

**Religious Reasons in the Public Sphere:
Eberle on Audi's Principle of Secular Rationale**

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1. Audi's Arguments for the Principle of Secular Rationale

In his book, *Religious Commitment and Secular Reason*, Robert Audi argues against reliance on religious reasons in political discourse. The core of Audi's case is that, in a liberal democracy (broadly construed), the giving of reasons in the public sphere is both required by and normatively governed by equal respect for one's contemporaries. This equal respect entails that one ought to seek both to give and to be motivated by reasons which are secular in nature. A secular reason, according to Audi, is "roughly one whose normative force, that is, its status as a prima facie justificatory element, does not evidentially depend on the existence of God (or on denying it) or on theological considerations, or on the pronouncements of a person or institution *qua* religious authority."¹ In the public square, on Audi's view, secular reasons are to be preferred in most (but importantly, not all) cases to religious ones. One form this preference takes is that of the *principle of secular rationale* (PSR). According to the principle of secular rationale,

one has a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless one has, and is willing to offer, adequate secular reason for this advocacy or support²

The PSR requires that one seek secular reasons for the coercive policies one favors, and withhold support for coercive policies for which no such reasons can be found. Far from banning religious reasons outright, all this principle requires is that in advocating for coercive laws, *one offer to one's contemporaries* reasons that are not based *solely* on one's own religious views. This requirement applies equally to those with atheistic or anti-religious points of view. It is no more admissible to advocate against prayer in schools for the reason that the proposition that God exists is false than it is to advocate for it on the grounds that that proposition is true.

¹ Ibid., p. 89.

² Robert Audi, *Religious Commitment and Secular Reason*, p. 86

Audi regards the PSR as a *prima facie* principle of civic virtue that exists side-by-side with moral and political rights to free religious expression. Hence, Audi sees the principle as part of an account of civic virtue, not a litmus test for what reasons properly are and are not admissible in the public sphere. On Audi's view, though one may well have a *right* in our society to campaign for legally mandated school prayer time solely on the basis of one's religious beliefs, one might still fail to exhibit civic virtue, and therefore be morally blameworthy for doing so. Though this does not mesh with many accounts of what it means to have a right, neither is it all that hard to understand. It is conceivable that moral rights specify only minimum levels of acceptable conduct. If so, then a full realization of moral values may justifiably require more of agents than simply to function within the ambit of their moral rights.³ If we learn nothing else from Shakespeare's *Merchant of Venice*, surely we learn this.

We must also bear in mind that the principle is only a *prima facie* principle, and as such it is overridable in at least some circumstances. Hence, as I understand Audi, while it might be wrong for me to advocate for, say, restrictive animal rights laws solely on the basis of my Jainist preferences, it might not be wrong for me to argue on similar grounds against being compelled to fight in a war that violates the tenets of my religion. Audi sees the binding force of the principle as proportional to the level of coercion that would be supported by the particular policy being advocated. Hence PSR would be harder to override in cases where the policies in question might result in serious harm to others and not just minor inconveniences. If, for example, I wished to argue for the death penalty on religious grounds, my ability to do so would be far more limited than if I wished to argue for the protection of a particularly rare species of snail that my religion

³ Rosalind Hursthouse makes an observation similar to Audi's about the limits of moral rights in "Virtue Theory and Abortion", *Philosophy and Public Affairs*, 20. 1991. It is worth pointing out that this way of thinking about rights seems to mesh well with general accounts of morality that are aretaic in nature. It is less clear to me that someone whose general account of morality was more conventionally Kantian could share this view. A Kantian would be more likely to share the fairly common intuition that S's having a right to ϕ entails that S is thereby morally permitted to ϕ , and that S's right grounds a duty on the party of all other agents not to interfere with S's ϕ -ing, no matter what. However, it is not hard to construct cases that show that this presumption must be qualified. An aretaic account of morality—being somewhat more broad in its elements—has an easier time explaining such cases.

considers sacred and which lives on an uninhabited island of no strategic or commercial value to anyone, anywhere. The strength of the obligation entailed by PSR, then, is dependent upon and varies according to the circumstances.⁴

Audi's main strategy for defending the principle consists of what I will call, following Audi, a "do-unto-others" defense. After stating the principle he defends it with an example designed to convince the religious believer that were they to suffer the effects of someone else's violation of the principle they would feel coerced and resentful. Since, ostensibly, religious believers accept some version of the moral principle that one should not do unto others what one would not want done to herself, the reasoning goes, the believer should abide by the principle. Thus in his defense of PSR Audi imagines another religion's coming to primacy in the electorate and imposing its dietary and dress restrictions on believers and unbelievers alike. Since the action would be objectionable if undertaken by partisans of a different faith, similar actions on behalf of one's own faith similarly would be objectionable. The essential pull of the "do-unto-others" defense, as with all such arguments, is an appeal to moral consistency.

