

Religious Values, Political Action, and Civic Discourse

ROBERT AUDI*

INTRODUCTION

Most of the recent explorations of the relation between religion and politics in liberal democracy address what might be called structural questions. These chiefly concern the kinds of laws, institutions, and public policies and practices appropriate to such a society. What, for instance, are the rights of religious citizens in seeking to shape their society according to their religious ideals? What basis of decision is appropriate for government officials whose religious commitments bear on their professional judgments? Finally, what is the place of religious considerations in public discourse, whether on the part of voters discussing candidates, candidates running for office, journalists reporting on politics, or simply citizens talking publicly about their community's problems?

Within the broad area of political philosophy, structural questions like these can be approached from at least two perspectives, that of the rights of the parties involved and that of the ethical standards left open by these rights, the standards governing how we should use the freedom we may exercise without violating anyone's rights. Given legal acknowledgment and legal protection of a moral right of free religious exercise, there remain ethical questions about how best to exercise this right, say in relation to what child-rearing practices to endorse or institute. The rights perspective is crucial for determining the limits of permissible conduct, but a different kind of ethical standard, applicable within those limits, is crucial for making good choices among the permissible options. Such matters as child-rearing practices and questions about the appropriate roles of men and women in religious rituals, as directed toward institutional religion, are examples of what I am calling structural. They concern patterns of conduct to be held up for individual realization, and they may be (and often are) answered at the level of church policy or in some other institutional setting. The contrast between a rights perspective and a wider ethical perspective that bears on decisions within the territory left open by rights also applies to individual questions, specifically to questions of the ethical standards appropriate for the conduct of individual citizens acting as such. For instance, how, if at all, should I use religious language in arguing for public programs to preserve the natural environment? Both kinds of questions, structural and individual, concern me, but I give more attention to the latter, which still seem to need more attention

* Charles J. Mach Distinguished Professor of Philosophy, University of Nebraska, Lincoln. This paper was prepared for the Symposium: Religious Liberty at the Dawn of a New Millennium held at Indiana University in April, 1999 and in places overlaps several subsections of my *RELIGIOUS COMMITMENT AND SECULAR REASON* (forthcoming 2000). I have benefitted much from discussions with other participants, as well as from vigorous discussions of earlier drafts at Biola University, the University of New Mexico, and the 1998 Midwestern Regional meeting of the Society of Christian Philosophers. For detailed responses to several points I thank Douglas Geivett, James Gustafson, Charles Larmore, Michael Perry, and Nicholas Wolterstorff.

both in the theory of democracy and for the purpose of contributing to civic harmony in liberal democracies.

I begin by sketching a contrast between a morality of rights and a morality of virtue. From the point of view of the morality of rights, a sound liberal political philosophy must affirm extensive freedom of expression for ordinary citizens. It must also permit them to choose the basis on which they support laws, public policies, and candidates for office. Public officials are by and large less free than ordinary citizens on both counts, at least from the point of view of their moral responsibilities; they are more constrained both in their expression of their views and in their choice of an appropriate basis for forming those views. Judges, for instance, may not discriminate on certain kinds of grounds that might be a permissible basis of preference for a citizen selecting a school board member; and in general legislators may not, in their official capacities, use language that favors the interests of any particular religion. A working democracy may or may not legally enforce such non-discrimination standards in the use of language, but my concern is with political and moral matters, which I regard as the main basis, though by no means the only basis, for determining good law in the first place.

In this large territory where both the law and the morality of rights leave one free to exercise discretion, a morality of virtue becomes highly relevant. For in this ethical domain, moral probity often requires us to do more than we must do simply to remain within our rights and avoid violating the rights of others. In a word, it requires *virtue*. Virtue may call on us to do some things, such as support charities, that we have a right not to do. It also bears on what it is *best* to do in exercising our rights. *Civic* virtue is the kind appropriate to citizens as such and is the dimension of virtue I have in mind in discussing the ethics of citizenship in liberal democracies.¹

If we ask what civic virtue requires of citizens in a free democracy, we find that in very general terms it calls on all of them, the religious and the nonreligious alike, to conduct their common lives with mutual respect. In previous work I have defended principles intended to articulate some of the specific commitments of civic virtue, particularly for religious citizens in a free democracy. These principles focus mainly on the kinds of reasons appropriate for justifying coercive laws and public policies; they leave a great deal open concerning the appropriate content and style of public discourse. This is an area where the foundational framework that supports those principles has yet to be adequately brought to bear, particularly with respect to the question of how religious citizens—and here I shall be thinking mainly of monotheistic religions such as Christianity, Judaism, and Islam—may best bring their religious perspective into their public discourse.

This is not mainly a structural question. It is not, for instance, a question of what laws we should have or what political structures should be established. It is a question of civic virtue and political prudence. The standards that operate in these domains will be relevant in *any* political structure, but they cannot be dictated by structural standards alone or fully specified by any body of law. The question of the kind of role religion should have in public discourse in a free democracy may,

1. See generally Robert Audi, *A Liberal Theory of Civic Virtue*, 15 *SOC. PHIL. & POL'Y* 149 (1997). This paper offers an account of what constitutes civic virtue.

however, be equally urgent. Writing in a recent law review article, an Arkansas Court of Appeals judge maintains that “the prevailing aversion to any influential role that religious values might play in judicial decision-making does a disservice to the deliberative processes that judges employ and deprives society of the benefit that may be obtained from an open and uninhibited debate of various sources of moral knowledge.”² And in a recent panel discussion at the annual meeting of the Association for Practical and Professional Ethics, a Christian professor of law emphatically related his sense that liberal intimidation about appealing to religion had restrained him even in his discussion with his own son about what the United States might properly do regarding Saddam Hussein’s defiance of restrictions imposed on Iraq by the United Nations.³

My aim here is to address some questions about the appropriate content for public discourse in a way that contributes toward a civic harmony in which all elements, particularly religious citizens, can play a maximally constructive role in securing the vitality of a free democracy. Part I begins with a short summary of some of the main standards of civic virtue that I consider essential. Part I also articulates some contemporary concerns about an oppressive liberal consensus commonly felt to exist in many quarters in liberal democracies. Part II identifies some categories of public discourse and explores standards for determining an appropriate use of religious elements within it. On the basis of the results of Part II, Part III addresses sociopolitical discourse. The final Part takes up some of the wider dimensions of the question of the special role of religion in liberal democratic societies.

I. SOME STANDARDS OF CIVIC VIRTUE

The most plausible kinds of groundings of liberal democracy—for instance, Kantian or contractarian or eclectic ethical strategies for justifying it—will support ideals of citizenship that imply a measure of separation of church and state and,

2. Wendell L. Griffen, *The Case for Religious Values in Judicial Decision-Making*, 81 *MARQ. L. REV.* 513, 514 (1998). However he also says that

[t]he devout judge who relies on religious convictions as the sole basis for judicial decision is acting as a prelate, not a jurist. The judge whose notion of justice includes a sensitivity for the interplay of religious and other values in the decision-making process is reasoning judicially, even when including religious values in the reasoning.

