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“The Christian Right, Public Reason, and American Democracy”

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How do we assess the involvement of the Christian right in American democracy? Are Christian right groups to be applauded for mobilizing members in the face of general apathy, and encouraging political action on the basis of public moral concerns? Or are they to be criticized for promoting agendas that are reactionary and often duplicitously sectarian: camouflaged by public reasons and purported social scientific evidence, but actually motivated by and in service of extreme religious views? Or is there some truth in both characterizations?

These are large questions that we can only address in fragments. Part I draws on original field research in Colorado (by Klemp) with Focus on the Family. We find a narrative of victimization, in which the Christian right is portrayed as besieged by liberal elites. The discussion further explores the relationship between speech directed to fellow members within the group and to the wider polity: how great is the gap, and what are its implications? Are these languages and arguments different, but consistent? Is the group honest or deceitful about its aims? Finally, the discussion explores the Christian right’s increasing tendency to rely on social science evidence.

Part II looks at matters from a normative angle, seeking to assess the Christian right from the standpoint of liberal democratic values. Do the differences between in-group and public speech (to the wider political community) support the notion that this group and/or those who are associated with it pursue a strategy of stealth and duplicity, deploying public reasons purely as a cover, masking true aims so as to win office on false pretenses? Or is the adjustment reasonable in light of different audiences, and are the substantive aims consistent, such that we can view the group as operating with integrity? And what of the related tendency of Christian right groups to rely on social scientific evidence? Does empirical evidence matter to the claims of the Christian right, playing a

role independent of dogma, or is it cited purely opportunistically – as a sort of “cherry-picking” – to bolster its dogmatic claims?

What, finally, does this empirical case tell us about the defensibility and usefulness of liberal and deliberative democratic ideals, including the ideal of public reason? Insofar as norms or ideals of public reason shape discourse, do they encourage public deliberation among citizens who disagree, or unfairly silence and distort sincere religious convictions? And what of those mainstream scholars in religion and politics who criticize liberal and deliberative democratic accounts of “public reason”: are they on to something important, or mimicking the Christian right’s victim narrative?

## **Part I. The Christian Right and Focus on the Family**

### ***The Christian Right’s Persecution Complex***

Despite its remarkable influence, the modern Christian right depicts itself as a persecuted minority – a group under attack by everyone from gays and lesbians to feminists to judicial activists.<sup>1</sup> Its victim narrative suggests that such liberal groups seek to purge religion from the public square and relegate Judeo-Christian values to the sidelines of American democracy. It suggests that liberal elites launched the first strike in America’s culture war and that Christians must now fight back to defend themselves against religious persecution.

The language of warfare permeates this narrative. Christian right leaders refer to the struggle as a “culture war,” they call their opposition “militant” homosexuals, and they portray the values of Christians as having come “under siege” by the left. As the Christian Coalition declared in a 1990 campaign advertisement in the *Christian American*:

Danger! Christian Americans are under siege. Schoolchildren are being threatened and adults jailed for the peaceful practice of God-given rights. It’s time to say, enough. Time to regain a voice in government and raise a righteous standard...Now Christians can be united behind a grassroots movement that will change the status quo.<sup>2</sup>

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<sup>1</sup> Diamond, *Not by Politics Alone* 5-8. Moen, *The Transformation of the Christian Right* 127-29. Clyde Wilcox and Carin Larson, *Onward Christian Soldiers?* (Boulder, CO: Westview Press, 2006) 12-15. Hedges, *American Fascists: The Christian Right and the War on America* 95-105.

<sup>2</sup> Diamond, *Not by Politics Alone* 77.

The message is clear enough: anti-religious liberal groups are waging a war against Christianity – a war that can only be won through intense political activism.

This rhetorical trope has reached its apotheosis in current discussions of gay and lesbian issues. Focus on the Family and other groups portray gay and lesbian political activists in almost conspiratorial terms. As Dobson wrote in a 2004 newsletter to Focus members:

For more than 40 years, the homosexual activist movement has sought to implement a master plan that has had as its centerpiece the utter destruction of the family... These goals include universal acceptance of the gay lifestyle, discrediting of Scriptures that condemn homosexuality, muzzling of the clergy and Christian media, granting of special privileges and rights in the law, overturning laws prohibiting pedophilia, indoctrinating children and future generations through public education, and securing all the legal benefits of marriage for any two or more people who claim to have homosexual tendencies.<sup>3</sup>

Some Christian right campaigns go even further. During the 1992 debate over Amendment 2, the Christian right relied heavily on quotations from a satirical article by Michael Swift entitled, “The Gay Revolutionary.”<sup>4</sup> Passages such as the following were misrepresented as a serious expression of the homosexual agenda by Colorado for Family Values: “We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. We shall seduce them in your schools, in your dormitories, in your gymnasiums, in your locker rooms, in your sports arenas, in your seminaries, in your youth groups... The Family unit – which only dampens imaginations and curbs free will, must be eliminated.”<sup>5</sup>

The Christian right also depicts activist judges as engaged in this war against religion. Following the Supreme Court’s decision not to intervene in the case of Terri Schiavo, Dobson accused the high court of “the coldblooded, coldhearted extermination of an innocent human life” and declared that Supreme Court justices are “unelected and unaccountable and arrogant and imperious and determined to redesign the culture according to their own biases.”<sup>6</sup> Along with gays, lesbians, and feminists, judicial activists are viewed as co-conspirators in an effort to destroy the family. Criticisms of

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<sup>3</sup> James Dobson, “In Defending Marriage – Take the Offensive!” Focus on the Family Newsletter, April, 2004.

<sup>4</sup> Michael Swift, “The Gay Revolutionary,” Gay Community News, February 15-21, 1987.

<sup>5</sup> “STOP Special Class Status for Homosexuality: Vote YES! On Amendment 2,” Colorado for Family Values, 1992.

<sup>6</sup> Eric Gorski, “Schiavo Case Tests Faiths,” The Denver Post April 1 2005.

the Supreme Court and “judicial activism” are, of course, a staple of conservative politics, going back to opposition to the Warren Court and Richard Nixon’s defense of “strict constructionism.” The tendency to yoke resistance to federal decrees (often based on the values of freedom and equality) to opposition to the illegitimate power of unelected judges has been a centerpiece of conservative politics since *Brown v. Bd of Education* (if not before), and later of Republican Party politics, figuring as a crucial element in that party’s “Southern Strategy,” and its subsequent rise to political ascendancy.<sup>7</sup> Conservative opponents of remote federal authority have been able to portray themselves as champions of the “little guy.” Echoes of the religious persecution narrative are heard even in academic debates over the proper role of religion in political argument, as we see below.

From a political perspective, this victim narrative offers several strategic benefits. Within the movement, it cultivates a sense of outrage, fear, and resentment, all of which help mobilize political action. As Diamond points out, “the perception among evangelicals that they are underdogs, ignored if not abused by the establishment, is part of the mindset that keeps activists from becoming complacent.”<sup>8</sup> To overcome political lethargy, Christian right leaders rely on this theme to create an atmosphere of perpetual crisis. When we asked Stanton how Focus on the Family counters the efforts of activist judges, for instance, he remarked: “our main primary vehicles have been a kind of pamphleteering. It’s education and a bit of outrage. We inform the democratic crisis – that where we’re losing our democracy because courts are becoming an oligarchy.”<sup>9</sup> This combination of “education” and “outrage” couched within the rhetorical frame of persecution appears to be an effective mobilizing strategy.

The victim narrative also provides two important external benefits. First, it frames the political objectives of the Christian right as purely defensive measures. When viewed as responses to religious persecution, efforts to prohibit same-sex marriage and

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<sup>7</sup> With suburbanization, driven partly by “white flight” to the suburbs, the language of race could recede into the background, in favor of a focus on opposition to Supreme Court rulings on school prayer, the rights of criminal defendants, abortion, along with opposition to the welfare state spending and federal education mandates. For a political history of these developments, see Thomas Byrne Edsall and Mary Edsall, *Chain Reaction*: ( ).

