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PAUL J. WEITHMAN

The Separation  
of Church and State:  
Some Questions for  
Professor Audi

In "The Separation of Church and State and the Obligations of Citizenship"<sup>1</sup> Robert Audi attempts "to build a framework that clarifies certain moral, legal, and political questions about religion and civil life" (p. 259). Much attention has been paid to restrictions on governmental activity that threatens freedom of religion; this is, Audi notes, how the separation doctrine of the United States Constitution's First Amendment has traditionally been understood (p. 259). But Audi sees the separation doctrine so understood as but one part of a larger issue: the separation of religion from politics. This latter separation must be properly observed if a free democracy is to function well. Audi therefore turns to ideals of freedom and democracy for guidance to determine what constitutes proper observance.

A theory that specifies this proper observance must include, as Audi's theory does, principles governing the conduct of churches and individuals as well as states. The principles for which Audi argues fall into three classes: (1) principles that apply to the activities of government institutions, (2) principles that apply to churches, and (3) principles that apply to citizens. They are:

- (1.1) *the libertarian principle*, which expresses the requirement that the state permit the practice of any religion (p. 262)

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1. Robert Audi, "The Separation of Church and State and the Obligations of Citizenship," *Philosophy & Public Affairs* 18, no. 3 (Summer 1989):259–96. Page references to this article appear parenthetically in the text.

- (1.2) *the equalitarian principle*, which expresses the requirement that the state not give preference to one religion over another (p. 263)
- (1.3) *the neutrality principle*, which expresses the requirement that the state give no preference to religion or to the religious as such simply because it is religion or because they are religious (p. 264)
- (2.1) *the institutional principle of political neutrality*, which expresses the requirement that churches “abstain from supporting candidates for office or pressing for specific public policies, especially the kind typically included in the platform of a particular party” (p. 274)<sup>2</sup>
- (3.1) *the principle of secular rationale*, which says that “one should not advocate or support any law or public policy that restricts human conduct unless one has, and is willing to offer, adequate secular reason for this advocacy or support” (p. 279). A secular reason is “one whose . . . status as a prima facie justificatory element does not (evidentially) depend on the existence of God, . . . or on theological considerations, . . . or on the pronouncements of a person or institution qua religious authority” (p. 278).
- (3.2) *the principle of secular motivation*, which says that “one should not advocate or promote any legal or public policy restrictions on human conduct unless one . . . is . . . motivated by adequate secular reason” (p. 284; italics in original)

Audi supports each of his principles by adducing reasons for thinking that its violation threatens one or more of the conditions characteristic of a well-functioning free and democratic society. These are not principles that Audi thinks should be written into law (see, e.g., p. 275). He does, however, believe that they express moral obligations, for he thinks that “a free democratic society is morally preferable to its alternatives” (p. 262), and he thinks observance of the principles necessary for the reali-

2. Since clergy are subject to principles (3.1) and (3.2) (pp. 277, 290), I ignore the “*individual principle of political neutrality*” mentioned on p. 277.

zation of such a society. Although the principles are quite generally phrased, it is, Audi says, often clear what they require (see, e.g., p. 274). Even in cases in which it is not immediately clear what the principles require, they clarify and guide deliberations. The principles express only *prima facie* obligations (p. 262); one may know, in some cases, what they require and yet be justified in acting to the contrary.

Because formulation of principles governing ecclesiastical and individual conduct has received less attention than has the traditionally understood separation doctrine (p. 259), principles (2.1), (3.1), (3.2), the institutional principle of political neutrality and the principles of secular rationale and secular motivation, are especially important contributions. Principles (2.1), (3.1), and (3.2) are also likely to prove quite controversial. Some recent writers on religion's place in politics have argued that religion ought to have a more prominent place in political argument than is allowed it by contemporary liberals.<sup>3</sup> This *prominence*, they argue, is a necessary condition for the effective functioning of free democracy. Because of the importance of these principles and because of their controversial character, I will focus on two of them—(2.1) and (3.2)—in what follows.

### *The Institutional Principle of Political Neutrality*

There are, I believe, good reasons to reject the principle of institutional neutrality, at least in the absence of more discussion than Audi provides. To appreciate these reasons, recall that Audi thinks observance of each of his principles is "required for the realization of [a free and democratic] society" (p. 262). Audi characterizes such a society as one of mutual trust and respect, civility, and religious liberty. But to so characterize the ideal of a free democracy is to leave aside very important questions about what else a commitment to the ideals of freedom and democracy requires. Some philosophers—most notably John Rawls—have argued that democratic ideals have profound implications for the just distribution of income and wealth.<sup>4</sup> Others have argued that they require changes in

3. See, e.g., David Hollenbach, s.j., "Public Theology in America: Some Questions for Catholicism After John Courtney Murray," *Theological Studies* 37 (1976): 290–303, and "The Common Good Revisited," *Theological Studies* 50 (1989): 70–94.

