A CRITICAL ANALYSIS OF MARY WARNOCK'S ARGUMENT

FOR THE EXCLUSION OF RELIGIOUS ARGUMENTS

FROM PUBLIC MORAL DISCOURSE

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by

Mark Wayne Warnock

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APPROVAL SHEET

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Mark Wayne Warnock

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For my parents

"But in order that it may spread no further among the people,

let us warn them to speak no more to anyone in this name." (Acts 4:17)

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PREFACE

In the providence of God, I have found myself living in an era in which the influence of religion upon public life in America is in decline. The moral and sexual revolution launched just before I was born has fought its way to public acceptance and legitimacy, and now poses fresh and urgent challenges to religious freedom. The political and intellectual forces dedicated to the excision of religion from public life have become ever more insistent and shrill. To borrow Doug Wilson's apt metaphor, the plug in the moral tub was pulled with relish in the 1960s, and now the last remnants of moral reason are circling the drain. At the same time, religion refuses to obey the prophecies of its demise, and instead is reasserting itself culturally and politically in myriad ways. Christianity in particular is showing signs of new life in many places all over the world. Writing amid this historical and cultural setting has made working on this dissertation all the more thrilling and all the more urgent.

The journey toward completion has nevertheless felt lonely and long. As I look back, however, I see that the path was liberally strewn with encouragers. Rob Pochek, who belonged to the first cohort of the modular Ph.D. at The Southern Baptist Theological Seminary, was the first to encourage me to do it. Pastor Jonathan Peters and the good people of First Baptist Church of Columbia kindly gave me permission to pursue the degree and were generous and flexible as I juggled its demands. The wonderful people and leaders of Family Church West Palm Beach, too, have been more than accommodating and encouraging. Jimmy Scroggins, Steve Wright, Christian Ramos, Scott Crawford, Kevin Mahoney, Keith Albert, and many others have cheered me on with unflagging moral and practical support, for which I am deeply grateful. I still cannot believe I get to serve Christ with such an able team.

I need to thank my committee, who before they were patient readers of this

CHAPTER 1

INTRODUCTION

Religious people living in liberal democracies find themselves simultaneously privileged and disadvantaged. Their freedom to exercise religion is generally protected, and in many ways given preferential treatment.[1] At the same time, any religious argument they offer for consideration in political discourse is widely thought inappropriate and unwelcome; religious citizens are thereby politically constrained in a way others are not.[2] Modern formulations of liberal political theory have wrestled with the admissibility of religious arguments in public moral discourse, and those with most influence in recent decades have adopted an exclusionist posture toward religious arguments, considering them out of bounds in the legislature, and to a lesser degree in the broader cultural conversation about political matters.[3] Religious worldviews are indeed "comprehensive perspectives," as Rawls calls them, meaning that among their asserted truths and moral

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[1]Micah Schwartzmann, "What If Religion Is Not Special?" *University of Chicago Law Review* 79, no. 4 (2012): 1352-53.

[2]Schwartzmann writes, "The Establishment Clause says that Congress cannot pass any law respecting an establishment of religion. It does not prohibit the establishment of nonreligious ethical or moral views. Religion is special in the sense that it suffers from a legal disability that does not apply to secular beliefs and practices. Similarly, the Free Exercise Clause identifies religion as the subject of special protection. Congress is prohibited from passing laws prohibiting the free exercise of religion. There is no general prohibition on laws restricting the free exercise of nonreligious beliefs and practices. Thus, any theory that seeks to explain the Religion Clauses must provide an account of what is special about religion in terms of both its disabilities and protections. The problem, however, is that religion cannot be distinguished from many other beliefs and practices as warranting special constitutional treatment. As a normative matter, religion is not special. Again, we find ourselves in something of a bind. Religion must be special, and yet it is not." Ibid.

[3]Simone Chambers gives a helpful overview of the range of exclusionist and inclusionist positions and recent attempts to find compromises between them. Simone Chambers, "Secularism Minus Exclusion: Developing a Religious-Friendly Idea of Public Reason," *The Good Society* 19, no. 2 (2010): 16.

claims, they often make public moral claims as to how society ought to be ordered.[4]
Thus, a conception of political order that rules religious claims out of bounds for public
conversation directly conflicts with the self-understanding of religious worldviews and
people who believe them.[5]

British philosopher Mary Warnock, in her 2010 book *Dishonest to God: On
Keeping Religion Out of Politics*, joins the chorus of exclusionists, arguing that in moral
matters of public concern, religiously based arguments should be excluded.[6] Her position
is shared by a wide range of philosophical liberals who subscribe to an individualistic
understanding of freedom, emphasize the state as the central organizer in human society,
and view consensus and harmony as aspirational goals for politics.[7] Warnock's position
is unusual, however, in that her rationale for exclusion is crafted in terms of the
relationship of law to society's moral consensus, rather than the more common framing in
terms of what kinds of reasons are acceptable in public discourse.[8] Warnock's position
has roots in her entire philosophical career's work in moral philosophy, ethics, and the
philosophy of imagination.

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[4]John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 241-43.

[5]The "integrity objection" argues that requiring religious citizens to keep their religious views out of political discourse asks them to violate their integrity as persons. Bhikhu Parekh, "The Voice of Religion in Political Discourse," in *Religion, Politics and Peace*, ed. Leroy S. Rouner (Notre Dame, IN: University of Notre Dame Press, 1999), 74; Kevin Vallier, "Liberalism, Religion and Integrity," *Australasian Journal of Philosophy* 90, no. 1 (2012): 149, 159-60; Michael J. Perry, *Morality, Politics and Law* (New York: Oxford University Press, 1988), 181-82.

[6]Mary Warnock, *Dishonest to God: On Keeping Religion Out of Politics* (London: Continuum, 2010).

[7]Steve Tipton, "An American Paradox: The Place of Religion in an Ambiguous Polity," in *The Political Dimensions of Religion*, ed. Said Amir Arjomand (Albany, NY: State University of New York Press, 1993), 274-77. Tipton accuses philosophical liberals of unfairly casting religion as the ruiner of their oversimplified vision of a consensus culture. He also contends that philosophical liberals overlook how religion has been part of American society's "mediative answer to problems posed by philosophical liberalism itself, in its moral and political tension with our republicanism." Ibid., 277.

[8]Warnock, *Dishonest to God*, 90-91, 104.

Helen Mary Warnock (b. 1924) became a student of philosophy at Oxford during World War II.[9] She was part of a generation of scholars that rode the wave of post-war students surging into the universities. At the time, logical positivism was in vogue, which regarded all statements of value as meaningless; consequently, moral philosophy was thought to be a barren field.[10] Mary Warnock saw in this neglect an opportunity. She took up moral philosophy with a clear-sighted intuition that both morality and sentiment were central to human life in an important way, and that the positivists had been too hasty to dismiss them.[11]

One of Warnock's philosophical achievements was her significant contribution to the renewal of study of the imagination.[12] Hume and Kant saw imagination as a

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[9] Warnock attended St. Swithun's boarding school during the early years of World War II. One of the formative experiences she reports is reading alone in the evenings a book entitled *The Spirit of Man*. The book consisted of excerpts from poets and philosophers: Shakespeare, Tolstoy, Plato, Hopkins, etc., arranged by topic. For all her years there, she said, "This book was my bible." Mary Warnock, *A Memoir: People and Places* (London: Duckworth, 2001), 9.

[10] Mary Warnock, *An Intelligent Person's Guide to Ethics* (London: Duckworth, 1998), 10-11. Logical Positivism adopted verificationist criteria for meaning. All meaningful statements had to be either analytic, i.e., true by definition, or empirically verifiable. This standard ruled all metaphysical and ethical statements meaningless. From an early exposition of logical positivism, Blumberg and Feigl write, "Applying the criterion of meaning first to ethics it is clear that ethics as 'normative' science is impossible. Experience reveals what is, never what ought to be. Ethical imperatives are always hypothetical, never categorical. Ethics is not a science like sociology, but a technology like medicine; it is an application of the results of descriptive science to the pursuit of happiness." Albert E. Blumberg and Herbert Feigl, "Logical Positivism," *The Journal of Philosophy* 28, no. 11 (1931): 293.

[11] Warnock, *An Intelligent Person's Guide*, 12. In an interview with the BBC, Warnock reflected on how narrow the approach to moral philosophy was during her days as a student at Oxford. The focus was almost entirely on the semantics and form of ethical statements rather than addressing the substance of ethics. BBC Radio, "Meeting Myself Coming Back: Mary Warnock," Series 6, Episode 2, July 12, 2014, accessed July 26, 2014, http://www.bbc.co.uk/programmes/b0495f42. Another press interview included this remark: "Mary told me that she 'abhorred Logical Positivism,' with its avowed aim of analysing the meaning of all ethical propositions solely in terms of their empirical verifiability. She laughed heartily when I told her how I'd once heard A. J. Ayer being interviewed on the radio, and that when he was asked what, 50 years on, he now thought of Logical Positivism (a school of thought of which he was one of the main exponents), he replied succinctly: 'Obviously we were wrong.'" Will Self, "Interview: Something about Mary," *The Independent*, March 6. 1999, accessed December 19, 2016, http://www.independent.co.uk/arts-entertainment/interview-something-about-mary-1078927.html.

[12] Mary Warnock, *Imagination* (London: Faber & Faber, 1976); Mary Warnock, *Imagination and Time* (Oxford: Blackwell, 1994).

mediating capability in the human mind, credited with being able to work with ideas in ways that neither sense perception nor reason was able to do, including the creation and appreciation of art.[13] Romantic poets like Wordsworth and Coleridge also spoke of the imagination and perception in relation to symbols and the sublime.[14] Coleridge, a voracious reader of German philosophy, said that imagination was an "inner power," that it dealt with images more than ideas, and that it was connected in a deep and important way with emotion.[15] Warnock set out to find commonalities between the poets and philosophers, and aimed to craft a unifying conception of imagination that brought together its philosophical, aesthetic, and emotive strands.[16]

Warnock's view of the imagination turns out to have major implications for her views of morality and religion. She sees the imaginative ability to sympathize with others to be at the root of moral conviction.[17] Imagination as a common human faculty is a sufficient explanation of the centrality of morality in human life. While religion has functioned in the past as a source of morality, believing is now optional, and societal morality is best placed upon secular foundations.[18] Warnock also sees imagination at the root of religion, since it explains the human capacity to have sublime experiences (of which

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[13]Warnock, *Imagination*, 13-34.

[14]Ibid., 78-130.

[15]Ibid., 72-73, 78. Mill famously credited Coleridge for creating the "shape" in which German philosophy—through him—came to influence English-speaking thinkers.

[16]Warnock, *Imagination*, 10, 35; Mary Warnock, "Imagination—Aesthetic and Religious," *Theology* 83 (1980): 404

[17]Warnock, *Imagination and Time*, 160; Warnock, *Dishonest to God*, 112; Warnock, *An Intelligent Person's Guide*, 107.

[18]Warnock, *Dishonest to God*, 104, 162.

religious experience is a subset), and also the ability to use and understand symbols.[19]

Imagining, rather than believing, is the appropriate mode of cognition in religion;

engaging religion this way does no violence to the rest of what science teaches and does

not impose strong moral demands upon oneself or others.[20]

A significant part of Warnock's career involved the opportunity to serve on

and to chair parliamentary committees investigating moral issues related to pending

legislation.[21] These groups were tasked with investigating and making a report to

Parliament on how legislation might best be crafted and applied for a diverse population.[22]

These committees gave Warnock the occasion to think carefully through the application

of moral principles to a pluralistic society while in conversation with people representing

a wide range of moral convictions. Both on these committees and as a life peer in the

House of Lords, Warnock often found herself in the middle of vexatious arguments

concerning fundamental moral issues upon which no common ground seemed forthcoming.

These experiences produced convictions in Warnock about the proper basis of public

morality.[23]

In *Dishonest to God,* Warnock begins with the stated aim to inquire whether

religiously based moral reasoning ought to have a *privileged* place in public moral

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[19]Mary Warnock, "Religious Imagination," in *Religious Imagination*, ed. James P. Mackey (Edinburgh: Edinburgh University Press, 1986), 143, 151; Warnock, *Dishonest to God*, 148, 151-52; Warnock, *Imagination*, 47.

[20]Warnock, *Dishonest to God*, 3-4, 158-59.

[21]Warnock chaired the Committee of Enquiry into the Education of Handicapped Children and Young People, which issued its report in 1978, and the Committee of Enquiry into Human Fertilisation and Embryology, which issued its report in 1984.

[22]Mary Warnock, "Moral Thinking and Government Policy: The Warnock Committee on Human Embryology," *The Milbank Memorial Fund Quarterly: Health and Society* 63, no. 3 (1985): 504-5.

[23]See for instance Mary Warnock, *The Uses of Philosophy* (Oxford: Blackwell, 1992), 4-5; Warnock, "Moral Thinking," 504-6, 519-21; Warnock, *Imagination and Time*, 181-87.

disputation, and concludes that it has *no rightful place at all* in such disputes.[24] Warnock excludes religion in part because she regards it as a product of human imagination, whose most important deliverance is affective and suggestive, not moral, and not doctrinal. For instance, Warnock criticizes contemporary trends in the Anglican Church that seek to update doctrinal and liturgical language in the interest of clarity of understanding. She suggests that removing the Romanticism from religion in this way is an attempt to make people "understand clearly what was always intended to be a mystery, and . . . take as literally true stories that could never have been more than suggestions of truths that could not be wholly encompassed in language, but whose meaning is for the imagination to interpret."[25] Religion is not a carrier of truth in the ordinary, public sense of truth. Instead, religion is one way, if an archaic way, of expressing the "aspect of the human imagination that has immortal longings" and of trying to articulate occasional glimpses of vast, unexplored spaces beyond our comprehension.[26] Warnock writes,

> Religion . . . arises from the position that human beings find that they occupy in the world, their sense that they are not wholly in control of what happens to them, that there is much all around them that is mysterious, that they need some defence against what they suffer, whether at the hands of other people or from the disasters that nature itself may cause. Gods are the embodiment of the mysterious and the unpredictable.[27]

Approaches to religion that take its narratives to be true in any literal sense are metaphysically outdated and represent a failure of imagination.[28]

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[24]Warnock, *Dishonest to God*, 11. In her conclusion, Warnock asserts that the only reason for advancing religiously based moral arguments is to claim special authority for one's position over against others. It amounts to special pleading. Ibid., 165-66.

[25]Ibid., 153.

[26]Ibid., 143-44; Warnock, *Imagination*, 208.

[27]Warnock, *Dishonest to God*, 128-29.

[28]Ibid., 3-4; Warnock, "Religious Imagination," 155-56.

Religion, further, is spurious as a basis for morality.[29] Humanity needs morality to survive, and human imagination, unaided by religion, is a sufficient basis for morality. Morality rises out of the capacity people have to imagine themselves in the place of another, and to imagine human futures with and without the cooperation and guidelines that a reflective morality would bring to bear.[30] Warnock endorses Hume's assertion that morality cannot be a product of reason alone, but must include a large measure of sentiment.[31] The dictates of morality emerge from one's ability to sympathize with the pleasures and pains of others, both in specific instances and also more generally, in that all humans share these experiences. Morality requires two conditions: human beings are alike in important respects and they have imagination.[32] Imagination allows people, first, to see themselves in the position of others, and then to desire for others what they would desire for themselves. Imagination also allows people to associate appropriate emotion with the images they produce, such that they can sympathize with others' joys and burdens.[33]

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[29]Warnock, *Dishonest to God*, 162, writes, "Religion is optional. There is no obligation to believe. And this is because the narratives and the rituals of religion were created by the human imagination to manifest the essential truth that human beings need morality to survive. We can cleanse our literature of all mention of Moses, or Jesus or any prophet of God, if we think we have outgrown stories. But what we cannot afford to do is to throw out the meaning and the purpose of the Ten Commandments, or the Christian reinterpretation of them. We cannot throw out morality."

[30]Warnock, *An Intelligent Person's Guide*, 86-90.

[31]Ibid., 116-17. The relevant passage from Hume: "Thus the course of the argument leads us to conclude, that since vice and virtue are not discoverable merely by reason, or the comparison of ideas, it must be by means of some impression or sentiment they occasion, that we are able to mark the difference betwixt them. . . . Morality, therefore, is more properly felt than judged of; though this feeling or sentiment is commonly so soft and gentle, that we are apt to confound it with an idea, according to our common custom of taking all things for the same, which have any near resemblance to each other." David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge and P. H. Nidditch (Oxford: Clarendon, 1978), bk. III, pt. I, sec. 2, 470.

[32]Warnock, *Dishonest to God*, 117.

[33]Ibid., 120.

Morality is applied to human society through law.[34] Warnock situates morality logically prior to law, such that moral positions can be the basis for judging which laws are good or bad.[35] Law should be crafted in accord with society's moral consensus, but in pluralistic societies, consensus can be hard to find.[36] In the case of euthanasia, for example, Warnock says that consensus proves elusive "as long as the Churches teach that to help someone to achieve the death they long for is the same as murder, and as long as some people heed that teaching, while others do not."[37] In the face of this moral pluralism, Warnock looks to Parliament to determine what moral consensus there is.[38] Further, "[Parliament] may sometimes lead moral opinion, and *produce consensus where none existed before*."[39] It is the legislature's job to interpret the moral opinion of the people, and occasionally wring out of (or impose upon) a warring culture a moral "consensus" to justify the law as enacted.

Finally, in Parliament, where moral consensus is being wrested out from places of irreconcilable conflict, religious arguments are problematic in three ways.[40] First, religiously based arguments usually suppose that morality is transcendent, fixed, and

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[34]In Warnock's view, generally speaking, what is morally approved or disapproved is a matter of decision and not knowledge, and the decision is based upon emotion rather than reason or fact. In Warnock's discussion of legislation regarding the classification of human embryos, she writes, "It would then be clear that no further scientific knowledge would settle the question. It is a matter of ethical decision, a decision that society had to make." The decision was made in terms of what society "felt" to be the case. Warnock, *An Intelligent Person's Guide*, 45, 49.

[35]Ibid., 74.

[36]Warnock, *Dishonest to God*, 10, 60-61, 85-91; Warnock, *Imagination and Time*, 182-83; Warnock, *The Uses of Philosophy*, 85-87.

[37]Warnock, *Dishonest to God*, 89.

[38]Ibid.

[39]Ibid. Emphasis added.

[40]Warnock does not see all religious arguments as problematic, because not all religions are the same. The religions that prove vexing in public moral discourse are those that insist upon actually believing the tenets of the faith to be true, i.e., that God actually exists, that the life to come is real, etc. Ibid., 126.

unchanging. On the contrary, Warnock insists that morality, an essentially social enterprise, can, does, and must shift and change with changing eras, public sentiment, and even technologies.[41] Religiously motivated arguments resist this change, and must now do so on the basis of knowledge and convictions that are no longer widely shared.[42]

Second, Warnock believes that religious arguments have the effect of imposing religious authority upon the public, which they have no obligation to accept.[43] Third, religious arguments are often used dishonestly. They can be manipulative, used as a cloak for prejudice, advanced by people who do not believe the religion, and used to stifle debate or end conversation.[44] Even secular arguments can be put forward to surreptitiously advance a religious agenda.[45] All these uses of religious arguments are illegitimate.

Warnock does not consistently frame her objection to religious influence in politics as an objection to religious arguments. Warnock's central concern is about the assertion of religious authority, and so sometimes she phrases her concern as a resistance to "religion" or "religious authority."[46] This dissertation, however, frames Warnock's objection to religion as an objection to religious arguments, for several reasons. First, religion and religious authority, when expressed in politics, are expressed through arguments. To keep "religion" out of politics means practically to confine it to the private realm, as Warnock recommends, so that it will not make assertions or claims in public

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[41]Warnock, *Dishonest to God*, 122-23.

[42]Ibid., 126-27.

[43]Ibid., 162.

[44]Ibid., 53, 56-57, 127-28, 164-65; Mary Warnock, "Religious Fundamentalism Threatens to Block Scientific Progress," *The Scientist*, September 5, 1988, accessed May 22, 2015, http://www.the-scientist.com/?articles.view/ articleNo/9706/title/Religious-Fundamentalism-Threatens-To-Block-Scientific-Progress/.

[45]Warnock, *Dishonest to God*, 58.

[46]Ibid., 1, 4.

forums.[47] Chapter 5 clarifies that Warnock does not necessarily object to all religious expression in the public square, but only to arguments representing a certain type of religious commitment and carrying certain assumptions about the nature of morality and moral authority.[48] Most importantly, there is an extensive literature in political philosophy addressing the role of religious arguments in public discourse. Putting Warnock's position in dialogue with this literature proceeds more naturally when framed with religious arguments in mind. Warnock's position bears important similarities to other versions of exclusionism about religion, and is vulnerable to some of the same critiques.

Thesis

Mary Warnock's argument for the exclusion of religious arguments in public moral disputation rests upon her views of religion, morality, and the relationship between morality and law. These, in turn, rest to a great degree upon a particular understanding of the faculty of imagination and how it functions to produce the conditions for moral reasoning and for religious belief.[49]

The thesis of this dissertation is that while Warnock identifies some significant challenges that religious arguments pose to moral discourse in a pluralistic context, none

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[47]Warnock, *An Intelligent Person's Guide*, 74.

[48]For instance, she has no objection to the bishops' voice in the House of Lords, because their religious commitments are obvious; instead, she objects to the assumption that bishops are moral experts. Warnock, *Dishonest to God*, 104-6. In Warnock's interview with Laurie Taylor, in answer to the question about whether politicians ought to declare their faith, she said, "The Archbishop of Canterbury said he thought that religious people had an absolute right to express their political opinions in parliament and outside. But he thought they ought to declare where they're coming from; they shouldn't expect a free passage just because of their faith. I thought that was absolutely wonderful." The last paragraph of *Dishonest to God* contains this sentence: "Morally speaking, believers and unbelievers are equal, and their right to make their voice heard democratically is equal." Warnock, *Dishonest to God*, 166. The remainder of the book, however, argues that assertions of religious moral authority must be kept out of the public square.

[49]Mary Warnock was kind enough to serve as external reader for this dissertation. In her remarks, she questioned the value of tracing a connection between her view of imagination, especially as expressed early in her career, to her later, "parochial" criticism of religious influence in politics. She wrote that though this dissertation "ingeniously links these two topics, I doubt whether this linkage is worth purusing."

of the critiques she advances justify the exclusion of religious arguments from public discourse, even in official, legislative contexts. Contrary to Warnock's assertion, religious arguments do not necessarily impede moral progress, nor do they have the effect of imposing religious authority upon nonbelieving members of the public. While religious arguments can be advanced dishonestly or duplicitously, not all religious arguments are advanced in this way, and nonreligious arguments are equally vulnerable to such misuse.

This dissertation also argues that Warnock's view of the imagination is too broad for it to perform all the functions she demands of it. Different and incompatible descriptions of the imagination are called upon for the imaginative roles she sees at the root of morality, and she gives insufficient explanation of how imaginative sympathy gives rise to normative demands. Her reliance on imagination as the proper mode of religious cognition does not escape the implication that sublime experience may be caused by a real transcendent being. Warnock's view of how imagination enables humans to understand and use religious symbols neglects two important aspects of symbolic reference that connect symbols to complex systems of meaning and truth.

Warnock also conceives political authority and legitimacy in a way that demands that religious citizens obey the rule of law, but conceives public morality in a way that deprives them of a voice in shaping the law to which they must submit. Finally, Warnock's theologically liberal interpretation of Christianity overemphasizes the personal and experiential elements of religion and minimizes the doctrinal and moral. This view is not widely embraced, and is at variance with the self-understanding of many, if not most, religious people. Religion of a conservative character is asserting itself in political contexts all over the world; democratic political theory must therefore find a way to welcome and not ostracize religious people and their political claims in the public sphere.

History of Research

Not much has been written on Mary Warnock. Aside from scholarly reviews of her published work, there are only a few dissertations on her views in particular, one

addressing her position on stem cell research, one addressing her thinking in education, and one referring to her view of imagination.[50] One reason for this limited interaction may be that, as Warnock admits, not much of her thinking is very original. She approaches philosophy primarily as a history of ideas and sees herself as a teacher of that history, more than as a unique thinker blazing new philosophical trails.[51] She freely admits being influenced by better philosophers than herself, whether the icons of modern philosophy like Hume or Kant, or her contemporaries, like her husband, Geoffrey Warnock, or their colleague P. F. Strawson.[52]

Another reason, perhaps, is that there is no immediate need for Warnock's work to be interpreted. Mary Warnock has written a great many books and articles, for both academic and general audiences. Her writing is both careful and clear. The pieces she has written for general audiences, especially, explain and apply her more technical philosophical work with straightforward clarity and honesty.

Ethicists uninterested in defending religion as a source of moral knowledge might regard Warnock's position as unremarkable, since religious reasoning is routinely exiled from public moral discourse. Yet despite this fact, late in her career, Warnock felt compelled to express a philosophically robust critique of religion and to insist upon its exclusion from public moral discourse. To Christians and other religious people whose reasoning stands to be excluded if Warnock has her way, addressing her argument is a

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[50]Angeliki Kerasidou, "Stem Cell Research: A Critical Study of the Thought of John Harris, Mary Warnock and H. Tristram Engelhardt in the Light of Christian Holistic Anthropology" (Ph.D. diss., Oxford University, 2009); Nida Doherty, "Defining the Authentic Teacher" (Ph.D. diss., University of Warwick, 2001); David Glenn Hodgdon, "Critical Thinking: A Voyage of the Imagination" (Ph.D diss., University of New Hampshire, 1996).

[51]See, for instance, her discussion of her relationship with Elizabeth Anscombe, whom she regards as a very original thinker. Warnock, *Memoir*, 60.

[52]Warnock appears to have relied heavily on Strawson's analysis of Hume and Kant's understanding of the role of imagination in perception. P. F. Strawson, *Freedom and Resentment* (London: Methuen and Co., 1974), especially the chapter "Imagination and Perception," 45-65.

matter of both importance and urgency. This sense of urgency motivates this dissertation.

Methodology and Outline

It is a boon to this project that Mary Warnock has been such a prolific author. Her writings frequently return to recurring themes in her work, and many of her key assertions are stated in numerous ways in a variety of contexts; consequently, there is a wealth of material to draw upon. This dissertation explores Warnock's view of religion in public moral discourse by examining her extensive published work to establish and critique her positions on imagination, morality, law, religion and politics. Then, it analyzes and critiques Warnock's argument against the validity of religious reasoning in public moral legislation, placing it in dialogue with current research on imagination, morality and law, religious naturalism and Christian non-realism, and the role of religious reasoning in political discourse.

Chapter 2 surveys Warnock's view of the imagination, and in particular how she sees it at the root of morality and religion. It argues in morality that her view of imagination is too broad to handle all the tasks she requires of it, and that morality cannot rise solely from the imagination. Warnock especially leaves the genesis of normativity inadequately explained. In religion, single code theory explains the relatedness of believing and imagining, and why imagining as the mode of cognitive engagement with religion achieves Warnock's desire to exclude doctrinal and moral claims.

Chapter 3 examines Warnock's view of morality as it relates to law. Warnock conceives political authority in proceduralist terms that emphasize citizens' obligation to obey the law, but at the same time uses the distinction between public and private morality to deny religious citizens fair and equal access to the procedures that enact law.

Chapter 4 addresses Warnock's aestheticized view of religion, comparing it to formulations of religious naturalists and theistic non-realists. This chapter argues that Warnock's minimizing of doctrine relies upon an inappropriate understanding of mystery, and that her separation of morality from religion is implausible for several reasons.

Theologically liberal views of religion may prove less contentious in the public square, but all signs indicate that theologically and morally conservative religion is increasingly assertive in democratic political contexts.

Chapter 5 analyzes and critiques the first two of Warnock's three reasons for excluding religious argument from public moral discourse: the objection that religious arguments resist moral progress, and the objection that they illegitimately assert religious authority over a population not obligated to accept it.

Chapter 6 examines Warnock's third objection, that religious arguments are advanced dishonestly. This objection is presented in five forms, contending that religious arguments can be manipulative, disingenuous, deceptive, evasive, and counterfeit. Each of these objections is analyzed and critiqued. The chapter concludes by arguing that Warnock's proposal to exclude religious arguments is an overreaction to the problems she presents, and that adopting her proposal amounts to antidemocratic and unjust discrimination against religious citizens.

Chapter 7 concludes the dissertation with an assessment of the state of religious arguments in the American political and jurisprudential context. It proposes an alternative (but not new) model for navigating the tensions of conflicting worldviews within a pluralistic society, and concludes with suggestions for future research.

CHAPTER 2

IMAGINATION

Mary Warnock's view of the imagination is so central to her thinking that it has significant implications in almost every area of her philosophy. Her argument for the exclusion of religious arguments from public moral discourse relies upon what she understands the imagination to do, and how she sees it contributing to the formation of morality and religion. She writes in *Dishonest to God*, "I am content to refer to the human imagination as the spirit of man, and ascribe to the human spirit the birth of morality and of law; and further to acknowledge it as the creator not only of religion, but of all our aesthetic reaction to nature and the arts."[1]

This chapter examines Mary Warnock's view of the imagination, with particular interest in its features that have implications for her argument against the public influence of religion. For Warnock's view of morality, the following prove essential: (1) how the imagination enables sympathy for others, both feeling what they feel and envisioning what it would be like to be in their place, and (2) how the imagination enables envisioning alternate futures. For Warnock's view of religion, the following prove essential: (1) how imagining can replace believing as a way of engaging religion that retains the aesthetic dimension and excludes the doctrinal and moral, (2) how imagination enables aesthetic and sublime experiences, and (3) how imagination enables the use and understanding of symbols. The chapter begins with a short overview of Warnock's view of the imagination, and then examines and critiques each of these features.

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[1]Mary Warnock, *Dishonest to God: On Keeping Religion Out of Politi*cs (London: Continuum, 2010), 144.

Overview of Warnock's Theory of Imagination

Mary Warnock undertook her study of imagination in an effort to find a unifying thread across the many philosophical and aesthetic understandings of it.[2] Imagination has been assigned roles in perception, interpretation, meaning, memory, mental imaging, creation and appreciation of art, and the ability to experience emotions.[3] Despite this variety, Warnock believes that there is a unifying thread to these various conceptions of imagination, and that the differences between these conceptions have been exaggerated.[4]

For Warnock, the imagination is a power of the mind, first, to form mental images, either by strict recollection of previous sense experiences, or more creatively, by constructing new images based upon previous, unrelated experiences. The imagination functions in ordinary perception by enabling one to recognize objects as objects of a certain kind, that is, to apply group or kind ideas to new sense experiences and so to classify and understand them. The imagination also has a creative function in its ability to combine ideas and images in new ways. Further, the imagination enables one to craft and to understand symbols, wherein an image or object can be understood to represent something beyond itself, something grand, abstract, or sublime. Finally, the imagination is the matrix within which experiences of images and symbols are associated with emotions. The centrality of the emotions in experiences of beauty, sublimity, moral conviction, and

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[2]Mary Warnock, *Imagination* (London: Faber & Faber, 1976), 9. Warnock approaches philosophy generally as a history of ideas, and in *Imagination*, her method involves surveying a broad range of thinkers (from Hume to Wittgenstein) and suggesting a synthesis concept that incorporates keys contribution from all of them. For instance, see the reviews by David Carrier, "Imagination, Mary Warnock," *The Journal of Philosophy* 75, no. 1 (1978): 40-41; and Robert Hoffman, "Warnock, Mary. Imagination," *Library Journal* (February 15, 1976): 621. Cf. Mary Warnock, *A Memoir: People and Places* (London: Duckworth, 2001), 60.

[3]Warnock, *Imagination*, 10. Recent surveys of the various senses and definitions of imagination are Neil Van Leeuwen, "The Meanings of Imagine Part I: Constructive Imagination," *Philosophy Compass* 8 (2013): 220-30; Neil Van Leeuwen, "The Meanings of 'Imagine,' Part II: Attitude and Action," *Philosophy Compass* 9 (2014): 791-802; Leslie Stevenson, "Twelve Conceptions of Imagination," *British Journal of Aesthetics* 43, no. 4 (2003): 238-59.

[4]Warnock, *Imagination*, 35; Mary Warnock, "Imagination—Aesthetic and Religious," *Theology* 83 (1980): 404.

religious experience are explained by this capacity of the imagination. Moreover, the ability to form mental images is the key factor that binds the concepts together.[5]

Warnock's overall unifying project does not succeed. Warnock concludes her book *Imagination* modestly: the unifying thread she labors to find might just as well be expressed as a series of similarities.[6] P. F. Strawson, her colleague, thought the various uses of "imagine" and "imagining" were too loosely related even to refer to them as a family of terms.[7] More recent work on imagination reflects still more doubt about the unity of imagination as it is variously conceived.[8] Amy Kind in particular argues convincingly that no one conception of imagination can accommodate all the roles imagination is expected to play.[9] Nevertheless, Andrew Harrison observes that Warnock

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[5]Warnock, *Imagination*, 10. Reviewers of *Imagination*, however, note rightly that one never gets a clear, positive statement from Warnock of exactly what she takes the imagination to be. W. Charlton, "Imagination by Mary Warnock," *Philosophical Quarterly* 27, no. 109 (1977): 375.

[6]Warnock, *Imagination*, 196. Later, she uses the term *imagination*, yet more loosely, as a collection of abilities, which resonates with more recent literature exploring the various functions of the imagination. Mary Warnock, *An Intelligent Person's Guide to Ethics* (London: Duckworth, 1998) 108. Cf. Mary Warnock, "Educating the Imagination," *Royal Institute of Philosophy Lectures* 11 (1977): 45; and Mary Warnock, "Religious Imagination," in *Religious Imagination*, ed. James P. Mackey (Edinburgh: Edinburgh University Press, 1986), 142, in which she calls the independent faculty of imagination a "fiction."

[7]P. F. Strawson, "Imagination and Perception," in *Experience and Theory,* ed. Lawrence Foster and Joe William Swanson (Amherst: University of Massachusetts Press, 1970), 31. Strawson, however, did identify the production of images, originality or insight, and false belief or misperception as "areas of association" among the conceptions of imagination.

[8]Shannon Spaulding, "Imagination through Knowledge," in *Knowledge through Imagination*, ed. Amy Kind and Peter Kung (Oxford: Oxford University Press, 2016), 207, writes, "Imagination is an incredibly diverse category of mental activities. It includes deliberate and spontaneous imagination, creative and recreative imagination, propositional and non-propositional imagination, objectual and active imagination, conscious and non-conscious imagination." Cf. Brian O'Shaughnessy, *Consciousness and the World* (Oxford: Clarendon, 2000), 339-40; Gilbert Ryle, *The Concept of Mind* (New York: Barnes & Noble, 1966), 257. Ryle sees imagination as a term for a loose collection of mental activities: "There is no special Faculty of Imagination."

[9]Amy Kind, "The Heterogeneity of Imagination," *Erkenntnis* 78, no. 1 (2013): 157. See also Amy Kind and Peter Kung, "Introduction: The Puzzle of Imaginative Use," in *Knowledge through Imagination*, 1-3. Cf. Roger Scruton, *Art and Imagination* (London: Methuen & Co., 1974), 91, who insists that "there are links of an important kind between the various phenomena grouped under the heading of imagination. . . . In effect, there is only one concept expressed in the use of this term." Cf. Alan White, *The Language of Imagination* (Oxford: Blackwell, 1990), 85, who thinks that any acceptable theory must account for all ordinary language uses of "imagination."

successfully insists that a romantic, poetic view of imagination ought be taken seriously if one is to understand other conceptions of it.[10]

Imagination and Morality

Warnock's argument in *Dishonest to God* criticizes religiously-based morality for its narrow axioms that ignore or dismiss moral complexities that ought to be thoughtfully engaged.[11] Acknowledging the central role of imagination in morality, she thinks, encourages moral issues to be seen in all their human complexity, difficulty, and variety, and with a wider range of possibility and creativity than the rigid application of religious rules tends to allow.[12] Warnock's understanding of morality relies especially on two functions of imagination: (1) the ability to sympathize with others, which involves both feeling what they feel and also imagining what it is like to be in their place, and (2) the ability to envision alternate futures, and derive from them a morality that aspires to produce a better world. Warnock's moral philosophy will be explored in detail in the next chapter.

Imagination and Sympathy

Morality is built upon sympathy.[13] Warnock explains that to be a truly moral person "is to exercise imagination, to be able to understand the situation of other people, their feelings and their motives, to be capable both of sympathy and of a reasonable

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[10]Andrew Harrison, "Imagination by Mary Warnock," *Mind* 87, no. 347 (1978): 453, 455.

[11]See Warnock's remarks in an interview about *Dishonest to God*: Laurie Taylor, "No Nonsense: Laurie Taylor Interviews Mary Warnock," *New Humanist*, September 10, 2010, accessed April 28, 2016, https://newhumanist.org.uk/articles/2378/no-nonsense-laurie-taylor-interviews-mary-warnock.

[12]For instance, see the discussion of the role of moral imagination in pluralistic contexts in John Kekes, *The Morality of Pluralism* (Princeton, NJ: Princeton University Press, 1993), 99-117.

[13]Mary Warnock, *Imagination and Time* (Oxford: Blackwell, 1994), 160, writes, "Morality has always arisen out of sympathy and unselfishness, and the power to imagine the future for others as well as for ourselves. These factors have given rise both to moral virtues . . . and also to moral principles." Cf. Warnock, *An Intelligent Person's Guide*, 88.

judgment of what the consequences of your actions will be."[14] Hume was correct, Warnock

insists, "that without feeling, or sentiment, there could be no moral judgement at all. . . .

Ethics demands that one become emotionally as well as theoretically and philosophically

committed to one's beliefs."[15] Two imaginative functions enable the sympathy that

morality requires: (1) the ability to feel what another feels, and (2) the ability to imagine

oneself in the place of another. This section summarizes Warnock's view of these

imaginative functions, and then shows that they require different and incompatible

understandings of imagination.

Imagination explains the ability to sympathize, first, because it connects the

experience of emotion to a particular context.[16] Hume treated emotions as a kind of

perception. Sense perceptions produce impressions in the mind, which leave behind ideas,

faint echoes of impressions, which are used to think about things in their absence.[17]

Emotions also produce impressions, which also can be preserved in the mind as ideas,

which can later be recalled or even re-experienced.[18] Imagination and emotion, further, are

closely associated. Hume writes, "'Tis remarkable, that the imagination and affections have

a close union together, and that nothing, which affects the former, can be entirely

indifferent to the latter."[19] Since emotions rise in the context of specific objects and

situations, an emotion belongs to the person experiencing it because of its unique causal

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[14]Warnock, *Dishonest to God*, 112.

[15]Warnock, *An Intelligent Person's Guide*, 107.

[16]Warnock, *Imagination*, 36-38; Warnock, *An Intelligent Person's Guide*, 107.

[17]David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge and P. H. Nidditch (Oxford: Clarendon, 1978), pt. I, sec. I, 1-6.

[18]Hume also calls them secondary impressions, or "impressions of reflection." Warnock, *Imagination*, 37. Hume, *Treatise*, pt. I, sec. II, 7; cf. bk. II, 275. Emotions can arise either directly from sense impressions, or "by the interposition of its idea."

[19]Hume, *Treatise*, 424. Hume further observed that the more vividly held an idea is, the more intense its associated emotions would be. Warnock, *Imagination*, 37, 40-41.

history.[20]

The way people speak about emotions, however, strongly suggests they expect others to be able to feel them also.[21] The common humanity of someone in pain and an observer, Warnock contends, allows the observer to know to a large degree what it is like.[22] Ideas and impressions are so similar that when one observes someone in pain, the sense impression of their outward display of pain can produce "so powerful an idea of pain as to be almost an impression of pain itself."[23] In this way, humans can sympathetically experience others' pain and sorrow, and also positive emotional states like joy or amusement.[24] The imagination contextualizes emotions, combining them with other impressions and ideas; this is true both in personal, direct experience of emotions and also in sympathetic experience of others' emotions. Warnock quotes Hume approvingly: "As in strings wound up, the motion of one communicates itself to the rest; so all the affections readily pass from one person to another, and beget correspondent movement in every creature."[25] Thus, the imagination enables an observer to understand what others are feeling, and to a degree, share the same emotions. "Mindreading" is the technical term for recognizing mental states (including emotions) in other people.

Sympathy as Warnock conceives it, however, also involves imaginatively putting oneself in another's shoes, imagining what it is like to be him, and adopting his point of view.[26] Warnock writes that imagination "enable[s] us to consider that which is

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[20]Mary Warnock, *Memory* (London: Faber & Faber, 1987), 112, 128; Warnock, *Dishonest to God*, 117.

[21]Warnock, *Memory*, 128-29; Warnock, *An Intelligent Person's Guide*, 103-4.

[22]Warnock, *Dishonest to God*, 117, 119; Warnock *An Intelligent Person's Guide*, 86.

[23]Warnock, *Imagination and Time*, 20.

[24]Ibid.

[25]Hume, *Treatise*, bk. III, pt. III, sec. 1, 575, quoted in Warnock, *Imagination and Time*, 19-20.

[26]Warnock, *Dishonest to God*, 119.

not the case; and we can therefore consider how it would be with us, how things would look, if we saw things not through our own eyes but through his."[27] Imagination helps an observer ask how he would feel in the same situation, "and it enables us, through sympathy, to mind about the answer. If I would hate to be badly treated, so would they."[28] Sympathy thus combines mindreading (understanding others' emotions) and modal epistemology (imagining myself in their place).

These two capacities, however, cannot be accounted for by just any understanding of imagination. Recent research has attempted to clarify the different senses in which "imagination" is used, with perhaps most attention to critical differences between supposition (S-imagination or imagining-that) and imagination proper (or E-imagination). Supposition is hypothetical reasoning, while imagination proper is the activity of calling mental images to mind.[29] The differences between them are so significant that researchers dispute whether supposition ought to be considered a form of imagining at all.[30] First, supposition does not engage the emotions in the way that active imagining does.[31] I can suppose something unpleasant to be the case without its producing an emotional

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[27]Warnock, *Imagination and Time*, 19. Cf. Mary Warnock, "The Foundations of Global Morality," *RSA Journal* 153, no. 5522 (2006): 25.

[28]Warnock, *Dishonest to God*, 119.

[29]Tamar Gendler, "The Puzzle of Imaginative Resistance," *Journal of Philosophy* 97, no. 2 (2000): 80.

[30]Spaulding, Gendler, Kind, and Kung all make sharp distinctions between supposition and imagination proper. Spaulding, "Imagination through Knowledge," 211-13; Gendler, "The Puzzle of Imaginative Resistance," 55-81; Amy Kind, "Putting the Image Back in Imagination," *Philosophy and Phenomenological Research* 62, no. 1 (2001): 85-109; Peter Kung, "Imagining as a Guide to Possibility," *Philosophy and Phenomenological Research* 81, no. 3 (2010): 620-63. Both Currie and Ravenscroft and Alvin Goldman, by contrast, include supposition as a subset of belief-like imagining. Alvin I. Goldman, *Simulating Minds: The Philosophy, Psychology, and Neuroscience of Mindreading* (Oxford: Oxford University Press, 2006), 48; Gregory Currie and Ian Ravenscroft, *Recreative Minds* (Oxford: Oxford University Press, 2002), 35. Stevenson, *Twelve Conceptions*, 241, acknowledges supposition as a form of imagining.

[31]Spaulding, *Knowledge through Imagination*, 211. Kind, "Hetereogeneity," 153. Margherita Arcangeli, "Against Cognitivism about Supposition," *Philosophia* 42 (2014): 618-19.

response; the same does not appear to be true if I imagine something unpleasant, that is, when I produce mental images of it. Second, supposition requires less mental exertion than imagination proper.[32] Imagining proper, by contrast, requires effort; it does not arise automatically or apart from intention.[33] Further, supposition does not seem to be bound by possibility in the way that imagining proper is.[34] I could suppose almost anything, e.g., there existed a square circle, but I could not produce an image of it.[35] Hume believes that imagination is an indicator of possibility. He writes, "It is an established maxim in metaphysics, that whatever the mind clearly conceives, includes the idea of possible existence, or in other words, that nothing we imagine is absolutely impossible."[36] Kung agrees, and shows that one can only form images that are in the range of the possible, although one can supplement those images with propositional content, which is not so

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[32]Arcangeli, "Against Cognitivism about Supposition," 607, 611-12; Tyler Doggett and Andy Egan, "Wanting Things You Don't Want: The Case for an Imaginative Analogue of Desire," *Philosophers' Imprint* 7, no. 9 (2007): 1.

[33]Gendler, "The Puzzle of Imaginative Resistance," 80, writes, "Imagination requires a sort of participation that mere hypothetical reasoning does not." Cf. Currie and Ravenscroft, *Recreative Minds*, 11, write, "Imaginative projection involves the capacity to have, and *in good measure to control the having of*, states that are not perceptions or beliefs or decision or experiences of movements of one's body, but which are in various ways like those states—like them in ways that enable the states possessed through imagination to mimic and, relative to certain purposes, to substitute for perceptions, beliefs, decisions, and experiences of movements" (emphasis added).

[34]Kung, "Imagining as a Guide," 645, argues convincingly that imagistic imagining ("sensory imagination") is a guide to the possible. Counterexamples are refuted by distinguishing qualitative content (the images imagined) versus assigned content (non-imagistic information, labels or identities attached to the images themselves). In short, in imagistic mode, imagination is bound by the possible; content assigned to those images, however, is not bound by the possible.

[35]Kind, "Heterogeneity," 151; Aaron Meskin and Jonathan Weinberg, "Puzzling Over the Imagination: Philosophical Problems, Architectural Solutions," in *The Architecture of the Imagination*, ed. Shaun Nichols (Oxford: Oxford University Press, 2006), 193.

[36]Hume, *Treatise*, bk. I, pt. II, sec. II, 32. Nichols explains that beliefs and imaginings are not differentiated by their content, but by their function. The contents of both, however, are governed by a "single code" in which the same rules of inference apply. Thus, one is unable to imagine (p & ~p) because one is unable to believe that (p & ~p). Shaun Nichols, "Imaginative Blocks and Impossibility: An Essay in Modal Psychology," in Nichols, *The Architecture*, 237-55.

bound.[37] Supposition seems to be performed in partial isolation from other beliefs or knowledge; thus, things can be supposed easily even if they conflict with what is known to be the case.[38] Finally, the cognitive content of supposition is propositional rather than imagistic.[39] To summarize,

Supposition (S-imagination)	Imagining proper (E-imagination)
Imagining-that	Imagining
Does not form images	Forms images
Does not provoke emotion	Provokes emotion
Requires little mental effort	Requires deliberate mental effort
Is not bound by the possible	Is bound by possibility
Involves propositional content	May involve propositional content

Warnock largely treats imagination as imagining proper. First, she thinks that image formation is the function common to all understandings of imagination.[40] Second, feeling sympathetically the emotions of others requires imagination proper because it provokes emotion, while supposition does not. Third, Warnock insists that ethics depends upon people exerting the imaginative *effort* to sympathize with the needs or desires of others. She writes that a person could go all his life never thinking of anyone else's happiness or satisfaction.[41] The choice to exert that effort is central to what it means to be moral.[42] The need for deliberate effort also favors imagination proper over supposition.

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[37]Kung, "Imagining as a Guide," 645.

[38]Arcangeli, "Against Cognitivism about Supposition," 616-17.

[39]Ibid., 610.

[40]Warnock, *Imagination*, 10.

[41]Warnock, *An Intelligent Person's Guide*, 86-87.

[42]Moral problems arise from a deficit of sympathy in which moral agents do not exercise their imagination to produce the sympathy required for altruism. Ibid., 75-76, 86-89, 108. Adopting the moral point of view is a choice, which can be embraced or rejected. Warnock, *An Intelligent Person's Guide*, 89. Cf. Geoffrey J. Warnock, *The Object of Morality* (London: Meuthen & Co., 1971), 26, 164. Mary Warnock, *The Uses of Philosophy* (Oxford: Blackwell, 1992), 40-41, explains, "Our sympathies are limited. A growth into moral awareness may be seen as a gradual easing and stretching of such limitation."

In addition to the ability to share the feelings of others, sympathy also requires that one be able to imagine oneself in another's place.[43] This requirement introduces a modal claim, which goes further than mindreading.[44] More importantly, it raises the question of whether imagination proper can perform this task. If imagination is bounded by the possible, as Hume insisted, then is it possible to imagine myself to be another person?[45] Kind thinks that on a simulationist account, it is not enough that I imagine *myself* having another's beliefs and desires, but I must imagine myself *as him*, which Kind says is "logically impossible."[46] Supposition, however, is not limited by possibility. I could *suppose* that I were another person, but I could not *imagine* being another person.[47] For Warnock's view of morality, I have to be able not just to suppose I were another person,

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[43]Cf. Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon, 1995), xvi: "An ethics of impartial respect for human dignity will fail to engage real human beings unless they are made capable of entering imaginatively into the lives of distant others and to have emotions related to that participation." Nussbaum and Warnock share the desiderata of imagining other's perspectives and experiencing emotions as a result of that engagement.

