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## Religious Convictions and Political Choice, Kent Greenawalt

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## BOOK REVIEW

RELIGIOUS CONVICTIONS AND POLITICAL CHOICE. By Kent Greenawalt. Oxford University Press. 1988. Pp. 266. \$29.95

REVIEWED BY TODD VOLKER\*

On February 15, 1906, the Reverend Billy Sunday, the baseball evangelist, shouted at and hectored a gathered crowd of 3,000 souls in Princeton, Illinois.

According to a local newspaper:

Rev. Sunday preached on the ten commandments, and this gave him the opportunity to talk about almost anything in ethics, morals, religion, Christianity, wickedness, society, the world in general, the United States especially, and Princeton in particular. And he came near to doing all that in one sermon which ran from honor to parents through race suicide and graft to civic conditions in this city. He stood all over the platform and gesticulated with his arms going like a wigwag warning from a flagship.<sup>1</sup>

Evangelist's revivals, speeches in Congress, corner bar conversations and Fourth of July orations all share a similar tendency to bridge religion and politics. Public occasions and public events are not only forums for citizens dialogue but are also social affairs and community events. This wall of separation slips and slides at times, at times we wish it to stand firm, while at other times we wish it were removed, or at least taken down somewhat to a level more satisfactory to our beliefs.

Current political philosophy on these matters works earnestly to shore the wall. Writers such as John Rawls, Ronald Dworkin, David Lyons and Bruce Ackerman have each defended a conception of liberal politics which bans or excludes religion as a significant element in the political life of a liberal democracy.<sup>2</sup> John Rawls' magnificent

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1. The Bureau County Republican, Feb. 16, 1906, at 1, col. 1.

2. J. RAWLS, A THEORY OF JUSTICE (1971); R. DWORKIN, TAKING RIGHTS SERIOUSLY (1977); D. LYONS, ETHICS AND THE RULE OF LAW (1984); B. ACKERMAN, SOCIAL JUSTICE IN THE LIBERAL STATE (1980).

work, *A Theory of Justice*, makes this prohibition quite clear. A liberal democracy, says Rawls, depends on guards against the political introduction of religious beliefs. In a recent article he wrote:

On the Kantian view that I shall present, conditions for justifying a conception of justice holds only when a basis is established for political reasoning and understanding within a public culture. The social role of a conception of justice is to enable all members of society to make mutually acceptable to one another their shared institutions and basic arrangements, by citing what are publicly recognized as sufficient reasons, as identified by that conception. To succeed in doing this, a conception must specify admissible social institutions and their possible arrangements into one system, so that they can be justified to all citizens, whatever their social position or more particular interests.<sup>3</sup>

While Ronald Dworkin makes rather generous arguments supporting civil disobedience from moral or religious convictions, he nevertheless believes that a liberal democracy can never incorporate divergent claims to conscience in the political sphere.<sup>4</sup> A correct political decision in a liberal democracy could never permit political consequences of a man's conscience, since this contravenes the principle of liberal equality.

Political decisions must be, so far as possible, independent of any particular conception of the good life, or of what gives value to life. Since the citizens of a society differ in their conceptions, the government does not treat them as equals if it prefers one conception over another, either because the officials believe that one is intrinsically superior, or because one is held by the more numbers or more powerful group.<sup>5</sup>

Dworkin performs a good many contortionist's heroics to wriggle out a distinction between "personal" and "external" preferences.<sup>6</sup>

How many political questions, however, can be easily solved? Is it truly possible to place such extreme reliance on man's rationality and upon a sense of universalizable reason? To many, it seems as though we can all peer deeply into political imbroglios, into tangles

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3. J. RAWLS, *Kantian Constructivism in Moral Theory*, JOURNAL OF PHILOSOPHY, Sept. 1980, at 517.

