

The Idea(I) of Public Reason: Religion in Rawls's Political Liberalism

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Inception

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Abstract

The political philosopher John Rawls presupposes that Western societies are religiously and politically diverse, and advocates for a formal structure of public discourse that can produce an "overlapping consensus" among an array of competing comprehensive doctrines. Rawls therefore claims that an idea of public reason is necessary for mediating political debate, as the most reasonable solutions to social problems will naturally be accepted by the majority. However, a closer reading of Rawls reveals that underlying this neutral "idea" of public reason is a more stringent "ideal" of public reason, which I claim attempts to neutralize those public religious voices whose political message is grounded in the particularity of their faith tradition. I consider Martin Luther King, Jr. as an exemplar who uses irreducibly religious language in advocating for the democratic principle of equality, thus problematizing Rawls's thesis that emptying the public sphere of religion is beneficial for a more just society.

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In liberal democratic societies there is often a widespread assumption, especially among the intellectual elite of the academy,

that religion should be relegated to the private sphere, away from mainstream political discourse. This idea has its roots in the Enlightenment of the eighteenth century where the birth of modern reason seemed to its proponents to hold the promise for the creation of peaceful and equitable societies, free from the violence of the European religious wars of the sixteenth and seventeenth centuries. The Enlightenment ideal of public reason has been forcefully argued for in recent years by the prominent political philosopher John Rawls, who claims that there is an ideal form of reasoning to strive for while debating political issues in a democratic context. Rawls defines this as the "idea of public reason,"¹ which he conceptualizes as a strictly formal process where reference to religious and/or theological claims not held by all members of the society must be excised for the political argument to be valid; a concept which corresponds to his central liberal value of overlapping consensus. This idea of public reason implies a minimum level of mutual recognition, which is often crucial for fostering a respectful political dialogue among citizens with differing comprehensive doctrines. However, I contend that Rawls conflates his idea of public reason with a stricter *ideal* of public reason which follows from his reliance on implicit Enlightenment assumptions about the inherently unreasonable nature of religious discourse. My critique of Rawls's liberal framework for his ideal of public reason focuses on its inability to accommodate the religious language used in the social activism of the prominent American civil rights leader, Martin Luther King, Jr.

In his iconic work of liberal theory *Political Liberalism*, Rawls praises the Civil Rights work of Martin Luther King Jr., whose political platform was founded largely on a Christian response to the injustices of racism and racial segregation in the United States in the middle of the twentieth century. Rawls states, "[r]eligious doctrines clearly underlie King's views and are important in his appeals. Yet

¹ John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 1997 (64, 3): 765-807.

they are expressed in general terms: and they fully support constitutional values and accord with public reason.”² My question is whether or not this statement causes a tension with Rawls’s later theorization of the ideal of public reason: is he able simultaneously to maintain that reasons given for political arguments have to be shorn of religious content while still exemplifying the religious rhetoric and theologically-based politics of a figure like Martin Luther King? The tension that exists in the relationship between Rawls’s liberal ideas and religion has been noted by many commentators; some critiquing his theory’s inability to incorporate religious voices in the public sphere,³ while still others defend his form of liberalism as the best way to create political consensus given the religious pluralism of Western democracy.⁴ I will argue for the former position, as I claim that the Rawlsian ideal of public reason tends to be prohibitive of political speech which has been motivated by religious sources, despite the fact that some of the highest forms of democratic speech and action have been carried out by religious exemplars. My analysis will focus primarily on Martin Luther King, Jr. as a test case for how Rawls’s notion of public reason possibly disallows the religious speech of the Civil Rights Movement. Dr. King uses irreducibly religious language in his political discourse, which problematizes Rawls’s thesis that emptying public speech of specific religious claims is beneficial for the democratic process: therefore I

² John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 250.

