

## RELIGIOUS REASONS AND THE DUTIES OF MEMBERSHIP

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*Familiar approaches to questions about religion and political decision-making are insufficiently attentive to the fact that liberal democratic citizenship is an enormous social achievement. My own conclusions about the reasons and arguments citizens may offer each other, and about the grounds on which they may cast their votes, depend upon what exactly is to be achieved and how. Like the familiar approach, mine begins with a conception of citizenship. But instead of looking immediately forward to the responsibilities of citizenship, I first look back to citizenship's preconditions. I argue that the achievement of liberal democratic citizenship for all requires the integration of as many people as possible into society's political life. This, in turn, requires liberal democracies to admit some moralizing by government and a great deal of moral and religious argument from ordinary citizens when they get involved in politics. The achievement of citizenship is worth the price of this admission—a price which, I shall contend, should not be reckoned too high in any case.*

Many of the most important questions about religion's place in political decision-making are questions about the ethics of citizenship.<sup>1</sup> They are questions about how those who occupy a certain social role—that of the citizen in a liberal democratic society—are to treat one another as they exercise political power to conduct their common business. Among these questions are: On what grounds should citizens cast their votes? What sorts of reasons *may* ordinary citizens offer one another on those occasions when they speak in the

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public forum? What sorts of reasons *must* they offer one another, or be prepared to offer one another, on those occasions? What, if any, relevant differences are there between the public forum and other forums in which citizens express their political views? May religious arguments for policy be offered in public by those who occupy influential social roles like opinion-maker, religious leader, or "norm entrepreneur?"<sup>2</sup> May they be offered by those who seek or who have been chosen for special political roles like judge, legislator, or executive? If ordinary citizens may offer such arguments and public officials may not, what difference between their roles explains *this* difference?

These questions about the *ethics* of citizenship force us to confront deeper questions about the *nature* of citizenship. Indeed one of the reasons they are so interesting and important is that by forcing us to confront these deeper questions, they shed light on some of the most fundamental questions in political philosophy.

A familiar approach to these questions about political decision-making begins with a fundamental claim: citizens of a liberal democracy are free equals. They can enjoy their freedom and equality, it is said, only if government justifies basic political arrangements by reasons which are accessible to everyone. For if the reasons are accessible to some but not others, those to whom they are inaccessible will not be treated as the equals of citizens to whom they are (because they are not treated as persons to whom accessible reasons are due). Nor will they realize their freedom (because they will perceive basic arrangements as brutally coercive in the absence of a justification they can access). Having argued that citizens' freedom and equality require accessible reasons, those who endorse this approach then isolate a class of reasons which, they claim, are accessible to everyone. These are reasons which all citizens can regard as good ones for fundamental political arrangements. Proponents of this approach argue that whatever other reasons citizens offer each other when they deliberate about fundamental questions, they must be prepared to offer one another reasons in the specified class. Since religious reasons are not accessible to everyone in a pluralistic society, they conclude that appeals to them must be made good by appeal to reasons which are.

This is, as I said, a familiar enough approach to questions about religion's place in political decision-making. Indeed it is so familiar as to be immediately recognizable from the rough profile I have sketched. In one form or another it is laid out and defended by a number of thinkers in philosophy, law, political theory, and religious ethics. It is also a very attractive line, for it responds to a number of Enlightenment convictions that have a powerful grip on modern po-

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2. I take this phrase from CASS SUNSTEIN, *ONE CASE AT A TIME: JUDICIAL MINIMALISM ON THE SUPREME COURT* 131 (1999). As examples of norm entrepreneurs, Sunstein lists Catherine MacKinnon and Jerry Falwell.

litical thought.

The claim that reasons for political arrangements *can* be made commonly accessible responds to the conviction that human beings share a common rational capacity. The claim that they *must* be, that the provision of accessible reasons is at the heart of equal treatment, responds to the conviction that that common capacity is central to our humanity. The claim that the availability of such reasons is also at the heart of political freedom responds to the conviction that true freedom is realized when we act for reasons we can grasp using that common power. The claim that policy must be supported by accessible reasons responds to another Enlightenment conviction. Exercises of political power are legitimate only if they are transparent to reason's inspection; they are not to be shrouded in mystery, obscured by "reasons of state" or hidden in the manner of government house utilitarianism.<sup>3</sup> The claim that citizens must be ready to offer one another reasons of the sort the government must offer them—that citizens should conduct themselves as if they were government officials—responds to still another: in a liberal democracy, citizens are really the governors and public officials act on their behalf. Finally, this approach answers to our desire for community amid pluralism. If a liberal society cannot be unified by a shared conception of the good life or by commonly acknowledged ties of blood, it can be held together by citizens' reasoned respect for one another. It can be a society in which citizens respect one another as reasonable and show that respect by offering one another reasons they can share.<sup>4</sup>

Despite its many attractions when sketched in broad outline and the many Enlightenment convictions to which it responds, this way of approaching the questions with which we began is prey to serious and ultimately telling objections. It attaches far too much importance to relations of reasoned respect among ordinary citizens, sometimes using arguments of dubious psychological merit. It attaches very great value to a form of autonomy that is available only when government action is not premised on *any* thick conception of the good life. It does so while ignoring both the fact that some conceptions are more controversial than others and the possibility that

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3. For an exploration of this theme, see JEREMY WALDRON, *LIBERAL RIGHTS: COLLECTED PAPERS 1981-1991* 35-62 (1993). The phrase "government house utilitarianism" refers to the concept that there are two classes of people: the first being a class who can "responsibly handle the utilitarian justification of non-utilitarian dispositions," the second a class who "unreflectively deploy[s] those dispositions." BERNARD WILLIAMS, *ETHICS AND THE LIMITS OF PHILOSOPHY* 108 (1985).

4. The phrase "reasons they can share" is adapted from the title of Christine M. Korsgaard's article *The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values*, 10 *SOC. PHIL. & POL'Y* 24, 24-51 (1993). Korsgaard uses the phrase in another connection.

*this* form of autonomy, though important, may be less valuable than forms of political freedom which are available only when it is not. Finally, the crucial notion of accessibility is hardly self-explanatory. Some of the most promising attempts to explain it and to isolate accessible reasons are ill-specified and highly controversial.