Id. at 520. For a valuable critical discussion, see Daniel O. Conkle, *The Path of American Liberty: From the Original Theology to Formal Neutrality and an Uncertain Future*, 75 *IND. L.J.* 1 (2000); Scott C. Idleman, *Tort Liability, Religious Entities, and the Decision of Constitutional Protection*, 75 *IND. L.J.* 219 (2000).

3. Professor Robert Lawry, Speech at the Annual Meeting of the Association for Practical and Professional Ethics, Dallas, Tex. (Feb. 28, 1998).

correspondingly, of religious and secular considerations in political decision. Here I shall leave aside institutional church-state relations and concentrate on the second kind of separation, the kind required by ideals governing individual conduct.⁴

A. Secular Rationale

To capture one of these ideals, I propose a *principle of secular rationale*. It says that citizens in a liberal democracy have a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, an adequate secular reason for this advocacy or support (say for a vote). I want to stress immediately that this principle does not imply the *negative* requirement that one should not *also* have a religious reason, or that no such reason may be offered. Suppose I want to advocate mandatory periods of prayer or meditation in public schools. According to the secular rationale principle, I should have an adequate secular reason for this, such as its being psychologically essential for the nation's youth. If the only reason I have for my advocacy is to promote religious ideals, I would not satisfy this principle. Here are some points by way of clarification.

1. Two Kinds of Coercion

First, it is clear that most laws and public policies do restrict human conduct; and the more restrictive they are, the stronger the relevant obligation. It is useful in this context, in which our concern is relations between institutions (especially governmental ones) and the individuals under their authority, to distinguish *primary coercion* and *secondary coercion*. The first requires a particular action, such as paying tax at a certain level or submitting to inoculation. The second operates on the basis of the former, as where one's taxes—already legally required—are spent partly in ways one disapproves of, so one is in a sense funding something against one's will. Other things equal, primary coercion is more in need of justification than is secondary coercion. Showing that a kind of coercive action, such as taxation, is warranted in the first place, tends to be more difficult than showing that, *given* a presupposition of its justification, the appropriate authorities may (in accord with the justifying grounds for the coercion) use the funds in ways that contravene the will of some citizens. It is possible, however, that secondary coercion be quite unjustified even where the corresponding primary coercion is justified. A paradigm case would be the kind in which the secondary coercion is inconsistent with the rationale for the primary. If, for instance, taxation is warranted for the public welfare, using the revenue to suppress free speech could not be justified by it.

4. For a discussion of a number of church-state issues, including limits of free exercise and various establishment questions, see ROBERT AUDI & NICHOLAS WOLTERSTOFF, *RELIGION IN THE PUBLIC SQUARE: THE PLACE OF RELIGIOUS CONVICTIONS IN POLITICAL DEBATE* 3-116 (1997).

2. The Notion of a Secular Reason

Second, I am taking a secular reason as roughly one whose normative force, that is, its status as a *prima facie* justificatory element, does not evidentially depend on the existence of God (or on denying it) or on theological considerations, or on the pronouncements of a person or institution *qua* religious authority.⁵ Roughly, this is to say that a secular reason is a ground that enables one to know or have justification for a proposition, such as a moral principle, independently of having knowledge of, or justification for believing, a religious proposition. Evidential independence of God on the part of reasons does not imply independence of God in general.⁶ I should add that I am thinking of religion in a fairly rich sense. It will not do in this context to construe it functionally, for instance as involving whatever is ultimate in someone's value system, or existentially, say in terms of what values and assumptions give "meaning" to one's life. The functionalist conception is vividly expressed in the idea that "[e]ventually there is something to which every knee bows. This is the person's god. . . . [A]s a matter of practice, no one escapes ceding ultimacy to something, whether it deserves ultimacy or not."⁷ There is some truth in the vicinity of this idea, though there may be a set of two or more values that are equally ultimate for a person, and over even a short time one's "ultimates" may change. But no such notion will serve as a basis for defining the concept of religion: a valuational naturalist, and even an unselfconscious Humean without a shred of piety and for whom reason is properly the slave of passion, could satisfy this characterization, as well as many of the existential ones. Nor will it do to identify a religious outlook with a

5. See Robert Audi, *The Separation of Church and State and the Obligations of Citizenship*, 18 PHIL. & PUB. AFF. 259, 265-68 (1989). The principle applies with different degrees of force in different contexts; in some the *prima facie* obligation in question is stronger, in others quite weak. Moreover, the adequacy requirement rules out some *nonreligious* reasons, for example, those that are ill grounded; but my concern here is with the specifically religious in relation to the political. I might add that the principle is not meant to require that an adequate reason be objectively correct in a sense implying that it is equivalent to a true proposition. A false proposition that is sufficiently well justified can count as an adequate reason.

6. It does not, for example, imply the possibility of existing apart from divine creation. In case it should seem that affirming the evidential independence of God on the part of reasons is somehow irreverent, let me note that the most famous arguments for the existence of God are supposed to have premises with just this status. This applies, for example, to St. Thomas Aquinas's five famous arguments for the existence of God. If they did not, they would fail of their purpose, which is roughly to provide evidential ground for believing God exists, on the basis of considerations not dependent on one's already having that ground.

7. J. Budziszewski, *The Illusion of Moral Neutrality*, FIRST THINGS, Aug.-Sept. 1993, at 32, 36. The intention is clearly that every knee ultimately bows to something *or other*, not to something in particular, which would imply a particular ultimate commitment for all of us.

“comprehensive” view, as some have done, or a “comprehensive claim . . . about human authenticity.”⁸ These three notions of religion are all too broad to provide a reasonable basis for taking secular reason to play an essential role in civic virtue.⁹

3. Prima Facie Obligation

Third, I take a prima facie obligation to be one that provides a reason for action which is (a) strong enough to justify the action in the absence of conflicting considerations, but (b) can also be overridden by one or more such considerations. Among the overrides of the obligation to be willing to offer a secular reason are special circumstances in which secrecy is necessary, as where one would be harmed if certain people knew what candidate one was supporting. As to the obligation to have an adequate secular reason, one possible override would occur in a case in which one suddenly finds that one must vote, sees that the opposition is voting on a conflicting religious basis, and is sure that an adequate secular reason for one's vote can be found when one explores the issue further.¹⁰ Overrides may be common in some circumstances; but there are myriad cases in which they do not occur, and in any event a conscientious citizen who appeals to an override should bear the burden of showing that in fact it is one.

4. The Accommodationist Character of the Secular Rationale Principle

It should be clear by now that the principle of secular rationale is not anti-religious or negative toward religion in either of two respects suggested in a recent article:

Scholars like Bruce Ackerman and Robert Audi have introduced into legal and political philosophy two of the “dogmas of liberalism” regarding religion in public life. . . . [F]irst . . . that religious beliefs are irrational or non-rational and therefore cannot meet the standards of public reason. . . . [S]econd . . . that there

8. Mark Modak-Truran, *The Religious Dimension of Judicial Decision Making and the De Facto Disestablishment*, 81 MARQ. L. REV. 255, 263 (1998). *But see id.* at 262-63, 287-88 (adopting a comprehensive view and asserting that courts, despite efforts not to, have done so as well).