³ For example, Talal Asad states: “Even as eminent a theorist as John Rawls says that certain kinds of reasoning should not be allowed into the domain of politics because all they do is create irresolvable conflict, so that only what liberals deem rational can be allowed to enter public space. Is it the case that religion always produces conflicts that can’t be resolved peacefully?” <https://tif.ssrc.org/2011/08/03/the-suspicious-revolution-interview-with-talal-asad/>.

⁴ Daniel Dombroski, *Rawls and Religion: The Case for Political Liberalism* (State University of New York Press, 2001).

will argue the opposite; that allowing religious voices in the public sphere actually strengthens the civic discourse that makes democracy possible.

In his essay, "The Idea of Public Reason Revisited," John Rawls provides a re-articulation of the liberal conception of public reason he began discussing in *Political Liberalism*, as a way of addressing criticism that his position on public reason is too restrictive to allow the type of dialogue needed for a democracy to function properly. Rawls takes as a starting point the fact of pluralism in modern Western democracies, which he notes involves a wide range of difference in people's individual beliefs about matters of morality, politics and religion, in short, their "comprehensive doctrines." Given the reality of frequent disagreements among people concerning their differing comprehensive doctrines, the idea of public reason is necessary for Rawls as it "specifies at the deepest level the basic moral and political values that are to determine a constitutional democratic government's relation to its citizens and their relation to one another."⁵ He is careful to designate this difference in relationship between (1) a constitutional democratic government and its citizens and between (2) citizens and other citizens, as this distinction provides him the necessary framework with which to defend himself against those who claim that his idea of public reason tends to restrict religious voices in the public sphere. Specifically, Rawls claims that the idea of public reason, in its strictest form, is only applicable to judges, government officials and candidates for public office (who form what Rawls labels the "public political forum"), *not* to citizens in dialogue with citizens. The public space that operates outside the purview of the public political forum is labeled by Rawls as the "background culture," which he notes most commonly includes institutions such as churches, universities and the media. The background culture can theoretically include any public forum where citizens are permitted to freely exchange ideas

⁵ Rawls, "Idea of Public Reason Revisited," 766.

about their comprehensive doctrines to one another. Subsequently he writes: “sometimes those who appear to reject the idea of public reason actually mean to assert the need for full and open discussion in the background culture. *With this political liberalism fully agrees.*”⁶ With the distinction that Rawls makes between the public political forum and background culture—assuming that the burden of public reason be placed on the former, as opposed to the latter—Rawls’s position so far fully allows for particular religious sentiments to be used to express political doctrines within the background culture.

However, despite Rawls’s claim that political liberalism is in full agreement for allowing open dialogue in the background culture, there is a normative move that Rawls makes which ends up placing an undue burden on religious citizens who speak out in the public sphere. After defining his *idea* of public reason, Rawls switches tactics and outlines his *ideal* of public reason, in which he recommends that both the public political forum *and* the background culture discipline themselves to making political arguments which can be acceptable to persons claiming any comprehensive doctrine. With this new formulation, which he labels as the “duty of civility” Rawls argues that “ideally citizens are to think of themselves *as if* they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to act.”⁷ This move indicates that, despite Rawls’s attempt to place the burden of public reason onto the official actors in the public political forum (judges, politicians etc.), the normative content of his liberalism indicates that regular citizens should also be disciplined self-regulators of their public speech, even within the ostensibly more permissive background culture. As

⁶ *Ibid.*, 768. (Italics mine)

⁷ Rawls, “Idea of Public Reason Revisited,” 769. Rawls attributes this proposal to Kant’s principle of the original contract, which is consistent with the Kantian language he employs in explicating his ideal of public reason and the concomitant “idea of civility.”

Omid Shabani argues, Rawls's idea of civility seems to weigh the scales against believing citizens, as the greater burden will be placed on them to fulfill its strict requirement of behaving "as if" they were legislators. Shabani notes that the key issue being discussed here is *when* properly political reasons should be given, and he claims that Rawls's idea of the duty of civility pushes for an earlier account of these reasons in public debate. This is unfair in Shabani's opinion because it "*de facto* results in the exclusion of religious reasons in the public sphere" to the degree that it forces religious citizens to censor their comprehensive doctrines when making political arguments.⁸ Despite Rawls's attempt to limit the use of public reason to the public political forum, his ideal of public reason—which presupposes the duty of civility—shows that he is still committed to an Enlightenment conception of liberalism, insofar as he believes public debate requires rational self-legislating individuals who are able to translate their particular comprehensive doctrines into universalizable principles which are accessible by other similarly rational individuals.