I have elaborated these criticisms elsewhere and do not want to rehearse them here. Instead I want to pursue another line of thought. The familiar approach, I suggest, is insufficiently attentive to the fact that liberal democratic citizenship is an enormous social *achievement*. In many modern societies, inequalities of resources, especially inequalities of wealth, income, education, and political influence, all pull people away from the enjoyment and affirmation of equal citizenship. So too does the unavailability of meaningful work, which leads to alienation from the economic life of one's society, and the conflicting identities that beckon citizens toward tribal, ethnic, or nationalist membership at the expense of their citizenship. The lures of private life tempt us to take our citizenship for granted. Grounds for cynicism about politics and the ordinary citizen's role within it are readily available. Overcoming these obstacles to equal citizenship is a daunting task for modern liberal democracies. It is also one which is complicated, and limited, by moral and religious pluralism.

My conclusions about the reasons and arguments citizens may offer each other, and about the grounds on which they may cast their votes, depend upon exactly what is to be achieved and how. Like the familiar approach, mine begins with a conception of citizenship. But instead of looking immediately forward to the responsibilities of citizenship, I first look back to citizenship's preconditions. Only after a lengthy backward look will I return to the questions about religion and politics with which I opened. Crudely put, my argument will be that the achievement of liberal democratic citizenship for all requires the integration of as many people as possible into society's political life. This, in turn, requires liberal democracies to admit some moralizing by government and a great deal of moral and religious argument from ordinary citizens when they get involved in politics. The achievement is worth the price of this admission—a price which, I shall contend, should not be reckoned too high in any case.

Let me begin pursuing this line by saying something about citizenship and about what I mean by calling it an achievement. Aristotle offered the most famous definition of citizenship when he said that a citizen is someone who takes part in public affairs, especially in ruling and being ruled.<sup>5</sup> Since my target is an ethics of political decision-making, Aristotle's definition might seem the most natural

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5. See THE OXFORD TRANSLATION OF ARISTOTLE (W.D. Ross ed., 1921), reprinted in GEORGE C. CHRISTIE & PATRICK H. MARTIN, JURISPRUDENCE: TEXTS AND READINGS ON THE PHILOSOPHY OF LAW 45 (2d ed. 1995).

place to start. But his conception has since been incorporated into two more embracing conceptions of citizenship. I therefore want to begin by looking at two other things that citizenship has come to mean; at views of citizenship that incorporate but go significantly beyond Aristotle's.

## I.

Someone calling herself a citizen in a liberal democracy might mean that she has a certain *legal status* with its attendant rights and legal duties, privileges and immunities. She is neither slave, alien, nor refugee. She can travel on her country's passport and seek her country's protection when abroad. She is eligible to work and to receive a range of government benefits. In the United States, people with this status are also citizens in the Aristotelian sense. They are eligible for jury duty, and may vote and stand for political office.

Another thing someone might mean by calling herself a citizen is more expansive and vague. She might mean, not simply that she has a certain standing in law, but also that she enjoys the social-cum-legal status of *full membership* in her society. Citizenship in this sense is opposed, not only to alienage, slavery, and statelessness, but also to second-class citizenship. Someone with this status is by certain important measures the equal of others in her society. She is included in or integrated into society's common project. And she is treated as such by her government and by others, not only in political life, but in economic life and in important parts of civil society as well.

The thinker most notably associated with this way of thinking about citizenship is the British sociologist, T.H. Marshall.<sup>6</sup> To get a firmer grip on the second view of citizenship, it is worth looking at what he has to say about it. Early in his classic essay *Citizenship and Social Class*, Marshall writes: "the claim of all to enjoy [the conditions of civilized life] is a claim to be admitted to a share in the social heritage, which in turn means a claim to be accepted as full members of society, that is, as citizens."<sup>7</sup>

Marshall hastens to add that there can be no general account of the conditions and requirements of civilized life, and, thus, no such account of what rights and duties full membership confers. Different societies have associated different sets of benefits and responsibilities with it. "Citizenship," he says, "is a status bestowed on those who are full members of a community. All who possess the status

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6. For an introduction to Marshall's thought I am enormously indebted to Jeremy Waldron. See generally WALDRON, *Social Rights and the Welfare Provision*, in LIBERAL RIGHTS, *supra* note 3, at 271-308.

7. T.H. MARSHALL, *Citizenship and Social Class*, in CITIZENSHIP AND SOCIAL CLASS AND OTHER ESSAYS 8 (1950).

are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be.”<sup>8</sup>

If Marshall is right, then no purely conceptual inquiry into citizenship can determine what makes someone a full member of her society. What Marshall thinks the student of citizenship can and should do is look at the privileges and duties different societies have associated with full membership. Marshall’s study of full membership in his own society famously yielded a developmental history of British citizenship.<sup>9</sup> First came what he calls the “civil rights” of free speech and equal treatment under law. Later, with the expansion of suffrage, the political rights associated with the traditional conception of citizenship were extended to more of the population. Finally came the creation and extension of economic, or what Marshall calls “social rights.” These are the various entitlements associated with the twentieth century welfare state. Thus, Marshall argued that recent British social history shows a gradual expansion of the list of rights and privileges associated with full membership in society and a dramatic increase in the number of people who have that status.

Marshall’s insistence that citizenship be investigated empirically might seem severely to limit the philosophical interest of his work. Even if the path Britain has followed since the 18<sup>th</sup> century reveals laws of social and political development, which other democratizing societies will inevitably follow—a matter open to doubt<sup>10</sup>—this would not settle the interesting normative questions about what full members *ought* to have. It would still be open to us to press quite general questions, like whether the rights and duties which developmental laws associate with full membership are the right ones, and more detailed questions, like whether welfare states should be doing better by their poor or whether they are exploiting their wealthy by taxing their income and their intergenerational transfers.

It would, however, be a mistake to dismiss Marshall’s work as philosophically unilluminating. In the next section I shall suggest a broad account of full membership appropriate for a contemporary society like the United States. The breadth of the account leaves many important normative questions unanswered, but that is as it should be if Marshall is right. For one of Marshall’s key insights is that the concept of full membership plays an important role in the development of liberal democracy. It can play that role only if the concept is both widely held and indeterminate. Many people must have the concept of full membership and some standards of its ap-

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8. *Id.* at 28-29.