9. One further clarification may also help here. I am taking an evidential dependence on denying the existence of God to imply nonsecularity on at least two grounds. For one thing, as distinct from a philosophical rejection of the meaningfulness of religious language, such a denial engages religion but in a negative way that implies a kind of anti-religion and presupposes a kind of theological knowledge. For another, if we allow secular reasons to presuppose the nonexistence of God, they cannot play the neutral role appropriate to them in a democratic framework that is neutral with respect to religion.

10. For one of the most influential treatments of prima facie reasons, see W. D. ROSS, *THE RIGHT AND THE GOOD* (1930). I discuss Ross's conception in detail, clarify it, and bring out how knowledge of major moral principles can have a basis in secular reason in ROBERT AUDI, *Intuitionism, Pluralism, and the Foundations of Ethics*, in *MORAL KNOWLEDGE AND ETHICAL CHARACTER* 32 (1997).

are no available decision procedures for resolving religiously based moral disagreements. . . . Thus, so the common argument goes, religion should be relegated to the private realm and prohibited from public affairs.¹¹

I find this attribution puzzling, since much of what I have said on religion and politics indicates rejection of both dogmas. Let me outline some ways in which religious elements may beneficially enter "public affairs."

Consider the point of view of a religious citizen who wants to live harmoniously in a liberal democracy. How might such a person regard the principle of secular rationale from the perspective of theological assumptions that are standard in Western theism? Might one not think that the principle is religiously acceptable given God's having created a world in which religious differences are pervasive and secular protections of liberty apparently appeal to all adequately informed, rational persons? One might note in this connection that the principle does not preclude substantial appeal to religious considerations, and one might find that often they are harmonious with secular moral standards. It is in fact consistent with Michael Perry's thesis that religious considerations *should* be brought into public political discussion for the purpose of testing them.¹²

Indeed, I would argue that on theological assumptions standardly made by much of Western theism, including the idea that God is omniscient, omnipotent, and omnibenevolent, there is reason to expect rational, adequately informed religious citizens to be able to achieve *theo-ethical equilibrium*, a rational integration between religious deliverances and insights and, on the other hand, secular ethical considerations. In the effort to reach this equilibrium, secular reason can lead to modifying one's religious views, and religious considerations can lead to revision of one's secular moral views. The natural law tradition, for instance, would seem to support the idea that such equilibrium is a reasonable goal for theists. Thomas Aquinas held both that moral principles are accessible to human reason and that revelation has its own moral authority.¹³ (It is noteworthy that St. Paul wrote, "[w]hen Gentiles who do not have the Law do instinctively the things of the Law, these . . . show the work of the Law written in their hearts.")¹⁴ In the ideal case, there should be a very high degree of overlap between religiously sound general moral principles and moral principles cogently supported by secular reason. Consider, for example, the purely ethical injunctions of the Ten Commandments: these essentially coincide with elements in the most plausible secular ethical systems.

It may be objected that at least for religions people who do not think in secular terms, the principle of secular rationale would restrict democratic participation. They would, for instance, be unable to engage in public discourse in secular terms.¹⁵ Many

11. Ronald F. Thiemann, *Religion and Legal Discourse: An Indirect Relation*, 81 MARQ. L. REV. 289, 296 (1998). Thiemann served as Dean of the Harvard Divinity School at the time the article was written.

12. For a discussion of Perry's thesis, see Michael J. Perry, *Liberal Democracy and Religious Morality*, 48 DEPAUL L. REV. 1 (1998).

13. See *id.* at 28 n.77 (discussing JOHN MAHONEY, *THE MAKING OF MORAL THEOLOGY: A STUDY OF THE ROMAN CATHOLIC TRADITION* 105-06 (1987)).

14. *Romans* 2:14-15 (New American Standard).

15. This objection is made by (among others) Jeff Jordan in attacking the principle of

points can be made in reply. Here are two. First, much democratic participation does not require advocacy or support of restrictive laws or policies: one can query opponents and criticize their objectionable positions; formulate a variety of guiding ideals, religious as well as secular; discuss the quality of the records of the people or political parties in question; or arouse concern about the issues in question. Second, the principle of secular rationale does not restrict freedom of speech, and the requirement of adequate secular reason does not constrain the expression of religious reasons, much less religious language.

B. Secular Motivation

A second principle I suggest—the *principle of secular motivation*—says that one has a (prima facie) obligation to abstain from advocacy or support of a law or public policy that restricts human conduct, unless one is sufficiently *motivated* by (normatively) adequate secular reason, where sufficiency of motivation here implies that some set of secular reasons is motivationally sufficient, roughly in the sense that (a) this set of reasons explains one's action and (b) one would act on it even if, other things remaining equal, one's other reasons were eliminated. This second principle is less important than the rationale principle to the partial ethics of citizenship I am proposing for liberal democracies, but it is still quite significant. It is also more difficult to interpret and apply.

One reason why the motivation principle is needed for a full articulation of standards of civic virtue is that since an argument can be tacitly religious without being religious in content, one might fail to adhere to the principle even in offering arguments that on their face are neither religious nor fail to provide adequate secular reason for their conclusion. Consider, for instance, the argument that since there is no clear line between reasonably cooperating with a well-considered wish to die and pushing a weakened patient over the line to suicide, we should disallow all assisted suicide. Some people who offer this argument might not be sufficiently motivated by the secular considerations cited in it, and (quite apart from whether it is objectively sound) would not find the argument convincing apart from their underlying religious beliefs. They might, for example, be moved entirely by the belief that life is a gift from God and only God should take it.

The principle of secular motivation may also be plausibly taken to rule out a certain kind of *anti-religious* motivation as properly necessary in coercive sociopolitical action. Imagine a scientific argument aimed at preventing creationism from being discussed in a public school science course: the secular considerations it cites might not be motivating, and if it is proposed from anti-religious motivation of a kind that does not count as secular, then even if it accords with the rationale principle, offering it does not accord with the motivation principle. Its proponent

secular rationale. He says, for example, "Despite the initial appeal of the idea that one should *couch public discourse* in terms of public reasons, there are at least two reasons to think that adopting the PSR [principle of secular rationale] is ill-advised . . . the PSR carries an unpalatable epistemic consequence . . . [and] would hinder political participation." Jeff Jordan, *Religious Reasons and Public Reasons*, 11 PUB. AFF. Q. 243, 248 (1997) (emphasis added). But see *infra* Part III for standards to guide prudence in public discourse.

lacks a set of secular reasons that is both evidentially adequate and motivationally sufficient.¹⁶ If civic virtue constrains religious motivation when it comes to coercing others from religious motives, it also constrains anti-religious motivation.

