BOOK REVIEW

RELIGION IN THE PUBLIC SPHERE

Michael J. Perry, *Love and Power: The Role of Religion and Morality in American Politics*, New York, Oxford University Press, 1991, viii, 218pp.

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In Love and Power Michael J. Perry[1] endeavors to articulate the proper relation of morality to politics in a religiously and morality pluralistic society. The book offers a constructive contribution to a political dialogue from which the contemporary constitutional and political theories have tried to exclude religious connotation.

Perry has elaborated compelling arguments that focus on the role of moral convictions to political deliberation in his prior work, *Morality, Politics, and Law*. In its conclusion he has suggested that "politics in a morally pluralistic society is about the credibility of competing conceptions of human good, and that political theory fails to address question of human good is vacuous and irrelevant."[2] In other words, political theory that brackets moral essential aspects of one's very self. What the author means in saying "one's very self" turns out to be being "truly, fully human" which he correctly points out to be of great importance in speculating upon fundamental political issues.

Asserting that no grounds of a competing political choice can be "neutral", the author develops the argument for the possibility of "ecumenical political dialogue". He successfully maintains that an ideal of "ecumenical politics", which embraces moral or religious convictions about human good, nourishes a form of political discourse in a prolific way.

I

The book starts by addressing a question: "What is the proper role, if any, of religious-moral discourse in the politics of a religiously and morally pluralistic society like the United States? If religious-moral discourse should not be excluded from 'the public square', how should it be included: how should such discourse be brought to bear in the practice of political justification?"(p.5)

Facing these kinds of crucial questions, Perry contends, most of the constitutional or political theorists such as Bruce Ackerman[3], Thomas Negel[4], Kent Greenawalt[5] have not taken them seriously and have elaborated "neutral" politics, which Perry claims to be impossible[6]. Perry accuses Ackerman and Negel of their fraudulent legitimation of the political choices in the way they pretend to be "neutral".

In this respect, the book offers another form of attack to "liberals" accusing them of relying ultimately upon independent and reasonable "self", thus neglecting religious belief as a tenable justification of political issues. Similar claims of exclusion and silencing has been made by feminists and those who claim racial equality. Just as feminists claim that their assertion of gender equality has been an indispensable force in the endorsement of rights enumerated in the Fourteenth Amendment of the U.S. Constitution, Perry asserts that some kind of religious view is a necessary underpinning of important political values or the notion of human rights.

Thus, his first question raised above can be restated as "how can such claims — claims that such-and-such a (moral) right ought, as a moral matter, to confer such-and-such a rights on (virtually) all human beings, that conferral of the rights is morally required — be justified, if at all? Can such claims be justified without reliance on further reliance on further claims, sometimes disputed, about human good?"(p.30) In other words, can such claims be credible without asking what it means to be "truly fully human"?(p.41, emphasis added) He devotes a full chapter to examine the question, and concludes that "a practice of political justification from which disputed

beliefs about human good are excluded lacks the normative resources required for the addressing our most fundamental political-moral questions, like questions about human rights".(p.42)

<center>II</center>

Thus, the question is not whether to mix religion and politics, but how to mix them. That is, "how, in what way or ways, ought religious (and other) moralities to be politicized in a society as religiously and morally pluralistic?"(p.82) He approaches this question with his discussion of "ecumenical political dialogue".

Before turning to the author's case for "ecumenical political dialogue", it would be helpful to examine briefly his idea of "religion". Perry defines religious faith as "trust in the ultimate meaningfulness of life--- that is, the ultimate meaningfulness of the world and of one's life, one's own being, as part of and related to, as embedded in, the world." As one of the reviewers of this book points out[7], Perry's definition of religious faith is indisputably ascribed to the understanding of religion maintained by Paul Tillich. Developing Tillich's approach, Perry presumes that it is unnecessary to use the term "God" to apprehend the essence of religious faith: "a person of faith need not even be a theist, in the sense of one who finds God-talk meaningful."(p.72)

In refining the definition of religious faith, Perry employs a situation that compels one to encounter with a feeling or view that one is "a stranger, an alien, homeless, anxious, vulnerable, threatened, in a world, a universe, that is, finally and radically, unfamiliar, hostile, perhaps even pointless, absurd."(p.68) One response to the situation is to conclude that life is finally meaningless, and that if it is to be meaningful, that meaningfulness must be originated by that person. The other is "religious": "the trust that life is ultimately meaningful" or a belief that "one is or can be bound or connected to the world, and, above all, to Ultimate Reality in a profoundly intimate and ultimately meaningful way."(p.70)

