

The Lukewarm Religions of Rawls’ Overlapping Consensus

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With regard to abortion, I accept my church’s position that life begins at conception. That’s the church’s judgment. I accept it in my personal life. But I refuse to impose it on equally devout Christians and Muslims and Jews and—I just refuse to impose that on others, unlike my friend here, the congressman. I do not believe that we have a right to tell other people that women can’t control their body. It’s a decision between them and their doctor, in my view.

—Vice President Joe Biden

I. Introduction

Biden’s statement neatly exemplifies Rawls’ ideal separation of one’s Comprehensive Moral Doctrine (CMD) from the sphere of political reason. Given what Rawls calls the “burdens of judgment,” it is unreasonable for any citizen in a democratic society to expect all others to adopt his or her exact same doctrine (54).¹ Therefore, it is also unreasonable to use the values and beliefs of one’s particular CMD to form laws that will apply equally to all citizens. Doing so would force those who reasonably disagree with one’s CMD to act in accord with it. If a legitimate and stable

¹ Although a CMD can be any system of values that extends beyond the political (containing “nonpolitical values and virtues” (Rawls 175)) this paper will treat only religious CMDs. Whether parts of this critique can be extended to cover other types of CMDs is an open question.

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democracy is possible, its laws and statutes cannot be grounded in justification that is particular to a single CMD. In this paper, I will argue that Rawls' solution to the problem of agreement among diverse CMDs—his ideas of a reasonable citizenry and of an overlapping consensus (OC)—requires that the populace be devoid of any authentic religious belief that directly or indirectly implies social law. I will bolster my thesis by proposing that interpreting one's religion to fit Rawls' notion of a "reasonable citizen" for the sake of democratic values forfeits one's claim to authentic religious beliefs by prioritizing secular values above strict adherence to one's religious doctrine (Rawls 48).

II. Pluralism and the Overlapping Consensus: Rawls' View

The problem that occupies Rawls in *Political Liberalism* is how a society can endorse a single conception of justice, imposing a universally enforced set of laws despite the great plurality of beliefs and doctrines present in any liberal democracy. Although, as Rawls argues, it may be inappropriate to base the principles of justice and the laws of society on the teachings of one or another CMD, a reasonable agreement may still be reached. By drawing upon the ideas and values that are present in what Rawls calls the "public political culture" a non-biased political conception of justice can be formed (13–14). The public political culture is comprised of the ideas that are implicit in the design of its government and in its other basic institutions. In a democratic society, the values upheld by the public political culture include equality, liberty, and fairness. A reasonable citizen within such a society is (a) willing "to propose fair terms of cooperation and to abide by them provided others do," and (b) takes full account of the difficulty of judging and choosing a doctrine to live by ("the burdens of judgment") (Rawls 54). For these two reasons, the reasonable citizen is willing to use and accept "public reason," i.e. reasons available to all in the public political culture (Sterba 2).² Through their respect and endorsement of principles based on the public values of equality, liberty, and fairness, reasonable citizens are able to overcome tensions in their plurality of beliefs and reach agreement on matters of basic justice (Rawls 24; see also Sterba 4).

² Interpreting how one must practice public reason is a difficult task, and Rawls' view on this issue evolved over the course of his career. Here I rely on John P. Sterba's interpretation that "citizens may propose whatever considerations they like for public policy... provided they are also prepared 'in due course' to offer considerations that comply with public reason" (Sterba 2).