4. Rawls's use of democratic ideals to provide guidance in matters of economic justice is neatly distilled by Joshua Cohen's meticulous article "Democratic Equality" (*Ethics* 99 [1989]: 727–51).

the structure of the family,<sup>5</sup> protection of the rights of the unborn,<sup>6</sup> and aid to nonpublic schools.<sup>7</sup>

Addressing all of these issues would, of course, far exceed the scope of Audi's article. I raise them only to point out that an ideally free and democratic society would combine economic, educational, and familial ideals as well as the ideals of respect, trust, civility, and religious freedom on which Audi focuses. To assess the plausibility of Audi's principles, it is important to distinguish two ways in which their observance is required by a society that combines all of these ideals.

Audi's principles might be advanced to supplement some more comprehensive theory of justice in which an ideally just democratic society *is* described—John Rawls's theory of justice as fairness, for example. On this interpretation, Audi's principles would specify in more detail than does Rawls's work the conduct of churches and religious citizens in a society that realizes and is known to realize principles of political and economic justice. Audi could thus be read as arguing that observance of his principles is required for the *maintenance* or “[*continued*] realization” of a society that itself realizes a large cluster of democratic ideals.

But nothing in Audi's essay suggests this “ideal theory” interpretation.<sup>8</sup> On the contrary, Audi's careful applications of his principles to current issues in American politics (pp. 268ff. and pp. 286ff.) suggest that

5. See, e.g., Susan Moller Okin, “Humanist Liberalism,” in *Liberalism and the Moral Life*, ed. Nancy Rosenblum (Cambridge, Mass.: Harvard University Press, 1989), pp. 39–53.

6. See Germain Grisez's review of John Rawls's *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971) in *Review of Metaphysics* 26 (1973): 764–65.

7. John Courtney Murray, S.J., wrote of the denial of public aid to parochial schools—the issue that separates Audi from Leo Pfeffer (see p. 275 n.14)—that it “was never in conformity with the moral canon of distributive justice.” He also compared arguments for the denial of aid with those adduced in support of the racial segregation of public schools. See his “Is It Justice? The School Question Today,” in his *We Hold These Truths* (New York: Sheed and Ward, 1960), pp. 143–54, esp. pp. 145ff. Murray, as is well known, was strongly committed to the separation of church and state; his writings on the relationship of the two led to his silencing by the Vatican in the 1950s. Murray would, however, disagree with Audi on what a commitment to separation entails.

8. With the possible exception of “here as elsewhere in this article I am talking not about the scope of the *right* of free expression but only about what principles *ought* (ideally) to govern behavior *given* a proper separation of church and state” (p. 276 n.16). I do not think that the parenthetical “ideally” supports the “ideal theory” interpretation in the face of the contrary evidence the text presents.

he takes the principles to express obligations that bind churches in and members of extant political societies committed to religious liberty, most notably the United States.

An ideally just society is not one that Americans must try to *maintain*, because the United States is not now such a society. Rather, an ideally just society is one that Americans must attempt to *bring about*. Norms like Audi's, which govern the political conduct of religious Americans and their churches, might therefore be intended to govern those attempts. On this "non-ideal theory" interpretation, Audi thinks observance of his principles necessary for the transition to a more fully free and democratic society.

But what of conflicting attempts to more closely approximate the various democratic ideals? The United States is arguably quite far from realizing the ideal of economic justice that commitment to democracy entails; it is certainly quite far from realizing Rawls's difference principle. What if potentially effective attempts to make the distribution of wealth and income more democratic would be impeded by adherence to principles required for realizing the ideal of religious liberty as Audi conceives it?

To see how such a conflict of ideals might arise, consider *Economic Justice for All*, the pastoral letter on the American economy issued by the U.S. Catholic Bishops.<sup>9</sup> The letter seems to violate principle (2.1). First, although the Bishops do not have the authority to speak for the whole of the Roman Catholic church, they do exercise teaching authority over American Catholics and speak for the Catholic church in America. Their pastoral letter is therefore the pronouncement of a church. Second, the letter "press[es] for specific public policies": job-training and apprenticeship programs,<sup>10</sup> national eligibility standards for welfare programs,<sup>11</sup> equitable pay for women,<sup>12</sup> legislation extending labor protection to farm workers,<sup>13</sup> and a host of other measures.