Now, turning to examine the main discussion. Perry elaborates two complemen-

tary practices as the principal constituents of ecumenical politics; a certain kind of dialogue and a certain kind of tolerance.(p.83) Ecumenical dialogue entails two attitudes; notion of the fact of fallibilism and pluralism. "To be a fallibilist is essentially to embrace the ideal of self-critical rationality. To be a pluralist is to understand that a morally pluralistic context can often be a more fertile source of deepening moral insight than can a monistic context."(p.101) Equipped with the two attitudes, ecumenical dialogue supports ongoing political critique and self-critical reflective practices. He also asserts two crucial virtues in dialogues; "public intelligibility and public accessibility."(pp.105-8)

What Perry idealizes as religious discourse is one that meet these two standards. He characterizes "public intelligibility" as a dialogic virtue and defines if as follows: "it is the habit of trying to elaborate one's position in a manner intelligible or comprehensible to those who speak a different religious or moral language--to the point of translating one's position, to the extent possible, into a shared language."(p.106) The virtue of "public accessibility" is "the habit of trying to defend one's position in a manner neither sectarian nor authoritarian."(p.106)

In addition, he nonetheless concedes that "ecumenical political dialogue" is surely an important element of the social soil in which dialogue must grow, if it is to grow at all. Tolerance is an important precondition of dialogue."(p.129) What he defines as the constituent of "ecumenical political tolerance" is "(a) political tolerance, tolerance on the part of us and our representatives acting politically, *qua* state, and (b) of beliefs judged false and of behaviour judged immoral."(p.129) He devotes the last chapter to discussing the viability of "ecumenical political tolerance" rather than coercive politics by specifying several considerations: fallibilism (in conjunction with pluralism), self-interest, compassion, community, and consciousness.(pp.129-38) Thus, he contends that "(a)lthough liberalism-as-neutrality is a dead end, liberalism-as-tolerance is not ....Tolerance is the only viable way of preserving the liberal commitment to individual freedom in a genuine political community." (p.138)

In the conclusion of this book, Perry shows his confidence that "ecumenical political dialogue and tolerance" constitutes a form of political community that takes very seriously an image---a moral image that is also a political image that is, finally, a religious image---central of "the Jerusalem-based religious": an image that "stresses equality and also fraternity, as in the metaphor of the whole human race as One Family."(p.145) As that image depicts, what he contends as an *ideal* of political community is one in which love (*agape*) and power are intimately combined. Thus, "the central problem of politics for some of us, given our deepest convictions---religious convictions---about the truly, fully human way to live, is the relation of love to power."(p.145)

CONCLUSION

Writing *Love and Power*, Perry has done much to surpass the treacherous and futile history of the relation between religious convictions and political choices, and to signify a new paradigm for the resolution of political divisiveness in a morally pluralistic society. In his robust attempt to answer the question he raised at the beginning, he offers what we may call "ecumenical version" of John Rawls' "idea of an overlapping consensus"[8] though Perry distinguishes himself from Rawls in chapter 1 of this book. As this review might have pointed out, the function of "ecumenical political dialogue" is best accomplished where the "plurality of reasonable but incompatible comprehensive doctrine" is secured.

Though Perry often talks about "community,"[9] he largely concedes that a community cannot survive unless it tolerates the various incompatible religious or moral convictions, and thus offers a ground for "a deliberative, transformative politics---as distinct from a politics that is merely manipulative and self-serving."[10]

As Perry himself admitted, whereas "liberalism-as-neutrality" is obsolete and exhausted, "liberalism-as-tolerance" is "the only viable way of preserving the liberal commitment to individual freedom in a genuine political community."(p.138) The

advocates of modern liberal political theory such as John Rawls or Ronald Dworkin, seek to clarify the prospect of agreement over common good through "justice" in particular sense. Take Rawls for example. In his often-quoted 1987 article in *Oxford Journal of Legal Studies*, Rawls asserts the idea of "an overlapping consensus,"[11] from which he derives the legitimacy of pursuing the common good in the religiously, morally, and politically pluralistic society such as the United States. This idea of an overlapping consensus enables social unity to be well-balanced and secures a concept of justice endurable over the generations.