Consider, by contrast, arguing for a voucher system on the ground that parents, and especially religious ones, should be free to educate their children in academically adequate schools of their choice, including those that teach a particular religious point of view, and so should receive a voucher for each child, which can be used toward the costs of their children's attending any accredited school.¹⁷ Here the *content* of the proposed legislation, unlike that of proposed restrictions of assisted suicide, includes a concern with religion and even envisages some likelihood of promoting its practice; but the *ground* given for the legislation is not intrinsically religious. One could support a voucher system on this ground without specially favoring the religious over, say, nonreligious people simply dissatisfied with the general quality of public education, just as legislators can take account of the religiously based preferences of their constituents as their deep-seated preferences without thereby favoring the religious as such over other constituents.¹⁸ If, however, pressing for a voucher system conforms to the principle of secular motivation, then some such secular consideration should be both (normatively) adequate and sufficiently motivating. If one's *only* reason for supporting vouchers is to promote the religious devotion of one's children (or other children), then even if one is expressing a kind of religious virtue, one is not exhibiting *civic* virtue.¹⁹

These points do not address the constitutional issues that remain. Even if there is adequate secular reason to permit voucher systems in a free democracy, it does not follow that they accord with First Amendment's Establishment Clause standards. It might also be argued, however, that disallowing them burdens the free exercise of religion in that parents who want their children religiously educated must undertake

16. Not just any anti-religious motivation would fail to count as secular, for example, where the desire is simply to weaken a religious group enough to prevent its dominating a society. But for purposes of taking the motivation principle to be an element in civic virtue it is reasonable to construe a desire to destroy a religion or to discredit its deity as nonsecular.

17. The accrediting may take account of certain factors that are not purely academic. It is one thing to give vouchers to support free parental choice, including religious choice; it is another to allow them where racial discrimination is practiced. It is a delicate and difficult question when criteria of admission are objectionable in a way that warrants differential governmental treatment.

18. It is noteworthy that in the Netherlands the government funds both public and sectarian schools, compensating, in part, for the differences this allows among publicly funded schools by requiring national examinations keyed to a core curriculum constituting 80% of what students study in the secondary school years. See Laurel Shaper Walters, *Schooling for Jobs*, CHRISTIAN SCI. MONITOR, Dec. 14, 1992, at 10.

19. One may wonder how a religious person who seeks to do everything in fulfillment of God's will can abide by the principle of secular motivation. Note that such a person can without irreverence be motivated by the sense of just conduct as dictated by the dignity of persons, at least where being thus dictated is equivalent to the property of being commanded by God as a standard for human conduct. The same point surely holds where the person justifiably *believes* this equivalence to hold (and perhaps even in certain cases in which the belief is not justified).

both to see to that and to pay taxes for public education.²⁰ The Establishment and Free Exercise Clauses can pull in different directions. The rationale and motivation principles are not intended as even partial interpretations of the Constitution, though at least the former may be useful in understanding it. They are intended to guide citizens in any free democracy.

The stress on secular reasons as evidential and motivational elements important in the ethics of citizenship does not imply that no other constraints on appropriate reasons are required, such as prohibitions of racist grounds for public policy. This is not the place for an account of what makes certain reasons appropriate overall. Religious reasons, conceived, for instance, as reasons for human conduct that are ultimately grounded in God's nature or commands (or, at least from the point of view of religious persons, are rationally believed to be so grounded), are a major subject in their own right. There are some respects in which they are special in relation to liberal democracy even by contrast with other reasons—such as certain “intuitive” deliverances about other people—that are not accessible to any normal adult and are often inadequate though clearly secular.²¹

Here are some salient points: (1) The kinds of religious reasons most relevant to the shape of contemporary societies are directly or indirectly taken to represent an infallible authority, in a sense implying that the propositions expressing them *must* be true and should thus be universally heeded.²² (2) Very commonly those who identify with what they regard as the ultimate divine source of religious reasons believe that anyone who does not identify with it is forsaken, damned, or otherwise fundamentally deficient. Disobedience or even nonconformity can carry eternal punishment. This disapproval of nonconformity is often enhanced or even inflamed by others' openly rejecting the relevant command or standard, as is common in, for example, sexual matters. (3) Religious reasons often dictate practices that are distinctively religious in content (such as prayer) or intent (such as preserving a fetus on the ground that it is a child of God), and therefore are plausibly seen in some

20. A number of the papers in this issue are pertinent to the constitutional status of vouchers. See Martha McCarthy, *Religion and Education: Whiter the Establishment Clause?*, 75 IND. L.J. 123 (2000); Laura S. Underkuffler, *Vouchers and Beyond: The Individual as Causative Agent in Establishment Clause Jurisprudence*, 75 IND. L.J. 167 (2000).

21. Accessibility in the relevant sense is no simple matter: ordinary sensory data of the kind needed to use a ruler or a gauge are clearly accessible, and a clairvoyant sense about the future is clearly not. But it might be argued that anyone who is open-minded, considers natural theology, and attends certain religious services in a good-faith effort to find God thereby has access to good theistic reasons for a certain view of the world. Many people who reluctantly or ambivalently leave their faith would claim to be counterexamples to this; but even if their judgment is accepted, the notion of accessibility is not precise and will remain controversial.

22. This does not imply that these propositions are necessarily true *simpliciter* but that it is impossible that they be *both* endorsed or accepted by God and false. Thus, one may presumably be as certain of their truth as one is that they are divinely endorsed or accepted. For many people this is a very high degree of certainty. For instructive discussion of the kind of attitudes in question here, with analysis of various sorts of fundamentalisms in the context of American democracy, see Daniel O. Conkle, *Secular Fundamentalism, Religious Fundamentalism, and the Search for Truth in Contemporary America*, 12 J.L. & RELIGION 337 (1995-96).

cases as forcing others to observe a religious standard. (4) For at least many religions—and commonly for *cults*—rational, relevantly informed outsiders are unable to discern effective checks on certain possible tendencies for clergy (or, in some cases, votaries) to project, whether consciously or otherwise, their own views or preferences into their interpretations of one or another authoritative religious source, including even God.²³ In *The Merchant of Venice* Bessanio laments our tendency to be “deceived with ornament”; suggesting that erroneous religious ideas as well as mistaken secular claims can be backed by appeals to authoritative sources, he says:

In law, what plea so tainted and corrupt
But, being seasoned with a gracious voice,
Obscures the show of evil? In religion,
What damned error but some sober brow
Will bless it and approve it with a text,
Hiding the grossness with fair ornament?²⁴

(5) Owing to some of these points, religious people often tend to be, in a way that seems significantly less common in secular matters, highly and stubbornly passionate about the importance of everyone’s acting in accordance with religious reasons, and nonreligious people often tend to be highly and stubbornly passionate about not being coerced to do so. (6) Partly because religious liberty is a constitutive foundation (or at the very least a cogent rationale) for liberal democracy, citizens in such a state are naturally and permissibly resentful about coercion by religious factors (which may lead to restrictions of their specifically religious behavior), in a way they are not permissibly resentful concerning coercion by, for instance, considerations of public health.²⁵ (7) One further element might be called *intergenerationality*. It is characteristic of religious commitment in a way it may be characteristic of no other kind of institutional commitment that one tends to want to

23. Stephen Carter puts a related point vividly when he says, “I have always been deeply offended by politicians, whether on the left or on the right, who are ready to seize on the language and symbols of religion in order to grub for votes.” STEPHEN L. CARTER, *THE CULTURE OF DISBELIEF: HOW AMERICAN LAW AND POLITICS TRIVIALIZE RELIGIOUS DEVOTION* 47 (1993).