Rawls does not ignore the tension that exists between the moral demands of certain CMDs and the requirements of a reasonable citizen. He proposes a multi-staged process by which a religious democratic citizenry can incorporate political values that overcome the tension between reasonableness and the diverse CMDs and allow for an overlapping consensus (OC) to form. Although mutual peace may begin as a mere *modus vivendi*, citizens will likely come to a constitutional consensus, which guarantees certain basic political rights and liberties while specifying the democratic procedure by which disagreeing parties must compete (xxxix). Rawls argues that with this constitution in place, citizens will find various reasons within their own particular CMDs to support a political conception of justice (xxxix). In a democratic society, the liberal political values of equality, liberty, fairness, as well as "Tolerance, being ready to meet others halfway, and the virtue of reasonableness," become very great values, values that normally outweigh other values (Rawls 157). The reason for the high esteem of these political values is because they constitute "the very conditions that make fair social cooperation possible on a footing of mutual respect" (Rawls 157). Although these political values stipulate certain constraints on how a CMD may wield its political power, these are the very values that ensure that the members of a certain CMD may practice their own way of life, unmolested by others. Ultimately, argues Rawls, these values become cherished for more than this mere instrumental value as they are integrated into each of the different CMDs, relieving the original tension between the moral demands of a CMD and the requirements of reasonableness.³

III. Comprehensive Moral Doctrines and the Reasonable Citizen: Three Levels of Conflict

Does the overlapping consensus resolve the tension between Rawls' conception of a reasonable citizen and the moral demands made by CMDs? The overlapping consensus requires that citizens come to share and endorse the same set of values, and that they use these values to settle disputes. When arguing in the sphere of political action, a reasonable citizen is required to use and accept arguments made on the basis of public reason. However, one is forced to wonder why certain sects would conform to such

³ Contrast this evolutionary value-integration account with Huemer where he claims that Rawls' overlapping consensus would require actual argumentative or manipulative engagement with the devout or unreasonable in order to succeed. Huemer's argument will be discussed further in section 4.

strict requirements. For example, what motivation do devout Catholics have for conforming to public reason in regard to the issue of abortion? They certainly have a motivation insofar as conforming fosters a cooperative society, allowing them to practice their own beliefs in peace. These motivations concern improving their quality of life and ensuring a general right to religion, but could such motivations outweigh an unequivocal command from a sacred text, the completion of which requires the use of unreasonable means? The question is whether the demands of the *reasonable person* can truly be harmonized with the dictates of religion. Answering this question requires an examination into the areas of potential conflict.

At several steps along the way to a full-fledged OC, the individuals adhering to certain CMDs are required to endorse secular, political values. Most importantly, this occurs in the reliance on public reason to vindicate legal constraints on the behavior of other citizens in a pluralistic society. The endorsement of secular, CMD-neutral values is highly problematic for an ideal believer, or one whose values are truly and completely shaped by his or her religious CMD.⁴ The ideal believer is one who responds exclusively to the values within his or her CMD, refusing to alter those values for the sake of values that are not contained within the CMD itself. Conversely, non-ideal believers are those who would revise their beliefs, downplay or eliminate some of its values, or reshape the constitution of their CMD for reasons external to those found within the CMD itself. The theologian Karl Barth similarly explained his conception of religious CMDs: “Religion is the possibility of the removal of every ground of confidence except confidence in God alone” (88). Thus, for the ideal believer, God’s Word constitutes the only standard by which to judge action and weigh values. With such value-prioritization, beliefs on the personal level as well as the legal level have the potential to conflict with the requirements of reasonableness. These potentially conflicting beliefs are of three kinds: (1) beliefs that apply to the personal level, without legal implications, (2) beliefs that suggest legal action, but do not explicitly mandate it, and (3) beliefs that are explicit legal mandates.

Purely personal moral mandates lack content in regard to how political power should be used, and thus they are the least likely type of moral belief to come into conflict with the requirements of the reasonable citizen. And yet, it is easy to imagine a case in which a certain illegal

⁴ The notion of an ideal believer is not supposed to convey that the content of their beliefs is fixed according to a single “correct” interpretation of a religion or religious text. Rather, their standard of what is good or bad is a function of how well a certain action or belief coheres with their best understanding of their religious CMD.

action might be necessary for one to practice one’s religion (or philosophy) even while legalizing it by means of an appeal to public reason would be impossible. Imagine, for example, a society that has banned the slaughter and consumption of animals. The ban has come about by an appeal to values that exist in the public political culture (equality, perhaps) and are presumably shared by all reasonable citizens. Now imagine a religion that requires its adherents to sacrifice an animal to honor their deity. Although this religious precept does not imply any sort of legal statute mandating sacrifice, it still conflicts with the requirements of a reasonable citizen, namely their readiness to abide “by principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so” (Rawls 49). Can adherents be rationally expected to drop their practice and follow the law? Would this not imply prioritizing the values of the public political culture above the religious commandments of their deity, thereby undermining their religious commitment?