My claim that Rawls's ideal of public reason is based on an Enlightenment form of thought is substantiated by the work of Charles Taylor in his essay "*Die Blosse Vernunft* ('Reason Alone')" where he critiques the Enlightenment notion that "reason alone" can produce satisfactory conclusions to disagreements among both religious and non-religious actors in the public sphere. Taylor labels this as the "Enlightenment myth" and identifies John Rawls as a contemporary liberal theorist who advocates for this conception of "reason alone" which should be able to "satisfy any honest, unconfused thinker", whereas more specifically religious assertions

⁸ Omid Payrow Shabani, "The Role of Religion in Democratic Politics: Tolerance and the Boundary of Public Reason," *Religious Education* 106, no. 3 (2011): 340.

are only convincing to those accepting similar dogmas.⁹ Taylor's method for casting doubt on the validity of this conception of reason alone is through constructing a three-faceted genealogy of the Enlightenment that traces the separate, yet interconnected strands of Cartesian rationalism, post-Galilean natural science and social contract theory, from their seventeenth-century roots.

Taylor notes first how Descartes privileges the methodology of autonomous reasoning, which he does by self-consciously renouncing the validity of external authority in the philosophical investigation of the *Meditations*.¹⁰ This Cartesian sense of reasoning as a self-directed enterprise becomes expressed most clearly in Kant's slogan for the Enlightenment: "*Sapere aude!* Have courage to use your *own* understanding!"¹¹ Taylor emphasizes the importance of this conception of self-sufficient reason in empirical science, which comes to provide a powerful resource for tangible advances in knowledge, giving it the rarefied aura it enjoys in the modern imagination. Finally, the last aspect of the Enlightenment project of reason that Taylor identifies is the social contract theories of the 17th century which conceptualize humans as rational actors seeking mutual benefit through the peaceful and equitable arrangement of society. Taylor argues this conception of society is

⁹ Charles Taylor, "Die Blösse Vernunft ('Reason Alone')" in *Dilemmas and Connections: Selected Essays* (Cambridge MA: Harvard University Press), 328.

¹⁰ This method of Cartesian doubt proceeds by doubting both one's own senses, as well as the unexamined common opinion of the surrounding culture. Therefore, Descartes' renunciation of external authority can be read in two ways: as the rejection of his own bodily sensation, as well as the (initial) rejection of Christian dogma.

¹¹ Immanuel Kant and Hans Siegbert Reiss, "An Answer to the Question: What is Enlightenment?" from *Kant: Political Writings* (Cambridge UK: Cambridge University Press, 1991), 54.

a myth insofar as it is seen as an inevitable progression from earlier hierarchical arrangements of culture.

Taylor's genealogy of Enlightenment thought brings to light some of the hidden assumptions made by liberal political theorists like Rawls who privilege an idealized conception of reason which should be given priority in the public sphere, over and above the use of religious reasoning. While Rawls has indeed addressed criticisms relating to his restriction of the public use of religious argument in his later work, I argue he is still dependent on something like what Taylor calls the "Enlightenment myth." I claim that those who subscribe to this view of the Enlightenment are unable to see the way in which their own thought is based on a certain tradition, which contains its own normative beliefs and practices, and is subject to historical contingencies of power and authority. An overly abstract and intellectualized conception of reason fails to recognize the embodied practices of religionists, and the way in which those practices constitute the subject's moral and political existence.