<sup>8</sup> Diamond, *Not by Politics Alone* 5.

<sup>9</sup> Interview with Glenn Stanton, July 19<sup>th</sup>, 2005.

abortion take on the appearance of a protectionist strategy to defend the family, rather than an offensive effort to strip away the rights of fellow citizens. Wilcox and Larson point out that this framing contest – over whether the Christian right is an offensive or defensive movement – has profound significance.<sup>10</sup> When viewed offensively, the Christian right’s agenda appears to diminish democracy by seeking to strip away the civil liberties of gays and lesbians, women, and other marginalized groups. On this view, Wilcox and Larson explain, “the movement seeks to deprive gays and lesbians of their civil rights, to limit dramatically the public and private role of women in society, and to impose a prescientific worldview on public education.”<sup>11</sup> When viewed defensively, the movement may appear to be engaged in a fully legitimate effort to uphold the core democratic value – entrenched in the First Amendment – of the free exercise of religion.<sup>12</sup>

Critics of the Christian right emphasize the offensive interpretation. They argue that the Christian right’s victim narrative is a strategic ploy to whitewash the movement’s antipathy toward gays and lesbians, women, and other vulnerable social groups. In Hedges words, “this cultivated sense of persecution – cultivated by those doing the persecuting – allows the Christian right to promote bigotry and attack any outcry as part of the war against the Christian faith. A group trying to curtail the civil rights of gays and lesbians portrays itself, in this rhetorical twist, as victims of an effort to curtail the civil rights of Christians.”<sup>13</sup>

Second, this victim narrative enables the Christian right to frame itself as a group on the periphery of the political establishment, untainted by power, while simultaneously exerting tremendous influence as political insiders.<sup>14</sup> In short, it dissolves the tension between the Christian right’s increasingly powerful role within the Republican Party and its efforts to portray itself as a grass roots, outside the Beltway, insurgency. By continually reasserting its victim status, leaders can obscure the Christian right’s close

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<sup>10</sup> Wilcox & Larson, Onward Christian Soldiers? 10-19.

<sup>11</sup> Wilcox & Larson, Onward Christian Soldiers? 14.

<sup>12</sup> Of course, it may be difficult to portray efforts to deny marriage rights to gays, or demands for the federal government to intervene in the Terry Schaivo case, as defenses of the “free exercise” of religion. Perhaps this works better for local efforts to post the Ten Commandments in schools or courthouses, or for calls to fund religious schools through vouchers.

<sup>13</sup> Hedges, American Fascists: The Christian Right and the War on America 97.

<sup>14</sup> For a more general discussion of this phenomenon see, Diamond, Not by Politics Alone.

connection to political leaders at all levels of government and its influence over the Republican Party Platform. The victim narrative conceals these facts beneath the carefully manicured façade of Christians as perpetual outsiders, who have been all but ignored by the powerful liberal elites that control culture and politics.

### ***The Christian Right's Two-Tiered Political Rhetoric***

Over the last thirty years, the Christian right's public political rhetoric has undergone a distinctive shift. Whereas the early Christian right openly expressed its religious motivations and scriptural arguments, modern activists now steer clear of God-talk in public settings. Instead, the modern Christian right has developed a two-tiered rhetorical strategy. When speaking inside the religious community, activists continue to appeal to scriptural arguments. When speaking to outsiders, they express their political concerns in a more public political vocabulary – one that appeals to a broader cross-section of citizens.<sup>15</sup>

During the late 1980s, the Christian right's early emphasis on 'Christianizing America' gave way to this more publicly accessible external message. As Michael Schwartz of the Free Congress Foundation remarked in a 1989 interview, "Today, Christian right activists speak of the need for citizens to work for the public good, rather than speak of the need for Christians to clean up a morally decadent country."<sup>16</sup> In public political conversation, the language of civil rights and equality supplanted Biblical mandates.

During this time, the Moral Majority changed its primary arguments in support of school prayer. Rather than emphasizing the religious or moral benefits of prayer, they presented it as an issue of choice. As the Moral Majority's legislative director explained: "We pushed school prayer three years in a row, but we framed the issue in terms of how

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<sup>15</sup> For discussions of this shift, see, Jean Hardisty, *Mobilizing Resentment* (Boston: Beacon Press, 1999). Didi Herman, *The Antigay Agenda: Orthodox Vision and the Christian Right* (Chicago: The University of Chicago Press, 1997). Allen D. Hertzke, *Representing God in Washington* (Knoxville: University of Tennessee Press, 1988). Nathaniel J. Klemp, "Beyond God-Talk: Understanding the Christian Right from the Ground Up," *Polity* Forthcoming (2007). Michael Moen, *The Transformation of the Christian Right* (Tuscaloosa: University of Alabama Press, 1992). Michael Moen, "From Revolution to Evolution: The Changing Nature of the Christian Right," *The Rapture of Politics*, ed. Peter Kivisto Steve Bruce, and William H. Swatos Jr. (New Brunswick: Transaction Publishers, 1995).

<sup>16</sup> Moen, *The Transformation of the Christian Right* 132.

prayer in schools is good. But some people feel that prayer in school is bad. So we learned to frame the issue in terms of ‘student’s rights,’ so it became a constitutional issue. We are pro-choice for students having the right to pray in schools.”<sup>17</sup> Allowing school prayer was no longer a religious issue but an issue of respecting the basic rights of students.

Arguments against abortion underwent a similar shift. Instead of discussing scriptural reasons against abortion, the Moral Majority of the late 1980s reframed it as a rights issue. To have an abortion, it claimed, was to deprive the unborn of their basic right to life. As Jerry Falwell declared in a 1985 interview: “we are reframing the debate [on abortion]. This is no longer a religious issue, but a civil rights issue.”<sup>18</sup>

The Christian right’s appropriation of liberal discourse also transformed its arguments in gay rights debates. For instance, during the 1992 debate over Amendment 2, an amendment to the Colorado state constitution that sought to strike down all antidiscrimination ordinances based on sexual orientation, the Christian right appealed to the liberal language of rights. The campaign literature of Colorado for Family Values (CFV), the group that crafted the amendment, never mentions Christian scripture. Instead, printed in bold lettering across the top of each page was the slogan: “NO SPECIAL RIGHTS.”<sup>19</sup> The centerpiece of this claim was that antidiscrimination ordinances based on sexual orientation extended “special rights” to gays and lesbians – that they treated homosexuals as a privileged class. As Jean Dubofsky, head legal council in *Romer v. Evans* in which Amendment 2 was declared unconstitutional, remarked: “The ‘no special rights’ spin had a tremendous impact because at that point there was a lot of unhappiness about affirmative action for black and for women.”<sup>20</sup>

CFV also used this message to reach out to racial minorities, claiming that extending civil rights protections for gays and lesbians would devalue existing racial classifications. It argued that gays were a privileged group, who earn almost two times as

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<sup>17</sup> Moen, The Transformation of the Christian Right 129.

<sup>18</sup> Moen, The Transformation of the Christian Right 129.

<sup>19</sup> Though the National Legal Federation, a prominent conservative legal group, advised CFV to avoid this phrasing in the text of the amendment, they confirmed that the “no special rights” slogan served as the perfect centerpiece for public messaging, see, Jean Hardisty, “Constructing Homophobia: Colorado’s Right-Wing Attack on Homosexuals,” Eyes Right!, ed. Chip Berlet (Boston: South End Press, 1995) 102.