[44]Mary Warnock expresses the idea of imagining oneself in another's place in different ways. In one place she asks, "How would I feel if this happened to me?" Warnock, *Dishonest to God*, 119. That question is not quite the same, philosophically, as "adopting [another's] point of view." Warnock, *Imagination and Time*, 19. The first imagines a projected alternate future for oneself. The second imagines oneself as another. Warnock's language is not consistent enough on this point to pin down one formulation, but all of them form modal claims.

[45]David Carrier, "Three Kinds of Imagination," *The Journal of Philosophy* 70, no. 22 (1973): 828, writes, "Imagining oneself to become a person different in some way misses the point asked for; I can imagine myself to be another person only if I am not that person, if I remain myself." One could posit a possible world in which I was another person, say my neighbor Jose, but even so, within that world I (as Jose) could not be another person (like my neighbor Randy). Cf. Thomas Nagel, "What Is It Like to Be a Bat?" *The Philosophical Review* 83, no. 4 (1974): 442, esp. n8, who implies that imagination may have the resources to impart a measure of understanding of what it is like to be someone or something else.

[46]Kind, "Heterogeneity," 152. "For Carole to simulate her opponent, she must imagine his beliefs and desires. But this doesn't seem to be a matter of her simply imagining herself having those beliefs and desires, since she might have very different background states from her opponent. Rather, in some sense at least, she must imagine herself to be him, a state of affairs that is logically impossible." Ibid. She acknowledges proposals for how such imagining is possible, but stands by her central point that the conception of imagination that supports mindreading will not also support modal epistemology.

[47]Kind, "Heterogeneity," 151.

but to imagine it; otherwise, I will not be able to sympathize in the way she requires.[48]

Thus, Warnock's requirements for sympathy demand two incompatible descriptions of imagination.

The same difficulty ensues when one considers competing theories of mindreading. According to Simulation Theory, an observer's ability to know others' mental states results from simulating their mental activity in her own mind.[49] The primary alternative to Simulation Theory is "Theory Theory," in which a person observes the other's behavior and assesses it based on folk psychology.[50] This assessment is basically cognitive, based on external observation rather than inward sympathy.[51] Theory Theory is driven by supposition rather than imagining proper, which is incompatible with Warnock's requirements for sympathy, because supposition does not engage emotions.[52] Warnock's work predates this distinction, but her view seems to have most in common with Simulation Theory: I must feel what the other is feeling; I must imagine myself in his place.[53]

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[48]It is possible that Warnock's view dodges this critique because she focuses mostly upon feeling what another feels, not necessarily adopting his beliefs and desires. Emotional sympathy does not seem to require the kind of identity that Kind asserts is necessary for mindreading. What my neighbor believes and desires surely informs his feelings, however, so the critique cannot be entirely dismissed.

[49]Tony Stone and Martin Davies, "The Mental Simulation Debate: A Progress Report," in *Theories of Theories of Mind*, ed. Peter Carruthers and Peter K. Smith (Cambridge: Cambridge University Press, 1996), 128, write, "The simulation strategy involves using imagination to cantilever out from our own theoretical and practical reasoning—leading to judgments and decisions—to an understanding of the beliefs and actions of another." Heidi L. Maibom, "Knowing Me, Knowing You: Failure to Forecast and the Empathic Imagination," in *Knowledge through Imagination*, 185, writes, "When we simulate others, we imagine being like them in the respect we believe are relevant to understanding them in their situations."

[50]Martin Davies and Tony Stone, *Folk Psychology: The Theory of Mind Debate* (Oxford: Blackwell, 1995).

[51]Spaulding, "Imagination through Knowledge," 211.

[52]Ibid.; Kind, "Heterogeneity," 153.

[53]Warnock, *An Intelligent Person's Guide*, 86-87. In some places, she seems to take a Theory Theory approach: "Of someone else, I may say 'he is sad' first and foremost because I see the way his shoulders droop, or I see him brushing away a tear." Warnock, *Imagination and Time*, 18. On the next

Simulation Theory, though, is not without difficulties. It is unclear how to evaluate whether a simulation is successful—how does one know he has really felt what the other is feeling?[54] Another problem is that there is an ambiguity to many behaviors indicating emotional states: is the woman blushing from embarrassment, happiness, or anger? Without additional information, it is difficult to tell, and thus more challenging to simulate accurately.[55] The hallmark of Simulation Theory, however, is that it does not require outside information in the way that Theory Theory does.[56]

The upshot is that there is a heterogeneity between the conceptions of imagination required for mindreading (understanding another's feelings) and that required for modal epistemology (imagining myself in another's place). The former cannot be done by supposition, only by imagining proper; the latter cannot be done by imagination proper, only by supposition.[57] These two conceptions of imagination, moreover, are not reconcilable to each other, nor does one handily reduce to the other. Warnock's account of morality may still be tenable, but it cannot be firmly founded on a single understanding of imagination. At minimum, a more careful and nuanced account is needed of how

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page, however, she appeals to simulation: "To not only understand [a sad man] but sympathize with him, requires the plainly imaginative step of adopting his point of view, which is other than our own." Ibid., 19.

[54]Warnock, *Imagination and Time*, 16. Cf. Carrier, "Three Kinds of Imagination," 829, who insists, "As long as I am who I am, I cannot know what it is like to be someone different. There is no way of testing whether I can imagine myself to be different. The problem must be formulated in other terms, familiar in ethics; there must be an appeal to behavior."

[55]Warnock, *Imagination and Time*, 17. Rebecca Saxe, "Against Simulation: The Argument from Error," *Trends in Cognitive Sciences* 9, no. 4 (2005): 174-79, thinks that systematic errors observed in clinical mindreading experiments favors Theory Theory over Simulation Theory. Cf. Maibom, "Knowing Me, Knowing You," 185-86. In response to this problem, current research is trending toward solutions based on Theory Theory or some TT/ST hybrid. Spaulding, "Imagination through Knowledge," 211.

[56]Maibom, "Knowing Me, Knowing You," 185-86.

[57]Kind, "Heterogeneity," 151-52. Interestingly, the kind of sympathy Jesus calls for at the root of ethics does not require me to imagine myself as another. The Golden Rule is to "do to others as you would have them do to you" (Matt 7:12), which requires me to imagine myself *as myself* in a hypothetical situation. Rather than imagining myself with a different identity, I imagine myself in a different situation, which appears to be less philosophically problematic.

imagination (or other mental capacities) give rise to morality.

One possible solution is that imagination may not be necessary to produce sympathy. Recent research has focused upon the function of mirror neurons in the capacity to empathize. It is possible that sympathy could be explained biologically rather than cognitively.[58] Spaulding distinguishes low-level and high-level simulation, and credits mirror neurons for their capacity to produce low-level simulation, which produces spontaneous, non-reflective sharing of the most basic mental states.[59] Warnock's view, however, requires high-level simulation, which involves deliberate rather than spontaneous imagination, and involves more than basic mental or emotional states.[60] Thus, even if mirror neurons contribute a biological basis for sympathy, they are not sufficient to explain Warnock's account of it; deliberate imagining is required.

Imagination and Alternate Futures

Another key way imagination supports morality is by enabling a person to envision alternate futures. Warnock writes,

> We can envisage not only what would have happened if something had been different; but what may happen if we do this rather than that. It seems to me clear that to be able to think in this way and to articulate such thoughts is essential to the existence of morality. As I have said, to be a moral agent it is necessary to think what the effect of one's behavior will be on people other than oneself, which involves speculation about possible futures, a thing impossible without imagination.[61]

By forecasting the effects of courses of action, one can begin to project what is desirable

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[58]E.g., Vittorio Gallese and Alvin Goldman, "Mirror Neurons and the Simulation Theory of Mind-Reading," *Trends in Cognitive Sciences* 2, no. 12 (1998): 498, write, "The point is that [mirror neuron] activity is not mere theoretical inference. It creates in the observer a state that matches that of the target. This is how it resembles the simulation heuristic. Nothing about TT leads us to expect this kind of matching." Cf. Shannon Spaulding, "Mirror Neurons Are Not Evidence for the Simulation Theory," *Synthese* 189, no. 3 (2012): 515-34.

[59]Spaulding, "Imagination through Knowledge," 213. She thinks that spontaneous empathy or "emotional contagion" occurs most readily in instances of physical or emotional pain. Ibid., 214. Examples include wincing when seeing someone badly hurt, or beginning to cry when seeing someone else doing so.

[60]Ibid., 213.

[61]Warnock, *Dishonest to God*, 118.

and what ought to be the case, and from these considerations rises the content of morality.[62] The mind considers these alternate futures by imagining them.[63]

First, imagination allows one to think of things not present, including the past and the future. In Hume, the imagination produces images in the mind by recalling ideas, which are records of sensory impressions experienced in the past.[64] Though Hume regarded memory as separate from imagination, Warnock does not: she sees the image producing power of memory such that there can be no clean separation between them.[65] Recalling the past and anticipating the future both involve calling up mental images. Memory is confined to presenting past images in their original context, but imagination, when considering the future, is not so bound, but is able to form creative visions by combining ideas in new ways and projecting a vision of what things in the future might be.[66]

The first potential problem: Does imagining alternate futures introduce a heterogeneity, as in the previous section, between conflicting views of imagination? To inform morality, envisioned alternate futures must be able to provoke sympathy. Warnock explains, "Our sympathy with future humans is the basis of our obligations to them, as it

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[62]Cf. Charles Larmore, "Moral Judgment," *Review of Metaphysics* 35, no. 2 (1981): 284, who sees moral imagination as a supplement to moral rules: "Moral imagination is our ability to elaborate and appraise different courses of action which are only partially determined by the given content of moral rules, in order to learn what in a particular situation is the morally best thing to do."

[63]Thomas McCollough, *The Moral Imagination and Public Life: Raising the Ethical Question* (Chatham, NJ: Chatham House, 1991), 16-17, writes, "The moral imagination may be understood as a capacity to empathize with others and to discern creative possibilities for ethical action. The moral imagination considers an issue in the light of the whole [and] broadens and deepens the context of decision making."

[64]In Hume's account, memory is not free to creatively recombine previous sense impressions in the way that imagination is. Further, he felt that imagination was unreliable, as it supplied unfounded inferences, like the inference that the cat in my bedroom is the same as the one I saw yesterday. Warnock, *Imagination*, 17, 24; Van Leeuwen, "The Meanings of Imagine, Part I," 224.

[65]Warnock, *Memory*, 18-20, 72.

[66]Part of the explanation of this is the combinatorial power of the imagination, which is examined in the next section. Warnock, *Imagination*, 79-80.

is of all our obligations."[67] A vision of the future impotent to move a person emotionally will not do what Warnock needs, and a vision of the future naturally seems to require calling up images. As previously, these factors favor imagination proper over supposition, because supposition does not engage the emotions or rely on images.[68] Do alternate futures need to be unrestrained by the limits of possibility? The answer seems to be no. On one hand, Warnock thinks it is possible to imagine morally perfect utopias, which in a weak sense are not possible.[69] On the other hand, visions of impossible moral futures do not seem to be the kind needed to form moral obligations. Since this is the case, supposition is not needed to overcome the limits of possibility. The heterogeneity problem, then, does not appear to be acute in this instance.

While imagination proper can produce visions of alternate futures, it also introduces a different limitation. Warnock observes, "It seems impossible to imagine a country, a dystopia, in which the criminal law, if it existed at all, bore no relation to what most people already believed to be right or wrong."[70] That is, it seems impossible to imagine a future with a morality that the imaginer does not already accept. This seeming impossibility is related to what is called the puzzle of imaginative resistance.[71] Why can a reader easily suspend disbelief with regard to non-moral facts in fiction (e.g., riding to the moon on flying elephants), but resist when asked to adopt a moral vision at great variance

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[67]Warnock, *Imagination and Time*, 161.

[68]Spaulding, "Imagination through Knowledge," 211-12. Kind, "Heterogeneity," 153.

[69]Warnock, *Dishonest to God*, 84. Warnock's use of "possible" in this context is colloquial and not technical. Utopias do not exist, but that does not make them either metaphysically or conceptually impossible.

[70]Ibid.

[71]Walton argues that the puzzle of imaginative resistance is actually several puzzles that tend to be conflated. The most entangled are resistance to what a reader will accept as fictional and resistance to what a reader will imagine. Since the application of this problem to imagined alternate futures does not bear on fictionality in the relevant way, I will pass over Walton's more fine-grained analysis. Kendall Walton, "Imaginative Resistance (So-Called)," in Nichols, *The Architecture*, 140-41.

to his own (e.g., where it is seen as morally good to torture children, for instance)?[72]

People seem incapable of imagining such a world, and when asked to do so, they

mentally resist it.[73]

Tamar Gendler argues convincingly that readers resist decadent moral visions

in fiction not because they are unable to imagine them, but because they do not want to

adopt or embrace them in the real world.[74] When readers encounter a decadent moral

vision in a story, and sense that the author or narrator is asking them to embrace that

morality not only for the world of the story, but for the real world, the phenomenon of

"pop-out" occurs: readers, resisting the moral vision, suddenly position themselves

against the narrator or author.[75] Gendler thinks this happens because moral claims are

generally taken to be categorical—if true, then true in all possible worlds (including the

reader's world).[76] Further, since there is moral disagreement in the real world, a reader

cannot assume that an author does not intend the moral perspective to be exported.[77]

Finally, Gendler notes that imagination proper and supposition/hypothetical reasoning

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[72]Kendall Walton and Michael Tanner, "Morals in Fiction and Fictional Morality," *Proceedings of the Aristotelian Society* 68 (1994): 28-29.

[73]David Hume, "Of the Standard of Taste," in *Essays: Moral, Political and Literary* (Indianapolis: Liberty Fund, 1985), 247, originally posed this problem: "A very violent effort is required to change our judgment of manners, and excite sentiments of approbation or blame, love or hatred, different from those to which the mind from long custom has been familiarized."

[74]Gendler, "The Puzzle of Imaginative Resistance," 77. In a later article, Tamar Gendler, "Imaginative Resistance Revisited," in Nichols, *The Architecture*, 156, 171, she clarifies two axes of "Humean resistance." The first focuses upon the effort required to imagine a morally deviant world, and the second focuses upon our willingness to imagine a morally deviant world. The effort required, however, is related to willingness, so Gendler winds up affirming the solution presented in her first article. Cf. Walton and Tanner, "Morals in Fiction," 27-50, who attribute resistance to the reliance of moral facts upon non-moral facts.

[75]Gendler, "Imaginative Resistance Revisited," 159-60. Walton and Tanner, "Morals in Fiction," 38.

[76]Gendler, "The Puzzle of Imaginative Resistance," 78.

[77]Ibid. Imaginative resistance, then, could be thought of as a form of moral self-defense. Ibid., 80-81; Walton and Tanner, "Morals in Fiction," 32, 34.

differ in that imagination invites participation in a way that supposition does not.[78] The invitation to *suppose* a morally objectionable world does not produce the resistance that the invitation to *imagining* it does.

When I imagine an alternate future, however, there is no author external to myself who might impress upon me an alien moral vision, and therefore no one to resist.[79] Walton says narrator-less fictions, like simple pictorial representations, do not press moral assertions.[80] Observers in those cases evaluate the images based on their own moral sensibilities, the ones used "in real life."[81] If envisioned futures are like these narrator-less pictorial representations, then a person's pre-existing moral convictions will limit the moral range of alternate futures she is able (or willing) to envision.[82] Limits like this become extremely relevant in political contexts. For instance, if I am pro-life, I may well resist imagining a moral future in which abortion on demand is legal and in which that state of affairs is good.[83] The phenomenon of imaginative resistance implies, moreover, that imagined alternate futures are not a wellspring of moral conviction, but they are limited by and reflect preexisting moral convictions.[84]

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[78]Gendler, "The Puzzle of Imaginative Resistance," 80.

[79]Walton and Tanner, "Morals in Fiction" 39-40.

[80]Ibid.

[81]Walton and Tanner write, "But how can a picture portray moral facts, the obtaining of certain moral principles, explicitly or directly? These aren't the sorts of states of affairs one perceives. A picture may depict a mixed race couple walking arm in arm, or a slave master beating a slave. But then it is up to us, the spectators, to decide on the moral attributes of these actions. I go by my own moral sense, the one I use in real life." Ibid., 40. Tanner disagrees, noting that art has an inevitably propagandistic bent to it, whether crassly as in Nazi posters, or with more sophistication, as in Michaelangelo's The Last Judgment. Authors always invite their readers to see things through their entire worldview; hence all art is at least mildly imperialistic. Ibid., 58-59.

[82]Ibid., 48; Kendall Walton, *Mimesis as Make-Believe* (Cambridge, MA: Harvard University Press, 1990), 19-21.

[83]One could of course imagine abortion on demand to be legal without agreeing that it is good.

[84]The nature of real world desires seems to have a strong influence on what a person imagines. In fact, some of the discrepancy between how one responds to what one imagines compared to what one

The most pressing question is how envisioning alternate futures gives rise to morality. Warnock's answer is that the ability, rooted in the imagination, to sympathize with others, including future humanity, and to anticipate their needs and challenges, *creates moral obligations*:

> This ability [to sympathize and imagine possible futures] creates an obligation. If we can think in this way, and feel these anxieties. . . and if the thoughts and the anxieties dictate certain kinds of behavior (not wasting natural resources, for example) then they seem to generate moral imperatives. . . . Morality has always arisen out of sympathy and unselfishness, and the power to imagine the future for others as well as for ourselves. These factors have given rise both to moral virtues, habits that is, of behaving in way that seem to be likely to be beneficial rather than harmful, and also to moral principles, general rules that seem likely to produce good rather than harm, in general, if obeyed.[85]

How the content of morality arises from visions of alternate futures is a minefield of philosophical problems that Warnock makes no attempt to solve. She never clearly delineates the workflow of morality construction, but it seems to go something like this:

1. I observe others in a plight.

2. I experience sympathetic emotion.[86]

3. I imagine what it is like to be them.

4. I (may, if I choose) adopt a posture of altruism and good will toward them.[87]

5. I imagine one or more alternate futures for them.

6. I determine which of the alternate futures is preferable.[88]

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believes is accounted for by the differences of desires relative to those cases. Shaun Nichols, "Just the Imagination: Why Imagining Doesn't Behave Like Believing," *Mind & Language* 21, no. 4 (2006): 470-73.

[85]Warnock, *Imagination and Time*, 160.

[86]The order of (2) and (3) could be reversed. Sympathy may arise spontaneously upon observation, as in low-level simulation, or it may rise only upon deliberate reflection; Warnock seems to allow for either. Another possibility is that low-level sympathy provokes the imaginative reflection, which gives rise to higher-level sympathy.

[87]The order of (4) and (5) may be reversed.

[88]By applying a utilitarian calculus, or by sympathy, or some combination of the two.

7. Those preferred future visions somehow acquire normative force.

8. I consider possible courses of action I can take (or am obligated to take) to move toward the preferred future.[89]

9. I choose a course of action.

10. I act.

Warnock focuses most on the first half of this process, leaving especially the connections of (6) through (10) unexplained. The issues here are many; I will simply indicate two of them.

First, if sympathizing with other people has its own set of puzzles, sympathizing with human beings who inhabit imagined, alternate futures has more. Can one sympathize with future, imagined others without knowing what their situation or nature will be? If so, can such sympathy, formed in partial ignorance, give rise to correctly conceived moral obligations? Warnock thinks that the knowledge people have of their own humanity is sufficient to anticipate the needs of future humans.[90] Yet she cites a historical example that challenges her own position: those driving the Industrial Revolution had in mind a rise in prosperity for themselves, but were blind or indifferent to the effects of building huge plants and slums.[91] The normative force of moral obligations derived from envisioned alternate futures is blunted by people's limited ability to understand future situations.[92]

A second puzzle is how these imaginative visions produce obligations with

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[89]This choice is based upon the strength of the desire to do good. Warnock, *An Intelligent Person's Guide*, 75.

[90]Ibid.

[91]Warnock, *Imagination and Time*, 161. Was slum-building moral or immoral? Warnock thinks it was immoral; the Industrialists thought it was moral. As the next chapter shows, Warnock believes that morality changes over time, and so in her view it is possible that both her view and the Industrialists' were morally correct. That aside, it is nevertheless fair to say that visions of alternate futures may not be a reliable guide to morality.

[92]The more distant the envisioned future, the more possibility there seems to be for error. Warnock acknowledges this. Warnock, *Imagination and Time*, 161.

normative force. How does it go from "things could be this way" to "things should be this way"? Warnock does not really say.[93] The closest she comes is by showing that having sympathy for others can motivate a person to behave altruistically.[94] Contemplating the alternate futures produces a sympathetic response; these feelings are then evaluated by means of a utilitarian calculus of the relevant pains and pleasures; reflection upon this evaluation generates a sense of moral obligation to influence the situation in order to produce the preferred future.[95] Normative force is more felt than thought; morality makes emotive, not rational claims upon people.[96]

Feeling obligated, however, is not the same as being obligated. Warnock does not address how the feeling of obligation becomes the kind of obligation that is binding whether one feels it or not. Some step is required here, and it is unclear how the imagination is the cognitive faculty that makes that step.[97] For instance, the Thomist tradition generally regards the moral imagination as a supplement to moral reasoning, but not a substitute for it.[98] The role of imagination in morality, moreover, cannot be as

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[93]Warnock confesses her "love" for the naturalistic fallacy: the idea that "from the facts of can perception one can derive the inescapable facts of emotion or desire . . . has always deeply appealed to me." Warnock, "Educating the Imagination," 44.

[94]Warnock, *An Intelligent Person's Guide*, 86, writes, "If you know that anyone is starving, you can imagine what this is like, and you may be motivated therefore to give up something to remedy the ill."

[95]Warnock obliquely suggests that sympathy and obligation are co-extensive, but does not explain how that is the case, and also acknowledges that duties cannot always extend as far as sympathies. Ibid., 87-88.

[96]Ibid., 87. Warnock generally prefers Hume's account of morality to Kant's, because she finds Kant's to be hyper-rational and too detached from the social dimension of morality. Ibid., 82-83. See also Warnock, *Dishonest to God*, 120-21, 48-49, 116-17.

[97]Warnock's metaethic belongs to the category that Korsgaard calls "reflective endorsement." In it, a person considers his and others' moral behavior, reflects upon it, and either grants or withholds his endorsement of the behavior as good or approved. Normativity arises from the authority his powers of reflection, which involve cognitive resources much wider than just imagination. Christine Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), 90-105.

[98]Larmore, "Moral Judgment," 284; Patricia Werhane, *Moral Imagination and Management Decision-Making* (New York: Oxford University Press, 1999), 93, 90, 111.

primary or exclusive as Warnock conceives it. Warnock may be correct about the role of the imagination's formative role in prompting moral reflection, but an image-producing faculty does not seem to have the resources to generate normative demands.

In summary, then, sympathizing with others requires both that one feels what they are feeling and that one imagines what it is like to be them. These two imaginative functions require incompatible views of the imagination. The first function requires imagination proper, a deliberately exercised image-forming activity that can produce emotional responses and is limited by what it possible. The second, however, requires supposition, which does not form images, and is therefore able to consider futures without being limited by possibility. Further, the ability to imagine alternate futures appears limited by prior conceptions of what is morally good or acceptable that do not rise from the imagination. Finally, it is altogether unclear how either sympathizing or envisioning alternate futures creates moral obligations; imagination alone seems insufficient for the genesis of normativity.

Imagination and Religion

As in the case of morality, Warnock sees the imagination at the root of religion. Warnock argues that there is no distinction between the aesthetic and the religious imagination; thus, the way the imagination underwrites aesthetic experiences explains religious experiences also.[99] Sublime experiences, a subset of the aesthetic, are especially important to religion because they point to noumenal, transcendent ideas or objects, and because they provoke deep emotional responses of the kind often found in religion. Finally, the imagination explains the ability to use and understand symbols, which are ubiquitous in religion.

This section argues, first, that recent work in the architecture of the imagination

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[99]Warnock, "Imagination," 408; Warnock, "Religious Imagination," 151; Warnock, *Nature and Mortality*, 180.

supports Warnock's objective: when imagining replaces believing as the mode of religious cognition, it achieves her objective of excluding moral and doctrinal concomitants of religion while retaining the aesthetic. Second, while imagination provides an epistemic frame for sublime experiences, Warnock's Kantian approach does not avoid the implication that the sublime object may be real. Further, many religious experiences fail to fit Warnock's aesthetic, amoral paradigm. Finally, Warnock's view of symbols improperly confines symbols to one form of reference, neglecting how symbols' context within a semiotic network of meaning inform that interpretation. Warnock expects imagination to perform the work of interpretation, which is propositional and not imagistic, but it can only do so under an untenably broad definition. Warnock's treatment "promotes" religious symbols in a way that mistakes how they actually function in religious contexts.

Imagining Religion and
Cognitive Architecture

Warnock writes that science has removed the option of believing that religions like Christianity are true in any literal way, which necessitates a new way of thinking about religion.[100] Yet unlike the New Atheists, Warnock values religion and thinks it has an important aesthetic role in human society.[101] Warnock contends that religious ideas, when imagined, can produce the aesthetic and emotive fruits of religion (feelings of awe, humility, and a sense of eternity) without the moral obligations that believing religious

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[100]Warnock, *Dishonest to God*, 3-4. Mary Warnock, *Nature and Mortality: Reflections of a Philosopher in Public Life* (New York: Continuum, 2003), 149, explains, "We cannot accept a history in which human beings were created in God's image on the sixth day, and were given dominion over the earth and all the other creatures on it . . . The old articles of faith [have been] taken away." Warnock's project may be thought of as a form of theological liberalism, which begins from a commitment to reconcile religion with the terms of contemporary culture. For Warnock, this involves a rejection of religious knowledge and religiously-based morality. Without adopting the terms of modern culture, Neville writes that religion will exist in a "realm disconnected from real life and its deepest imagination," a criticism that he thinks—and Warnock agrees—easily applies to fundamentalist forms of religion. Robert Cummings Neville, "Naturalism and Supernaturalism in American Theology," *American Journal of Theology and Philosophy* 26 (2005): 77.

[101]Taylor, "No Nonsense."

ideas entails, and which Warnock so desires to separate from religion.[102] When religion is engaged by imagining, for example, an atheist can be moved by Bach's St. Matthew Passion even though she does not believe the story.[103] Recent work in the architecture of the imagination shows with greater detail and clarity than Warnock does how imagining religious ideas instead of believing them achieves Warnock's aesthetic, non-moral desiderata.

Imagination is a mode of thought that is both similar to and different from belief.[104] Imagination and belief, first, may share the same content.[105] I can believe my wife is cheating on me, but I can also imagine the same thing without believing it. Generally, anything that can be believed can also be imagined, though the reverse is not true.[106] Beliefs and imaginations are assymetrically quarantined from each other; imaginings do not ordinarily inform beliefs, but very often beliefs are imported into imaginations in various ways.[107] Believing and imagining, further, are governed by the

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[102]Warnock, *Dishonest to God*, 158-59.

[103]Ibid., 155-57.

[104]Imagination and belief are Distinct Cognitive Attitudes (DCAs). Other attitudinal postures toward mental content include assuming, perceiving, hoping, fearing, etc. Neil Sinhababu, "Distinguishing Belief and Imagination," *Pacific Philosophical Quarterly* 94 (2013):152; Van Leeuwen, "The Meanings of 'Imagine,' Part II," 221. The attitudinal understanding of imagination is widely embraced by cognitivist philosophers of mind. Peter Carruthers, "Why Pretend?" in Nichols, *The Architecture*, 89-110; Currie and Ravenscroft, *Recreative Minds*, 24-45; Tamar Gendler, "Imaginative Contagion," *Metaphilosophy* 37 (2006), 183-203; Schroeder and Matheson, "Imagination and Emotion." For a contrasting view, cf. Peter Langland-Hassan, "Pretense, Imagination and Belief: The Single Attitude Theory," *Philosophical Studies* 159 (2012):155-79.

[105]Shaun Nichols, "Imagining and Believing: The Promise of a Single Code," *The Journal of Aesthetics and Art Criticism* 62, no. 2 (2014): 129; Shaun Nichols and Stephen Stich, "A Cognitive Theory of Pretense," *Cognition* 74 (2000): 115-47.

[106]Nichols and Stich, "A Cognitive Theory of Pretense," 120.

[107]Because of the need to "fill out" the imagined world, beliefs are often imported into the imagined world. Ibid., 119. In normal cases, however, imaginings are not exported as beliefs, except in appropriate ways, e.g., I believe that Dad was pretending to be a cat, but not that he was actually a cat. Ibid., 120. Sinhababu, "Distinguishing Belief and Imagination," 160, argues convincingly that truth-favoring norms that obtain in belief but not in imagination are insufficient basis for distinguishing between them. The different functional properties of beliefs and imaginations differentiate between them more clearly and

same kinds of inference relationships.[108] Shaun Nichols explains that imagination and belief share a common code, which allows cognitive structures, which process inferences, to treat their contents similarly.[109] Nichols' sketch of mental architecture has belief and imagining in separate boxes, situated side by side in a parallel relationship to both the inferential function of the mind and to its emotion processing function.[110] Thus, religious ideas may be either imagined or believed, and inferences drawn in both cases may be similar. Yet when imagined, religious ideas may be quarantined from the rest of a person's beliefs and not affect them.

Beliefs and imaginations, too, can both produce emotional responses: if I believe my wife is cheating on me, it will upset me, but even imagining it can be upsetting also.[111] Nichols' single code theory also asserts that the systems that process emotional responses to beliefs also process emotional responses to imaginings.[112] This cognitive structure

reliably.

[108]Currie and Ravenscroft, *Recreative Minds*, 13-14; Nichols, "Imagining and Believing," 130-31; Sinhababu, "Distinguishing Believing and Imagining," 160-61; Nichols and Stich, "A Cognitive Theory of Pretense," 119.

[109]Single-code theory has been the most productive in explaining and range of philosophical puzzles. Nichols, "Imagining and Believing," 129. It is not without difficulties, however. See Nichols, "Just the Imagination," 459-74.

[110]Nichols and Stich, "A Cognitive Theory of Pretense," 125, 128; Nichols, "Imagining and Believing," 130, 132.

[111]Emotional responses to beliefs tend to be stronger and more enduring than responses to imagination, of course, but single code theory can allow for this also. For example, since imagining is more directly volitional than believing. I can choose to stop imagining, which will choke the emotional response. Nichols, "Just the Imagination," 464.

[112]Nichols, "Imagining and Believing," 131-32. See also Aaron Meskin and Jonathan Weinberg, "Emotions, Fiction, and Cognitive Architecture," *The British Journal of Aesthetics* 1 (2003): 18-34. The architectural approach to understanding emotions in fiction is superior to the approaches of Richard Moran, "The Expression of Feeling in Imagination," *The Philosophical Review* 103, no. 1 (1994): 75-106; and Walton, *Mimesis as Make-Believe*. Alvin Goldman, "Imagination and Simulation in Audience Responses to Fiction," in Nichols, *The Architecture*, 48-49, argues that architectural concerns are not sufficient to explain affective similarity, but that the imagistic content of beliefs (represented as images) and imagined fictional scenarios (also visual in character) is essential to the account. As noted, non-imagistic supposition does not evoke emotion. Timothy Schroeder and Carl Matheson, "Imagination and Emotion," in Nichols, *The*

explains emotional responses to fiction, why, for instance, a reader can feel anger at Iago's treachery or sorrow over Desdemona's victimization in *Othello*, even though he knows they are not real.[113] A believer and an atheist, therefore, can both find themselves emotionally moved in a worship service, because both believing and imagining can produce similar affective responses.[114]

There are, however, important differences. Beliefs are normally constrained to form a rational and coherent whole. I can easily imagine something that seriously conflicts with the rest of my imaginings, but I cannot so easily believe something that does not cohere well with my other beliefs, not without cognitive dissonance.[115] Thus, believing religious ideas requires me to alter other beliefs, which may be in conflict with them, in order to produce a coherent or semi-coherent whole. Warnock thinks that making religious beliefs cohere with accepted knowledge in the modern era is nigh impossible; thus the need to imagine rather than believe religious ideas.[116]

Two other distinctions between imagination and belief serve Warnock's desiderata. First, beliefs both motivate to action and justify actions taken upon the basis of beliefs.[117] In ordinary cases, however, I am not motivated to action by things that I

Architecture, 29-30, write that neuroscience explains the causal pathway in the brain; that both beliefs and imaginings cause feelings because they activate the same brain structures.

[113]Nichols, "Imagining and Believing," 133.

[114]Warnock herself, though an atheist, attends church and especially enjoys aesthetic aspects of the experience, especially music. See Warnock, *Dishonest to God*, 153-59.

[115]Currie and Ravenscroft, *Recreative Minds*, 15.

[116]Warnock approvingly cites her tutor Dennis Nineham, who wrote that people "need some way of envisaging such realities as God, creation and providence imaginatively in a way which does no violence to the rest of what they know to be true." Warnock, *Dishonest to God*, 3-4. In other words, people need a way of being religious without having to believe the tenets of religion.

[117]Currie and Ravenscroft, *Recreative Minds*, 15.

imagine and do not believe.[118] Imagining religion, then, does not naturally motivate to any kind of action, which serves Warnock's desire to sever the connection between religion and moral obligation.[119] Second, people make assertions on the basis of what they believe, but not what they imagine.[120] People who believe in God, therefore, are prone to make statements about God. Warnock takes a dim view of this idea: "To claim to know the nature of God, even that he exists, is to mistake the nature of human knowledge . . . knowledge is of the physical world, and of that alone."[121] She adopts Kant's view that one cannot claim to have knowledge of God, except symbolically.[122] Ideas of reason, like God, can be "thought of, but not grasped or understood," and not articulated.[123] Imagining God, by contrast, does not lead to making assertions about his nature.[124]

Employing the imagination as the cognitive mode of engaging religious ideas, moreover, aestheticizes religion; it allows for the engagement of emotions and contemplation of transcendent ideas, but without the moral, doctrinal, and behavioral concomitants entailed by belief. Whether believing as the way of cognitively engaging religion may be rightly replaced with imagination is a larger question.[125]

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[118]Sinhababu, "Distinguishing Belief and Imagination," 161; cf. Lucy O'Brien, "Imagination and the Motivational View of Belief," *Analysis* 65 (2005): 55-62. The kind of imagination that produces action is pretense, wherein one acts as if something is true that one knows not to be true.

[119]Warnock, *Dishonest to God*, 161-62.

[120]Sinhababu, "Distinguishing Belief and Imagination," 161-62.

[121]Warnock, *Dishonest to God*, 146.

[122]Warnock, "Religious Imagination," 144.

[123]Warnock, *Dishonest to God*, 146.

[124]Further implications of Warnock's low view of doctrine are explored in chap. 4.

[125]For example, Grace Jantzen attempts a methodological turn from the focus on belief in Anglo-American philosophy of religion toward a Continental approach exemplified by Irigaray, which emphasizes systems of symbols. Grace M. Jantzen, *Becoming Divine: Towards a Feminist Philosophy of Religion* (Manchester: Manchester University Press, 1998), 20-21. In response, Paul Helm, "The Indispensability of

Imagination, Aesthetics and the Sublime

Warnock argues that the religious imagination is inseparable from aesthetic imagination.[126] The phenomenon of sublime experience, a subset of aesthetic experience, is at the root of human religious impulses.[127] Warnock wants a way of engaging religion that treats it as important, yet that does not acknowledge God as real, that does not produce definite statements about God, and that does not result in moral obligations or directives. Warnock's Kantian approach to the sublime fails fully to avoid the ontological implications of sublime experience. Also, while Warnock admires C. S. Lewis' object-focused analysis of the sublime, she shrinks from it when a divine object is implied. Finally, Warnock's selection of examples omits the explicitly religious experiences reported in Lewis' autobiography, and, more broadly, gives no attention to religious experiences that do not fit the sublime paradigm.

Aesthetic experiences combine perception and feeling. Not only do I perceive, for instance, the mountain range in the distance, or a film or painting or piece of music, but I respond emotionally to it. Imagination's combinatorial power explains one's ability to have these experiences. In perception, imagination combines simple impressions into complex impressions, combining, for example, the smell, taste, and mouthfeel of biting into an apple into a single experience.[128] The imagination can also combine impressions

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Belief to Religion," *Religious Studies* 37, no. 1 (2001): 75-86, shows that belief remains central for Jantzen even as she attempts to move away from it, and that her genetic critique of belief-centered religion applies equally to her own position. John Hey, "Believing Beyond Religion: Secular Transcendence and the Primacy of Believing," *Implicit Religion* 15, no. 1 (2012): 81-95, argues that believing is the mode of all meaning-making, religious or secular, and that in that sense, it is both desirable and indispensable, crucially, in the ethical realm—so that Warnock's secular, imagination-borne morality may require believing.

[126]Warnock, "Imagination," 404; Warnock, *Dishonest to God*, 148.

[127]Warnock, "Religious Imagination," 151; Warnock, *Dishonest to God*, 148.

[128]Warnock, *Imagination*, 16; cf. Hume, *Treatise*, bk. 1, pt. I, sec. I, 2. Kant's position is similar. Warnock, *Imagination*, 28, quotes Immanuel Kant, *Transcendental Deduction*, trans. Norman Kemp-Smith (New York: Macmillan, 1929), A 120: "What is first given to us is appearance. When combined with consciousness it is called perception. Now since every appearance contains a manifold, and since different perceptions therefore occur in the mind separately and singly, a combination of them such as they cannot

that are not experienced at the same time or in the same context, and thereby produce new or original ideas.[129] This constructive sense of imagination includes the ability to associate emotions with other ideas in original ways.[130] Coleridge called this the "shaping" power of imagination.[131] Imagination, then, is not just a passive receptor of things perceived, but it is a power of the mind to both see and feel new things in what is perceived by the senses and to create new associations of meaning and feeling.[132]

Warnock uses Kant's framework for aesthetic and sublime experiences. Kant thought that the pleasure of beauty rises from discovering in the perceived object a pattern of some kind.[133] The pattern is found in the appearance of the object itself, or in

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have in sense is demanded. There must therefore exist in us an active faculty for the synthesis of the manifold. To this faculty I give the name Imagination."

[129]Warnock, *Imagination*, 16. For Hume, this is what distinguishes imagination from memory, which is only able to report previous impressions in the same order and context as they were originally given. The freedom for the imagination to creatively recombine ideas is not absolute. Ideas tend to naturally organize themselves by "resemblance, contiguity in time or space and causal connection." These factors are "gentle force[s]" that "commonly prevail" and which work to connect ideas in the imagination in the same way the original context works to connect them in memory. Ibid., 16-17; quoting Hume, *Treatise*, 10. Hume thinks these natural attractions among ideas explain why different languages have similar structure; there is a universality to the way ideas incline to organize themselves.

[130]Van Leeuwen, "Meanings of Imagine, Part 1," 224. He calls Hume's view the "sensory construction" view of imagination, and though it harmonizes with neuroscience's observations that the brain operates similarly when it is perceiving visually and imagining visually, he nevertheless thinks it underspecifies the range of images we are able to produce; we are not as restricted in image formation by our past perceptions in the way this view implies. Ibid., 225-26.

[131]From Coleridge, "Dejection: An Ode," quoted in Warnock, *Imagination*, 77-78.

[132]Warnock, *Imagination*, 87. Harrison, "Imagination by Mary Warnock," 456-57, astutely observes that the poets' discussion of imagination is inevitably undertaken from the point of view of the artist attempting to create. When Coleridge lost his imagination, he was not lamenting a loss of ability to perceive, but to create, to shape. Harrison thinks that though Warnock recognizes this, she makes too little of it. One of the challenges of integrating poetic and philosophical accounts of imagination is exactly this— Coleridge's "shaping power" of imagination seems to be of a decidedly different character than the perceptive power of imagination we see in Hume or Kant. Warnock's aim for a unified conception appears to gloss this over.

[133]"Reflective judgment" is Kant's term for the capacity of the mind to invent an explanatory rule or pattern where it does not discover one. Similarly, scientists search nature for patterns; they do not know what those patterns are, but assume they are present. The "finality of nature" is Kant's phrase for this assumption, and it is the grounds for the exploration of nature. Warnock, *Imagination*, 43-45. See Wicks' discussion of two schools of thought regarding the legitimacy Kant's comparison of beauty in natural objects

the sound of the melody itself, not outside of it.[134] The imagination invents a concept to fit the form of the thing perceived, an "indeterminate concept of the understanding" that does not spring from any preexisting concept.[135] By contrast, the sublime is presented by the imagination as an indeterminate idea of reason, an idea that transcends one's image-making ability.[136] Beauty produces pleasure, but the sublime produces something closer to awe.[137] In the sublime, the imagination is brought past its limits—it stirs ideas that cannot be represented by sensory images that the imagination has the ability to produce.[138] Kant identifies two kinds of sublimity, one associated with vast numbers, or the feeling of infinity, the other associated with vast power and the feeling of helplessness.[139] While one cannot fully apprehend these ideas, one can grasp at them when presented indirectly, symbolically, as Aesthetic Ideas.[140]

One philosophical problem inherent to sublime experience is what Sircello calls the tension between epistemological and ontological transcendence.[141] In the sublime experience, a person senses his cognitive powers are limited: somehow he perceives something that he cannot fully grasp—he perceives the sublime object as epistemologically

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and works of fine art. Robert Wicks, "Kant on Fine Art: Artistic Sublimity Shaped by Beauty," The *Journal of Aesthetics and Art Criticism* 53, no. 2 (1995): 189-93.

[134]Warnock, *Imagination*, 47.

[135]Ibid., 49, 55.

[136]"Imaginatively we stretch out toward what imagination cannot comprehend. We realize that there is more in what we see than meets or can ever meet even the inner eye." Ibid., 56-57.

[137]Ibid., 58.

[138]Ibid., 56-57.

[139]Warnock, *Imagination*, 58.

[140]Ibid., 65.

[141]Guy Sircello, "How Is a Theory of the Sublime Possible?" *The Journal of Aesthetics and Art Criticism* 51, no. 4 (1993): 545; Jane Forsey, "Is a Theory of the Sublime Possible?" *The Journal of Aesthetics and Art Criticism* 65, no. 4 (2007): 382.

inaccessible.[142] If the object is epistemologically inaccessible, how can he experience it?[143] It is no solution to say that sublime experiences are only fantasies.[144] If the sublime were to present its object as potentially not existing, that would undercut the force of the perception, inherent to the sublime, that its object cannot be fully grasped.[145] At the same time, no description of sublime experience treats its object as entirely epistemologically inaccessible; something is there, which a person is able, somehow, to perceive.[146] Therefore, the sublime experience implies an ontology, often the existence of God or a transcendent mind, but simultaneously causes the perceiver to doubt his epistemic capacity.[147] There are myriad ways to attempt to resolve this tension.[148]

Warnock's solution follows Kant's, who moves the sublime from being the property of an object to being the feeling of an experiencing subject.[149] Sublime experience

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[142]Warnock, *Imagination and Time*, 78; Sircello, "How Is a Theory of the Sublime Possible?," 543, calls this an interpretation of the theme of epistemological transcendence, based on examples of sublime discourse that purport to explain or represent sublime experiences, which like mystical experience, often express an encounter with something indefinable or ineffable.

[143]Forsey, "Is a Theory of the Sublime Possible?," 382.

[144]Sircello, "How Is a Theory of the Sublime Possible?," 547.

[145]Ibid., 545.

[146]Forsey, "Is a Theory of the Sublime Possible?," 383, concludes that if both of these limitations remain unmodified, then sublime experience becomes theoretically impossible.

[147]Sircello, "How Is a Theory of the Sublime Possible?," 546.

[148]Here are a few: reduce the sublime to mere feelings, Forsey, "Is a Theory of the Sublime Possible?" 387-88; but this makes nonsense of most historical discussion of the sublime. Call the representation in the sublime mistaken or in error, Sircello, "How Is a Theory of the Sublime Possible?," 546; but this undercuts the sense that the sublime tells something important about reality. Alternatively, one could take the object of the sublime to be nothingness, or the void, as in some Eastern thought. Ibid., 548. The most promising solution softens the problem from epistemological inaccessibility to epistemological inadequacy; our epistemological powers are insufficient for a full grasp of the transcendent object, but not entirely incompetent. Ibid., 549.

[149]Forsey, "Is a Theory of the Sublime Possible?," 383. The trend in eighteenth-century aesthetics bent away from seeing the sublime as a property of object, and gave more attention to its effect on the perceiving subject, as in Kant, Burke, and Addison. Vanessa Ryan, "The Physiological Sublime: Burke's Critique of Reason," *Journal of the History of Ideas* 62, no. 2 (2001): 265-66, 269. Though Kant and Burke's interpretations of the sublime differ in important ways, they both connect it to morality in

is not prompted by an object in the world, but by a thought, ideas of reason, or aesthetic ideas. The object of sublime experience is in the mind, not the world. Consequently, objects are not sublime; the mind is sublime in assessing them so.[150] The imagination attempts but fails to represent these ideas in images.[151] Kant attempted in this way to lessen the ontological problem of the sublime experience. Forsey thinks he is unsuccessful:

> Kant's conception of sublimity, for all that it, too, focuses on the epistemological aspects of our experience, still carries with it an ontological claim about (transcendent) reality. . . we escape incoherence only to find ourselves facing some ineffable or mysterious reality that we do not experience directly, that we cannot know, but that nevertheless we must posit as existing, of which the sublime gives us a glimmer.[152]

This leaves Kant (and Warnock) with a mysterious ontology—something may be behind the sublime experience, but one cannot quite say what. This solution partly serves her anti-theistic and anti-doctrinal desiderata: the sublime object, if it exists, is noumenal and unknowable; hence, one must at best be agnostic about God or supernatural realities, and can say nothing definite about them.

Yet Warnock thinks that the capacity for sublime experience is supremely important:

> We must recognize that what Kant spoke of relatively dispassionately as aesthetic ideas which could not be adequately envisaged, nor wholly expressed in language, have become the objects of a deep nostalgia. They have become that which, if we could only grasp them, would transform us. These ideas which live in nature and in ourselves have become the source of the whole significance of our life.[153]

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ways Warnock would reject. "For Kant, the recognition in the sublime of our superiority over nature is the basis of our "moral feeling"; for Burke, sublime experience "leads directly to moral action." Ibid., 278-79. Warnock avoids connecting the sublime experience to morality, in part because she uses the sublime to explain the genesis of religion, and because she wishes to sever the connection between religion and morality.

[150]Warnock, *Imagination*, 63.

[151]Ibid., 62; Forsey, "Is a Theory of the Sublime Possible?," 384.

[152]Forsey, "Is a Theory of the Sublime Possible?," 385.

[153]Warnock, *Imagination*, 70.

Warnock cites Michael Paffard's research, which shows that transcendental experiences are common, especially in children and adolescents.[154] Warnock thinks that the religious impulse in humans is partially explained by their capacity for sublime experience, and by the fact that the sublime is generally perceived as profound and important.[155] Ideas of God, infinity, and eternity cannot be fully grasped, but they can be felt, and these powerful feelings evoke reverence and reflection upon ultimate realities.[156] Many writers speak of their experiences of the sublime as being of great personal significance and even life changing.[157] Warnock even approvingly cites C. S. Lewis' experiences of joy in his spiritual autobiography, though she criticizes him for minimizing the importance of these feelings.[158]

Despite their similarly Romantic views of imagination, Warnock and Lewis differ over the nature of the object of the sublime experience.[159] Lewis "minimized" his sublime feelings because he did not see them as terminal or ultimate, but as signposts to the final satisfaction that can be had in God.[160] Lewis' "joy" is a desire with an object; it

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[154]Warnock, *Dishonest to God*, 143; Michael Paffard, *Inglorious Wordsworths: A Study of Some Transcendental Experiences in Childhood and Adolescence* (London: Hodder and Stoughton, 1973); Warnock, *Imagination*, 208.

[155]Warnock, *The Uses of Philosophy*, 177, 192-93; Warnock, *Dishonest to God*, 148; Warnock, "Religious Imagination," 147-48.

[156]Warnock, "Religious Imagination," 147. Religion springs from these experiences; thus, imagination is the "creator" of religion. Warnock, *Dishonest to God*, 144.

[157]Warnock cites the experiences of Willa Muir, Wordsworth, and C. S. Lewis in Warnock, "Religious Imagination," 147-48. Cf. Warnock, *Imagination*, 208.

[158]C. S. Lewis, *Surprised by Joy: The Shape of My Early Life* (New York: Harcourt, 1955), 17-18, describes joy as "an unsatisfied desire which is itself more desirable than any other satisfaction." Warnock, *Imagination*, 209; Warnock, "Religious Imagination," 148, 154-55.

[159]Robert Holyer, "Imagination and Faith: A Response to Mary Warnock," *Theology* 92 (1989): 186.

