Rawls and Catholicism: Towards Reconciliation?

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This paper takes up an ambivalence in Rawls' thought concerning the propriety of religious reason in public discourse. After a general introduction, the second paragraph gives a basic description of the two sides of this ambivalence. In the third paragraph, Joseph Ratzinger is introduced as a potential dialogue partner with Rawls, in as much as one side of Rawls' thought can be interpreted to be congenial to religious reasons that occur with his requirement for public reason. The aim of this paper is, eventually, to open the path towards a possible reconciliation between Rawls' positions and those of the Catholic tradition, as suggested by Joseph Ratzinger. Although some dialectical tensions remain, engaging the Ratzingerian idea of a "mutual correction" might result into a fruitful encounter of different views.

Keywords: public reason, religious reasons, religion in the public sphere, catholic social thought

Introduction

Many critics of Rawls operate within the Christian tradition¹ and their central concern is the onerous and unnecessary constraints imposed by public reason on certain citizens, especially those who are religious. In short, *religious reason* politics can tend to exclude religious reason. Thus, religious citizens often grow frustrated and feel diminished, insofar as public reason often forces them to leave behind their religious convictions—and so to be insincere, or to disregard their integrity—when they enter the public square. Some extreme religious criticisms of liberal political theories—*political liberalism*² included—interpret public reason as simply opposed to religion altogether.

This notwithstanding, Rawls' latest work opens a path for dealing with the *fact of pluralism* (Rawls, 1997)³ and finding a way to accommodate a pluralism of comprehensive doctrines and thus religion, too. His final aim is to reach a stability (and not a mere *modus vivendi*, in the Rawlsian sense) for the democratic society.

In fact, in the "idea of public reason revisited" (IPRR), Rawls asks the following questions: "How is it possible for those holding religious doctrines, some based on religious authority, for example, the Church or the Bible, to hold at the same time a reasonable political conception that supports a reasonable constitutional democratic regime?" (Rawls 1997, pp. 780, 807). And also: "How is it possible—or is it—for those of faith, as

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¹ Recently, we could think of scholars, such as Jeffrey Stout, Nicholas Wolterstorff, Christopher Eberle, Paul J. Weithman, Michael Perry, Kent Greenawalt, and Gerald F. Gaus, among others.

² I will refer specifically to the theory of John Rawls's latest thought referring, in particular, to what he holds in *Political Liberalism*.

³ By using this concept Rawls intends a *basic and permanent feature for democracy*, which consists in "the fact that a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical and moral, is *the normal result of its culture of free institutions*".

well as the nonreligious (secular), to endorse a constitutional regime even when their comprehensive doctrines may not prosper under it, and indeed may decline?” (Rawls, 1997, p. 781). And most importantly he adds: “Can democracy and comprehensive doctrines, religious or nonreligious, be *compatible*? And if so, how?” (Rawls 1997, p. 803; emphasis added). This clearly shows his concern for what is the place of religion (and religious reasons, in particular) in the public sphere (rather, the public-political debate).

Moreover, Rawls himself affirms that “this idea of public reason is fully compatible with the many forms of nonpublic reason” (Rawls, 1997, p. 800). Inasmuch as a *nonpublic reason* (Rawls, 2005, p. 220)⁴ derives from a *reasonable comprehensive doctrine* (Rawls, 1997, p. 805)⁵ (religious or non-religious) then, in Rawls’ view, it will endorse a constitutional democratic society and also recognize public reason as a principle for public debate.

The author would argue that there are reasonable faiths, which, due to their specific characteristics, their history and evolution, are capable of taking part in the “public sphere” in liberal-democratic contexts, with Catholicism as a primary example. Thus, as Rawls suggests, by endorsing democracy and accepting pluralism, a reasonable comprehensive doctrine would be able to agree to the limits posed by the political system, to make a public use of its reasons without compromising pluralism but actually becoming an active part of its enrichment.