<sup>20</sup> Interview with Jean Dubofsky, Boulder, Colorado, June 23, 2006. For another important analysis of the “special rights” spin, see, Sara Diamond, Not by Politics Alone (New York: Guilford Press, 1998) 156-72.

much as average Americans and take four times as many overseas vacations.<sup>21</sup> Given the significant economic privileges homosexuals enjoy and the fact that being gay is a lifestyle choice, argued CFV, they had no legitimate claim to “special rights.” In a fundraising letter, Bill Armstrong put it this way: “to equate the self-created personal miseries of pleasure-addicted gays – who sport average incomes of nearly \$55,500 a year – with the innocent sufferings and crippling poverty of legitimate minority groups is an insult to those who’ve struggled to achieve true civil rights in America.”<sup>22</sup>

While still public in character, the rhetoric used by today’s Christian right to address outside audiences on issues like same-sex marriage is hardly liberal. Whereas the leading groups of the 1980s and 1990s, such as the Moral Majority and the Christian Coalition, spoke the language of civil rights, the leading contemporary Christian right organizations, such as Focus on the Family and the Family Research Council, now speak the language of social science. They express a more utilitarian concern for the potentially destructive effects of gay agenda on the common welfare, particularly the welfare of children.

In a 2003 document entitled, “Talking Points: Same-Sex Marriage,” for example, Focus on the Family outlines a number of public reasons to oppose the practice:

- No child development theory says children need two parents of the same gender, but rather that children need their mothers and fathers.
- Same-sex ‘marriage’ will subject generations of children to the status of lab rats in a vast, untested social experiment.
- Every public school in the nation would be forced to teach that same-sex ‘marriage’ and homosexuality are perfectly normal – *Heather has Two Mommies* in K-12.
- If, as Andrew Sullivan says, ‘The right to marry whomever you want is a fundamental civil right,’ how do we say ‘no’ to a woman who wants to become a third wife of a polygamist?<sup>23</sup>

The basis for these claims is not liberal rights talk, but a more consequentialist worry that same-sex marriage will erode the traditional family and perhaps even all of humanity.<sup>24</sup>

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<sup>21</sup> See “STOP Special Class Status for Homosexuality: Vote YES! On Amendment 2,” 1992. See also, Herman, *The Antigay Agenda: Orthodox Vision and the Christian Right* 118.

<sup>22</sup> Julia Lesage, “Christian Coalition Leadership Training,” *Media Culture and the Christian Right*, ed.?? (??: ??, ??) 340.

<sup>23</sup> Glenn T. Stanton, “Talking Points: Same-Sex Marriage,” *Citizen Magazine*, 2005.

Glenn Stanton, Focus's leading expert on same-sex marriage, describes this as a shift to the language of humanism. In his essay, "The Conservative Humanist," he explains:

"Doc" [Dobson] represents a generation that took fundamentalism beyond its cultural isolation and engaged many sectors of culture: politics, academia, industry, the arts, law, and entertainment...What is the next generation called to do? I propose that we need to go upstream again, this time from the family to humanity itself.<sup>25</sup>

Stanton's language departs radically from the thinking of early Christian right leaders. For them, "humanism" was the great enemy of Evangelical Christianity. Tim LeHay, author of the *Left Behind Series*, blamed "humanism" for having "moved our country from a biblically based society to an amoral 'democratic' society during the past forty years."<sup>26</sup> Even Dobson once worried about the corrosive effects of humanism. In his 1990 book, *Children at Risk*, he laments, "the humanistic system of values has now become the predominant way of thinking in most of the power centers of society. It has outstripped Judeo-Christian precepts."<sup>27</sup> Just as the Christian right sought to appropriate the once hostile language of civil rights, however, Stanton calls for a similar effort to appropriate the language of secular humanism.

Yet the Christian right's public rhetoric constitutes only one side of its discourse. It represents the message Christian right leaders use to build coalitions with other groups and appeal to citizens of different religious backgrounds. When talking within the conservative Christian community, the Christian right appeals to a second, more explicitly religious, set of reasons for its political actions. Consider, for example, the arguments Dobson uses to express his opposition to same-sex marriage in a 2003 newsletter to Focus members:

Throughout Scripture, God's intention for human sexual relationships is clearly limited to the heterosexual union between a man and a woman in marriage (see Genesis 1:27-28, and 2:18, 23-24). By stark contrast, sex outside of that relationship, whether it be of a heterosexual or homosexual nature, is clearly identified as a sin.<sup>28</sup>

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<sup>24</sup> For an excellent discussion of consequentialism see, Philip Pettit, "Consequentialism," *A Companion to Ethics*, ed. Peter Singer (Oxford: Blackwell Publishers, 1991).

<sup>25</sup> Glenn T. Stanton, "The Conservative Humanist," *The Christian Vision Project*, 2006. <[http://www.christianvisionproject.com/2006/04/the\\_conservative\\_humanist\\_1.html](http://www.christianvisionproject.com/2006/04/the_conservative_humanist_1.html) >

<sup>26</sup> Diamond, *Not by Politics Alone* 70.

<sup>27</sup> James Dobson, *Children at Risk* (Dallas: Word, Inc., 1990) 22.

<sup>28</sup> James Dobson, "Marriage on the Ropes," *Dr. Dobson's Newsletter*, September, 2003.

In addressing fellow Christians, these kinds of religious arguments provide movement leaders with a powerful tool for mobilizing conservative Christians to take up political action.

So Christian right leaders have learned that while Biblical reasons mobilize the faithful, public reasons help persuade those who do not accept its religious commitments.

As Dobson explains in the same 2003 newsletter:

As Christians, we believe that the Bible's admonitions against homosexual behavior, along with the design for marriage put forth in Genesis and affirmed by Paul, are reasons enough to oppose gay marriage. However, it is often said that God speaks to us through two books: the Bible and the 'book of nature.' Even for those who do not know Christ, the book of nature provides numerous reasons why homosexual behavior is harmful to individuals and to society as a whole.<sup>29</sup>

To encourage fellow Christians to use such "natural" reasons when talking to outsiders, Dobson's group trains members to use more public arguments. As Stanton explained, "It is our desire to bring people up to a different level and argue more intelligently and more persuasively. You've got to do re-education. You've got to retrain people in that way. It's not so much what you do say but what you don't say."<sup>30</sup>

This two-tiered rhetoric of the Christian right invites two primary interpretations. The first – call it the manipulative interpretation – views its use of public reasons as a strategic ploy. On this view, the Christian right's concealment of religious reasons in public debates is seen as a clandestine strategy to push America toward theocratic rule. Jean Hardisty, for instance, calls the Christian right's public rhetoric an effort to "camouflage" its Christian agenda.<sup>31</sup>

Journalist Chris Hedges goes even further. He likens this rhetoric to the stealth tactics used by the Nazis and other totalitarian movements, whereby the movement seeks gradually to appropriate the language of ordinary citizens. In his description, "this slow, gradual and often imperceptible strangulation of thought – the corruption of democratic concepts and ideas – infects society until the new, totalitarian vision is articulated in the old vocabulary. This cannibalization of language occurs subtly and stealthily."<sup>32</sup> A

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<sup>29</sup> Dobson.

<sup>30</sup> Interview with Glenn Stanton, June 6<sup>th</sup>, 2006. Note here Evans's evidence on the resonance for religious believers of arguments from nature.

<sup>31</sup> Hardisty, *Mobilizing Resentment* 114.

<sup>32</sup> Chris Hedges, *American Fascists: The Christian Right and the War on America* (New York: Free Press, 2007) 16.

central tenet of the manipulative interpretation is notion that these public reasons arise out of a hidden religious agenda. According to Hedges, this is precisely what is occurring. This manipulative rhetorical strategy is based on a hidden ethos of “militant Biblicism” – on the notion that America is “an agent of God, and all political and intellectual opponents of America’s Christian leaders are viewed, quite simply, as agents of Satan.”<sup>33</sup>

To support this view, critics point to instances in which movement leaders advocate stealth tactics. For instance, when speaking at a 1992 meeting of the Montana Christian Coalition, Ralph Reed, former head of the Christian Coalition, advised members that, “the most important strategy for evangelicals is secrecy. We’re involved in a war. It’s not a war fought with bullets, it’s a war fought with ballots. You must paint your face and travel at night. You must move underground and don’t stick your head out of the foxhole until the sun is beyond the horizon.”<sup>34</sup> The moral of Reed’s message: the Christian right must use public arguments to conceal its more overtly religious political ambitions.