The Catholic Bishops advocated these "specific public policies" in part because of their belief that a well-functioning free democracy requires far greater economic justice than presently characterizes the U.S. econ-

9. *Economic Justice for All* (Washington, D.C.: U.S. Catholic Conference, 1986).

10. *Ibid.*, p. 79.

11. *Ibid.*, p. 104.

12. *Ibid.*, p. 98.

13. *Ibid.*, p. 119.

omy.<sup>14</sup> They also thought that an official and morally binding pronouncement by all the Bishops would best make members of their church understand and act upon their obligations of justice.<sup>15</sup> Did their advocacy of specific public policies in violation of (2.1) violate their obligation to help bring into being a free democracy?

If the Bishops' goal—greater economic justice—is required by a commitment to democracy and if their advocacy of public policies in fact significantly helps to mobilize support for greater economic justice, it is at least not clear that they violated that moral obligation. A similar argument can be made for church involvement in the civil rights movement of the 1960s. If free democracy required racial equality, and church advocacy of civil rights legislation secured or accelerated support for that legislation, then it is not clear that churches by their advocacy violated an obligation to promote a free democracy. These examples provide at least some reason to think the institutional principle of political neutrality too strong.

Audi might reply that his principles express only *prima facie* moral obligations (p. 262), obligations that have a presumption in their favor but that can be overridden if circumstances—such as economic or racial injustice—demand it. While this reply may deflect the charge of undue strength, it raises the question of how much guidance the principles provide. Surely a fuller discussion of the circumstances that permit or require violation of the principles would facilitate their proper observance. Such a discussion would require more democratic theory than Audi supplies. In particular, it would require much more refined discussion of the economic and political ideals that a well-functioning free democracy realizes, of how those ideals are to be ranked, and of whether and why the principles may be violated when pursuit of democratic ideals such as

14. See the section of the letter's introduction entitled "Why We Write": "As Americans, we are grateful for the gift of freedom and committed to the dream of 'liberty and justice for all' . . . We believe we honor our history best by working for the day when all our sisters and brothers share adequately in the American dream" (*ibid.*, p. viii).

15. I leave aside the question of whether this belief was correct, since whether or not ecclesiastical pronouncements are effective cannot be the issue that divides Audi and me. It was his estimate of the (potential) political power of churches that led Audi to frame norms governing ecclesiastical conduct in the first place; if churches cannot muster support for the policies they advocate, it is difficult to see what threat they pose and what need there is for principles like Audi's. What divides us is our beliefs about whether ecclesiastical exercise of political power always or often threatens democracy and freedom and whether, by seeming to do so, it threatens mutual trust and civility.

economic justice or racial equality conflicts with the pursuit of religious liberty and other ideals on which Audi focuses.

Even without the additional discussion I have suggested, Audi's principles could provide needed guidance to societies that realize or closely approximate all democratic ideals or in which the greatest threat to their realization is the commingling of church and state. The society he addresses, however, is not like that. It is a society that conspicuously fails to realize a number of democratic ideals. It is, as I tried to suggest in my brief discussion of economic justice and my brief allusion to racial equality, a society in which pursuit of some of those ideals conflicts with respect for the separation of church and state. It is not obviously a society whose democracy is most threatened by religious intrusions into politics; the threat posed by economic injustice is arguably as great. Nor, I submit, is it a society so lacking in tolerance and mutual trust that *any* public policy advocated by *any* church will be received as a veiled assertion of sectarian doctrines and interests. There are no doubt some issues (abortion, perhaps) that raise such suspicions, but others (such as economic justice and racial equality) do not.