4. R. DWORKIN, TAKING RIGHTS SERIOUSLY 222 (1977).

5. R. DWORKIN, A MATTER OF PRINCIPLE 191 (1988).

6. M. SANDEL, LIBERALISM AND THE LIMITS OF JUSTICE 135-47 (1982).

of men and economics and ideals, and that with time and without distraction, sure answers will arrive.

Yet there are at times differences so great that we may consider them fundamental: a citizen's perspective on the metaphysical order may well condition subsequent political choice. Many liberal theorists, particularly Rawls, have been criticized for supplying their own metaphysical order to resolve these difficulties. In real-life politics, however, such constructs may be of small value. We need a practical way to handle our differences.

Kent Greenawalt, Benjamin N. Cardozo Professor of Jurisprudence at Columbia University School of Law, has written a book on the proper connection of religious beliefs to political decisions. In *Religious Convictions and Political Choice* (Oxford University Press, 1988), Professor Greenawalt investigates contemporary political philosophy's great and protracted effort to separate the metaphysical from the political realm.

Greenawalt quarterbacks an argument which must be heard. *Religious Convictions and Political Choice* deserves its rightful place alongside the work of Rawls and Dworkin and other liberal thinkers. His book is likely to raise significant questions about the connection of metaphysical beliefs and politics, perhaps to be addressed by later theorists: the sort of questions which led Alasdair MacIntyre to exclaim:

It is precisely because there is in our society no established way of deciding between these claims that moral argument appears to be necessarily interminable. From our rival conclusions we can argue back to our rival premises; but when we do arrive at our premises argument ceases and the invocation of one premise against another becomes a matter of pure assertion and counter-assertion. Hence perhaps the slightly shrill tone of so much moral debate.

. . . .

But that shrillness may have an additional source. For it is not only in arguments with others that we are reduced so quickly to assertion and counter-assertion; it is also in the arguments we have within ourselves.<sup>7</sup>

*Religious Convictions and Political Choice* is actually a book working at two levels—one level is addressed to much of contemporary liberal political philosophy, while the other level is directed to more

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7. A. MACINTYRE, *AFTER VIRTUE* 8 (2d rev. ed. 1981).

substantive, real-world concerns. In doing this Professor Greenawalt affirms, however slightly, a real need for comprehensive, philosophical thought to be evident and working in our present legal system. Most of the intractable problems we read about in newspapers, have heard in candidates' speeches, or about which we have talked or shouted, have, for Professor Greenawalt, a mutual origin, an uncertain birth, in fundamental moral indeterminacy. The heart of *Religious Convictions and Political Choice* rests in the argument that:

legislation must be justified in terms of secular objectives, but when reasonable people think that shared premises of justice and criteria for determining truth cannot resolve critical questions of fact . . . or the weighing of competing benefits and harms, they do appropriately rely on religious convictions that help them answer these questions.<sup>8</sup>

Such fundamental questions of value are questions of moral ontology—how we recognize and acknowledge morally relevant features in a situation, and what counts as morally relevant features of a situation, in order to follow our usual effort at equity, at treating like cases alike. We can't answer questions about the legal status of human fetuses or animal rights, for instance, unless we have a generally-shared demarcation of their ethical status. To some extent, fetuses share morally relevant human features, and should be treated as we treat everyone else. But then again, to some extent, they don't. Answering questions of ethical status about fetuses ultimately relies upon generally-shared interpretations of the morally relevant features of fetuses, and these interpretations rest to some degree upon social conventions and practices. *Religious Convictions and Political Choice* is a nice look into substantially broader philosophical questions: What ultimately determines the source of value and meaning? How are these determinations discussed and conveyed throughout society? What constitutes meaning?

Arguments about judicial decision-making typically revolve around two scenarios: a judge either strictly interprets the law, finding all answers already existing within the law itself; or is understood to be actually making the law in rare cases when the law is indeterminate. Professor Greenawalt's work has some relevance in this debate because he recognizes the imperative facing judges—they must often resolve critical questions of legal and even moral indeterminacy.