Audi buttresses this appeal to moral consistency with an account of religious reasons that is intended to show just why they are problematic in the public sphere. This account includes eight properties of such reasons that mark them out as potentially problematic for political discourse. For purposes of brevity and economy of argument I will focus only on a few of these. The first is that very often religious reasons are taken by those who hold them to be the deliverances of an *infallible supreme authority*, such that divergence from or concealment of them is taken to be an affront to the divine and a moral and spiritual failing. This observation is shared by Audi and his critics alike. The second property of religious reasons at interest here is that, in their content they carry with them the *threat of religious domination*. It is one thing to be coerced by reasons of justice to share one's income with the poor through redistributive taxation. It is

⁴ The obligation may also have differential effects on those in particular institutional roles, e.g. legislators and judges. See *Religious Commitment and Secular Reason*, p. 115.

quite another to be coerced to do so on the grounds that, in someone's opinion, God demands it. The latter case is presumably worse than the former. I will expand this point in the final section of this paper. The third and final of Audi's characteristics of religious reasons on which I wish to focus here is that they are *passionately concerned with outsiders*.⁵ Built into the structure of many systems of religious belief is the idea that it is morally insufficient for believers alone to follow their requirements. The divine command is that believers create a world in which others follow those requirements too, regardless of whether or not they happen to be members of the flock. The more familiar forms of this requirement are religious duties to evangelize to, witness to, dispute with, or otherwise confront unbelievers so as to bring their practices—if not their hearts and minds—more into line with what God is taken to desire of humanity. In this way some believers take on the existence of sin in others as their own burden. It is not enough for such persons that they themselves strive to be pure. No matter what form it takes, believers see this sort of duty as a moral plus in their favor; as another form—perhaps even the highest form—of taking responsibility for their neighbors. What makes this problematic in the liberal democratic context is that for such persons, the freedom of liberty of conscience in religious matters that is grounded in equal respect can paradoxically wind up threatening equal respect when religious reasons give rise to religious coercion.

These three features of religious reasons suggest a supplementary case in support of the “do unto others” argument for the two principles. When and if religious reasons exhibit these properties they show, as I have described above, at least some tendency to run counter to the requirement of equal respect. At the very least, they make it harder for those to whom they are addressed to believe that they are being treated with equal respect by those who offer them.

⁵ The others are: the condemnatory tendencies of some believers towards those who do not share their religious views, the danger that the independent rationality of some believers may be co-opted by over-reliance on religious leaders or institutions for their political positions, the tendency of some religious believers to become uncooperative citizens out of an unwillingness to question what they believe, the rightful feeling of resentment uniquely generated by religious coercion, and the sense of alienation felt by some believers when others depart from their chosen faith. *Religious Commitment and Secular Reason*, pp. 101-103.

Hence, even though there is a free exercise right to argue for public policy on religious grounds, the presumptive norm should be against bringing them into public discourse, and if there are no alternatives to doing so then great care should be observed. This completes my sketch of Audi's position. I now move to the challenges raised by Eberle to PSR.

2. Eberle on the Principle of Secular Rationale

Eberle's term for what I have been calling, after Audi, the "do unto others" argument is the "role reversal argument". Eberle reconstructs that argument as follows:

- (1) Jack can't respect Jill and also adhere to a policy of deciding which coercive laws merit his support if he would resent Jill's adhering to a relevantly similar policy in deciding which policies merit her support.
- (2) Jack's supporting coercive laws whose justification relies solely on a religious rationale would be to adhere to a policy he would resent were Jill to adhere to a relevantly similar policy.
- (3) Therefore, Jack ought not to support those laws whose justification relies solely on a religious rationale.⁶

As is evident from this quotation, Eberle captures the appeal to moral consistency that lies at the heart of Audi's argument. He makes three counterarguments to it. The first two are meant to counter premise 2, and the third is aimed at the general strategy of the argument overall. I begin with the former two.

For purposes of the first argument, Eberle accepts the intuition that one ought not pursue coercive policies on grounds to which one would object to being coerced oneself, but he denies that this intuition has the implication that Audi says it does in the case of using religious reasons to justify coercive policies. Responding to an example of Audi's involving a religiously motivated ban on killing dandelions, a consequence of which would be the criminalization of mowing one's lawn; he offers the following diagnosis the feeling of resentment that would arise in such a case:

[I]t's plausible to suppose that my resentment results from my reasonable belief that either my compatriots have failed to pursue rational justification or they are

⁶ *Religious Convictions in Liberal Politics*, p. 135.

willing to coerce me without having achieved the requisite rational justification. Consequently, the resentment I feel need not be attributable to my compatriots' willingness to support the law on the basis of their religious beliefs alone.⁷

So, even in those cases where a coercive law is backed by religious reasons *and* inadequate (or in this case absent) secular ones, it is not that we feel resentment over being coerced for the religious reasons on offer, but that we feel resentment over being coerced by the inadequate secular reasons on offer. It's as if the religious nature of the reasons on offer—which do all of the justificatory work for the policy—is simply idle. The real cause of resentment is simply that we haven't been given adequate secular reasons for the policy. If Eberle were right about this, then premise 2 of his reconstruction of Audi's argument would be false, since it would be possible that Jack's apparent resentment over being coerced by policies that Jill advocates for on the bases of her religious reasons was really resentment over being coerced by bad secular reasons.