Audi framed his institutional principle because of his concern that political power in the hands of churches threatens free democracy; it is, however, precisely their potential political power that makes churches such potent instruments for transition to a more just society. Without greater attention to the diversity of democratic ideals, the role churches can play in their realization, the likely reception of churches' efforts to realize these ideals, and the possibility of their conflicting pursuit, the principle of institutional neutrality fails to provide the guidance churches need in their efforts to build a freer and more democratic society.<sup>16</sup>

### *The Principle of Secular Motivation*

I now turn to Audi's principles of individual conduct. I will focus on the stronger of the two, (3.2), the principle of secular motivation. This prin-

16. I have focused throughout this section on the second clause of (2.1), which forbids churches to advocate specific public policies. Parallel questions could be raised about the first clause, which forbids churches to support (and by implication to oppose [cf. p. 275 n. 14]) candidates for office. What of candidates whose success would threaten democratic ideals such as racial equality? How is the threat they pose to be weighed against the threat to democracy Audi would think posed by church intervention in the election? The recent Louisiana candidacy of a former wizard of the Ku Klux Klan shows that the objection is not a fanciful one.



ciple is a *very* strong one. It reads: “One should not advocate or promote any legal or public policy restrictions on human conduct unless one not only has and is willing to offer, but is ALSO *motivated by*, adequate secular reason” (p. 284; capitals mine, italics in original). This implies that acts proceeding from religious motives are acceptable only if a sufficient secular motive is also in fact operant.<sup>17</sup>

Does someone who violates this principle thereby violate a moral obligation to promote free democracy? The principle, Audi says, applies to legislators, judges, lawyers, government officials executing laws, and private citizens proposing them (p. 289). In what follows, I will, for simplicity’s sake, restrict my discussion to the case of private citizens, since different considerations are relevant in the case of those holding public office. I concede, for the sake of argument, that commitment to democracy requires observance of (3.1), the principle of secular rationale. The question with which I am concerned is, therefore: Do private citizens who use secular arguments to advocate public policy that restricts human conduct thereby violate any moral obligation if they are not moved by sufficient secular motivation for their advocacy?

I want to discuss this question in light of an example Audi proposes, that of someone opposed to abortion (pp. 286ff.). Consider someone who opposes abortion because she believes that zygotes are ensouled by God at the moment of conception and believes so on ecclesiastical authority. Suppose that she decides, without the urging of ecclesiastical authority, to act on her opposition by publicly advocating stringent legal restrictions on abortion.

Assessment of the propriety of her motives clearly requires their proper description. What the person I have imagined intends to bring about by her advocacy of legal restrictions on abortion is the prohibition of acts that she believes are morally wrong. She does not intend that the teachings of her church be written into law, nor does she intend that her church triumph in the political arena, although both of these may be unintended consequences of her action if the legislation she supports is passed. She does not act on a secular motive sufficient for her advocacy:

17. To appreciate the strength of the principle, consider a weaker one that does not require that the sufficient secular motive be operant. This weaker principle might nonetheless permit actions that proceed from partially or purely religious motives, provided one has secular reasons for action that do not in fact move one at all but that would suffice for the action in question in the absence of religious motives.

her motives are religiously based insofar as the deliverances of ecclesiastical authority explain her belief that abortion is morally wrong and insofar as this belief is crucial to her formation of an intention to advocate restrictions on abortion.

Suppose further that she advocates legal restrictions on abortion using secular arguments: she appeals to moral but nonreligious values (cf. pp. 290ff.), for example, the values of life and the protection of the innocent, and to the interest political society has in regulating reproductive practices and in protecting life. She draws on these values and on biological arguments like those Audi suggests in his own example (pp. 286–87) to argue that the government has a compelling interest in the protection of fetal life.

Her reasons for using secular arguments need not be merely prudential. She might believe that in a religiously pluralistic society public argument must be secular because she thinks that applications of public power are illegitimate if justified by appeal to values that some could reasonably reject and she recognizes that some reasonable people reject religious values. Moreover, she recognizes a moral obligation to look for good arguments that conform to publicly accepted standards of evidence and canons of reasoning.<sup>18</sup> The secular argument by which she defends restrictions on abortion is one that she believes conforms to such standards and canons. Note not only that her argument complies with (3.1), but also that it would comply with a strengthened version of it that restricted the secular rationales that can be offered. Because of the criterion of legitimacy the person in my example accepts, she believes that the secular rationale she offers must not appeal to values that others could reasonably reject.

Why does the person in my example fail to take the separation of church and state or of religion and politics as seriously as freedom and democracy require? Why must she conform to the principle of secular motivation? Audi offers a number of arguments for the principle. I want to consider how some of them apply to the example I have proposed and suggest that they do not suffice to establish the need for the principle of secular motivation. My counterarguments are meant to suggest that a strengthened version of the principle of secular rationale—like the one

18. Here one of my reasons for restricting discussion to private citizens should be clear. Legal standards of reasoning and evidence—necessary were my argument generalized to include judges—surely require separate treatment.

to which the arguments of my example conform—would suffice. I will not, however, defend such a version here.