The problem is worse in the case of religious teachings that contain legal implications. Disputes regarding public education present a wonderful example since they involve selecting between disparate standards of truth. If the factual contents of a religious text cannot be proven by secular means (public reason), like scientific research, would a true believer be content to accept the strictures of such investigative means to determine the school curriculum? Say a devout Christian became head of the department of education, and thinking of Genesis⁵ or Joshua 10:12–14,⁶ had to decide whether to base a curriculum on scientific research or on the Bible. Now, God never says “Thou shalt base your public education curriculum on the teachings of the bible,” but the New Testament does say “Preach the word; be ready in season and out of season; reprove, rebuke, and exhort, with complete patience and teaching” (2 Tim. 4:2–4). It also says: “If anyone comes to you and does not bring [the teaching of Christ], do not receive him into your house or give him any greeting, for whoever greets him takes part in his wicked works” (John 1:10–11). And Peter warns explicitly that those who bring false teachings (according to biblical facts), i.e. “heresies,” will impinge upon themselves “swift destruction” (2 Pet. 2:1).⁷ Even if commitment to propose fair terms of agreement and to use public

⁵ In this passage, the Earth and its inhabitants are created by God.

⁶ In this passage, the sun is claimed to be a mobile body.

⁷ 2 Peter 2:1–22 this verse also reminds us that God has no problem committing genocide when the world appears too “ungodly,” nor does He hesitate to cast even angels into the depths of hell (2 Peter 2:6).

reason in the political sphere works to facilitate mutual coexistence among diverse CMDs, it is highly unlikely that the ideal Christian educator (qua Christian), committed to the Bible as the word of God, will prioritize this mutual coexistence in the face of complete confidence in biblical facts and simultaneous threats of eternal damnation for false teachings. And this is only one religion and one example of the kinds of potential conflicts that exist between non-explicit legal implications of a CMD and the demands of the reasonable citizen. There are many teachings espoused by our most widespread religions that are simply not compatible with Rawls' strictures.⁸ Again, I am not arguing that a true Christian must hold these beliefs. Perhaps there are several different, equally legitimate variations on what a Christian may believe. Nevertheless, these passages suggest that some of these variations conflict with the demands of reasonableness. Changing one's interpretation for this reason is to prioritize values outside of one's religious CMD, and to thereby become a non-ideal believer.

The final category of potential conflicts most clearly demonstrates the incompatibility of certain CMDs and the requirements of a reasonable citizenry. This category concerns religious rules that appear as direct, legal commands. The legal format of these moral or religious precepts is evident in that they explicitly mention the kind of punishment that must be inflicted upon transgressors of these laws. The second largest religion in the world, in fact, has an entire legal system that stems from two of its religious texts: the Qur'an and the Sunnah. There are many mandates in Sharia law that one could not justify by an appeal to the public political culture of a democratic country. For example, one passage of the Qur'an states this:

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. (*The Qur'an* Surah 4:34)

⁸ One Christian group, Creation Ministries International, published the following comment on their website under the subheading "The Bible is history!": "It's clear that from the very first verse of Genesis, the Bible is concerned with giving a factual account of how God has interacted with the earth. This means that it must give historically accurate details, as well as being theologically accurate. In fact, what we believe about God is based on historical claims, so if the history is inaccurate, then the theology must be as well!" (Cosner "How Does the Bible Teach 6,000 Years?").