9. See WALDRON, *supra* note 3, at 274-308.

10. See generally THOMAS JANOSKI, *CITIZENSHIP AND CIVIL SOCIETY* 230-31 (1998) (discussing different regime variables of counties, including Britain).

plication, and they must value being full members. But exactly what the standards of full membership are—what full membership requires—must be somewhat fluid. This emerges from Marshall's claims about the forces which drive the history he sketches.

Marshall writes:

societies in which citizenship is a developing institution create an image of ideal citizenship against which achievement can be measured and towards which aspiration can be directed. The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which status is made and an increase in the number of those on whom the status is bestowed.<sup>11</sup>

As the modern state took form in Britain, Marshall argues, those who enjoyed the legal status of citizenship aspired to “the ideal of citizenship.” They hoped to enjoy the rights and privileges associated with that ideal and thought that their enjoyment of them should have legal and political guarantees. This produced an “urge forward along the path” toward realization of the ideal.

That ideal, Marshall thinks, is an ideal of full membership, of full inclusion in the national society. But the contents of that ideal, the rights and privileges of full membership, were not fixed. For the history Marshall traces is a developmental history and citizenship or full membership was, Marshall insists, “a *developing* institution.” It was only as a result of this development that what was generally considered the “substance of civilized life” was “enrich[ed]”<sup>12</sup> and made more “concrete”<sup>13</sup> so that it came to include first political, then civil and finally social rights. The extension of full membership so understood to all those who enjoy the legal status of British citizenship marks their full integration into British society. This Marshall regards as a great social and political achievement.

Marshall's explanation of how this achievement was won can be correct only if large numbers of people had the concept of full membership, had some sense of what full membership required, and attached enough value to being full members that they “urge[d society] . . . towards a fuller measure of equality.” But, as we have also seen, the widely held concept of full membership had to be somewhat elastic so that it could be expanded to include more and more. Marshall's is a notably whiggish history, suggesting a march in lock-step toward the realization of liberal ideals. He is remarkably silent about exactly how the concept of full membership was stretched and what form these “urge[s] . . . toward a fuller measure of equality” took. In fact, the notion of full membership was stretched when re-

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11. *Id.* at 28-29.

12. *Id.* at 29.

13. *Id.* at 56.

formist political actors defended egalitarian positions in political debate. The urges took the form of political pressure in favor of liberalizing and egalitarian reforms. Elastic that was stretched can also snap back. The scaling back of the British welfare state since the election of Margaret Thatcher as Prime Minister marks a reduction in what benefits full membership in Britain is generally thought to require. Thus, an unspoken corollary of Marshall's narrative is that the standards of full membership are politically contested. The sort of full membership a society like Great Britain—or the United States—can realistically hope to extend depends upon the extent of disagreement about the standards of full membership itself.

The Marshall of "Citizenship and Social Class" concentrates exclusively on Britain. Yet his work is instructive for students of liberal democratic citizenship generally and for those, like me, who are interested in American citizenship, for some of the lessons he has to teach are true of American citizenship as well. There are three suggestions about American citizenship that I want to take away from Marshall:

(1) The concept of full membership in American society, of being integrated into its common life, is widely held and citizens attach great value to being full members.

(2) Who should be a full member and what rights, duties, privileges, and benefits full membership should confer are and have been hotly contested political questions.

(3) The extension of full membership to everyone who should enjoy it, so that they are and know they are full members of their society, is a great social and political achievement.

I cannot argue for these three claims in detail here, but (1) seems to me to be amply verified by American political and social history. A history of movement politics in America—abolitionism, the labor movement, progressivism, the civil rights movement, feminism or the gay rights movement—would have to trace the quest for inclusion by groups who have had the concept of full membership in American life but have felt excluded from it.<sup>14</sup> As for (2), these movements encountered opposition—indeed their aims had to be pursued by political movements at all—precisely because questions about full membership are questions on which Americans have long been deeply divided and which we have contested politically. The truth of (3), and the magnitude of the accomplishment it asserts, can best be appreciated by looking at what full membership in American society requires and at how someone's sense of her own full membership can be engendered. Though the requirements of full membership are elastic and subject to political contestation, something more specific can be said about them.

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14. The phrase "quest for inclusion" is Judith Shklar's. I am greatly indebted to the book from which the phrase is taken. JUDITH N. SHKLAR, *AMERICAN CITIZENSHIP: THE QUEST FOR INCLUSION* (1991).



## II.

To be a full member of a society, I said earlier, is to be fully integrated into its common project and to be treated as such in political and economic life, and in civil society. The attempt to specify full membership any further seems to face two problems. One is that it is doubtful the notion of a "common project" has any application to modern societies. The other is that full membership is a fluid and contested notion. It might therefore seem misguided to try pinning down what full membership requires with any precision. But it would be a mistake to exaggerate the unity of common projects which the notion of full membership presupposes.

The United States, like any modern liberal society, has a richly varied economic, educational, cultural, associational, and political life. While these might not add up to a "common project" with a single end, they hang together sufficiently that they can be said to constitute an American form of life, which can be marked off from those of other societies. Full membership in American society, I want to suggest, is the full and secure integration into the national life they make up. Despite deep disagreements, there are prerequisites for integration into that life that are valued as minimal requirements of membership. At minimum, someone who can participate in American life securely must enjoy legal rights and protections, and must be able to seek legal and civil redress for wrongs done to her. She must be able exercise some measure of control over her society's political life by helping to hold public officials accountable. She must be able to receive an education. If she is able to participate in economic life, she must be able to earn a living and contribute to economic life through meaningful work. These opportunities cannot exist merely in theory or on paper. Rather, they must be *realistically available*. To have these goods realistically available, to have them within one's reach, is to be a full member of one's society.

Being able to participate in the life of one's society is an important element of well-being. The *sense* that one can participate is an important ingredient of *subjective* well-being, well-being as it seems from the inside. It can normally be expected to have psychological consequences. Thus, when someone knows even implicitly that she can participate fully in her society's economic, political, and educational life, she will normally, as John Rawls has argued, reciprocate.<sup>15</sup> She will develop some sense of allegiance to the society that holds out those opportunities, affirm her membership in it, and give it her support and loyalty. Furthermore, the provision of full membership is not a matter on which a society can be neutral. If it does not take steps to insure that certain economic, educational, and po-

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15. JOHN RAWLS, A THEORY OF JUSTICE 472, 494 (1971) [hereinafter THEORY OF JUSTICE].

litical opportunities are available to everyone, this will be well known. In the face of the obviously unredressed lack of realistically available opportunities, society will seem to prefer those who have the opportunities to those who do not. Its action—or rather, its inaction—will drive home and publicly sanction the fact that some are participants and others are not. This, in turn, can be expected to engender a sense of alienation. That it does suggesting that full membership is highly valued.