Yet the Christian right’s two-tiered rhetoric also invites a second, more democratic, interpretation. On this view, the public dimension of the Christian right’s discourse represents an effort to engage fellow citizens using reasons that, as Rawls might say, “others can reasonably be expected to endorse.”<sup>35</sup> When we asked Stanton, Focus on the Family’s lead analyst on same-sex marriage, how he approaches public political debate, he explained: “When I debate, I try to think how can I speak to my own people (the religious crowd), but also speak to my thoughtful opponent at the other end of the spectrum. I do that by seeking to make universal human arguments.”<sup>36</sup> When asked whether his public rhetoric has a manipulative side, he insisted:

It’s not tricky. It is just thinking, ‘alright what do we all have in common.’ If you go into a room and they are all Elvis fans, use a rational like his favorite book was such and such. In the culture war, why can’t we have more of that? Let’s find our common starting place rather than starting with our divisions.<sup>37</sup>

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<sup>33</sup> Hedges, American Fascists: The Christian Right and the War on America 12.

<sup>34</sup> Joan Lowy, “Stealth Christian Coalition is Making Inroads in Politics,” The Houston Chronicle, January 3, 1993.

<sup>35</sup> John Rawls, Political Liberalism, 226.

<sup>36</sup> Interview with Glenn Stanton, June 24<sup>th</sup>, 2004.

<sup>37</sup> Interview with Glenn Stanton, June 6<sup>th</sup>, 2006.

Stanton insists that Focus's public arguments arise from a genuine desire to engage fellow citizens with different religious convictions. Of course, prudence may also argue for such a discursive.

Other Christian right activists shared more theological reasons for their use of public reasons. Daniel Weiss, Focus' leading expert on pornography policy, told us:

In the book of Acts the apostle Paul is credited largely with the amazing spread of Christianity through the Roman Empire because he traveled everywhere and was such an eloquent and prolific writer. Paul goes to one town in Greece spends some time there and then goes to the market place where all of the folks talk and he starts talking to them about their own traditions. He's speaking to them in their own language – Greek was the common language – he's referencing their Gods and he's making a reasoned case for believing in Jesus Christ as the true God based on their own faith, their own philosophers. So he's speaking the way they can understand. Now I think right now – for good or ill – not a lot of people understand the way Christians talk, so we speak their language.<sup>38</sup>

Weiss' explanation raises further questions about the manipulative interpretation. On his view, the two-tiered rhetoric of the Christian right is not motivated by the desire to covertly transform America's democracy into theocracy but by a theology that calls for engaging non-Christians on their own terms. In a pluralist democracy like America, it is hardly surprising (but nonetheless encouraging) that religiously devout citizens view themselves as having religious reasons as well as reasons of public morality for addressing one another in commonly accessible terms.

### ***The Intersection of Faith and Social Science***

As the rhetoric of the Christian right has shifted from religious to public arguments, movement elites have become increasingly reliant on social scientific evidence. Despite their suspicion of scientific theories of evolution and global warming, activists rely heavily on sociological and demographic studies when discussing issues like same-sex marriage. For instance, during the battles over antidiscrimination ordinances, such as Amendment 2, the Christian right based much of its opposition on the empirical claim that gays are a privileged group that has no need for "special rights." Colorado for Family Values argued that gays earn \$55,430 on average, while heterosexuals earn \$32,286. They also claimed that gays are three times more likely to hold "professional/managerial positions" and over four times more likely to take

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<sup>38</sup> Interview with Daniel Weiss, July 6<sup>th</sup>, 2006.

“overseas vacations.”<sup>39</sup> More perversely, the Christian right also appealed to research that reinforces the stereotype of gays as deviants and sexual predators. Consider just a few of CFV’s assertions about the gay life-style in its 1992 election tabloid:

- “Overall, surveys show that 90% of gay men engage in anal intercourse – the most high-risk sexual behavior in society today. (No wonder 83% of Colorado AIDS cases have occurred in gay males – it’s a tragedy, but it’s true.)”
- “80% of gay men surveyed have engaged in oral sex upon the anus of partners.”
- “Well over a third of gays in 1977 admitted to ‘fisting.’”<sup>40</sup>

The source of these bizarrely pornographic claims is Paul Cameron – one of the Christian right’s leading psychologists on homosexuality during the 1990s. Among other things, Cameron’s studies purport to show that homosexuals are ten to twenty times more likely to be child molesters, twenty times more likely to commit bestiality, and that a person is fifteen times more likely to be murdered by a homosexual.<sup>41</sup>

Although today’s Christian right has abandoned most of these radical empirical claims, it continues to appeal to social science. Glenn Stanton, Focus’ lead analyst on marriage and sexuality, cites a vast literature on childhood development to bolster his claims against same-sex marriage. These studies, he argues, show that depriving children of a mother or a father has deeply destructive results:

These children suffer from much higher levels of physical and mental illness, educational failure, poverty, substance abuse, criminal behavior, loneliness, as well as physical and sexual abuse. Children living apart from both biological parents are eight times more likely to die of maltreatment than children living with their mother and father.<sup>42</sup>

On his view, same-sex marriage ought to be prohibited because of the destructive effects that it has on children.

Both then and now, an important tension lurks beneath the Christian right’s appeals to social science. On the one side, the Christian right advocates the primacy of revealed religion and of truths known prior and independently of scientific investigation

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<sup>39</sup> “STOP Special Class Status for Homosexuality: Vote YES! On Amendment 2,” Colorado for Family Values, 1992, on file with author.

<sup>40</sup> “STOP Special Class Status for Homosexuality: Vote YES! On Amendment 2,” 1992.

<sup>41</sup> Bull, Perfect Enemies 27.

<sup>42</sup> Glenn T. Stanton, “Talking Points: Same-Sex Marriage,” Citizen Magazine, 2005.

(or, indeed, public deliberation).<sup>43</sup> On the other, their reliance on social scientific research appeals to a different value system: the ethos of science includes a determination to follow the evidence where it leads, and an openness to having one's own views refuted.

How do Christian right activists reconcile this tension? We asked both Stanton and Cameron to describe their understanding of the relationship between faith and science. In both cases, they argued that they see these two worlds as tightly connected – that empirical research and religious convictions go hand-in-hand. In Stanton's words:

We just don't have a belief in fideism – of pure faith. It's faith tied to something. The value of Christianity is that at the center of it is the incarnation – is the fact that the God of Christianity became the creation. Christianity brings these words together. We cannot be disinterested in what God created or designed, what he is redeeming, what he became, and what he is one day going to renew. So this is a Christianity that is very well connected with fleshly everyday earthly existence.<sup>44</sup>

Stanton's reflections point to an interconnected view of science and faith. He sees these two beliefs sets as mutually reinforcing, not contradictory.

Cameron, who now heads the controversial Family Research Institute, takes this argument one step further. He views faith and social science as so tightly intertwined that the findings of sound empirical research will almost always cohere with religious precepts. "In the ultimate sense," he explained, "assuming that we have correctly gotten material from the real world, as a Christian I believe that it cannot be incompatible with God's intent and what the universe is about."<sup>45</sup> Cameron is quite explicit about the primacy of faith in his empirical research. As he told us, "religious convictions are foundational in that they suggest where I should spend my energy. Obviously, you could ask questions about trees and use the same methodology. I'm interested in homosexuality because the Christian tradition and scripture has pointed to it as a terrible evil. And I want to see to what degree that's the case."<sup>46</sup>

The view that sound science conforms to God's will could undermine both empirical research and public deliberation, at least if it is assumed in advance that we

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<sup>43</sup> Need to be careful here: presumably, not all on the Christian right are Fundamentalists committed to the literal and inerrant truth of the Bible.