Such treatment of women—especially men's right to be in charge of women—is a mandate that leaves little room for interpretation. It is an explicit commandment, and many Muslims treat it so: "In Muslim societies, there is a pervasive belief that international standards—or women's rights and efforts to promote them—are un-Islamic or even anti-Islamic because they contradict and conflict with shari'a" (Hajjar 16). In fact, this is but one controversy of many. Sharia law also faces heavy criticism for its treatment of homosexuality and its approach to freedom of conscience, thought, and religion.⁹ Imagine a devout Muslim judge coming to a verdict regarding a case of domestic abuse with a female victim. Would it be consistent with his religion to rule in favor of the woman? What reason could outweigh his religious beliefs?

A corresponding body of laws, the Halakhah, exists for Judaism (Friedman).¹⁰ Similarly, these laws are derived from a sacred text and stipulate that one act in a manner completely contrary to that which the ideals of our public political culture would uphold. A sample of this kind of law can be seen in a selection from the 613 Jewish laws based on the Torah and assembled by Maimonides: "For a rapist to marry the woman he raped, as Deuteronomy 22:29 states: 'She shall become his wife'" ("Positive Commandments" 3:218). Furthermore, "for a rapist not to divorce the woman he raped, as Deuteronomy 22:29 states: 'He may not send her away for his entire life'" (Maimonides "Negative Commandments" 3:358). Needless to say, such a law is not consistent with the democratic values of equality, liberty, and fairness. And yet, for Rawls' overlapping consensus to obtain, for a strictly Jewish citizenry to abide by the constraints of public reason, a refusal to enact the Torah-derived laws of the Halakhah is absolutely necessary. That is, coexistence must take precedence over one's devoutness.

One of the culturally relevant clashes between democratic law and religion for an American audience appears in the heated debates between various Christian sects and secular society. Catholics in particular vehemently support a prohibition of abortion. Women, according to this CMD, should be legally restrained from accessing abortion procedures. Catholics can look to at least two sources: direct passages from the Bible

⁹ On this point, see Kurtz, Dacey, and Flynn 2009.

¹⁰ Information on Halakhah comes from: David D. Friedman's "Jewish Law: A Very Brief Account."

and statements by the Pope.¹¹ The Bible makes it explicit that fetuses are to be treated as living beings: “If men who are fighting hit a pregnant woman and she gives birth prematurely, but there is no serious injury, the offender must be fined whatever the woman’s husband demands and the court allows. But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot” (Ex. 21:22–24). Beyond the Biblical foundations of treating a fetus as a legal person, Pope John Paul II obviated the hopelessness of a reasonable (in Rawls’ sense) Catholic stance on abortion when he declared the following:

[The Church’s position on abortion] is unchanged and unchangeable. Therefore, *by the authority which Christ conferred upon Peter and his successors...* I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written word of God, is transmitted by the Church’s tradition and taught by the ordinary and universal magisterium. No circumstance, no purpose, *no law* whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to *the law of God* which is written in every human heart. (*Evangelium Vitae* 62 emphasis added)

Although this argument may appear to reference some of the values in our public political culture, it is at base a religious argument. That is, although the Pope claims that abortion is “the deliberate killing of an innocent human being,” this belief is “based upon the natural law and upon the written word of God.” This law of God is not a part of public reason and cannot therefore legitimize political action or strengthen an overlapping consensus. Neither can a belief in papal infallibility. Yet, these doctrines would be the basis of an ideal believer’s moral opposition to legal abortion.

Since the Pope’s argument is supported by reasons inherent to the Catholic CMD and not reasons in the public political culture, it would be unreasonable to enact legislation on the basis of this argument. This can be granted. But, again, why should a devout Catholic care about reasonableness? Rawls rightly believes that the citizens in a democratic regime are *capable* of being reasonable (xxxix), but if I hold a CMD that places

¹¹ This is especially the case given the Catholic doctrine of papal infallibility. For an official statement on papal infallibility, see *Lumen Gentium* 1964.

other virtues above those of reasonableness, then to act in good conscience, to be truly devout, I must practice these other virtues even if that means being unreasonable. If I could disregard these rules, values, or virtues when I found it inconvenient, then what would be the point of having these religious rules or a religious text (that allegedly embody the word of God)?