Firstly, the author will analyze Rawls latest version of the “idea of public reason”, and secondly, the author will offer an account of Joseph Ratzinger’s (the former Pope Benedict XVI’s) teaching—which is highly relevant due to its *authoritative* position in the Catholic Church (Jonker, 2015, p. 221)⁶—in order to determine if and how public reason might be applied with respect to Catholic social thought.

A General Account on Rawls’ Idea of Public Reason

The author would like now to outline briefly the essential elements that characterize Rawls’ idea of *public reason*.

First of all, for Rawls, public reason should be understood as a specific “form of public discourse” (Rawls, 2005, p. 242): It is an ideal, a framework, a “standard” for the public-political discussion and deliberation. It is described as form of argument that appeals “only to presently accept general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial” (Rawls, 2005, p. 224).

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⁴ They are the reasons of churches, universities and the other associations of civil society (e.g., scientific societies and professional groups); they are those reasons that “comprise the many reasons of civil society and belong to (...) the ‘background culture’, in contrast with the public political culture”. He distinguishes these reasons specifically as *social* and not private.

⁵ They are only those reasons that support a democratic society with its corresponding political institutions (equal basic rights and liberties for all citizens, including liberty of conscience and freedom of religion) and that “do not reject the essentials of a constitutional democratic polity”.

⁶ As also Peter Jonker has noticed, “Benedict XVI was not only an outstanding intellectual (...), but as the highest authority in the Catholic Church, he also defined the Church’s official position in this debate”. He was present at the Second Vatican Council, then he was appointed as Prefect for the Congregation for the Doctrine of the Faith (1981-2005) and he covered that role along almost the entire Pontificate of John Paul II since he became Pope.

Secondly, accepting public reason means to appeal only to *political values* (and therefore *not* to comprehensive doctrines, especially if they are unreasonable). Political values are defined as those values reasonably recognized as generally accepted (*public*) (Vallier, 2011, p. 367)⁷ by all citizens (seen both as reasonable and rational beings) (Ackerman, 1989, pp. 17-18).⁸

Thirdly, public reason is a *moral* (not legal) obligation. It is a form of respect, a way of behaving according to the *duty of civility* (as an “ideal of democracy”) that concerns being “able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason” (Rawls, 2005, p. 217). Citizens must “be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality” (Rawls, 2005, p. 218). It “involves a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made” (Rawls, 2005, p. 217).

Moreover, in Rawls’ theory, the “domain of the political” (the purely political space in which the public reason is necessary) presents specific boundaries: public reason applies only in cases of constitutional essentials (e.g., fundamental principles, rights, and liberties) and questions of basic justice (Quong, 2004, p. 234).⁹ Further, only certain categories of citizens, and these under certain conditions, are constrained by public reason: legislators, public and government officers (within the limits of “official forums”), and judiciary (the Supreme Court is the paradigm of public reason’s application) (Rawls, 2005, p. 235).¹⁰ However, Rawls adds that citizens are bound “when they are engaged in political advocacy in the public forum”, for example, when they vote (Rawls, 2005, p. 235). Public reason does not affect what Rawls call *background culture*, that is, “civil society”: in this way, Rawls’ account of public reason certainly leaves space for religion, and religious citizens, to be publically active in civil society.

Finally, it is a flexible tool for democracy to preserve itself from its own intrinsic limits and risks (e.g., what Ratzinger has called the “dictatorship of majority rule”).

Rawls distinguishes between what he calls the “exclusive view” and the “inclusive view”. According to the first, “on fundamental political matters, reasons given explicitly in terms of comprehensive doctrines are *never* to be introduced into public reason” (Rawls, 2005, p. 247; emphasis added). By contrast, the second view allows “citizens, *in certain situations*, to present what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen the ideal of public reason itself” (Rawls, 2005, p. 247; emphasis added). But whether to understand the idea of public reason according to one or the other view depends on the presence or absence of a “well-ordered society”: thus, the limits are not fixed and

⁷ This has been understood in different ways: as *accessibility*, *shareability*, or *intelligibility* of reasons presented. On this regard, for example, Kevin Vallier as stated as follows: “The most common property that determines whether a reason is public is what I shall call *accessibility*. Accessibility has been given a number of characterizations, but the essence of the concept can be distilled into a single definition. In short, I argue that a reason is accessible to John if and only if members of the public can see that the reason is justified according to common evaluative standards”.