24. WILLIAM SHAKESPEARE, *THE MERCHANT OF VENICE*, act 3, sc. 2, lines 75-80 (David Bevington ed., Harper-Collins Publishers 1992).

25. It is worth stressing two points here. (1) Nothing I have said about religious reasons entails that religion is necessarily either “esoteric” or in any way irrational, or even that there cannot be cogent arguments for God’s existence from nonreligious premises. (2) To certain kinds of religion, for example, Unitarianism—particularly the more common nontheistic forms—these points apply far less than to many other religions. There may indeed be forms of Unitarianism and other broadly religious outlooks that are not plausibly considered religions—though they would be *religious*, in the sense John Dewey noted, in which appropriate attitudes, for example of reverence, can mark a perspective as religious even if it is not part of *a religion*. Dewey’s distinction among the notions of religion, the religious, and *a religion* is a major topic of definition that I cannot address directly in this paper. See JOHN DEWEY, *A COMMON FAITH* (1934).

bring up one's children (if one has any) in the faith. With this desire often goes a sense of alienation if they reject the faith once brought up in it. In the present age, many have learned to live with such alienation; but it remains a source of deep concern, normally more so than counterpart reactions to apostasy in aesthetic, political, and sometimes even ethical matters.

If, however, we should separate the state from the church, and indeed treat religious reasons for sociopolitical action as posing some special challenges in a free democracy, why should we not also separate the state from secular conceptions of the good? People have also killed in *their* name. This is a large issue, and here I can make just a few points by way of brief reply. First, liberal democracies by their very nature presuppose some goods and some evils: liberty is a good, slavery an evil; political equality is a good, subverting the voting process an evil. Second (and less commonly noted), a liberal democracy must also provide some account of what kinds of things warrant *restricting* liberty. These include considerations of public health; compulsory education; and harms, such as causing pain, to others.

Some values, then, are presupposed, and often invoked, by liberal democracy. When one considers how education (to take just one major example) must be understood both in relation to a conception of worthwhile knowledge and in relation to achieving qualifications for citizenship and the capacity for certain kinds of human flourishing, it becomes plain that liberal democracies cannot pretend to be altogether neutral regarding all goods and evils. There are, to be sure, degrees of value commitment, but it must not be thought that a sound democracy can simply accord votes to all capable of casting them and permit any conduct whatever that meets with majority approval.

It might still seem that the motivation for a deed should not matter if the quality of one's reasons for it is good enough. This is one place where an action unobjectionable under structural principles suitable for a liberal democracy may be deficient from the point of view of principles of civic virtue applicable to the conduct of individual citizens. But I would stress that insofar as we are thinking of conduct as that which is supposed to be action *from virtue*, we should look not just at the type of action in question, but also at the grounding of actions in the agent's *character*.²⁶ In Kantian fashion (and on this particular point Kant is quite in line with Aristotelian virtue theory), we should distinguish actions *from* civic virtue and actions merely in conformity with it. I grant that morally, one may, within one's rights, advocate a coercive course of action without being motivated by an adequate secular reason for that action; my contention is that to do so is not always consonant with civic virtue.

I find it helpful here to reflect on the difference between what we *say* and what we *communicate*, roughly between the semantic value of our words and the total information conveyed by what we say given its intonation and context. This difference is particularly relevant to public debate, where voicing, attitude, and even body language can be important elements; but it also has significant application in private discussions. We speak with different voices on different occasions, to

26. I provide an account of such notion which supports the conception of it employed here in ROBERT AUDI, *Acting from Virtue*, in *MORAL KNOWLEDGE AND ETHICAL CHARACTER*, *supra* note 10, at 174, 175-76.

different audiences, and for different purposes. Even when they carry the same content, say that a certain kind of act is wrong, human voices can differ as radically as the textures of different surfaces having the same color, or the timbres and resonances of different musical instruments sounding the same note. It is what produces those notes—a vibrating string, a column of air in a reed, a stroke to a stretched membrane—and not their pitch, that yields the quality of the instruments sounding them, and similarly with human speech it is the motivational and attitudinal basis of what we say, and not its content, that yields our voice.²⁷ Many different intonations are possible for any given content we express. And both in public discourse and in private conversation we tend to listen for voicing as well as content. We try to hear more than just *what* people say, construed as asserted semantic content; and quite commonly we accept—or reject—what others say because of how they voice it as well as because of what it is.

Part of civic virtue consists in having and using an appropriate *civic voice* in one's life as a citizen; part of civic harmony in a pluralistic society consists in enough of the people using that voice as their primary mode of communication in debating issues important for citizens, especially fundamental ones such as the extent of our liberties. A civic voice is also valuable in discussing lesser matters. Our intonations can and should change, however, both within a stretch of discourse and from one context to another; and a civic voice need not be any citizen's only voice, not even for argumentation, and certainly not for self-expression. But a civic voice is important for controversial matters in a public context of plural and possibly irreconcilable values, and it is achievable by any rational citizen committed to liberal democracy. To lack such a voice, or to use it too infrequently, is a significant failure in civic virtue.

II. RELIGIOUS DISCOURSE IN THE PUBLIC DOMAIN

Given the principles so far proposed, one might think that I stand with those liberal theorists who would like to keep religion out of "the public square."²⁸ There is an ambiguity here that should be clearly exposed. Keeping religion out of the public square might mean at least three things (or combinations thereof): (1) keeping religious language out; (2) keeping religious considerations from exercising sociopolitical influence; and (3) keeping concern *with* religion from exercising such

27. Our voice is, however, likely to be also determined *in part* by what we say, and other things equal a civic voice is not fully achieved if one is proposing religious reasons as grounds for public policy decisions. It may be possible, however, to present such reasons in a context that preserves a certain balance, for example, by noting that in addition to sufficient secular reasons for a piece of legislation, such as permitting state-aid to handicapped children in religious schools, many religious citizens will feel better able to provide for their children services they believe God requires. Thus, the emphasis on achieving a proper civic voice as part of civic virtue leads to no simple rule about the admissible content of advocacy of laws or public policies.

28. "Richard Rorty is an example." Philip L. Quinn, *Political Liberalisms and Their Exclusions of the Religious*, PROC. & ADDRESSES AM. PHIL. ASS'N, Nov. 1995, at 35. For further discussion of the topic of liberal theory and religion in the public square, see *id.* at 38-39.

influence. I do not think that any responsible liberal position endorses the third exclusion: one can take religion to be important, for instance as a basis for designing a social studies curriculum, without making any judgment on its intrinsic worth; and one must indeed take it to be important in according full respect to the abiding concerns of a vast number of citizens. As to eliminating the sociopolitical role of religious considerations, no plausible liberal position endorses that kind of exclusion. My principles call for a measure of restraint; but they neither deny a right to give those considerations a major role, nor restrict their role to a degree that prevents religious considerations often determining conduct. It is the third exclusion—which goes with a kind of *rhetorical privatization*—that I particularly want to address here. I begin with some distinctions that facilitate analysis.