Of course, a reasonable citizen may employ one of many methods to ameliorate the tension between religious and political law. For example, he or she could claim that one’s text contains a high degree of figurative language or could skim over the less liberal-friendly passages. However, if a reasonable citizen’s motive for doing so resides in pursuing harmony through reasonableness, instead of pursuing accurate religious practice, then such an interpretation would prioritize certain values (secular values) above the values of one’s religious CMD. In this sense, to show that Rawls’ requirements for the reasonable person are not amenable to authentic religious belief, one need only show that such requirements necessitate a revised reading of one’s text or a revision of one’s religious beliefs for the sake of values outside of the religious CMD itself. Many religions contain beliefs which would require revision or disbandment in order for their adherents to meet the standards of reasonableness.¹² If undertaken for reasons other than the most pure understanding and practice of one’s CMD, then these discards and revisions are impossible for the ideal believer.

Although we could explore numerous other examples, I have at least shown that, given Rawls’ requirements, the three major Western religions may easily contain elements that would bar their devout members from being considered reasonable. I would also suggest that many of the examples I have provided go well beyond merely tinkering with one interpretation or another; they involve explicit legal mandates from what they perceive as the ultimate authority. The main point of this section can be neatly summed up by a passage from Wolterstorff:

[It] belongs to the *religious convictions* of a good many religious persons in our society that *they ought to base* their decisions concerning fundamental issues of justice on their religious convictions. They do not view it as an option whether or not to do so. It is their conviction that they ought to strive for wholeness, integrity, integration,

¹² The commitment to apply one’s religious rules exclusively within one’s sect cannot prove to be a solution, since some rules would require the involuntary cooperation of certain members of that sect, violating their basic rights and thus proving unreasonable. Furthermore, it is not intelligible to suppose that Allah or Yahweh or Jesus Christ desire that their commandments be realized only on a micro-level.

in their lives; that they ought to allow for the Word of God, the teachings of the Torah, the command and example of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. (Audi and Woterstorff 104–5)

IV. Secular Values and Meta-Atheism: The Possibility of the Overlapping Consensus

One striking feature of Rawls' *Political Liberalism* is the lack of discussion regarding the actual content of most predominant type of CMD: religious belief. Perhaps Rawls overlooked the issue. On the other hand, the neglect may have been intentional. What is important for stability and the OC is not the actual content of religious doctrine itself or the most popular interpretation but rather the real-life practice of religious doctrine and the beliefs that the so-called religious *actually* espouse.

Religious doctrine tends towards absolutism. It often demands that its values take priority over all others. This fact is clearly demonstrated by the story of Abraham and Isaac in which Abraham is ordered by God to bind and kill his son, Isaac. The narrative presents a test of Abraham's devoutness, of his fear in God. What determines the actions and beliefs of ideal believers such as Abraham is not their reasonable considerations of the burdens of judgment or their moral ability to propose fair terms of cooperation. Rather, their beliefs and actions directly result from a devout faith in their doctrine and its values. To not follow the edicts of one's doctrine would indicate a lack of seriousness on the part of the believer—what Kierkegaard might call a “double-mindedness” (27). In this sense, Abraham is presented in the Bible as a paradigm of the ideal believer, i.e., one who holds no value whatsoever, even the life of his child, above his belief in the Truth of his religious doctrine. As we have seen, such intensity of belief and such disregard of reasons external to that belief do not bode well with respecting the rights of others to foster a harmonious, pluralistic society.