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8. K. GREENAWALT, *RELIGIOUS CONVICTIONS AND POLITICAL CHOICE* (1988) [hereinafter *RELIGIOUS CONVICTIONS*].

*Religious Convictions and Political Choice* is useful to the debate over judicial decision-making, since it explains rather well the reality of indeterminate choices, and some of these hard choices are faced in the judiciary:

[b]oth because of the indeterminacy of community opinion and because their task is to sometimes decide by themselves what is right, judges will occasionally have to decide what is a correct answer to an issue of moral and political philosophy. . . . I see no escape from the proposition that the judge, like the legislator, may in such settings find it necessary to rely on his religiously informed answers to what is right. . . .<sup>9</sup>

Taking this quite fundamental indeterminacy as his starting point, Professor Greenawalt shows his readers that many of the problems surrounding us are but compounding reflections of this most elemental, ontological confusion. Problems such as abortion, animal rights, environmental protection, and welfare rights all ask finally for a resolution which is both ethical and widely-shared. Without such social consensus on the weight and arrangement of values in these problems, no appropriate legislation or judicial decision can be made.

Professor Greenawalt's view on abortion is quite instructive here, for it shows the way this argument is used throughout the examples in his book. The various arguments often used to support abortion are explored. Against the common argument that a woman's right to control her body permits her to have an abortion, Greenawalt rather well disagrees:

In ordinary pregnancy, the woman is something other than an unwilling victim and a more complicated analysis of her responsibility is needed. If she has voluntarily performed an act, sexual intercourse, that she is aware carries some risk of pregnancy, she bears some degree of responsibility for the creation of the fetus.<sup>10</sup>

Another position, that enforcing a law in the face of massive noncompliance is inappropriate, is defused. If at least some enforcement could save at least some lives, the enforcement is a positive good.

Both of the above counter-examples to popular positions allowing abortion rely upon the idea of the fetus as a complete human being.

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9. *Id.* at 214. See also H.L.A. HART, *THE CONCEPT OF LAW* (1961); R. DWORKIN, *TAKING RIGHTS SERIOUSLY* (1977).

10. *RELIGIOUS CONVICTIONS*, *supra* note 8, at 123.

Many dispute this claim and argue for a different reading of the moral status of the fetus. Two different and incompatible visions exist. One reading follows a utilitarian and consequentialist direction—all that really matters in moral evaluation is present capacity. This principle, however, is refuted by an Aristotelian view of human development which understands fetuses to be potential human beings, and to have a particular moral worth on this accord. The second likely position is a traditional rights-based, deontological position. All human beings have individual rights, and moral worth because of these rights. This view is again rebuked by an Aristotelian view, as well as by daily evidence around us: human beings differ in their moral capacities. Infants rarely vote. Senile persons and comatose patients rarely argue cases in court.

Greenawalt's summation is that "our society lacks any shared decisive moral principle that establishes when an entity will grow into an ordinary human being deserves some protection, and rational thought may be incapable of settling upon one among the plausible candidates."<sup>11</sup> The moral indeterminacy that exists here parallels the present general philosophical indeterminacy between rights-based and utilitarian theories. Finding the intellectual resources to answer definitional questions about abortion in the midst of this indeterminacy is impossible: what Greenawalt terms "publicly accessible reasons" give out. In such an instance reliance may be appropriately made, in a liberal democracy, upon religious convictions.

Professor Greenawalt, noting the demands of law for accuracy and for clear and clean distinctions, wishes to find a precise answer. Says Greenawalt:

My own personal positions, based on complicated grounds including the appropriate role of courts in interpreting the Constitution, are that *Roe v. Wade*, the case establishing a woman's general constitutional right to an abortion, was wrongly decided, but that, were they free to decide, legislatures should adopt a permissive approach to abortion, that a constitutional amendment requiring restrictive laws would be gravely misconceived, and that even an amendment allowing such laws would be undesirable.<sup>12</sup>

The chief theoretical element in *Religious Convictions and Political Choice* is Professor Greenawalt's main contention that publicly

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11. *Id.* at 126.