Audi argues that it is wrong for someone to offer others reasons for action that do not move her, for several reasons. First, he says, to do so “smack[s] of manipulation” (p. 282), it is to “use the reasons as psychological levers” to move others to do what we want (p. 282). But the person in my example employs secular arguments because she accepts a secular criterion of political legitimacy: she thinks that public power is used illegitimately if its use cannot be justified without appeal to religious values. That public power is used legitimately and that it can be publicly known to be so used are very great political values, and I have supposed that she recognizes them as such. Moreover, she recognizes that political values are a species of moral values. Insofar as she is moved by concerns about political legitimacy, then, she is moved by a moral value and therefore has moral, nonreligious reasons for using secular arguments. Because her reasons for employing secular arguments are moral and not merely prudential, she does not seem to be engaged in manipulation; conformity to (3.1) but not (3.2) therefore need not smack of it. Her conduct would smack of manipulation if there were no restrictions on the secular rationale she felt she could offer, but I have supposed that acceptance of a principle of political legitimacy imposes some such restrictions.

Second, Audi says that this “kind of argumentation and persuasion . . . exhibits at best surface cooperation; it does not achieve the shared decision so characteristic of a successful democracy” (p. 282). How much sharing is necessary for successful democracy and what sort of cooperation is “surface” are, of course, matters for debate. But the argumentation and persuasion I have in mind in my example need not exhibit *superficial* cooperation. The argument of the example proceeds from moral and political values that all parties share: the values of life and its protection, and the value of protecting the innocent and the need to impose at least some regulation on reproductive practices. These are very important and fundamental values. Arguments about abortion can be arguments in which both parties agree on their importance. The outcome of such arguments might be cooperation that respects those values in a way that is mutually acceptable.

The point is that political cooperation and argument are not superficial if there is agreement for moral reasons on the moral and political values

that may be appealed to and that any resolution of the political dispute in question must respect. The “depth” of the cooperation that results from such argument can be increased by progressively strengthening the principle of secular rationale and by imposing ever greater restrictions on the values to which the person proposing the rationale may appeal. The more fundamental and important the values, the less superficial the argument and consequent cooperation. With the requirement that the political values articulated by Rawls’s conception of justice furnish the shared basis for a secular rationale, for example, the resulting cooperation would not be at all “surface” or superficial.<sup>19</sup>

If there are no or not enough values that are the objects of consensus, then no such cooperation or argument will be possible; but in that case conformity to (3.2) will do no more to facilitate resolution of the dispute than will conformity to (3.1). On the other hand, not being moved by sufficient secular motivation does not preclude recognition of those fundamental moral and political values, nor does it preclude conscientious appeal to them in political argument.<sup>20</sup>

Audi offers another set of arguments for the insufficiency of the principle of secular rationale and the need for the principle of secular motivation. He asks: “If what actually moves me to hold my position is religious considerations, are not my religious commitments the main determinants of my views and actions concerning how *others* should behave in civil society, including others who lack those commitments?” (p. 283). Allowing religious commitments to determine how others should behave is, he says, contrary to the ideals of freedom and democracy. The problem is that what those who allow this “are really *doing*—as judged, naturally enough, by the motivation underlying it—is pursuing a religious aim or commitment, or even agenda” (p. 283). Moreover, allowing this undermines the basis of mutual respect, for “there is a certain lack of respect implied in seeking my agreement to a policy by offering reasons by which one is not oneself moved” (p. 283).

I will first consider the second of these arguments. Does offering rea-

19. For a discussion of the articulation of political values by conceptions of justice, see John Rawls, “The Domain of the Political and Overlapping Consensus,” *New York University Law Review* 64 (1989): 223–55.

20. For the possibility of religious consensus on Rawls’s conception of justice, see Philip Quinn’s review of Alasdair MacIntyre’s *Whose Justice? Which Rationality?* (Notre Dame, Ind.: University of Notre Dame Press, 1988), forthcoming in *Faith and Philosophy*, and Harlan Beckley, “A Christian Affirmation of Rawls’ Idea of Justice as Fairness,” *Journal of Christian Ethics* 13 (1985): 210–42 and 14 (1986): 229–46.

sons by which one is not oneself moved *imply* a lack of respect for one's interlocutors? Certainly not. Whether or not it shows disrespect depends upon the reasons offered and upon one's reasons for not offering the true religious rationale for one's action. Someone might offer a secular rationale which appealed to reasons she thinks all reasonable persons or all reasonable members of a democratic culture could accept; she might refrain from offering her religious rationale because she recognizes that it would be found compelling, not by all reasonable citizens, but only by those whom God has gifted with faith. Surely there is no lack of respect implied by supposing that God has not so gifted someone and there is great respect implied by addressing someone as a reasonable person. There is therefore no lack of respect *implied* by conformity to (3.1) but not (3.2). Disrespect remains a possibility, but its probability could be greatly reduced with qualifications of the former restricting the rationales that can be offered and the reasons for which they can be offered.