The promise of democracy is the promise of equality. Exactly what sort of equality democracy promises is matter of political and philosophical debate. That is why this way of understanding full membership is still incompletely specified, open to political contest, and amenable to development through political decision-making. It leaves open, for example, what economic, educational, and social opportunities are requirements of full membership. Thus, we can debate whether everyone should have a right to work or whether employers should provide domestic partnership benefits to unmarried and homosexual couples. It leaves open questions about who is owed full membership and about how to treat those who are temporarily or permanently incapable of enjoying it. Thus, we can ask whether the public education of children should be education for autonomy or whether heavily paternalistic education is acceptable in a liberal democracy. It leaves open what the criteria of realistic availability are. Thus, we can debate whether preferential hiring and affirmative action programs are necessary if minorities and women are to be full members. It leaves open the question of whether a society can be described as “democratic” when large numbers of people are not full members or feel alienated from their society. Finally, it leaves open questions about what the role of the state is in extending full membership.

Some theorists of democracy and some political actors deny that a democratic state has any compelling interest in removing even great inequalities of political, economic, or educational opportunity. Others have more demanding views of democracy. Marshall, for example, seems to have thought that the promise of democracy is the promise of full membership for everyone who has the legal status of citizen. He thought that there could be certain deep and enduring inequalities among full members; inequalities of class are what interest him most. Nonetheless, he intimates that the equality democracy promises is equality of a certain legal and social status. It is the equality that comes with being, and having a sense of being, fully included in a common project. The democratic state, Marshall seems to have thought, has a compelling interest in fulfilling that promise. This implies that it has an interest in insuring that the opportunities of full membership are realistically available to everyone. It also has an interest in insuring that people have a sense of inclusion or of their own full membership. Government, therefore, has an interest in insuring that social conditions are in place for

citizens to know that they are full members.

In the face of the obstacles posed by economically differentiated, multi-racial, and multi-ethnic societies, making everyone a full member—according everyone the realistic opportunity to participate in her society's economic, political, cultural, and educational life—would be an enormous social and political achievement.<sup>16</sup> Given the power of the forces likely to be arrayed against it, it would be a precarious one as well. Yet it is one to which democratic states have good reason to aspire, at least on moderately robust understandings of democracy. Before talking about what is required to achieve this, what limitations pluralism imposes on the achievement, and what all this implies for the place of religion in political decision-making, it will prove useful to contrast the view I have developed so far with one that is somewhat stronger.

### III.

The stronger view begins with the ethical-cum-psychological thesis that a good life requires, not simply that people have realistically available opportunities to participate in the life of their society, but that they act on those opportunities. It requires, we might say, not just *full* membership but *active* membership. Of course different people will combine different pursuits in different ways and take advantage of different opportunities. But everyone's life should make room for meaningful work, and for some of the goods of culture and of associational life. It should include at least a minimal exercise of citizenship in the Aristotelian sense. That is, it should include at least minimal participation in the political life of one's society, understood as staying informed about public affairs and casting public-interested votes. On this view, a liberal democratic government should encourage active membership by everyone who enjoys the legal status of citizen. One reason for encouraging this is Marshall's suggestion that democratic government has an interest in promoting a well-founded sense of inclusion. Participation in the life of one's society, it might be thought, more effectively engenders what Marshall called "a direct sense of community membership"<sup>17</sup> than does the mere availability of opportunities to participate.

Governmental promotion of active membership is promotion of a view of the good life. It is a commonplace of contemporary political theory that government should not promote some ways of life over others. Arguments for the commonplace are often premised on the claim that all such encouragement is coercive. But it need not be. Government can encourage associational life by making dues and

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16. Indeed Hannah Arendt seems to have thought it impossible. See Jean Cohen, *Rights, Citizenship and the Modern Form of the Social: Dilemmas of Arendtian Republicanism*, 3 CONSTELLATIONS 164, 167 (1996).

17. See MARSHALL, *supra* note 7, at 40-41.

contributions to nonprofit associations tax deductible. It can encourage participation in cultural life by subsidizing the arts and public broadcasting, by subsidizing museums and orchestras to make them easily affordable, and by mandating the inclusion of arts education in public school curricula. It can encourage participation in the educational life of society by the equitable funding of public education. It can promote participation in political life by easing voter registration, by making political information readily available, by subsidizing political campaigns, and by requiring school-age children to take civics classes which teach the value of political activity.

Arguments against governmental promotion of some ways of life over others are also premised on the claims that good government is liberal government, and that liberal governments should not promote any controversial conceptions of what is valuable. This line of thought derives its plausibility from the claims that some conceptions are *uncontroversial* and that those which *are* controversial are equally so. The first of these claims has received a great deal of critical attention, but the second has received almost none. Yet the very idea of two conceptions being equally controversial remains difficult to understand.<sup>18</sup> The proponent of the strong view need not pretend that the vision of the good life she thinks government can and should promote—a life of active membership—is uncontroversial. She need only note that it is not as controversial as a religious conception of the good or a full-blooded Aristotelian one. Its relatively uncontroversial character may make its promotion consistent with liberal government.<sup>19</sup>

Governmental encouragement of active membership would undoubtedly result in a certain amount of moralism in society's public political culture. It would, for example, require government to promote the norms and ideals of active citizenship in the Aristotelian sense as norms and ideals which are worth living up to. I have argued elsewhere, however, that this will not be enough to produce active citizenship. This is because Americans, at least, do not identify particularly closely with their role as citizens in the Aristotelian sense. To the extent that they do identify with it, they embrace its rights and privileges more warmly than its responsibilities and du-

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18. To see some of the difficulties, consider the following questions. Are two conceptions equally controversial if, or only if, or if and only if, an equal number of people dissent from each? Or are they equally controversial if, or only if, or if and only if, each provokes the same amount of dissent regardless of the numbers who dissent from each—assuming, as is highly doubtful, that cardinal interpersonal comparisons of dissent are possible? Perhaps controversiality is a weighted sum of dissenters and intensity. Or is it a threshold property, one such that any two conceptions which surpass a threshold are equally controversial, regardless of the amount by which each surpasses it? If so, what exactly is the threshold a threshold of and how is it to be located?