12. *Id.* at 120.

accessible reasons and values may run out at times, and may not provide answers to hard choices among various possible moral determinations. In a quandary, we may with certain qualifications, adopted to insure the values of a liberal order, rely on reasons not generally shared throughout society. This position stands in recognized contrast to other liberal theorist's views. Bruce Ackerman presents a bareboned statement of the liberal position: "Nobody has the right to vindicate political authority by asserting a privileged insight into the moral universe which is denied to the rest of us."<sup>13</sup> Ackerman's position clearly rings in the same key as John Rawls' and Ronald Dworkin's positions.

Where much present communitarian criticism of liberalism, for example, the writings of Alasdair MacIntyre and Michael Sandel, forcefully tears into liberalism's self-conscious exclusion of religious or other metaphysical premises; Kent Greenawalt's position is an effort to mitigate liberalism's stubborn divide. If certain questions are not resolvable by his highly democratic scheme, even greater questions should be raised about liberalism.

Professor Greenawalt, for his part, does not question the logic of liberalism. He accepts liberalism because, in his words, "I am mainly interested in what one can fairly expect of religious citizens if one accepts the premises that underlie our political institutions."<sup>14</sup> What is engaging in Professor Greenawalt's work is exactly this concern for real-life institutions and flesh-and-blood human beings. His last book, published in 1987, *Conflicts of Law and Morality*, was a concerted effort to take many of the grand arguments of contemporary legal philosophers and fashion them into solutions practically useful to those involved throughout the legal system. In the course of this project, Greenawalt noted the difficulties with rights-based, deontological and utilitarian theories, and offered a mitigating device in the use of the General Justification Defense. His discussion of the grounds for reliance upon religious premises in his present work resembles his position taken on the General Justification Defense. In both instances, Greenawalt argues that established rules should generally be followed, except in certain cases when these rules no longer seem applicable, due to novel circumstances.<sup>15</sup>

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13. B. ACKERMAN, *SOCIAL JUSTICE IN THE LIBERAL STATE* 10-11 (1980).

14. RELIGIOUS CONVICTIONS, *supra* note 8, at 123.

15. K. GREENAWALT, *CONFLICTS OF LAW AND MORALITY* 272 (1987) (examples include breaking the speed limit to save a life, or blocking traffic to protest a dangerous failure to install a traffic light).

Criticisms of Greenawalt's latest book must begin with how he describes the political forum, the public arena of reason, and the limitations of this forum, and of public reasons themselves. If Professor Greenawalt's descriptions of these can be de-railed, more general destruction of his position is inevitable.

The arguments opposing Greenawalt's thesis are capably explained and presented even within *Religious Convictions and Political Choice*. Greenawalt must fight off these challenges: (a) that publicly accessible reasons are not really inconclusive; (b) religious premises are relevantly shut off from the public forum, and must be used only in private choices; (c) only an implicit and general reliance on religious premises is acceptable, if supported by consensus; and (e) publicly accessible reasons take priority in conflict with religious premises.<sup>16</sup>

How Professor Greenawalt matches these challenges and marshals arguments against them is without question the highlight of his book. Each of these positions is quite powerful, with its own strength and support. What is apparent is that each tends to ignore certain "inherent limitations of reasoned discourse."<sup>17</sup>

Some of Greenawalt's concern to admit religious premises in a liberal order, stems from his recognition of what may be called a "natural necessity" argument about politics and human society, and a sense of human personality presently epitomized in the works of communitarian critics of liberalism.