A. Implicitly Versus Explicitly Religious Discourse

Even apart from a focus limited to Western religion, it is clear that discourse may be religious without being explicitly so, as is typical of prayer. Whereas explicitly religious discourse openly uses religious language such as references to God's will or to the content of the Bible, implicitly religious discourse is recognizable as religious only on the basis of an acquaintance with the religion or religious orientation or content in question, or by inference from some such acquaintance with a religion or religious concepts. There are also expressions that can be taken as religious or not depending on the context: phrases like "It is not given to us to understand," "the ultimate purpose of our existence," and "the sanctity of life" may render discourse in which they occur implicitly religious. Sometimes, however, a mere allusion or a single metaphor can render a segment of discourse implicitly religious. Describing someone as believing that science is "the light of the world" readily evokes a New Testament metaphor for Christ and would ordinarily suggest religiously grounded disapproval. Arguing for expanded welfare provisions by saying that a society is judged by what it does for the poor and the sick may evoke Jesus's saying that what people have done to "the least" of society they have done to him. Here, as elsewhere, intonation and context are crucial both for understanding the speaker (or writer) and for judging the appropriateness of the discourse.

B. Mixed Versus Unmixed Religious Discourse

This second distinction cuts across the explicit-implicit one; implicitly religious discourse, for instance, might or might not be mixed with large secular segments. One can imagine a clergyman testifying on, say capital punishment, using either entirely secular language or, instead, both explicitly and implicitly religious discourse in an effort to harmonize them in a mixture with stretches of secular discourse about such evidences as scientific studies of deterrence. And any literate person might, in a single speech to the same effect, appeal to Jesus's call for forgiveness, to psychological studies of its good effects, and to Clarence Darrow's case for hard determinism as undermining criminal responsibility.

C. Primarily and Secondarily Religious Discourse

This third distinction is not quantitative even to the extent that the previous one is; the primary-secondary contrast is mainly a matter of grounding and presuppositions rather than vocabulary. Mixed discourse that is secular in most of its vocabulary could be primarily religious because it constantly presupposes religious principles and concludes with a religiously based point that draws together its various elements. Such discourse is primarily religious because it is rooted in religious presupposition and its main thrust is one or more religious points. On the other hand, discourse pervaded by Biblical allusions and Biblical metaphors could be primarily secular because of its underlying assumptions and main arguments. The use of these allusions and metaphors could be a literary device for explication or even parody. There are also intermediate cases: the language might, for instance, invoke a religious view about divine plan in arguing for something that, overall, the advocate defends far more prominently on a secular basis.

D. Persuasive and Descriptive Religious Discourse

Fourth, as in other contexts, we should distinguish the persuasive from the merely descriptive use of language, and within the persuasive category, between attempts to persuade of a religious view and uses of religious considerations to persuade of a secular view. Many Biblical stories are, for instance, powerfully descriptive in sheer literary terms, but they need not be used persuasively and often are not so used. With an aim that is explanatory rather than persuasive, one could say of a man who, owing to divided loyalties, failed to realize his ideals, "He tried to serve God and mammon." Compare this with saying "You cannot serve God and mammon" to remind people that they are abandoning their ideals for money—something one can say even if the ideals are secular. Here one would be using religious language persuasively, but not religiously. By contrast, appeals to Biblical or religious authority in support of a view one is pressing, or invocations of religious arguments to establish one's view, constitute a religiously persuasive use of religious language. (Such persuasive discourse may not actually tend to persuade; the contrast is mainly a matter of apparently intended function rather than effect.)

E. Self-Directed and Audience-Directed Religious Discourse

A fifth distinction concerns the relation of discourse to the speaker more than its content: religious discourse may be simply about oneself, say self-identificational, as where one indicates one's religious roots or commitments, as opposed to audience-directed. In the former case nothing need be explicitly indicated about where one stands on an issue under discussion. Religious believers may be as it were introducing themselves to a new friend, or (as is often appropriate) clarifying their own stance for themselves or others, or rededicating themselves by saying things that connect them with the crucial religious text or their religious tradition. In the case of audience-directed religious discourse, one seeks to move the audience, say to convince fellow citizens of something. Here, even if one is apparently endorsing religious premises, one need not be identifying oneself as a religious person, as opposed to a believer of those particular propositions, as grounds for one's point. The

guiding concern is to move the audience, and religious self-identification might not figure in the effort. One might, however, make such an effort by citing mutual religious commitments presented as such; there one would, to some extent, identify oneself religiously, though the discourse as a whole could be audience-directed.

F. Authoritarian and Moderate Religious Discourse

Cutting across all of the distinctions I have made is a sixth, closely connected with civic voice. I refer to the distinction between authoritarian and moderate religious discourse. Intonation alone can create an authoritarian character (as indeed with secular discourse), but that effect often comes from an implication or suggestion, through tone or content or both, that one in some sense must be right. By contrast, a fallibilist attitude tends to eliminate authoritarianism in tone or content. Authoritarianism can, of course, come from content as well as tone. The politest, most soft-spoken speech can simply cloak that attitude or stance. It should be added that the relevant kind of moderateness, the kind that contrasts with authoritarianism, is *cognitive*; passional immoderateness, for instance, might readily combine with a keen sense that one might be mistaken in the view (or vision) in question.

G. Directly and Indirectly Argumentative Religious Discourse

This brings us to a seventh distinction (foreshadowed earlier): between arguing from religious reasons and leveraging by religious reasons. In the first case, one gives the audience to understand that one accepts the relevant reasons (say that ensoulment occurs at conception) and one represents the conclusion proposed as supported by them; in the second, one implies that the *audience* accepts the reasons and one represents the conclusion one is arguing for as supported by them. The latter is a paradigm of audience-directed religious discourse. It may, but need not, be manipulative. Religious discourse may also be indirectly argumentative in other ways. The conclusion argued for may be left implicit, or premises for it may be presented in separate places and not identified as such, whereas in paradigms of direct argumentation it is made evident both what the conclusion is and what the indicated grounds are.

Many other discourse-related distinctions might reasonably be made here, but these are sufficient to enable us to articulate some standards applicable to public discourse in free democracies.

III. SOME STANDARDS FOR THE SOCIOPOLITICAL USE OF RELIGIOUS DISCOURSE

The freedom of expression appropriate to liberal democracy permits citizens and—though to a lesser extent (depending on their office)—public officials to use religious language in the public sphere.²⁹ But, as I have suggested, both should speak

29. See KENT GREENAWALT, *PRIVATE CONSEQUENCES AND PUBLIC REASONS* 141-64 (1995). One of Greenawalt's summary statements runs: "I urge that judicial opinions should always be cast in terms of reasons that are broadly public, and that narrow political discussion

mainly with a civic voice in public discussions of law or public policy. Once we note how many ways there are to use religious language, it becomes a difficult question to what extent publicly using such language is consonant with civic virtue. This is plainly a case for prudence. We need an Aristotelian mean between excess and deficiency. There are, however, several plausible guiding principles. It will be no surprise if I suggest that my principles of civic virtue apply here, particularly seen in the light of their grounding in the basic liberal-democratic idea that governmental coercion should be justifiable on the basis of secular reason.