[160]Lewis, *Surprised by Joy*, 238. Holyer comments, "Lewis concluded that Joy is a desire for an object not given in our experience, an ultimately satisfying something that does not lie within our grasp-in effect, a desire for God." Holyer, "Imagination and Faith," 185. Warnock, by contrast, elevates the aesthetic experience itself as what "quite literally gives value to our world." Warnock, *Imagination*, 209.

is a longing for God, which can find satisfaction partially now and fully in the eschaton.[161] Warnock, however, steadily resists any impulse to derive from a sublime experience any propositional truth that might be expressed with any measure of clarity.[162] Instead, sublime feelings, if they gesture outward, index only what cannot be expressed; any object of these feelings remains indeterminate or inexpressible.[163] With a divine or transcendent object dismissed, Warnock links the sublime experience to aesthetic ideas that "live in nature and in ourselves."[164]

I offer here only two brief critiques. First, Warnock's examination of the sublime uses only examples of Romantic-type experiences, like those reported by Coleridge and Wordsworth, but does not include any experiences that report explicitly religious content.[165] Further, she asserts but never shows that her analysis of Romantic

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[161]Warnock "Religious Imagination," 153, praises in Lewis the object-centered nature of emotional experience, but when she finds his "joy" directed at a divine object, she criticizes him for "literalism," which Holyer says is more correctly termed objectivism. Ibid., 154; Holyer, "Imagination and Faith," 186. Warnock accuses Lewis of embracing too strong a distinction between fact and myth, but it is Warnock who makes the distinction overly stark, not Lewis. Lewis, as Holyer observes, held that myths maybe the true in three senses: (1) that they say something important about the human condition, (2) that they accurately recount actual events, and (3) that they give us a clear glimpse of God. Warnock held that only (1) could be the case. Holyer, "Imagination and Faith," 185. In overfocusing on (1) and what it had in common with Coleridge and other Romantics, Warnock is tone deaf to Lewis' central point. Ibid., 186-87.

[162]Warnock, *Imagination and Time*, 84-85; cf. Warnock, *Dishonest to God*, 152-53. "And all this [attempt to clarify doctrine] has come about in order that people should understand clearly what was always intended to be a mystery, and should take as literally true stories that could never have been more than suggestions of truths that could not be wholly encompassed in language, but whose meaning is for the imagination to interpret." The idea of imagination being the faculty of interpretation is also problematic; interpretation inevitably involves, in Neville's terms, logical forms that press the issue of truth. Robert Cummings Neville, *The Truth of Broken Symbols* (Albany, NY: SUNY Press, 1996), 51.

[163]Holyer observes that Warnock herself never characterizes imaginative feelings in terms of desire; only as "the emotional sense of the infinity or inexhaustibleness of things." Warnock, *Imagination*, 207, quoted in Holyer, "Imagination and Faith," 186. Warnock herself repeatedly emphasizes the ineffability of aesthetic ideas, and resists any attempt at definite description of the object(s) of sublimity. For example, the sublime indicates "something, we cannot say exactly what . . . and which cannot be precisely stated in plain terms." Warnock, "Religious Imagination," 154-55.

[164]Warnock, *Imagination*, 70.

[165]Warnock's illustrations of the sublime include passages from Coleridge ("Religious Imagination," 144-47), Wordsworth (*Imagination*, 120; "Religious Imagination," 146, 150; "Imagination," 405), Willa Muir ("Religious Imagination," 146), Proust ("Religious Imagination," 149-50), and Hartley

experiences equally applies to religious experiences. Even in her discussion of Lewis, she refers to his childhood experiences of the sublime (which he only later took to be pointing toward God), but not his more significant religious experiences: his philosophical pilgrimage, experience on the bus, or lonely nights in the study at Magdalen.[166] I suspect she overlooked them because those experiences violated her three desiderata: they convinced Lewis God was real, pointed him to a specific understanding of God, which he was able to articulate, and had strong moral implications.

Second, some religious experiences resemble sublime experiences, but not all do.[167] Religious experiences come in great variety; they do not always involve a perception of epistemic transcendence and they often have moral implications.[168] Consider two paradigm examples from Christianity. Isaiah's vision of heaven, while it was clearly a vision of God's greatness and power, did not communicate that what he perceived was epistemologically inaccessible. It also involved clear moral implications ("woe is me, I am a man of unclean lips") and a behavioral mandate ("Go, and tell this people . . .") (Isa 6:5, 9). Similarly, Zacchaeus' encounter with Jesus did not seem to involve any challenge to his epistemological faculties, but it did provoke moral reform.[169] Casting religious

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(*Imagination*, 121).

[166]Warnock, "Imagination," 406; Lewis, *Surprised by Joy,* 212-23, 224-25, 228-29.

[167]Keith Yandell, *The Epistemology of Religious Experience* (New York: Cambridge University Press, 1993), 25-32, classifies religious experiences according to their content: monotheistic, nirvanic (Buddhism), kevalic (Jainism), moksha (Hinduism), and nature experiences. In each case, theological understanding shapes the experience.

[168]Some mystical experiences involve a perception of undifferentiated unity in which moral categories are transcended, but Warnock addresses experiences that Proudfoot calls "numinous," which involve both a perception of an Other and moral implications. Wayne Proudfoot, "Mysticism, the Numinous and the Moral," *Journal of Religious Ethics* 4, no. 1 (1976): 3-28. Clifford Geertz, *Islam Observed* (New Haven, CT: Yale University Press, 1968), 97, writes that a religious viewpoint involves "the conviction that the values one holds are grounded in the inherent structure of reality, that between the way one ought to live and the way things really are there is an unbreakable inner connection. What sacred symbols do for those to whom they are sacred is to formulate an image of the world's construction and a program for human conduct that are mere reflexes of one another."

[169]"Here and now I give half of my possessions to the poor, and if I have cheated anybody out

experience as a subset of sublime experience serves Warnock's desiderata of isolating religion from morality, but many religious experiences cannot be restricted that way.

Imagination and Symbols

Imagination "creates" religion because it enables humans to understand and use symbols.[170] Imagination gives a person the capacity to see in a symbol not simply the sign before him, but something else, not present, to which it might point.[171] He can imaginatively see in bread and wine or in baptismal water larger truths that are emotionally powerful and deeply meaningful.[172] Religions greatly depend on symbols and symbolic language, especially about God.[173] This section summarizes Warnock's view of symbols, and offers three critiques, relying primarily on Robert C. Neville's application of Peircean semiotics to religious symbols: (1) religious symbols generally refer in three ways, but Warnock gives space for only indexical reference; (2) imagination alone cannot perform the work of interpretation, except under an untenably wide definition, and (3) Warnock "promotes" religious symbols in a way that mistakes how they actually function.

A symbol is an object which is itself, but also stands representative of something else. It is significant both in virtue of what it is and for "what else it means."[174]

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of anything, I will pay back four times the amount" (Luke 19:9).

[170]Warnock, *Imagination*, 47.

[171]Warnock, "Religious Imagination," 143.

[172]Warnock, *Dishonest to God*, 151-52, writes that the subject matter of religion is Time and Eternity, and that, therefore, religion will fasten upon anything the imagination can take as a symbol of endurance.

[173]Some liberal theologians have turned to semiotics as a way of understanding religion that substitutes for theology. The outcome is a flexible approach that tries to take religion and its meanings seriously, but abandons dogmatics in favor of a method that can accommodate multiple religions and worldviews. Paul Tillich (to whom Warnock, *Dishonest to God*, 133, briefly refers) and George Lindbeck both approach doctrines themselves as symbols. Neville, *The Truth of Broken Symbols*, 29-30.

[174]Warnock, "Religious Imagination," 143.

Symbols are "translucent"; they are seen through.[175] Symbols, in Coleridge's thought, allow the eternal to be seen through the temporal, the universal through the particular, and the special through the ordinary.[176] In one way, symbols are analogous to language, which is the most common way of referring to ideas or to things absent.[177] Symbols, by contrast, though they have a communicative function, can represent ideas with a greater depth and intensity of feeling, especially ideas that strain the limit of comprehensibility.[178] Like the sublime, symbols represent things that cannot be wholly defined in language. Therefore, symbols are never entirely successful in their communication of ideas, or at least, fail considerably short of the clarity and transparency of language.[179]

Warnock classifies symbols in two types, which constitute either end of a continuum. On one end are symbols whose meaning does not intrinsically flow from the object itself. Instead, they are interpreted "according to a rule" without which one could not understand what was symbolized, e.g., a flag flying at half-staff.[180] The meanings of such symbols are assigned by external convention.[181] On the other end are "full-blooded"

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[175]This is Coleridge's language, which Warnock appropriates. He writes, "a symbol is characterized by a translucence of the special in the individual, of the general in the special, of the universal in the general: above all by the translucence of the eternal through and in the temporal. It always partakes of the reality which it renders intelligible; and while it enunciates the whole, abides itself as a living part in that unity of which it is representative." Coleridge, *The Statesman's Manual*, quoted in Warnock, *Imagination and Time*, 81. See also Warnock, "Religious Imagination," 143.

[176]Warnock, "Religious Imagination," 143.

[177]Though these categories cannot be cleanly divided, Warnock, *Imagination and Time*, 79, sees language as primarily "expressive" rather than symbolic, its purpose to communicate with clarity rather than to represent with profundity.

[178]Warnock, "Religious Imagination," 143. As in her application of the sublime, Warnock wishes to avoid definite doctrinal statements about God or supernatural objects. Cf. Michael L. Raposa, "The Fuzzy Logic of Religious Discourse," *The American Journal of Semiotics* 10, no. 1 (1993): 101-13. Raposa lauds vagueness as an essential feature of religious symbolism, and considers it desirable because vague symbols can be adapted to a discourse that includes all religions.

[179]Warnock, "Religious Imagination," 145.

[180]Warnock, *Imagination and Time*, 79.

[181]Ibid., 83.

symbols, in which the object and their symbolized meaning are inseparable, and which one can recognize without learning them.[182] Natural symbols, like the sky or a river are full-blooded symbols.[183] The crucifix, too, though it is a learned symbol, requiring some knowledge of the narrative of Jesus, and of Christian theology, once learned, can become a full-blooded symbol whose meaning is fully infused with the object.[184] Symbols may be thought as on a continuum between the first and second type. The "ambiguity" of full-blooded symbols seems to be that the association between the symbol and its object are immediately or automatically grasped.

Symbols, further, communicate meaning, not in the analytic, propositional sense of "meaning," but in the broader, romantic sense, which involves deeply felt, profound emotion. "Full-blooded" symbols, Warnock writes, convey not so much a *conception* as a *feeling* of infinity or of absolute power evoked by the symbols.[185] Warnock connects the ability to sympathize and the ability to understand symbols: both prompt emotional reactions. Symbols speak of "ideas that we may not be able to formulate, but which we possess only *through the reaction* we have to the object before us, that which we treat as a symbol."[186] That reaction is emotional and not conceptual: "grasping some element of nature as symbolic entail not an intellectual but an essentially emotional response, which has, in turn, to be conveyed."[187] Most importantly, symbols can communicate insofar as the emotions they prompt can be shared. A symbol that

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[182]Warnock calls this the "ambiguity" of full-blooded symbols. Ibid., 83-84.

[183]Warnock, "Religious Imagination," 144. Warnock cites a passage from Coleridge on the sky, but neither he nor she says of what it is a symbol. Based on her reliance on Kant, I surmise that she takes it to be a symbol of something eternal and ineffable, a Kantian idea of Reason, or other concept-defying idea.

[184]Warnock, *Imagination and Time*, 83-84.

[185]Warnock, *Imagination*, 202.

[186]Warnock, *Dishonest to God*, 144-145, emphasis added.

[187]Warnock, "Religious Imagination," 146.

speaks to me in deeply emotional ways can speak to another also, by virtue of common, human, imaginative capacity for sympathy.[188]

Recent work in semiotics and religion, however, renders Warnock's concept of full-blooded symbols less tenable, particularly when applied to religious symbols.[189] Symbols can refer in three primary ways: (1) iconically, in that the symbol resembles the object to which it refers; (2) indexically, in a way that only points to or indicates its object; and (3) conventionally, in that they are understood only in the context of complex systems of meanings.[190] Warnock's "full-blooded" symbols refer only indexically, in that they prompt a (potentially) transformative experience.[191] They do not refer iconically, because the resemblance involved between symbol and object produces propositions and theology.[192] Nor do full-blooded symbols refer conventionally, because they do not have to be learned, and the content they communicate is emotional and not propositional.[193]

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[188]Warnock, *Imagination and Time*, 85-86.

[189]Warnock's discussion betrays no familiarity with C. S. Peirce's triadic understanding of sign, symbol, and interpretant that has framed most recent discussion of semiotics. Robert Neville, Robert Corrington, and Martin Yalcin, among others, have applied Peircean semiotics to religious symbols aesthetic approach to religion. Neville, *The Truth of Broken Symbols*, 37-47; Martin Yalcin, "Naturalism and the Aesthetic Character of Religion: The Eclipse of the Absolute in the Experience of the Sacred," *Journal for the Study of Religion, Nature and Culture* 8, no. 2 (2014): 194. Robert S. Corrington, *Nature's Sublime: An Essay in Aesthetic Naturalism* (Lanham, MD: Lexington, 2013); and Robert S. Corrington, *Introduction to C. S. Peirce: Philosopher, Semiotician, and Ecstatic Naturalist* (London: Rowman & Littlefield, 1993). Unlike Warnock, their accounts of religious symbols engage carefully and with detail both Peirce's well-developed semiotic framework, and also the actual function of religious symbols for religious worshippers.

[190]Neville, *The Truth of Broken Symbols*, 37-47. Neville adapts these types of reference from C. S. Peirce.

[191]Robert C. Neville, "Contextualization and the Non-Obvious Meaning of Religious Symbols: New Dimensions to the Problem of Truth," *Neue Zeitschrift für Systematische Theologie und Religionsphilosophie* 44 no. 1 (2002): 83, writes, "Indexical reference is involved in all interpretation in which the interpreter realizes something, actualizes a better relation to the divine, is transformed in the engagement."

[192]Theologians typically want a "heavy dose of iconicity" in their interpretation of religious symbols because it produces propositional truth. Iconic reference, further, produces a "map" for engagement with the divine through the symbol in question, but not engagement itself. Ibid., 83.

[193]Neville explains, "Conventional reference connects the object and symbol at hand with the

Neville argues, however, that religious symbols invariably operate within complex systems of meaning, involving networks of symbols referring to each other, and even to multiple networks of meaning.[194] A person's first glimpse of the night sky might provide some sort of non-conventional index to the sublime infinite, but upon the second glance, or upon telling someone about it, it quickly becomes conventional, part of a semiotic system.[195] In contrast to Warnock, Neville insists that symbolic references are "not experienced as merely immediate."[196] Further, most religious symbols index multiple layers of meaning, so it is difficult to imagine how a symbol can have a single, intuitively grasped meaning.[197] Neville writes that religion "could have no bearing on the rest of life if it were not for the conventional references contained in its interpretations."[198] Warnock's own illustrations of full-blooded symbols, the sky referencing the infinite (Kant), the river referencing sexual passion (Virginia Glendinning), and the cross referencing all of the Christian story, are not immediately intuited meanings; they are all conventional references to established systems of meaning in philosophy, literature, and religion respectively.[199] Moreover, in actual practice, most religious symbols refer in all three ways.[200]

Warnock's account of interpretation of symbols is also suspect. Symbols must

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vast system of other symbols within the particular semiotic code." Ibid., 84.

[194]Neville, *The Truth of Broken Symbols*, 38, 77. Cf. Yalcin, "Naturalism and the Aesthetic Character of Religion," 195. Neville, "Contextualization," 82.

[195]Neville, *The Truth of Broken Symbols*, 37.

[196]Ibid., 38.

[197]For instance, Neville identifies no less than nine layers of reference embedded in the Christian Eucharist, while admitting that his analysis is oversimplified. Ibid., 77-85.

[198]Neville, "Contextualization," 84. Warnock aims to detach religion from the rest of life (i.e., public morality); barring conventional reference contributes to that end.

[199]Warnock, *Imagination and Time*, 83-85.

[200]Neville, "Contextualization," 82.

be interpreted to function as symbols. While Warnock agrees, she posits that the imagination performs this work: "I interpret a red light not just as a coloured light but as a prohibition, or I interpret someone's stance as indicating misery or fatigue."[201] Recall that for Warnock, imagination is essentially an image-producing capacity.[202] Interpretation, however, is a distinctly different mode of cognition than image production, one that must necessarily involve propositional content. Neville distinguishes imagination and interpretation with clarity and nuance:

> Interpretation is the name of the family of cognitive activities within experience that treats images as true or false. An image by itself is not an assertion. . . . Beyond imaginative form, interpretation has the addition forms of logic or truth-seeking. Religions do not treat their symbols as images alone but as disclosive interpretations.[203]

While imagination prompts interpretation, and by supplying images can dictate what stands in need of interpretation, as Neville indicates, imaginative forms of thought are not sufficient for interpretation. "Interpreting" a red light has an epistemic function; it leads to and justifies knowledge. Spaulding argues that while the imagination might create "new ideas that we may come to believe," the justification of those beliefs lies beyond the scope of the imagination.[204] One definition under which the imagination forms propositions is supposition; but as already seen, supposition does not produce images and does not affect emotions, both of which are central to Warnock's requirements, and more to the point, supposition is not governed by truth-seeking norms.[205] Imagination can perform

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[201]Warnock, "Imagination," 403-4.

[202]Warnock, *Imagination*, 10

[203]Neville, *The Truth of Broken Symbols*, 60.

[204]Spaulding, "Imagination through Knowledge," 221. On Spaulding's more precise understanding, imagination generates new ideas, but other cognitive capacities, which are distinct from imagination both shape imaginings and evaluate their accuracy. Ibid., 224.

[205]Alvin Goldman, "Imagination in Responses to Fiction," in Nichols, *The Architecture*, 41-42. Goldman allows that that supposition could be cast as e-imagining that I believe that *p*. Goldman, *Simulating Minds*, 48. Kind, "Heterogeneity," 157, however, is convincing that the heterogeneities between these conceptions of imagination are insurmountable.

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interpretation only under an untenably broad definition.[206]

Finally, to bring the ideas of sublime and symbol together: the way Warnock treats the objects of both "promotes" the symbol at the expense of its object. Religious symbols normally refer outward to the transcendent, pointing from the physical to the spiritual realm, from the profane to the sacred, from the this-worldly to the other-worldly.[207] If the symbols are "promoted," though, they become the transcendent, standing in for and, in a way, replacing what they were formerly taken to represent.[208] For example, Nehushtan, the bronze snake fashioned by Moses in the wilderness, was originally a symbol indexing the power of God, but later it became itself an object of worship, no longer pointing outward (Num 21:8-9; 2 Kgs 18:4). Promoted symbols, in biblical thought, are idols: images with no power or divine life in them.[209] In Beyers' terms, Warnock "promotes" the sublime as a symbol: no longer does it point outward to a divine other or transcendent object. Instead, the sublime experience itself becomes the transcendent. The value of the sublime is found in the experience itself, not in the reality to which it allegedly points.

Symbols are promoted or demoted when cultural contexts or meanings

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[206]For example, empiricists were committed to the idea that "all the contents of human thought are images (in the wide sense of the term that incorporates Humean 'impressions' as well as ideas)." Stevenson, "Twelve Conceptions of Imagination," 245. Thus imagination is taken under some understandings to be the ability to think of (conceive or represent) anything at all. Ibid. Under this definition, however, the term "imagination" no longer refers to a distinct cognitive attitude of the kind Warnock asserts, and is no longer characterized by image production in the visual sense, which is central to her understanding.

[207]Jaco Beyers, "Can Symbols Be 'Promoted' or 'Demoted?': Symbols as Religious Phenomena," *HTS Theological Studies* 69, no 1 (2013): 10. Neville, *The Truth of Broken Symbols*, 51, agrees, contending that religious symbols index as their primary referent the boundary of the finite and infinite.

[208]E.g., the Asherah pole went from being thought to represent the goddess, to actually being itself the object of veneration. Beyers, "Can Symbols be Promoted or Demoted?," 6-7.

[209]The commandment against graven images may be thought of as a hedge against the tendency toward the promotion of symbols and idolatry (Exod 20:4-5).

change.[210] Tillich wrote that religious symbols are adequate insofar as they retain the ability to provoke responses.[211] Symbols can either grow or die when the relationship of people to the ultimate shifts.[212] Similarly, Neville writes,

> The growth and changes in semiotic codes come about as they are used by people to engage the world. Pragmatic reasons explain the sharpening of some symbols and the diffusing of others, the invention of new symbols and production of analogical variation. Some symbols cease to have use, and others arise because the need for new discrimination is felt when people engage reality under the shaping direction of the code.[213]

Warnock's aestheticization of religion is an attempt to transform the understanding of religion and its symbols in light of a revised understanding of the ultimate that excludes literal belief in God.

While this revised understanding serves Warnock's agenda, it misses how religious symbols actually function. Religious people take religious symbols to express the way reality is, not simply as foci of emotional experiences of a certain kind.[214] Symbols invariably provoke questions about the truth of their interpretations, including "whether there really are religious objects whose nature is what the symbols mean to say they are."[215] Second, the effectiveness of religious symbols is measured in part by their ability to effect transformation in the affected individual, often, a moral transformation.[216] In

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[210]Beyers, "Can Symbols be Promoted or Demoted?," 9.

[211]Donald F. Dreisbach, "Paul Tillich's Doctrine of Religious Symbols." *Encounter: Shane Quarterly* 37 (1976): 334-35.

[212]Donald F. Dresibach, *Symbols and Salvation* (Lanham, MD: University Press of America, 1993), 48; Beyers, "Can Symbols be Promoted or Demoted?," 6.

[213]Robert C. Neville, *Religion in Late Modernity* (Albany, NY: SUNY Press, 2002), 50.

[214]Neville, *The Truth of Broken Symbols*, 33, writes, "Religious people intend to say that reality itself is like what the symbols say."

[215]Ibid., 28.

[216]Ibid., 153; F. Leron Shults, "Transforming Theological Symbols," *Zygon: Journal of Religion & Science* 45, no. 3 (2010): 724.

short, Neville explains that religious symbols "save people, shape communities, and tell the truth about what they represent."[217] Warnock, by contrast, wants to isolate religious symbols to the aesthetic and prevent them from bleeding over into either the metaphysical or the moral. In practice, however, neither imagination nor religion can be tidily isolated from belief, reasoning, perception, or morality.[218]

Finally, the primary referent of religious symbols is always what Neville calls the finite/infinite boundary.[219] He uses this language so that his theory can be applied across a range of religions, but he is equally comfortable saying that religious symbols primarily refer to God, the sacred, or the divine.[220] Central to his theory is the idea that symbols "break" on the infinite; they cannot entirely or exhaustively represent the infinite: "the divine is more than is said, or not quite what is said."[221] Unlike Warnock,

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[217]Neville, *The Truth of Broken Symbols*, 1. LeRon Shults, "What's the Use? Pragmatic Reflections on Neville's Ultimates," *American Journal of Theology and Philosophy* 36, no. 1 (2015): 79, pointedly critiques Neville for leaving room in his practical theology for religious people to continue to literally believe in God, in his providential care, etc., when philosophical theology has dismissed literal supernatural agency and retains it only as metaphor. Robert C. Neville, "Comments on F. LeRon Shults' 'What's the Use? Pragmatic Reflections on Neville's Ultimates," *American Journal of Theology and Philosophy* 36 no. 1 (2015): 82, replies that Shults' iconoclasm will leave some people with no religious frame of reference within which to engage with ultimate meaning. If a "midwestern Southern Baptist" can find comfort only within a too-literal religious frame, Neville is happy, for practical reasons, to let him do so.

[218]Warnock recognizes both that envisioning imagination as a separate faculty is a fiction, and that the imagination itself performs tasks across the range of human cognition. Warnock, "Religious Imagination," 142; Warnock, *Imagination*, 194-97.

[219]Neville, *The Truth of Broken Symbols*, 51. Neville, "Comments," 81, like Warnock, is committed to the "theological falsity of literal belief in supernatural agents." He dissociates belief in the supernatural from religion, and further, he has "never taken the extreme right of evangelical Protestantism very seriously as a religion." Ibid., 83. He nevertheless has a far more sophisticated, robust, and realistic view of how religious symbols work. Even from a theologically liberal point of view, then, Warnock's understanding of symbols is anemic.

[220]Neville, *The Truth of Broken Symbols*, 58; Shults, "Transforming Theological Symbols," 720.

[221]Neville, *The Truth of Broken Symbols*, 41. "A broken symbols is one that effectively engages us but whose limitations are known." Ibid., x. Shults, "Transforming Theological Symbols," 721, explains that symbols indexing the divine have an apophatic quality. Neville, *The Truth of Broken Symbols*, 29, clarifies that approaching religion semiotically rather than theologically gives room for either the affirmation or denial of the existence of God; a symbol might be taken to be broken in that it was inadequate to exhaustively describe God, or that the God it refers to does not exist.

however, Neville thinks that this is no impediment to their being able to refer truly to the divine; in fact, only broken symbols could truly refer to the divine. They are true because of their inadequacy to refer exhaustively to the divine; to take them to do otherwise is to commit idolatry.[222]

Conclusion

In morality, Warnock assigns to the imagination the need to emotionally sympathize with the plight of others, and at the same time, imagine oneself in another's place. These two functions require incompatible views of what the imagination is. This incompatibility alone does not torpedo Warnock's view of morality, however. It may simply be that imagination under more than one description is required to account for it. Warnock's primary weakness is that she does not explain how imaginative sympathy with others leads to the generation of normative demands, and to action. It is entirely unclear that the imagination, under any description, can perform that function.

In religion, replacing believing with imagining achieves the results Warnock desires: it retains the aesthetic and emotional outcomes of religion and severs the connections to the rest of one's beliefs and to morality. Recent work in the philosophy of imagination, especially "single code" theory, confirms that imagination functions in a way that can achieve these outcomes. Warnock thinks that the capacity for sublime experience is at the root of the religious imagination, but she cannot entirely escape the ontological implications that there may be a real transcendent object of the sublime experience. Further, many religious experiences do not share the characteristics of the sublime experience because they have moral implications and are not ineffable. Similarly, Warnock thinks symbols refer only indexically, and that their meanings are essentially emotive and interpreted by the imagination. In actual practice, however, religious symbols

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[222]Shults, "Transforming Theological Symbols," 722.

almost invariably refer indexically, iconically, and conventionally, and connect to complex systems of meaning and truth, including propositions about the existence and nature of God.

CHAPTER 3

MORALITY

Mary Warnock's objective in moral philosophy is to find "the basis for a morality that is not purely relative, that is more than a matter of our own personal preference, and that can stand alone, without the supporting buttress of religion."[1] This chapter briefly summarizes Mary Warnock's moral philosophy, and then analyzes and critiques two areas of it that have major implications for her objection to religiously-based moral arguments. First, Warnock makes a soft conceptual separation between morality and law. This separation allows her to insist that political authority is carried by law and not morality, and especially not religiously-based morality. She conceives political authority largely in procedural terms, emphasizing the duty of citizens to submit to the law's authority even when it conflicts with their personal or religious moral convictions. Second, Warnock follows the standard liberal strategy of differentiating between public and private morality and confining religiously-based morality to the private realm. Privatization of religion, however, is inherently unfair to religious people, misunderstands religion in important ways, and violates the equality of access to the political process demanded by a procedural justification of political authority.

Warnock's View of Morality

Morality is a point of view; it is one specific way among numerous ways of looking at character and behavior, and it is unique in that it issues in practical judgments.[2]

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[1]Mary Warnock, *Dishonest to God: On Keeping Religion Out of Politics* (London: Continuum, 2010), 117.

[2]Mary Warnock, *An Intelligent Person's Guide to Ethics* (London: Duckworth, 1998), 75-76. Warnock's view runs parallel to that of her husband, Geoffrey Warnock. Her top ten books on philosophy

The moral point of view is voluntary; it cannot be forced upon people as a motive for action.[3] The moral point of view can be adopted, however, by those who want to adopt it. The moral point of view arises from the ability, granted by the faculty of imagination, to sympathize with the challenges and sufferings of fellow human beings.[4]

Morality is grounded in certain facts of human nature.[5] People's moral sensibilities, first, presume that everyone shares the same moral qualities as themselves. Warnock notes that people use moral language sympathetically; for instance, a person uses the same terms to describe jealousy in herself as in other people.[6] Second, people think their own mental states are similar enough to others to sympathize with them.[7]

includes Geoffrey J. Warnock, *The Object of Morality* (London: Meuthen and Co., 1971), written by her husband, and she acknowledges her debt to his theorizing about the sources and nature of morality and ethics. She comments, "Those who are inclined to deny that morality can exist without a religious foundation should read every word of this book." Mary Warnock, "Mary Warnock's Top 10 Philosophy Books," The Guardian, December 3, 2000, accessed June 27, 2014, http://www.theguardian.com/books/2000/dec/04/bestbooks.philosophy,

[3]Warnock, *An Intelligent Person's Guide*, 75, 86-87; cf. G. Warnock, *The Object of Morality*, 164.

[4]Warnock, *Dishonest to God*, 112; Mary Warnock, *Imagination and Time* (Oxford: Blackwell, 1994), 19; Warnock, *An Intelligent Person's Guide*, 86-88; G. Warnock, *The Object of Morality*, 165.

[5]Warnock, *Dishonest to God*, 94. Morality itself is a strictly human concern: natural "evils," e.g., earthquakes, are not moral evils, neither is the behavior of animals. Warnock, *An Intelligent Person's Guide*, 77-78, 108. Warnock thinks Darwinism rules out thinking of humans as special creations of God, or of a different type than other animals. Warnock writes that only those who are "deliberately dogmatic and anti-rational" can think so. At the same time, she disagrees with Peter Singer's radical approach, writing, "redefining personhood does not really constitute an argument." Mary Warnock, *Nature and Mortality: Reflections of a Philosopher in Public Life* (New York: Continuum, 2003), 172. The idea that human beings are special, separate, or higher than other animals is not unjust, nor is it a bias that ought to be eliminated. Warnock, *Nature and Mortality*, 149, 172, 174. Warnock, *Dishonest to God*, 122, explains, "There can be no morality except in a social context; that is, a context involving other people."

[6]Warnock, *An Intelligent Person's Guide*, 103. Cf. Peter Strawson, *Freedom and Resentment* (London: Methuen and Co., 1974).

[7]Warnock, *An Intelligent Person's Guide*, 103-4. Though the idea of "putting yourself in the place of another" is fairly common in ethical thinking (it is relied upon to various degrees by R. M. Hare, Thomas Nagel and John Rawls), David Carrier, "Three Kinds of Imagination," *The Journal of Philosophy* 70, no. 22 (1973): 827-29, points out that philosophical problems are involved. For instance, how can one know if she succeeds or fails at imagining herself in another's place? There also seem to be cases in which it would be more difficult to succeed—for instance, when a fifteen-year-old must imagine himself to be

Third, people's immediate reactions to the behavior of others show that they believe them to be responsible for their actions.[8] People make moral judgments under the assumption that others would agree with their assessments.[9]

Warnock aims to recover the proper place of emotion in the human enterprise.[10] Reason alone is an insufficient basis for morality.[11] In moral philosophy, she finds Hume a truer guide than Kant; the categorical imperative's over-rationality detaches it too much from the real practicality of human life as it is actually lived.[12] Warnock thinks that Hume strikes a better balance. He famously wrote,

> Since vice and virtue are not discoverable merely by reason, or the comparison of ideas, it must be by means of some impression or sentiment they occasion, that we are able to mark the difference betwixt them. . . . Morality, therefore, is more properly felt than judged of; though this feeling or sentiment is commonly so soft and gentle, that we are apt to confound it with an idea, according to our common custom of taking all things for the same, which have any near resemblance to each other.[13]

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eighty, or when a wealthy, educated white European must imagine himself to be an uneducated black South African. Warnock does not address these challenges.

[8]Warnock, *An Intelligent Person's Guide*, 104.

[9]Warnock, *Dishonest to God*, 119. Warnock, *An Intelligent Person's Guide*, 9-10.

[10]Warnock complains that in the wake of logical positivism, moral language lost much of its meaning. Mary Warnock, *Ethics since 1900,* 3rd ed. (Oxford: Oxford University Press, 1978), 138.

[11]Warnock writes, "For morality rests not on calculation, or not on that alone, but much more on a sentiment of right and wrong, based on tradition, feelings, taught scruples, and perhaps a genetically inherited reluctance to do certain things." Mary Warnock, *The Uses of Philosophy* (Oxford: Blackwell, 1992), 69. The choice of the moral viewpoint is not a function of reason, because rationality may be used in the service of harm as well as of good. G. Warnock, *The Object of Morality*, 26.

[12]Jenny Teichman thinks that Warnock dismisses Kant too quickly, but Teichman's assessment is unwarranted, as Warnock does give Kant fair and respectful consideration. Jenny Teichman, "The Uses and Abuses of Philosophy," *New Criterion* 18, no. 4 (1999): 27; Warnock, *An Intelligent Person's Guide*, 81-83.

[13]David Hume, *A Treatise of Human Nature*, 2nd ed., ed. L. A. Selby-Bigge (Oxford: Oxford University Press, 1978), 470.

Though it can be confused as a kind of reasoning, morality is essentially emotive, in that it springs from sympathy with other human beings.[14] The ability to feel sympathetically the pleasures and pains of others implies what ought and ought not to be the case. Warnock notes, however, that Hume takes more into account than just sympathy with pleasure and pain. Actions are properly praiseworthy or blameworthy only when considered in general, apart from individual interests. He writes,

> Nor is every sentiment of pleasure or pain which arises from characters and actions of that peculiar kind, which makes us praise or condemn. The good qualities of an enemy are hurtful to us; but may still command our esteem and respect. 'Tis only when a character is considered in general, without reference to our particular interest, that it causes such a feeling or sentiment, as denominates it morally good or evil.[15]

Emotions also need to be justified when they are used to come to moral conclusions. One could say that a feeling of pleasure or pain is unwarranted, that is, not fitting to the object giving rise to it, and that moral implications derived from it are poorly conceived or suspect.[16] Feelings of pleasure or pain are also subject to the charge of insincerity; proper moral conclusions cannot be based upon the drama of emotional fakery.[17] Therefore, reason plays a secondary role in morality: it examines and justifies the moral content arising from emotional intuitions, but is not itself the source of moral content. In Warnock's metaethic, normative force arises from what Korsgaard calls "reflective endorsement."[18] A person observes humans' natural, instinctive ways of making and submitting to moral claims, and then considers whether to affirm or endorse those

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[14]Warnock, *Dishonest to God*, 116.

[15]Hume, *A Treatise of Human Nature*, 472; Warnock, *Dishonest to God*, 116.

[16]Mary Warnock and A. C. Ewing, "Symposium: The Justification of Emotions," *Aristotelian Society Supplementary* 31 (1957): 54.

[17]Ibid.

[18]Christine Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), 50.

inclinations or not.[19] Reason, then, justifies morality and ratifies its normative force.

Emotions nevertheless are primary in morality. Warnock explains,

> When we spontaneously use a vocabulary proper to morality, a vocabulary that contains besides "right" and "wrong" such words as "cruel," "dishonest," "disloyal," "cowardly," and so on . . . we are expressing in these words our specifically moral sentiments; and if we had no such sentiments, we should have no morality.[20]

Legal debates must be "felt in the guts" before they can be settled.[21] Sympathy, generated by the imagination, is the source of ethics.[22]

The primary moral challenge, then, is not irrationality, but what Warnock calls "limited sympathy."[23] All people have a tendency to think more of their own satisfactions than those of others, and are inclined to work for their own in ways that they are not willing to work for others.' In some cases, people can be not only indifferent but malevolent toward others.[24] Morality presses against these limited sympathies and goads people to think of others.[25] People can be exactly as moral as they want to be.[26]

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[19]Korsgaard, *The Sources of Normativity*, 50-51, notes that this approach to normativity arose with eighteenth-century sentimentalists, among whom she names Hume. Reflective endorsement naturally accords with Warnock's Romantic view of imagination. The realist model disapproves actions because they are wrong; reflective endorsement, by contrast, says actions are wrong because people disapprove them. There are no moral truths prior to human assessments with which they agree or not.

[20]Warnock, *The Uses of Philosophy*, 93, emphasis original.

[21]Warnock, *Dishonest to God*, 114. Warnock, *The Uses of Philosophy*, 95, writes, "True morality must be felt in the bones. It will not be wholly susceptible to reason." R. M. Hare, "An Ambiguity in Warnock," *Bioethics* 1, no. 2 (1987):175-76, thinks Warnock's connection between public moral sentiment and morality is weakly formulated. The way Warnock argues seems to indicate that if a majority of people feels something to be right or wrong, that must make it right or wrong—a position Hare thinks is hard to defend. The alternate would be to appeal to the effects of people's moral feelings; for instance, if enough people would have feelings of outrage over a newly granted moral permission, the ensuing social instability might be enough of a consideration to justify a continuing ban. This posture is stronger, but is not the one Warnock adopts. Cf. Mary Warnock, "Moral Thinking and Government Policy: The Warnock Committee on Human Embryology," *The Milbank Memorial Fund Quarterly* 63, no. 3 (1985): 512.

[22]Warnock, *An Intelligent Person's Guide*, 88.

[23]Ibid., 108. Cf. G. Warnock, *The Object of Morality*, 26.

[24]Warnock, *An Intelligent Person's Guide*, 87. Cf. G.Warnock, *The Object of Morality*, 21-22.

[25]Warnock, *An Intelligent Person's Guide*, 108; cf. G. Warnock, *The Object of Morality*, 26.

Adopting the moral point of view amounts to embracing altruism. People act quite naturally in their own self-interest, but ethics arises when people see that they must at times act in the interest of others or of the whole, rather than themselves.[27] Though altruism in one sense is in a person's interest, because of how he is bound to the fortunes of the overall human society, altruism "does not follow automatically from self-interest."[28] Altruism frequently conflicts with self-interest and feels like a duty or command.[29] It often entails foregoing what one would otherwise have done, or denying oneself a freedom you would like to exercise, for the sake of others.[30] If altruism is impossible, then ethics is impossible, because in that case there would be no way to distinguish between the motivations of morally good and morally evil people.[31]

There are rational limits to the moral demands of altruism. The further sympathies extend, the sooner those sympathies outstrip a person's ability to do something that sympathy provokes him to. For instance, it is one thing for a person to have sympathy for a poor woman he passes on the street—it is entirely possible that he could do

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Mary Warnock writes, "Our sympathies are limited. A growth into moral awareness may be seen as a gradual easing and stretching of such limitation." Warnock, *The Uses of Philosophy*, 40-41.

[26]In her writing on choices, Warnock squarely places moral decisions and personal virtue in the realm of choices that people have the power to make. Warnock, *The Uses of Philosophy*, 224-25. See also G. Warnock, *The Object of Morality*, 165-66.

[27]Warnock, *An Intelligent Person's Guide*, 89, explains, "In a precarious situation, people must assert and share certain values, or perish. It is this realization, it seems to me, which lies at the root of the ethical. This is what opens up the possibility of altruism, as each person thinks for himself, about his own relation to the rest."

[28]Ibid., 87. Teichman, "The Uses and Abuses," 28, in a generally caustic review of Warnock's moral philosophy, points out Warnock's conflicting views of altruism, among many inconsistencies: "Warnock denies that altruism is a disguised form of egoism but her own definition implies that it is just that. Altruism, she says, is the recognition that 'we are all in the same boat'; you behave altruistically because you know the boat will sink, with you in it, if you don't."

[29]Warnock, *An Intelligent Person's Guide*, 87.

[30]Ibid., 86.

[31]Ibid., 91.

something to alleviate her poverty. Feeling sympathy for every poor person in the world cripples the ability to act on the feeling, because the scale of the problem is simply too vast.[32] In these areas that outstrip an ordinary person's ability to act, feelings of sympathy can sometimes be the strongest; yet his duties cannot be unlimited.[33]

Morality and Law

When it comes to moral issues of public concern, Warnock believes that the law ought to reflect the broad moral consensus of society.[34] In her comments on the famous Hart-Devlin debate over the proper relationship of the law to society's shared morality, she disagrees with Devlin about the specific issue of homosexuality, but thinks he is right about the need for moral consensus:

> Nevertheless, in arguing that the law must be based on an accepted morality. . . . I believe that Devlin was fundamentally right. . . . If the law strays too far from what is widely thought to be right, whether in the matter of what is to be a criminal offence, or what sorts of civil cases may be brought, or especially, what are appropriate sentences for convicted criminals, then the law will cease to be regarded.[35]

Increasing moral pluralism, however, has made moral consensus harder to come by, especially on issues relating to life and death that express fundamental values.[36] In

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[32]Warnock, *An Intelligent Person's Guide*, 87.

[33]Ibid., 87-88.

[34]Warnock, *Dishonest to God*, 89-91. Warnock insists that despite challenges to moral consensus, there is nevertheless "a huge degree of agreement in the public at large" on many basic moral questions. Ibid., 89. Warnock refers to the famous Hart-Devlin debate over the decriminalization of homosexuality, noting that both agreed there was a moral consensus in society, but they disagreed about the relationship of that consensus to the law. Devlin thought that the law must enforce that shared sense of morality; Hart insisted that the force of law only be applied when clear cases of harm would not ensue. Warnock, *Dishonest to God*, 10, 60-61, 85-91; Warnock, *Imagination and Time*, 182-83; Warnock, *The Uses of Philosophy*, 85-87.

[35]Warnock, *Imagination and Time*, 183. This quote is from 1994. Though in Warnock, *Dishonest to God*, 87-89, published in 2010, she does not side with Devlin quite as firmly; nevertheless, she reiterates the basic sentiments expressed.

[36]Warnock, *Dishonest to God*, 88; Warnock, *Imagination and Time*, 181-82; Warnock, "Moral Thinking and Government Policy," 512-13. Warnock writes, "It is difficult to make a start towards consensus when the tradition-based feelings people have, which constitute their morality, are so diverse." Warnock, *The Uses of Philosophy*, 69.

contentious issues like abortion, moral opinions in society are in deep and irreconcilable conflict with each other. Warnock reports being "more skeptical than I used to be about the extent that moral consensus exists or can be achieved, still less assumed."[37] In cases where society is morally conflicted, Warnock turns to the legislature as the best means of discerning the moral opinions of society.[38] Where a consensus cannot be found, legislators are tasked with creating one, or even imposing one.[39] They must ask not "what is right?" but "what will work?"[40] As a result of her work on government commissions, Warnock came to view the terms "right" and "wrong" to be sternly absolutist enough that they had to be relegated to private moral considerations, and excluded from public moral decisions, which needed to operate upon consensus and in consequentialist terms.[41]

When no moral consensus exists and no clear compromise is apparent, legislators ought to find a set of moral boundaries that is "acceptable," a legal outcome

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[37]Warnock, *Dishonest to God*, 88. But cf. Warnock, *Imagination and Time*, 185, where sixteen years earlier she writes that genuine moral disagreements are "comparatively rare." The concept of moral consensus, further, does not accord with a strictly utilitarian approach to ethics. If it were, Warnock writes, moral agreements would be easier to come to. If, for instance, laws permitting abortion can be shown to cause more pleasure than pain than more restrictive arrangements, then on utilitarianism, the former would be objectively the better choice. Consensus language, however, implies conflicting positions that do not submit to easy, calculable resolutions. Warnock, *The Uses of Philosophy*, 90.

[38]Daniel F. Piar, "Morality as a Legitimate Government Interest," *Penn State Law Review* 117 (2012): 157, states, "Legislatures are inherently more competent to discern and implement public morality than judges." Wojciech Sadurski, "Conventional Morality and Judicial Standards," *Virginia Law Review* 73 (1987): 350, explains, "The presumption that, by and large, legislators are responsive to the moral sentiments in the community seems well founded." Thomas Christiano, "The Authority of Democracy," *The Journal of Political Philosophy* 12, no. 3 (2004): 286, writes, "Democratic decision-making [by the legislature] is a publicly just and fair way of making collective decisions in the light of conflicts of interests and disagreements about shared aspects of social life."

[39]Warnock, *Imagination and Time*, 186. Warnock extensively discusses Parliament's responsibility for moral leadership in Warnock, *The Uses of Philosophy*, 84-101. See also Warnock, *Dishonest to God*, 10. She also asserts that "an elected Parliament may sometimes lead moral opinion, and produce consensus where none existed before." Warnock, *Dishonest to God*, 89.

[40]Warnock, *Imagination and Time*, 186.

[41]Warnock, *An Intelligent Person's Guide*, 49-50.

that people can "live with."[42] Moreover, moral boundaries should be drawn as broadly as possible. Individuals or groups might prefer stricter laws, and if so, they are free to voluntarily abide by stricter moral codes than the law demands.[43] The law ought to forbid what all or most people find distasteful, but in areas of disagreement, should err on the side of liberality. Yet a balance should be sufficiently maintained so that, even if a constituency is unhappy with the law's variance from their deeply held beliefs, they will not be so alienated as to seek remedies outside the legitimate processes of democracy (e.g., violence, political rebellion, etc.).[44] Warnock remains optimistic that even in a pluralistic society, there yet remains sufficient moral consensus to sustain the belief in the rule of law, because the legal system mostly works, and most people are law-abiding.[45]

Warnock's case for removing religious arguments from public discourse depends upon a clear conceptual separation of law and morality.[46] Separation of law and morality is a key tenet of legal positivism, which Warnock discusses, and, to a degree,

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[42]Ibid., 50.

[43]In her introduction to the report of a Parliamentary committee she chaired, Warnock expressed the idea this way: "Within the broad limits of legislation there is room for different, and perhaps much more stringent, moral rules. What is legally permissible may be thought of as the minimum requirement for a tolerable society. Individuals or communities may voluntarily adopt more exacting standards. It has been our business, however, to recommend how the broad framework should be established, within our particular area of concern." "The Warnock Report: Report of the Committee of Enquiry into Human Fertilisation and Embryology," 1984, 3, accessed July 26, 2014, http://www.hfea.gov.uk/docs/Warnock_Report_of_the_ Committee_of_Inquiry_into_Human_Fertilisation_and_Embryology_1984.pdf. In Warnock, *Dishonest to God*, 10, she expresses the same sentiment favoring liberalization in legislation about homosexual behavior and animal cruelty.

[44]Warnock, *Dishonest to God*, 10.

[45]Warnock, *Imagination and Time*, 183; Warnock, *Dishonest to God*, 90. In Warnock's system, the authority of law is enforced by a nation-state. The people of that nation form a moral consensus, their legislatures enact it, and the state enforces it. International law and global moral issues pose interesting challenges to this conception; Warnock suggests that the UN or World Trade Organization might function in a state-like manner, and that ethics committees might function like parliament in discovering global moral consensus, if there is one to be found. Mary Warnock, "The Foundations of Global Morality," *RSA Journal* 153, no. 5522 (2006): 24-25.

[46]Warnock, *Dishonest to God*, 88-90.

endorses. As classically articulated by H. L. A. Hart, the essential features of legal

positivism are the social fact thesis, that law depends upon social facts and not moral facts,

and the separation thesis, that there is no necessary connection between law and morality.[47]

A vast literature has arisen on the meaning, implications, and limits of the separation

thesis.[48] In its original form, it was concerned primarily with legal validity, which is to

say that laws are valid even if they run afoul of a moral principle.[49] Separation defended

the validity of law and also left it open to moral criticism.[50] In recent decades, however,

the separation thesis has been challenged, amended, and clarified.[51] Legal positivists have

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[47]Whether law exists in a society or not is a separate question from a normative assessment of the content of the law. John Austin, *The Province of Jurisprudence Determined*, ed. W. E. Rumble (Cambridge: Cambridge University Press, 1995); Jeremy Bentham, *Of Laws in General*, ed. H. L. A. Hart (London: Athlone, 1970); Giorgio Pino, "Positivism, Legal Validity and the Separation of Law and Morality," *Ratio Juris* 27, no. 2 (2014): 193. For an account of positivism before Hart, see Frederick Schauer, "Positivism before Hart," in *The Legacy of John Austin's Jurisprudence*, Law and Philosophy Library, vol. 103, ed. Michael Freeman and Patricia Mindus (New York: Springer Science & Business Media, 2012), 271-90. Brian Tamanaha insists that Hart's influence has so dominated the field that positivism "remains trapped within Hart's paradigm," and is so widely accepted that it is "orthodoxy in desperate need of dissent." Brian Tamanaha, "The Contemporary Relevance of Legal Positivism," St. John's Legal Studies Research Paper no. 07-0065; *Australian Journal of Legal Philosophy* 32 (2007): 3-4, accessed July 23, 2016, http://ssrn.com/abstract=960280. Cf. Brian Bix, "Legal Positivism," in *Blackwell Guide to the Philosophy of Law and Legal Theory*, ed. Martin P. Golding and William A. Edmundson (London: Blackwell, 2005), 29-49.

[48]The separation thesis can be understood as a conceptual, factual/descriptive, methodological, moral or interpretive thesis. W. J. Waluchow, "What Legal Positivism Isn't," *Cogito* 12, no. 2 (1998): 110.

[49]Pino, "Positivism, Legal Validity," 193.

[50]Central to the motivation of legal positivism is to recognize that there are bad laws, e.g., laws regulating slavery, Jim Crow, etc. Natural Law theorists and philosophers have argued for centuries that immoral laws are not laws at all, (i.e., there is no moral obligation to follow immoral law). Tamanaha, "The Contemporary Relevance," 6-7, cites Cicero, Augustine, Aquinas, and Blackstone as examples. Positivists have answered that this is nonsense, that in fact, immoral laws are enforced all the time and pretending an unjust law is not law gives no comfort to a man condemned by it. Ibid., 7-8. Legal positivists, then, differentiate validity of law and obligation to obey it, while natural law theorists conflate them. Ibid., 9. Both agree that moral laws should be followed and immoral laws should not. One complication of conflating validity and obligation is establishing the threshold at which laws become so immoral that there is no obligation to follow them.