19. For a thoughtful exploration of this matter, see generally, Joseph Chan *Legitimacy, Unanimity and Perfectionism* 29 PHIL. & PUB. AFF. 5 (2000).

ties. Thus, the encouragement to play the role of citizen well, to develop the virtues of active citizenship, would not provide them sufficient incentives to do so.

The civic virtues, I have argued, need to be promoted as genuine excellences of character. That would require government, particularly that part of government concerned with public education, to make robust moral claims about the value of those virtues.<sup>29</sup> These claims will be present in society's public political culture, informing its practices of public deliberation and exhortation, self-assessment and political oratory. They will also enter its public argument about political decision-making when the decisions in question bear on ways government can promote the civic virtues. Ordinary citizens and office-holders may make strong philosophical claims about the value of those virtues. Officials may make similarly strong claims in justifying their promotion. Thus, one way claims about the good life may be admitted to public political argument is via the claims that the good life requires active participation in the life of one's society, hence at least minimal political participation, that government should encourage this sort of participation, and that its doing so will involve making strong claims about the value of the civic virtues.

#### IV.

These claims about the democratic state's interest in promoting active membership are much less modest than claims about its interest in promoting full membership. I do not defend them here since they are stronger than the claims needed to answer the questions about religion and politics with which we began. But what, if any, implications do the more modest claims about full membership have for the place of arguments about the good life in the public political deliberations of a liberal democracy? More precisely, suppose we think that societies which are committed to democracy have a powerful interest in extending full membership to all their citizens. Suppose further that this social interest generates a state interest in promoting full membership. What, if any, implications do these views have for the place of arguments about the good life in political decision-making?

I said at the outset that the most illuminating answers to these questions can be found by looking first at the preconditions of citizenship. The relevant notion of citizenship is full membership. Full membership requires that the opportunity to participate in various spheres of life be realistically available. Of these opportunities, the opportunities to participate in political life—to exercise citizenship in the Aristotelian sense—have a special place. And of the opportu-

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20. These arguments were developed in "Perfectionist Republicanism and Neo-republicanism," that was presented at a December, 2000 APA Symposium on neo-republicanism.

nities associated with participation in political life, those opened by the right to vote are particularly important.

In modern democracies it is those who have the right to vote who are eligible for full membership, whether or not they ever cast a ballot. Some educational and economic opportunities are legally open only to those who have this status, or who will have it automatically when they come of age. Possession of this legal status therefore makes it possible for them to gain access to other opportunities associated with full membership. This status also helps people protect their access to these opportunities against government incursion or unfavorable legislation. By voting or withholding their votes and by joining with others who take to the streets in protest, they can exercise their status as people whose voices must be heard by those in power. But this status is not enough to convey full membership. Full membership includes, not just the possession of opportunities, but their secure possession. It requires someone to know that those opportunities are realistically available to her and will continue to be so. Thus the secure possession of opportunities to participate in the life of one's society also requires that someone know she can protect her opportunities by holding government officials accountable in these ways. Those who can hold public officials accountable must have a sense of themselves, perhaps an implicit sense of themselves, as persons with this status. They must, that is, identify at least implicitly with their status as voter and constituent.

Bringing about this mass self-identification is an important condition of making full membership available to everyone. It is often lamented that citizens of modern democracies embrace their rights but not their responsibilities. What truth there is to the lament should not blind us to an important fact. The extent to which people think of themselves as bearers of rights, worthy of being treated as such by a society and government, which are in some sense theirs, is itself a signal accomplishment of modern society. It requires the regular transmission of a great deal of information about constitutionalism, democracy, and citizenship. It also requires the transmission of attitudes toward symbols, icons, and myths that are central to political culture.<sup>21</sup> When this transmission is successful, citizens acquire a working knowledge of their society's commitment to honoring rights, liberties, and democratic political outcomes. The successful transmission of this knowledge and culture, and the self-identification that results, are important parts of what I meant earlier when I said that citizenship is an achievement. How is this achievement won? How are large numbers of people brought to identify themselves with the status—if not the responsibilities—of citizens as traditionally conceived?

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21. On this important point, see Will Kymlicka and Wayne Norman, *Return of the Citizen: A Survey of Recent Work on Citizenship Theory*, 104 *ETHICS* 352, 377 n.34 (1994).

I suggested earlier that a sense of full membership is an important component of subjective well-being. Liberal democratic government, I am supposing, has interests in providing some of the conditions of full membership and in insuring that social conditions are in place for knowing that those conditions are satisfied. Government certainly has interests in treating those who enjoy the legal status of citizenship as voters and constituents, in guaranteeing that their rights to vote are not infringed upon, that their votes are not unjustly diluted, and that they can petition officials with their grievances. When it is known that government acts on these interests, it affects the ways citizens think of themselves.

But government action is not the only mechanism by which people develop a sense of themselves as voters and constituents. The formation of citizens takes place in civil society as well. In the contemporary United States, much of the formation of citizens is effected through people's involvement in churches and religious organizations. There is ample empirical evidence to show that many people become interested in politics, informed about it, and active in it through their churches. Churches convey political information to their congregants, and convey the sense that liberal democratic government is legitimate and is responsive to voters. They also convey the psychological concomitants of citizenship, including senses of empowerment and self-worth. This is especially so for the poor and for minorities.<sup>22</sup> They can also foster attitudes toward the symbols and myths which are central to a nation's political culture. In these ways, churches make important contributions to many people's sense of themselves as citizens in the Aristotelian sense. They therefore make important contributions to many people's sense of themselves as full members of their society.

As a consequence, there may be inferential and motivational links between people's political positions and their religious views. The political positions they adopt may be those favored by their churches. The arguments for those positions that come to them most readily may be those they have learned there. These may include religious or natural law arguments for policy positions on abortion, physician-assisted suicide, domestic partnership, the conduct of war, economic questions, and the death penalty.<sup>23</sup> Citizens may come to regard voting as a religious duty and may develop re-

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22. The empirical evidence supporting these claims is laid out in chapter 2 of PAUL J. WEITHMAN, *RELIGION AND THE OBLIGATIONS OF CITIZENSHIP* (forthcoming).