Taylor's analysis of the Enlightenment myth overlaps with his critique of Rawls's epistemological assumption that arguments from religion constitute an insular class of reasoning, while the "neutral" language of public reason is, in principle, openly available to all reasonable citizens. Taylor claims that the main problem with this line of thought is its implicit conjecture that religious claims are inherently less rational than non-religious claims, and as such, pose a danger to the stability of democracy, noting the common liberal epistemic distinction that "religiously informed thought is somehow less rational than purely 'secular' reasoning." He thinks that "this attitude has a political ground (religion as threat), but also an epistemological one (religion as a faulty mode of reason)."¹² While

¹² Charles Taylor, "Why We Need a Radical Redefinition of Secularism" in *The Power of Religion in the Public Sphere*, edited by Judith Butler,

Rawls nowhere explicitly argues that religion as whole is a blatant threat against democracy, or constitutes a kind of thinking that is necessarily irrational, he nonetheless structures his contractualist style of liberalism as a sort of bulwark against continual religious conflict.¹³ I argue Rawls does this because of his acceptance of the Enlightenment myth that Taylor mentions; that the conflicts in society arise from the dogmatic beliefs and practices of traditional religion.

Given this critique of Rawls by Taylor I want to now turn to a defence of Rawlsian liberalism, which is argued in Daniel Dombrowski's *Rawls and Religion: The Case for Political Liberalism*. Dombrowski provides a defense of Rawls's treatment of religion, arguing that his concept of public reason is ultimately broad enough to ensure that political claims motivated by comprehensive doctrines are allowable provided they are agreed upon by a majority of reasonable citizens. The crucial distinction that Dombrowski makes is between the relative worth of different comprehensive doctrines; namely, those comprehensive doctrines that generally agree with the Rawlsian notion of justice; i.e., fairness, are considered reasonable in this formulation. Dombrowski uses the civil rights doctrine of Martin Luther King, Jr. as an example of religious speech that fulfills Rawls's conditions of public reason:

King's doctrines belonged to public reason because they were invoked in an unjust society in such a way as to strengthen public moral discourse and justice. For example,

Eduardo Mendieta, and Jonathan VanAntwerpen (New York: Columbia University Press, 2011), 53.

¹³ For example, in his introduction to *Political Liberalism*, Rawls claims that the liberal values of tolerance and overlapping consensus have their historical origin in Europe's Reformation period, and were only provisionally advocated for as an answer to confessional violence within Christendom: "Even the earliest proponents of toleration saw the division of Christendom as a disaster, though a disaster that had to be accepted in view of the alternative of unending religious civil war" (xxiv).

when King said that he dreamed of a day when all of God's children, black and white, would walk hand in hand together, reasonable citizens agreed with him and were moved to try to bring about the requisite social change.¹⁴

Dombrowski is arguing here that not all comprehensive doctrines can be considered equal; he claims that the religious doctrines of King sufficiently promote equality so as to qualify for Rawlsian public reason. King's comprehensive doctrine is considered reasonable insofar as it conforms to the moral standards of liberalism: freedom and equality, roughly speaking, of which King stood for both. In addition to this, Dombrowski claims that King often fulfilled Rawls's proviso "as when he appealed to Socrates or Augustine or Kant or the Bill of Rights in his speeches and writings," and even in cases where King used explicitly Christian theological language, "his listeners could easily have made explicit for him the implications of his comprehensive religious doctrine for public reason."¹⁵ While Dombrowski's reading of King makes his religious and political statements compatible with Rawls's idea of public reason, I argue that a more nuanced reading of Rawls reveals their actual incompatibility. A closer reading of Rawls which notes his normative move from the idea to the ideal of public reason reveals a less harmonious union between Rawlsian liberalism and King's public speech acts. Despite the fact that King does generally agree with the fundamental Enlightenment ideals of freedom and equality, as well as the Rawlsian overlapping consensus, I claim that his overall project must be understood as containing irreducible theological statements, and as such, cannot successfully fulfill Rawls's ideal of public reason.

This point is argued in the paper, "Rawlsian Public Reason and the Theological Framework of Martin Luther King's 'Letter from Birmingham City Jail,'" by Justin Dyer and Kevin Stuart, who claim

¹⁴ Dombrowski, *Rawls and Religion*, 121.