[51]Pino, "Positivism, Legal Validity," 191. Schauer writes, "Although all versions of legal positivism insist on the conceptual separation of law and morality, the nature of that separation is simultaneously obscure and contested in much of the positivist literature." Frederick Schauer, "Positivism through Thick and Thin," in *Analyzing Law: New Essays in Legal Theory*, ed. Brian Bix (Oxford: Clarendon, 1998), 66.

conceded that several relationships between law and morality, even if not necessary relationships, still significantly impact the shape and direction of law.[52]

Inclusive legal positivism (ILP) softens the separation thesis to the much weaker separability thesis: it is conceivable that a legal system exists in which legal validity is not determined by moral criteria.[53] This version of the separation thesis admits that morality and law invariably connect in important ways. Exclusive legal positivism (ELP) restricts the range of the separation thesis to considerations about the validity of law—i.e., moral considerations are not permitted when assessing whether law is valid—but it acknowledges that there are nevertheless important connections between law and morality.[54] Waluchow explains that ILP and ELP agree that law is a "convention-based social practice with its own internally generated criteria for what counts as a valid legal standard." ILP says the criteria may refer to moral principles; ELP says they may not.[55]

Warnock can be classified as an inclusive legal positivist because she acknowledges important connections between morality and law. For instance, she writes that morality is "prior to, lies behind and is the foundation of the law."[56] Law, further, ought to be based upon societal consensus about morality: "What the law enjoins or prohibits as a whole must be felt to reflect a system of moral values broadly accepted by

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[52]Tamanaha, "The Contemporary Relevance," 39-41.

[53]Pino, "Positivism, Legal Validity," 197. Tamanaha thinks that by this turn, inclusive positivists have given away the farm, in effect conceding that a strong connection between law and morality is the norm. Tamanaha, "The Contemporary Relevance," 40-41.

[54]Pino, "Positivism, Legal Validity," 197. Pino differentiates formal and material validity, arguing that law's material validity must necessarily involve moral discourse, while formal validity does not. Ibid. 207-8. The cost to exclusive legal positivists of denying validity to any case in which morality seems to inform law, is that many ordinary instances of law cannot be recognized as such. Tamanaha uses Shari'a as an example: it is inextricably connected to morality, yet clearly is law. ELPs, however, must deny this. Tamanaha, "The Contemporary Relevance," 41-42.

[55]Waluchow, "What Legal Positivism Isn't," 111.

[56]Warnock, *Dishonest to God*, 90; Warnock, *An Intelligent Person's Guide*, 75ff. See also G. Warnock, *The Object of Morality*, 51-52.

those who are subject to it."[57] Total separation of law and morality, further, is not tenable: "We cannot totally separate the criminal law, at least in its broad outlines, from morality; and this means a generally accepted morality."[58] Warnock's distinction between law and morality, then, is more a conceptual clarification than a categorical separation. For instance, morality may sometimes speak to the validity of law. Warnock observes that judges asked to rule on laws' applicability often appeal to moral truths or beliefs as the basis of their decisions: "If I have more or less accurately described what judges have to do in court when settling questions of human rights, namely to consider what basic moral values are involved, then it follows that the moral is logically prior to the legal."[59] Clearly, then, law being "prior" to morality does not mean it is entirely separate. When judges appeal to moral principles to decide cases, they are connecting, not separating, law and morality.[60] Similarly, when legislators establish or change law, they often consider how moral principles would inform the changes proposed, which is called "modest incorporationism."[61]

Warnock's position is consonant with how scholarly discussion has developed between positivists and natural law theorists. Morality and law are now regarded as less

[57]Warnock, *Imagination and Time*, 187, cf. 181-83. See also Warnock, *Dishonest to God*, 88-89, where Warnock admits to being skeptical about the degree to which genuine moral consensus is possible.

[58]Warnock, *Imagination and Time*, 183. Cf. "Legislators, in making laws, are bound by the dictates of justice and morality." Warnock, *Dishonest to God*, 82.

[59]Warnock, *Dishonest to God*, 83.

[60]Tamanaha, "The Contemporary Relevance," 44-45.

[61]Larry Alexander and Frederick Schauer, "Law's Limited Domain Confronts Morality's Universal Empire," *William and Mary Law Review* 48 (2007): 1590. A complete identification of morality and law would be difficult to conceive. Alexander and Schauer observe that legal reasons are a subset of all reasons, and similarly, legal reasons of a moral character are a subset of all moral reasons. Therefore, law will necessarily and rightly exclude a wide range of moral reasoning that might be thought legitimate in other contexts. Since law is a guide to action, it needs to be narrow, simple, and clear. Many moral precepts, however, are vague and abstract and can fail to give unambiguous direction. It is therefore inevitable that law's "limited domain" cannot encompass morality's "universal empire." Ibid., 1580-81, 1585.

separated than they used to be. Many positivists, for instance, acknowledge that the law

has an inherently moral purpose. Joseph Raz, an exclusive legal positivist, insists that law

"by its nature has a moral task."[62] Neil MacCormick and Jeremy Bentham both argue for

separation of morality and law on moral grounds.[63] Scott Shapiro insists that the law's

objective is moral, even if it fails to achieve that objective.[64] John Finnis, a natural law

theorist, makes the argument more sharply:

> Remember: the standard "positivist" claim is that "there is no necessary connection between law and morality." But if morality, properly understood, includes the proposition that it is necessary to have law, there is some necessary connection between law and morality—a morally necessary one.[65]

Robert Alexy argues further that the law is necessarily connected to morality because law

makes an inherent claim to correctness as a guide to action.[66] The law, he writes, has a dual

nature: it is grounded in social fact, but is also idealistic and makes claims to moral

correctness. The law's claim to moral correctness amounts to a rejection of positivism.[67]

At the same time, Natural Law theorists, the philosophical opponents of positivism, have

conceded the distinction between law and morality in important ways, so much so that

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[62]Joseph Raz, "About Morality and the Nature of Law," *American Journal of Jurisprudence* 48 (2003): 11. Cf. Scott Shapiro, *Legality* (Cambridge, MA: Harvard University Press, 2011), 446n4.

[63]Waluchow, "What Legal Positivism Isn't," 112; cf. Neil MacCormick, *Legal Reasoning and Legal Theory* (Oxford: Oxford University Press, 1978), 239-40.

[64]Shapiro, *Legality,* 212; David Plunkett, "Legal Positivism and the Moral Aim Thesis," *Oxford Journal of Legal Studies* 33, no. 3 (2013), 563-64. Plunkett thinks Shapiro means for his Moral Aim Thesis to introduce a success criterion for law, but doubts he can maintain the separation/separability required of positivists in so doing. Ibid., 587-89; 590-91.

[65]John Finnis, "Law as Fact and as Reason for Action: A Response to Robert Alexy on Law's 'Ideal Dimension,'" *American Journal of Jurisprudence* 59, no. 1 (2014): 99.

[66]Robert Alexy, "On Necessary Relations between Law and Morality," *Ratio Juris* 2 (1989): 167-83. Robert Alexy, "On the Thesis of a Necessary Connection between Law and Morality: Bulygin's Critique," *Ratio Juris* 13, no. 2 (2000): 138-47. George Pavlakos, "On the Necessity of the Interconnection between Law and Morality," *Ratio Juris* 18 no. 1 (2005): 64-83, analyzes Alexy's claim to correctness as a general feature of normative knowledge.

[67]Robert Alexy, "The Dual Nature of Law," *Ratio Juris* 23, no. 2 (2010): 167-68.

there is not much difference between ILP of the type Warnock seems to adopt, and modern natural law theory.[68] In light of this convergence between Natural Law Theorists and legal positivism, Tamanaha thinks "the conceptual dispute is all but over."[69]

Nevertheless, Warnock endorses separating morality from law at least conceptually for two reasons that are at the heart of the concerns of legal positivists: so the law can be criticized, and so the law will be respected.[70] First, separation enables existing law to be criticized from the outside, so to speak, on the basis of morality. Warnock writes, "I still hold, like Bentham, that morals and law must be conceptually separated, so that we may criticize the law on moral grounds."[71] When the law is at variance with what is generally regarded as morally correct—which often happens when societal mores shift—morality exerts a kind of social pressure upon the law (and upon legislators) to effect change through normal lawmaking processes.[72]

Second, separation insists that the law is valid even if it is regarded as morally suspect: until the law is changed, it must be obeyed. Moral disagreement does not convey the right to disregard the law. Warnock fears that social chaos may ensue if a too

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[68]John Finnis, "The Truth in Legal Positivism," in *The Autonomy of Law*, ed. Robert P. George (Oxford: Clarendon, 1996), 195-214.

[69]Tamanaha, "The Contemporary Relevance," 10. Since Tamanaha's formulation makes separation more of a cautionary reminder than a descriptive claim, it can apply equally to a variety of legal systems, including religious ones like Shari'a, regardless of how they conceive the relationship of law and morality. Ibid., 43-45. When judges use moral principles to decide legal validity, they blur the separation between what the law is and what it ought to be. Legal positivists, Tamanaha argues, wrongly took this as a refutation of the separation thesis and retrenched by reconceiving it as an abstract conceptual claim, but they should not have seen the separation thesis as a descriptive claim vulnerable to falsification. Ibid., 44-45.

[70]Pino, "Positivism, Legal Validity," 193. Cf. H. L. A. Hart, "Positivism and the Separation of Law and Morals," in H. L. A. Hart, *Essays in Jurisprudence and Philosophy* (Oxford: Clarendon, 1983), 74-75; H. L. A. Hart, "Problems of the Philosophy of Law," in Hart, *Essays*, 118; David Lyons, *Moral Aspects of Legal Theory* (Cambridge: Cambridge University Press, 1993), ix-x.

[71]Warnock, *Dishonest to God*, 88; cf. 77, 79, 83, 93.

[72]Warnock, *Dishonest to God*, 90-91.

idiosyncratic version of morality is used as a pretense for ignoring the authority of law.

Moral conflict and disagreement are ubiquitous, but "the law, unlike moral opinion,

cannot be contradictory; it must be definite and unambiguous, and it must apply equally

to everyone in society, not merely those who happen to agree with its ethical basis."[73]

Disregarding law's authority can happen in two ways: fringe groups who adopt peculiar

moralities may look down upon the law and consider themselves above it.[74] Alternatively,

by contrast, if an extremist group manages to get their morality encoded into law—which

Warnock thinks is a real possibility—the law may be disregarded by the rest of society.[75]

   Though Warnock does not seem to bear this in mind, one danger of too strongly

insisting upon law's validity apart from morality is that states will enact unjust law, compel

their citizens' obedience and repress dissent. In the wake of World War II and the Nazi's

anti-Semitic legal regime, the Radbruch formula—which holds that extreme injustices

invalidate law—was devised as a hedge against monstrous abuses of the law.[76]

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[73]Warnock, "Moral Thinking and Government Policy," 521. Stuart Hampshire, *Morality and Conflict* (Cambridge, MA: Harvard University Press, 1984). Hampshire thinks conflict is inevitable because true morality is deeply emotive and intuitive, and individuals' convictions are hard to change. The easy calculations of utilitarianism do not do justice to moral realities. Cf. Warnock, *The Uses of Philosophy*, 95-96.

[74]E.g., the case of ramblers in the UK who felt morally entitled to wander through other people's private property before the law relented and gave them the right to do so. Warnock, *Dishonest to God*, 79.

[75]Warnock, "Moral Thinking and Government Policy," 512, writes, "The more certain people are of the correctness of their views, as a rule, the more vocal they are. It tends to be the hard-liners, in whichever direction, who tell their views abroad. And so there is a danger that 'public opinion' may come to be identified not with the views of the relatively confused, relatively open-minded majority, but with the views of the committed and the fanatical." Warnock, *Imagination and Time*, 183, explains that if laws are based on too idiosyncratic or sectarian a view of morals, she fears that "the law will cease to be regarded." One example when Warnock personally disregarded the law was when she assisted girls in her schools to get abortions, apparently under circumstances that British law did not permit at the time. Perhaps she thought the law was based on too idiosyncratic a view of morals. See her admission in Warnock, *An Intelligent Person's Guide*, 38, 53, and Teichman's rebuke in Teichman, "The Uses and Abuses," 29.

[76]John Finnis and Robert Alexy have engaged in a fascinating dialogue over legal validity in light of Radbruch-style challenges to separation. Alexy argues for inclusive non-positivism (in which some but not all moral defects can invalidate law) against exclusive non-positivism (in which any moral defect invalidates law) and against "super-inclusive" non-positivism (against which no moral defect can invalidate law). Robert Alexy, "Reflections on the Ideal Dimension of Law and on the Legal Philosophy of John Finnis," *American Journal of Jurisprudence* 58, no. 2 (2013): 107-8. Along the way, he characterizes Finnis'

For Warnock, the most important reason for maintaining a clear conceptual separation between law and morality is to establish the authority of law, and to deny any level of authority to morality. She writes,

> Yet it is to the law that we give an authority that morality alone, however sincerely upheld and widely agreed, cannot have. And this authority, which comes not merely from the sanctions that must be attached to the law, but from the agreed process by which it became law, is what gives law its predominance, which is different from logical priority.[77]

There are good reasons for granting greater authority to law than to morality. One reason is the need for clarification and specificity: many moral obligations are expressed in vague or general terms and do not lend themselves well to the kind of specific formulation that the law requires.[78] Another reason is the need for moral obligations to be ratified and justified: morality makes universal and unqualified demands, but there are prudential reasons not to make every moral demand into a law.[79] Law, moreover, imposes a narrower range of obligations than morality does; and since one of the law's principal

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Natural Law position as super-inclusive non-positivism, though he qualifies that assertion at the end of the article. Ibid., 105-6, cf. 110. Finnis replies that his formulation of Natural Law can accommodate any of the three non-positivist postures: observers can acknowledge unjust laws as a fact (super-inclusive), participants can affirm that unjust laws are deprived by virtue of their injustice of their force as a reason for action (exclusive), and participants can also recognize the unjust law as a source of collateral moral obligation in light of their general duties to respect the rule of law (inclusive). The practical outcome of this formulation is approximately the same as Alexy's defense of the Radbruch formula. Finnis, "Law as Fact," 85, 109.

[77]Warnock, *Dishonest to God*, 90.

[78]Morality is sometimes an impractical guide to action, sometimes because it is abstract, or sometimes because a moral decision turns on a range of facts inaccessible to the ordinary agent. Alexander and Schauer, "Law's Limited Domain," 1584-85.

[79]Alexander writes, "The heart of the problem of rules and law is this: there is an always-possible gap between what we have reason to do, all things considered (including the value of rules and the effects of our conduct on preserving valued rules), and what we have reason to have our rules (and the officials who promulgate and enforce them) require us to do." Larry Alexander, "The Gap," *Harvard Journal of Law and Public Policy* 14 (1991): 695. Alexander points to human fallibility in authoring and enforcing rules as the reason the gap is an inescapable feature of legal systems. Cf. Larry Alexander, "With Me, It's All er Nuthin': Formalism in Law and Morality," *The University of Chicago Law Review* 66, no. 3 (1999): 530-65. Recent attempts to resolve the problem of the gap have not succeeded. Emily Sherwin, "The Importance of 'The Gap,'" *University of Queensland Law Journal* 35, no. 1 (2016): 47-55.

functions is to settle moral disputes, its demands are generally expressed more simply and with greater precision than morality.[80]

Regrettably, Warnock does not specify a view of political authority with much detail, except to say that (1) the law's authority comes from the democratic processes by which it is made, which prevents law being arbitrarily made by judges or magistrates and imposed upon the people, and (2) the authority of law must be universal, applying with equal force to every citizen and official.[81] There are strong arguments that the authority of law cannot arise simply from the procedure by which it is enacted, but also by the outcomes of justice that obtain under its rule.[82] For instance, if a democratic majority following democratic procedure deprived a minority group of its civil rights, the outcome would be widely regarded as illegitimate and undemocratic.[83] Christiano argues that procedural and substantive concerns are not reducible to each other because individual rights and the common good are just as normatively important as democratic principles.[84]

Warnock, however, emphasizes the procedural grounding of democratic authority, which values the integrity and fairness of the lawmaking process, whatever the content of the decision, and also secures its authority over all subjects in virtue of that process.[85] An instrumental approach to authority, by contrast, would acknowledge a

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[80]Alexander and Schauer, "Law's Limited Domain," 1584-85.

[81]Warnock, *Dishonest to God*, 90.

[82]Wojciech Sadurski, "Law's Legitimacy and 'Democracy-Plus,'" *Oxford Journal of Legal Studies* 26, no. 2 (2006): 397-98. Sadurski calls democracy that adheres to specified values beyond democratic procedure "democracy-plus."

[83]Ibid.

[84]Christiano, "The Authority of Democracy," 266, 269.

[85]For instance, Warnock, *An Intelligent Person's Guide*, 48-49, writes that in legislative considerations, "each member of society should count for one, and no one should be given special consideration." Christiano, "The Authority of Democracy," 267. Writers defending procedural justification of political authority include Iris Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), and Benjamin Barber, *Strong Democracy* (Berkeley: University of California Press, 1984). See also Cohen's attempt to synthesize the two in Joshua Cohen, "Substance and Procedure in

decision maker's general authority, but would also assess political decisions on a case-by-case basis, and retain the right to criticize some as illegitimate, and by implication, perhaps be justified in protest or even civil disobedience.[86] Warnock seems to fear a selective approach to the rule of law by citizens, but instrumentalists argue that case-by-case evaluation of the decisionmaker's rulings encourages more outcomes that are just.[87] Proceduralism gives room for inequitable outcomes, so long the fairness and integrity of the process is maintained. Whether Warnock is a thoroughgoing proceduralist is unclear, but to the extent she is, the posture is ironic, given (as I argue) that the outcome of Warnock's argument against religious arguments in public is the unfair exclusion of a class of people from democratic processes.[88]

Warnock's concern throughout her writings is that the rule of law be respected, and that laws be obeyed.[89] A careful analysis of authority, however, must distinguish between justification of law and the citizen's obligation to obey it.[90] Legitimacy of political authority can be conceived one of two ways. Conceived in terms of justification, law is legitimate when it is formulated in a way that closely aligns with the background (moral) reasons that subjects would acknowledge as applying to them.[91] On this account,

Democracy," in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), 95-119.

[86]Cristiano, "The Authority of Democracy," 267. Cf. Philippe Van Parijs, "Is Democracy Compatible with Justice?" *The Journal of Political Philosophy* 4 (1996): 101-17. See also Sadurski, "Law's Legitimacy," 382; Richard J. Arneson, "Defending the Purely Instrumental Account of Democratic Legitimacy," *Journal of Political Philosophy* 11, no. 1 (2003): 122-32.

[87]For instance, see Warnock, *Imagination and Time*, 183-85; Christiano, "The Authority of Law," 267.

[88]See chap. 6 of this diss.

[89]Warnock, *Dishonest to God*, 70, 93.

[90]Sadurski, "Law's Legitimacy," 378.

[91]Ibid., 383. This is essentially Raz's position, in which law is taken to be the reason for action that replaces (pre-empts) motivating moral reasons that give rise to the law, and which subjects might have in the absence of law. Thus, law will be successful as a motivator to action to the degree that it successfully

obligation to obey is a separate matter, and the resulting legitimacy is weak; it amounts to saying that the state is justified in issuing directives. Conceived in terms of obligation, by contrast, legitimacy is a function of the power to impose duties and enforce compliance, and arises from morally significant relationships between state and citizen.[92] Sadurski argues that in either case, two separate arguments are required, one for justification and one for legitimacy; in no case can one establish the moral justification of the state and with the same argument insist upon citizens' duty to obey its dictates.[93] Moreover, Warnock seems to favor legitimacy in terms of obligation, insisting on a strong view of the rule of law and its authority over every citizen to demand obedience, even in the face of moral disagreement.[94] It is this strong sense of obligation that she wishes to deny to the moral precepts of religion: the authority to compel obedience.

Under proceduralism, then, religious arguments could be permitted in public discourse to satisfy the requirements of fair and equal access, but if the outcome of the procedure ignores religious concerns, an obligation-oriented view of political legitimacy would compel religious citizens to comply with the rule of law. Later, I will attempt to show that Warnock sets the terms of equal access to political discourse in such a way to deny religious citizens a fair contribution, but once denied this, insists that they nevertheless submit to the resulting rule of law.

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aligns itself with moral reasons motivating the law in the first place. Joseph Raz, *Ethics in the Public Domain* (Oxford: Clarendon, 1994), 215-20. Cf. A. John Simmons, "Justification and Legitimacy," *Ethics* 109, no. 4 (1999): 747.

[92]Sadurski, "Law's Legitimacy," 391-92; Simmons, "Justification and Legitimacy," 746. In Locke's conception, states get their legitimacy by consent of the subjects. Simmons thinks Weberian conceptions that understand legitimacy in terms of subject's attitudes toward their regime fail because a state on this understanding could use its coercive power to manipulate their subjects' feelings through indoctrination or the like, and so strengthen its claim to legitimacy. Weberian accounts are thus unsatisfying. Simmons, "Justification and Legitimacy," 749-50.

[93]Sadurski, "Law's Legitimacy," 392.

[94]Warnock, *Imagination and Time*, 183-86.

Even though Warnock does not interact with recent literature on legal positivism, her conceptual separation of morality and law anticipates the current positions of many theorists: she maintains a soft, conceptual separation between morality and law that does not deny important connections between them. Her position nevertheless allows her to insist that morality cannot claim the authority to compel obedience. Only law can do so. This sets the table for rejecting the authority of religious morality in particular. Warnock's proceduralist understanding of political authority, combined with conceiving legitimacy in terms of obligation to obey the law, results in a strong insistence that the law be obeyed, which is a key premise when she argues that religious arguments in public coerce nonbelievers to accept religious moral authority.

Public and Private Morality

The other element of Warnock's moral philosophy of particular relevance for her argument against religious arguments in public discourse is the distinction between public and private morality. She acknowledges that making that distinction is often difficult to do.[95] Private or personal morality is broader and more fundamental than public morality. It arises from a mixture of principle and sentiment, and issues in a wide range of duties and obligations.[96] Altruism operates in the realm of personal morality, where individuals can think and act as if others are more important than they are, in acts of generosity and kindness that go beyond the demands of justice.[97] The impulse to want to be good, to choose to adopt the moral point of view, belongs to private morality.[98] Most

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[95]Warnock, *An Intelligent Person's Guide*, 16.

[96]Warnock, *An Intelligent Person's Guide*, 23.

[97]Ibid., 73-74.

[98]Ibid., 74. Teichman, "The Uses and Abuses," 30, finds Warnock's view of private morality confusing: "First, she says that private morality is based on principles that individuals try to stick to 'whatever the consequences.' Principles are dictates of conscience which force the individual to say (or think): 'Here I stand, I can do no other.' It follows that utilitarianism cannot be a basis of private morality, yet Warnock's own reasoning about ethical dilemmas is wholly utilitarian in character. Moreover her

importantly, religion can be a source for personal morality, but not for public morality.[99] By contrast, public morality is narrower in scope and focuses primarily upon justice, which is "a civil, not a personal virtue."[100] Public moral reasoning requires carefully considered reasons for the action or rule under consideration, and also careful thought as to the long-term consequences for all members of society, particularly those who might be overlooked minorities.[101] Thus, reasoning is more central to public morality than private morality.[102]

Public and private morality are in dialogue; they "interplay" and "overlap" in at least three ways.[103] First, personal morality is essential to a society's moral life, which is impoverished—and will not function—if it is founded upon public justice alone.[104] Maintaining a publicly moral society depends on the moral principles of individuals who believe deeply that one ought to try to be good rather than bad.[105] Second, private morality connects naturally to public morality, because all ethical concerns involve other people. "What should I do?" implies "What should *one* do?" Ethics is not simply puzzling over

interest in the particular ideals held by principled people is mainly confined to a belief which she herself does not share, the belief that human life is sacred. (Why does she reject this ideal? Because of its supposed consequences)."

[99]Warnock, *An Intelligent Person's Guide*, 24.

[100]Ibid., 73.

[101]Ibid., 17.

[102]Reasoning can alter the shape and content of private morality as its moves into the public sphere. "The Warnock Report," 1-2, explains, "Whatever our original feelings and reactions, we have all found that our feelings changed and were modified as work progressed and as we examined the evidence in more detail. This has been a further reason for basing our views on argument rather than sentiment, though we have necessarily been mindful of the truth that matters of ultimate value are not susceptible of proof."

[103]Ibid., 1-2. Piers Benn, "An Intelligent Person's Guide to Ethics by Mary Warnock," *The Philosophical Quarterly* 49, no. 197 (1999): 549, thinks Warnock's distinction between private and public morality is not sufficiently clear.

[104]Warnock, *An Intelligent Person's Guide*, 74.

[105]Ibid., 75-76.

individual courses of action, but over which ones would be right to take in view of the presence of others equal to oneself.[106] Third, ethics requires that decisions taken individually be justified in the eyes of the community, on the basis of common, shared values.[107] Both private and public morality demand to be justified in this way.[108]

Warnock cautions that private moral concerns do not automatically translate to public morality. Many people advance moral positions out of their intuitive moral convictions, but are unable to articulate clearly the reasons for holding their position.[109] Private judgments of this kind should not automatically be turned into public laws, despite the ordinary citizen's understandable desire to do so.[110] Instead, the application of morality in public must be justified by principle and reason.[111] In the report of the Commission on Human Embryology, Warnock wrote that despite considerable diversity of private viewpoints on the matter at hand, people clearly wanted "some principles or other" to govern public moral decisions, some reasoning or argument to be at the bottom of considerations of moral matters.[112] Not to have these rational guardrails amounts to the elimination of morality.[113] An attempt at rational objectivity is thus essential to crafting a

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[106]Ibid., 108.

[107]Ibid.

[108]Ibid., 108-9.

[109]Ibid., 17.

[110]Ibid.

[111]Teichman, "The Uses and Abuses," 28, finds Warnock inconsistent on public morality: "In some places Warnock says that public morality aims at justice and at securing rights. Rights, she says, are created by laws, which are created by governments. If that were true it would follow that government creates its own aims, pulling itself up by its moral bootstraps, as it were. In other places, however, she says that public morality is and must be based on consequentialist considerations, i.e., on utility; it must aim at the general good. But justice and the common good are not always compatible, a fact that was noticed long ago by some of the earliest critics of utilitarianism. Warnock's two different explanations undermine each other."

[112]"The Warnock Report," 2.

[113]Ibid.

publically acceptable morality, but that need not be to the exclusion of moral sentiment. Indeed, moral feelings are inseparable from moral conclusions, and "reason and sentiment are not opposed to each other."[114]

Moreover, public morality needs to reflect the consensus of society.[115] In an increasingly pluralistic society, it is more and more difficult to do so, because private moral considerations diverge so widely. Warnock's solution is to follow the standard liberal strategy of confining religious moral convictions to the realm of the private and to bar them from being considered acceptable for public morality.[116] Public morality must be governed by reason, not by faith or revelation.[117]

Confining religious moral conviction and argument to the private sphere is no abstract theoretical construct, but one that has sharp political implications. Privatization gets religion wrong in important ways, and is hostile to religion and religious people for

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[114]In the introduction to the report of the the Committee of Enquiry into Human Fertilisation and Embryology, Warnock writes, "As our reading of the evidence showed us, feelings among the public at large run very high in these matters; feelings are also very diverse; and moral indignation, or acute uneasiness, may often take the place of argument. But that moral conclusions cannot be separated from moral feelings does not entail that there is no such thing as moral reasoning. Reason and sentiment are not opposed to each other in this field. If, as we believe, it was our task to attempt to discover the public good, in the widest sense, and to make recommendations in the light of that, then we had, in the words of one philosopher, to adopt 'a steady and general point of view.'" "The Warnock Report," 1.

[115]Warnock, *Dishonest to God*, 89-91.

[116]John Gray, *Two Faces of Liberalism* (New York: The New Press, 2002), 1-2, has noted two competing conceptions of liberalism: one is to form a single vision of life that can be agreed on by a diverse society, the second is to form a framework (modus vivendi) for peaceful coexistence among people with incompatible or incommensurate values systems. Gray argues that while liberalism began in pursuit of the first objective, the wider diversity of liberal societies today makes the second objective perhaps the only achievable liberal objective. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 137, famously sought a single vision account over a modus vivendi. Enzo Rossi, "Modus Vivendi, Consensus, and (Realist) Liberal Legitimacy," *Public Reason* 2, no. 2 (2010): 21-39, argues that unyielding ethical pluralism undermines consensus accounts like Rawls,' and consensus accounts of legitimacy are incompatible with liberalism conceived as modus vivendi, which, importantly, is the outcome of an "unrestricted bargaining process."

[117]Warnock, *Dishonest to God*, 10; cf. Stephen Turner, "Religious Pluralism, Toleration and Liberal Democracy: Past Present and Future," in *Religion and the Political Order: Politics in Classical and Contemporary Christianity, Islam and Judaism*, ed. Jacob Neusner (Atlanta: Scholars, 1996), 277.

the following reasons. First, religion is frequently barred from public moral discourse because it is improperly deemed irrational. Warnock's approach is standard:

> There is another very obvious explanation for the fact that few people, in Parliament at least, openly state that their opposition to liberalizing "moral" legislation derives from religious belief. Faith is traditionally contrasted with reason; and no one engage in debate wishes to appear unreasonable. By definition, what is a matter of faith cannot be proved or disproved. Argument is therefore an inappropriate tool with which to confront it. So if argument is to be engaged in, as it must, in the course of the passage of a Bill through Parliament, of necessity those who rely on faith must do their best to downplay that fact, or at least show that they have reason on their side as well.[118]

On this rationale, public life is the realm of objectivity and reason, whereas private behavior is assumed to spring from desire, which need not pass any rational or empirical tests, and is not analyzable in those terms.[119] If private values flow from desire, then there is no preferred or superior set of values, and the government must remain neutral with respect to them. The state, it is thought, preserves objectivity and public and protects the subjective choices of the private by staying ideologically neutral and acting only based on objective facts.[120]

This classification, however, is wrong: both religion and politics have rational and non-rational elements. Frederick Gedicks explains, "At best, it is unclear that politics as usually practiced in the United States is any more critical and rational than religion. The liberal belief that reason mediates political conflict is no less a matter of faith than

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[118]Warnock, *Dishonest to God*, 71. Larry Alexander, "Liberalism, Religion, and the Unity of Epistemology," *San Diego Law Review* 30 (1993): 770, questions the traditional faith/reason dichotomy: "I am not sure how to make an epistemological distinction between faith and reason. Ann has 'faith' in modern physics, in her personal physician, and in her husband's fidelity. Of course, her faith in these is grounded in reasons she has. Likewise, Ann's religious faith is not just a faith in anything. She does not believe she could have faith in whatever she wants to believe, religiously or otherwise. Her 'faith' is, for her, a product of reason." Hugh Rock, "Don Cupitt and the Paradox of Taking Leave of God," *Modern Believing* 55, no. 3 (2014): 236-37, makes the pointed accusation that traditional theistic religion is ostensibly rejected because of its irrationality, but the real reason is distaste for moral guilt that usually accompanies it.

[119]Frederick Mark Gedicks, "Public Life and Hostility to Religion," *Virginia Law Review* 78, no 3 (1992): 675.

[120]Gedicks, "Public Life," 675.

religious belief in God."[121] Reason, Larry Alexander insists, can either ratify or critique both religious and nonreligious views:

> Reason in the narrow sense that might be employed to discredit religious arguments equally discredits normative arguments. And reason in the broader, reflective equilibrium sense, that might make one moral view more reasonable than another, seems just as applicable to religious views.[122]

In the nineteenth and early twentieth centuries, Gedicks reports that there was an assumed priority of the private liberty over public value; the fear was that objectivity would invade private life and cramp individual liberty.[123] Today the fear is the reverse: one set of private, subjective (especially religious) values will overwhelm the public realm and dominate those who do not accept it.[124] Gedicks correctly notes that this has already happened: secularism has overwhelmed the public sphere and elbows out non-secular perspectives:

> Secularism, then, does not mark any natural or inevitable distinction between private and public life. The confinement of religion to private life reflects the exercise of contingent social power, not the disinterested discovery of essential meaning or self-existent reality.[125]

Relegating religion to the private and irrational is an expression of hostility toward religion.[126]

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[121]Ibid., 695.

[122]Alexander, "Liberalism, Religion, and the Unity of Epistemology," 775.

[123]Gedicks, "Public Life," 677-78.

[124]Ibid.

[125]Gedicks, "Public Life," 681, 686. Much of this secularization of American public life has resulted from Supreme Court jurisprudence that has interpreted the establishment clause expansively, ruling things such as public displays (nativity scenes, Ten Commandments, etc.) as establishment of religion. Australia, by contrast, has approached establishment more modestly, and is not as resistant to religious expression in public. Augusto Zimmermann and Lael Daniel Weinberger, "Secularization by Law? The Establishment Clauses and Religion in the Public Square in Australia and the United States," *International Journal of Constitutional Law* 10, no. 1 (2012): 208-41. Further, the Court has inched toward adopting the entire privatization of religion as a normative rule (236). Cf. Richard W. Garnett, "A Quiet Faith? Taxes, Politics, and the Privatization of Religion," *Boston College Law Review* 42 (2001): 796-99.

[126]Gedicks, "Public Life," 674. The broader subject of whether religious beliefs or religiously inspired actions are irrational, or to what degree they entail irrationality, is the subject of a vast literature in the philosophy of religion. Warnock's view of religion is examined more closely in the next chap., but she

Second, confining religion to the sphere of private morality requires religious citizens to violate their integrity. To meet the requirements of public reason, religious citizens are asked to repress their basic convictions when participating in politics, which is an offense against their very selfhood.[127] John Burt puts the case succinctly:

> To treat religious values as a purely private matter is to force religious people to accept complicity in what they have reason to object to, and to require them to choose between whether to be citizens or believers. To allow them to use religious appeals, so long as they remain part of a persuasive culture in which they must recognize that they cannot trample others merely because they think they are in the right, is to enable one to be both citizen and believer, although the two roles may be in some tension.[128]

Liberalism is supposed to defend the selfhood of all citizens.[129] Cohen argues that deliberative democracy requires that citizens' religious obligations be taken seriously, in

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views orthodox and fundamentalist expressions as matters of faith but not reason, incompatible with "all we now know." Warnock, *Dishonest to God*, 34, 133. A recent example of this debate in political literature is Brian Leiter, *Why Tolerate Religion?* (Princeton, NJ: Princeton University Press, 2013), which in the context of discussing religious liberty, asserts that religion is by definition insulated from claims of reason and evidence. Ibid, 34, 84. Responding to critics, Leiter protests that he only meant that all religions contain *some* elements so insulated. Brian Leiter, "Why Tolerate Religion, Again? A Reply to Michael McConnell (May 8, 2016)," University of Chicago Public Law Working Paper No. 580, 12, accessed August 15, 2016, http://dx.doi.org/10.2139/ssrn.2777208. McConnell and Paulsen, however, both sharply argue that his view of religion as irrational is a "pejorative" mischaracterization, which itself can only be maintained in defiance of reason and evidence. Michael McConnell, "Why Protect Religious Freedom?" *Yale Law Journal* 123 (2013): 782; Michael S. Paulsen, "Is Religious Freedom Irrational?" *Michigan Law Review* 112 (2014): 1057. Paulsen defends the rationality of religious faith, noting the extensive literature that Leiter ignores, for instance, Richard Swinburne, *Faith and Reason*, 2nd ed. (Oxford: Clarendon, 2005); and Alvin Plantinga, *Warranted Christian Belief* (Oxford: Oxford University Press, 2000). Warnock herself accepts the assumptions of secularism and believes the doctrines of religion to be false. For instance, see Mary Warnock, "Religious Fundamentalism Threatens to Block Scientific Progress," *The Scientist*, September 5, 1988, accessed May 22, 2015, http://www.the-scientist.com/?articles.view/articleNo/9706/title/Religious-Fundamentalism-Threatens-To-Block-Scientific-Progress/.

[127]Michael Perry, *Morality Politics and Law* (New York: Oxford University Press, 1988), 181-82. Kevin Vallier, "Liberalism, Religion and Integrity," *Australasian Journal of Philosophy*, 90, no. 1 (2012): 149. Cf. Stephen Macedo, "In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?" in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Washington, DC: Georgetown University Press, 2000), 35, who dismisses the integrity objection as "childish."

[128]John Burt, "John Rawls and the Moral Vocation of Liberalism," *Contemporary Readings in Law and Social Justice* 1 (2009): 37-38.

[129]Vallier, "Liberalism, Religion and Integrity," 150. Vallier's thesis shows that public reason liberalism need not endorse a principle of restraint that requires religious citizens to abstain from making religiously grounded arguments in public. Cf. Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in *Religion in the Public Square: The Place of Religious Convictions in*

terms that religious citizens themselves would affirm; failure to do so denies religious citizens equal standing.[130] Responding to the concern that allowing religious expression in public puts politics in danger of illiberal forces that threaten it, Vallier points to the critical work of Desmond Tutu in South Africa's Truth and Reconciliation Commission, who used his explicitly Christian commitments in pursuit of the noblest of liberal goals. Asking Tutu to abandon his religious commitments in the public sphere would violate his integrity.[131]

Third, the line between private and public morality is conceived in such a way to politically disadvantage religious people. The line between public and private morality, first, is not static; it moves, its location may be hard to determine, and there is no objective means to determine if it has been properly drawn.[132] Its location, therefore, is constantly being renegotiated.[133] Seidman observes that conflict over the boundary between public and private spheres is function of ongoing tensions between universalist and particularist values, libertarian versus interventionist postures of government, and openness versus secrecy in handling information.[134] These tensions defy resolution; the

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Political Debate, ed. Robert Audi and Nicholas Wolterstorff (Lanham, MD: Rowman and Littlefield, 1997), 105.

[130]When the terms of public discourse ask religious people to suppress their fundamental commitments in virtue of reasons they do not find compelling. Joshua Cohen, "Procedure and Substance in Deliberative Democracy," in Benhabib, *Democracy and Difference*, 418, writes that it "den[ies] them standing as equal citizens—full membership in the people whose collective actions authorize the exercise of power. And that, according to the deliberative conception, is a failure of democracy. We have failed to provide a justification for the exercise of power by reference to considerations that all who are subject to that power, and prepared to cooperate on reasonable terms, can accept. There are many ways to exclude individuals and groups from the people, but this surely is one."

[131]Vallier, "Liberalism, Religion and Integrity," 159-60. The principle of restraint, therefore, is illegitimate on liberal grounds.

[132]Gedicks, "Public Life," 680-81.

[133]Louis M. Seidman, "Public Principle and Private Choice: The Uneasy Case for a Boundary Maintenance Theory of Constitutional Law," *Yale Law Journal* 96 (1987): 1006.

[134]Ibid., 1007.

role of law is to maintain the boundary amid constant renegotiation of these tensions.[135]

Moreover, liberalism manipulates the boundary of public and private to the advantage of secularism and the disadvantage of religion by claiming that neutrality demands the privatization of religion.[136] Perry demonstrates the unfairness of privatization:

> It is one thing to say . . . "Although your arguments, no less than mine, may serve as a (sole) basis for political choice, this is why I reject your arguments and think others should too." It is another thing to say, "I don't even have to try to meet your arguments on the merits, because, unlike mine, they may not serve as a basis for political choice."[137]

The neutralist ideal of political choice is the "impossibly restrictive" notion that no political choice ought to be made that must be defended by moral beliefs some of its opponents reject.[138] According to this ideal, the state attempts to remain neutral with respect to competing and incommensurate conceptions of the good. Among the reasons usually given to defend neutralist posture are, first, that ideas about morality and human good are entirely irrational, but they are not.[139] Second, since society contains multiple moralities and ideas of human goods, which are either, equally rational or incommensurable, neutrality is the required posture to negotiate between them, but it is

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[135]Ibid., 1052.

[136]Gedicks, "Public Life," 695-96. In the wake of the Hobby Lobby decision, the line between public and private is being renegotiated again. RFRA-like legislation enacted on the state level opened a new opportunity for religious values to be projected into public spaces. Gedicks, however, thinks that even in conservative states like Indiana, believers may simply lack the social power to resist the exile of their values from the public sphere. Frederick Mark Gedicks, "Public, Private, Religious? Religious Freedom Restoration Acts in the U.S. States," BYU Law Research Paper No. 15-17, 6, accessed June 25, 2016, http://ssrn.com/abstract=2649509.

[137]Michael J. Perry, "Religious Morality and Political Choice: Further Thoughts—and Second Thoughts—On Love and Power," *San Diego Law Review* 30 (1993): 717-18.

[138]Ibid., 708. Cf. Kent Greenawalt, *Religious Convictions and Political Choice* (New York: Oxford University Press, 1988), 191-92; Steven D. Smith, "Separation and the 'Secular:' Reconstructing the Disestablishment Decision," *Texas Law Review* 67, no. 5 (1989): 955-1031.

[139]Perry, "Religious Morality," 709. Religious beliefs, especially about ultimate goods, are epistemically equal to nonreligious claims about the same thing: we come to them in the same ways and justify them in the same ways. Ibid., 715; Alexander, "Liberalism, Religion, and the Unity of Epistemology," 763-97.

not.[140] Third, neutralists claim when a citizen is coerced on the basis of beliefs she rejects, she is disrespected as a person, but it is equally plausible that respect means that her political opponents offer her the best reasons they have for their position, whether she accepts them or not.[141] Fourth, it is argued that the cost of coercing people or groups in terms of beliefs they reject is always too high, but Perry insists that these costs must always be seen in context: how severe is the coercion, in service of what goal, in view of what potential consequences.[142] To the contrary, Perry argues that everyone's positions are improved by exposure to arguments they reject.[143]

Alexander observes that by attempting neutrality, liberalism makes the claim to be on a higher epistemological level than other visions of good that liberalism purports to be neutral between. It can attempt to be agnostic about the truth of competing religions, but liberalism cannot be agnostic about its own truth. If liberalism is normatively true, then illiberal religions that deny the tenets of liberalism must be false.[144] Rather than questioning the truth of coercive religious assertions directly, however, it attempts to find a criterion according to which they may be rejected.[145] Yet on Alexander's analysis, liberalism, like

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[140]Stephen A. Gardbaum, "Why the Liberal State Can Promote Moral Ideals After All," *Harvard Law Review* 104, no. 6 (1991): 1361, explains, "Outside the sphere of comprehensive morality, conflicts between competing values often arise that have no one rational outcome, and yet the state is not required to remain neutral among them. For example, the following pairs all represent political and economic values or goals about whose priority reasonable people can disagree: economic growth and conservation of natural resources, specialization and self-sufficiency, current and future consumption, expenditure on space exploration and welfare programs. Yet incommensurability does not compel state neutrality in these instances. To the contrary, the competition between these values and goals constitutes the very substance of politics."

[141]Religious beliefs do not deny respect to others any more than non-religious beliefs that they might reject. Perry, "Religious Morality," 711, 714.

[142]Ibid., 712, 714.

[143]Perry explains, "The prospect of losing that sort of effect in public discourse is, frankly, frightening—terrifying, even, if we are to imagine it being replaced by a form of 'deliberation' that, in the name of 'fairness' or 'reasonableness' (or worse still, 'balance') consists of bland appeals to harmless nostrums that are accepted without question on all sides." Perry, "Religious Morality," 705.

[144]Alexander, "Liberalism, Religion, and the Unity of Epistemology," 766.

[145]Ibid., 768.

religion, makes metaphysical, normative claims that are reasonable, but empirically unverifiable.[146] Religion and liberalism, therefore, occupy the same epistemological plane. Alexander writes,

> As a consequence of epistemological unity, liberalism must establish its tenets by rejecting conflicting religious ones, not by the illusion of "neutrally" banishing them to the "private" realm, where they can somehow remain "true" but impotent, but by meeting them head on and showing them to be false or unjustified. Liberalism is, as many critics claim it to be, the "religion" of secularism. That does not mean that liberalism is false or that antiliberal religious views are true. What it does mean is that both liberalism and antiliberal religious views inhabit the same realm and make conflicting claims within it.[147]

If Alexander's argument is correct, then the neutralist attempt to exile religion from public consideration is unfair, and strengthens the claim that the distinction between public and private morality is an exercise of social power and not of dispassionate reason.[148] Cladis calls this posture "secularism in the bad sense" because it fails to be self-reflective about how its view of religion is so markedly out of step with normal, lived religion.[149]

Finally, the pressure on the public/private boundary rises in part from the problem of corporate versus personal identity. To some degree, both religious people and secularists integrate their individual identities with a corporate national identity that has moral attributes.[150] For instance, religious people may believe that God will hold their

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[146]Ibid., 774-75.

[147]Ibid., 790.

[148]Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 184, states, "The point here is that the public sphere is a place necessarily (not just contingently) articulated by power. And everyone who enters it must address power's disposition of people and things, the dependence of some on the goodwill of others."

[149]Mark Cladis, "Religion, Secularism, and Democratic Culture," *The Good Society* 19, no. 2 (2010): 25.

[150]Charles Taylor, "The Future of the Religious Past," in *Religion: Beyond a Concept*, ed. Hent DeVries (New York: Fordham University Press, 2008), 189-92, provides a fascinating narrative on how corporate social identity has been shaped by religion in different ways over time. The American Revolution, for instance, was one marker in a turn from God's involvement being a transcendent endorsement of, say, the king's authority, to a more immanent instantiation of his will in the design of human nature and society.

nation accountable for moral failures committed collectively.[151] The secular counterpart of this idea is the "integration thesis," which sees, for example, America, as a person-like moral agent that to some degree contributes to individual Americans' identities, such that a collective moral failure like chattel slavery can provoke shame and a sense of moral accountability that affects individuals.[152] The impulse that arises from this sense of collective identity is to make moral decisions at the collective level rather than the individual level, which, in turn, deprives individuals of the liberty to make certain moral decisions for themselves.[153] Warnock fears this impulse in the hands of the religious, but secularists are equally assertive.[154]

> When one presses beneath the surface, however, one finds that advocates of political liberalism are much more deeply engaged in communal decision making on moral matters than their rhetoric of governmental neutrality would suggest. In very real ways, advocates of political liberalism and advocates of the divine accountability thesis are joint participants in the same moralistic enterprise.[155]

In recent American jurisprudence, religious influences on collective identity are being curtailed. For instance, *Lawrence v. Texas* decisively moved moral decisions about homosexual behavior from the public and collective arena to the private and individual.[156] Pettys thinks that *Lawrence* signals that religious people will find it harder

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[151]E.g., narratives that natural disasters or terrorists attacks, etc. are God's judgment upon a nation for moral failure. This narrative treats the nation as a single moral entity. Todd E. Pettys, "Sodom's Shadow: The Uncertain Line between Public and Private Morality," *Hastings Law Journal* 61 (2010): 1163-64.

[152]Ibid., 1195-96. Cf. Robert N. Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life,* updated ed. (Los Angeles: University of California Press, 1996), 250, finds in many Americans "a widespread and strong identification with the United States as a national community." Paul W. Kahn, "Community in Contemporary Constitutional Theory," *The Yale Law Journal* 99, no. 1 (1989): 71.

[153]Pettys, "Sodom's Shadow," 1167.

[154]Ibid., 1190-91.

[155]Ibid., 1192.

[156]Justice Scalia, in his dissent, famously declared that Lawrence "effectively decrees the end of all morals legislation." *Lawrence v. Texas* 539 US 558, 123 S. Ct. 2472 (2003). Justice Antonin Scalia,

to legislate morality according to their vision but under secular rationale.[157] *Obergefell v. Hodges*, by contrast, is an example of religious (or traditional) influence upon public identity being rejected by the Court and replaced with a secular, liberal vision of marriage.[158] In this case, it was not that marriage itself was moved from the public realm to the private, but that in the public realm a liberal vision of marriage forcibly replaced the traditional and religious one.[159]

John Burt proposes the solution of introducing a third category of "nonpublic" between private and public.[160] Religious values, he argues, are not private in the same way that desires are private (i.e., arising from, say, urgent feelings). They are recognizable moral claims, but they are nonpublic, which means that they must not be erected into a principle that the state can compel all to accept.[161] If one treats moral convictions as private, that leaves politics to be a struggle of force between competing moral visions.

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dissenting, 15, accessed August 27, 2016, https://www.law.cornell.edu/supct/pdf/02-102P.ZD. Sunstein disagrees, writing that the problem with Lawrence is that the law encoded an old-fashioned view of morality no longer held by the majority of the citizens of Texas. Cass R. Sunstein, "What Did Lawrence Hold? Of Autonomy, Desuetude, Sexuality, and Marriage," *Supreme Court Review* (2003): 27-30, accessed August 27, 2016, http://www.jstor.org/stable/3536949.

[157]Pettys, "Sodom's Shadow," 1187.

[158]*Obergefell v. Hodges* 135 S. Ct. 2071 (2015). See also Carl H. Esbeck, "A Post-Obergefell America: Is a Season of Legal and Civic Strife Inevitable?" University of Missouri School of Law Legal Studies Research Paper No. 2015-24, accessed August 27, 2016, http://ssrn.com/abstract=2685378.