It has seemed to some readers that my principles of secular rationale and motivation severely constrain one's use of religious language in public.³⁰ This is not so. The most general point is that a constraint on the evidential and motivating reasons one should have is independent of the language one uses in making one's case. The need for adequate secular reason does not preclude or unduly constrain the use of religious language, particularly if religious reasons are *also* given a major place in thought and action and are appropriately expressed.

There is, moreover, one respect in which my perspective affords *more* freedom in one's choice of language than a number of other liberal positions, including that of John Rawls at least prior to his qualification of his long-standing position, which now allows that "reasonable such [comprehensive] doctrines may be introduced in public reason at any time, provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support."³¹ Since, on my principles, adherents of a view can honestly repudiate anyone's supporting governmental coercion without evidentially adequate and motivationally sufficient reason, they are (other things equal) *more free* to stress the religious elements in their thinking. If we are taken to be sincere in commitment to my principles—and particularly if there is as much alignment between secular morality and religiously grounded morality as I think there commonly is—we can explicitly bring forward religious considerations without offending enlightened people who have no religious beliefs or belong to another religion.

To be sure, one is not likely to be thought sincere in endorsing my principles if one's public discourse is of an unmixed religious kind, or if reference to secular grounds for one's position seems perfunctory. This brings us to our first general discourse principle: in public discourse, one should avoid making a sociopolitical issue appear to be a religious issue (the converse is also plausible, but not my concern here). Take assisted suicide. This is a moral issue as well as a religious one, and it is religiously as well as morally contested. One liability of treating it

by public officials and by most 'quasi-public' citizens, like newspaper editors and presidents of large corporations, should generally be carried on in terms of such reasons." *Id.* at 7.

30. *See, e.g.,* Jordan, *supra* note 15, at 248; Quinn, *supra* note 28, at 37 (noting that there are liberal positions which call for this). Quinn cites Richard Rorty as advocating the view Rorty called Jeffersonian compromise: that religion be privatized and kept out of the public square. *See id.* at 35 (citing Richard Rorty, *Religion as Conversation-Stopper*, 3 COMMON KNOWLEDGE 1, 2 (1994)).

31. JOHN RAWLS, *POLITICAL LIBERALISM* at li-iii (1993); *cf.* John Rawls, *The Idea of Public Reason Revisited*, 64 U. CHI. L. REV. 765 (1997) (providing a later, compatible treatment).

religiously in a public setting is *polarization along religious lines*. Polarization in the relevant sense is not merely sharp disagreement and is not even a necessary consequence of deep disagreement. I use it to refer to (roughly) a difference of conviction that is, or is at least persistently felt to be, irreconcilable, is attended by hostile attitudes in each direction, and lacks common ground sufficient to make reconciliation promising. Different religions may have more or less official stances on the matter; a sociopolitical decision about legal limits need not prejudice the religious or even moral soundness of these stances. Free democracies may, for various reasons, legally permit conduct they consider immoral or religiously forbidden, such as (inexcusably) breaking a promise to a friend. If the legalization issue is not considered specifically religions, its resolution is less likely to alienate a disapproving religious group.

Since there are other ways polarization along religious lines may be caused, it is well to adopt a second public discourse principle here: in public discourse, one should seek to frame any religious treatment of a sociopolitical issue in a way that avoids polarization along religious lines. Granted that all polarization is *prima facie* bad and that we need further distinctions and principles to help us avoid it, religious polarization is uniquely serious. A clash of Gods—or even of clerical authorities—easily becomes a battle to the death.

A third principle concerns differences in sociopolitical role: the public discourse of ordinary citizens is generally less constrained as to appropriate religious content than that of government officials, and among them the highest constraints tend to be on the judiciary. There are considerable differences even within each of these categories: a preliminary discussion of a proposed local ordinance among citizens in the town hall is one thing; a citizen's formal testimony before the state legislature is another, and generally more constraining. A legislator's conversations on a Saturday radio show is, similarly, less constrained than the same person's speech in support of a bill that is about to be voted on in the legislature.

If we keep in mind the importance of avoiding coercion on religious grounds, we can see the plausibility of a related principle. Once again, I think the secular rationale principle is suggestive of an appropriate standard for public discourse that supports or suggests coercion. It supports what might be called a *principle of minimal coercive suggestion*: other things equal, the more likely one's public discourse is to be understood as supporting coercive laws or public policies, the greater the appropriate restraints on using religious language or otherwise making one's discourse religious (in any of the indicated ways). This principle helps to account for differences in the restraints appropriate for public officials setting forth their views in differing contexts.

If I am right in thinking that moderate discourse tends to reduce resentment and to enable cooperation more than authoritarian discourse, we might adopt the principle that, especially though by no means exclusively in religious public discourse, moderate discourse is to be preferred. Commitment to the principles of secular rationale and motivation is a significant support of moderation in both tone and content. I hasten to add, however, that this commitment does not necessarily require giving up the position that one's view—religions or secular—is better grounded than alternatives or even in some way epistemically privileged; it simply provides an incentive to have and offer adequate secular reason for support of coercion, and to use a voice for expressing such reasons, that can give other citizens

a sense of being treated with respect and of a range of mutually respected standards available for compromise. It should go without saying that there are counterpart restraints appropriate to those using wholly secular discourse; they should, for instance, also aim at expressing and preserving respect for fellow citizens regardless of their religious position.

Referring back to the distinctions made in this Part, we might say something more general: other things equal, public discourse on sociopolitical matters is ethically less constrained as to religious content where that content is implicit rather than explicit, mixed rather than unmixed, secondarily rather than primarily religious, descriptive rather than persuasive, self-directed rather than audience-directed, and moderate rather than authoritarian. To say, for instance, that we should protect the natural environment to make it possible for all citizens to enjoy green pastures and still waters may for many evoke the Twenty-Third Psalm, and to say that a proposed development would deprive the foxes of their holes and birds of their nests may, for some, evoke Jesus's words about their natural places of refuge; but such implicitly religious allusions have an independent appeal to any sensitive listener and tend to be preferable, in the public discourse of a legislature in a liberal democracy, to an overt appeal to a divine command that we be stewards of the earth. And if that command is cited by a defender of the environment, it may be welcomed by nonbelievers as an honest statement of conviction when it is combined with secular arguments, but felt to be a sectarian ground they cannot share if offered as the sole reason for an environmental protection.

One further case should be mentioned here: that of advocacy. A lobbyist, for example, speaks for the represented group, and it is understood that such people are representing a point of view. It may be religious or not; but if it is, one would not be surprised if some of the relevant discourse is religious. Religious discourse might not be the most persuasive mode of advocacy in a liberal democracy, but that is a contingent matter which is beside the point. More generally, someone acting as a representative advocate is morally freer regarding religious reasons (and indeed other sorts of reasons) than ordinary citizens advocating something on their own. Nonetheless, other things equal—as where persuasion for the cause in question is equally effective—the principles so far proposed seem to apply.