¹⁵ *Ibid.*, 122.

that there is a contradiction in the fact that Rawls advocates for a conception of public reason that is in principle accessible to any reasonable interlocutor, and yet also commends Martin Luther King, Jr.'s theological arguments for civil rights reform. They argue that King's use of the Thomistic conception of divine law in "Letter from a Birmingham Jail" to justify civil disobedience is irreducibly theological, and as such, does not fulfill Rawls's requirements for public reason. The relevant passage in King's letter reads as follows:

How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.¹⁶

King's reliance on this Thomistic framework of just law is only one of many examples in "Letter from a Birmingham Jail" of theological arguments being used to support his political project of civil disobedience to attain a greater equality of rights for African-Americans. More importantly, not only do religious conceptions of the good underlie King's *arguments* for civil rights, they actually form King's entire *vision* for American society, as Dyer and Stuart note:

[King's] argument for civil rights begins with a theologically rich conception of the person; his argument about civil disobedience to law depends crucially on the existence of divine law; and the goal he is working for is born of a

¹⁶ Martin Luther King, Jr. "Letter from a Birmingham Jail," *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, edited by James Melvin Washington (San Francisco: Harper & Row, 1986), 293.

prophetic vision of the Kingdom of God nurtured by his experience as the pastor of a Christian church.¹⁷

Given the prophetic nature of King's work as a whole, it seems that Rawls cannot simply claim that King's Civil Rights work fulfilled the ideal of public reason, given its religious and theological specificity. Dyer and Stuart claim that either Rawls has either misinterpreted the irreducibly theological language of King, or otherwise, "the doctrine of public reason has been hollowed out so that very little remains."¹⁸ Therefore, I argue that Rawls's ideal of public reason is unable to accommodate the religious language of Martin Luther King, Jr., and as a result, Rawls's praise of King's political speech remains in tension with his own form of liberalism.

Many democratic acts of social justice that have occurred in the past century have been carried out by religious figures that embodied the particularities of their traditions in their fight for democratic principles and equal rights. I argue that this demands a careful interrogation of Rawls's liberalism, and his move to a restrictive "ideal" of public reason, which is the normative thrust underlying his more neutral "idea" of public reason. I distinguish between these Rawlsian models of public reason so as to determine the effects of a maximalist reading of Rawls: if his ideal liberal society were realized, with the ideal of public reason consistently enacted in our discourse, and the ethical and religious visions of social activists translated into secular language, would exemplars such as Martin Luther King, Jr. be able to effectively act in such restrictive conditions? I claim that Dr. King would not have had the same effect on society, and that this is the primary shortcoming of Rawls's liberalism; that it does not properly account for the religious worldviews that motivate actual grass-roots democratic action. Despite arguments for the inclusiveness of

¹⁷ Dyer, Justin Buckley, and Kevin E. Stuart. "Rawlsian Public Reason and the Theological Framework of Martin Luther King's 'Letter from a Birmingham Jail,'" (*Politics and Religion*. 6, no. 01: 145-163. 2013), 161.

¹⁸ *Ibid.*, 161.

Rawls's liberalism by people such as Daniel Dombrowski, as well as Rawls himself, I side with Charles Taylor who points out that the ideal of liberalism, which seeks to order society according to a social contract held between rational actors (i.e., the Enlightenment myth), is undercut by the reality of the way people are actually motivated by their religious tradition's particular understanding of the world. While I concur with Rawls that democracy is in many ways a project worth preserving, the aforementioned shortcomings of the Rawlsian ideal of public reason suggests that democracy cannot be properly conceived of without acknowledgement of religion's value in the public sphere. While Rawls claims not to discriminate against any comprehensive doctrine with his idea of public reason, his concomitant "ideal" of public reason contains Enlightenment-type epistemological assumptions which bias him towards a secularism that is closed to the public religious voices that make democratic society possible in the first place.

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