<sup>44</sup> Interview with Glenn Stanton, June 6<sup>th</sup>, 2006.

<sup>45</sup> Telephone interview with Paul Cameron, July 10, 2006.

<sup>46</sup> Telephone interview with Paul Cameron, July 10, 2006.

know what God's will is. There is nothing wrong insofar as religious motivations lead researchers to important and interesting questions. But it is hard to see how one could do science with integrity if it is believed that the conclusions are established independently and in advance of scientific inquiry (whether by religious or secular dogma). If one is sure that one already knows the results, then why not craft a methodology that will get you there, and why not disregard contrary evidence? Given a dogmatic attitude, it is equally unclear why one would enter into genuine public deliberation, that is, a discussion about the merits of the case at hand in which one is open to persuasion.

Consider two principles that address the appropriate use of such empirical research in public political debate. The first – call it *the principle of scientific integrity* – applies to those conducting research. It asserts that while religious convictions may influence the kinds of questions researchers ask, they should not lead them to suppress contradictory evidence or structure their methodology in ways that tend to confirm pre-established convictions. Throughout the years, many of Cameron's claims have failed to adhere to this standard. For instance, Cameron claimed that gays have an average life expectancy of only 39 years. Yet he arrived at this number by sampling obituaries found in gay magazines, which tend to emphasize the more sensational deaths of younger gay men.<sup>47</sup> Another example is Cameron's claim that lesbians are 29 times more likely to deliberately infect a sexual partner with venereal disease. Here again, Cameron's claim was based on a deeply problematic sampling method. In this case, his findings were based on a survey of seven women.<sup>48</sup> Such studies illuminate the danger of fusing religion and science. They show that there is a real risk that researchers may engage in social scientific research, not to explore empirical phenomenon, but to manipulate data to support a set of pre-existing religious convictions.

Given the susceptibility of empirical research to manipulation, political activists should also be held responsible for using empirical research with integrity. The second principle – call it *the principle of evidentiary responsibility* – applies to this more expansive group of political leaders and activists who rely on empirical research to bolster their political arguments. It asserts that such political actors ought to ensure that

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<sup>47</sup> Bull, [Perfect Enemies](#) 27.

<sup>48</sup> Bull, [Perfect Enemies](#) 27.

the statistics they cite pass a minimal threshold of scientific legitimacy. The Christian right's discourse on gay rights shows that the reckless empirical research of fringe researchers like Cameron can easily seep into the rhetoric of mainstream activists. Despite Cameron's expulsion from the American Psychological Association on ethics charges in 1983 and the condemnation of his "sociological" research by the American Sociological Association in 1986, his studies played a central role in the Christian right's campaigns against gay rights in the early 1990s.<sup>49</sup> According to this principle, however, Cameron was not the only one at fault. Movement activists and elites also bear some responsibility, for they disseminated these specious statistics either knowingly or without ever questioning their source.

Of course, this principle does not require complete impartiality from all political actors. Candidates for office are understood to have the role of making the strongest case for themselves, while emphasizing their opponents weaknesses. The justification for such partisan political roles (insofar as they can be justified) is that in fair competitive systems all claims are vigorously contested (similar to the adversarial system in trials). Advocacy groups may also be understood to play the role of advancing a particular position, with it being the job of legislatures to balance competing claims. There is, however, an important distinction between appealing to evidence that bolster one's view and appealing to deeply flawed research. The first practice is an inevitable part of party politics. The second practice, by contrast, undermines the quality of democratic deliberation by injecting specious information into the public marketplace of ideas. Moreover, those who put themselves forward as researchers or experts (as opposed to advocates) have an obligation to treat and present the evidence fairly.

## **Part II. Focus on the Family, the Christian Right, and the Ideals of Liberal Democracy**

Does the forgoing furnish cause for concern, reassurance, or a measure of both, with respect to American democracy?

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<sup>49</sup> Bull, *Perfect Enemies* 28. Would be good to have a few more details here: expelled and condemned because of lapses such as those described above?

Several themes seem most important:

- a) Do ideas of public reason matter in liberal democratic practice? Insofar as they do, do they furnish a fair chance for all groups in society to advance their politically relevant and reasonable claims? Or do they unfairly stifle the devout, causing unfairness and resentment?
- b) What does Focus on the Family's efforts to negotiate the tension between inner and outer directed discourse tell us about the manipulability of public speech?
- c) What do we learn from the way social science evidence is being used?

### ***Public Reason***

The idea of public reason is highly controversial, both in political philosophy and even in practical politics.<sup>50</sup> This is surprising, since it is (at least as a philosophical ideal) abstract and frequently misunderstood. It has the “smell of the lamp” about it, a remnant of the scholar's study. And yet, the sort of expectations associated with academic ideas of public reason are recognizable in actual politics, and the charge that religious speech is not sufficiently welcomed in the public sphere is a familiar feature of populist polemics.

Academic critics of John Rawls' conception of public reason argue that liberal political philosophers seek unfairly to limit the role of religious reasons in public debate. Rawlsian liberals and other “liberal elites” (such as judges) are viewed as having waged an intellectual form of warfare – one that lays the philosophical foundation for relegating religious citizens to the sidelines of American democracy. Some critics imply that liberal political theorists and philosophers have been efficacious in this regard, at least in shaping elite expectations. As Jeffrey Stout remarks, some secular liberals “have strongly urged people to restrain themselves from bringing their religious commitments with them into the political sphere.” As a result, “many religious people have grown frustrated at the unwillingness of the liberal elite to hear them out on their own terms, and have recently had much to say against the hypocrisies and biases of secularism.”<sup>51</sup> On Stout's view, we may have only begun to see the blowback from this philosophical effort to diminish religion's role in American democracy:

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<sup>50</sup> Quotations from Bill Clinton, signing RFRA, Tom DeLay, others.

<sup>51</sup> Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004) 63.

We are about to reap the social consequences of a traditionalist backlash against contractarian liberalism. The more thoroughly Rawlsian our law schools and ethics centers become, the more radically Hauerwasian the theological schools become. Because most of the Rawlsians do not read theology or pay scholarly attention to the religious life of the people, they have no idea what contractarian liberalism has come to mean outside the fields of legal and political theory...One message being preached nowadays in many of the institutions where future preachers are being trained is that liberal democracy is essentially hypocritical when it purports to value free religious expression...Over the next several decades this message will be preached in countless sermons throughout the heartland of America.<sup>52</sup>

Is Stout overstating the power of Rawlsian “contractarian liberalism” to fuel widespread social resentment? Or is he right that liberal doctrine is here unfair, imprudent, or simply prone to misunderstanding? Stout’s tone suggests to us that the narrative of religious persecution is alive and well in academic circles as well as in actual politics. Nevertheless, there may be something to the charges that he predicts.

How should we regard these criticisms?

One important consideration is: Have religious citizens actually been relegated to the sidelines of democracy? Or is the prominence of the victimization charge a sign of the Christian right’s power? The Christian right’s claim to victim status seems to us largely without merit. Of course, to make good on that we would have to assess particular controversies, from the Supreme Court’s school prayer and abortion decisions, to the defeat of Robert H. Bork’s nomination to the Supreme Court, to the ordeal of Terry Schiavo. We will not undertake an assessment of the greatest hits of the culture wars further than to say that religious persons and beliefs are in many obvious ways treated with great respect in American public life. Religious discourse and public professions of faith are not only common but obligatory in politics. We may indeed have fewer “village atheists” than we once did (in the days of John Dewey and H.L. Mencken).<sup>53</sup> Few prominent public intellectuals and virtually no one in politics attacks religion or advocates secular humanism.<sup>54</sup>

The vehemence and popularity of the charge may, nevertheless, be a cause for concern about political polarization. It is generally argued that the polarization that

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<sup>52</sup> Stout, *Democracy and Tradition* 76.

<sup>53</sup> As Michael Kinsley observed some time ago.