Rawls' most explicit answers to this sort of Abrahamic unreasonableness are unsatisfactory. He responds to the conflict between a particular CMD and the requirements of a liberal democracy by avowing that the values of the political realm will overpower the conflicting values of the CMD: “How can the values of the special domain of the political ... normally outweigh whatever values may conflict with them? . . . Values of the political are very great values and hence not easily overridden: these values govern the basic framework of social life” (Rawls 139). However, as we have seen, such reasons simply do not appeal to the devout religionist. The devout

religionist is one who would say: “outside the church there is no salvation.” To this kind of a doctrine, Rawls responds that “such a doctrine is unreasonable” (138).¹³ We have already examined whether this reasonableness, this clean division between religious and political spheres, is consonant with religious doctrine. We found that it is not, at least for the ideal believers. The important question for Rawls' project, then, is whether reasonableness or ideal belief is more prevalent in observable democratic societies.

In terms of stability, the tension between the religiously devout and the demands of reasonableness is only a problem for Rawls' project if there are significant populations of unreasonably devout sects. That is, if there are large numbers of ideal believers that place the teachings of their CMD above all other concerns, such as reasonableness. Is this the case in our society?

Michael Huemer argues that this is the case. He contends that there are factions of unreasonable zealots large enough and powerful enough to undermine the possibility of coming to an OC (barring, of course, the use of force or the relinquishing of their CMD)(1–4). Since such religious devoutness entails the prioritization of religious values over the secular values of the public political culture, it is difficult to see how such an individual could ever be motivated to adopt the strictures of reasonableness and embrace the basic principles of the overlapping consensus. More precisely, Huemer argues, it is difficult to see how considerations of reasonableness could drive Christian fundamentalists to endorse principles such as justice as fairness which guarantee rights and policies in direct opposition to legislation commanded or implied by their CMD (11). Given that Christian fundamentalists form a sizeable and politically powerful sector of our society, achieving an overlapping consensus is impossible.

Huemer cites several examples of unreasonable practices that threaten the OC:

Enforcing Christian moral values, supporting the church, and helping to spread the faith, insofar as it is practicable. As just a few examples of this, [The fundamentalist] believes that prostitution, drug use, sodomy, pornography, and all similarly “immoral” activities ought to be illegal, regardless of whether they interfere with the liberty of others... he supports prayer in public schools and other such, lesser expressions of public support for

¹³ Rawls might bolster this claim by arguing that such unreasonable doctrines do not form a part of the overlapping consensus and may be excluded. This approach, however, will not do unless he can convincingly argue that they constitute a small and politically impotent minority.

the church... he opposes any extensive social welfare programs, perhaps because he feels that they grant unearned profit to certain people and by that means encourage moral degeneracy. (378)

What's peculiar about this list of examples is its extreme heterogeneity. What does banning drug use have to do with opposing social welfare?¹⁴ Expanding on Huemer's list of the actual stances of religious fundamentalists, we see fervently held patterns of belief that range from decrying abortion and same-sex marriage to favoring militaristic intervention and supporting tax cuts. What holds these beliefs together is evidently not a logical connection, nor is it religious doctrine. The scripture is often silent or ambiguous regarding the political views held by society's fundamentalists. From a historical perspective, this mix of views is as modern as the mega-churches that espouse it. What Huemer ignores, and what Rawls emphasizes, is the contingent, culturally-evolved aspects of religious belief (Rawls xxxix, and 168–164). Thus, Rawls might tell Huemer that the beliefs of the fundamentalists are in no way set in stone. Their CMD does not resemble historically inherited, ancient belief, nor does it resemble a logically connected, necessary pattern of beliefs. These CMDs have evolved and will continue to evolve. They are subject to social contingencies. Furthermore, once a reasonable and just constitution is set in place, the political culture will exert a marked influence on the values of every CMD, which will come to integrate them into their own set of values.

Does this culturally contingent feature of religion make it impossible to be truly devout? If religions evolve on account of exogenous values (as the fundamentalists' have), does this make it impossible to be the ideal believer described earlier? It shouldn't, since the sources of one's CMD are distinct from one's fervent prioritization of its values and dictates, which is all that ideal belief requires. So the real question that must be answered to defuse Huemer's criticism is whether our current society is populated by people that hold fast to their historically quite fluid beliefs. Have we in modern times somehow become more rigid, i.e. more "ideal," as believers than those of the last two millennia?