23. On abortion and assisted suicide, see, for example, John Paul II and the American Catholic Bishops, *Life Issues and Political Responsibility* (New Hope, KY: Catholics United for Life, 2000). On the death penalty, see, for example, *Talking about the Death Penalty* (Indiana Catholic Conference, 2000). I have chosen these two publications from many possible examples because they have been made freely available to congregants at churches I have recently attended.

ligious reasons for being politically active. They may think of their citizenship and its duties in connection with their society's common good—a good they conceive in terms drawn from their religious tradition. Thus, they may think of themselves as bearing part of a collective responsibility for attaining ends like the respect for God-given rights or for certain central precepts of the natural law. All this may be a natural consequence of the social mechanisms by which people become aware of and affirm their citizenship in Aristotle's sense. Hence, it may be a consequence of the ways they come to realize one of the most important conditions of full membership in their society.

## V.

What conclusions can we draw for the permissibility of citizens taking political actions from religious motives, voting for religious reasons, and offering religious arguments for their political positions?

The conclusions I want to draw are that ordinary citizens may vote for and advocate political positions from religious motives, even in the absence of other relevant motives, and that they may argue for their positions using religious premises which need not be made good by other relevant reasons.

These conclusions are sometimes defended on grounds of fairness. According to the fairness argument, it is unfair to require that religious defenses of political positions be supplemented by public or secular ones, and that religious motives be supplemented by secular ones. The requirements are unfair because they impose heavier burdens on religious citizens than on those whose preferred comprehensive doctrines are liberal or secular. The only fair thing to do is allow citizens to vote and act on any conscientiously chosen basis. Before turning to the grounds on which I defend my conclusions, let me say briefly why the fairness argument for them is misguided.

The argument may have some rhetorical force against thinkers like Rawls, whose theory of justice gives fairness a central place.<sup>24</sup> It is not clear, however, exactly what hardship the religious citizen is supposed to face. If Rawls is the target of the fairness argument, this is an especially worrisome problem. The alleged burden might be the intellectual one of imagining arguments cast in different terms than those the religious believer is accustomed to using. Or it might be the psychological one of trying to feel the pull of unfamiliar motives for her political positions. If it is either of these two, it is hard to see why the burden facing the religious person is any heavier than that facing a utilitarian, whom Rawls would also require to make good her preferred political argument by appeal to public reasons. But perhaps the issue is not the unfair distribution of bur-

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24. John Rawls, *Justice as Fairness*, 67 PHIL. REV. 164, 164 (1958).



dens. Perhaps it concerns the distribution of respect and disrespect. The idea may be that religious citizens face the ignominy of being told that their preferred reasons and motives are not good ones, at least for public purposes. This might be thought an especially galling form of disrespect because its object is precisely the religious outlook on the world that the religious person deems central to her identity and has worked hard to cultivate. Here again, however, it is not clear that the religious person has a special complaint. She is not being treated any less fairly than the utilitarian, whose reasons the Rawlsian view judges to be no better.

It might be replied that utilitarian reasons are more like Rawlsian public reasons than religious reasons are.<sup>25</sup> Indeed the similarity is such that utilitarian reasons often pass for public reasons and rarely elicit the suspicion that religious arguments do. When utilitarian arguments are challenged by interlocutors who want an argument in public reason, the challengers are, it might be thought, much more easily satisfied. Therefore, those who rely on utilitarian arguments are much less burdened by the duty of civility than those who rely on religious ones. The problem with this argument is, crudely put, that the duty of civility requires citizens to offer one another reasons which are *public* and not simply reasons which are *familiar*. Public reasons, Rawls says, are drawn from conceptions of justice that are capable of being presented as independent of comprehensive doctrine and which assign individual rights priority to claims of the general good.<sup>26</sup> It is far from clear that utilitarian claims can be presented this way. They seem to be drawn from conceptions of justice which depend upon controversial claims about human well-being and which subject individual rights to calculations of social utility. The fact that utilitarian arguments are commonly heard and often accepted in contemporary politics and economics does not alter the fact that they seem to fail Rawls' conditions on the publicity of reasons. Indeed it was precisely because Rawls was concerned with utilitarianism's hold on political thought that he developed justice as fairness in the first place.<sup>27</sup>

Or it might be replied that since Rawls is the target, the relevant comparison is not with utilitarians, but with comprehensive secular liberals. In that case, however, the fairness argument would be patently *ad hominem*.<sup>28</sup> Furthermore, the argument would then show merely that utilitarians, libertarians, Kantians, Aristotelians, the religious and sundry others are all treated unfairly in compari-

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25. I am grateful to Kent Greenawalt for raising this point.

26. John Rawls, *The Idea of Public Reason Revisited*, 64 U. CHI. L. REV. 765, 776 (1997).

27. THEORY OF JUSTICE, *supra* note 15, at vii.

28. And perhaps not *ad the hominem* in question since Rawls does not defend comprehensive secular liberalism.

son with comprehensive secular liberals, whose preferred reasons and motives are so like public reasons that they do not incur intellectual or psychological hardship by being forced to refer to them, nor do they face an ignominious degradation of their arguments. But the beauty of the fairness argument seemed to be that it gave the religious a special complaint. Once the religious are seen to be in the same position as so many others, the moral high ground they gained with the argument may seem too crowded to be worth occupying.

The proponent of the fairness argument faces a more serious problem. The argument itself is either question-begging or redundant. It turns on the claim that views of public reason like Rawls' would not merely disadvantage religious citizens, but would *unfairly* disadvantage them. This is so whether the argument asserts that the view would disadvantage the religious relative to everyone else, or would disadvantage the religious and almost everyone else relative to secular liberals. We can grant for purposes of argument that the religious would be disadvantaged by such a view. The problem is that an *unequal* distribution of advantages is an *unfair* distribution only when the disadvantaged have a claim to equal distribution. Without an argument that citizens may offer only religious arguments for their political positions, the religious citizen is no position to show that she has such a claim. She therefore cannot establish that the disadvantages imposed by the view would be unfair, regardless of what those disadvantages are said to be. To suppose that she can is to beg precisely the question at issue. On the other hand, if she has an argument that she may rely exclusively on religious reasons, it is hard to see what the fairness argument adds to it *except* rhetorical force.

Why, then, is it permissible for citizens to vote their religious convictions and offer religious arguments for their positions?

I emphasized earlier that their doing so is a natural consequence of the mechanisms by which many religious citizens are integrated into the political life of their society. The alternative, at least under current conditions, is that these citizens will not be part of their society's political life. They will, therefore, miss out on an important element of full membership. The importance of citizens being full members seems to me sufficiently high that it is worth the religious argument that results.