<sup>54</sup> Of course, there are important exceptions; Richard Dawkins, Daniel Dennett, Peter Singer. Is the lack of more direct debate part of the problem? No doubt, for many academic philosophers, the subject just isn’t very interesting.

infects elite politics in the US does not extend to the general population, perhaps with some limited exceptions (such as the abortion issue).<sup>55</sup> But those who are active constituents of organizations such as Focus on the Family—whose views are shaped by its extensive Christian media infrastructure—and who tend as a consequence of church memberships and other factors to participate in conversations with groups of like-minded others may well be prone to group polarization.<sup>56</sup> Complaints of mainstream bias from Christian right advocates need to be set against this background. That people feel put upon and treated unfairly tells us little about whether they really are, but it may be a worrisome sign of miscommunication and distorted perspectives.

With respect to the “two-tiered” pattern of discourse and advocacy observed among Christian right leaders described above, it would appear as though a norm of public reason is at work, and perhaps also an acknowledgement of the norms of civility implicit in the ideal of public reason. The result seems neither deeply frustrating for religious persons, nor a source of duplicity or deceit. If even Christian right leaders feel constrained to resort to public reasons and evidence when they enter the public realm, then, in important respects, public discourse seems to operate as liberal democratic constitutionalists would hope. It would go too far to say that American politics measures up to an ideal of public reason however. Indeed, evidence furnished by John Evans (in the paper to be discussed at the conference) provides grounds for concern. So a discussion of public reason might be in order. [*What follows is a bit lengthy, and some of this at least will be cut from the final paper.*]

It might be worth distinguishing a *norm* of public reason—a generalized expectation discernible in the practice of politics—and an *ideal* of public reason, a moral aspiration or goal described by philosophers.

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<sup>55</sup> See generally Morris P. Fiorina, et al., *Culture War?* (Longman’s 2005); and also DiMaggio, et al., arguing for an abortion exception.

<sup>56</sup> Cass Sunstein usefully summarizes the empirical evidence for the tendency of conversations and deliberation among like-minded people to lead to polarization, such that people’s views subsequent to deliberation are more extreme than those they brought with them to the discussion, see *Designing Democracy: What Constitutions Do* (Oxford), chapter 1.

### *The Norm of Public Reason*

A norm of public reason seems all but inevitable in any well-working diverse democracy. It certainly is part of Madisonian constitutional democracy in America. The Constitution's embrace of an "extended republic," and the related choice of fairly large electoral districts, mean that political structures encompass many diverse interests and groups. The processes of political representation inevitably involve a process of brokering interests, and searching for common ground. Ordinary politics involves debates over competing visions of the public good, principles and policies asserted to be the best way of uniting diverse constituencies and moving forward as a political community. In our time, the vehicles for hammering out these rival visions are not only the institutions of constitutional democracy, but also political parties.

We expect legislators to deliberate in terms of the public good before passing legislation, even if we know that they will often be influenced by narrower and self-serving considerations. We expect political parties to lay out the case for the legislative agendas they put forward, backed by reasons and evidence, even though we know that partisan ideology is not simply a combination of philosophy and social science.

In broad terms the norm of public reason would appear to be widely shared, even in the crasser phases of politics. As E.E. Schattschneider said decades ago, it is natural that when the President of General Motors comes into the public realm to advocate legislation he argues that "What's good for General Motors is good for America." Appeals to the naked self-interest of General Motors may work well enough within the organization, but not when speaking to outsiders.<sup>57</sup>

The norm of public reason is simply the recognition that law is public: it is a product of our common institutions, and our lives together as citizens of a political community. We all have private and special interests, which we are free to advance in our own affairs, but public advocacy requires something more: the invocation of considerations that are asserted to be good for all. As Schattschneider says, if we threw out the distinction between private and special interests and more general or public interests, much political science and ordinary political discourse would be rendered useless.

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<sup>57</sup> Schattschneider, *The Semisovereign People*.

Religious reasons are unlike “special interests” in some important respects. When offered in support of law they are presumably intended to represent general moral truths binding on all persons. So they have the requisite impersonality and generality in some respects, and purport to be justificatory. However, in other obvious respects, religious convictions are problematic grounds for lawmaking. The agreement to disagree about religion is widely understood to be foundational to modern constitutional government. People are liable to be highly sensitive to having the law used by other people to impose their religious convictions on the rest of us.

When “religious speech” is heard in the American public sphere by way of advocacy, it is typically in the form of highly ecumenical, almost generically “religious” convictions, as in the invocation of “Judeo-Christian” values (a phrase that has not been heard much in the US since 9-11, perhaps “monotheistic” will succeed it). Defenses of religious expression and exercises in the public realm typically purport to be broadly religious but “non-sectarian,” and they also claim to advance some important public imperative: moral education for good citizenship, for example.<sup>58</sup> Faith based social services are defended as the most effective way of performing the social service in question: be it drug rehabilitation or education. A great controversy—from debates around public schooling in the 1820’s to the current day—is whether public funding of public schools but not religious schools is fair; fairness being an eminently public value. When religion appears in public—as a prop or instrument of public policy—it does so in ways that pay respect to the norm of public reason, even if it falls short by failing to extend equal respect to non-believers. When was the last time a major figure in the US advocated using the law as an instrument of mass conversion?

A norm of public reason seems to us discernible throughout American politics. This is hardly surprising given the tremendous denominational pluralism of the US. Critics of public reason sometimes speak as though what is at stake is “religion” vs. “secularism.” In truth, what is at stake is fairness amidst the astonishing variety of the fundamental convictions held by Americans.<sup>59</sup>

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<sup>58</sup> Macedo explores these themes in the context of debates around public schooling in the 19<sup>th</sup> and 20<sup>th</sup> centuries in *Diversity and Distrust: Civic Education in a Liberal Democracy* (Harvard, 2000).

<sup>59</sup> The New York Times reported several days ago, in an article on Romney, that with 5.6 million believers, Mormons are the 4<sup>th</sup> largest denomination in the US... true?

A possible problem, however, is that ordinary people have often not thought much about the grounds for their moral convictions. When it comes to explaining the grounds for their convictions about right and wrong, most people are generally inarticulate and unlikely to have worked out their “meta-ethical” views about the nature and grounds of their moral beliefs. A strong norm excluding religious considerations from public argument might seem to some people to exclude the only way, or the most natural way, they know of expressing what they think is right and wrong. A strong or untamed norm could be seen by religious people as tending to cast aspersions on their moral convictions, and as tending to raise clouds of suspicion over their speech. It might seem to advantage those with “secular philosophies” as compared with the devout, who form their convictions within religious communities and naturally tend to think of those convictions in religious terms.

A lot depends on how very generalized norms and expectations get applied. When it comes to American national politics, it is not clear that there is systematic bias against religious arguments. Virtually all Americans profess a belief in God, but it is extremely rare to hear national political leaders defend particular public policy stances solely in religious terms, or predominantly in religious terms. It is true that one hears talk of the “sanctity of life” in debates around abortion, or end of life issues (Terry Schiavo). But that language is closely parallel to the language of universal human dignity. It is clear enough that human moral equality is common ground, even if the religious inflection varies.

Consider recent debates surrounding gay marriage. The Senate debates around the Federal Marriage Amendment in the summer of 2004 were virtually altogether concerned with whether extending marriage to gays would undermine the traditional family and be harmful to children. The example of Europe was cited to support the proposition that gay marriage (or partnership legislation) could be linked to increased rates of divorce and single parenting. Articles by Stanley Kurtz purporting to marshal evidence from the

European experience were included in Senate briefing materials.<sup>60</sup> This is consistent with the sorts of “talking points” used by Focus on the Family described above.