Now let us turn to what one who conforms to (3.1) but not (3.2) "is really doing" to see whether her conduct undermines free democracy. She does not intend, as I suggested earlier, to have her religious convictions written into law, nor does she intend a political victory for her church. She intends, rather, the legal restriction of an act she considers morally wrong. She thinks abortion morally wrong because of the pronouncements of ecclesiastical authority. But formation of the intention to support restrictions on abortion depends also upon her reasoning about what sorts of immoral behavior ought to be restricted, about how they ought to be restricted, about how much energy she should devote to ensuring their restriction, and so on. Moreover, if, as I have supposed, she offers secular arguments for the restrictions she advocates, her conduct requires her to consider how the restriction of abortion follows from or coheres with fundamental moral and political values that she recognizes as morally binding (even if they do not move her) and to which others in her society subscribe.

What the person in my example is "really doing," then, is, first, determining what political action her religiously inspired moral conviction demands and, second, constraining her action so that it is defensible by arguments that conform to the principle of secular rationale or some strengthened version of it. She *does* advocate restrictions on the behavior of others that are rooted in her own religious beliefs. But is such conduct necessarily inimical to freedom and democracy?

Much depends, of course, upon what ideals a free democracy realizes.

My argument against the institutional principle of political neutrality turned upon my assertion that the principle dealt inadequately with the conflicting *pursuit* of democratic ideals. The principle of secular motivation, on the other hand, rests on a conception of free democracy that fails adequately to reconcile democratic ideals whose *realizations* may conflict. It is no surprise, of course, that democratic ideals can compete. Democratic theory has long tried to show how the ideals of liberty and equality can be interpreted in a way that makes their simultaneous realization possible. It has tried to do the same with “the liberties of the ancients” and “the liberties of the moderns.”<sup>21</sup> Audi’s work forces us to think about how efforts to separate church from state and religion from politics may conflict with other democratic ideals.

Let us first examine more closely the ideals with which separation might conflict. One reason for valuing a free and democratic society is that such a society best enables citizens to develop and exercise their moral capacities and to develop and act on moral desires and interests. These moral capacities, desires, and interests include most prominently those involved in appreciating, affirming, and acting on a conception of what is most valuable in human life. For the religious person, like the person in my example, much of the value of a free democracy is thus the opportunity it holds out for her to practice her religion, to come to better appreciate its theological and moral teachings, to act on those teachings when she determines that political action is demanded, and to develop the character and motives to which her religious conception dictates that she aspire. An important ideal of free democracy is therefore the existence of conditions in which this development and exercise of the moral capacities is possible.<sup>22</sup> Realization of this ideal would indeed conflict, as it does in my example, with the ideal of a society in which no one restricts the conduct of others for reasons that are religious. The problem is how best to resolve this conflict.

To adopt the principle of secular motivation is to settle the conflict by neglecting the ideal discussed in the last paragraph. Any other settlement, Audi implies, “violates the spirit of separation of church and state,

21. See Rawls, *A Theory of Justice*, p. 201.

22. The idea that liberty is sought not for its own sake but for the development of the moral capacities is Rawls’s. See his “The Basic Liberties and Their Priority,” in *The Tanner Lectures on Human Values* (Salt Lake City, Utah: University of Utah Press, 1982), 3:1–87, esp. lecture 1.

*understood to rest* on the ideals of freedom and democracy presupposed in our discussion” (p. 283; italics mine). But why not a weaker principle and a conception of free democracy that more evenly balances the democratic ideals of separation and maximal scope to act on one’s religious convictions?

The principle of secular rationale could, I have suggested, be qualified so that only some rationales—for example, only those that appeal to the values articulated by Rawls’s conception of justice or only those that appeal to values no one could reasonably reject—would be admissible. This would in itself be a significant restriction on the conduct of the religious. But even so fortified, the principle of secular rationale would be far weaker than that of secular motivation. And asking of religious citizens that they constrain their conduct by the former principle better accommodates conflicting democratic ideals than does asking that these citizens make so radical a change in their structure of motives.