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CHRISTIAN SOCIAL THOUGHT

Religion in the Liberal Polity
Terence Cuneo (Editor)
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2005 (270 pages)

It is virtually an article of faith (no pun intended) within the dominant political paradigm in this country that religion, though it may have been influential in the formative years of our republic, is currently not essential to the defense of human rights and justice. This volume is set against that conviction. Terence Cuneo has collected eleven essays, including one of his own, that seek to place religious reasoning back in the foundations of our liberal political philosophy. It accomplishes this task not by appealing to our history, using the kind of argument that says we betray our past if we forget our religious roots. It is, rather, a straightforward exercise in reason, which shows, from various angles, that a religious foundation for rights and justice is more secure than a secular one.

After the editor's introduction, the volume gets off to a hard-headed start with Nicholas Wolterstorff's complex and tightly reasoned argument justifying divine command ethics, and doing so from arguments that do not rely on scriptural texts so much as reasoning from the nature of commanding—human and then divine. It is an ethic that, unlike utilitarian and contractarian ethics, yields real obligation and real guilt for disobedience. The essay is thorough, dense, and careful, pursuing objections to their dead ends, building its case gradually.

It is followed by another carefully reasoned piece by Timothy Jackson that grounds human rights not in our rationality nor in any other characteristic save that we are

human. Additionally, the only reason this move makes sense is that we are all—including the declining elderly, the severely impaired, the criminally guilty, and fetuses—made "in the image of God." There are rights, such as the right to vote, which *are* earned based on our rational dignity, but these are matters of justice—what may be due us but not due to everyone regardless of status or condition. Real rights, universal rights, unalienable rights, rights which the state is obliged to protect, are given in our sanctity; and these, no state, no human agency, or whatever, can take away.

The running theme of the first part of the book, that rights are grounded in an objective order, understood as religious, that is beyond human fashioning, is continued by John Hare's convincing attacks first on wholly naturalistic explanations of the source of rights, and second on the belief that we can manage without any ontological foundation for them at all. Following Hare, Paul Weithman mounts a defense of a Christian basis for human rights as valuable not just to protect human beings, vulnerable or not, from gross abuses, but somewhat less obviously as a ground for making commitments, including religious commitments, freely, without fear or force. Hence, it is possible to make a Christian case for liberal political rights such as free speech and assembly as found in the United States Constitution's Bill of Rights.

The remaining two essays in the first section of the book are by Terence Cuneo, its editor, and Mark Murphy. Cuneo wishes to ground religious civil liberties in natural law—those natural human goods which the state is obliged to protect and possibly to promote, at least to some degree. We participate in such natural goods as seeking knowledge, employing practical reasonableness to govern our lives, and finding community and friendship among others by participating in religious traditions. Religions also help form the character traits that enable human flourishing, and for all these reasons it is in the state's interest to permit, defend, and encourage religious liberty (except for religions that are manifestly harmful to the public good).

Mark Murphy's contribution focuses on the old conflict between human and divine law, and the question of whether it is ever right for a Christian to disobey a legal authority. After considering Hobbes's argument that private conscience ought never to disobey the political sovereign, for the sake of order and because the sovereign naturally represents the will of God for our good, Murphy concludes that nevertheless, the case for principled disobedience—even to martyrdom—is strong; for no Christian can accept a law or command that cuts him off from friendship with God.

Jeffrey Stout leads off the second part of the book, which focuses on the application to political life of the foundations established in the first part. Stout is concerned with the legitimate use of religious reasons for political choices. He argues against the "contractarian" view (Rawls' especially) that arguments in public discourse should be limited to a common denominator of reasonableness, a test that specifically religious reasons cannot pass in a pluralist society like ours. Stout maintains instead that religious reasons can be basic to a person's decisions and should be allowed in the public arena. The common good is not harmed thereby if people treat their opponents respectfully, trying to get inside the other's premises ("immanent criticism") in an effort to persuade

them to one's own views. He notes that if religious reasoning were disallowed from political life, the civil rights movement would have been impossible.

Two more essays, by Christopher Eberle and Richard Mouw, continue this theme. Eberle argues against the liberal claim that reasons for political arguments must be intelligible to everyone ("public justification"), because no one's reasoning can be presumed to be free of the taint of some kind of defective ignorance or prejudice about what counts as reasonable evidence. Everyone's convictions are parochial in some way. Thus, particular and specific religious reasons may be admitted to the public arena, even though common acceptance of them is lacking.