Kurtz’s social science was deeply flawed (perhaps not as deeply and obviously flawed as Paul Cameron’s). The spike in single parenting in Europe preceded gay partnership legislation: it coincided (hardly surprisingly) with “no fault” divorce legislation and the extension of welfare benefits to single mothers in the late 1960’s and early 70’s. Moreover, same sex partnership legislation in Europe, when it was introduced in the 1980’s and 90’s, did not include equal treatment with respect to adoption and parenting.<sup>61</sup>

It is notable, however, is that opponents of gay marriage have been obliged to summon up reasons and empirical evidence linking the extension of marriage to a discernible social harm, indeed one with very wide currency: the well-being of children. Little of the explicit discussion nowadays concerns the intrinsic moral quality of homosexual sexual relations, perhaps because it is in fact hard to discern and articulate moral grounds for criticizing homosexual activity.<sup>62</sup> Rick Santorum’s moral criticisms of homosexuality—likening homosexuality to bestiality and polygamy—was widely condemned, and such claims have receded notably at the national level. Not because they have been censored by liberal elites but because they have been abandoned (in public at least) by mainstream figures on the right, including the national Republican party. The state and local levels, and within groups like Focus, may be different.

Of course, it is one thing to cite evidence, another to care about whether the evidence is good. The seemingly obvious flaws in work by Cameron and Kurtz could suggest grounds for suspecting that evidence is being used opportunistically and cynically, as opposed to just sloppily and/or without a great deal of self-criticism. We do not know how to assess this, but we believe that the arguments put forward by Kurtz

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<sup>60</sup> See Frederick Liu and Stephen Macedo, “The Federal Marriage Amendment and the Strange Evolution of the Conservative Case Against Gay Marriage,” *PS: Political Science and Politics*, April 2005, 211-215.

<sup>61</sup> See the superb rejoinder to Kurtz and others by William Eskridge, . . . .

<sup>62</sup> The lead candidate is the “new natural law” philosophy associated with a few academics and theologians, such as Germaine Grisez, John Finnis, Robert George, and others. For an exploration, see Macedo “Homosexuality and the Conservative Mind,” with replies and rejoinders. A strength and weakness of the new natural law account is its broad sweep: it views homosexuality as wrong in a way that is similar to any and all forms of sexual activity that are not open to procreation in marriage; so all contracepted sex (including between married couples) is morally wrong on this view.

were sincerely believed by some thoughtful conservatives. Over the course of time, we believe that better evidence and arguments will tend to drive out the bad, but certainly, on many issues that process is slow and incomplete (witness the controversies that continue to surround evolution). With respect to issues involving homosexuality, it is remarkable how much change has occurred over a short period.<sup>63</sup> And it should also be kept in mind that the Christian right would not be alone in tending to interpret evidence in line with its ideological pre-dispositions.

### ***The Ideal of Public Reason***

What does all of this have to do with the ideal, as opposed to the norm, of public reason? Perhaps the work-a-day norm of public reason is OK, while problems stem from more demanding ideals of public reason?

The ideal, as stated by Rawls and others, is that when it comes to determining the “constitutional essentials” (fundamental political and civil rights) and “matters of basic justice” (the basic structure of society, and issues concerning economic and social justice) public officials and citizens should offer one another reasons whose force can be appreciated by citizens of various faiths and philosophical worldviews who are also motivated to find mutually justifiable reasons.<sup>64</sup> Public reason helps define the point of view appropriate to public officials and citizens of a diverse liberal democracy: to exhibit a reciprocal commitment to basing political force on reasons we can hold in common, “reasons that count for us *because* we can affirm them together,” is a civic virtue.<sup>65</sup>

The essential premises are (a) that political power is the power of the political community, and (b) the fact of reasonable pluralism, or the fact that citizens disagree permanently about many deep questions of meaning and truth, religious and

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<sup>63</sup> Obviously, we do not know how much should be attributed to “argument and evidence” as opposed to millions of sons, daughters, nephews, nieces, and neighbors “coming out,” along with changes in the popular media (“Will and Grace,” etc.).

<sup>64</sup> See Rawls, “Public Reason Revisited,” in *The Law of Peoples*, 133, fn 7. As Samuel Freeman puts it, “Public reason and public justification meet the ‘criterion of reciprocity’; they proceed from reasons or premises we reasonably think others could reasonably accept to conclusions they also could reasonably accept.” *Fordham Law Review Symposium on Rawls* (2003), 2022. For my account, see Macedo, “In Defense of Liberal Public Reason: Are Abortion and Slavery Hard Cases?” *American Journal of Jurisprudence*, Vol. 42 (1997), pp. 1-29, with a response by Robert George and Christopher Wolff.

<sup>65</sup> Charles Larmore, “Public Reason,” in *The Cambridge Companion to Rawls*, p. 368; a civic virtue and not a legal requirement.

philosophical questions (they disagree about their “comprehensive” religious and philosophical conceptions, in Rawls’s terminology); and yet (c), while disagreeing about ultimate “foundations” of morality and truth, they can come together, deliberate about common institutions, and affirm shared principles of political morality, or a “political” conception of justice.<sup>66</sup>

It is worth emphasizing that the ideal of public reason is part and parcel of liberal democratic politics. We regard our fellow citizens as free and equal: an essential part of our equality is our equal entitlement to freely form and revise our own conceptions of the good life, including our own convictions about religious truth. Our shared standards of justification must be consistent with these and other substantive commitments. Principles of distributive justice play a crucial justificatory role in egalitarian liberalism. Rawls’s famous “difference principle” holds that society’s basic structure of institutions—including systems of property and ownership and taxation that give rise to and help regulate material inequalities—should be designed so that the inequalities that arise tend to maximize the well-being of the least well off groups in society. That principle is a way of expressing to people at the bottom that they matter as moral equals, and that the rest of us care that the social order is fair to them. Justice as fairness and public reason are complementary ideals.<sup>67</sup>

The ideal of public reason is an ideal of political community: an aspiration to a polity in which the most consequential social institutions are organized on the basis of principles that can be publicly justified among citizens who disagree about many religious and philosophical questions. I understand my reasons as good for me in part because they are good for you too. Gerald Gaus has usefully termed this position “justificatory liberalism.”<sup>68</sup>

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<sup>66</sup> Rawls’s idea is developed in *Political Liberalism* (New York: Columbia University Press, 1993); this idea bears some relation to Cass Sunstein’s idea of “incompletely theorized agreements”: we can agree on middle level principles of political morality without agreeing on a deep rationale, see *Designing Democracy: What Constitutions Do* (Oxford: 2001).

<sup>67</sup> As Charles Larmore puts it, we respect others when “we try to see things as they do, taking our bearings from a point of view that we can all endorse together. Respect for persons implies allegiance to principle that we affirm in light of others having a reason, indeed the same reason, to affirm them too.” *Public Reason*, in *Cambridge Companion*, 373; and as Rawls says, “the guidelines of inquiry of public reason... have the same basis as the substantial principles of justice.” PL 225.

<sup>68</sup> Gaus, *Justificatory Liberalism*.

The philosophical ideal of public reason is controversial, but its critics often present it in caricature. In Rawls's version, two caveats are worth noting. First, Rawls emphasizes that the ideal of public reason applies most strongly to reasoning about the "constitutional essentials" and matters of basic justice (defining basic liberties and principles of distributive justice). On many ordinary policy questions—including environmental issues—it may be harder to argue on the basis of fundamental political values only, and it is also less imperative if everyone's basic interests are secured by a just constitution.

Second and most important, Rawls argues for a wide or inclusive rather than an exclusive idea of public reason. On the wide or inclusive view, it is perfectly fine to advocate for policies, even ones that touch on basic matters of justice, on the basis of religious reasons, so long as at some point before the crucial moment of decision, a sufficient case is presented in terms of public reasons (Rawls calls this "the proviso"<sup>69</sup>). Critics of Rawls, including Stout and Jeremy Waldron, have jumped all over the proviso, suggesting that it means that some of the greatest speeches in American history—Lincoln's Second Inaugural, and the speeches of Martin Luther King—"barely squeak by" on Rawls's view, or pass muster only if religious arguments are redeemed by public ones.<sup>70</sup>

The important point is that the "inclusive" view—according to which it is OK to advance religious reasons for a position, so long as you also offer a sufficient public account that it is reasonable to expect your fellow citizens to share—makes sense of the ideas behind the ideal public reason. We have differing foundational views, but hope that we can converge on similar substantive principles of political morality. Under those conditions, it is inevitable--and could not be objectionable--that each of us will have our

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<sup>69</sup> "Public Reason Revisited," 152.