⁸ A similar position was held also by Bruce Ackerman who, by the *principle of conversational restraint*, he meant that: “whenever one citizen is confronted by another’s question, he cannot suppress the questioner, nor can he respond by appealing to (his understanding of) the moral truth; he must instead be prepared, in principle, to engage in a restrained dialogic effort to locate normative premises both sides find reasonable”.

⁹ This is very criticized by those, like Jonathan Quong, who argue that “the idea of public reason ought to be applied, whenever possible, to all political decisions where citizens exercise coercive power over one another”, and it should not be limited only to the questions of constitutional essential and matters of public justice, as Rawls suggests.

¹⁰ The Court’s role is not merely defensive but to give due and continuing effect to public reason by serving as its institutional exemplar. This means, first, that public reason is the sole reason the court exercise.

they may vary “depending on historical and social conditions” (Rawls, 2005, p. 251).

In the revisited idea of public reason, Rawls clarifies, first of all, that to engage in public reason is to appeal to a political conception (to its ideals and principles, standards and values) when debating fundamental questions. And he adds also what he calls the *proviso* which means that this requirement

still allows us to introduce into political discussion *at any time* our comprehensive doctrine, religious or nonreligious, provided that, *in due course*, we give *properly public reasons* to support the principles and policies our comprehensive doctrine is said to support. (Rawls, 1997, p. 776)

In their *wirkungsgeschichte*, Rawlsian theories have been interpreted (and often criticized) both by religious people—because they are considered to give too thin an account of religious participation in the political)¹¹—as well as by liberals, usually due to the opposite reason: that his theory allows too much space for religious convictions.¹² But, instead of engaging the scholarly debate internal to the discipline of political theory, the author has rather chosen to look at Joseph Ratzinger’s view.

What Does a Catholic View Propose?

The theologian Joseph Ratzinger, whether as a scholar or a professor, as cardinal or later as Pontiff, always demonstrated a strong sensibility for theological-political discourse.¹³ His undoubted interest in the role of religion in the public realm involved particular issues like the relationship between church and state, between religious and non-religious people, faith and reason, church and politics, and so forth. His most influential theological-political contributions, most especially regarding the role of the State, democracy and its contradictions (Ratzinger, 1997),¹⁴ fundamental rights, dignity, and secularism, were offered above all as philosophical reflections on social and political structures and on the foundations of human coexistence (Tessore, 2005).

The fundamental question which Ratzinger asks is the following: “How can Christianity become *a positive force in politics* without becoming politically frustrated or without usurping the political sphere?” (Ratzinger, 2008, p. 203).

At first, this question seems to collide with what political liberalism suggests, but the second part of the question – in my view – poses the basis for a further discussion on whether Catholicism could be in accordance with political liberalism (or, with Rawls’ idea of public reason, in particular).

In fact, Benedict XVI writes:

Render unto Caesar what belongs to Caesar and to God what belongs to God”, was the response of Jesus when asked

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¹¹ See note n. 1.

¹² On this side we may think about those authors that contend for a “neutral” (or at least, “impartial”) politics, such as: Bruce Ackerman, Robert Audi, Thomas Nagel, Charles Larmore, Stephen Macedo and more recently, Cecile Laborde.

¹³ It will not be possible to offer here a comprehensive and analytical understanding of the contents of Joseph Ratzinger’s writings, which saw him engaged in a sixty year-long theological production. However, I will focus my attention on three main resources: first of all, his book *Church, Ecumenism, and Politics*; secondly, the essay *Cielo e Terra*, and the lecture that he was prepared to give at *La Sapienza* University of Rome.