The principal difficulty with this first argument is that there is a relevant difference between being coerced for an insufficient secular reason and being coerced for a religious reason. Consider the following range of cases:

D1: If I am forbidden from mowing my lawn *solely* because doing so would kill dandelions and thereby destroy their aesthetic value.

D2: I am forbidden from mowing my lawn *solely* because doing so would anger the followers of Dandellos, the god of dandelions.

D3: I am forbidden from mowing my lawn *both* because doing so would destroy the aesthetic value of the dandelions *and* anger the followers of Dandellos.

According to Eberle the religious reasons should be *idle* in provoking resentment for the coercion, but this doesn't seem right. In fact, things seem to get progressively worse from D1 to D3. In D1 I am coerced on the basis of an insufficient secular reason and, it seems, I would legitimately feel resentment at being held hostage to secular reasons I do not share. D2, however, seems worse than D1. Whereas I might hope for debate on the subject of the relative aesthetic value of dandelions, no such hope seems plausible in D2. *Even if the followers of Dandellos*

⁷ *Religious Conviction in Liberal Politics*, p. 137.

were perfectly rational in every other way, nothing short of convincing them to change their religious beliefs would present a discursive path to ending the coercion. In D3 it would seem that I am doubly burdened and thus more justified in feeling resentment at the coercion I suffer, but on Eberle's analysis D3 should be equivalent to D1 in its effects. If we consider the burdens of rational argumentation that an opponent of the dandelion law would face in each case, it should be clear that those burdens are greater in D3 than in D1, and on those grounds we can draw the conclusion that Eberle is incorrect in his diagnosis of the source of resentment in such cases.

Eberle shifts the focus of his second argument from the nature of the reasons for coercion to the content of the coercive law itself. Re-imagining the case to be one in which the dandelion law is backed up by good secular reasons; he concludes that it would be the restrictive *content* of the law and not the reasons behind it that would generate the resentment. On this new understanding it is the law's standing in the way of our desires that frustrates, not the reasons for which that frustration is imposed. To keep pace, let us add such a case to our set:

D4: I am forbidden from mowing my lawn, *solely* because doing so would kill dandelions, which just so happen to have recently been discovered to harbor a rare extract capable of curing all forms of malignant cancer.

Like the first argument, the second has the implication that an identical psychological reaction will be produced by all of D1-D4 and that therefore all of those cases are, in that respect, equivalent. But this seems counterintuitive. I have already argued that D1 is importantly dissimilar to D2 and D3. Adding D4 does nothing to weaken that dissimilarity. To think that it did would be to think that not just resentment, but *justified resentment*, was a function of coercion simpliciter. Clearly it isn't. There are at least some cases in which the feelings of rational agents can be criticized, reactions to coercive laws and policies being one of them. We may well chafe at coercion as rational and autonomous beings, as when we sigh at a red traffic light at a vacant intersection. But sometimes coercion does more than just chafe. This is certainly the case when the coercion is unjustified. Though I sigh at the red light I do not yet feel a deep and abiding

hostility to being coerced by it. I do not feel as though my autonomy has been threatened or compromised, or entertain bitter thoughts about the city planners who are responsible for its existence. This is because on some level I recognize that the coercion is necessary to achieve an end I value, public safety. Though I would prefer to throttle down the boulevard free and unfettered, and though I may *chafe* at being prevented from doing so, I do not *resent* not being able to do so—largely because I accept the reasons for which I am restricted. It seems to me that D4 is this sort of case, whereas D2 and D3 are not. Eberle’s claim to the contrary simply fails to convince.

This brings me to Eberle’s third counter-argument. This argument makes use of the well-known criticism of the golden rule that it is too subjective. If I am only bound not to do those things which I would be unwilling to have done to me, and I have a high tolerance for suffering, then it would seem that I am permitted to inflict a proportional amount of suffering on others. Similarly, if I would feel no resentment at being coerced for religious reasons, then I need feel no reservations about using the same sorts of reasons in advocating for my own preferred coercive policies.⁸ Eberle is surely right about this limitation of golden-rule type arguments. Even if this counter-argument succeeds, however, it does not entirely undermine the principle of secular reason, for as I have already argued, the nature of coercion for religious reasons is importantly different than coercion for secular reasons, as Audi defines each of these types of reasons.

It is this account of the reasons involved that truly is central to the defense of PSR. If coercion for religious reasons really is worse than coercion for secular reasons, then it is not enough that one would be willing to be coerced on the religious reasons of others—if indeed it’s plausible to think that anyone would so be willing. What really needs to be shown is that Audi’s account of the features that make religious reasons problematic in political discourse is incorrect. Showing this requires more than asserting one’s level of psychological comfort with religious

⁸ One wonders if Eberle, an Evangelical Christian—who seems to see this consequence as endorsing reliance on religious reasons in his own case—really appreciates the full implications on offer. Would he really feel no resentment if coerced on, say, the reasons of Scientologists or Vedantins?

reasons. It requires showing that religious reasons for coercion do not tend towards dialogic unresponsiveness and domination, and this is what Eberle does not convincingly do.