[159]Criticism of *Obergefell* has focused on how the liberal majority cast off legal restraint and imposed it as an act of judicial power. Justice Roberts, e.g., in his dissent: "If an unvarying social institution enduring over all recorded history cannot inhibit judicial policymaking, what can?" *Obergefell v. Hodges* 135 S. Ct. 2071 (2015), John Roberts, dissenting, 22, accessed August 27, 2016, https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf. The language in the other dissents is equally striking. It may be that since marriage law is so strongly grounded in tradition and religion, that in order to make America's communal identity match the liberal vision that justices had no alternative but to invent a new right from whole cloth in defiance of precedent. Paulsen compares the *Obergefell* Court's use of substantive due process to *Dred Scott*. Michael Stokes Paulsen, "The Wreckage of Obergefell," *First Things* 256 (2015): 35.

[160]Burt, "John Rawls," 27-46.

[161]Ibid., 38.

Treating moral convictions as nonpublic, by contrast, imposes upon citizens the duty of treating one another's convictions seriously, even if they do not allow those convictions automatically to dictate policy. Burt explains,

> If we stand in a relationship of overlapping consensus to each other, then we have a duty to treat each other's moral convictions as possibly of some bearing on the issue at hand, and to keep alive a persuasive engagement with each other which enables us to take each other with respect for each other's moral point of view. Respect does not necessarily demand agreement. But it does demand that one continually keep before one the possibility that the other may in some unanticipated way transform one's convictions without violating one's identity.[162]

In this way, he thinks, the public arena will not simply foreclose argument about religious moral matters, but allow them to be considered in the course of establishing public policy.

Conclusion

To summarize, morality is an optional point of view that humans can and ought to adopt. Humans are naturally selfish and look first to their own interests, but imaginative reflection can help them look outward, to the interests of others. With imagination, a citizen can put himself in the position of others, consider what it would be like to be them, and out of the feelings of sympathy that arise, choose altruistically to deny or limit his own immediate interest for the sake of others. Moral feelings, united in the imagination with reflective reasoning, result in the identification of moral directions and principles. Personal morality consists of moral convictions that arise from sympathy and are shaped by family, religious, experiential, and/or traditional influences. In a pluralistic society, individual moralities often conflict, even in areas of most fundamental value. When applying morality to public contexts, citizens and lawmakers must do their best to identify a moral consensus where possible. Public morality will properly rely more heavily upon reason than personal morality, and will justify laws upon grounds that can be widely affirmed. In areas where fundamental values conflict, laws should be crafted as broadly

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[162]Ibid., 38-39.

as possible, so that while some might prefer to live under a stricter regime, ample room is made for as broad an inclusion of people as possible.

Warnock maintains a conceptual separation between law and morality in order to deny political authority to moral beliefs. She conceives political authority in largely proceduralist terms, which values equity in the democratic process, but can result in inequitable outcomes. Warnock conceives political legitimacy in terms of obligation, which emphasizes citizens' duty to obey the law even if they morally disagree with it. Morally suspect outcomes of democratic procedure do not blunt the state's authority or degrade citizens' obligation to obey the rule of law. This prepares the way for religious citizens to be told that when the law fails to match their moral vision, they must accept and submit to the rule of law.

Warnock follows the liberal strategy of confining religious moral concerns to the category of private morality. The line between public and private morality must be drawn somewhere, but liberals generally, and Warnock, draw that line in a way that is unfair to religious citizens. Characterizing religion as irrational is incorrect, as religions contain both rational and nonrational elements, as do secularism and other worldviews; excluding religious views from public consideration because they are allegedly irrational adds injury to insult. Privatization demands that religious citizens violate their integrity by leaving their fundamental commitments at the door of the public square, while nonreligious citizens are not required to do so. The neutralist ideal of political choice purports to navigate the challenges of pluralism dispassionately, from an epistemologically superior position. In fact, however, liberal neutrality and the moral visions it supposedly adjudicates between make claims of equal epistemological weight. Moreover, neutralism excludes religion not as an act of dispassionate reason, but as an act of social power. The tensions over political choice result in part from competing constituencies vying to craft their nation's collective identity according to their own moral vision.

In summary, Warnock conceives political authority and legitimacy in a way

that demands that religious citizens obey the rule of law, but conceives public morality in a way that deprives them of a voice in shaping the law to which they must submit. A more equitable arrangement would be either to accept an instrumentalist view of political authority that values equitable outcomes and gives room for dissent and critique, and/or to conceive public morality in a way that allows religious moral views an equal hearing in the public square.

CHAPTER 4

RELIGION

In *Dishonest to God*, Mary Warnock offers a theologically liberal interpretation
of religion that emphasizes its aesthetic and mythic dimensions, and minimizes its moral
and doctrinal dimensions.[1] Briefly, Warnock understands religion to be a product of the
imagination, growing out of a kind of sublime aesthetic experience that all humans are
capable of having.[2] The imagination also works to interpret religious narratives in a way
that sees them as symbolic of profound eternal truths.[3] Though religious narratives were
once taken to convey truths about the world, Warnock thinks they must now be
reinterpreted in non-literal ways in order to accord with all that science asserts.[4] Similarly,
though religion was once regarded as the foundation of ethics, both the epistemological
hegemony of science and the demands of a culturally pluralistic democracy require that

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[1]Warnock frames her argument using the term "religion" and "religious," but she has in mind
primarily Christianity. Mary Warnock, *Dishonest to God: On Keeping Religion Out of Politics* (London:
Continuum, 2010), 1, writes, "It is the Christian religion and recent politics that is at the centre of my enquiry,
though sometimes other religions may be relevant." This chapter follows her convention of using the terms
"religion" and "religious" primarily to refer to the Christian religion and its various interpretations.

[2]Mary Warnock, "Religious Imagination," in *Religious Imagination*, ed. James P. Mackey
(Edinburgh: Edinburgh University Press, 1986), 151; Warnock, *Dishonest to God*, 148.

[3]The ambiguity of the epistemological function of the imagination both serves and defends
Warnock's aestheticized view of religion. Under a broad definition the imagination can be a truth-delivering
faculty (e.g., in perception), but also can be a source of fantasy (in its creative function). Religious
experiences, then, need not be connected to truth of any kind, leaving the primary value of religious to be
aesthetic—and nothing more. Against orthodox critics, however, Warnock can insist that the imagination is
a deliverer of truth and that there is no reason in principle that it cannot do so in religious contexts. Mary
Warnock, "Imagination—Aesthetic and Religious," *Theology* 83 (1980): 408, writes, "Those who accuse
Christians of caring for the Church only for aesthetic reasons, of being in it, as it were, for the beauty, not
the truth, are mistaken in their criticisms. For they are seeking to distinguish two things which cannot be
wholly separated." Cf. Mary Warnock, "Imagination and Knowledge," *Theology* 92 (1989): 364-65.

[4]Warnock, *Dishonest to God*, 133ff.

morality be reconceived in entirely secular terms.[5] The value of religion is found in its aesthetic pleasures and in its power as a source of historical and cultural memory.[6]

This chapter explains Warnock's view of religion with attention to the roles of doctrine, aesthetic experience, and morality, compares her unusual view to the formulations of non-realists and religious naturalists, and offers three critiques. First, Warnock makes an unjustifiably strong dichotomy between doctrine and mystery because she relies on an inappropriate understanding of mystery. Second, Warnock's separation of morality from religion is implausible for three reasons: Warnock's unified conception of imagination does not support a hard separation, most interpretations of religion do not confine themselves to the personal and experiential, and most religious views see morality as central to their enterprise. Third, liberal and revisionist views of religion like Warnock's have little purchase with ordinary religious believers. Current data show that religious sentiment of a largely conservative character is surging, even in Europe. Politically, therefore, Warnock's view of religion holds little promise for taming the contentious nature of public moral discourse.

Doctrine Is Not Essential to Religion

Warnock believes that the emphasis on doctrine in traditional forms of religion is misplaced, and misunderstands the crucial role that imagination plays in religion. She sees the conflict between the imaginative and doctrinal impulses in religion as a zero-sum game. Her view of religion chooses the side of the imagination and sets itself against

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[5]Warnock, *Dishonest to God*, 94, 104.

[6]Warnock, *Dishonest to God*, 152-53. Warnock writes, "As long as no one is in a position to tell me how to interpret it, or that I must believe in the literal truth of holy writ, then I like there to be an established church, a repository of a long-shared cultural heritage, with a ceremonial function, and a source of genuine belief for many people, of whom I am not one." Quoted in "Secularism: What Does It Mean to You?" The Guardian, November 26, 2013, accessed June 26, 2014, https://www.theguardian.com/commentisfree/2013/nov/26/secularism-what-does-it-mean-to-you-panel

fundamentalism and biblical literalism.[7] Though experiencing a religious moment may spur the religiously inclined to "at least to attempt to communicate what they have discovered," they may well find themselves unable to do so, because religious truths defy clear exposition.[8] If a person did successfully communicate some religious truth, their statement would be best thought of as a work of art, rather than a dogmatic statement of unquestionable truth.[9]

Many theologically liberal and naturalistic interpretations of Christianity tend to de-emphasize the place of doctrine in order to stress religious experience, spirituality, or ethics.[10] For traditional religious expressions, however, doctrine is central. Trigg notes that traditional religions tend to value truth over freedom, and as a result tend to impose their understanding of truth upon others.[11] Liberal versions of religion that value freedom more highly than truth, he continues, can be found to undermine their own doctrines, and undercut their *raison d'etre*.[12] Preservation and transmission of doctrine is therefore central to most expressions of Christianity.[13]

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[7]Warnock, "Imagination—Aesthetic and Religious,"404-5.

[8]Ibid.

[9]Ibid. Art is an attempt to grasp at immortality, of the significance and meaning of life that goes beyond the everyday and mundane. Mary Warnock, *Nature and Mortality: Reflections of a Philosopher in Public Life* (New York: Continuum, 2003), 179-80.

[10]Nigel Leaves, *The God Problem: Alternatives to Fundamentalism* (Santa Rosa, CA: Polebridge, 2006), 81; Jerome Stone, "Spirituality for Naturalists," *Zygon* 47, no. 3 (2012): 485.

[11]Roger Trigg, *Religion in Public Life: Must Faith Be Privatized?* (Oxford: Oxford University Press, 2007), 134. Islam is the most pointed example. Ibid., 135.

[12]Trigg offers the example of the Unitarian Church in England, whose doctrine drifted into an unfocused general benevolence indistinguishable from humanism. "There have to be some standards of belief . . . for there to be a gospel to preach." Ibid., 139. A recent example is the Lutheran bishop in Sweden who removed crosses and other Christian symbols from a portside church so as not to offend visitors of other faiths, especially Muslims. Czarina Ong, "Lesbian Bishop Wants to Remove Church Crosses So Muslims 'Won't Be Offended,'" *Christianity Today*, October 9, 2015, accessed November 3, 2016, http://www.christiantoday.com/article/lesbian.bishop.wants.to.remove.church.crosses.so.muslims.wont.be.offended/66831.htm.

[13]Trigg, *Religion in Public Life*, 140.

A passage from *Dishonest to God* illustrates disagreement between liberals and traditionalists over the role of doctrine in religion. Warnock reports that Archbishop of York John Habgood, speaking in support of research on human embryos, said, "Christians are no more required to believe that humanness is created in an instant than we are required to believe in the historical existence of Adam and Eve." Warnock then had this exchange:

> Later in the debate an aged peer who was sitting next to me whispered, "No Christian could have anything to do with this stuff," and I ventured to ask "What about the Archbishop of York?" to which he replied "HE'S not a Christian." No doubt any fundamentalist Christians who heard or read his speech were equally dismissive.[14]

The aged peer, clearly, saw doctrinal commitments as central to Christian profession, whereas Warnock did not.

Warnock herself identifies as an "atheist Anglican," who very much enjoys liturgy and church music.[15] Her disbelief in God erects no barrier to her participation in and enjoyment of church, so long as she is not expected to "take it all too seriously."[16] She recognizes that religious believers hold doctrinal truths with varying levels of conviction:

> I do not deny . . . that there are religious believers who in all honesty believe that there exists a benevolent God who gives life to individual human beings, cares for them while they are alive, and takes away their life in His own good time, to replace it with life everlasting. And they believe this, or think that they do so, in the same way as they believe that sugar is soluble or that snow is white. They do not feel the need to argue about it. But at the same time there are many people who would answer affirmatively the question whether they believe that God exists, but would go on, if pressed, to admit that this belief is only a vague part of their system of beliefs; or that belief in God is different from empirical beliefs about the natural world.[17]

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[14]Warnock, *Dishonest to God*, 32.

[15]BBC Radio, "Meeting Myself Coming Back: Mary Warnock," series 6, episode 2, July 12, 2014, accessed July 26, 2014, http://www.bbc.co.uk/programmes/b0495f42.

[16]Ibid.

[17]Warnock, *Dishonest to God*, 126.

Warnock, though, seems mystified by people who full-heartedly believe that the doctrines of Christianity are true. She writes that these "fundamentalists" are "sometimes bizarre in their literal interpretation of the scriptures and their denial of scientific facts."[18] Modern theology, she insists, has "made the fundamentalist standpoint patently untenable, as it is for the most part today."[19] Christian fundamentalists' respect for the authority of the Bible is antiquated: "It would now be generally agreed that to treat the Bible as a kind of once-and-for-all revelation, with no regard either to its historical context or its variable truth-content, is a view to be embraced only by cranks and fanatics."[20] She even wonders how many true fundamentalists actually exist.[21]

Warnock regards the strict affirmation of the historic doctrines of Christianity as untenable for at least two reasons. First, Christianity's metaphysical claims are now widely regarded by educated people as untrue. Warnock quotes Dennis Nineham approvingly when he characterizes the "problem of religion as a problem of metaphysics." People in the modern age need a way to understand God, creation, and providence that "meshes" with the "rest of [their] sensibility."[22] To understand Christian doctrine as true in a literal, metaphysically true sense conflicts with science and history.

More importantly, however, Warnock contends that the fundamentalist

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[18]Ibid., 97

[19]Ibid., 133.

[20]Ibid. By "historical context," she means applying historical-critical methodology to the Bible's interpretation.

[21]For instance, in a discussion of the status of embryos, Warnock, *Dishonest to God*, 38, writes, "It is doubtful whether many people, despite the instructions from the Vatican, really believe in their heart that the death of a two- or four-cell zygote is comparable to the death of a child who has been born. . . . I believe that their opposition is based rather on a general sense that producing human embryos by a means other than human fertilization is unnatural and therefore wrong." Similarly, in a passage discussing the Christian belief in eternal life, Mary Warnock, *Imagination and Time* (Oxford: Blackwell, 1994), 152, writes, "I cannot but think that few people could be found who seriously or literally believe this now."

[22]Warnock, *Dishonest to God*, 3. Dennis Nineham, *The Use and Abuse of the Bible: A Study of the Bible in an Age of Rapid Cultural Change* (London: Macmillan, 1976).

impulse toward certainty destroys the mystery that is necessary to religion. For example,

she quotes an extended passage from Howard Goodall in which he reflects on the

mystery of musical inspiration and its relationship to theology:

> Every time that someone tries to explain or pin down the mystery of God it seems, to me, to drift further away. . . . When deeply religious people . . . replace a sense of mystery with a sense of certainty they are marching back down a man-made road of proof and empiricism.[23]

Warnock believes that doctrine, which expresses religious truths in propositional

statements, is inimical to mystery.

In another passage in *Dishonest to God*, Warnock deplores the modernization

of the language of the Christian church, because doing so has reduced the aesthetic

impact of the religion and its purchase on the imagination:

> It seems to me that both the Roman Catholic Church and the Church of England have done themselves immeasurable harm by seeking to remove the Romanticism from religion, to remove, that is, the Aesthetic Ideas (in Kant's sense) that it may excite. They have done this by modernising the liturgy and sidelining the King James Bible, thus removing both tradition and aesthetic pleasure. . . . And all this has come about in order that people should understand clearly what was always intended to be a mystery, and should take as literally true stories that could never have been more than suggestions of truths that could not be wholly encompassed in language, but whose meaning is for the imagination to interpret.[24]

Any attempt to express or clarify what these emotionally or aesthetically poignant

experiences might mean has the effect of eliminating their value. Clarity in doctrinal

expressions boxes out the imagination, which requires a kind of conceptual space if it is

not to be squelched.

For Warnock, religious knowledge is something different from ordinary

knowledge.[25] In listening to sacred music, when words and music are combined, she

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[23]Howard Goodall, *The Big Bangs: The Story of Five Discoveries That Changed Musical History* (London: Vintage, 2001), 99-100, quoted in Warnock, *Dishonest to God*, 158

[24]Warnock, *Dishonest to God*, 152-53.

[25]Warnock writes, "Faith, as everyone knows, is different from belief." Warnock, *Dishonest to God*, 126-27.

writes, "We may come to a knowledge of their meaning which is itself permanent and lasting"; yet our knowledge "could not be translated back into words alone."[26] This kind of knowledge, then, is not ordinary, propositional knowledge that can be comprehended, articulated, and shared. The demand for intelligibility is "wholly inappropriate to religion," and the church errs in its concern that its teaching be affirmed as true.[27]

Warnock finds a similar approach to knowledge in Coleridge and Kant. Coleridge, she points out, lamented that people lack reverence because they had "concepts":

> If it were possible to conceive God in a strict sense, that is as we conceive a horse or a tree, even God himself could not excite any reverence, though he might excite fear or terror. . . . But reverence which is the synthesis of love and fear, is only due from man, indeed is only excitable in man, towards ideal truths which are always mysteries to the understanding.[28]

Coleridge read Kant and was influenced by his idea that God is an idea of reason that cannot be strictly or completely grasped by the understanding.[29] Warnock notes that Kant's idea of God functions more like a limit to understanding than something that can be grasped.[30] She makes much of Kant's remark that all knowledge of God is symbolic, and implies from it that any kind of direct statement about God would inappropriately reduce God to the level of the sensible world.[31] Given this conceptual framework, then, she maintains that any attempt to express truths about God in propositional statements not only removes the mystery that may be thought religiously appropriate, but also is a kind

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[26]Warnock, "Imagination and Knowledge," 365.

[27]Ibid., 364-65.

[28]From a conversation published by Coleridge's nephew, H. C. Coleridge, in *Table Talk* (1838), quoted in Warnock, *Dishonest to God*, 145.

[29]Warnock, *Dishonest to God*, 145.

[30]Mary Warnock, *Imagination* (London: Faber & Faber, 1976), 41.

[31]Warnock, "Religious Imagination," 144-45, 151; Warnock, "Imagination—Aesthetic and Religious," 403-4.

of category mistake. God is not the kind of entity about which definitive statements can be made.

Warnock, however, does not believe that the loss of belief in the literal truth of religious doctrines requires the rejection of religion wholesale. Instead, she thinks the stories of faith traditions, like Christianity, are nutritive medium for a fertile imagination, that they communicate important truths about humanity that transcend the details of the story, and that eternal and transcendent ideas are found in the temporal and successive narratives of such stories, which is why people return to the same stories and tell them again and again.[32] Consequently, the truth of the stories themselves is irrelevant.[33] Warnock thinks the Bible can be read like a fairy tale or a novel—whether "it really happened" is not the point.[34]

Warnock sees the power of religion in the sense of continuity, permanence, and even eternity, which is evoked by the faith and its narratives, which have endured through time, schism, and persecution.[35] The imagination, operating on traditional religious stories, yields non-temporal, eternal, timeless truths, which are the primary value and point of religion.[36] What are these non-temporal, timeless truths? It turns out to be difficult to say. She writes that the life of Christ in the gospels should be taken as a "symbol, a universal-in-particular standing for something, we cannot say exactly what,

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[32]Warnock, "Imagination and Knowledge," 364-65. She relies here on C. S. Lewis's essay "On Story," and his insistence that stories carry in them ideas or points; if the story effectively engages the imagination, readers want to return to it again and again, but it is not necessary to think the stories true in order for them to have their effect. Warnock, *Dishonest to God*, 137-39.

[33]Ibid., 138.

[34]Ibid. Mary Warnock, "Cultural Relativism and Education," *Westminster Studies in Education* 2, no. 1 (1979): 38-39.

[35]Warnock, *Imagination and Time*, 148.

[36]Warnock, "Religious Imagination," 154-56.

but speaking to us of infinity, eternity, and the triumph over time."[37] To subscribe to the notion that the gospels report history as it happened is "literalism," which obscures more important, mythic themes like the longing for a Messiah.[38] Believing the literal truth of the biblical narrative misses the point:

> The insistent demand to be told whether or not someone believes the Gospel story to be true or not, yes or no, does he or doesn't he believe in the resurrection, or the virgin birth, seems to me to show a failure to understand the full part that imagination plays not only in religion, but in literature, history and in life itself, lived as it is through time, yet demanding a constant effort to make sense of time, to turn events into stories.[39]

For two reasons, then, Warnock insists that doctrine is not centrally important to religion. The doctrinal tenets of Christianity (the existence of God, the deity of Christ, the afterlife, etc.) are not true, or at minimum are in evident conflict with what is known to be true. Therefore, religion must be explained in terms that do not require its doctrines to be true in any literal sense. Second, expressing religious ideas in clear doctrinal statements has the effect of removing from religion its mystery and evocative aesthetic dimension, collapsing into cold propositions what was meant to be emotive and suggestive.

Warnock's approach to religion could fairly be characterized as fictionalization. If one removes from Christianity any requirement that its claims be believed, then the Bible can be read like a novel or historical fiction. The reader can derive value, emotional satisfaction, and could even appropriate suggestive "truths" or ethical implications, but only if she wished to do so. Church services become much like the theater, or a pep rally: designed to evoke historical memory and aesthetic or emotional responses, but not to impose the burdens that accompany whole-hearted belief and obedience.

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[37]Warnock, "Religious Imagination," 154.

[38]Ibid., 154-56.

[39]Ibid., 155-56. Cf. Warnock, *Imagination*, 109.

The Core of Religion Is Aesthetic Experience

Warnock finds the essential core of religion not in doctrine, but in aesthetic experience. Religion, she writes, is "among the most deeply aesthetic concepts that we have."[40] Humans alone ask questions about the meaning of their existence and their place in the universe, and historically, the answers of the imagination have been religious ones.[41] Her clearest exposition of what she takes religion to be is full of aesthetic and emotional overtones:

> Religion is more than a set of moral rules; it is more, even, than doing good in society. It is more than the stories that recount where the moral rules came from. . . . It is metaphysical; it depends upon the sense that there is a mystery about the world that we can never quite unravel, that human beings can imaginatively approach this mystery, whether through science of mathematics or other constructions of the imagination, but they will only glimpse the truth. The Romantic ideal opened up the possibility for each finite and short-lived individual to have access, though imperfect and patchy, to something more durable than themselves. It is not a philosophical theory (though Kant played into the hands of such a view); it is a felt response to the world.[42]

Religion is a way of responding, imaginatively and emotionally, to the mysteries of human life in a vast universe.[43] It is a way to express inner longings for meaning, attempt to transcend timebound existence, and catch a glimpse of the eternal and transcendent.[44] She states, "Understanding religion is not a matter of mastering and remembering certain facts, but of feeling in a particular way. To understand a religion is to grasp its truth, to use Kierkegaard's word, in Inwardness."[45]

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[40]Warnock, *Nature and Mortality*, 180.

[41]Warnock, *Dishonest to God*, 4, explains, "It is the human imagination that both demands and supplies such all-embracing embracing explanations; human beings alone need to place themselves in the universe as a whole, and religious belief has historically been their way of doing this."

[42]Ibid., 151.

[43]Ibid.

[44]Warnock has a positive view of endlessness, rather than a despairing or depressive view. For her, the boundlessness is evocative of unending potential, or joy, or hope. M. Jamie Ferreira, "Repetition, Concreteness and Imagination," *International Journal for Philosophy of Religion* 25, no. 1, (1989): 14-15.

[45]Warnock goes on to say that relativism undercuts the ability to understand religion in this way, since it maintains a posture outside all religious systems. Warnock, "Cultural Relativism and Education," 37.

Aesthetic experience, Warnock argues, has always been at the core of religion.[46] Even in periods of history when aesthetic features of Christianity have been removed or curtailed in the interest of purity, they have re-asserted themselves in a different form.[47] For instance, when the Latin liturgy was abandoned in favor of English, what emerged was a highly poetic form of English to replace it, and which maintained a sense of literary grace.[48] When the Council of Trent forbade melisma and embellishment in musical melodies, the more austere one-syllable-per-note rubric spawned a profound new musical aesthetic in fresh and rich choral anthems.[49] She insists, "No sharp line can be drawn between imagination employed in the religious mode and the aesthetic imagination."[50] Religion cannot help but embrace the aesthetic, without it, "nothing would be left. For religion is incapable of being literal."[51]

To support her view, Warnock cites Michael Paffard's research into the occurrence of transcendental experiences among ordinary people.[52] His book, *Inglorious Wordsworths*, explores these transcendental experiences and finds them to be commonplace.[53] Like mystical experiences, transcendental experiences do not all have the same characteristics and defy easy classification.[54] Facing the general phenomena of

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[46]Warnock, *Dishonest to God*, 148, 151-52; Warnock, "Religious Imagination," 150-51.

[47]Warnock, *Imagination and Time*, 149.

[48]Ibid.

[49]Ibid., 149-50.

[50]Warnock, "Imagination—Aesthetic and Religious," 404.

[51]Warnock, *Imagination and Time*, 150.

[52] Warnock, *Dishonest to God*, 143; Warnock, *Imagination*, 208

[53]Paffard thinks most people have transcendental experiences when they are young. Michael Paffard, *Inglorious Wordsworths: A Study of Some Transcendental Experiences in Childhood and Adolescence* (London: Hodder & Stoughton, 1973), 229.

[54]Paffard, *Inglorious Wordsworths*, 34-35. His classification bears a great deal of similarity to Winfred Corduan's classification of mystical experiences in *Mysticism: An Evangelical Option?* (Eugene,

transcendental experiences, Paffard insists that to classify them as either religious or aesthetic is impossible, because definitions of both of those categories are also difficult to pin down.[55] Most people he interacted with in his study interpreted their own experiences according to context, presupposition, and expectation.[56] Paffard resists labeling transcendental experiences religious, though, in an effort not to "secularise religious experiences," but to "sanctify all deep transcendental experiences."[57]

Warnock offers as a textbook example of a transcendental experience the passage by C. S. Lewis in his autobiographical work *Surprised by Joy*, where he describes how he was moved with deep desires by certain ideas or moments in literature.[58] These longings were an important impulse in his conversion to Christianity.[59] Warnock laments that despite their great importance to him, Lewis went on to find higher value in the Christian religion than in the moments of joy.[60] For her, these epiphanic feelings are "quite literally what gives value to our world."[61] Transcendent aesthetic moments are of supreme value, but not any truths or claims or doctrines that might issue from them or present themselves to explain the significance of these epiphanies with any specificity. Warnock writes, "It is the emotional sense of the infinity or inexhaustibleness of things which will give point to [children's imaginative] experience, not a body of doctrine

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OR: Wipf & Stock, 1991).

[55]Paffard, *Inglorious Wordsworths*, 207.

[56]Ibid., 206. For instance, a transcendental moment at the symphony would be considered aesthetic, while one at church would be considered religious. What Paffard calls "overbeliefs"—roughly, worldviews—shaped the interpretation of transcendence, thus Christians tended to Christian interpretations of their experiences, etc.

[57]Ibid., 215.

[58]C. S. Lewis, *Surprised By Joy: The Shape of My Early Life* (New York: Harcourt, 1955).

[59]Warnock, *Imagination*, 208.

[60]Ibid., 209.

[61]Ibid., 208.

which they might perhaps extract from it, if they were doctrinally inclined."[62]

Robert Holyer thoughtfully critiques Warnock at this point, surmising that the emotional experience she has in mind must be of a different character than what Lewis identifies as desire.[63] Desire, which was for Lewis the central imaginative experience, is ordered toward satisfaction, and is focused upon an object other than itself.[64] Lewis came to see that desire could be fulfilled by something in particular, and that being fulfilled was more significant than experiencing the desire.[65] The emotional experience of desire, then, is not of ultimate value; God, who is its proper object, is.[66] By contrast, Warnock does not define a central imaginative experience.[67] The recurring experience of the deep yearning, despite its object being found in Christ, underlines the eschatological character of Lewis' desire. To explain the desire, what it means to have it, and why "having" nevertheless entailed continuing desire, leads "not only to a good deal of theology, but also to what Lewis reluctantly admitted looked very much like religion."[68] For Lewis, then, doctrine and belief came to have priority over religious/aesthetic experiences.

For Warnock, however, religion is essentially concerned with the internal, emotive, and experiential. Aesthetic experiences are of a piece with religious experiences,

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[62]Warnock, *Imagination*, 207.

[63]Robert Holyer, "Imagination and Faith: A Response to Mary Warnock," *Theology* 92 (1989): 186. For an overview of Lewis' view of imagination, see Harry Lee Poe, "The Book C. S. Lewis Never Wrote: On Imagination and the Knowledge of God," *Sewanee Theological Review* 54, no. 4 (2014): 465-79. Lewis' own view of the imagination resonates with the Romantics like Wordsworth, but Lewis found their formulations unsatisfying. Ibid., 472-73.

[64]Holyer, "Imagination and Faith," 186.

[65]Ibid., 184.

[66]Ibid., 185.

[67]Ibid., 186.

[68]Ibid., 185.

and both are explained by humans' imaginative capacity. Aesthetic experience, therefore, is the essential core of religion.

Morality Is Not Essential to Religion

As described in the previous chapter, Warnock's strategy is to isolate religion from morality by confining religion to the private sphere, thus insulating public moral reasoning from its influence. In her conception of religion, her approach is simpler: the authority of religion's moral dictates is connected to the truthfulness of its view of the world. Since religion's view of the world must be updated by science, so too must its moral guidance be updated, adapted, or ignored. [69]

In the past, Warnock says, religious moral authority flowed from the stories of the faith, and from the sense that in history the unchanging will of God has been made known. This provided a certain base for moral understanding.[70] Some twentieth-century theology, however, with attention to how religion arose and developed, came to regard the stories of religion, especially Christianity, as myths—powerful, guiding narratives, but ones which no longer need be thought literally true or carrying infallible moral authority.[71] One view (which Cupitt credits to C. S. Lewis) sees religious stories not as communicating truth within the temporal succession of their narrative, but rather sees a finished story as a representative of a real truth that nevertheless stands outside it.[72]

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[69]Warnock, *Dishonest to God*, 162.

[70]Ibid., 131-32. Religious stories carried moral teachings; religious rituals were creations of the imagination to "manifest the truth that human beings need morality to survive." Ibid., 162.

[71]Ibid., 133. "The laws of God, or Natural Laws to which the Pope claims privileged access, are in fact moral principles which may change over time, may be reinterpreted or given new sense by people of imaginative genius or revolutionary spirit, and in some cases may be flatly rejected." Ibid., 165.

[72]Ibid., 141. Warnock criticizes Lewis for not applying his understanding of stories to the Gospels, and for failing to see them as set-pieces standing in for a transcendent truth that did not depend upon the truthfulness of the narrative itself. Instead, Lewis lapsed into "literalism." Warnock, *Imagination*, 209; Warnock, "Religious Imagination," 148. Holyer argues that Warnock's critique is misplaced. Lewis' nuanced thought in fact was a rejection of literalism. Holyer, "Imagination and Faith," 182-83, thinks Warnock objected instead to Lewis' theological realism. Myths can be true or false in three ways:

Cupitt, with Warnock's endorsement, turns Lewis' view on its head, and rejects the idea that any truth stands outside the story; instead, truth exists in the story, in its telling and its interpretation: "The preacher, interpreter or artist is now making truth in the telling of the tale. Truth . . . lives and grows and changes in time."[73] Cupitt returns to a morality derived from this world, and not outside it; a humanist morality, not a religious one.[74] While Warnock acknowledges that many religious people embrace a connection between morality and their faith, in her approach "the idea of God outside the world and setting standards to which we can aspire has dropped out," and morality is grounded in humanity rather than in God.[75]

Warnock complains that the political problem with fundamentalists is that they cannot imagine this kind of separation between religion and morality.[76] Fundamentalists fear that once the tenets of Christian faith are discarded, either through the rise of unbelief or the emergence of religious pluralism, moral anarchy will inevitably ensue.[77]

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(1) whether they speak correctly about the human condition, (2) whether they interpret and report historical events, and (3) because they accurately reveal the existence or nature of God. Lewis recognizes all three, but Warnock, only the first. Yet Warnock herself acknowledges that histories can carry transcendent truth in the same way that stories can. Warnock, *Imagination and Time*, 98ff.

[73]Don Cupitt, *What Is a Story?* (London: SCM, 1991), 23, quoted in Warnock, *Dishonest to God*, 141.

[74]Warnock, *Dishonest to God*, 143.

[75]Ibid., 142-43.

[76]Even mildly religious people conflate doctrinal tenets, religious beliefs, and moral positions, which Warnock thinks should be kept clearly distinct. Ibid., 11, 15, 18-19, 21, 94. Moral language can also be ambiguous as to its connection with religion. For instance, "sanctity of life" language used by abortion opponents can refer to the doctrinal teachings of the Roman Catholic Church, to a principle derived from 2,000 years of Christian tradition, or to a personal moral position that only happens to agree with the church's teaching. Ibid, 18-20.

[77]Warnock, *Dishonest to God*, 96. Yalcin, a religious naturalist, states the problem with sophistication, and agrees with Warnock that ethics arises from human nature and one's life situation in the world: "A popular argument against contingent foundationalism is that in the absence of absolute foundations we have no basis to prefer one moral value over another. But this falsely assumes that only absolute foundations can be the source of moral values and that a reliable ethical sphere only exists if our moral values are grounded in something incommensurably real. Clearly, moral anarchy may be one consequence of holding that there are no absolute foundations, but it need not be. Human lives are normally lived among

Warnock concedes that on the fundamentalist view, there is a strong link between morality and religion. Viewing the stories of Christianity as fact, for instance, requires "positive conversion"; "one cannot read and understand these stories without its changing one's life."[78]

Warnock counters, however, that if for public purposes morality is seen to be connected to religion, then just as religion is seen to be optional, morality will be seen to be optional also, or even come to be disregarded altogether.[79] Further, citing moral abuses committed in the name of religion, she says the idea that religion provides infallible and authoritative moral direction always causes damage.[80] Robert Corrington agrees, arguing that revealed religions perpetrate tribalism and violence, which can only be dampened by sublimating the religious into the aesthetic sphere. Unless religion moves beyond itself in the direction of art as its final goal, it will fail to become "deeply ethical."[81] Yalcin argues

overlapping spheres of relevancies that are contingent foundations, and I would argue that moral values arise in human societies precisely because we are naturally embedded within these overlapping spheres of relevancies that are all on the same plane of nature. It is because these contingent foundations are all equally real that we are faced with ethical dilemmas in the first place. They are natural complexes found in the human order." Martin Yalcin, "Naturalism and the Aesthetic Character of Religion: The Eclipse of the Absolute in the Experience of the Sacred," *Journal for the Study of Religion, Nature and Culture* 8, no. 2 (2014): 192.

[78]Warnock, *Imagination and Time*, 149. Warnock explains that Sartre made a similar observation about Marxism: that it was impossible to be an "armchair Marxist," because Marxist philosophy demands action. Analogously, under what Warnock would call a fundamentalist or literalist approach to Christianity, one could not simply be an "armchair Christian."

[79]Ibid., 95-96. Warnock's argument is unconvincing, if for no other reason than that she herself is a counterexample: an atheist who firmly rejects religious belief, but who remains quite concerned with morality. Even the most strident of atheist writers—Dawkins, Harris, and Hitchens—have moral prescriptions close at hand in their societal desiderata. See especially Sam Harris, *The Moral Landscape: How Science Can Determine Human Values* (New York: Free Press, 2010). Indeed, secularists are eager to defy the stereotype that atheism and immorality go together. For instance, see David I. Orenstein and Linda Ford Blaikie, *Godless Grace: How Nonbelievers Are Making the World Safer, Richer and Kinder* (New York: Humanist Press, 2015). In fact, the tag line for the publisher, the American Humanist Association, is "Good without a God."

[80]Warnock, *Dishonest to God*, 161.

[81]Yalcin, "Naturalism and the Aesthetic Character," 183; Robert S. Corrington, *Nature's Sublime: An Essay in Aesthetic Naturalism* (Lanham, MD: Lexington, 2013). Yalcin argues that the

that the ontological priority in traditional religions that regard God or the divine as a "complex" with greater reality or value than other complexes, inevitably leads to ethical abjection, which involves idolization of the preferred complex and demonization of others.[82]

Religious morality depends upon religious doctrine, but since believing religious doctrines is optional, embracing religious morality is also optional.[83] She insists, "There is not and could not be any obligation to believe."[84] Warnock embraces Humean involuntarism about belief, protesting that atheists cannot simply decide to start believing.[85] Society, however, needs morality to survive, therefore, morality must be re-conceived on an entirely secular basis.[86]

In summary, then, religion is an entirely human phenomenon, constructed by the imagination in response to sublime experiences, and in response to the human hunger for meaning.[87] The religious imagination employs the stories of religious traditions as symbols, through which eternal or profound or timeless truths may be glimpsed, but not

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connection between metaphysics and ethics is indissoluble.

[82]Yalcin, "Naturalism and the Aesthetic Character," 188-89, 198. Yalcin writes, "Christian theology has for the most part devalued nature or the natural and its connotations, including the feminine, the mother, the womb, matter, the body, sexuality, blood, darkness, and so on." Ibid, 199. Unsurprisingly, he argues that aesthetic experience of nature is the easiest path to ontological parity and an ethical posture.

[83]Ibid.

[84]Warnock, *Dishonest to God*, 166. Warnock writes, "Whatever the continuing role of religion today, in philanthropy, in education, in ceremonial [*sic*], in music, in personal comfort and hope, there is no obligation to believe." Mary Warnock, "We Must Learn Morality from Each Other, Not God," The Guardian, September 4, 2010, accessed May 15, 2016, http://www.theguardian.com/commentisfree/2010/sep/05/hawking-atheism-religion-mary-warnock.

[85]David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge and P. H. Nidditch (Oxford: Clarendon, 1978), 623-24.

[86]Warnock, *Dishonest to God*, 133.

[87]Warnock, *Dishonest to God*, 151.

grasped.[88] Religion in this sense does not need God to exist, and does not strictly need the historical narratives and traditions of religion, although Warnock herself finds value in them.[89] As Warnock understands it, religion should not make discreet and certain doctrinal or metaphysical claims; it should not obsess over the historical credentials of the Bible; it should not think itself to be the sole reliable source of morality; moreover, it should not attempt to assert any moral or epistemological authority over anyone who does not voluntarily recognize its authority.[90] To do these things misunderstands the purpose and value of religion.

Is Warnock a Non-Realist or Religious Naturalist?

Warnock's view of religion overlaps to an extent with other varieties of theological liberalism, but has unique features as well. Is Warnock best understood as a religious non-realist like Don Cupitt, or is her position closer to religious naturalism?

Warnock acknowledges Cupitt's influence, and she does have several things in common with his position. For instance, both think "God" does not reference a real being, but that God is "the non-objective object of religious feeling . . . a catalyst for the expression of religious feeling or perhaps the vehicle that carries an expressed feeling, but it is no more than that."[91] Warnock insists that some description is needed "to encompass that aspect of the human imagination that has immortal longings" but insists that theological attempts to climb the ladder to the heavens (in a poetic nod to Yeats) are vain: "There are no ladders left."[92]

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[88]Warnock, "Religious Imagination," 147; Warnock, *Dishonest to God*, 144.

[89]Warnock, *Dishonest to God*, 153.

[90]Ibid., 162.

[91]Don Cupitt, *Mysticism after Modernity* (Oxford: Blackwell, 1998), 142.

[92]Warnock, *Dishonest to God*, 142-44.

Erica Appelros helpfully distinguishes the metaphysical, epistemological, and semantic dimensions of realism versus non-realism in theology.[93] Warnock is a metaphysical realist, in that she believes there is a fact of the matter of God's existence (and that fact is that God does not exist). She is an epistemological non-realist about theology, because when speaking of "God" there is no object or being to refer to. She is a semantic anti-realist about theology: theological statements need not be thought true or false.

Warnock also shares with Cupitt an affinity for a naturalistic approach to religion that is Romantic and emotivist.[94] Hugh Rock insightfully notices that Cupitt's mystical interpretation of religion prioritizes the individual and experiential/aesthetic to the neglect of the social and moral.[95] Similarly, Warnock favors the aesthetic and emotional—and therefore individual—dimension of religion, which partly explains and partly justifies her separation of religion and morality.

Cupitt's non-realism, however, spills over into every area of his thinking, resulting in several contrasts with Warnock's thought.[96] For instance, Cupitt thinks human nature is culturally constructed, but Warnock thinks human nature is determinate, based upon facts.[97] Cupitt also relativizes science as a cultural construct, but Warnock regards it

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[93]Erica Appelros, *God in the Act of Reference: Debating Religious Realism and Non-Realism* (Burlington, VT: Ashgate, 2002), 5-6.

[94]Hugh Rock, "Don Cupitt and the Paradox of Taking Leave of God," *Modern Believing* 55, no. 3 (2014): 232, writes, "Schleiermacher's feeling of the 'infinite' and 'absolute dependence' are hybridized [by Cupitt] via Wordsworth's nature rapture into 'cosmic objectlessness' and 'It All, infinite scattering.'" Rock names eight theologians who, despite differences of formulation, see religion primarily in terms of non-rational or trans-rational religious feelings, which produce knowledge; each of them subordinates doctrine as an inadequate attempt to express this knowledge. The eight theologians are Don Cupitt, Alan Watts, Rudolf Otto, Paul Tillich, John Robinson, John Macquarrie, John Hick, and Friedrich Scheiermacher. Rock characterizes Schleiermacher as the center around which the others orbit. Ibid., 232-33.

[95]Ibid., 239.

[96]Peter Byrne, *God and Realism* (Burlington, VT: Ashgate, 2003), 28

[97]Walker criticizes Cupitt for attributing to culture what ought to be attributed to biology. Ruth

as an objective and transcultural discipline.[98] The most critical difference is that Cupitt thinks ethics is at the heart of the religious quest, while Warnock's reformulation aims to remove ethics entirely from religion.[99]

Warnock's position also overlaps with some understandings of religious naturalism, which take seriously a scientific understanding of the world and a religious orientation to life, while rejecting supernaturalism.[100] Wildman proposes a list of ontological hypotheses for Religious Naturalism, including (1) no disembodied agency, awareness, or intentionality; (2) the natural world is self-transcending, from which self-aware beings craft their goals and purposes; (3) religion and religious language point to this self-transcendence; and (4) though naturalism excludes non-material agency, it does not exclude valuation: aesthetics, morality, and spirituality.[101] Warnock would find herself in agreement with many of these, particularly with the idea of self-aware beings creating their own goals, she would add, by virtue of the imagination.[102] The concern for

Walker, "Rescuing Religious Non-Realism from Don Cupitt," *Heythrop Journal* 47, no. 3 (2006): 427. Cf. Mary Warnock, *An Intelligent Person's Guide to Ethics* (London: Duckworth, 1998), 120.

[98]Walker, "Rescuing Religious Non-Realism," 434.

[99]John Hey, "Don Cupitt's Ethical Jesus and a Secular Transcendence: A Review of Cupitt's *Jesus and Philosophy*," *Implicit Religion* 14, no. 2 (2011): 216. E.g., Don Cupitt, *Jesus and Philosophy* (London: SCM, 2009), 86, writes that Jesus was an "almost secular moral teacher."

[100]Walter B. Gulick, "Religious Naturalism: A Framework of Interpretation and a Christian Version," *American Journal of Theology & Philosophy* 34, no. 2 (2013): 154. Cf. John Hey, "Believing beyond Religion: Secular Transcendence and the Primacy of Believing," *Implicit Religion* 15, no. 1 (2012): 91, who writes, "The 'world' can no longer be imbued as it was in pre-modern times with metaphysical characteristics such as demons and angels, or visions of hell and paradise, in any empirical sense. Our believing then ideally should be critical and fit this framework. It should aim at being true to our own experience, at critically embracing and rejecting the cultural metanarratives we encounter, and at seeking to understand, as far as we can, what modern science is telling us about both the cosmos and human consciousness: an impossible ideal perhaps, but nevertheless something of a goal to aim at, something to be constantly before us as we critique our believing."

[101]Wesley J. Wildman, "Religious Naturalism: What It Can Be, and What It Need Not Be," *Philosophy, Theology and the Sciences* 1, no. 1 (2014): 42-44.

[102]Warnock, *An Intelligent Person's Guide*, 102, writes, "I am asserting that the reaction of an individual to the infinite variety of his environment is unpredictable, in principle. We could not form a

her would be whether morality belongs in the scope of the religious. Some theorists, like Ursula Goodenough, see morality as absolutely central to the project of religious naturalism, insisting that "any religious orientation worth talking about is also concerned with morality."[103] Confining religion to the experiential and aesthetic omits the centrally human element of social flourishing in community.[104] Like Warnock, Goodenough recommends moral education using the stories and traditions of major religions.[105]

Like Warnock, Wildman resists the public application of traditional religious morality and sees religious naturalism as a platform from which to do so. After reassuring that there is room in public discourse for "every mainline variety of political perspective," he notes one exception:

> What the religious naturalist would utterly cast out of social and political discourse is the manipulative or unreflective supernatural authorization of moral claims and of the individuals and groups that make them. At this point the religious naturalist becomes the resistor of bullying behavior and the raiser of consciousness for the sake of corporate resistance to fantastical rationalizations of what amounts to little more than coercion.[106]

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deterministic account of the future of any living animal. In the case of human animals, the impossibility is compounded by that unique feature of humans, their imagination. For humans, and they alone, are able not only to learn from their past experiences (as all animals can) but consciously to envisage a future for themselves which may differ from the past. They are able not only to pursue the things they have learned to value highly and avoid those they have learned to hate (as laboratory rats do), but they can form pictures for themselves of the universe as a whole and the part they would wish to play in it. They can give themselves goals to pursue, which may be totally new and idiosyncratic, or which they have learned from people they have, unpredictably, met or read about, admired or loved. It is this ability to set goals, newly invented or traditional, but either way, taken on individually by the unique human being, which lies at the root of ethics, and remains untouched by the genetic inheritance each may have."

[103]Ursula Goodenough, "Religious Naturalism and Naturalizing Morality," *Zygon* 38, no. 1 (2003): 103.

[104]Ibid. Goodenough detaches her version of Religious Naturalism from materialism in order to make room within it for some varieties of theism and pantheism. To her, the metaphysical commitments are of secondary importance. Other theorists are not so flexible. E.g., Jerome A. Stone, "Is a 'Christian Naturalism' Possible? Exploring the Boundaries of a Tradition," *American Journal of Theology & Philosophy* 32, no. 3 (2011): 206, conceives religious naturalism in a way that rules out process theology and panentheism because they regard God as ontologically unique.

[105]Goodenough, "Religious Naturalism," 108-9; cf. Warnock, *An Intelligent Person's Guide*, 121-24.

[106]Wildman, "Religious Naturalism," 53-54.

His syntax makes unclear whether *all* "supernatural authorizations" are manipulative or unreflective and are thus to be excluded, or whether *some* supernatural authorizations— the non-manipulative and reflective ones—may be admitted to social discourse. Wildman's sentiment resonates with Warnock's desire to deny political authority to the pronouncements of fundamentalist religion.[107] His position, however, is duplicitous: the religious naturalist resists "bullying behavior" by setting rules for who can make moral claims.[108]

Although Warnock shares goals and assumptions in common with some religious naturalists, her position most closely aligns with religious non-realists.[109] The overall non-realist project is to radically revision traditional religion, to which it is nevertheless genealogically connected. Christian non-realism, certainly as Warnock conceives it, purports to be a rightful heir of the Christian tradition, a legitimate adaptation for a modern age.[110] Since she wishes to jettison the questionable metaphysical/doctrinal claims and outdated moral strictures of Christianity, the handiest way to do so is to exclude doctrine and morality from the scope of what religion purports to be. In this way she can have her Christianity without literal belief in God or the moral demands that accompany literal belief.

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[107]Warnock, *Dishonest to God*, 96.

[108]Hey commits a similar transgression, which demonstrates the epistemic inconsistency in secular conceptions of religion. Secular versions of religion are credited with epistemic humility, because they do not trespass on the claims of science, and they limit their sphere to personal meaning making. This religious posture "cannot offer some authoritative judgment upon human knowledge and believing. It occupies no Olympian perspective." Yet mere sentences later, Hey bounds up the Olympian slope to declare that the "dogmatic and dubious knowing" of traditional religion can be "damaging and oppressive"—which sounds very much like an authoritative judgment beyond personal meaning making. Hey, "Believing Beyond Religion," 93. In other words, Hey offers an authoritative religious judgment to say that religions ought not to offer authoritative judgments.