Likewise Mouw defends the use of specifically religious, in fact Christian, language in public discourse. The search for a common rational language is impossible, given our multiple particularities as a nation; and so it would be much more honest to admit that and speak our own religious convictions about matters affecting the commonwealth. That, however, is not the whole picture. For the sake of the common good, Christians must also seek commonalities between themselves and others.

Kent Greenawalt poses a slightly different question, and a famous and contentious one at that, asking to what extent the use of religious language and ideas applies to the classroom teacher in public schools. His answer is that unlike ordinary citizens, who should be free to express their religiously based convictions in public discussion, public officials must exercise restraint, relying on widely shared reasons—and a teacher is a kind of public official. Schools and teachers cannot be neutral about religion—quite impossible—but they can and should be impartial, teaching *about* religion without either advocating or dismissing it. The principle is often easier to state than apply, of course. One must allow for subtle differences between the schools as such and the teachers who work within them; the grade level of the class will also make a difference.

Merold Westphal brings the book to a close with an interesting essay on shame as a public virtue. Laws and rules have a coercive character; obedience to them responds at least partly to threat of punishment. Shame, though, is the consequence of not doing what one knows one ought to have done, knowing that the other is aware of this failure, and agreeing with the other's negative judgment. Shame shows a willing acceptance of a moral order and is thus a stronger social bond than coerced obedience. A shameless society is desperately sick.

There is, of course, much more to each essay than these brief sketches can suggest. The collection functions at a very high level of reasoned argument that repays careful reading. Discussion and debate pervade the essays, such that they have something of an interactive character, reflecting the seminar that spawned the book. That may account for its fine coherence, better than the usual collection. Taken as a whole, it runs against the grain of reigning secular liberalism that would marginalize, if not bar from public discourse altogether, specific religious argumentation as divisive and harmful to democratic resolution of controversies. On the contrary, the theme here, tightly and impressively argued, is that religious reasoning is a positive force when used with respect for those of other persuasions; it is realistic, honest, and attuned to the deepest sources of

our convictions. Even those who do not care for religious voices in politics will, should they chance upon this book, find themselves seriously challenged. Religious people will find here good reasons to speak their faith and use their distinctive language in civic participation, though always with respect for persons, including other religious persons who do not share their viewpoints, as is, after all, proper in a democracy.

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The Universal Hunger for Liberty

Michael Novak

New York: Basic Books, 2004 (281 pages)

The author of the well-known *Spirit of Democratic Capitalism* has offered his readers yet another book that deserves to be read, weighed, and considered. Michael Novak is an indefatigable defender of economic liberalism and moral values, the two pillars of a free and virtuous society that can never be separated without harm to man himself. This book hastens to support his long-standing claim. Freedom, the free market, and free competition can only be safe and beneficial when human beings know the essential hierarchy of things, the difference between ends and means, man's ultimate goal, and the world in which he lives as a responsible steward.

Novak affirms that there is a universal hunger to exercise liberty (14), whereby people want to make their own choices. By own choices he means, however, not only that our acts should be free from external coercion but also that they should be internally free from greed, untruth, and bad intentions. We are free, rational, and moral beings, inasmuch as we take these three components in their integrity. Making one's own choices is not enough; we have to make good choices. Human beings need an appropriate setting for the exercise of their liberty, that is, a supportive culture, because "liberty needs the sunny warmth of culture and ideas and the nourishing rain of favorable institutions of politics and economics" (14). Liberty is a gift and a task at the same time (John Paul II), something to take and something to be done with, a gift that may bring about fruit or may lead to disaster.

Such being the case, the appropriate exercise of freedom is of utmost importance. Novak does not back away from the task of laying down some guiding rules. Henceforth he may rightly call his book "a vision for the twenty-first century" (17). We have seen many projects intended to bring a solution for all social problems as they, one by one, failed and caused disaster. Communism, for that matter, conceived that removing religion from social life would free the human species from alienation. Now political correctness does the same by imposing forced secularization on Western societies. Such projects propose no lasting solution, Novak notes, because secularization has "no corrective for a whole society's rapid slide into decadence" (19).