However valuable this book's contribution might be, he seems to fail arguing one of the conceivable underpinnings of his discussion. Is "ecumenical political dialogue" still religious, as he maintains, if it satisfies the two prerequisites ("public intelligibility and public accessibility") he assigns? That is, the Rawlsian concept of political liberalism[12] which is restricted by and grounded in "the fact of pluralism" in effect seeks to gain similar justification in a more secular term. After all, if "ecumenical political dialogue" is provided with "public intelligibility and public accessibility" under the circumstances of a large, pluralistic, liberal political community like the United States, does it still have significance to be claimed as religious? Perry might claim "ecumenical political dialogue" to be religious in its origin. I would nonetheless say that evoking the "truly, fully human way to live" is indeed effective deriving most of its ideal not from the language of "the Jerusalem-based religions" which Perry mostly relies on, but from many other religious or non-religious ideals which he does not take so seriously.

Moreover, the "truly, fully human way to live" could be derived from non-religious moral beliefs which comprises genuinely transcendent content equivalent to conventional religious beliefs[13]. Religion is not the exclusive, though most common, source of convictions about how and why human life has intrinsic value. As Dworkin points out in discussing the real issue in *Roe v. Wade*,[14] an atheist might have convictions about sanctity, the importance and the value of human life, and

"these convictions are just as pervasive, just as foundational to moral personality, as the convictions of a Catholic or a Moslem,"[15] and such beliefs could participate properly in political dialogue as Perry propounds exclusively for the Jerusalem-based religions.

NOTES

(1) Howard J. Trienens Professor of Law, Northwestern University School of Law.

(2) Michael J. Perry, *Morality, Politics and Law: A Bicentennial Essay* (New York: Oxford University Press, 1988).

(3) Sterling Professor of Law and Political Science, Yale University. See, e.g., Bruce A. Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980).

(4) Professor of Law, New York University. See, e.g., Thomas Nagel, "Moral Conflict and Political Legitimacy," 16 *Phil. & Pub. Aff.*, p. 218 (1987).

(5) Benjamin N. Cardozo Professor of Jurisprudence, Columbia University. See, e.g., Kent Greenawalt, *Conflict of Law and Morality* (New York: Oxford University Press, 1987); and Kent Greenawalt, *Religious Conviction and Political Choice* (New York: Oxford University Press, 1988).

(6) But see, Sanford Levinson, "Religious Language and the Public Square" (Book Review), 105 *Harv. L. Rev.*, pp. 2061, 2065-70 (1992).

(7) Edward B. Foley, "Tillich and Camus, Talking Politics," 92 *Colum. L. Rev.*, pp. 954, 960-2 (1992). See also, David M. Smolin, "Regulating Religions and Cultural Conflict in a Postmodern America: A Response to Professor Perry" (Book Review), 76 *Iowa L. Rev.*, p. 1067 (1991).

(8) John Rawls, *Political Liberalism*, especially Lecture IV (New York: Columbia University Press, 1993). See also, Foley, *supra* note 7, at pp. 969-70.

(9) The word "community" must be one of the most controversial terms in political theory recently. There would be a significant difference between the conceptions of community held by those who we may call "communitarians" and by the "liberals". Though it may not be fair to condense the communitarian claims into one outstanding feature, one of their

main discussions indisputably stems from the opposition against what we may call the Kantian conception of individuals. Rather, they are likely to ground individuals upon "community". Thus, "community," in most respects, is not supposed to be made up of independent individuals with various conflicting values, but individuals with homogeneous values disguised of their different traits. In spite of the "communitarian" attack against liberals, liberal political theorists have never omitted the importance of the concept and existence of the community. They have seen "community" in different way which communitarians may well claim to be fraudulent. See e.g. Stephen Mulhall & Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992).

(10) Perry, *supra* note 2, at 4.

(11) John Rawls, "Overlapping Consensus," *Oxford J. of Legal Studies*, 7 (February 1987); *supra* note 8, at pp. 133-72.

(12) Rawls, *supra* note 8.

(13) Ronald Dworkin, "Unenumerated Rights," in Geoffrey Stone et al. ed., *The Bill of Rights in The Modern State*, pp. 411-4 (Chicago: University of Chicago Press, 1992).

(14) 410 U.S. 113 (1973).

(15) Dworkin, *supra* note 13, at p. 413.