This *can* be described as a trade-off in which the benefits of extending full membership widely are weighed against the cost of religious argument. Some of my initial remarks suggested this way of thinking about the admission of religious argument and religiously-motivated action into political decision-making. But the language of costs and benefits can also mislead about how the argument goes. That language, and the thought that there is some preferred set of accessible or public reasons, can mislead us into thinking that citizens' reliance on accessible reasons would be cost-free. This could

happen if it was thought that there are reasons accessible to everyone, the general use of which would keep relations among citizens properly civil and respectful. The idealized state of affairs in which relations are on their proper footing could then serve as a benchmark for assessing losses of civility. Departures from the civility of this idealized state would be reckoned costs. These would be weighed against the increase in political participants, again measured against the benchmark state of affairs. And, the argument might be thought to conclude, the gain is worth the in-principle avoidable costs.

The problem with this way of casting the argument is that it is doubtful we can offer necessary and sufficient conditions for a set of reasons which do the job that accessible reasons are supposed to do. The general use of those reasons in public political argument is supposed to maintain benchmark relations among citizens. This requires that citizens recognize those reasons as good ones. More specifically, they must be able to recognize them as the sort of reasons they should offer and be offered when fundamental political questions are at stake. Unfortunately, the preconditions of citizenship in a pluralistic society make it extremely unlikely that there is a single class of reasons that can be commonly recognized as good ones for conducting debate among ordinary citizens.

This is because of what must be true of something for it to count as a reason. Propositions, beliefs, or desires do not count as reasons in isolation, or because we happen to accept or hold or have them. They count as reasons when they can enter into certain kinds of explanation and justification of action. To be able to enter into the relevant kinds of explanation and justification, they must be suitably connected to other propositions, beliefs, values, and ideals. It is from these connections that the things which count as reasons derive their reason-giving force. This implies that our ability to recognize a *reason* presupposes our tacit command of a complex moral structure, as our ability to recognize a grammatical sentence presupposes our tacit command of a complex linguistic one.<sup>29</sup>

I indicated earlier that getting people to think of themselves as participants in the political life of a liberal democracy requires transmitting knowledge of its political culture, its form of government, its common stock of political knowledge, and its democratic commitments. What they share with others includes propositions of a very high level of generality, like the claim that individuals have various rights, that democratic citizens are free and equal, and that various sorts of differences are to be tolerated. They may have many shared expectations of government, the satisfaction of which

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29. See T.M. SCANLON, WHAT WE OWE TO EACH OTHER 52-55 (1998). For the analogy of our grasp of linguistic structures, see RAWLS, THEORY OF JUSTICE *supra* note 15, at 46-47.

renders government legitimate in their eyes and contributes to its stability. Bringing about consensus on these matters and a general, if rudimentary, working knowledge of democratic constitutionalism are great achievements, but they are also achievements which are limited by pluralism. The very general propositions about rights, liberty, and equality that citizens have in common do not provide us reasons in isolation. They provide us reasons, I claimed, only when connected and systematized in moral structures.

In a stable liberal democracy, the structures that provide these claims their reason-giving force must show important similarities. But in a *pluralistic* liberal democracy, they show significant differences as well. Some connect rights-claims with the endowments of a benevolent Creator. Others connect them with the natural law. Still others connect them with hypothetical agreement in an original contract. Some explain political equality by reference to God-given human dignity. Others take it as self-evident. Which structure citizens accept depends in part upon how they became full members of their society. It depends upon how their political culture was transmitted to them, how they learned about rights and political equality, and how they learned to act as citizens. Those whose full membership depends significantly upon their churches may well accept structures which differ pronouncedly from the structures accepted by those integrated into full membership in some other way. These differences bring with them differences in the reasons citizens recognize as good ones, differences in the reasons they think they should offer and be offered in public political argument. These differences come to the fore in debates about the issues on which citizens are most deeply divided; indeed it is these differences which are responsible for the divisions.

It may be possible, in some sense of "possible," for citizens to converge on a moral structure which picks out a single set of reasons they will all recognize as good for political purposes, regardless of the mechanisms by which they achieve full membership. This is the possibility on which theorists of accessible reasons, from John Courtney Murray<sup>30</sup> to John Rawls and beyond, have pinned their hopes. But the possibility of such a public consensus, let alone a stable public consensus, strikes me as extremely remote. Its remoteness results in part from the mechanisms by which citizens are integrated into the public in the first place. Thus, in a pluralistic democracy with a rich and diverse civil society, it is highly unlikely that there will be a single set of reasons which, as a matter of fact, can do what accessible reasons are supposed to do.

Of course the proponent of accessible reasons can insist that the set of reasons she isolates as accessible are reasons that all citizens *should* recognize as good ones. She can maintain that the relations

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30. See JOHN COURTNEY MURRAY S.J., *WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION* (1960) (especially pages 97-123).

which would prevail among citizens if everyone recognized them as good ought to be the social benchmark. She can dismiss as unreasonable all the citizens who do not recognize those reasons as good ones. Given the depth and extent of disagreement about what reasons are good ones and the explanation for that disagreement, it is hard to see why we should accept that characterization. Indeed it is hard to see why this disagreement about good reasons is any less reasonable than those disagreements about the good life which are acknowledged as reasonable all around. Rather than describing the unqualified use of religious reasons in public debates as the cost of extending full membership to the unreasonable, it would be better to give up on the hope of locating one kind of reason that everyone can regard as good in public political argument. The foreclosure of this possibility simply reflects the limits pluralism imposes on public debate.

Another reason religious argument is acceptable in public debate is because it can *enrich* public deliberation. One way in which it can do so is by contesting regnant understandings of "full membership," and by challenging societies to extend full membership to those who would otherwise be marginalized, excluded, or forgotten. Who should be a full member of a liberal democratic society is a much debated matter even among liberal philosophers.<sup>31</sup> It would surely be a mistake to suppose that the religious have nothing to contribute, either philosophically or politically. Some churches are charged with giving offense by arguing that some of the rights of full membership should be extended to the unborn. But some of the same churches also argue vigorously for extending welfare rights to the poor, and educational and health benefits to immigrants. Whether or not immigrants should receive these benefits, the question of whether they should is surely worth debating, particularly in political climates in which there is high pressure to act precipitously. The question would not be debated without the intervention of churches and religious citizens who bring their comprehensive views to bear on the question.<sup>32</sup>

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31. See generally Allen Buchanan, *Justice as Reciprocity Versus Subject-Centered Justice*, 19 PHIL. & PUB. AFF. 227 (1990) (arguing that an individual's ability to contribute to society clashes with commonsense morality and fundamental legal institutions).