J. S. Mill argued as late as 1859 that this was not so: "it is scarcely too much to say that not one Christian in a thousand guides or tests

¹⁴ In fact, these stances seem to be at odds, since one is based on the idea that we should interfere to stop others from making personal, immoral decisions (i.e. doing drugs), while the other view asserts that positive interference leads to degeneracy and that moral virtue springs from independence (i.e. not relying on the resources of others).

his individual conduct by reference to those laws [contained in the New Testament]. The standard to which he does refer it, is the custom of his nation, his class, or his religious profession" (34). Mill is describing a phenomenon that coheres nicely with Rawls' idea of an OC. He points out that people use the teachings of their CMD—in this case, the New Testament—to justify other priorities, such as societal customs, which parallels Rawls' idea of a public political culture. Mill's observations suggest that social, life-based concerns influence the values contained within our CMDs.

By following Mill's line of thought further, Georges Rey argues that our society is, in fact, afflicted by a widespread, though suppressed, atheism. He identifies disparities between what Christians avow to believe and how they act despite these avowals. Rey highlights inconsistencies between the teachings of religion and the typical believer's actions, making a compelling case for what he calls "meta-atheism" (2). For example, Rey maintains that the death of a loved one should feel more like momentary separation, that is, it should be far less devastating if one truly believed that only a few years stand between the funeral and an eternity in paradise with said loved one (26). Rey's argument suggests that, for religious CMDs, the officially espoused values and beliefs do not maintain a privileged position in regard to our decisions or practical choices. Our religious belief only goes so deep and is not fully internalized.

If it is true that the vast majority of people use their religion to rationalize their other values, then Rawls' idea of an OC seems far more plausible. It is plausible for two reasons: (a) As Rawls pointed out, citizens have strong motivational grounds for recognizing the burdens of judgment and acting accordingly, i.e., for being reasonable. Reasonableness (and its corollary, tolerance) provide a necessary condition for the practice one's own religion and for mutual coexistence and respect among diverse CMDs. Reasonableness is valuable because it significantly enhances the quality of life in a given society. And (b) as Mill's conjecture regarding the self-rationalizing function of religion points out, most citizens use their CMDs to rationalize their other values, for example, tolerance or cooperation. Mill argues that we use religion to bolster or rationalize values that we hold for non-religious reasons (34). Rey argues that, in practice, we ignore or refuse to fully internalize certain religious teachings due to meta-atheism (2). If either Mill or Rey is roughly correct, then we have an explanation as to why religious believers would be sensitive to the more secular values discussed in reason (a). This sensitivity is precisely due to the fact that they are not ideal believers.

All of Rawls' other arguments regarding the power of political values, their ability to outweigh other values because of their fundamental role in assuring fair social cooperation, now fall into place. The OC could come

about, but it depends on Rawls' notion of reasonableness. And this notion requires that religious citizens prioritize values external to their religions, or else use their respective religions to rationalize their other, more secular values. In other words, the OC depends upon the condition of non-ideal belief—that certain values (e.g. tolerance and reasonableness) will outweigh the radical demands of leaders and scripture.

Rawls' OC, if it obtained a Christian acceptance, would be one more example that Rey could use to support his theory of meta-atheism. It is part of the CMD of a Catholic that abortion is murder and murder should be prohibited because God dictates so. If they place the concerns and values of the public political culture above the decrees of God, then we see yet another way in which their beliefs are compartmentalized and not permitted to enter into the sphere of the practical. We see a separation of their theory from their practice, which is indicative of someone that is not fully confident in their theory. Catholics accepting and giving arguments based on public reason, and not abusing their power, indicates that their priorities are in this life, this world, and this democracy.