The first concern I label follows H.L.A. Hart's use of the term "natural necessity" to describe the invariant features of human society which must of necessity be accommodated by law. This appreciation is a practical appreciation of human life. Professor Greenawalt's "natural necessity" concern here is mainly that people cannot philosophize all day upon political moves. Moral authorities may rightly be consulted for ethical guidance, but are only justifiably consulted if the authorities have been reasonably correct in the past. For as he notes, "it is rational to accept the judgments of people who are established as experts by criteria of training, experience, and peer recognition, and to accept the judgments of those who have proven right in the past."<sup>18</sup> As Greenawalt concludes, "[n]o sensible model of how citizens and officials should make political decisions can exclude such possible reliance on 'moral authority.'"<sup>19</sup>

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16. RELIGIOUS CONVICTIONS, *supra* note 8, at 145.

17. *Id.* at 151.

18. *Id.* at 42.

19. *Id.* at 43.

However reasonable, this *caveat* has few liberal overtones. According to John Stuart Mill, the source of much recent guidance for liberal theorists: "he who lets the world, or his own portion of it, choose his plan of life for him has no need of any faculty other than the ape-like one of imitation. He who chooses his plan for himself employs all his faculties."<sup>20</sup> Mill's position here is that reliance on moral authority subverts a democratic process in which the clash and electric calamity of competing views will eventually provide an incandescent spark of the truth. Those who attempt to suppress an opinion

are not infallible. They have no authority to decide the question for all mankind and exclude every other person from the means of judging. To refuse a hearing to an opinion because they are sure that it is false is to assume that *their* certainty is the same thing as *absolute* certainty. All silencing of discussion is an assumption of infallibility.<sup>21</sup>

Professor Greenawalt's second concern has to do with a conception of moral personality. People simply should be allowed to rely upon their religious views in difficult choices because they are integral to their life and constitutive of their essential character. Greenawalt's position here is that:

[M]y argument is based on simple notions of fairness and tolerance for diverse beliefs and on what can reasonably be expected of people with deep religious convictions, the holding of which has never been assumed to disqualify someone from being a good liberal citizen. If all people must draw from their personal experiences and commitments of value to some degree, people whose experience leads them to religious convictions should not have to disregard what they consider the critical insights about value that their convictions provide.<sup>22</sup>

This urge to bring liberalism to reconcile its demand for strict neutrality with human individuality is a mature desire in *Religious Convictions and Political Choice*. A theory predicated upon human rights as the sole concern and end of government is blind to the good of social union, to the fact that men and women conceive of society as working toward mutual goals. A liberalism with a strict deontological orientation strips individuals of many of the relevant particulars

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20. J. S. MILL, ON LIBERTY 71 (1956).

21. *Id.* at 21-22.

22. RELIGIOUS CONVICTIONS, *supra* note 8, at 144-145.

of human existence—race, sex, age, intellectual capacity, creed—and brings a uniformity of circumstances which may bring theoretical consistency, to be sure, although not much identification is left with ordinary life and people.

Kent Greenawalt is concerned about the constitutionality of reliance upon religious premises, and points out that his is an attempt to present a model of good liberal citizenship. Such citizenship, in a social union characterized by individualism and rationalism, must be consistent with liberal tenets, and, of course, must also be constitutional. A model liberal citizen will rely on publicly accessible reasons for political choices and decisions. To use religion to usurp our commonly available forms of reasoning confounds a truly liberal order. Reliance on religious premises must follow when all other public reasons fail. Religiously informed ethical decisions are inapt, Professor Greenawalt says, only if (1) the religious convictions themselves are wrong; or (2) they replicate decisions found by other means consistent with liberal democracy; or (3) they are disqualified by some aspect of liberal democracy or its underlying principles.<sup>23</sup>

The relation of reason to religious guidance is crucially important, and a good portion of *Religious Convictions and Political Choice* discusses how people have viewed the relationship. Some argue what I think is the extreme position that reason can resolve everything, and clear up all darkness like a candelabra in a coal mine. Others have taken the opposite view, and argue that reason is a part of the foolishness of man, and have said that divine inspiration, manifested in revelations, supersedes any human knowledge. Somewhere between the grandiose optimism and spectacular pessimism of these views lies a sensible position.