IV. NONPUBLIC DISCOURSE: PRIVATE, ECCLESIASTICAL, INSTITUTIONAL

My main concern so far has been public sociopolitical discourse. But inasmuch as there is ample moral reason for citizens in a liberal democracy to avoid polarization and, more positively, to enhance communication and to create a good climate for peaceful coexistence, the principles proposed may be adapted to private discourse as well.

Our homes are supposed to be our castles, and we tend to speak as we like in them. Civility, however, is a virtue applicable far beyond the public square. It is an element in civic virtue that operates even in private settings. Depending on the make-up of the conversational group in a home or other private setting, one may want to mix religious and secular discourse, conduct discussion mainly in one or the other mode, or shift from one to the other. Freedom is perhaps at its most extensive here; but the general principle of respect for others operates here as elsewhere and may indicate

one direction or another for the style and content of one's discourse on sociopolitical matters. Spouses speaking to each other alone is one case; parents speaking to children is another; conversing with guests is still another. Liberal democracies are unlikely to survive unless patterns established in the home support civic virtue in public. Morality—and especially the moral principles needed for a free democracy—is highly permissive about private conduct; but if, as I maintain, it reaches beyond overt behavior to the level of motivation, it certainly reaches into private conduct. If, as Jesus taught, to look at another lustfully is already to sin in one's own heart, perhaps we can also do wrong in our hearts by harboring certain kinds of dispositions toward conversion of others, such as a tendency toward a kind of manipulative conversion that we would not like someone else to use on us.

Private institutional contexts are also realms of more extensive freedom than is appropriate to public discourse. It is clear that in a church setting religious discourse may be appropriately dominant; but even there, mixed discourse might at times be more effective. This is in part because the interplay of religious and secular considerations regarding major aspects of sociopolitical life is often very fruitful in reaching positions that are at best more difficult to arrive at from either point of view by itself. Consider medical care, where the love and compassion stressed by Christianity can temper the relatively austere demands of the contractual relations and the legal requirements that so pervasively affect medical practice. There is, however, a two-way street here: some patients, even if they are theists and voluntarily receiving treatment in a religiously affiliated hospital, need to be addressed in secular language; and even for those who do not, religiously inspired compassion can sometimes be best directed by secular discussion of psychological matters.

Other kinds of religious institutions may be quite different from hospitals in the discourse appropriate to their activities. Consider churches. As with other religious institutions, the difference between what we might call *internal questions*, such as how the church is to be governed, and *external questions*, such as what the church should do to relieve famine abroad, may affect what kind of language is appropriate in policy discussions. Predominantly religious language is appropriate in decisions about self-government. An effort to achieve theo-ethical equilibrium may still be of value, however; and given how important church government and community projects can be as training for citizenship in a democracy, there may be external as well as internal reasons for churches to seek the widest kind of discourse, and the broadest evidence base, consonant with their religious ideals.³² Consider also a church-affiliated university. Here again there is no need for any general separation of religious and other considerations in the internal discourse of the institution, but the needs of an educational mission may still be a constraint affecting what

32. For a discussion of the importance of religious institutions for democracy, see John A. Coleman, *Depriving Religion and Revitalizing Citizenship*, in *RELIGION AND CONTEMPORARY LIBERALISM* 264 (Paul J. Weithman ed., 1997); David Hollenbach, *Politically Active Churches: Some Empirical Prolegomena to a Normative Approach*, in *RELIGION AND CONTEMPORARY LIBERALISM*, *supra*, at 291; Paul J. Weithman, *Introduction: Religion and the Liberalism of Reasoned Respect*, in *RELIGION AND CONTEMPORARY LIBERALISM*, *supra*, at 1.

constitutes a good mixture of the two kinds of considerations. Balance in presenting alternative positions, including secular ones, is surely required, especially in the classroom, but mixed discourse in the classroom would be normal in a way it would not be in secular institutions of learning.

Nonreligious institutions are quite different on this score. Secular universities, especially if publicly funded, should observe the requirements of a reasonable separation of church and state, and this imposes constraints on the content of their discourse. There is still a place, however, for many kinds of mixed, secondary, and self-identificational religious discourse. And in the course of advocacy, as where a teacher takes on the role of defending natural theology or of sympathetically explaining a religious position, predominantly mixed religious discourse may be used. There is more freedom in this regard in proportion to the extent to which comparably serious advocacy of competing positions is offered to the same audience. One-sidedness in a stretch of educational discourse may be balanced by one-sidedness on an adjoining and contrasting stretch. It may in some cases even be desirable to present competing positions in the vivid and forceful way this makes possible. One of the problems that educators face in practice is how large a segment of discourse constitutes a domain for which appropriate balance should be achieved. Without a certain amount of unmixed sympathetic exposition, some views cannot be easily communicated; left too long without analysis or criticism, some views may be damaging to some audiences.

Journalistic institutions bear special mention here. Their influence on the general public is immense. In my view, they, like universities, should aim at good *institutional citizenship*. This implies adhering, at least in their public conduct and discourse, to versions of the principles of secular rationale and motivation. A religious television station, for instance, although at least its private discourse may be of a largely unmixed religious character, should still, as institutional citizen, adhere to those principles. Indeed, a free democracy is best served, I think, if, however moral churches and other religious institutions are, they and their journalistic organs are not political. They themselves may be best served under this standard: it facilitates cooperation rather than competition with other religions and denominations; it reduces the dilution of spiritual function that easily comes of a concern with politics; and it renders less likely a political or even religious domination of any minority religious community by a majority—or more powerful—religious group.³³

33. For a defense of a political neutral purpose, see AUDI & WOLTERSTORFF, *supra* note 4, at 6-8. This is an appropriate place to note that in some contexts of public discourse, including some that are moral and some that are aesthetic, religious considerations may be brought forward in an argumentative way that is not political. Some of what Michael Perry takes to be a kind of testing of religious or religiously grounded views might fit this description.

CONCLUSION

If individuality flourishes in an atmosphere of free expression, there will be a multitude of kinds of discourse and myriad mixtures of the religious and the secular. In public discourse on sociopolitical matters, however, there are distinctions we should make and standards we should maintain. If as citizens we determine our votes and other political conduct for the right sorts of reasons, this is likely to show in our modes of speech. We should try to cultivate a civic voice that reflects respect for others of differing views and a commitment to certain shared—or at least sharable—standards that are not dependent on any religious commitments or points of view. It may be a mixed voice, but some mixtures are better than others. The kind of issue in question, our role as citizen or government official, and our audience largely determine what constitutes a good mixture of religious and secular language for public sociopolitical discourse.

In public discourse, as in private life, it is difficult to overstress the importance of being a good role model. This applies to some degree to institutions as well as to individuals. It is of the first importance for an ethics of virtue as distinct from an ethics of rights. Exemplifying virtue can be far more influential than preaching it. Many people too easily think that coercive laws may solve a problem, or that good conduct can be legislated. But outstanding examples of adherence to a standard can often win converts far better than its attempted enforcement. Persuasion is preferable to coercion; and even where the motivation for a view is religious, persuasion may work best when secular reasons that any rational person can appreciate are forcefully expressed in mainly nonreligious language. Quite apart from the discourse in which an ideal is expressed, nothing persuades like its embodiment.