There is, however, a plausible objection that arises here. Citizens may embrace reasonableness as a *means* of practicing their religion or serving their deity. The conditions of reasonable citizenry form an indispensable basis for the practice of various CMDs in a pluralistic society. If citizens do not recognize the burdens of judgment and if they are not willing to propose fair terms of cooperation, then social life becomes a struggle between CMDs for political power, ultimately ending with the disenfranchisement of many, if not most, proponents of diverse CMDs. This argument, however, bears little on the psychology of the ideal believer. Deciding that, in terms of religious practices, some is better than none, represents a kind of utilitarianism of religious rites that would be repellent to the adherents of various religions. Imagine if someone were to explain to a modern-day Abraham that killing his son is a violation of the values of our public political culture and that by rejecting public reason he will harm the social bases that allow him to practice many of his other beliefs. At that point, the voice of God chimes in: "Sacrifice the child." Listening to the reasonable explicator of Rawls' principles would imply turning his back on the core of his faith. What matters to a religion is that one strive to the best of one's ability to practice it fully, not that one maximize the "amount of religion" that one can plausibly practice given the social fact of pluralism.

V. Conclusion

Religious belief is zero-sum: if one modifies it or acts contrary to its demands for reasons external to the CMD itself, then one is rejecting it and choosing a distinct set of values or beliefs. The requirements of Rawls' reasonable person entail just this sort of rejection for all strict adherents of major religions. Although reasons could be found within certain religions to support liberal principles of justice, this special emphasis of certain aspects and the intentional downplay of other aspects is based on secular priorities such as toleration, which depend upon a prevalence of reasonable citizens. In other words, such observances would entail a rejection of the internal standard by which most religions judge good and bad actions. The reasonable person cannot be an authentic believer of most major religions, if by "authentic believer" we mean "ideal believer" as characterized earlier.

Although I have argued that religious belief as actually practiced in our society does not, as others have claimed, undermine the possibility of the OC, what I have argued may appear to diminish the appeal of Rawls' project as a whole. The allure of Rawls' OC centers on its supposed ability to harmonize disparate belief systems, to gather a diversity of colors into the great mosaic of a liberal society. Yet, I have argued that the harmony of this mosaic requires that its tiles be pallid. One would expect that implementing a substantive theory of justice would require compromise between the various CMDs. In order for CMDs to integrate new values such as coexistence, harmony, tolerance, or quality of life, adherents must act on reasons that are not part of their CMD, unless said values are already embodied in its edicts. Under conditions of robust belief, citizens may simply find it impossible to come to a consensus. And further, the requirement that religious CMDs be modified according to secular values, which prioritize life-affirming values, suggests a lack of fairness, for it requires that the religious, and not the secular, bifurcate their lives between religious belief and political action.¹⁵ Thus, although I have defended the possibility of Rawls' overlapping consensus, I believe the considerations in this paper give reason to question how pluralistic it really is, or better, how pluralistic a substantive conception of justice really can be.

Many religions decree that their adherents act in a way that affirms their faith through unreasonable actions. One example would be prohibiting abortion on the grounds that a sacred text or spiritual leader commands it. Rawls' idea of an overlapping consensus argues that a diverse citizenry

¹⁵ See Audi and Wolterstorff on this point.

can converge on mutually held values, justified in diverse ways. However, these political values are secular, worldly values. They cannot outweigh the zealot's religious values, for strict adherence to these values is rewarded with eternal bliss. Fortunately for Rawls and for democracy, zealots are rare, and most people, even if they avow to believe a religion, actually demonstrate through practice that they hold secular values higher than their religious ones. Their religious values are used to bolster, and rationalize their secular values, e.g. the "custom of [one's nation]." It thus appears that it is only insofar as the majority of religious avowals are non-ideal, disingenuous, or self-deceptive that they are compatible with a peaceful, stable democracy. Whether you view this as an indictment of religion or an indictment of democracy will depend upon your own comprehensive moral doctrine.

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