[109]Jeff Phillips, "Mary Warnock, Dishonest to God: On Keeping Religion Out of Politics," *Theology* 114 (2011): 457.

[110]Warnock, *Dishonest to God*, 142-44

The overall project of religious naturalism, by contrast, is to incorporate the features of religion into a comprehensive naturalistic understanding of the world, without considering itself an heir to any particular religious tradition.[111] Religious naturalists do not have to interpret or re-interpret the metaphysical or moral claims of any religious tradition; they can select or ignore elements from religious traditions as they see fit. Therefore, religious naturalists have little reason not to include the moral or political within the scope of the religious.

Warnock's exclusion of the moral and political is a defensive move against more conservative (and rival) heirs to the Christian tradition and their moral and political agendas. She regards religion as a historical and cultural artifact whose teachings, taken literally, are mistaken about the fundamental features of the world. Thus, since it is unqualified to teach what the world is or how people ought to behave in it, it must be isolated from morality and politics. Nevertheless, religion is worthwhile, because the noble aesthetic features of it can be retained, and the metaphysical and ethical components can be reimagined.[112]

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[111]Wildman, "Religious Naturalism," 41, writes, "Religions encode much wisdom about sacred nature but this religious wisdom is distorted in myths and legends that harden into literal descriptions of reality. Thus, religious naturalism can affirm traditional religions in some respects and must criticize them in other respects." Religious naturalism can appropriate elements from a range of religions, or threads of them, that seem suitable, but they are not beholden to interpret or incorporate any one tradition. Ibid., 51. Cf. Goodenough, "Religious Naturalism," 102-3.

[112]For instance, Warnock pointedly disagrees with many of the New Atheists who prefer to see religion entirely expunged from human society. In an interview with Laurie Taylor, Warnock said, "I find Dawkins' simple-minded view of religion very difficult to take. It pays no proper attention to the history and tradition of religion. It says that religions have done nothing but harm but that is manifestly not true. He omits all the good things, the education, the cathedrals, the music. All that's disregarded." Laurie Taylor, "No Nonsense: Laurie Taylor Interviews Mary Warnock," *New Humanist*, September 10, 2010, accessed April 28, 2016, https://newhumanist.org.uk/ articles/2378/no-nonsense-laurie-taylor-interviews-mary-warnock. Cf. Jonathan Derbyshire, "The NS Interview: Mary Warnock," *The New Statesman*, December 15, 2010, accessed May 22, 2015, http://www.newstatesman.com/philosophy/2010/12/interview-society-religion.

Warnock's View of Religion Will Not Solve
the Problems of Public Discourse

Warnock offers her view of religion as a better alternative to fundamentalism, because it does not pretend to have unassailable moral authority, and does not conflict with what science asserts.[113] She also hints that the thorny problems in public moral discourse would be considerably improved if her view of religion were more widely adopted.[114] This implicit claim is true. Warnock's view of religion vacates the public sphere of doctrinal claims, ceding all authority to science, and it abandons all or most moral claims, leaving only secular morality to dominate in the public sphere; it is easy to see that if most religious people adopted her view, it would lessen contentious debate in the public sphere.

This section offers three critiques of Warnock's approach to religion. First, Warnock makes too much of the alleged conflict between doctrinal clarity and aesthetic mystery; they are not at odds in the way she believes they are. Second, the feature of her view with the most relevance of religion in public discourse is its separation from morality, which I argue is implausible. Finally, current trends indicate that Warnock's religious non-realism is unlikely to be widely adopted, and therefore will have little practical effect on public moral discourse. To the contrary, all signs suggest that religious claims of a conservative character will continue stubbornly to assert themselves in the public square.

Warnock Overemphasizes the Conflict
between Imagination and Doctrine

Contrary to Warnock's suggestion, making clear doctrinal statements does not entail eliminating mystery associated with the divine. Mystery is often taken as inimical

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[113]Warnock, *Dishonest to God*, 161, 3, 110.

[114]E.g., Warnock, *Dishonest to God*, 89 (see also 161-62), writes, "Yet moral consensus on [assisted suicide] does not exist, and never will, certainly as long as the Churches teach that to help someone to achieve the death they long for is the same as murder, and as long as some people heed that teaching, while others do not."

to the success of theology, but Boyer and Hall, for example, argue that mystery is appropriate since theology is about an infinite, self-revealing God.[115] Boyer makes a critical distinction between investigational and revelational mystery.[116] An investigational mystery is based on what is unknown, as in a detective story; this mystery is eliminated upon finding the solution.[117] Revelational mystery, however, is the sense of mystery used by Christian theologians, in which a divine secret becomes known to humanity, but that such knowledge does not eliminate the mystery.[118] Along the same lines, in *Reformed Dogmatics*, Bavinck writes, "Although knowledge is attainable in theology, this is not true of comprehension."[119] Revelation does not conceal mystery, but discloses it; the fuller the knowledge of God, the fuller the awareness of his incomprehensibility.[120] Warnock treats the mystery of God as an investigational mystery. Claiming to know something about God, she thinks, eliminates the mystery (or damages it, as Warnock thinks that mystery is a good thing).[121] Understood as revelational mystery, however, the conflict between doctrine and mystery disappears, or is at least greatly reduced.[122] The dilemma between doctrine and mystery is false.

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[115]Daniel Castelo, "Review: The Mystery of God: Theology for Knowing the Unknowable," *Religious Studies Review* 39, no. 3 (2013): 153; Steven D. Boyer and Christopher A. Hall, *The Mystery of God: Theology for Knowing the Unknowable* (Grand Rapids: Baker, 2012).

[116]Steven D. Boyer, "The Logic of Mystery," *Religious Studies* 43, no. 1 (2007): 89-93.

[117]Ibid., 90.

[118]Boyer writes, "The defining feature of mystery in this sense is that its mysterious character is not undercut by being made known." Ibid., 91.

[119]Herman Bavinck, *Reformed Dogmatics*, ed. John Bolt, trans. John Vriend (Grand Rapids: Baker, 2003), 1:619.

[120]Ibid. See also Bruce P. Baugus, "Paradox and Mystery in Theology," *Heythrop Journal* 54, no. 2 (2013): 247.

[121]Warnock, *Dishonest to God*, 152-53.

[122]Boyer criticizes Delwin Brown for unnecessarily setting revelation and mystery against each other. Boyer, "The Logic of Mystery," 92-93, commenting on Delwin Brown, "Knowing the Mystery of

Separating Morality from
Religion Is Implausible

Warnock's separation of morality and religion is implausible for three reasons: (1) because on Warnock's own account, they both spring from the human imagination, which cannot be neatly compartmentalized, (2) because contrary to her view, religion is not confined to the personal and experiential, and (3) because most religious people see morality as inherent to their beliefs.

As observed in chapter 2, Warnock views the imagination as a broad faculty that has its fingers in many modes of thought. She believes that the imagination is at the root of religion, morality, and aesthetics.[123] More importantly, in all its modes, the imagination is "undifferentiated," it is a "unified capacity for seeing," which forms a "continuum of interpretation" that "cannot be compartmentalized."[124] Her book *Imagination* advances the thesis that a unity to all the functions of the imagination is underappreciated.[125] She contends that the aesthetic and religious imaginations are inseparable from each other.[126] In one place, she even resists the idea that the aesthetic and the moral are sharply differentiated, pointedly criticizing the claim that "no one's life was ever changed. . . by the beautiful," and suggests that such a separation is mistaken.[127] One would therefore expect that isolating the moral imagination from the religious would be equally impossible.[128]

God: Neville and Apophatic Theology," *American Journal of Theology and Philosophy* 18, no. 3 (1997): 239-55. Brown, like Warnock, is attempting to undercut absolutist claims in doctrine. Ibid., 240-41.

[123]Warnock, *Dishonest to God*, 144.

[124]Warnock, "Imagination—Aesthetic and Religious," 409.

[125]Warnock, *Imagination*, 35.

[126]Warnock, "Imagination—Aesthetic and Religious," 404, states, "No such separation is possible . . . no sharp line can be drawn between imagination employed in the religious mode and the aesthetic imagination."

[127]Warnock, "Imagination and Knowledge," 364-65.

[128]In a similar vein, her criticism of C. S. Lewis's "literalism" commits the very error of which

Contrary to Warnock's contention, it is easy to imagine scenarios in which the aesthetic, religious, and moral imaginations run together. For instance, one could imagine a preferred alternate future where all people loved each other selflessly—the kind of vision, according to Warnock, which may give rise to moral imperatives.[129] There is a strong aesthetic quality to that kind of vision, which may be difficult to express. It is not that far of a step to say that this is an image of the world as God intends it. Could one not easily say that such a vision is God-inspired? Could one not say that the most morally excellent world is the most beautiful and the most pleasing to God? In light of the venerable philosophical tradition that sees fundamental connections between the true, the good, and the beautiful, Warnock's separation of them seems artificial.

Second, Warnock's separation of morality and religion is implausible because religion is not confined to the personal and experiential. Warnock's view emphasizes transcendent personal religious experiences, which makes religion an essentially individual and internal affair.[130] For instance, she writes that religion is concerned with "the contrast in human beings between their ultimate solitude and their superficial sociability."[131] She minimizes the social dimension of religion because moral claims about how humans ought

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she accuses him. Warnock, "Religious Imagination," 154, argues that Lewis would not apply his profound understanding of how the imagination understands stories to the gospel, insisting instead on a hard separation "between fiction and fact, between myth and history. . . . [Lewis] also overlooked the fact that the Christian's response to the Gospel is, in part at least, like a child's response to a fairy-story." It is surpassingly difficult to imagine anyone even remotely familiar with Lewis' work saying this. Lewis' fiction—the Narnia stories and the space trilogy—is deliberately and self-consciously constructed upon mythic themes in the biblical story, and aims to exploit them and their imaginative possibilities (for children!), even while he affirms the truth and historicity of, for example, the resurrection. It is Warnock, and not Lewis, who is guilty of making a hard distinction between myth and history. Her atheism demands that the literal sense of biblical stories must be removed from the broader, mythic understanding of it. Ibid.

[129]Warnock, *Imagination and Time*, 160.

[130]Cupitt's emphasis is similarly individualistic. Rock, "Don Cupitt and the Paradox," 239-40, criticizes Cupitt at this point for being subtly patriarchal, emphasizing masculine themes (e.g., the individual in a lone struggle to find meaning) over the feminine, which is more naturally inclined to the social and the relational.

[131]Warnock, "Religious Imagination," 151.

to treat one another rise quickly in social contexts.[132] Warnock herself makes this point: "Morality arises out of community. . . . There can be no morality except in a social context."[133]

Religion, however, includes the social and the moral.[134] As Warnock admits in *Dishonest to God*, the primary point for many people of religion is its moral regime.[135] As noted in chapter 3, the isolation of religion from the moral, political, and social run counter to the instincts and practices of most religious people.[136] Even non-realists like Cupitt and religious naturalists like Goodenough see moral concerns as central to religion.[137]

Warnock's separation of morality from religion, therefore, is artificial and idiosyncratic. It does not cohere well with her view of the unity of imagination—it over

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[132]Minimizing the doctrinal dimension of religion serves the same end, because truth claims expressed in discreet form can be communicated and shared, and even become the boundaries and themes of community life, which also has moral implications.

[133]Warnock, *Dishonest to God*, 122.

[134]Paul Helm, "The Indispensability of Belief to Religion," *Religious Studies* 37, no. 1 (2001): 76, writes, "'Religion' is a somewhat wider term than, say, 'religious belief' or 'theistic belief'; for while it embraces such beliefs, or may do so, (or as I shall argue with one or two exceptions must do so) it also has other concerns; ethical and spiritual needs and goals and ideals; the relation of an individual to a tradition, and the fact and importance of corporate life. Religion is an orientation of oneself that includes all these, or may include them and no doubt may include much else besides." Kurt Keljo and Tom Christenson, "On the Relation of Morality and Religion: Two Lessons from James's Varieties of Religious Experience," *Journal of Moral Education* 32, no. 4 (2003): 385-96, drawing on William James, examine the relationship between religion and morality and find that both are at their best where they intersect. Religion corrects and enriches the best of morality, and morality softens the extremes to which religion is sometimes prone. On this analysis, they might find Warnock's desire to remove morality from religion alarming.

[135]Warnock, *Dishonest to God*, 94, states, "For people who profess a religion and who live in a community within which religious beliefs are tolerated and respected, the concept of religious as the chief source of morality is hardly questioned."

[136]Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (New York: Rowman & Littlefield: 1997), 105; Daniel M. Bell, Jr., "State and Civil Society," in *The Blackwell Companion to Political Theology*, ed. Peter Scott and William T. Cavanaugh (Malden, MA: John Wiley and Sons, 2004), 423-24.

[137]Hey, "Don Cupitt's Ethical Jesus," 261; Goodenough, "Religious Naturalism," 103.

relies on the internal and experiential elements of religion and neglects the natural religious concern with the social and the moral.

**Revisionist Views of Religion Do
Not Command Allegiance**

Finally, Warnock offers her view of religion as a better alternative to fundamentalism. The unstated implication is that, were fundamentalists to adopt her approach to religion, much religious conflict in the public square might be eliminated. Liberal and revisionist views of religion, however, do not tend to attract the adherence of ordinary believers, and current sociological trends indicate that religion of a conservative variety is surging and pressing with new energy into the public square. Even if tenable, then, Warnock's view does not promise to ameliorate the problems of moral conflict in public.

Religious innovators frequently lament that their revisions of traditional religions fail to catch on with ordinary religious people. For instance, John Hey sighs that Cupitt's reinterpretation of Christianity has been largely ignored.[138] Walter Gulick wonders if "any form of religious naturalism can take root in the ordinary belief and practice of church goers."[139] Jeff Astley, noting that theology is a central part of religious piety for ordinary believers, bemoans the disconnect between liberal academic theology and the "ordinary theology."[140] This disconnect is variously credited to theological content: people simply continue to believe traditional doctrines about God;[141] to evolution: human

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[138]Hey, "Don Cupitt's Ethical Jesus," 221, explains, "It is a pity that secular modernity has not been more attracted to his [Cupitt's] radical re-interpretation of Christianity, and that traditional Christians over the years have all but lost interest."

[139]Gulick, "Religious Naturalism," 156.

[140]Jeff Astley, "In Defence of 'Ordinary Theology,'" *British Journal of Theological Education* 13, no. 1 (2002): 21. Astley recommends that seminary preparation includes some elements that require students to interact with theology as people actually believe and live it. Ibid., 28-29.

[141]Dave Shiflett, *Exodus: Why Americans Are Fleeing Liberal Churches for Conservative Christianity* (New York: Sentinel, 2005). Pew Research Center, "U. S. Religious Landscape Survey," June

cognitive architecture inclines people to be "over-responsive to agency," so they naturally credit causes of natural phenomena to supernatural agents;[142] or to the social role of high tension faith: religions which make greater demands have stronger appeal.[143] Warnock acknowledges the appeal of conservative faith as she expresses anxiety about the rising influence of religion:

> Indeed it may be that, considering the world as a whole, the influence of religion is greater than it has been for many years, an increasing rather than a diminishing force in society. But it is the most dogmatic, literal and evangelical forms of religious belief that tend to survive in a world that is largely secular and morally insecure. Yet even if in some respects religion is gaining influence in its extreme forms, influence must not be mistaken for authority; and we need no reminding how disastrous the consequences can be of allowing authority to the dogmas of fundamentalist religion.[144]

The "dogmas of fundamentalist religion," however, continue to gain purchase with ordinary people.

Secularization theory, the idea that more and more people would abandon traditional religion in the modern age, was once widely accepted, but in light of evidence is now thought to be false; the world is in fact more religious than ever.[145] Peter Berger

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2008, 8-12, 34-35, accessed September 19, 2015, http://www.pewforum.org/files/2008/06/report2-religious-landscape-study-full.pdf. Trigg, *Religion in Public Life*, 131-32, focuses on neutering of truth claims as the culprit: "The idea of objective truth is central to much religion. Modern attempts to re-interpret religious assertions, so that they do not claim a truth that applies to everyone, attenuate religious belief. Eventually it will appear to claim nothing, with no reason to become committed to it or to remain committed."

[142]Walker, "Rescuing Religious Non-Realism," 431. Walker explains, "Religious beliefs in supernatural agents are natural. The biological naturalist can show that far from being a symptom of psychopathology or immaturity, religious belief is a normal feature of human cognition." Ibid., 435. Cf. Stewart Guthrie, *Faces in the Clouds: A New Theory of Religion* (Oxford: Oxford University Press, 1993).

[143]Rodney Stark, *For the Glory of God: How Monotheism Led to Reformations, Science, Witch-Hunts and the End Of Slavery* (Princeton, NJ: Princeton University Press, 2003), 20-24. N. J. Demerath III, "Cultural Victory and Organizational Defeat in the Paradoxical Decline of Liberal Protestantism," *Journal for the Scientific Study of Religion* 34, no. 4 (1995): 458-69, contends that American liberal Protestantism was organizationally weakened because it was on the winning side of cultural victories like women's suffrage and civil rights, found itself less in tension with the larger culture, which weakened its appeal.

[144]Warnock, *Dishonest to God*, 96.

[145]Stark traces the origin of the secularization theory back as far as Anglican Thomas Woolston in 1710. The most famous recent expression was by Peter Berger in 1968. Rodney Stark, *The Triumph of*

and Harvey Cox, originators of secularization theory, have both admitted as much.[146] Available sociological data widely support the upsurge in religion.[147] One recent exception was the 2015 American Religious Landscape Survey trumpeting the rise of the "Nones"— those claiming no religious affiliation—which was widely hailed as evidence that religion is on its way out.[148] Stark, however, calls that interpretation of the report's data "misleading and probably wrong," citing a wide range of data contradicting the decline of religion.[149] Philip Jenkins also argues that globally, Christianity is not trending in the direction of liberalism and accommodation of secularism, but in fact in the other direction, to sexual conservatism, submission to spiritual authorities, a thoroughgoing supernaturalism, including a deliberate focus on miraculous healing and exorcism.[150] This resurgence is happening primarily in the global south, but, via immigration, is affecting Europe and the United States; at the same time, theologically liberal churches in the US and Europe are declining, further weakened by a plummeting birth rate.[151] The assumption that

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Faith: Why the World Is More Religious than Ever (Wilmington, DE: ISI, 2015), 5-6.

[146]Peter Berger, "Epistemological Modesty: An Interview with Peter Berger," *Christian Century* 114, no. 30 (1997): 974. Harvey Cox, "The Myth of the Twentieth Century: The Rise and Fall of 'Secularization,'" in *The Twentieth Century: A Theological Overview*, ed. Gregory Baum (New York: Obris, 1999), 135.

[147]Stark, *The Triumph of Faith*; Philip Jenkins, *The Next Christendom,* rev. ed. (Oxford: Oxford University Press, 2007); Michael Emerson and David Hartman, "The Rise of Religious Fundamentalism," *Annual Review of Sociology* 32 (2006): 127-44; Gabriel A. Almond, R. Scott Appleby, and Emmanuel Sivan, *Strong Religion: The Rise of Fundamentalisms Around the World* (Chicago: University of Chicago Press, 2003); Yungfeng Lu, "Understanding the Rise of Religion in China," *Chinese Sociological Review* 45, no. 2 (2012): 3-7.

[148]Stark, *The Triumph of Faith*, 1-2.

[149]Pew Research Center, "America's Changing Religious Landscape," May 12, 2015, accessed September 30, 2016, http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/; Stark, *The Triumph of Faith*, 190-92.

[150]Philip Jenkins, "The Next Christianity," *The Atlantic Monthly* 290, no. 3 (2002): 60.

[151]Ibid., 58-59. See also Jenkins, *The Next Christendom,* 104-24.

modernization and urbanization would lead religions to accommodate by liberalizing is empirically false.[152]

Whether secularization is occurring depends upon how "secular" is understood. Charles Taylor clarifies three distinct understandings of "secular" in his widely acclaimed book, *A Secular Age*.[153] Under the first, public institutions are free from a connection to or a justifying basis in the divine, which in the United States has been true (structurally, if not culturally) since its founding.[154] The second sense of "secular" is the lessening of religious belief and practice, which by many measures may be thought true, though some of these measures may fail to capture shifting patterns in religiosity.[155] Taylor's third sense is the shift in conditions of belief from a state where belief in God is ubiquitous, to where it is one option among many.[156] Only in this third sense is secularization clearly the case in contemporary Western society.[157] Chaves attempts to defend secularization by viewing

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[152]Jenkins, "The Next Christianity," 60. The conservative trend appears to be true both among Catholics and Protestants. Ibid., 64. Jenkins summarizes, "By any reasonable assessment of numbers, the most significant transformation of Christianity in the world today is not the liberal Reformation that is so much desired in the North. It is the Counter-Reformation coming from the global South." Ibid., 68. Stark, *The Triumph of Faith*, 6, however, observes that a few scholars are "secularization holdouts," continuing to argue that secularization is happening, or that the current upsurge in religiosity is a temporary interruption to a general downward trend. E.g., Bryan Wilson, "Reflections on a Many-Sided Controversy," in *Religion and Modernization: Sociologists and Historians Debate the Secularization Thesis*, ed. Steve Bruce (Oxford: Oxford University Press, 1992), 201; Steve Bruce, *Secularization: In Defence of an Unfashionable Theory* (Oxford: Oxford University Press, 2011); Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (New York: Cambridge University Press, 2004), 25.

[153]Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap, 2007).

[154]Ibid., 1; Andrew Bradstock, "Using God-Talk in a Secular Society: Time for a New Conversation on Public Issues?" *International Journal of Public Theology* 6 (2012): 139-40.

[155]Taylor, *A Secular Age*, 2; Stark, *The Triumph of Faith*, 2-3.

[156]Taylor, *A Secular Age*, 3.

[157]Secularization, moreover, might need to be conceived differently for different countries. For instance, the US has official separation of church and state, yet high religious observance, while the UK has established state religion and low religious observance. Bradstock, "Using God-Talk," 140. Secularization can also occur independently at societal and individual levels, resulting in a range of possible postures toward religion. For instance, low individual secularization combined with high societal secularization results in viewing religion as an organization base from which to politically resist secularization, as in US Protestant fundamentalism. By contrast, when secularization is high on societal and individual levels,

it not as the decline of religious practice, for which there seems to be mixed evidence, but as the decline of religious authority.[158] Hout and Fischer, however, protest that religious authority is not in steady decline but instead appears to wax and wane over time; and further, that secularization as a general thesis cannot predict when religious declines might or might not occur.[159]

Europe is often thought to be the secularists' ideal for two reasons: religion has declined and secular states are open, liberal, and free. Neither, however, is true. Casanova calls the European secularization narrative a myth.[160] The myth goes that once upon a time, religion and politics were united in Europe, but this condition led to ruinous religious wars between those of contrary religious beliefs, which decimated European society. Aided by the Enlightenment, Europe responded by banishing religion to the private sphere, resulting in an open, liberal state, friendly to democracy, public reason, and freedom of expression.[161]

The actual story is less idealistic: Europe's first response was to establish state religions that did not tolerate unofficial religions within their territory—they banished them instead. This approach continued for hundreds of years, more or less until the end of World War II.[162] Today, most European states have either a national church, or two

religion is viewed as a cultural resource—very much like Warnock views it. Mark Chaves, "Secularization as Declining Religious Authority," *Social Forces* 72, no. 3 (1994): 760-62. Secularization as a general thesis, however, is too simple to account for multiple modernities and different cultural accommodations of religion. José Casanova, "Public Religions Revisited," in *Religion: Beyond a Concept*, ed. Hent de Vries (New York: Fordham University Press, 2008), 119

[158]Chaves, "Secularization as Declining Religious Authority," 749-50.

[159]Michael Hout and Claude S. Fischer, "O Be Some Other Name," *American Sociological Review* 68, no. 2 (2003): 317-18. Cf. the critique of Hout and Fischer in Gerald Marwell and N. J. Demerath III, "'Secularization' By Any Other Name," *American Sociological Review* 68, no. 2 (2003): 314-16.

[160]Casanova, "Public Religions Revisited," 109-10.

[161]Casanova, "Public Religions Revisited," 109-10. See also Ryszard Legutko, *The Demon in Democracy: Totalitarian Temptations in Free Societies* (New York: Encounter, 2016), 152.

[162]Casanova, "Public Religions Revisited," 110.

competing, but territorial churches, accompanied by toleration of a limited number of religious minorities. They are not strictly secular, nor do they live up to the myth of secular neutrality.[163] Casanova explains that France's posture is only somewhat different; *laïcité* (entire privatization of religion, the enforcement of a religion-free public sphere) "functions as a civil religion in competition with ecclesiastical religion," which is not at all neutral toward religion.[164]

Not only are European states not commendably neutral, but religion is not in decline in Europe, either. Instead, Christianity has shifted its social location from being expressed institutionally to more culturally diffuse and individualized expressions that are harder to measure.[165] In addition, religion has re-entered the public square, defying the secularist thesis that religion would retreat to and remain in the private sphere.[166] When global trends are taken into account, there appears to be little hope that religious influence will be contained outside the sphere of politics or democratic discourse.[167] The

[163]Ibid., 111.

[164]Ibid., 111-12. Casanova argues that part of the problem with secularization is that it is a single model explanation of religious development, wherein, for instance, America's continuing religiosity must be thought of as an exception to the general rule of secularization, or that Europe must be thought of as an exception to the general worldwide revival of religion. Instead, "when it comes to religion, there is no global rule. All world religions are being transformed radically today, as they were throughout the era of European colonial expansion, by processes of modernization and globalization. But they are being transformed in diverse and manifold ways." José Casanova, "Rethinking Secularization," *The Hedgehog Review* 8, nos. 1-2 (2006): 17.

[165]Lieven Boeve, "Religion after Detraditionalization," in *The New Visibility of Religion: Studies in Religion and Cultural Hermeneutics*, ed. Graham Ward and Michael Hoelzl (London: Continuum, 2008), 189-192.

[166]Casanova, "Public Religions Revisited," 101-2. Casanova thinks religious reentry to the public square is primarily but not entirely driven by the influx of religious, especially Islamic, immigrants, and emphasizes his point that a global perspective is required to properly understand these trends. See also John Micklethwait and Adrian Wooldridge, *God Is Back: How the Global Revival of Faith is Changing the World* (New York: Penguin, 2009), 137, 194-95.

[167]Casanova, "Public Religions Revisited," 106, writes, "The moment one adopts a global comparative perspective, one must admit that the deprivatization of religion is unlikely to be contained within the public sphere of civil society, within the territorial boundaries of the nation-state, and within the constitutional premises of ecclesiastical disestablishment and juridical separation of church and state. We need to go beyond the secularist discourse of separation and beyond the public sphere of civil society to

prescriptive account of secularization, that religion is losing social significance, "has become implausible in view of contemporary experience."[168]

In summary, then, religion is on the rise, and most of it is of a traditional and conservative character. Revisionist views like Warnock's, by contrast, do not appear to be resurgent. If views like Warnock's, which decline to make moral assertions, became widespread, it is conceivable that they could help pacify some areas of trenchant disagreement over moral issues in public. All signs indicate that the trend for the foreseeable future will be in the other direction, and that Warnock's aestheticized view of religion, though an option for those inclined to embrace it, is no solution to the problems of public moral discourse.

In formulating public policy, religion must be addressed as it is, not as one might hope it would be. If the global trends articulated by Jenkins and others about the ascendance of supernaturalist forms of religion are true, then it is likely that religious people will continue to insist on articulating their religiously inspired moral vision in an effort to shape public policy. If democracy means equality of access to the means and processes of political power, then religious people, including fundamentalists and supernaturalists, will continue to demand access.[169]

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address the real issues of democratic politics around the world." Cf. Tony Glendinning and Steve Bruce, "Privatization or Deprivatization: British Attitudes about the Public Presence of Religion," *Journal for the Scientific Study of Religion* 50, no. 3 (2011): 503-16. They cite data to show that attitudes toward privatization and deprivatization in Britain have been largely stable since the 1990s: nonreligious people generally favor privatization, and religious people are more likely to support public expressions of religion.

[168]James Sweeney, "Revising Secularization Theory," in *The New Visibility of Religion*, 26. Sweeney argues that secularization theory itself is in crisis, and not unlike some churches, finds itself "adrift in a postsecular age." Ibid.

[169]Since traditional religions continue to exert pressure upon public morality and politics, the liberal posture of privatizing of religion may well require coercion to maintain. Ryszard Legutko argues that liberal democratic regimes feel themselves justified in subjecting religions to coercion. Liberal democracy, being a child of modernity, had at its root the idea of liberating people by coercing them away from their superstitions. Legutko, *The Demon in Democracy*, 156, writes, "The subjection of people to political coercion was not only an act of liberating them from the yoke of ignorance and servitude, but also of strengthening their freedom." The religious naturalist, Wildman, "Religious Naturalism," 54, complains

The likeliest scenario is that political tensions over religious morality in the public square will escalate rather than diminish. It is vain, therefore, to hope that liberal views of religion will pacify contentious moral arguments in public discourse. For while liberalization of religion in accordance with Warnock's vision could pacify such disagreement by yielding all moral authority to secularists—and for such Warnock might dare to hope—it is far more likely that religious morality springing from Christianity, and with far greater insistence from Islam, will continue stubbornly to assert themselves in the public square.

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that "spontaneously arising supernatural beliefs" have to be constantly resisted and educated against if religious naturalism will ever have the chance of being a serious option: "So long as perpetually spontaneously arising supernatural beliefs are not systematically challenged through education and other means of consciousness raising, religious naturalism will remain a minority view." Wildman's proposal sounds suspiciously like indoctrination. Stark, *The Triumph of Faith*, 8-9, 49-50, observes that where repression of religion has been attempted, it has not met with success. The Soviet Union enforced atheism via force and indoctrination for 70 years, but during that time the number of Soviet atheists rose only 1.6 percent. If privatization of religion must be maintained by force, it does not commend itself as a solution for a free and open society.

CHAPTER 5

RELIGIOUS ARGUMENTS: THE PROBLEMS OF MORAL
CHANGE AND RELIGIOUS AUTHORITY

Warnock writes that democracies must exercise "constant vigilance" against

giving political authority to religious people.[1] This chapter and the next analyze Mary

Warnock's argument for the exclusion of religious arguments from public moral

discourse, locate it within the range of active views on religion in politics, and suggest

critiques building upon the material in previous chapters. Warnock aims her argument at

Christianity, but it applies to other religions also, like recent disputes involving the

relationship between Islam and the broader British society.[2] It has limited applicability to

religions that are not doctrinaire, or are morally or doctrinally flexible or indifferent.

Warnock's argument for the exclusion of religious reasoning from public

discourse is a moral, not a legal, argument. She is not arguing that religious expression in

Parliament be outlawed; democratic principles of freedom of speech would disallow this

position. Rather, she is making a moral argument—political actors *ought* not advance

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[1]Mary Warnock, *Dishonest to God: On Keeping Religion Out of Politics* (London: Continuum, 2010), 162, 166. "Political authority" implies that the sense of authority here is one that is able to influence legislative outcomes for the public. Audi expresses this concern as first among many characteristics of religious arguments that make them problematic. The supreme confidence in an infallible religious authority can be used to justify coercive practices or laws. Robert Audi, "Religious Convictions and Secular Reasons," in *The Ethics of Citizenship: Liberal Democracy and Religious Convictions*, ed. J. Caleb Clanton (Waco, TX: Baylor University Press, 2009), 77-78.

[2]Warnock, *Dishonest to God*, 1. In a summary of issues related to the integration of Islam in Britain for the month of January 2015 only, The Gatestone Institute published a compilation article that referenced dozens of news stories relating to expressions of Islamic extremism, the struggles inherent in British multiculturalism, and the challenge of integrating Muslims into British society. Though it is beyond the scope of this diss., the conflicts inherent to pluralistic societies may prove more vexing in the case of Islam than Christianity because of how political aims are so central to Islam's eschatological vision. Soeren Kern, "'Britain Is the Enemy of Islam': One Month of Islam in Britain: January 2015," Gatestone Institute, March 4, 2015, accessed March 30, 2015, http://www.gatestoneinstitute.org/5261/britain-enemy-islam.

religious arguments in public discourse.[3] Advancing religious arguments to advocate for legal change is a moral and possibly a rational transgression.[4] She deems all religious arguments illegitimate in public discourse in the assumed context of a pluralistic democracy and concludes they should be disallowed.[5]

Dishonest to God presents three overarching reasons for the illegitimacy of religious arguments: (1) religious arguments resist the moral change necessary for moral progress, (2) religious arguments rely on religious authority, which not everyone accepts (and which they are not obligated to accept), and (3) political actors who advance religious arguments often do so dishonestly. Reason 1 is concerned with the content of religious arguments; reason 2 is concerned with the justification of the religious arguments, and concomitantly, with the accessibility of those justifications to public reason and to fellow citizens; and reason 3 relates to the beliefs and goals of those who advance religious arguments. I introduce these categories as a way of organizing the critiques *Dishonest to God* makes, although the book reflects a looser organization.[6] Warnock thinks all religious arguments are illegitimate for at least one of these reasons.

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[3]According to Jonathan Chaplin, most liberal critiques of religious arguments are moral in nature. Jonathan Chaplin, "Beyond Liberal Restraint: Defending Religiously-Based Arguments in Law and Public Policy," *University of British Columbia Law Review* 33, no. 3 (2000): 618-19. E.g., Rawls writes, "And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty—the duty of civility—to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason." John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 217. He believes this requirement justly applies not only to legislators in public forums, but to citizens also.

[4]Sweetman notes that the secularist view that regards religious arguments as morally transgressive fails or refuses to see itself as a worldview. There is no such thing as a naked public square; the public square will be "clothed" in one worldview or another. Brendan Sweetman, *Why Politics Needs Religion: The Place of Religious Arguments in the Public Square* (Downers Grove, IL: InterVarsity, 2006), 88-89.

[5]Warnock does not identify a proposed enforcer of this limit on political speech.

[6]Sweetman justifiably complains that Warnock's view of the proper role of religion in society, despite its being the subject of the book, is "hard to discern." Brendan Sweetman, "Dishonest to God: On Keeping Religion Out of Politics by Mary Warnock," *The Philosophical Quarterly* 63 (2013): 846.

Since the second and third reasons include more than one distinct criticism, I have structured Warnock's argument as follows:

1. Religious arguments are *Uncompromising* because they resist the moral change that is essential to moral progress.

2. Religious arguments rely on religious authority, which not everyone accepts.

    a. They are *coercive* because they assert religious authority in a pluralistic context.

    b. They are *arrogant* because they assume a position of moral superiority.

3. Religious arguments are used dishonestly in different ways:

    a. They are *manipulative,* using religious arguments solely for their rhetorical power.

    b. They are d*isingenuous* when offering a religious argument the arguer does not believe.

    c. They are *deceptive,* often using religious arguments as a cloak to conceal prejudice.

    d. They are *evasive* when used to avoid rational deliberation.

    e. They are *counterfeit* when secular arguments are used in place of religious arguments.

This chapter addresses Warnock's first two reasons, and the next chapter will address Warnock's third reason.

The next section of this chapter defines religious arguments. The balance of the chapter argues in response to reason 1, that religious arguments do not inherently resist moral change, and are thus not necessarily uncompromising, and in response to reason 2, that while such arguments rely on religious authority, this does not make them inherently more coercive or arrogant than secular arguments. Warnock's own view of moral authority in fact renders the charge of coercion impotent and the charge of arrogance unimportant.

What Is a Religious Argument?

Warnock identifies three criteria that make an argument "religious" in a way that is problematic in public discourse. First, arguments that assume the metaphysical

claims of a particular religion are true qualify as religious.[7] For example, the argument that "abortion is morally wrong because God is the author of life" is a religious argument because it reflects a set of metaphysical claims or assumptions about the existence of God and God's role as a moral law giver. Second, religious arguments of the concerning type also claim to be based on "unassailable moral truth."[8] For example, moral arguments that presume the Bible is an infallible moral guide fall in this second category. These arguments also assert that moral truths apply universally; i.e., all humans should obey these dictates, whether or not they recognize the religious authority making the pronouncement.[9] Third, religious arguments imply that having unassailable truth carries an obligation to enforce (or attempt to enforce) that moral truth in society.[10] These are the criteria for problematically religious arguments; they best fit with religions of a traditional and conservative variety. For Warnock, the problem with religious arguments is primarily their assertion of universally applicable moral authority.

By contrast, other thinkers who object to religious arguments in public discourse define religious arguments in ways that focus upon other concerns. Richard Rorty, for instance, identifies a religious argument as one that appeals to a religious source; no reference to the quality of moral claims is involved.[11] Robert Audi's taxonomy of ways an argument can be religious is probably the most thorough in the literature. Arguments can be religious by having substantive religious content, having premises or a conclusion that can only be epistemically justified on religious grounds, being motivated by a desire

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[7]Warnock, *Dishonest to God*, 70. These religions claim to be the "one true faith."

[8]Ibid., 161.

[9]Robert Audi expresses this among his concerns about the tenability of religious arguments in public, framing it as religion's "passionate concern with outsiders." Audi, "Religions Convictions," 79.

[10]Warnock, *Dishonest to God*, 161. Audi similarly expresses the concern that if religious moral authority is absolute, then coercion "might seem warranted." Audi, "Religious Convictions," 78.

[11]Richard Rorty, "Religion as a Conversation Stopper," in *The Ethics of Citizenship*, 139.

to accomplish a religious objective, or, most broadly, being traceable to other beliefs or arguments that are religious in content.[12] In both of these cases, religious arguments are defined more broadly than Warnock, with attention to metaphysical and epistemological elements beyond the moral claims of religion.[13]

Warnock's chief concern is the conflation of religion and morality. She argues that doctrinal tenets, religious beliefs, and moral positions ought to be distinguished from one another.[14] Roughly, *doctrinal tenets* are the teachings of a church. *Religious beliefs* are a person's sincerely held understanding of the world, which may include a range of understandings of God, human persons, right and wrong, and so forth. *Moral positions* are specific assessments of what is right and wrong.[15] Religious people, however, tend to conflate these categories. Warnock writes, "It is taken for granted by many Christians that religion is the source of morality, or that the main point or purpose of religion is to provide moral certainties."[16] Warnock calls abortion opponents' use of "sanctity of life" language an example of a religious belief, but admits that others consider it a doctrinal teaching of the Roman Catholic Church or a personal but nonreligious moral position.[17] Religious believers, she thinks, pay little attention to these distinctions until they find themselves disagreeing with the teaching of the church.[18] In those cases, making the

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[12]Robert Audi, "The Place of Religious Argument in a Free and Democratic Society," *San Diego Law Review* 30 (1993): 679-83.

[13]Brendan Sweetman observes that liberal critics use the term "religious" as a shorthand for arguments based upon suspect (i.e., non-rational) sources: texts, institutions, traditions, experiences, or faith alone. Like Audi, Sweetman argues that arguments can be religious by their content or by the epistemic process by which their claims come to be believed. Sweetman, *Why Politics Needs Religion*, 86-87, 96-97, 116.

[14]Warnock, *Dishonest to God*, 18-21.

[15]Ibid., 11, 15, 18-19, 21.

[16]Ibid., 19.

[17]Ibid., 18-20.

[18]Warnock, *Dishonest to God*, 18.

distinction between morality and religion resolves the problem, a distinction Warnock considers essential.

The sources of morality, however, are manifold and defy easy classification as religious or non-religious. Warnock admits that she cannot always discern the edges of religious and secular reasoning on moral matters.[19] Moral considerations of a private sort—including religious considerations—invariably inform judicial and legislative disputes that, once decided, become part of the precedent for future moral considerations for the public at large.[20] While references to God's authority or biblical principles clearly mark an argument as religious, a person could argue, for instance, that abortion is wrong because a fetus is human and that human life ought to be protected by law at every stage. This would not be a strictly religious argument, though it is similar to religious arguments on the same subject—and more to the point, has the same moral implications.[21]

Most of all, unlike Audi and similar thinkers, Warnock does not object to all religious arguments, only those that assert moral authority in ways she finds objectionable. For instance, in a debate over euthanasia, Warnock reports with approval that Baroness Richardson of Calow, a Methodist minister, spoke in favor of the bill allowing assisted suicide, basing her argument "entirely on her religious faith."[22] Warnock approved of her religious argument, possibly because Baroness Calow agreed with Warnock about the assisted suicide bill. This selectivity about religious positions calls to mind Stephen Macedo's vision of liberalism that grants it authority over what kinds of religions are granted access and affirmation within the political culture. He unapologetically makes room only for religions "of the right sort," by which he means religions that support the

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[19]Ibid., 94.

[20]Ibid., 8-9

[21]Ibid., 18.

[22]Ibid., 57.

essential elements of modern liberalism.[23] Warnock has a similarly hegemonic view of liberalism; she wants to bring morally distinctive religious claims to heel, but has no objection to religious arguments that endorse the general tenor of secular morality.

For Warnock, then, a "religious argument" of the type she finds objectionable is one that assumes the metaphysical claims of the religion are true, the moral teachings of the faith are timeless and universally applicable, and the truthfulness of its moral teaching grants the authority and/or the obligation to religious people to contend for that truth in the public square. Religious arguments that do not meet these criteria are admissible, presumably because they will not materially conflict with secular morality as Warnock conceives it.[24]

Opposing Warnock's position are thinkers who suggest that theology is necessary to properly ground public morality. Warnock specifically names John Milbank, who argues that the notion that neutral reason can successfully referee the contending claims of a pluralistic society has collapsed, squeezed out by more assertive hegemonic claims of naturalism on one side, and religion on the other.[25] Given the bankruptcy of

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[23]Stephen Macedo writes, "Modern liberal democracy needs the right sort of civic culture, and religious communities *of the right sort* are an important part of this culture." Stephen Macedo, "Transformative Constitutionalism and the Case of Religion: Defending the Moderate Hegemony of Liberalism," *Political Theory* 26, no. 1 (1998): 65, emphasis original. Roger Trigg, by contrast, agrees that some religions are unfriendly toward liberal democratic values, which is why he endorses establishment; it is a way of creating an official, government-recognized place for religion and acts as a hedge against the marginalization of religion in the face of a hegemonically ambitious secularism. Roger Trigg, *Religion in Public Life: Must Faith Be Privatized?* (Oxford: Oxford University Press, 2007), 148-49. See also Ryszard Legutko's discussion of how liberalism often elbows religious moral concerns out of the public sphere. Ryszard Legutko, *The Demon in Democracy: Totalitarian Temptations in Free Societies* (New York: Encounter, 2016), 165-67.

[24]Kenneth Grasso notes that the predominant American political tension is between traditional and progressive accounts of morality, the latter of which emphasize individual autonomy and the shifting and changing nature of morality; the differences between them constitute a far more radical pluralism than was known in the early days of the United States. Kenneth L. Grasso, "American Kulturkampf: The HHS Mandate and the Crisis of American Religious Pluralism," *Modern Age* 55, no. 4 (2013): 12.

[25]John Milbank, "Hume versus Kant: Faith, Reason and Feeling," *Modern Theology* 27, no. 2 (2011): 276-77. Trigg observes that liberals adopt an overly sharp conceptual divide between "religious" and "secular." Because of this, a liberal attempt at neutrality amounts to siding with the secular against the religious, which ultimately results in "determined opposition to any public religious expression." He implies

agnostic reason, Milbank argues that only with a supernaturally grounded moral compass can legislators know what they "ought to desire."[26] If human desire is the only measure of ethics, he says, morality degenerates into populism.[27] Unfortunately, Warnock's engagement with Milbank is limited. She criticizes him for not considering Platonist views of supernatural morality and for leaping directly to Christian theism.[28] Beyond that, she only says that such a view of theology is "profoundly wrong" and goes on to present her vision of secular morality as the proper basis of public law.[29] Warnock thinks religion, and especially theology, have no place in public moral discourse.[30]

Religious Arguments Resist Moral Change

Warnock's first objection to religious arguments is that they advance a transcendent, fixed, unchanging, and therefore *uncompromising* morality.[31] Many Christians, for instance, think the main point of their faith is to provide "moral certainties."[32] Arguments based on certainties, then, will invariably resist advancements or improvements in morality or law. Warnock cites two examples: abortion and assisted

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more nuanced approach to the differences between religious and secular would lead to more openness to some religious expression in public. Trigg, *Religion in Public Life*, 115.

[26]John Milbank, *The Future of Love: Essays in Political Theology* (Eugene, OR: Wipf and Stock, 2009), 257. By contrast, Michael Gurney attempts to strike a more balanced approach, arguing that natural law arguments can support biblical and theological arguments (specifically about same-sex marriage) and can show their public relevance. Natural law has a mediating function, helping to make theological arguments accessible and acceptable to nonreligious people. Michael Gurney, "Same Sex Marriage and the Church: The Public Relevance of Theistic Morality," *Philosophia Christi* 16, no. 2 (2014): 403, 406.

[27]Milbank, *The Future of Love*, 257.

[28]Warnock, *Dishonest to God*, 102.

[29]Ibid., 104.

[30]Ibid., 104, 162, 166.

[31]"Uncompromising" is my term, not Warnock's.

[32]Warnock, *Dishonest to God*, 19.

suicide. The Roman Catholic Church totally opposes abortion despite changing social conditions and views about sex, because it bases its arguments on a doctrine with long theological and traditional roots.[33] She says churches also "insist" on teaching that assisted suicide is murder, despite the advances in technology and medical abilities to sustain life that serve to complicate the matter considerably, such that (Warnock believes) the question ought to be reconsidered.[34]

Audi also expresses the concern that religious convictions are generally less amenable to compromise than nonreligious ones.[35] He admits that nonreligious convictions can also carry pretensions of infallibility, but thinks religious arguments pose this problem more regularly.[36] Specifically, Audi names infallible authority, condemnatory tendencies, and a passionate concern with outsiders as features of some religions, which incline toward coercion of the nonreligious.[37] Audi admits that these features are not necessarily exclusive to religion, and goes on to say that other arguments that have them ought to be excluded also.[38]

Warnock regards the idea of morality as fixed and unchanging as an error about the nature of morality itself. Moral principles, she argues, shift and change over time and are subject to society's reform, reinterpretation, and even rejection.[39] She suggests that democracies require an idea of morality that allows for compromise and flexibility.[40] As

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[33]Ibid., 15.

[34]Ibid., 89.

[35]Audi, "The Place of Religious Argument," 691.

[36]Ibid.

[37]Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000), 100-103.

[38]Ibid., 103.

[39]Warnock, *Dishonest to God*, 165.

[40]Ibid., 53, 57-58.

explained in chapter 3, Warnock believes democracies ought to craft laws on the basis of their constituents' collective moral sensibility.[41] When this sensibility shifts, the law may cease to reflect societal morality. In such cases, morality exerts pressure upon the law, and when political actors use democratic processes to apply that pressure, they change law to conform more closely to the people's common moral sensibility. As people and societies change, their moral sense changes, and thus their laws also need to change. This change constitutes moral progress, and religious arguments tend to resist this progress.[42]

While it is true that many religions view morality as fixed and unchanging, the inference that religious moral views invariably resist moral progress or improvements in law does not follow. For instance, the abolition of slavery in Britain constituted moral progress, a true advancement in law, because it aligned the law more closely with the moral ideas that all human beings are equal and thus ought not to be given unequal status in law, and that no class of persons ought to claim the right to own another class of persons. Historically, this idea of human equality sprang from a religious view of the fundamental equality of persons because all are created in the image of God. Abolitionists were predominately Christians, among whom William Wilberforce is noteworthy.[43] Abolition exemplifies moral progress resulting from religious morality being applied in law. Similar arguments could be made for the role of religion in the end of apartheid in South Africa and the fall of the Berlin Wall; indeed, McConnell argues that all major social reforms in the United States were driven by religiously motivated people making religious arguments.[44]

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[41]Ibid., 89-91.

[42]Ibid.

[43]On Wilberforce, see Eric Metaxas, *Amazing Grace: William Wilberforce and the Heroic Campaign to End Slavery* (San Francisco: HarperCollins, 2007), xvi. On the theological roots of abolition, see Rodney Stark, *For the Glory of God: How Monotheism Led to Reformations, Science, Witch-Hunts and the End of Slavery* (Princeton, NJ: Princeton University Press, 2003), 345-47.

[44]Michael W. McConnell, "Secular Reason and the Misguided Attempt to Exclude Religious

The difference between a religious and a secular basis for moral change is found in the *kind* of change that a moral advance is understood to be. In the case of a religious understanding of morality, moral change is epistemic in nature. That is, a better or clearer understanding of the divine moral law prompts changes in moral conviction. As Christians came to see more fully the implications of biblical morality, their moral views about slavery changed, and exerted pressure on the law. To clarify: the divine moral standard itself did not change, only abolitionists', and eventually society's, epistemic grasp of it did.

Warnock's understanding of moral progress, by contrast, describes change in *the content of the moral standard itself*.[45] Society once thought it right to enslave Africans, informed by prejudice, tradition, religion, or other factors. Later, different cultural pressures and circumstances taught society to think differently. On this model, morality itself changes, not just society's epistemic grasp of it.

In summary, then, while religious views of morality may impede progress in certain directions, such as the liberalization of law relating to assisted suicide, abortion, and homosexuality, moral progress remains possible when religious standards are applied. Historical examples of positive social reforms driven by religious arguments reinforce this counterclaim.[46] Further, if religious arguments are allowed in public discussion of moral issues, the result will not necessarily be a forever fixed and unchanging morality.