Professor Greenawalt makes it clear that a liberal democracy relies upon religious tolerance—particularly among public officials. Some legal scholars may make arguments about the constitutionality of official reliance upon religious convictions in the execution of their public duties, but Professor Greenawalt finds problems with this understanding of the relation between the Constitution and public officials. Officials may rely on religious convictions when confronted with basic indeterminacy. Legislators and judges are not duty-bound and sworn to deny constituent judgments informed by religious reasons consonant with liberalism, although much hinges on the depth of civic consensus.<sup>24</sup>

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23. *Id.* at 30.

24. *Id.* at 235-7.

The judgments of officials themselves, says Greenawalt, should hold to an ideal of nonreliance upon religious premises, although such an ideal seems impossible to fully grasp. "If a model of liberal democracy has nominal regard for that wholeness and integrity of religious persons, it cannot expect legislators, any more than private individuals, systematically to expunge all religious convictions as a guide to action."<sup>25</sup> Yet a legislator must consider his constituency, and "should be very hesitant to proceed on his religious convictions when he believes that constituent views are opposed to the political position his convictions yield."<sup>26</sup>

Professor Greenawalt's discussion of unconstitutional reliance on religious premises places weight on the principle of nonsponsorship. At this point, Greenawalt adopts a position based upon John Stuart Mill's "harm principle":

The basic claim . . . is that to demand that other people act in accord with dominant religious beliefs is to promote or impose these beliefs in an impermissible way. . . . When the acts that the law forbids cause no ascertainable harm, this kind of imposition should be regarded as amounting to their establishment in a constitutional sense.<sup>27</sup>

Use of the First Amendment, then, plays largely here, as well as the Fifth and Fourteenth Amendments' due process provisions. Professor Greenawalt takes the due process argument to be more than procedural, since there must be limitations on the kinds of reasons allowable under due process. He cites the dissent in *Bowers v. Hardwick*<sup>28</sup> as an example of a "a due process principle that some harm to secular interests must underlie prohibitions."<sup>29</sup> In this case, Justice Blackmun argued that "the legitimacy of secular legislation depends . . . on whether the State can advance some justification for its law beyond its conformity to religious doctrine."<sup>30</sup>

Congruent with the rest of his position in *Religious Convictions and Political Choice*, Greenawalt notes:

a law should not be treated as unconstitutional if the place of religious convictions or personal intuitions is to define the

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25. *Id.* at 237.

26. *Id.*

27. *Id.* at 247.

28. 478 U.S. 186 (1986).

29. RELIGIOUS CONVICTIONS, *supra* note 8, at 249.

30. *Bowers v. Hardwick*, 478 U.S. 186, 211 (1986) (Blackmun, J., dissenting).

entities that warrant protection or to help resolve questions of fact or conflicts of value when the critical problem is not one that shared premises and common forms of reasoning can resolve.<sup>31</sup>

I think a minor problem with *Religious Convictions and Political Choice* lies in its reliance upon a rather conventional view of religion; a sense of religion with a mainline sensibility; religion that is respectful or even appreciative of the values of a liberal political order. Alexis de Tocqueville's observations on religious institutions in America seem rather germane here. "In the United States no religious doctrine displays the slightest hostility to democratic and republican institutions. The clergy of all the different sects there hold the same language; their opinions are in agreement with the laws, and the human mind flows onward, so to speak, in one individual current."<sup>32</sup>

With a different sense of religion, perhaps one with a more global sense of the place of religion in everyday life, much of *Religious Convictions and Political Choice* may require serious revision. One wonders how an Islamic fundamentalist, or even a Christian fundamentalist, would view the tapestry of Greenawalt's argument. But such a revision would not be at the hand of a liberal democrat. Greenawalt's own side discussions about Roman Catholicism suggest the difficulty of reconciling a liberal order with an all-embracing religious order. Rousseau's famous answer, in the end, was to raze the wall of separation and to combine government and religion, to be establishmentarian, and to ostracize atheists and nonbelievers.<sup>33</sup> In a sense, *Religious Convictions and Political Choice* presents a version of liberal establishmentarianism because of its liberal definition of religion.