¹⁴ Although democracy may be considered as “the most adequate of the forms of political governance”, one of the hidden risks of democracy—according to Benedict XVI—is that of easily falling into *relativism* (ethical and religious), justified by formalism and a presumed idea of tolerance, where all opinions and positions are legitimate, where there does not exist a “correct” political opinion, and thus where the truth loses its centrality. In the course of his pontificate, Benedict XVI paused to reflect on the foundations of the liberal state of rights, in particular on the criterion of majority, surely the most efficient system for the majority of juridical questions, but not sufficient for the fundamental questions about rights, among which the dignity of man and of humanity are in play.

about paying taxes (...) Jesus' answer deftly moves the argument to a higher level, gently cautioning against both the *politicization of religion* and the *deification of temporal power*, along with the relentless pursuit of wealth.¹⁵

For Ratzinger, the separation between church and state must remain clear for the sake of both the institutions (Ratzinger, 2008, pp. 156-157).¹⁶ Thus, the Church neither must become a state nor must it act as an organ of power within or above it. The Church must be “external” to the state, respecting its autonomy and law and acting within its own boundaries, which the state in turn must also do with respect to the Church (Ratzinger, 1997, pp. 71-74).¹⁷

However, Ratzinger also stresses the “public character” of religion and of Christianity in particular (Ratzinger, 2008, p. 206). According to Ratzinger (and Catholic Social Teaching), the church as a spiritual power should influence parliamentary decisions and policy only indirectly, through rational argumentation and the formation of the laity, rather than by direct action within the government. Thus, the church's influence in the political realm primarily consists in the values it embeds in its laity, who *do* participate directly in government and the construction of policy and the creation and interpretation of law. Hollenbach describes this dynamic: “For many people religious convictions do in fact have important bearing on ethical choices, including ethical choices about laws and public policies”, and, because of their being *reasonable*, they should be taken into account (Hollenbach, 1991, p. 96).

On the occasion of Benedict XVI's planned lecture at *La Sapienza* University, he attends to a basic misunderstanding that liberal theories often demonstrate through restrictive interpretations of the “idea of public reason”: to consider religious reasons *a priori* non-valuable (or even non-reasons at all) for a public debate.¹⁸ But, in fact, “religiously-based reasons” could be of different kinds (March, 2015, p. 100).¹⁹ some of them could be strictly metaphysical, while on the other hand, some others could be perfectly broadly “accessible” (such as those that Vallier calls “reasons deriving from natural theology”) (Vallier, 2011, p. 368). For this latter category, it seems plausible that the “restrictions” of public reason would not and should not apply.

Eventually, Benedict XVI—referring to Rawls' theory—has recognized that while Rawls denies “that comprehensive religious doctrines have the character of ‘public’ reason”, nonetheless Rawls at least sees such “‘non-public’ reason *as one which cannot simply be dismissed by those who maintain a rigidly secularized rationality*”. And he has also added that

¹⁵ Benedict XVI, “A time for Christians to engage with the world”. in: *Financial Times*, 20/12/2012. This article was written by Benedict XVI at the explicit request of the editor of the Financial Times in the Christmas season. The entire text can be found at: https://www.vatican.va/content/benedict-xvi/it/speeches/2012/december/documents/hf_ben-xvi_spe_20121220_financial-times.html (last accessed 1/1/2016).

¹⁶ Thus each of these communities has a limited radius of activity, and keeping their mutual relationship in balance is the basis of freedom; the maintenance of a balance of the dual system is for Ratzinger the basic task of Church politics.

¹⁷ This is the position of the Church as it has stated in the Second Vatican Council (1962-1965), especially in the constitution *Gaudium et Spes* and the declaration *Dignitatis Humanae*.