32. See the testimony of John Swenson, Executive Director of Migration and Refugee Services of the United States Catholic Conference, before the Immigration Sub-Committee of the House Judiciary Committee on June 29, 1995. Swenson's testimony concerned H.R. 1915, the "Immigration in the National Interest Act of 1995." See *Testimony of Mr. John Swenson* (visited March 26, 2001) <http://www.house.gov/judiciary/609.htm> (containing the official record of his testimony). Of the nineteen witnesses who testified before the House Immigration Sub-Committee on H.R. 1915, only two, including Swenson, represented organizations which provide social (as opposed to legal) services for refugees and immigrants. Swenson was one of only two witnesses who criticized the bill

It will not do to grant the potential value of religious political arguments, while insisting that they be supplemented in due course by accessible reasons. This looks like a substantial concession to the religious, permitting them to introduce religious argument into public debate. It is a generous view, compared with those according to which religious claims have no place. But by asking believers to make good their religious arguments by appeal to arguments of some other kind, it asks them to recognize that religious reasons are not good reasons for political action in their own right. The long-run consequence of this recognition will be either that they will cease to be offered at all, or they will be evacuated of their motivational and cognitive value in politics. But it was just because of this value that their introduction enriched public deliberation in the first place.

This second argument for admitting religious arguments depends upon the possibility that even citizens who are not religious can benefit from them. The possibility can easily be obscured by the way questions about the obligations of citizenship are sometimes addressed. These obligations are supposedly grounded on the importance of maintaining the right moral quality in civic relations—of maintaining mutual trust, civility, and respect. The citizens whose obligations are at issue are sometimes discussed as if their relationships develop in an abstract liberal democracy-as-such. In fact they belong to actually existing liberal democracies like the United States. Their education into social membership equips them with an extensive background knowledge of their fellow citizens. This background knowledge includes acquaintance with the religious traditions represented in their society and with the political role members of those traditions have played in their nation's history. This knowledge can have a profound affect on what some citizens make of the religious and moral arguments of others. That, in turn, conditions the way those arguments affect their relationship.

In some cases, adherents of a faith may be able to make religious political arguments with impunity because it is well known that their faith has made no efforts politically to impose its views on outsiders. This is the explanation some observers offer for the fact that Joseph Lieberman can say things members of the Christian right cannot. In other cases, someone's familiarity with the language of a faith to which she does not belong may enable her to "translate" someone else's religious argument into a secular one with which she agrees. Even Americans who are not Christians or theists may be familiar enough with Christianity that they can hear their own hopes for social justice echoed in religious arguments for an end to racial discrimination or economic injustice.<sup>33</sup> In still others, minimal

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for its potential to break up the families of immigrants and refugees. *See id.*

33. For racial discrimination, see, for example, Joshua Cohen, *The Arc of the Moral Universe*, 26 PHIL. & PUB. AFF. 91, 133-34 (1997) (describing how the call to end racial discrimination echoes itself in Christianity). For economic in-

familiarity with another faith may make it possible to learn something even from arguments with which we do not agree. As Jeremy Waldron wrote:

Even if people are exposed in argument to ideas over which they are bound to disagree—and how could *any* doctrine of public deliberation preclude *that*?—it does not follow that such exposure is pointless or oppressive. For one thing, it is important for people to be acquainted with views that others hold. Even more important, however, is the possibility that my own view may be improved, in its subtlety and depth, by exposure to a religion or a metaphysics that I am initially inclined to reject. . . . I mean to draw attention to an experience we all have had at one time or another, of having argued with someone whose world view was quite at odds with our own, and of having come away thinking “I’m sure he’s wrong, and I can’t follow much of it, but, still, it does make you think . . . .”<sup>34</sup>

The experience Waldron points to depends upon the possibility of understanding arguments that are sometimes deemed “inaccessible.” It also depends upon the willingness to listen to those arguments even if they give offense. Both the possibility of this mutual understanding and the general willingness to listen may depend upon a fragile set of conditions in a liberal society. How they are sustained, and how difficult they are to sustain, are questions at the intersection of sociology, history, and political theory. I cannot pursue them here. But I suspect that the conjunction of conditions will come apart more readily in a public culture which narrows the range of reasons citizens collectively regard as good ones.

Are there any limits to the use of religious argument in politics by ordinary citizens? In the extensive debates over what citizens owe one another by way of political argument, there is a great deal of attention paid to the reasons citizens should use to support their positions and the motives from which they should support them. There is far less explicit attention given to the question of what positions they may and may not support. This is surprising since good democratic citizenship is surely inconsistent with the advocacy of some substantive political positions. Regrettably, some of these are positions at which people arrive on the basis of their religious views. It may be that more people are led to patently undemocratic positions by secular ideology than by theological doctrine. But since *religious* political activism is sometimes thought peculiarly dangerous to liberal democracy, it is important to ask if there are positions citizens ought not advocate and vote for on the basis of their religious

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justice, see G.A. COHEN, IF YOU'RE AN EGALITARIAN, HOW COME YOU'RE SO RICH? 1-4, 181 (2000).

34. Jeremy Waldron, *Religious Contributions in Public Deliberation*, 30 SAN DIEGO L. REV. 817, 841-42 (1993).

convictions.

Though I cannot give this matter the attention it deserves, I am inclined to think that, at bare minimum, good citizenship in a liberal democracy is inconsistent with the attempt to deny any legal citizens full membership in their society. The notion of full membership is, as I have stressed, intellectually and politically contested. Earlier I sketched some of what seem to me reasonable requirements of full membership in a contemporary liberal democracy. I also mentioned how much that sketch left to be filled in. Those who satisfy this demand of democratic citizenship can fill in the blank spaces differently, publicly advocating opposed positions on a range of issues from abortion and homosexual marriage, to the death penalty, welfare reform and the right to work. What they cannot do consistent with their own good citizenship is try to impose what they themselves regard as second-class citizenship on other citizens, even in the name of their religious convictions.