Argument from Democratic Deliberation," *Journal of Law, Philosophy and Culture* 1, no. 1 (2007): 165. Cf. Jeffrey Stout, "Rorty on Religion and Politics," in *The Philosophy of Richard Rorty,* Library of Living Philosophers 32*,* ed. Randall Auxier and Lewis Hahn (Chicago: Open Court, 2010), 528, 535-36; Jeffrey Stout, "The Folly of Secularism," *The Good Society* 19, no. 2 (2010): 14-15.

[45]Warnock, *Dishonest to God*, 90-91, 123, 165.

[46]Religious people and theological arguments have played a significant role in abolition, women's rights, civil rights, and the environmental movement. In many cases, religious arguments appeared on both sides of the issue, but Shiffrin notes that many scholars believe that progressive religious forces have out-influenced the Christian right, which has remained in the private sphere to a greater degree. Steven H. Shiffrin, "Religion and Democracy," *Notre Dame Law Review* 74 (1998): 1648-50.

In pluralistic democracies, intransigent or retrograde religious moral arguments often can be found alongside progressive or liberal arguments, which seek to remove all moral restraints.[47] The compromises between these political forces will result in regular shifts in societal mores and in law.[48]

Warnock's first objection, then, calls attention to the morally conservative influence of religious moral arguments in public discourse, but that influence does not prohibit moral or legal progress. More importantly, religious arguments' morally conservative influence alone does not justify their exclusion from public discourse.

Religious Arguments Rely on Religious Authority

Warnock's second complaint is that religious arguments rely on religious authority—the authority of God, the Bible, or a religious body like the magisterium of the Roman Catholic Church—whether that reliance is explicitly stated in the argument or not. Religious people accept these authorities, and believe that these sources provide true, reliable moral guidance not available from other sources. Thus, in the public square, religious people will often speak and argue on moral issues in agreement with and endorsing the views of religious authorities. Warnock argues the assertion of moral authority on this basis is illegitimate because nonbelievers have no obligation to accept

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[47]Ibid.

[48]Conflict should be expected as a regular and normal feature of deliberative democracies, not regarded as an evil to be avoided. Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004), 91, explain, "The quest for agreement on a conception of the good (the aim, e.g., of some communitarian theories) underestimates the significance and legitimate persistence of fundamental moral disagreement. In a pluralist society, comprehensive moral theories neither can nor should win the agreement of all citizens. A public philosophy for such societies must reject the unqualified quest for agreement because it must renounce the claim to comprehensiveness." Todd E. Pettys, "Sodom's Shadow: The Uncertain Line between Public and Private Morality," *Hastings Law Journal* 61 (2010): 1215, writes, "Perpetual moral conflict is simply inevitable—the lines that we ought to draw between public and private morality are continually contested. . . . The best we can do is identify the core question . . . . relevant to the overarching task." Cf. the idea that perpetual conflict is an essential precondition of justice. Stuart Hampshire, *Justice Is Conflict* (Princeton, NJ: Princeton University Press, 2000).

it.[49] She charges that the illegitimate grounding leads religious arguments to be *coercive*, and *arrogant*.[50]

Coercive: Asserting Religious Authority
in a Pluralistic Context

Dishonest to God asserts that religions have and should claim authority only over those who voluntarily submit to that authority.[51] Commenting in *The Guardian* about the Catholic Church's advocacy in an end of life case, Warnock complains, "Faith should not be imposed on those who do not share it."[52] Arguments based upon religious authority, she thinks, seek to compel nonbelievers to submit to an improper moral authority.[53] This section offers two responses, one procedural and one more substantive. Procedurally, I will show that Warnock's own view of morality, and how legislatures grant moral authority in a democracy, makes it impossible to consider a religious argument coercive. More substantially, the coercion argument depends upon some version of justificatory liberalism, which, I argue, ought to be rejected. If justificatory liberalism is untenable, then the coercion argument loses its force.

The problem of coercion is central to liberal political theory. Liberalism seeks to balance the high value of freedom and government non-interference in the lives of citizens with the need for centralized governmental authority to organize society, and to

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[49]Warnock, *Dishonest to God*, 26.

[50]I use the term "coercive" to describe Warnock's charge that religious arguments impose illegitimate authority; this use of "coercive" is somewhat different from its use in liberal political writing, where "coercive" describe laws that curtail freedom by compelling or forbidding certain kinds of behavior.

[51]Warnock, *Dishonest to God*, 162.

[52]Mary Warnock, "The Pope Should Let Eluana Die in Peace," The Guardian, February 7, 2009, accessed March 6, 2015, http://www.theguardian.com/commentisfree/2009/feb/08/pope-assisted-suicide-eluana-englaro. By "faith" being imposed on others, she means "moral obligations flowing from religious convictions" being imposed upon others.

[53]Audi terms this the "threat of religious domination" and includes it in his list of problematic features of religious arguments. Audi, "Religious Convictions," 78.

define and restrain criminal activity.[54] Because of the high value of freedom, government's exercise of coercive authority must be justified.[55] Broadly speaking, liberalism may be conceived in two families: perfectionist or comprehensive liberalism, which offers explicit (and usually controversial) answers to the question of ultimate goods and meanings that ought to be pursued, and political liberalisms, which attempt to remain neutral about ultimate goods.[56] The comprehensive liberalism of Joseph Raz, for instance, affirms both a comprehensive view of human good in which autonomy is the highest value, along with a strong affirmation that multiple, incompatible ways of life are good and acceptable in society.[57] The political liberalism of John Rawls, by contrast, attempts to remain neutral among a variety of incompatible worldviews or "comprehensive perspectives," and does so by constricting the scope of public justification to what can be justified by "public reason."[58] Rawls is a consensus theorist, which means he requires coercion to be justified to everyone by reasons that can be affirmed by everyone.[59] Public justification, however, can also be conceived upon convergence grounds, under which a particular policy might be justified on a variety of grounds to people holding different comprehensive perspectives.[60]

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[54]Gerald Gaus, *Justificatory Liberalism: An Essay in Epistemology and Political Theory* (Oxford: Oxford University Press, 1996), 162-66; Wolterstorff, *Understanding Liberal Democracy: Essays in Political Philosophy*, ed. Terence Cuneo (Oxford: Oxford University Press, 2012), 114, 277-78.

[55]Charles Larmore, "Political Liberalism," *Political Theory* 18, no. 3 (1990): 348-49.

[56]Martha C. Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39, no. 1 (2011): 3-4. Joseph Raz, "Autonomy, Toleration, and the Harm Principle," in *Issues in Contemporary Legal Philosophy*, ed. Ruth Gavison (New York: Oxford University Press, 1987), 331-32.

[57]Nussbaum, "Perfectionist Liberalism and Political Liberalism," 11-12.

[58]John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64, no. 3 (1997): 766.

[59]Kevin Vallier, "Liberalism, Religion and Integrity," *Australasian Journal of Philosophy* 90, no. 1 (2012): 152.

[60]Christopher Eberle, "Consensus, Convergence, and Religiously Justified Coercion," *Public Affairs Quarterly* 25, no. 4 (2011): 281-303. Convergence has no requirement that reasons be shared or

Religion has certain features that make it inclined to coerce others to comply with its worldview, which presents a special kind of tension in liberal polity. Audi's list of these features has already been noted: infallible authority, condemnatory tendencies, and a passionate concern with outsiders.[61] Trigg identifies another feature: religions often value truth more than freedom, and are consequently inclined to impose their understanding of truth upon others in a way that limits their freedom.[62] Liberalism opposes this kind of imposition of truth; paradoxically, however, that very opposition is a kind of intolerance, which is exactly what liberalism itself is supposed to defend against.[63] Thus, there is a tension between the freedom for religion to express itself and the liberalism that is supposed to create conditions to protect that freedom.[64] "Public reason" liberalism attempts to solve the problem of pluralism without engaging the question of truth; it aims to find ways to rule out religious perspectives other than by declaring them false.[65] Robert Talisse expresses it clearly: "We want to avoid having to say to our fellow citizens that their deepest religious convictions are false, yet we also want to retain the means by which we

accessible. Gerald Gaus and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions," *Philosophy and Social Criticism* 35, nos. 1-2 (2009): 51-76. Cf. Robert Audi, "Natural Reason, Natural Rights, and Governmental Neutrality toward Religion," *Religion and Human Rights* 4, no. 2 (2009): 157-75. Even consensus does not necessarily imply restraint of the expression of private reasons. For instance, Rawls, "The Idea of Public Reason Revisited," 591, allows reasons to be offered from comprehensive perspectives, so long as they in due course are followed by proper political reasons.

[61]Audi, *Religious Commitment*, 100-103.

[62]Trigg, *Religion in Public Life*, 134-35. Islam is the most pointed example, due in part to the way it conceives the union of the religious and the political.

[63]Ibid., 137-38.

[64]Ibid.

[65]Talisse identifies justificatory liberalism as the preferred strategy for excluding religious arguments. Robert B. Talisse, "Religion, Respect and Eberle's Agapic Pacifist," *Philosophy and Social Criticism* 38 no. 3 (2012): 3. Rawls assiduously avoids excluding comprehensive doctrines on the grounds of their falsity; he must therefore appeal that they fail to pass the bar of public reason. Robert P. George, "Public Reason and Political Conflict: Abortion and Homosexuality," *Yale Law Journal* 106, no. 8 (1997): 2483-84.

can reject the idea that everyone should live in accordance with those convictions."[66]

The standard Rawlsian position for political liberalism says that coercive laws must be justified by public reason that is accessible to everyone.[67] Reasons offered to justify the most basic principles of justice must be based on "values that the others can reasonably be expected to endorse,"[68] and further, the people advancing them must be both ready and able to explain why their fellow citizens should endorse them.[69] These reasons should be accessible to fellow citizens; that is, they should be expressed according to "presently accepted general beliefs and forms of reasoning found in common sense."[70] On Rawls' view, public reason is freestanding, i.e., separate from and excluding "comprehensive perspectives," including religious worldviews.[71] Further, Rawls' "duty of civility" requires religious people to refrain from advocacy when religious arguments are the sole justification for coercive law.[72]

Audi, building on Rawls, defends two requirements for religious people arguing in the public square. The first requirement is the principle of *secular rationale*: religious

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[66]Talisse, "Religion, Respect and Eberle's Agapic Pacifist," 3.

[67]The mainstream conception of public reason liberalism requires consensus on reasons; these reasons must be shared and/or accessible. All citizens must recognize the normative force of the reasons given. Stephen Macedo, "In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?" in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Washington DC: Georgetown University Press, 2000), 13; Vallier, "Liberalism, Religion and Integrity," 152.

[68]Rawls, *Political Liberalism*, 226-27.

[69]Ibid.

[70]Ibid., 224. Cf. Paul J. Weithman, "The Principles," in *The Ethics of Citizenship*, 244-45, 254.

[71]Rawls, *Political Liberalism*, 241-43. Ostensibly, "comprehensive perspectives" include more than just religions, but McConnell notes that under Rawls' view, the only comprehensive perspectives excluded in actual practice from public discourse are religious ones. Kantianism or other secular comprehensive perspectives are never thought problematic in the public sphere. McConnell, "Secular Reason," 159. See also Nicholas Wolterstorff, "The Paradoxical Role of Coercion in the Theory of Political Liberalism," in Wolterstorff, *Understanding Liberal Democracy*, 22.

[72]Rawls, "The Idea of Public Reason Revisited," 786-87. The standards for citizens are the same as the standards for government officials, like judges. Ibid., 797. Chaplin, "Beyond Liberal Restraint," 620.

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people who want to advocate a law restricting human behavior in society (i.e., a "coercive" law) have a *prima facie* responsibility not to do so unless they can offer a secular rationale for that restriction that offers sufficient justification by itself.[73] Religious reasons can be part of the rationale, but are not sufficient by themselves. A secular reason is "one whose normative force . . . does not evidentially depend on the existence of God . . . theological considerations, or religious authority."[74]

More controversially, Audi requires *secular motivation*. Religious people must refrain from supporting a coercive law unless secular reasons provide sufficient motivation for their advocacy of the law.[75] Thus, if a religious person's motivation comes primarily from religious reasons, even if she has secular reasons for supporting the law, too, then she has a moral obligation not to support the law.[76] This second principle is a principle of virtue; that is, if a person advocates a restrictive law, but is not primarily motivated by secular reasons, his advocacy is morally blameworthy not as a failure of justification, but a failure of personal virtue.[77]

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[73]Robert Audi, "Liberal Democracy and the Place of Religion in Politics," in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (New York: Rowman and Littlefield, 1997), 25. Audi distinguishes primary and secondary coercion. Primary coercion is that which compels a particular action, like allowing oneself to be inoculated; secondary coercion involves things like having tax dollars spent on something of which one might disapprove, or allows a way out of the coercion, for instance, choosing not to drive so as to avoid the strictures of submitting to being licensed or insured. The stronger the compulsion in question, the stronger the need for secular rationale. Ibid., 25-26.

[74]Audi, "Religious Convictions," 67.

[75]Ibid., 73. Habermas dismisses the motivation requirement, noting that it misunderstands how beliefs function in the lives of religious people: "A devout person pursues her daily rounds by drawing on belief. Put differently, true belief is not only a doctrine, believed content, but a source of energy that the person who has a faith taps performatively and thus nurtures his or her entire life." Jürgen Habermas, "Religion in the Public Sphere," *European Journal of Philosophy* 14, no. 1 (2009): 8. Motivation cannot be neatly divided into secular and religious. Habermas goes on to say that while citizens ought not be subject to such a limitation, politicians, because of their role in the state, can be subject to such a limitation.

[76]Audi, "Religious Convictions," 75.

[77]Ibid., 81. Audi, *Religious Commitment*, 107-8, also suggests that when it is unclear how a religious person is motivated, a non-religious person's probing and interaction can help clarify the true motive. Cf. Christopher J. Eberle, "Basic Human Worth and Religious Restraint," *Philosophy & Social*

Nevertheless, Audi leaves a fair amount of room for religious reasoning in the public square. The obligation to refrain from offering religious arguments is only *prima facie*, and only applies to coercive laws, not liberalizing ones.[78] In addition, Audi thinks that religious arguments can be "leveraged" without being "argued" in political discourse; reasons for a position can be offered that some members of audience might accept, regardless of whether those reasons motivate the speaker, and or whether they justify the position.[79] Audi thinks this role for religious arguments, though potentially problematic in some ways, still performs an important political function.[80] "Religious reasons," he concludes, "are not implied to be inadmissible in political discourse, inappropriate as possible evidences, or epistemically deficient. Still, by themselves, they should not be taken to justify coercion by law or public policy in democratic societies."[81]

Warnock's position is similar to Rawls' and Audi's, but differs in both how

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Criticism 35 nos. 1-2 (2009):166. Eberle's proposed model of "conscientious engagement" requires listening also, but not so the arguer can rightly discern his or her own motivation, but to understand others' views of the effects of one's own favored legislation.

[78]Robert Audi, *Democratic Authority and the Separation of Church and State* (Oxford: Oxford University Press, 2011), 93. On this view, religious arguments against liberalizing law ought to be permitted, as in the case of religious arguments against the expansion of the definition of marriage to include same-sex relationships. Preventing liberalization or maintaining the status quo is qualitatively different from introducing new restrictions on freedom.

[79]Audi, "The Place of Religious Argument," 694-95; Audi, *Democratic Authority*, 86-87.

[80]Audi notes that dishonesty and insincerity are two potential difficulties of leveraging arguments. Audi, *Democratic Authority*, 87.

[81]Ibid., 93. Julien Winandy criticizes an inconsistency in Audi's view of religious citizens. On one hand, Audi commends translation to secular reasons as possible by suggesting that most religious people from the Judeo-Christian tradition have the theological resources both to critique the sources of religious authority and to acknowledge nonreligious epistemological sources for moral truths. It is a picture of the reflective theological citizen. Winandy thinks this is too demanding a view, in part because Audi requires religious citizens to adopt a fallibilist posture toward their religious authorities. Julien Winandy, "'Religious Citizens' in Post-Secular Democracies: A Critical Assessment of the Debate on the Use of Religious Argument in Public Discourse," *Philosophy and Social Criticism* 41, no. 8 (2015): 841. On the other hand, Audi suggests that the problem with religious arguments is that they are authoritarian, unreflective, and uncompromising. If religious citizens are reflective in the way he suggests, however, then their arguments will not tend to be authoritarian, and vice versa. The two conceptions of religious citizens are incompatible with each other. Ibid., 843.

justification is conceived and in the kind of room there might be for religious arguments. Warnock frames the justification of law in terms of how morality is conceived and grounded, rather than in general terms of justifying reasons.[82] The controlling question for Warnock is not, "Are there justifying reasons for this legislation which any reasonable person ought to accept?," but "Does this legislation reflect the moral consensus of society?," and "Would the enforcement of this consensus in law be excessively intrusive?"[83] Both, however, see religious reasoning (or moralizing) as a special case that requires special restrictions, which secular reasoning (or moralizing) does not. Warnock also shares with Audi the desire to remove religious arguments that assert coercive moral authority from public discourse.[84]

I offer two responses to the concern about religious authority and coercion: a procedural response rooted in Warnock's view of how morality is discerned and enforced in law, and a substantive response, which critiques the broadly Rawlsian view of public justification.

The procedural answer, in brief, is that on Warnock's understanding of moral authority, religious arguments cannot be coercive. First, the authority carried by morality is distinct from the authority carried by law. Warnock writes,

> Yet it is to the law that we give an authority that morality alone, however sincerely upheld and widely agreed, cannot have. And this authority, which comes not merely from the sanctions that must be attached to the law, but from the agreed process by which it became law, is what gives law its predominance, which is different from logical priority.[85]

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[82]Warnock, *Dishonest to God*, 79, 88-89.

[83]For instance, even though Warnock's Committee on Human Embryology admitted that surrogacy was clearly a violation of the moral consensus in the UK at the time, decided not to recommend prohibiting it, but to recommend outlawing agencies which might profit by it. Mary Warnock, "Moral Thinking and Government Policy: The Warnock Committee on Human Embryology," *The Milbank Memorial Fund Quarterly* 63, no. 3 (1985): 511.

[84]Warnock, *Dishonest to God*, 165-66.

[85]Warnock, *Dishonest to God*, 90.

That is, "morality" in Warnock's usage carries what I will call moral *conscience-authority,* while the law carries what I will call moral *enforcement-authority.* Moral *conscience-authority* carries the ought-ness of morality. It is *evaluative*; it says how things should or should not be, speaking to the rightness or wrongness of actions or conditions. Moral *enforcement-authority*, by contrast, obligates people to behave in accordance with its dictates. It is *imperative*; it demands that people's actions or states of affairs be changed to accord with the dictates of conscience-authority. Enforcement-authority belongs to the state and is exerted through the workings of the law.[86] *Conscience-authority* arises from the moral consensus of society. While the two types of moral authority frequently overlap, they are not identical.

The question then rises: are religious arguments illegitimate because they assert conscience-authority, saying what things are right or wrong, or because they assert enforcement-authority, compelling people to behave in accordance with their dictates? In the first case, Warnock believes morality is the consensus of the reasoning and sentiment of society as to what is morally correct or not.[87] The content of morality arises from the private moral beliefs of individuals, shaped by religions, families, traditions, philosophies, and cultural influences. Sometimes these beliefs are thorough and systematic, but just as often are a patchwork of sentiment, tradition, and half-considered axioms.[88] All of these private moral beliefs *make a claim* to conscience-authority, but for public purposes, they do not have the conscience-authority of morality. On Warnock's view, only when legislature combines and synthesizes these voices do they acquire moral conscience-authority for public purposes.[89] This process is "governed by moral reasoning" by

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[86]Ibid.

[87]Ibid., 90-91.

[88]Bhikhu Parekh, "The Voice of Religion in Political Discourse," in *Religion, Politics and Peace*, ed. Leroy S. Rouner (Notre Dame, IN: University of Notre Dame Press, 1999), 75.

[89]Warnock, *Dishonest to God*, 89.

members of Parliament, who can override and sideline private moral sensibilities as they determine the content of public morality.[90]

Thus, moral precepts (of any kind, religious or secular) only gain conscience-authority when the legislature affirms them as the consensus of a society.[91] Religious arguments, then, cannot be thought coercive for asserting moral conscience-authority, because they do not have it until the legislature grants it to them. The objection comes too early in the process.

The second possibility is that religious arguments make a claim to enforcement-authority; that is, by advancing the argument, religious people are seeking to bind nonreligious people under the burden of following a moral code in which they do not believe. This concern is closer to that of classic liberalism, and closer to the concern Warnock has. Many liberal theorists are comfortable with allowing religious people to make whatever moral assessments they like; they are only concerned when those assessments are granted the force of law, apart from a secular justification.[92]

Yet, as in the first case, Warnock grants to Parliament the power to enact law with coercive authority. The legitimacy of that imposition of authority rests in the democratic process by which law is enacted. The authority of the law "comes not merely from the sanctions that must be attached to the law, but from the agreed process by which it became law."[93] In Britain, Parliamentary deliberations are governed by reason, with a presumption that that reasoning is secular.[94] Members of Parliament are expected to engage

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[90]Ibid., 10.

[91]Rorty, "Religion as a Conversation Stopper," 140, notes, "The more consensus becomes the test of a belief, the less important is the belief's source." He goes on to suggest that religious people should stop referencing the sources of their beliefs and argue in secular terms. If consensus makes sources unimportant, there seems to be less reason for excluding moral arguments because of their religious source.

[92]For instance, see Audi, "Religious Convictions," 64; Rawls, *Political Liberalism*, 226-27.

[93]Warnock, *Dishonest to God*, 90.

[94]Stephen Turner, "Religious Pluralism, Toleration and Liberal Democracy: Past Present and

in rational debate and are free to arrive at any conclusion that reason indicates, even if it is at variance with the views of their constituents.[95] Religious rationality is not highly valued in Parliamentary culture; in fact, House of Commons rules demand that religious arguments or justifications be expunged from the record![96] Moreover, Parliament applies a rational filter to all arguments advanced in the course of crafting legislation.

In the second case, like the first, the objection to religious arguments comes too early. Any religious argument advanced in Parliament does not have enforcement authority until Parliament passes a law that accords with it. When Parliament does so, the legitimacy of the democratic process removes any stigma from the content of the law. If one accepts Warnock's view of how the legislature is the arbiter of moral authority (of both kinds), then religious arguments expressed in Parliament cannot have any coercive force until ratified by Parliament; and when so ratified, they have met the requirement of reason and cannot be coercive in a way unacceptable to liberal polity.

McConnell and others argue that elimination of religious arguments undercuts the rational processes that Warnock trusts to wield moral authority. When religious arguments are permitted, the legislative process naturally subjects their claims to rational scrutiny; if religious reasons are exiled from public, however, they are insulated from such scrutiny.[97] Admitting religious people and their arguments to democratic forums

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Future," in *Religion and the Political Order: Politics in Classical and Contemporary Christianity, Islam and Judaism*, ed. Jacob Neusner (Atlanta: Scholars, 1996), 277-78.

[95]Turner, "Religious Pluralism," 277.

[96]Ibid., 278. Habermas, "Religion in the Public Sphere," 10, writes, "In parliament, for example, the standing rules of procedure of the house must empower the house leader to have religious statements or justifications expunged from the minutes. The truth content of religious contributions can only enter into the institutionalized practice of deliberation and decision-making if the necessary translation already occurs in the pre-parliamentarian domain, i.e., in the political public sphere itself." It may be that the presence in Parliament of the Bishop's bench representing the established Church dampens that secular bent, but Warnock, in her lengthy comments upon the bishop's role, does not seem overly concerned about their presence or its effect, except for the assumption that being experts in theology automatically makes them experts in morals. Warnock, *Dishonest to God*, 104-7.

[97]McConnell, "Secular Reason," 167. McConnell is not alone in this position. See also Michael

grants incentive for them to make winsome, measured appeals, rather than strident and authoritarian arguments.[98] By contrast, excluding religious people from public forums tends to alienate and radicalize them, and encourages them to engage in politics "outside the system" where violence, stridency, and authoritarianism are more likely to thrive.[99]

Further, Stout observes that muzzling religious arguments has the effect of stopping the political conversation when it would be to the benefit of democracy to allow religious arguments their say, and expose them to public scrutiny:

> Given that these appeals are actually at work in the reasoning of many citizens, we are all better served by having these appeals expressed in public. How can the rest of us challenge premises that are left unexpressed? Responding to the appeals simply by arguing that religious premises have no place in public discussion has the effect, ironically, of stopping the conversation before the point at which the flimsiness of the reasoning is brought fully to light.[100]

Forbidding public recognition of beliefs insulates them from rational discussion.[101] Far better than exclusion is to bring religious claims into the public square and subject them to public examination and scrutiny.[102] Even Rorty, no proponent of religious arguments, expresses openness to religious authorities being cited in controversial ways, so long as the political conversation does not end there. The conversation must be kept going.[103]

J. Perry, "Why Political Reliance on Religiously Grounded Morality Is Not Illegitimate," in *The Ethics of Citizenship*, 315; Sweetman, *Why Politics Needs Religion*, 89-98; George, "Public Reason and Political Conflict," 2504; Parekh, "The Voice of Religion," 81-83; Andrew Bradstock, "Using God-Talk in a Secular Society: Time for a New Conversation on Public Issues?" *International Journal of Public Theology* 6 (2012): 137-58.

[98]Stout, "Rorty on Religion and Politics," 531-33.

[99]McConnell, "Secular Reason," 167-68. Cf. Stout, "Rorty on Religion and Politics," 532.

[100]Stout, "Rorty on Religion and Politics," 532.

[101]Perry writes, "For every question about human good there are at least two answers that are equally rational but incommensurable. But this does not require neutrality between them; managing these tensions is what politics is about." Michael J. Perry, "Religious Morality and Political Choice: Further Thoughts—and Second Thoughts—On Love and Power," *San Diego Law Review* 30 (1993): 710. Cf. Stephen A. Gardbaum, "Why the Liberal State Can Promote Moral Ideals After All," *Harvard Law Review* 104, no. 6 (1991): 1361.

[102]Trigg, *Religion in Public Life*, 231-32. Cf. McConnell, "Secular Reason," 167.

[103]Richard Rorty, "Religion in the Public Square: A Reconsideration," *Journal of Religious*

Some religious people, Stout suggests, might reconsider their positions if they are heard, taken seriously, and welcomed into the public conversation.[104]

The inconsistency in Warnock's position is that on one hand she affirms the legislature as the proper societal filter for morality and law, yet on the other hand, she wants to pre-filter any arguments arising from religious sources, which implies that the legislature's filtering is insufficient. Commenting on an occasion when the Roman Catholic Church made official recommendations to Catholic legislators about pending legislation, Warnock huffs that English law is "none of [the Pope's] business."[105] Yet the Pope only gave instructions to religious people who voluntarily submit to his authority—where is the coercion? Her objection to the Pope's influence shows that she does not trust the democratic process. If democratic processes are what make laws legitimate, then no preemptive elimination of religious arguments ought to be necessary.[106]

Thus, to summarize the procedural answer, religious arguments cannot be thought as coercive impositions of authority upon nonbelievers. Warnock places upon the legislature the task of determining both what counts as moral consensus and what is enacted as law. Thus, in both senses of moral authority articulated here, the evaluative sense of conscience-authority, and the compulsive sense of enforcement-authority, religious arguments offered in public discourse do not carry the authority of a coercive force until or unless the legislature gives them legitimacy, which removes any illegitimacy

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Ethics 31, no. 1 (2003):147-49.

[104]Stout, "Rorty on Religion and Politics," 532; Perry, "Why Political Reliance," 319; Perry, "Religious Morality and Political Choice," 705.

[105]Warnock, *Dishonest to God*, 165. The full passage: "The only meaning for the demand that religion return to politics is that people who are religious, who do hold the requisite metaphysical or supernatural beliefs, should be given special authority over the rest. And this, of course, is exactly why the Roman Catholic Church demands when it instructs Parliamentarian which side to support on moral issues, and it is what the other churches demand too, in offering ' guidance' on which way to vote in a general election." Ibid., 165-66.

[106]Ibid., 90.

from the ensuing coercive force of law. Democratic procedure protects the freedom to express religious arguments in the public square, and also protects the non-religious public from the excesses of overzealous religious arguments.

Justifying religious arguments upon procedural grounds may not be enough, however. Robert George notes that agreement upon democratic principles does not constitute agreement on basic principles of justice.[107] In intractable moral debates, it is not democratic ideals, e.g., obeying the rule of law, that are in conflict, but principles of justice, like who ought the law to protect.[108] This conflict goes deeper than procedure. Consequently, a more substantive answer is required to the charge of coercion. The answer lies in the reasons that justificatory liberalism ought to be rejected, at least insofar as it demands the exclusion of religious arguments from public discourse.

Justificatory liberalism is the term for versions of liberalism that require coercive laws enacted in liberal regimes be justified in a way that is acceptable to all citizens, and by extension, upon grounds that each one could affirm.[109] Rawls' expression of this concern is typical of public reason liberals: "A legitimate regime is such that its political and social institutions are justifiable to all citizens—to each and every one—by addressing their reason, theoretical and practical."[110] Religious justifications are thought by justificatory liberals to be inaccessible to nonreligious people.[111] Warnock conceives

[107]George, "Public Reason and Political Conflict," 2487.

[108]Ibid., 2488-90.

[109]Gerald Gaus coined the term and gave it a specific meaning, though it is now used more generally in the literature to refer to a liberalism that gives preferential value to the liberty of citizens. Thus, any coercive law that restrains liberty must be justified, and in most versions of justificatory liberalism (JL), must be justified in terms of public reason. Gaus, *Justificatory Liberalism*; Nicholas Wolterstorff, "The Justificatory Liberalism of Gerald Gaus," in *Understanding Liberal Democracy*, 53-75. See also Gaus and Vallier, "The Roles of Religion Conviction," 51-52.

[110]John Rawls, *Lectures on the History of Political Philosophy*, ed. S. Freeman (Cambridge, MA: Harvard University Press, 2007), 13. Cf. McConnell, "Secular Reason," 170, who says that Rawls' notion of "accessible reasons" turns out to mean widely socially approved reasons, and whose account of reason is therefore suspect.

public justification in terms of morality rather than reason. Structurally, however, the argument is similar: coercive law must be justified to all citizens upon grounds they hold in common, which, for Warnock, is secular morality.

Eberle explains that justificatory liberalism demands that religious people arguing in public obey two principles. The Principle of Pursuit says that a religious person must find a reason to justify the given law that everyone can endorse, if he can.[112] The Principle of Restraint goes further, holding that religious citizens are under a moral obligation not to advocate for coercive positions that lack secular justification.[113]

> Hence the justificatory liberal contends that citizens are under a moral duty to withhold advocacy in the case of coercive laws which are supportable only by strictly religious reasons. To do otherwise is to disrespect one's fellow citizens; it is, to use the Rawlsian term, to be uncivil.[114]

Warnock's recommendation for the exclusion of religious arguments from public discourse follows this pattern: religious arguments make assumptions not held by all citizens, therefore they are insufficient to justify the law.[115]

There are at least five problems with justificatory liberalism (hereinafter JL). First, JL is built upon a view of how politics works that is so idealistic as to be unattainable.[116] Wolterstorff is unsparing: "The dream of consensus politics is just that: a dream. Consensus politics is utopian politics; a polity without coercion would be

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[111]Eberle, "Consensus, Convergence, and Religiously Justified Coercion," 284-85.

[112]Christopher J. Eberle, "What Respect Requires—And What It Does Not," in *The Ethics of Citizenship*, 196.

[113]Ibid.

[114]Talisse, "Religion, Respect and Eberle's Agapic Pacifist," 313-25.

[115]Warnock, *Dishonest to God*, 25-26.

[116]Terence Cuneo, "Why Political Liberalism? On John Rawls Political Turn, by Paul Weithman," *Faith and Philosophy* 30, no. 3 (2013): 360. Cf. David Enoch, "Against Public Reason," Social Science Research Network, April 30, 2015, 8-30, accessed August 12, 2015, http://dx.doi.org/10.2139/ssrn.2601187.

utopia."[117] In the face of pluralism, JL attempts to craft a communal perspective as the basis for a common politics, but in so doing, rejects the notion of multiple communities in a society.[118] Exiling religion from the arena of public reason abandons the ideal of a shared community that embraces diverse political cultures.[119] Instead, liberals are left to try to construct an artificial political monoculture, which does not reflect how society actually is.[120]

Stephen D. Smith observes another kind of idealism in the idea of public reason. By itself, public reason is too anemic to support normative claims, so they must be smuggled into the public arena under the vaguer banners of "freedom" or "equality," all the while denying the connection to the comprehensive doctrines from which they spring.[121] The ideal of a unified justification is so strong it must be supported by disingenuously framed reasons. Mouw thinks liberalism's aspiration for a unified basis for political justification, though unattainable, is nevertheless noble. The kind of objectivity and insight required for perfect law making is beyond the range of human achievement, and serves as an indicator of humans' need for God.[122] Mouw may be correct, but noble motivation does not make the ideal any less unattainable.

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[117]Wolterstorff, *Understanding Liberal Democracy,* 286.

[118]Wolterstorff writes, "The liberal is not willing to live with a politics of multiple communities. He still wants communitarian politics. . . . I think that the attempt is hopeless and misguided." Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, MD: Rowman & Littlefield, 1997) 109.

[119]Ibid.

[120]Parekh, "The Voice of Religion," 74-75.

[121]Steven D. Smith, *The Disenchantment of Secular Discourse* (Cambridge, MA: Harvard University Press, 2010), 39. In response to Wolterstorff's critique, Smith revises his smuggling metaphor, which focuses on what ideas or justifications are brought in, and proposes "filtering" or "exclusion" to better describe JL's posture toward religiously grounded arguments. Nicholas Wolterstorff, "Escaping the Cage of Secular Discourse—A Review Essay," *Christian Scholar's Review* 40, no. 1 (2011): 93-99; Steven D. Smith, "A Response to Nicholas Wolterstorff," *Christian Scholar's Review* 40, no. 1 (2011): 101-3.

[122]Richard Mouw, "Religious Convictions and Public Discourse," in *Religion in the Liberal*

Second, JL confines religion to the private realm. Under the terms of liberalism, religions are expected to "shape up" by remaining in the private realm rather than entering public discourse with their claims.[123] Wolterstorff dismisses the idea that religion will or can ever remain confined to the private realm.[124] McConnell writes that liberal exclusion of religion can have one of two possible bases: either religious arguments are false or otherwise unreasonable, in which case they can be rejected not just for purposes of public reason, but entirely; or else they properly apply only to non-public milieus, the private lives or convictions of religious people.[125] "Public reason" liberals generally eschew the first option because it undercuts the liberal commitment to religious neutrality; hence, the option pursued is to confine religion to the private sphere, as Warnock does.[126]

Third, JL can only succeed if it alienates religious people from the democratic process or community.[127] David Enoch writes, "The requirement to justify political action

Polity, ed. Terence Cuneo (Notre Dame, IN: University of Notre Dame Press, 2004), 213. Mouw quotes Rousseau: "Law-giving is a task for gods, not men."

[123]Wolterstorff, "Why Can't We All Just Get along with Each Other," in *Religious Voices in Public Places*, ed. Nigel Biggar and Linda Hogan (Oxford: Oxford University Press, 2009), 21-22. See also Richard Rorty, *Philosophy and Social Hope* (London: Penguin, 1999), 169.

[124]Wolterstorff, "Why Can't We All Just Get along?," 25-26.

[125]McConnell, "Secular Reason," 172.

[126]Ibid. Steven D. Smith, "The Paralyzing Paradox of Religious Neutrality," University of San Diego Legal Studies Research Paper Series, Paper No. 11-060 (August 2011), accessed September 15, 2015, http://ssrn.com/abstract=1911399, argues that religious neutrality is an entirely incoherent concept, because accepting it requires the state to affirm certain religious truths about the proper basis of religion and faith—that is, to embrace those truths and not be neutral about them. Religious neutrality can only be rooted in a certain religious view, which violates neutrality. Cf. Jonathan Chaplin, *Talking God: The Legitimacy of Religious Public Reasoning* (London: Theos, 2008), 22-23. "Comprehensive" liberals, like Joseph Raz, for instance, also firmly exclude religion from public discourse along similar lines. Raz's system, in brief, affirms autonomy as a supreme value, along with a positive affirmation of pluralism of value—that is, it is taken to be true that there are multiple, incompatible ways of life. This strong affirmation of pluralism is taken to be a litmus test for public discourse, such that exclusivist religious systems that do not affirm the equal legitimacy of other worldviews are disqualified from expressing themselves in the public square. Nussbaum, "Perfectionist Liberalism and Political Liberalism," 3-4.

[127]John Burt, "John Rawls and the Moral Vocation of Liberalism," *Contemporary Readings in Law & Social Justice* 1 (2009): 37-38, explains, "To treat religious values as a purely private matter is to force religious people to accept complicity in what they have reason to object to, and to require them to

to all requires either restricting the scope of those to whom justification is owed, or idealizing the conditions under which such justification is owed, or both."[128] The actual makeup of democratic societies is so diverse a philosophical and religious mixture that if public reason attempts to engage them as they are, and not in some idealized version of the political community, it is difficult to see how any coercive demand could be justified to everyone.[129] To succeed in justification, then, liberalism idealizes in one of two ways. It can idealize the community by restricting its scope to, for instance, only "reasonable" members, which then excludes those who embrace "unreasonable" (read "religious") doctrines.[130] Or, it can idealize the conditions of justification: the coercive law would be justified to them if they met some condition, e.g., if they reflected deeply upon it or were adequately informed, etc.[131] These conditions are usually conceived in a way that favors a secular worldview. JL, then, finds successful public justifications only by imposing a secular monoculture in one way or another, which thereby excludes those—in this case, religious people—who might object to its parameters.[132]

Fourth, the dice of JL seem loaded in favor of specific social positions that

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choose between whether to be citizens or believers. To allow them to use religious appeals, so long as they remain part of a persuasive culture in which they must recognize that they cannot trample others merely because they think they are in the right, is to enable one to be both citizen and believer, although the two roles may be in some tension."

[128]Enoch, "Against Public Reason," 2.

[129]Ibid., 7. Cf. Elvio Baccarini, "Public Reason: The Consensus and the Convergence View," *Philosophy and Society* 25, no. 1 (2014): 78, who admits that requiring consensus on reasons necessarily excludes a range of people from the political process.

[130]See Martha Nussbaum's detailed critique of Rawls' account of reasonable and unreasonable doctrines. By defining "reasonable" both in a respect-giving, ethical sense, but also, and simultaneously in a theoretical, rational sense, Rawls allows for the "public denigration of a group of comprehensive doctrines that, from the point of view of the ethical aims of the political conception, are unproblematic." Nussbaum, "Perfectionist Liberalism vs Political Liberalism," 22-29.

[131]Nussbaum, "Perfectionist Liberalism vs Political Liberalism," 22-29.

[132]Wolterstorff, "The Role of Religion," 109. Cf. McConnell, "Secular Reason," 171-72.

conflict with traditional religious morality, specifically the moral acceptance of abortion and homosexuality.[133] For example, Robert Talisse rules all objections to homosexual sex as out of bounds:

> There is no case for forbidding homosexual sodomy that does not depend ultimately upon some sectarian religious doctrine. That is, in order to appreciate the reasons for prohibiting homosexual sodomy – in order to see the proposed reasons as even relevant—one must be committed to a religious view which, in a liberal society, citizens are free to reject.[134]

This argument is deaf to appeals to biological design or natural law, upon the grounds that they imply theism of some kind.[135] Second, Rawls writes in a now famous footnote, "Any comprehensive doctrine that leads to a balance of political values excluding that duly qualified right [to abortion] in the first trimester is to that extent unreasonable."[136] When "rationality" is pre-defined to affirm specific controversial moral positions, the objectivity and neutrality of public reason is questionable.[137] In the case of abortion, the

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[133]This metaphor is expressed by Wolfe and George, who observe that nontraditional moral positions, specifically the approval of abortion and homosexuality, are assumed by liberals to be the default moral position, and any argument against them bears the burden of proof. Robert P. George and Christopher Wolfe, "Natural Law and Public Reason," in *Natural Law and Public Reason*, 66, 73n35. Cf. Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16, no. 3 (1987): 216.

[134]Talisse, "Religion, Respect and Eberle's Agapic Pacifist," 2. Pettys, "Sodom's Shadow," 1207. Perry agrees, "Because religious believers, like other human beings, are prone both to error and to self-deceit, the religious argument that all homosexual sexual conduct is contrary to what God has revealed in the Bible is highly suspect if there is no secular route to the religious argument's conclusion that all homosexual sexual conduct is immoral." Michael J. Perry, *Religion in Politics: Constitutional and Moral Perspectives* (Oxford: Oxford University Press, 1999), 84.

[135]For instance, see the explicitly non-theological argument opposing same-sex marriage in Sherif Girgis, Ryan T. Anderson, and Robert P. George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter, 2012). George argues that conjugal marriage, understood as a normative good, is found across cultures and religions; it is implicitly opposed to homosexuality, apart from any theological grounding. Ibid., 10-11. Cf. Gurney, "Same-Sex Marriage and the Church," 397-98.

[136]Rawls, *Political Liberalism*, 243-44n32.

[137]George, "Public Reason and Political Conflict," 2488, writes, "Needless to say, Rawls's footnote has elicited vigorous criticism. As an argument for a right to abortion, it does worse than beg centrally important questions—it ignores them altogether. Moreover, it seems plainly, if silently, to import into the analysis of the question a range of undefended beliefs of precisely the sort that 'political liberalism' is supposed to exclude. This smuggling in of controversial moral and metaphysical beliefs is especially egregious in view of the fact that abortion is often put forward as a question that simply cannot be resolved, one way or the other, without introducing such beliefs into the deliberations. As such, it presents a

dispute is an issue of basic justice—does the unborn child belong to the human community and deserve the protection of its laws?[138] JL, as applied by its most able representatives, arbitrarily conceives reason in a way to prevent a positive answer.

Fifth, and most important, restricting religious arguments in the public square is unfair to religious people.[139] Religious people are expected, first, to pursue secular justifications for coercive law, and second, to refrain from supporting coercive laws for which they cannot find a secular justification.[140] Eberle argues that the second demand goes too far, insisting that the principle of pursuit does not entail the principle of restraint.[141] Respect for fellow citizens requires the pursuit of common justification for laws, but when these cannot be found, it is onerous and unfair to expect religious people to meekly exit public discussion and tacitly acknowledge secular reasoning as superior.[142] JL's exclusion of religious arguments is meant to protect citizens from arbitrary demands of a religion whose authority they do not recognize, but it does nothing to protect religious

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particular challenge to Rawls's central argument that constitutional essentials and matters of basic justice ought to be resolved by appeal to a purely 'political' conception of justice, rather than to general doctrines of justice as parts of reasonable comprehensive views." Also, ibid., 2490-91.

[138]Ibid., 2487-89.

[139]Excluding any class of beliefs from public discourse creates two classes of citizens. Perry, "Religious Morality and Political Choice," 716-17.

[140]Perry clarifies why this is so discriminatory: "It is one thing to say . . . 'Although your arguments, no less than mine, may serve as a (sole) basis for political choice, this is why I reject your arguments and think others should too.' It is another thing to say, 'I don't even have to try to meet your arguments on the merits, because, unlike mine, they may not serve as a basis for political choice.'" Ibid., 717-18.

[141]Eberle, "What Respect Requires," 195; Eberle, "Basic Human Worth," 167-68.

[142]Eberle, "What Respect Requires," 225. Perry rejects the idea that the cost of coercing persons or groups in terms of beliefs they reject is always too high. Perry, "Religious Morality and Political Choice," 710-12. "We show others respect when we offer them, as explanation, what we take to be our best reasons for acting as we do. For example, when we arrest, try, and convict criminals, we show respect for their moral personality by offering the reasons embedded in the law. The convicted criminal may reject each and every one of these premises. He or she may suffer from a sociopathic disconnection from all other human beings and from society at large. But we do not explain our actions to the criminal on the basis of his or her own beliefs." Ibid., 711.

citizens from coercion by secular arguments whose authority they do not recognize.[143] The terms of JL amount to a procedural bias in favor of a secular worldview.

Coercion is *the* problem of liberalism. How can a society grant freedom for people to live their lives under competing and incompatible values systems, and at the same time be ruled by an authoritative state whose laws govern citizens with their consent? Whose morality will govern in a genuinely pluralistic society? Warnock's solution, to remove religious reasoning and privilege secular morality, is unconvincing for two reasons. Procedurally, if the legislature ought to be trusted to filter the various claims brought by a pluralistic society and produce legitimate law, then there is no reason to pre-filter religious arguments by excluding them from the public square. More substantially, however, the terms in which she and fellow liberals would require justification of public law are excessively idealistic, unfair to religious people, and biased in favor of specific, controversial moral positions. I conclude that while the problem of coercion is difficult to solve, Warnock's solution does not commend itself as the best or even a proper solution in a pluralistic society.

**Arrogance: Religious Authority
and Moral Epistemology**

A related concern about religious arguments in public is the implication that religious people are in a superior position to speak on moral matters over their non-religious counterparts. Religious arguments, Warnock insists, entail the offensive supposition that nonbelievers do not have access to the same truths as believers and must

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[143]This tension demonstrates the untenability of the neutralist model of political choice—the idea that a political choice cannot be made if it must be defended by moral beliefs its opponents reject. Perry finds this "impossibly restrictive." Perry, "Religious Morality and Political Choice," 708. Cf. Kent Greenawalt, "Religious Convictions and Political Choice: Some Further Thoughts," *DePaul Law Review* 39 (1990): 1043. Smith shows that "separation" has been in recent jurisprudence conflated with "secular," a position at variance with historic church-state jurisprudence. Steven D. Smith, "Separation and the 'Secular': Reconstructing the Disestablishment Decision," *Texas Law Review* 67 (1989): 955-1010.

humbly accept instruction from their religious betters.[144] Here is one way Warnock expresses it: "The only meaning for the demand that religion return to politics is that people who are religious, who do hold the requisite metaphysical or supernatural beliefs, should be given special authority over the rest."[145] In a more pointed passage, she writes, "To regard [moral] principles as the unique possession of people who hold certain metaphysical beliefs is to demean the status in society of people who do not hold such beliefs."[146] Warnock is not alone in offering this complaint. Richard Rorty explains, "Putting political convictions in religious terms gives aid and comfort to ecclesiastical organizations, and thus to religious exclusivism, [which results in] contempt for people who should be accorded the same respect as the rest of their fellow-citizens."[147] Making religious arguments in the public square, then, is *arrogant*.

This concern is easily answered by open admitting the fallibility of religious arguments. If religious arguments are not thought in the public square to be infallible—as they should not be—then the complaint of arrogance vanishes. For instance, while Roger Trigg thinks that states should be free to establish and even endorse religion, he nevertheless insists that religious claims in the public square ought to be subject to vigorous scrutiny.[148] The state must not back away meekly whenever religion is mentioned.[149] Similarly, Eberle writes,

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[144]Religion's "immutable moral knowledge," if true, would give religious people a "special place in instructing others how to behave." Warnock, *Dishonest to God*, 165.

[145]Ibid., 165-66. On another page, Warnock puts it this way: "What a democratic country must guard against with constant vigilance is any assumption of political authority by religious people on the sole ground that they are religious, and therefore have access to moral and political truth. Christianity has a place in our society, as do other religions, but it is not this place." Ibid., 162.

[146]Ibid., 165

[147]Rorty, "Religion in the Public Square," 142.

[148]Nicholas Wolterstorff, "Religion in Public Life: Must Faith Be Privatized? by Roger Trigg," *Faith and Philosophy* 27, no. 2 (2010): 224.

[149]Ibid.

We should treat religious reasons for a policy with which we disagree just as we should any other kind of reason for a policy with which we disagree. Our compatriots may rely on the reasons they conscientiously and responsibly believe to be compelling, but we are free to expose flaws in logic or substance. All reasons are to be included, but all are dissected, scrutinized, criticized.[150]

Several others make this point also.[151] Central to Warnock's arrogance complaint appears to be this presumption of infallibility. Religious believers may trust their religious sources to be infallible, but the state should not and must not be under any such restraint.[152]

If arrogance rises from a trust in the truth of moral sources, then secular people can be just as arrogant as religious people.[153] In fact, anyone making any argument does so supposing his or her own assumptions to be true. Especially when controversial assumptions are not shared, advancing an argument implies that conflicting assumptions are false. Any argument made in any terms, then, will challenge the worldview of others who do not share these assumptions. Whether this challenge is regarded as arrogance on the part of the speaker, or simply honesty, is a matter of perspective.

Warnock's solution to the *arrogance* problem of moral authority commits the

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[150]Christopher J. Eberle, "Religious Reasons in Public: Let a Thousand Flowers Bloom, But Be Prepared to Prune," *Journal of Civil Rights and Economic Development* 22, no. 2 (2007): 443.