¹⁸ Benedict XVI said: “Here, however, there immediately surfaces the objection, according to which, the Pope would not truly speak on the basis of ethical reason, but would take his judgments from the faith, and because of this he could not pretend that they are valid for those who do not share this faith”. See Benedict XVI, *Lecture at the University of Rome La Sapienza*, 17 January 2008.

¹⁹ For example, Andrew March tries to offer a non-final typology of religious contributions distinguishing between four types: “1. A command extracted from a revealed text, religious authority, or personal mystical or revelatory experience; 2. A theological or moral doctrine that is not clearly attributed to a specific claim from a revealed text, but is derived from certain theistic claims and revealed knowledge; 3. An appeal or reference to traditional religious commitments or practices; 4. An appeal to practical wisdom or moral insight found in traditions of religious thought”.

Rawls perceives a criterion of this reasonableness among other things in the fact that such doctrines derive from a responsible and well thought-out tradition in which, over lengthy periods, satisfactory arguments have been developed in support of the doctrines concerned. The important thing in this assertion, it seems to me, is the acknowledgment that down through the centuries, experience and demonstration—the historical source of human wisdom—are also a sign of its reasonableness and enduring significance.²⁰

Conclusions: Is Reconciliation Possible?

Liberal democracy is a system that implies “a form of majority rule *constrained* by the values of liberty and freedom” (Kaplan, 1992, p. 97; emphasis added). This is true for Ratzinger, who is very concerned about the fact that the majority can get it wrong; democracy can be manipulated and corrupted, and it can devolve into the repression of the weaker by the stronger. This seems also to be the reason why Rawls insists that the values that can “constrain” democracy are—and *must be*—merely *political* (non-comprehensive). However, what Ratzinger is eager to clarify is that in order to have a *just* political system, we have to have *just* fundamental values: those that are shown by *reason* (Ratzinger, 1997, pp. 51-74).²¹ For Ratzinger then, contrary to Rawls’ position, “democracy cannot be *neutral* to values” (Rourke, 2011, p. 51). Rather, “a free state rests on ‘pre-political moral foundations’” (Jonker, 2015, p. 222).

Therefore, on the one hand, the preoccupation that lays under Christian criticism of Rawls’ idea of public reason is mainly that religious citizens should not be discriminated against by imposing on them more burdens than the other citizens. On the other hand, however, it is possible to understand that behind Rawls’ theory there is the concern for offering principles for a respectful political participation in a pluralistic contest and securing democracy with stability.

The distinction between reasonable and unreasonable doctrines is not conceived by Rawls as a means for declassifying religious doctrines, and public reason is a standard that is required for any person as a citizen. Rawls’ intent is to ensure a pluralistic society by assuring “the political” its own space, and thus also avoiding the spread of any kind of fundamentalism (both religious and non-religious). It seems that the categories of mutual “correction” (Ratzinger speaks about “purification”) between religion and modernity (or, more specifically, faith and reason) are—at least, partly—satisfied by Rawls’ suggestion. It is not easy to draw a line of demarcation between the two spheres of “the political” and “the public” (intended here mainly as civil society). In fact the fundamental challenge of pluralistic democracy is certainly “to manage the complex interrelation of religion and politics in light of fundamental liberties and a variety of public purposes (...) that sometimes exist in tension” (Murphy, Fleming, Barber, & Macedo, 2003, p. 1256). But a choice has to be made and, on this regard, certainly Catholicism—informed by the magisterium and thanks to its long-standing philosophical tradition—is not only capable but also equipped to sustain a specific model of liberal democracy, as long as accommodation of religious reasons is guaranteed.

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²⁰ Benedict XVI, *Lecture*, cit.; emphasis added.

²¹ Ratzinger surely holds a completely different idea of “reason”, which is broad and inclusive and involves an encounter with faith. He also holds the concept of “collective reason” through which he means that there is a *basic consensus* on the moral good between the great religious and non-religious structures of thought. Thus, his idea is not that of a “naked” reason but a reason that is matured (developed) in the course of the history.

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