Greenawalt's work is a demonstration of the relation between religious belief and political reason—a relationship pointedly avoided by many politicians and political actors. Further criticism of *Religious Convictions and Political Choice* may be directed at *how* Professor Greenawalt says we are to rely upon religious premises, for Greenawalt himself observes the distinction between the metaphysical and the political is exceptionally hard to draw.<sup>34</sup> The differentiation in human life characteristic of modern political philosophy—where art is estranged from science, religion separated from politics—wholly coin-

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31. RELIGIOUS CONVICTIONS, *supra* note 8, at 250.

32. A. DE TOCQUEVILLE, DEMOCRACY IN AMERICA 312-13 (1945).

33. J. ROUSSEAU, ON THE SOCIAL CONTRACT 103 (1983).

34. RELIGIOUS CONVICTIONS, *supra* note 8, at 31.

cides with the rise of liberalism. There is little surprise in noting that John Locke's works arose in opposition to Sir Richard Filmer's writings on the divine right of kings.<sup>35</sup> On one hand, Greenawalt has to preserve these distinctions in order to fulfill the barest requirements of liberalism; yet on the other hand, he must admit some interaction, albeit with great qualification, because, as he notes, religion plays a great part in the moral lives of citizens. Where Walzer simply acknowledges the fragmentation in human life and plays along with it—finding a relevant sense of justice, different key, same tune, in each sphere of human activity;<sup>36</sup> where Rawls' contractors in the original position swear their allegiance to prior decisions of disembodied, generic persons;<sup>37</sup> Greenawalt tries to bridge religion and liberal politics by admitting to the need for religion's moral impetus, albeit in *liberal* terms. Religious reasons must take an inferior position to publicly accessible reasons, then, and are used only when these superior reasons fade. Religious reasons for political decisions are acceptable only when publicly accessible reasonings do not bring common solutions—and only then is there recourse to religious reasons.

Professor Greenawalt here implicitly suggests that religion has anti-liberal tendencies, in the end, because religious experiences are often highly personal, a result of one's own experiences and conditions, and not too likely to be shared fully with everyone.<sup>38</sup> The words to his conclusion presents the resonance of his arguments in full concord:

I began my investigation of this subject with a belief that the claim that citizens and legislators should rely exclusively on secular grounds was definitely wrong. I have found it more difficult than I initially supposed to show that the claim is *definitely* wrong, but increasing familiarity has persuaded me that at the deepest level the claim is not only wrong but absurd. It invites religious persons to displace their most firmly rooted convictions about values and about the nature of humanity and the universe in a quest for common bases of judgment that is inevitably unavailing when virtually everyone must rely on personal perspectives. The product of serious efforts by religious people to be model liberal citizens of the

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35. See generally J. LOCKE, *SECOND TREATISE ON GOVERNMENT* (1966).

36. See generally M. WALZER, *SPHERES OF JUSTICE* (1983).

37. See generally J. RAWLS, *A THEORY OF JUSTICE* (1971).

38. RELIGIOUS CONVICTIONS, *supra* note 8, at 73.

sort recommended would necessitate a frustrating alienation of their whole persons from their political characters. Rather than asserting any exclusivity for nonreligious reasoned judgment, sensible thought about a model of liberal democracy focuses mainly on domains of liberty and a more constrained commitment to shared premises and forms of reason.

. . . .

Perhaps the most important lesson of this entire exercise is that liberalism demands a high degree of tolerance, not the tolerance of indifference, but the tolerance of a sympathetic mutual understanding of the place that religious premises occupy in the life of serious believers and of the dangers to those of different beliefs if religious convictions and discourse overwhelms the common dialogue of rational secular morality.<sup>39</sup>

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39. *Id.* at 258.