of these terms are appropriated from Boettcher (2005).
3. See also Rawls’ (1999: 142) defense of the reasonability of political conceptions of justice other than justice as fairness.
4. As Paul Weithman puts it:

   ... if the reasons provided for these arrangements are accessible to some but not to others, those to whom they are not accessible will not be treated as equals of those to whom they are (because they are not treated as persons to whom accessible reasons are due). Nor will they realize their
freedom (because they will perceive basic arrangements as brutally coercive in the absence of a justification accessible to them). (2002: 6)

5. In light of this comment by Gaus, it is curious that he more recently appeals to the idea that intelligibility is sufficient for accessibility (see Gaus and Vallier, 2009).

6. Gaus and Vallier (2009) challenge the idea that there should be a fundamental symmetry between reasons to justify favored laws and policies to others and reasons to reject those laws and policies. They contend that the liberal commitment to non-domination and the sanctity of conscience implies that while religious citizens must justify legal dictates on public political grounds, they can reject being subject to legal dictates that they have comprehensive reasons – including religious reasons – not to endorse. In such circumstances, no backing by public reasons is required; religion can play a defeater role even if religious citizens cannot play a decisive justificatory role. But this is problematic to the extent that rejection can have adverse consequences for others in equal measure to, if not greater measure than, that which justification can have (note, for example, how this dynamic would play out in the ongoing debate over the constitutionality of gay marriage).

7. For more on Rawls’ description of declaration, see 1999: 155; for his description of witnessing, see ibid.: 156, n. 57.

8. Rawls’ first example focuses on the manner in which Catholics and Protestants in the 16th and 17th centuries embraced the principle of toleration not on the basis of principle (not ‘wholeheartedly’) but for instrumental reasons alone. ‘This meant that should either party fully gain its way it would impose its own religious doctrine as the sole admissible faith’ (1999: 149). In the second example, the allegiance of citizens in a democratic society to constitutional principles ‘is so limited that none is willing to see his or her religious or nonreligious doctrine losing ground in influence and numbers, and its citizens are prepared to resist or to disobey laws that they think undermine their positions’ (ibid.: 150).

9. Kent Greenawalt in turn rejects the possibility of regarding public reasons and private reasons as substantively separable. As he states, ‘the threads of publicly accessible reasons cannot be disentangled from religious convictions and personal bases of judgment, and . . . strenuous efforts to make the separation would carry psychological costs and impair people’s sense of individual unity’ (1988: 176).

10. As Wolterstorff declares: ‘[G]iven that it is of the very essence of liberal democracy that citizens enjoy equal freedom in law to live out their lives as they see fit, how can it be compatible with liberal democracy for its citizens to be morally restrained from deciding and discussing political issues as they see fit?’ (1997: 91). For further comments about this concern, see Weithman (2002: 3) and Boettcher (2007: 243).

11. Although I cannot address the matter here, Boettcher (2009) contends that as his position with respect to religion in the public sphere has developed, Habermas’ position ultimately ends up being quite similar to Rawls’.

12. This comes out most clearly in a recent exchange between Habermas and Charles Taylor (2011).

13. To illustrate this, the US Religious Landscape Survey conducted by the Pew Forum on Religious Life is likewise quite instructive; accessible @: http://religions.pewforum.org/
14. Both Eberle (2002: 14) and Jeffrey Stout (2004: 86) maintain a position akin to that of Habermas regarding the cognitive burdens that should be borne by secular citizens. As a result, Lafont’s objection applies equally to them.

15. Habermas (2011: 32–3, n. 22) has recently responded to Lafont in an extended footnote, offering two counter-claims. First, he asserts that rejecting the truth of religious claims is compatible with accepting that there are aspects of these claims that are nonetheless true. So while one may disavow the wider religious claim, there are nevertheless more particular translatable forms of ‘*truth content*’. So one may reject Martin Luther King’s appeal to a God-given natural law of equality, for example, while accepting the rightness of equal treatment. Second, he reiterates that publicly engaging with citizens in a way that treats their religious views as benighted violates one’s duty to interact reciprocally in processes of ‘mutual perspective taking’. In Rawlsian terms, this embodies a failure publicly to treat religious citizens as free and equal. Both counter-claims beg the question, however. Lafont may well admit that someone like Martin Luther King conveys religious ideas that secular citizens *ipso facto* would regard as false but that nevertheless have truth content. But Habermas only refers to King to provide examples, which belies the fact that, according to secularists, there are many religious claims – like those associated with creationism or the sin of homosexuality – that are utterly devoid of cognitive content. Indeed, Lafont makes reference to the ‘recalcitrant secularist’ who ‘is firmly convinced that religions are “the opium of the people”, (so they are not merely “archaic relics of pre-modern societies” but particularly dangerous holdovers that should be openly combated)’ (2007: 249). Habermas’ first counter-claim does nothing to respond to this sort of position. He may, of course, regard his second counter-claim to be a sufficient response to it, but simply reiterating his initial view fails entirely to engage Lafont’s alternative view of what taking the concerns of others seriously in processes of discursive exchange entails. What is required, she notes, is offering arguments, evidence and justification for or against claims regardless of whether or not one accepts that those claims have cognitive content. Yet we get from Habermas no sense of why we should judge this position to be deficient in comparison with his own.

16. Indeed Erlewine accuses Habermas of making just such a demand by pursuing the ‘linguistification of the sacred’ in laying out his theory of communicative action, which involves ‘the transfer of cultural reproduction, social integration, and socialization from sacred foundations over to linguistic communication and action oriented toward mutual understanding’ (Habermas, 1989: 107). For Erlewine’s full critique, see 2010: 17 ff. To be sure, Habermas has softened his approach with respect to the treatment of religion. But given his defense of the translation criterion, he continues to assume that the linguistification of the sacred is possible.

17. Peter Ely (2004) provides a compelling account, based on an assessment of the New Testament, that for Christians forgiveness of one’s adversaries (of ‘those who trespass against us’) and the suffering that comes with it are a necessary condition for salvation. Thus, the approach to bearing witness that Cohen lays out fits quite comfortably in a Christian context.

References