<sup>70</sup> They also portray this it as a major revision of the view presented in the original edition of *Political Liberalism*. Rawls there addressed examples such as Abraham Lincoln's Second Inaugural Address, with its invocation of Old Testament themes, and Martin Luther King's political speeches, laced with Biblical allusions. He seemed (to some) to emphasize that the resort to religious reasons and arguments needed a special justification, which was provided by times of constitutional crisis, and in response to grave injustice. For Rawls's final statement, see "The Idea of Public Reason Revisited," included in *The Law of Peoples*. Stout insists on criticizing what he takes to be the original version of Rawls's argument (which he calls the "hardcover" version, because the clarification was included only in the paperback edition), see *Democracy and Tradition*. Trying to specify whether the hardcover or the paperback edition of a book has more interpretive authority (when there is a discrepancy, which is not clear in this case) seems hopeless.

own ultimate philosophical or religious reasons for supporting social welfare policies that deliver on principles of social justice, or for insisting on freedom of conscience.<sup>71</sup>

So the philosophical ideal of public reason is the idea that we should seek reasons we can share as a political community, at least for the most basic principles of justice. It is fine to also offer religious reasons, but it is not fine to advocate laws touching on matters of basic justice based solely on sectarian grounds, that is, based solely on grounds peculiar to a religious or philosophical worldview. That is, if an argument for restricting marriage to heterosexuals, or indeed for criminalizing same sex sexual relations, can only be made sense of based on sectarian religious beliefs, or based on claims defended in some versions of natural law philosophy but widely rejected on reasonable grounds by other citizens, then one is not acting as a good citizen when advocating a law on such grounds.<sup>72</sup> Christopher Eberle and Jeffrey Stout deny this. They argue that at the end of the day a citizen whose only grounds are sectarian grounds in advocating for, or even securing passage of a law—even a law denying other citizens their basic civil rights--does no wrong as long as he or she has made a sincere effort to seek out public reasons. Having tried conscientiously, and failed, citizens do no wrong if they act solely on sectarian religious grounds.<sup>73</sup> This is a point of disagreement, it seems to us that there is a failure of civic virtue here, and that the sectarian acts wrongly, even though that citizens right to so act should be protected.

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<sup>71</sup> Note one other thing about political liberalism as we have described it. It would be wrong to describe public moral values as “secular” rather than religious. They are public—capable of being shared, being understood and appreciated by people operating with many different foundational views—but they are not founded upon non-religious ultimate values. Indeed, for believers who embrace the values of political liberalism, those values are in a sense “religious,” in that their ultimate support includes religious premises. This may sound tricky, but it isn’t. It is no more than the idea that God is reasonable: he or she doesn’t want us to make war on non-believers, but wants us to work through persuasion and on terms of comity. It is no more than to argue, with John Locke and others, that religious truth properly understood supports (or at least is consistent with) the political rule of liberty and equality among citizens, and governance based on reasons and evidence we can share.

<sup>72</sup> A point that is rejected by Christopher Eberle’s book ... ; an argument that is echoed by Jeffrey Stout, *Democracy and Tradition*. For an engagement between a “public reason liberal” and “new natural law conservatives,” on same sex equality, see Macedo, “Homosexuality and the Conservative Mind,” *Georgetown Law Review*, 1995, with replies by Robert George and Gerrard Bradley, and by Hadley Arkes, and a rejoinder by Macedo; and see also my “In Defense of Public Reason,” and the George and Wolf response, on this issue of citizen virtue.

<sup>73</sup> See his XXXX.

The inclusive or wide view of public reason would seem to be consistent with the overriding emphasis on sincerity and honesty with regard to speech and reason-giving found among interviewees in John Evans's field work.<sup>74</sup> Ordinary religious Americans object to the idea that self-restraint should be exercised with respect to revealing the nature or grounds of one's convictions about public policy. People want to know what other people think, and they want those other people to state what they think fully and clearly. The greatest fear, apparently, is fear of insincerity, or that people will be led to hold back from expressing what they really think. These are admirable sentiments.

The emphasis on sincerity and openness regarding all of one's reasons is consistent with political liberalism. Rawls also emphasizes that there is positive value in citizens making plain to one another the varying religious or other "comprehensive" grounds of their shared political values.<sup>75</sup> He emphasizes the possibility of common principled ground stably consisting with a plurality of ultimate views about truth and meaning.

Some of Evans's interviewees reject the idea that religious believers should "translate" their religious convictions into public or commonly intelligible terms. Jurgen Habermas has advanced claims about a duty of "translation," but it is not clear what that means, or that it is the right word. If one believes homosexual conduct is sinful, what is called for is not "translation," but rather reflection on separate questions: is homosexuality harmful to society? Are there public grounds—regarding the importance of the family to child-rearing or some other ground—for denying equal rights to same-sex couples? The resistance to calls for "translation" is sound.

We also count it in favor of public reason that people Evans interviewed expressed concern about the ways in which faith-based certainty might lead people to adopt a "holier-than-thou" attitude. And even his devout interviewees spoke of the need to find common ground, and to speak in terms that could be shared with one's interlocutors. As with our interviews at Focus on the Family, among Evans's

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<sup>74</sup> To be presented at the conference. We appreciate Evans's willingness to share this interesting and important work with us in advance.

<sup>75</sup> See "Public Reason Revisited," 153-4. It perhaps requires more emphasis that Rawls acknowledges that people will disagree about the best interpretation of broadly shared political values, such as freedom, equality, and the public good. There are core conceptions of these values that all reasonable citizens will accept, but also scope for disagreement.

interviewees one finds some recognition that civility among citizens requires a search for common ground, and not only the insistence on dogmatic truth. We view this as broadly consistent with the underpinnings of political liberalism.<sup>76</sup>

In the end, we believe that the evidence surveyed here (admittedly fragmentary, and in need of conference discussion) generally suggests that the norm of public reason is both alive and well and does valuable work in American politics. There is evidence that ordinary believers, and even Christian right leaders, acknowledge the importance of speaking in public and accessible terms when advocating on behalf of changes in the law. We see no basis for regarding norms or ideals of public reason as features of a regime unfairly biased against believers, or conservatives.

This does not of course mean that all is well. The quality of deliberation is often undermined by poor arguments and shoddy evidence. Also worthy of attention is the influence of the now widely noted elite-level partisan polarization, which makes for a lively and engaged politics, but at the cost of amplification of voices at the extremes and discouragement of moderates.

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<sup>76</sup> Evans's interviewees are often not especially articulate about isolating a "public" principle or statement from a broadly religious conviction advanced on behalf of a public aim or end. It may be easier for ordinary people to detect—and they may be readier to object—when assertions of political morality are advanced in dogmatic and sectarian tones. Dogmatic assertions are those held with certainty, and a special self-confidence bred of "knowingness." Sectarian convictions are special and distinguishing, particular and exclusive, as opposed to widely shared; they remove groups from the broad common ground. Sectarian convictions can be divisive: they may have the tendency to unfairly stigmatizing or making outsiders of a significant portion of the population.

It should be acknowledged that the sentiments that Evans uncovers do stand opposed to some formulations of an idea of public reason less careful than that advanced by Rawls. So, Richard Rorty famously argued that in politics, religion is a "conversation stopper." That does not seem to be the case for ordinary people, at least in the micro-settings of Evans's interviews. Rorty has since changed his view.<sup>76</sup> Public reason is sometimes linked to language suggesting that in politics people should "bracket" their religious convictions and put them aside; that may be an unhelpful metaphor suggesting the exclusive view, described above.