[151]Rowan Williams argues for procedural secularism as a model of public discourse in which religious arguments are granted a hearing in public debate, and they are neither thought above criticism or privileged, nor are thought automatically disqualified from consideration. Rowan Williams, "Secularism, Faith and Freedom," in *The New Visibility of Religion: Studies in Religion and Cultural Hermeneutics,* ed. Graham Ward and Michael Hoelzl (London: Continuum, 2008), 48-49. Cf. Sweetman, *Why Politics Needs Religion*, 89-98; George, "Public Reason and Political Conflict," 2504; Parekh, "The Voice of Religion," 81-83.

[152]For instance, see Hoskins's critique of Audi, in which he argues that only religious arguments claiming infallible authority ought to be excluded from public debate; others ought to be admitted. Zachary Hoskins, "On Highest Authority: Do Religious Reasons Have a Place in Public Policy Debates?" *Social Theory and Practice* 35, no. 3 (2009): 393-412. See also Mark Cladis' model of discourse that treats religion as non-exceptional. Religious arguments may be freely admitted to public discourse, but without any sense that they do not require justification or bear special privileges simply by being religious. Mark Cladis, "Religion, Secularism, and Democratic Culture," *The Good Society* 19, no. 2 (2010): 24.

[153]Hoskins, "On Highest Authority," 402-5, 409, equally argues that secular claims to infallibility ought to be excluded. Several examples of secular liberal intolerance are provided in Kenneth D. Wald, Dennis E. Owen, and Samuel S. Hill, Jr., "Habits of the Mind? The Problem of Authority in the New Christian Right," in *Religion and Political Behavior in the United States*, ed. Ted G. Jelen (New York: Praeger, 1989), 94.

same offense she complains of: it privileges secularists—who "do hold the requisite metaphysical . . . beliefs"—granting them special authority over religious people.[154] Jeffrey Stout acknowledges the danger of theocracy Warnock fears—that aggressive religious people seek to dominate the nonreligious.[155] He balances this concern by acknowledging that since not all religious people have theocratic ambitions, it seems an overreach to exclude all religious arguments. He further admits that secularists appear to have the same ambition to dominate those who disagree with them.[156] While the arguments Warnock criticizes may *imply* that the nonreligious should be quiet and listen, she proposes openly to muzzle the arguments of religious people in a democratic forum so that they can humbly listen to and accept direction from their secular betters.

Ultimately, however, the complaint about arrogance is not important. Any speaker who argues upon assumptions not shared by his audience may be thought arrogant, but that does not mean he is incorrect. The accusation of arrogance, moreover, does not constitute an argument.[157] It is better thought of as an occasional emotional

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[154]Williams, "Secularism, Faith and Freedom," 53, writes, "Programmatic secularism, as a shorthand for denial of the public legitimacy of religious commitment as a partner in political conversations will always carry the seeds… of that 'totalizing critique' which stifles critique by silencing the other."

[155]Stout, "The Folly of Secularism," 10.

[156]Ibid., 10-12. Stout shows that Rorty's version of democratic secularism aspires over the long term to eradicate religion's pulibc influence, but it is entirely unclear how that objective can be achieved democratically. Stout comments that Sam Harris' position similarly smells of oppression, suggesting that secularists may be right to suppress theism with instruments of state power: "I am trying to show that sincerely democratic secularists face a dilemma. Either (a) they are merely warning us about the dangers of allowing religion into politics, in which case, by their own account, their arguments are likely to fall on deaf ears and therefore fail to achieve the desired objective; or (b) they are proposing some more aggressive strategy for curtailing the influence of religion on politics, in which case they owe us a concrete explanation of what that might be and how it is to be made consistent with democracy." Ibid., 12. Sam Harris, *The Moral Landscape: How Science Can Determine Human Values* (New York: Free Press, 2010). See the critique of Harris' position in Michael James Blackaby, "A Worldview Analysis of Sam Harris' Philosophical Naturalism in The Moral Landscape: How Science Can Determine Human Values." (Ph.D. diss., The Southern Baptist Theological Seminary, 2016).

[157]Strictly speaking, the complaint about arrogance, if taken to be part of a serious argument, is a fallacy, either of the *ad hominem* or *ad misericordiam* variety, addressing the person ("you think you're always right") or the emotion ("your argument makes me feel inferior") rather than to the substance of the argument itself. Warnock's book, however, contains a fair amount of personal reflection and memoir, so

concomitant to conversations between two parties of deeply opposing positions.

Summary

The first two reasons that Warnock believes religious arguments are illegitimate, then, are not sufficiently persuasive to justify the exclusion of religious arguments from the public square. First, religious arguments do not in fact inherently resist moral change, although they do understand moral change differently from the way Warnock does. Second, given Warnock's view that arguments have no moral authority until the legislature grants such authority means, procedurally, that Warnock's objection to arguments based upon religious authority comes too soon, and that the legislature ought to be trusted to handle religious claims in a way that is rational and amenable to the broader public. More substantially, Warnock's version of justificatory liberalism does not commend itself as a fair or just solution to the problem of moral authority. Third, the arrogance of religious arguments in supposing their sources to be infallible does not present a substantial problem once it is recognized that there is no obligation for the state to consider religious claims infallible.

The next chapter considers Warnock's claim that religious arguments are often advanced dishonestly, and building on this discussion, evaluates Warnock's conclusion that religious arguments should be disallowed from the public square.

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whether she means this as simply an observation or a serious part of her argument is unclear.

CHAPTER 6

RELIGIOUS ARGUMENTS:
THE PROBLEM OF DISHONESTY

The previous chapter examined the first two of Mary Warnock's three reasons for thinking that religious arguments are illegitimate in the public square. This chapter will examine the third reason—the argument that people who advance religious arguments do so dishonestly—and her conclusion that religious arguments should be disallowed in the public square.

Religious Arguments Are Used Dishonestly

Warnock's third concern with religious arguments addresses how the arguments relate to the beliefs and goals of the people advancing them. She suggests that religious language is often used dishonestly to manipulate outcomes, cut off debate prematurely, or avoid the difficult work of thinking through a thorny issue. In one passage, she writes,

> Let us concede, at any rate, that, today, religious belief is not ordinary belief, and let us ask whether, therefore, the concept of God is not sometimes illegitimately, dishonestly, used by those who want ballast for their moral beliefs, or who shy away from thinking of the specifically moral implications of the issues before them. . . . God, being admittedly mysterious, may sometimes be used as a block to prevent further argument. And this is a less than honest use of religion, at least in a parliamentary or political context.[1]

Warnock mentions five ways a religious person can advance a dishonest argument:

1. The argument is *manipulative*: he offers a religious argument because religious language is rhetorically powerful and can influence listeners in the desired direction.[2]

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[1]Mary Warnock, *Dishonest to God* (London: Continuum, 2010), 127-28.

[2]Ibid., 53-54, 62-64, 129-30.

2. The argument is *disingenuous*: he offers a religious argument whose truth or assumptions he does not really believe.[3]

3. The argument is *deceptive*: he offers a religious argument as a mask to conceal prejudice.[4]

4. The argument is *evasive*: he offers a religious argument to avoid having to think through the issue, or to prevent others from doing so.[5]

5. The argument is *counterfeit*: he offers a secular argument in place of a religious argument.[6]

The following sections take each of these objections in turn, describing Warnock's position and providing responses. The remainder of the chapter poses direct challenges to Warnock's proposal to exclude religious arguments from the public square, arguing it is incompatible with democratic ideals.

Manipulative: A Religious Argument
Used for Its Rhetorical Power

Religious language carries great rhetorical power, in which lies its danger. It can be misused to bully, coerce, or shame fellow legislators in a desired direction: to abandon further debate, treat certain positions as taboo, or tar certain moral positions as irreverent or blasphemous, to the end of influencing legislative outcomes.[7] Of course, persuasion is a perfectly legitimate aim in legislative debates.[8] Manipulation, however, attempts to persuade in an ignoble or dishonest way. Religious rhetoric is so powerful that Warnock thinks it naturally lends itself to manipulation.[9]

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[3]Warnock, *Dishonest to God*, 53-54, 56-57, 126-28.

[4]Ibid., 164-65.

[5]Ibid., 127-28.

[6]Ibid., 56-58.

[7]Ibid., 127-28.

[8]Mary Warnock, *The Uses of Philosophy* (Oxford: Blackwell, 1992), 106, writes, "I am not suggesting that persuasive devices should not be used. Of course they should and will always be used; for to persuade is a central aim of human discourse."

[9]Mary Warnock, "Religious Fundamentalism Threatens to Block Scientific Progress," *The*

First, Warnock observes that religious language is so rhetorically powerful that it can exercise inordinate influence on the political process. Using religious arguments, the most fervent religious believers can often sway the more moderate and open-minded majority, even when the arguments are based upon premises or assumptions they might not accept.[10] Warnock explains,

> Fundamentalist religion generates its own rhetoric. . . . So powerful is the rhetoric that many politicians who want to take up a moral position about genetic engineering or embryo research, and who in a cool hour would probably confess that they did not believe in the literal accuracy of Genesis, are led into adopting the arguments of the fundamentalists.[11]

The unwelcome result is that religious extremists exercise greater control of the public conversation than their numbers justify.[12] Religious language is so inordinately powerful, Warnock thinks, that it threatens to override reason and take moral deliberation off the rails.

Manipulation occurs when religious rhetoric is used solely for its persuasive effects, apart from sincere belief in its truth or legitimacy.[13] Both believers and nonbelievers can manipulate religious arguments this way. Warnock describes an

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Scientist, September 5, 1988, accessed May 22, 2015, http://www.the-scientist.com/?articles.view/articleNo/9706/title/Religious-Fundamentalism-Threatens-To-Block-Scientific-Progress/.

[10]Religion also breeds certainty, which fuels the kind of misuses of religion Warnock has in mind. She writes, "The more certain people are of the correctness of their views, as a rule, the more vocal they are. It tends to be the hard-liners, in whichever direction, who tell their views abroad. And so there is a danger that 'public opinion' may come to be identified not with the views of the relatively confused, relatively open-minded majority, but with the views of the committed and the fanatical." Mary Warnock, "Moral Thinking and Government Policy: The Warnock Committee on Human Embryology," *The Milbank Memorial Fund Quarterly* 63, no. 3 (1985): 512. See also Warnock, *Dishonest to God*, 161-62.

[11]Warnock, "Religious Fundamentalism."

[12]The argument could be made that blame for dishonesty in these cases belongs with moderately religious or irreligious people who acquiesce to arguments whose premises they reject, rather than with earnest religious voices using powerful rhetoric.

[13]Elvio Baccarini, "Public Reason. The Consensus and the Convergence View," *Philosophy and Society* 25, no. 1 (2014): 80; Elizabeth Markovits, "The Trouble with Being Earnest: Deliberative Democracy and the Sincerity Norm," *Journal of Political Philosophy* 14, no. 3 (2006): 253.

occasion when she was working on a commission addressing the education of handicapped/special needs children, and some committee members described some of the children in question as "vegetables."[14] She recognized her own inclination to respond with a religiously grounded assertion of the equality of human beings, which showed her "how powerful the metaphors of religion are, and how one may find them, in some circumstances, virtually indispensable."[15] She recognized that, had she, an atheist, indulged the impulse, she would have been relying upon a religious argument not because she was convinced of its truth, but because the power of its language proved convenient to further her desired ends.[16]

Believers can also use religious arguments manipulatively. During the assisted suicide debate, Warnock reports that Jewish and Catholic representatives appealed to the sanctity of life as an inviolable principle.[17] Warnock, however, questions their commitment to the principle: if sanctity is really inviolable, one would expect them also to be pacifists, to reject the death penalty, and to refuse to accept self-defense pleas in murder cases— but they do not.[18] Thus, since their advancement of the principle is selective, she concludes they are only using it for its rhetorical effect.[19] In that same debate, Warnock noted that the Church of England's spokesperson did not make a theological argument about the sanctity of life, but instead employed pragmatic arguments.[20] She took this

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[14]Mary Warnock, *An Intelligent Person's Guide to Ethics* (London: Duckworth, 1998), 15.

[15]Ibid., 16.

[16]The general problem of religious arguments advanced by those who disbelieve the religion in question is addressed in the section below labeled "Deceptive: A Religious Argument Used to Conceal Prejudice."

[17]Warnock, *Dishonest to God*, 51-52.

[18]Ibid., 52.

[19]Ibid.

[20]Ibid, 53.

omission to "strongly suggest" that although religious people use "absolutist rhetoric," they are not really relying on theological arguments, except for their persuasive effect.[21]

Manipulation is not just a danger for formal arguments; even religious language or imagery can be used manipulatively. In the debate over Lord Joffe's assisted suicide bill,[22] Nigel Biggar observed that secularists in the press used religious language to mischaracterize the debate as "medieval forces of religion versus modern forces of freedom," despite the fact that religious believers alone did not have enough votes to defeat the bill, and despite opposition to the bill expressed by known secularists.[23] Though not a religious argument per se, this was manipulative use of religious language by secularists, albeit in the press and not in the legislature.[24]

Not all religious arguments are manipulative. Manipulation appears to depend upon two conditions: whether the argument is directed toward persuasion, and whether the person advancing the argument sincerely believes the religious premises upon which he is arguing. Robert Audi notes seven polarities in kinds of religious discourse, not all of which he finds objectionable in public discourse.[25] Warnock's concern about manipulation applies best to religious arguments that classify as explicitly religious, authoritarian,

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[21]Warnock, *Dishonest to God*, 53.

[22]This is also discussed by Warnock in *Dishonest to God*, 45-46, 108-9.

[23]Nigel Biggar, "Not Translation, but Conversation," in Nigel Biggar and Linda Hogan, *Religious Voices in Public Places* (Oxford: Oxford University Press, 2009), 151-52.

[24]Context determines how strict the requirements are for the kinds of reasons used to justify legislation. Generally, the tightest restrictions are found in the judiciary, where rulings must be written carefully because they set precedent for future cases. In the legislature, where things spoken in deliberations do not necessarily become law, there is more latitude for the kinds of reasons given, and how directly they rationalize the legislative action under consideration. For a discussion of the importance of context for sincerity, see Mathilde Cohen, "Sincerity and Reason-Giving: When May Legal Decision Makers Lie?" *DePaul Law Review* 59 (2010): 1139-40.

[25]Religious arguments can be implicitly or explicitly religious, mixed or unmixed, primarily or secondarily religious, persuasive or descriptive, self-directed or audience-directed, authoritarian or moderate, and directly or indirectly argumentative. Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press: 2000), 169-72.

audience-directed, and persuasive, i.e., those that attempt to sway others' opinions and affect legislative outcomes. Religious arguments and language can be used more moderately, however, as when they seek only to inform or illustrate.[26] Arguments not directed toward persuasion cannot fairly be thought manipulative.

Second, manipulation is a question of sincerity. In all forms of public and private discourse, sincerity is the expected norm, and interlocutors are generally credited with being sincere unless there is evidence to the contrary.[27] As analyzed by Audi and Cohen, sincerity in political arguments is a measure of the overlap between justifying reasons for political positions and motivating reasons. Audi's rubric for sincerity requires that justifying reasons also serve as motivating reasons for political actors.[28] Reasons that are not motivating become "psychological levers to produce belief on a basis that does not carry my own conviction."[29] Wisely, Cohen finds Audi's position too restrictive.[30] Legislatures, she writes, do not have to give reasons for the laws they pass, and the US Supreme Court's "rational basis" test allows them to justify a law upon almost any reason, even if it varies from the rationale that was provided by legislators when the law was

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[26]Audi, *Religious Commitment and Secular Reason*, 169-72.

[27]Cohen, "Sincerity and Reason-Giving," 1103, explains, "Legal systems rarely present us with a formula to the extent that decision makers must disclose 'sincere reasons' for their action because sincerity is generally assumed. Sincerity works as a default rule for legal justification. In this regard, legal discourse does not differ from ordinary rules of communication: just as daily conversations are regulated by an implicit norm of sincerity, legal justifications provided by state actors are expected to be sincere."

[28]Robert Audi, "The Separation of Church and State and the Obligation of Citizenship," *Philosophy and Public Affairs* 18 (1989): 281-86.

[29]Audi continues, "It is as if I invited you to join me on a journey, but by a route I do not sufficiently trust to take it myself. You are entitled to wonder why, if the route is not good enough, or appealing enough, for me to take, I think it good enough for you." Ibid., 282. The journey image, however, is misleading; people may see the value of a given destination, even if they get there by different routes. Consensus theorists like Audi require both the same route and destination, but it is not clear that a just democracy requires this. Audi's position is further hostile to religious actors because he requires secular motivation in public discourse. Ibid.

[30]Cohen, "Sincerity and Reason-Giving," 1132.

enacted.[31] Thus, in legislative contexts, Cohen commends a weak, counterfactual approach to motivational sincerity, wherein justifying reasons offered by a legislator *could serve* as a motivating reason.[32] Schwartzman, too, finds a strong correlation between justifying reasons and motivating reasons too restrictive, because it does not exhaust the kinds of relationships between reasons one believes and reasons one is motivated by.[33] For Cohen, manipulation occurs only when someone offers a justifying reason but does not regard it as supporting the decision *in any way*.[34]

Fortunately, sincerity in religious matters is empirically discernible. In the US, while the courts avoid assessing religious beliefs as true or false, they nevertheless attempt to discern if the beliefs are "truly held."[35] They have proven competent at ferreting out insincere religious claims by looking for self-interested motives that might be concealed by a religious claim, and by investigating the claimant's behavior.[36] Notably, religious claimants do not have to be perfectly consistent to qualify as sincere.[37] Some religious

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[31]Cohen, "Sincerity and Reason-Giving," 1140-42.

[32]Administrative agencies and judicial rulings are subject to more stringent understandings of sincerity. Ibid., 1136.

[33]Micah Schwartzmann, "The Sincerity of Public Reason," *Journal of Political Philosophy* 19, no. 4 (2011): 387-89.

[34]Cohen, "Sincerity and Reason-Giving," 1135. Markovits, "The Trouble with Being Earnest," 250, goes further, questioning sincerity as a norm for political speech because it "too easily collapses the relation between claims to truthfulness and truth claims, oversimplifies human psychology, denigrates rhetorical forms of speech, and privileges a seemingly non-rhetorical mode of communication: hypersincerity."

[35]Cutter v. Wilkinson, 544 US 709 (2005), United States v. Seeger, 380 US 163 (1965); cf. United States v. Ballard, 322 US 78 (1944). In Burwell v. Hobby Lobby, for instance, the court ruled, "It is not for the Court to say that the religious beliefs of the plaintiffs are mistaken or unreasonable. . . . The Court's 'narrow function . . . is to determine' whether the plaintiffs' asserted religious belief reflects 'an honest conviction,' id., at 716, and there is no dispute here that it does." Burwell v. Hobby Lobby, 573 US ____ (2014), Syllabus, 5.

[36]Ben Adams and Cynthia Barmore, "Questioning Sincerity: The Role of the Courts after Hobby Lobby," *Stanford Law Review Online* 67 (November 7, 2014): 59-64.

[37]Ibid., 63.

claims have been dismissed as insincerely covering financial or other self-interest motives.[38] In other cases, the courts have recognized and defended sincere religious beliefs.[39]

Applied to Warnock's concerns, then, religious believers of whatever fervency ought not to be suspected, *prima facie*, of manipulation when they use religious arguments. If a person advances a religious argument believing that the premises are true and the outcome of his proposal is best for society, then his argument meets a reasonable understanding of sincerity.[40] Even if a religious believer is not perfectly consistent in the application of a religious principle, he may still be judged sincere. Only upon clear evidence of insincerity ought his argument to be suspect, but even then, that does not necessarily mean that the just approach is to disallow the argument in public discourse. Stout argues that a foundational habit of democratic communities is the act of "holding one another responsible" in public discourse.[41] The best approach may be to allow the argument so that it can be scrutinized and rejected if it is judged insincere.[42]

Nonbelievers offering religious arguments also should not be thought to be *prima facie* manipulative. Insincerity is a danger: Warnock recalls Cicero's manipulation of his role as Augur, or chief priest in Rome, who could affect political outcomes by declaring the augury unfavorable and thus delay meetings of the Senate whenever it

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[38]E.g., in *United States v. Quaintence*, the Tenth Circuit Court of Appeals ruled that the "Church of Cognizance" which treated marijuana as a "deity and sacrament" was insincere. Ibid., 61.

[39]E.g., in *Burwell v. Hobby Lobby*, part of the evidence in favor of the claimants' sincerity was that their stores were closed on Sunday, resulting in a loss of millions in revenue each year. Ibid., 65.

[40]Schwartzman's model of sincerity would rule religious arguments insincere because it requires that justifying reasons be publically shared, as on Rawls' model of public justification. Schwartzmann, "The Sincerity of Public Reason," 386.

[41]Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004), 209.

[42]For instance, see Brandom's framework for mutual respect and accountability in public discourse in Robert Brandom, *Making It Explicit: Reasoning, Representing and Discursive Commitment* (Cambridge, MA: Harvard University Press, 1994), 180-98.

suited his political ends to do so.[43] Warnock even refers to Edward Gibbon's canard about all religions being "equally useful" to politicians.[44] There are cases defended by Audi and Rawls, however, in which a person can advance religious arguments they do not themselves believe, and still meet the requirements of civility and mutual respect. Audi says that religious arguments can be "leveraged" legitimately, that is, offered as a component of an argument in hopes of persuading others, even when the speaker does not believe or endorse the reason in question.[45] Rawls, too, allows for ideas that one does not accept to be offered in political argument under the class of what he calls "conjecture."[46] In conjecture, a person offers an argument that he believes fairly represents what fellow citizens believe or might embrace, even though he does not. Use of conjecture, however, must be "sincere and not manipulative"; that is, one must openly acknowledge how he is using the argument.[47] Pragmatically, building coalitions to support legislation in diverse political environments will often require giving reasons that will convince political opponents, "even if those reasons are weak, inadequate, or otherwise insufficient as public justifications."[48]

Finally, it is not at all evident that the danger of manipulation justifies the exclusion of all religious arguments from the public square. Assessing an argument as

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[43]Warnock, *Dishonest to God*, 129-30.

[44]Ibid., 130.

[45]Robert Audi, "Wolterstorff's Critique of the Liberalism of Locke and Rawls," in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, MD: Rowman & Littlefield, 1997), 135-37. If a legislator only argues by leveraging, however, his colleagues have no way of knowing who he is or what his thoughts really are, which is the necessary candor for civil politics. Leveraging, then, should not be the preferred mode of argument. Ibid., 136.

[46]John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64, no. 3 (1997): 786-87.

[47]Ibid.

[48]Schwartzmann, "The Sincerity of Public Reason," 377.

insincere (and thus manipulative) is a person-relative and particular judgment, which can be made in the course of normal legislative discourse. For instance, if an atheist MP, like Mary Warnock, were to make religious arguments about the sanctity of human life, a short investigation of her writings would demonstrate her to be entirely insincere; her fellow MPs could easily take note and challenge or ignore her argument. Nevertheless, her transgressive use of religious arguments would not justify silencing a sincere Quaker or Muslim who wished to contribute to legislative debate from their religious perspectives, even if their motive was to persuade.

The danger posed by manipulative religious arguments, moreover, is not so severe as to justify the moral prohibition of all religious arguments in public discourse. First, some religious arguments make no attempt to persuade and cannot be thought manipulative. Second, insincerity in both believers and nonbelievers who advance religious arguments can be empirically discerned through the normal modes of legislative discourse. Finally, manipulative arguments are commonplace in politics, and hardly the exclusive realm of religious interlocutors.[49]

Disingenuous: A Religious Argument
the Arguer Does Not Believe

Warnock's second, related critique, says that people who advance a religious argument in the public square often do not themselves believe the tenets of the faith in whose name they offer it; that is, they are offering the argument hypocritically or disingenuously.

Warnock is skeptical that most Christians actually believe the doctrinal tenets of orthodox faith. She writes, "It would now be generally agreed that to treat the Bible as

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[49]Schwartzmann, "The Sincerity of Public Reason," 377, writes, "Citizens expect (or should expect) a certain amount of insincerity from their political opponents and from public officials more generally." In Warnock's own words, "Candour is extremely rare in politicians." Warnock, *The Uses of Philosophy*, 113.

a kind of once-and-for-all revelation, with no regard either to its historical context or its variable truth-content, is a view to be embraced only by cranks and fanatics."[50] Warnock accepts the superiority of a scientific worldview, believes it reflects societal consensus, and believes it contradicts Christian orthodoxy. Consider this passage from an article she wrote for *The Guardian*:

> But is it now possible for people simply to decide to believe the literal truth of the scriptures? We have become too scientifically and historically sophisticated to accept the story of the Garden of Eden as other than a myth, albeit a powerful and illuminating myth. How can we simply choose to see God's hand in the Ten Commandments? Our historical sense tells us the small, suffering society that was the Jews needed a cement to hold them together *contra mundum* and that this was provided by their great moral leader Moses and the story of his short-lived private encounter with God, giving supernatural authority to his teaching.[51]

Warnock admits to being influenced by liberal Anglicans who embrace theologies well outside classical Christian orthodoxy.[52]

There is reason to think that Warnock's assessment of "generally agreed" theological consensus may be mistaken. Surveys of religious belief in the UK show that although church attendance is low, identification with religion and religious practices like prayer are much higher and only 15.5 percent reject any kind of religious affiliation.[53] The UK's reputation for being a secular society, thus, may be exaggerated. Warnock

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[50]Warnock, *Dishonest to God,* 133. First, the *ad hominem* here is irresponsible. Second, by "historical context," Warnock means that the premodern worldview of the biblical writers is grounds for rejecting the plain statements of Scripture (e.g., that God created the world) in light of things modern people allegedly know that they did not. See one example on ibid., 4. This statement, in short, is a bandwagon appeal: "nobody believes that stuff anymore." Unfortunately, it is simply not true.

[51]Mary Warnock, "Morality beyond God," *The Guardian*, October 6, 2010, accessed March 6, 2015, http://www.theguardian.com/commentisfree/belief/2010/oct/06/morality-beyond-god-faith.

[52]The influences she explicitly names include Don Cupitt, Richard Holloway, and Dennis Nineham, all of whom stand beyond the pale of orthodox doctrine. Warnock, *Dishonest to God*, 3-4, 135, 141-43.

[53]Biggar, "Not Translation But Conversation," 171-72. See also Bhikhu Parekh, "The Voice of Religion in Political Discourse," in *Religion, Politics and Peace*, ed. Leroy S. Rouner (Notre Dame, IN: University of Notre Dame Press, 1999), 67; cf. Rodney Stark, *The Triumph of Faith: Why the World Is More Religious Than Ever* (Wilmington, DE: ISI, 2015), 40-41.

admits she is puzzled by the generally higher view of Scripture expressed in the United States, where sincere belief in God or the Bible appears to be more common than in Britain.[54] Pew Forum research on US Christians shows that while the actual content of their beliefs varies considerably, significant numbers believe even controversial doctrines like the existence of hell.[55] Warnock nevertheless holds that a high regard for the reliability or truthfulness of the Bible is a minority view that can be easily and legitimately dismissed.

Second, Warnock insists that religious beliefs belong to a separate epistemological category from other kinds of knowledge: "Faith, as everyone knows, is different from belief."[56] For instance, religious arguments about the sanctity of life are "a priori" arguments, while consequentialist arguments are "empirical."[57] Religious people, however, switch obliviously from one to another.[58] Either they fail to see the difference, and are unwittingly disingenuous, or they refuse to admit the difference and are consciously disingenuous. In the first case are believers who hold the truths of their faith "in the same way as they believe that sugar is soluble or that snow is white" and are tone deaf to the distinction.[59] Warnock thinks that most believers, however, hold their religious beliefs in a category separate from ordinary knowledge, and are in some measure to blame for conflating categories they know to be separate.[60] This argument implies that only empirical arguments are acceptable.

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[54]Warnock recognizes that the cultural place of religion in the United States differs from its place in Britain. Warnock, *Dishonest to God*, 4, 97-98.

[55]Pew Research Center, "U. S. Religious Landscape Survey," June 2008, 8-12, 34-35, accessed September 19. 2015, http://www.pewforum.org/files/2008/06/report2-religious-landscape-study-full.pdf.

[56]Warnock, *Dishonest to God*, 126.

[57]Ibid., 56.

[58]Mary Warnock and Elisabeth MacDonald, *Easeful Death: Is There a Case for Assisted Dying?* (Oxford: Oxford University Press, 2008), 75.

[59]Warnock, *Dishonest to God*, 126.

[60]Ibid.

The concern about disingenuous arguments suffers from several transparent weaknesses. First, it relies on Warnock's view that it is not possible to believe sincerely the doctrines of religion in the modern age; but it is possible, and many people do sincerely believe, not simply "cranks and fanatics."[61] Second, Warnock's epistemological strategy of ruling religious arguments out because they are not empirical defeats itself, because the tenets of liberalism themselves are not empirical, but metaphysical and normative.[62] Third, religious people use consequentialist arguments along with religious arguments not because they are ignoring an important philosophical distinction, but because they believe moral issues have consequences, and those consequences deserve serious consideration.[63] Religious people also recognize that not everyone shares their religious beliefs, but might be persuaded by nonreligious arguments.[64] To think that using consequentialist arguments amounts to a tacit confession of the falsity of religion, moreover, is unwarranted.

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[61]Biggar, "Not Translation But Conversation," 171-72; Pew Research Center, "U. S. Religious Landscape Survey," 8-12, 34-35.

[62]Larry Alexander, "Liberalism, Religion, and the Unity of Epistemology," *San Diego Law Review* 30 (1993): 774-75. Alexander argues convincingly that any epistemological rubric that would rule religion unacceptable as a source of justifying reasons would have to render the same verdict on liberalism itself: "I come to the conclusion, then, that liberalism and religion are on the same epistemological level, and that the knowledge each claims, if it be knowledge, has the same pedigree in experience and reason. . . . Liberalism is not at a different level, where it can remain neutral and impartial with respect to religious controversy that is truth-seeking within a restricted domain, but not within the domain of liberalism." Ibid., 789-90. If this is the case, then one possible implication is that religious reasoning is not special, and therefore is not deserving of the special protections granted it under constitutional law. Micah Schwartzmann, "What If Religion Is Not Special?" *University of Chicago Law Review* 79, no. 4 (2012): 1351-1427.

[63]Audi would applaud and not revile religious citizens for thinking and arguing in non-religious terms. In fact, Audi argues at length that religious people are theologically justified in arguing in secular ways, given the overlap that ought to be expected between theological and ethical principles, and given the understanding that reason is a divinely given faculty for the discovery of truth. Audi, *Religious Commitment and Secular Reason*, 163ff.

[64]Brendan Sweetman, *Why Politics Needs Religion: The Place of Religious Arguments in the Public Square* (Downers Grove, IL: InterVarsity, 2006), 131.

Some political leaders no doubt make arguments from time to time in the name of a religion they do not fully believe; it takes no special cynicism to think this might be the case, or to think that those cases are blameworthy. Not every religious argument, however, is advanced disingenuously. Therefore, the concern about disingenuous arguments alone does not support the exclusion of all religious arguments from public moral discourse.

Deceptive: A Religious Argument
Used to Conceal Prejudice

A third objection to religious arguments in the public square is that they can serve not to reflect theological conviction but to conceal prejudice. In the conclusion of *Dishonest to God*, Warnock describes the defeat of a bill in the House of Lords that aimed to limit the ability of religious organizations to discriminate in employment. While permitting churches to discriminate against, for instance, homosexuals or women, or indeed, people of other faiths in hiring for religious positions, the bill would prevent such discrimination in employment for secular positions in the church: "accountants, youth workers . . . or gardeners."[65] The bill passed in the House of Commons, but the House of Lords defeated it in the name of religious liberty.[66] Influential voices argued that freedom of religion entails the ability of religious people not only to believe what they please but to live by those beliefs.[67] Warnock disagreed with this outcome, and regarded it an offensive use of religious arguments: "What was horrible about the debate in the House of Lords was that, under the guise of defending religious freedom, many people simply expressed their deep prejudice against women as bishops or homosexuals as priests."[68]

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[65]Warnock, *Dishonest to God*, 164.

[66]Ibid.

[67]Ibid.

[68]Ibid., 164-65. The bill itself did not affect the church's freedom to reject women or homosexuals in teaching offices, so Warnock is apparently referring to the arguments advanced during the

Warnock is not alone in her concern about religiously justified prejudice. For instance, Audi notes that some religious subcultures do not have evident checks on the excesses of the beliefs of their leaders or followers, which leaves ample space for prejudices to be cloaked with religious authority.[69] Stout, though he recognizes that hateful speech is not confined to religion, nevertheless admits that religion can provide "witting or unwitting cover for the expression of hateful motives and sadistic impulses, and given that these motives often achieve political expression, we had better subject the religious manifestations of sadism to relentless criticism."[70]

Part of Warnock's concern about deception relates to sincerity, which has already been discussed. Insincere use of religious arguments by prejudiced people is possible, but many religious believers would agree with the House of Lords' interpretation of religious freedom in all sincerity.[71]

Underneath the charge of deception is a concern about the rationality of religious arguments.[72] Warnock calls the exclusion of homosexuals and women in this legislation an expression of prejudice. What makes prejudices distasteful is their irrationality; that is, a class of people are found objectionable or inferior based on a

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debate.

[69]Audi, *Religious Commitment and Secular Reason*, 101-2. His concern is not that these excesses will somehow avoid rational scrutiny in the legislature, but that it will incline groups of citizens to suspend their reason and vote in lockstep with cultish leaders.

[70]Jeffrey Stout, "Rorty on Religion and Politics," in *The Philosophy of Richard Rorty*, Library of Living Philosophers 32, ed. Randall E. Auxier and Lewis Edwin Hahn (Chicago: Open Court, 2010), 533. Cf. Richard Rorty, "Religion in the Public Square: A Reconsideration," *Journal of Religious Ethics* 31, no. 1 (2003): 146.

[71]The US Supreme Court decision in *Hobby Lobby v. Burwell* is an example in the US context of the question of the ability of religious people to live out their beliefs outside of religious contexts. Burwell v. Hobby Lobby, 573 US ____ (2014).

[72]Gedicks observes both that political discourse often falls short of rationality, and also that religion contains substantial elements of rationality; Warnock's characterization, therefore, is wrong, and the marginalization of religion in public life on the grounds that it is irrational is unfair. Frederick Mark Gedicks, "Public Life and Hostility to Religion," *Virginia Law Review* 78, no. 3 (1992): 695.

characteristic that has no rational bearing upon the denigration of them as people.[73] For example, there is no rational connection between ethnicity and intelligence; racist stereotypes, e.g., that Asian people are smarter than those of other races, are thus irrational. What is taken to be rational, however, is a matter of worldview. Rodney Stark's sociological work on the history of Christianity has shown that when doctrine is taken into account, what may appear through other lenses to be irrational prejudice is in fact the product of rational choice.[74] Given the doctrinal premises of Christianity, particularly, the Bible's teaching on human sexuality, orthodox Christians believe that homosexual activity is not the will of God, but instead an immoral misuse of sex that defies God's design and will for human beings.[75] Therefore, to accept as a Christian leader one who is in rebellion against God in this way, far from being an irrational prejudice, is a perfectly rational position to take. Similarly, if God has expressed his will that the Christian church be led and taught by men, then it is no irrational prejudice that leads churches to pass over women who aspire to a pastoral office.[76] Instead, it is the reasonable application of premises believed to be true.[77]

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[73]For instance, see the classic study Howard Shuman and John Harding, "Prejudice and the Norm of Rationality," *Sociometry* 27, no 3 (1964): 353-71.

[74]Rodney Starke and Roger Finke, *Acts of Faith: Explaining the Human Side of Religion* (Berkeley: University of California Press, 2000), 56, write, "Religious behavior—to the degree that it occurs—is generally based on cost/benefit calculations and is therefore rational behavior in precisely the same sense that other human behavior is rational." Cf. Rodney Stark, *For the Glory of God: How Monotheism Led to Reformations, Science, Witch-Hunts and the End Of Slavery* (Princeton, NJ: Princeton University Press, 2003), 201-90.

[75]For instance, see David R. Hodge, "Epistemological Frameworks, Homosexuality, and Religion: How People of Faith Understand the Intersection between Homosexuality and Religion," *Social Work* 50, no. 3 (2005): 207-8.

[76]Research shows that inegalitarian attitudes about gender among fundamentalist Christians proceeded, in the case of women, from their personal religious beliefs, and in the case of men, from their affiliation with an inegalitarian religious institution. Charles W. Peek, George D. Lowe, and L. Susan Williams, "Gender and God's Word: Another Look at Religious Fundamentalism and Sexism," *Social Forces* 69, no. 4 (1991): 1215.

[77]Whether the basic religious premises themselves are rational to believe is a much larger question, which is generally beyond the scope of what governments attempt to establish. Warnock thinks

Warnock likely would dispute the rationality of the fundamental doctrines themselves, quite apart from the instrumental reasoning from those doctrines to the applications in question. The view that religious premises generally (like the existence of God or the possibility of miracles) are fundamentally irrational has been widely considered, but now has been dismissed as unsustainable.[78] Richard Rorty once charged all religion as irrational, but upon consideration withdrew it: "Religious belief, according to the 'ethics of belief' that I share with William James, is not irrational, or intrinsically wrong-headed."[79] Alvin Plantinga's work in Reformed epistemology has shown that such sweeping dismissals of religion are untenable. One survey of objections to Plantinga's epistemology summarizes, "Plantinga's model achieves what he intends it to show, namely that, provided Christian belief is true, Christians are not irrational—or, more accurately, unwarranted—in holding the beliefs that they do hold."[80]

As to prejudice, sociological research indicates that religious people in large part are not blindly prejudiced against homosexuals (e.g., the "hate" narrative), but affirm their worth and basic human rights, even though they disapprove of homosexual practice.[81]

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that faith is by definition not rational. Warnock, *Dishonest to God*, 71.

[78]Nicholas Wolterstorff, "Freedom for Religion," in *Understanding Liberal Democracy*, ed. Terence Cuneo (Oxford: Oxford University Press, 2012), 302-3. The literature on this topic is extensive; significant recent contributions include Robert Audi, *Rationality and Religious Commitment* (Oxford: Oxford University Press, 2011); Daniel J. McKaughan "Authentic Faith and Acknowledged Risk: Dissolving the Problem of Faith and Reason," *Religious Studies* 49, no. 1 (2013): 101-24; Jonathan L. Kvanvig, "Affective Theism and People of Faith," *Midwest Studies In Philosophy* 37 (2013): 109-28; and Lara Buchak, "Can It Be Rational to Have Faith?" in *Probability in the Philosophy of Religion*, ed. Jacob Chandler and Victoria Harrison (Oxford: Oxford University Press, 2012), 225-48.

[79]Rorty, "Religion in the Public Square," 142.

[80]Deane-Peter Baker, "Plantinga's Reformed Epistemology: What's the Question?" *International Journal for Philosophy of Religion* 57 (2005): 99. Plantinga's model appears to be adaptable to religions other than Christianity.

[81]Hodge, "Epistemological Frameworks," 210-11. By contrast, many progressives do not share this balanced view of orthodox Christians. Cf. Jillian Jimenez, "Epistemological Frameworks, Homosexuality, and Religion: A Response to Hodge," *Social Work* 51, no. 2 (2006): 185-87. She objects to Hodge's characterization of the Christian posture toward homosexuals as a groundless overgeneralization. Her article serves as an example of progressives' tone-deafness to Christian concerns.

Even in cases of genuine prejudice against homosexuals, Stout rightly says that the problem is not with religious arguments, but with prejudiced people, only some of whom are religious.[82] He goes on, wisely, to suggest that rather than exclude these arguments from the public square, as Warnock recommends, the best approach is to subject them to rational scrutiny in the public square.[83]

Not all discrimination is prejudice, because it is possible to discriminate on a rational basis. If religious reasons are not thought *a priori* to be irrational, as they should not be, then the complaint of deception loses much of its force. Religious arguments can be used as a cloak for prejudice, but they are not always so used. Further, removing prejudicial arguments from the public square does nothing to correct the prejudice involved, but allows it to go unchallenged. The danger of deception—that religious arguments are a cloak for prejudice—is therefore a poor reason to exclude religious arguments from the public square.

Evasive: A Religious Argument Advanced to Avoid Rational Deliberation

Warnock's fourth objection to religious arguments is that people advance them to avoid or block discussion of thorny moral problems. Warnock writes that religious legislators sometimes display

> a tendency to fall back on a reference to God's supernatural plan, to avoid discussion of the consequences of a proposed change in the world we inhabit. God, being admittedly mysterious, may sometimes be used as a block to prevent further argument. And this is a less than honest use of religion, at least in a parliamentary or political context.[84]

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[82]Stout, "Rorty on Religion and Politics," 532.

[83]Ibid.

[84]Warnock, *Dishonest to God*, 128.

This objection suggests religious arguments are bulwarks against discussion of uncomfortable issues; that they are employed in fear to end conversation, instead of carefully thinking through the issues at hand.

Richard Rorty also charged that religion is a "conversation stopper," and that advancing religious arguments cripples political dialogue, in part because such arguments can be socially awkward, and in part, because they are regarded as off-limits and irrelevant.[85] Stephen Carter, however, to whom Rorty responds in his essay, actually says that religious statements are equally likely to start an argument as to stop a conversation.[86] Pushing back against Rorty, Christopher Eberle observes that "religious believers disagree, debate and declaim incessantly. Whatever else they do, faith commitments do not end conversations."[87] Simone Chambers notes, "Some secular appeals are equally conversation stoppers and some, perhaps most, religious appeals invite debate and discussion."[88] Rorty later softened his position, and while still objecting to certain kinds of religious arguments, was willing to permit them so long as the political conversation kept going once they were offered.[89]

Warnock provides two examples of religious arguments used to avoid discussion. Her first example:

One of the worst features of the pronouncements of George W. Bush was his tendency to justify his actions in the name of an undiscussed religious faith,

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[85]Richard Rorty, "Religion as a Conversation-Stopper," in *The Ethics of Citizenship: Liberal Democracy and Religious Convictions,* ed. J. Caleb Clanton (Waco, TX: Baylor University Press, 2009), 138.

[86]Rorty even quotes the relevant passage from Carter's *The Culture of Disbelief*: "One good way to end a conversation—or to start an argument—is to tell a group . . . that you hold a political position . . . because it is required by your understanding of God's will." Ibid. Cf. Stephen L. Carter, *The Culture of Disbelief* (New York: Basic, 1993), 23.

[87]Christopher Eberle, "Religious Reasons in Public: Let a Thousand Flowers Bloom, But Be Prepared to Prune," *Journal of Civil Rights and Economic Development* 22, no. 2 (2007): 442.

[88]Simone Chambers, "Secularism Minus Exclusion: Developing a Religious-Friendly Idea of Public Reason," *The Good Society* 19, no. 2 (2010): 18.

[89]Rorty, "Religion in the Public Square," 147-49.

supposed automatically both to allow him to occupy the moral high ground and to prevent challenge.[90]

Warnock does not provide any specifics to this objection to President Bush's alleged use of religious argument; it is thus unhelpful. Bush's willingness to be open about his faith and its influence on his thought, far from "preventing challenge," produced a sea of books and articles written in angry protest.[91] I would suggest that Bush's religious statements provoked discussion rather than avoided it.

Warnock's second illustration of this objection is more helpful: "One of the most disgraceful refusals to think consequentially, in terms of a moral policy, is the refusal of the Roman Catholic Church to recognize the effect that the use of contraceptives might have on the spread of AIDS in Africa."[92] The Roman Catholic Church opposes the use of artificial contraceptives, due to the concern that they open a "wide and easy a road . . . towards conjugal infidelity and the general lowering of morality."[93] The Church has been widely criticized for stubbornly maintaining that stance during the flowering of the AIDS crisis in Africa, under the assumption that had they permitted or advocated use of condoms, infection rates would have been lower. Warnock charges that this religious doctrine was a block to needed discussion about the problem of sexually transmitted disease.

Two responses to this illustration arise. First, while the church's influence in this area was substantial, it is not clear that Warnock has in view an instance where this theological argument was advanced in a democratic legislature. In fact, in most democratic

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[90]Warnock, *Dishonest to God*, 128.

[91]Just two examples: Esther Kaplan, *With God on Their Side: How Christian Fundamentalists Trampled Science, Policy, and Democracy in George W. Bush's White House* (New York: New Press, 2004); Gary C. Jacobson, *A Divider, Not a Uniter: George W. Bush and the American People, the 2006 Election and Beyond* (New York: Longman, 2007).

[92]Warnock, *Dishonest to God*, 128.

[93]Paul VI, *Encyclical Letter Humanae Vitae* (Montreal: Fides, 1968).

countries where a religious argument could have been so advanced, contraceptives were legal, and the contraception ban was widely ignored.[94] Second, all signs suggest the Church did in fact think carefully through the issue. Roman Catholics have a long tradition of reason in the area of morality. *Humanae Vitae*, the encyclical letter containing the objection to contraceptive use, is an example of this reasoned application of theology.[95] Additionally, there are numerous examples of reasoned dissent within the Church over its position on condoms *vis a vis* AIDS.[96] In 2010, Pope Benedict made news over his remarks moderating the Church's position on condom use for the purpose of preventing disease.[97] The Church's position, then, does not evidence an irrational refusal to think, or to think consequentially. Instead, it appears to be the result of theological thinking that may have been consequentially harmful. Moreover, this illustration underlines the necessity of a democratic legislature as a check upon the excesses of religious positions being translated into public policy; it does not, however, ratify the blanket exclusion of religious arguments in the legislature.

It may be that some political actors employ religious arguments with the intent of ending the political conversation, but nothing inherent about religious arguments themselves requires political conversation to end upon their declamation.[98] In fact, Trigg

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[94]Kathryn Joyce, "The Catholic Church, Condoms, and HIV & AIDS in Africa," *Conscience* 33, no. 3 (2012), accessed March 27, 2015, http://churchandstate.org.uk/2012/12/the-catholic-church-condoms-and-hiv-aids-in-africa/.

[95]Paul VI, *Encyclical Letter Humanae Vitae*.

[96]Cardinal Martini, among others, endorsed the use of condoms for disease prevention. BBC News, "Cardinal Backs Limited Condom Use," April 21, 2006, accessed March 27, 2015, http://news.bbc.co.uk /2/hi/europe/4929962.stm.

[97]Rachel Donadio and Laurie Goodstein, "After Condom Remarks, Vatican Confirms Shift," *New York Times*, November 23, 2010, accessed March 27, 2015, http://www.nytimes.com/2010/11/24/world/europe/24pope.html.

[98]Chambers, "Secularism Minus Exclusion," 20, writes, "Open secularism welcomes religious reasons into public debate governed by an ethics of public discourse. That ethics in turn is designed to further public justification and collective public reasoning. No one should end the conversation by fiat."

notes that even if political conversations stop when conflicting sides cannot budge each other, that does not mean the issue is no longer publically relevant.[99] Barring religious arguments altogether because some people might wish to use them to end conversation is an overreaction.

Counterfeit: A Secular Argument Offered in Place of a Religious Argument

Each of the complaints in the four previous sections, that arguments can be manipulative, dishonest, deceptive, or evasive, relates to the use of *religious* arguments in the public square. If religious arguments are anathema in the public square, then it would be sensible to think that Warnock would approve the use of secular arguments that do not rely upon religious authorities or religious assumptions. Like many public reason liberals, Warnock requires religious arguments to be translated into secular terms, but thinks that when religious people do so, they are admitting the insufficiency of religious arguments, and that religious people may not be able to make such a translation with integrity.

First, Warnock thinks religious arguments are not acceptable in public moral conversations because they are matters of faith, not reason.[100] Matters of faith "cannot be proved or disproved,"[101] and so argument is an "inappropriate tool with which to confront [them]."[102] To be acceptable, "those who rely on faith must do their best to downplay that fact, or at least show that they have reason on their side as well."[103] She reports with

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[99]Roger Trigg, *Religion in Public Life: Must Faith Be Privatized?* (Oxford: Oxford University Press, 2007), 206.

[100]Warnock, *Dishonest to God*, 71. Cf. Gedicks, "Public Life and Hostility to Religion," 695.

[101]Warnock, *Dishonest to God*, 71.

[102]Ibid.

[103]Ibid.

approval that her fellow MP Dale Campbell-Savours made just such a point during a

debate on human embryo legislation. He said,

> A Christian need do no more than pronounce his article of faith. . . . For those of us who subscribe to such views, they may be sufficient justification for supporting the Bill. But I do not believe that that approach, without the intellectual base that requires deliberation and evaluation of its merits, is sufficient to convince the House. Therefore it is not a basis on which an hon. Member could make up his or her mind during the debate.[104]

Anyone engaging in debate should include reasons that can "convince the atheist."[105]

Religious arguments, in short, must be translated into secular terms in order to be

acceptable.

This translation requirement is a central tenet of justificatory liberalism.[106] A

religious citizen is morally obliged not to "support (or reject) a coercive law on the

basis of her religious convictions alone."[107] Instead, a religious person must find a

rationale that any rational citizen can share; if she cannot, she must refrain from supporting

the law.[108] Rawls and other liberals defend this requirement as the "duty of civility."[109]

Citizens and legislators must offer reasons acceptable to fellow citizens; these reasons and

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[104]Warnock, *Dishonest to God*, 25.

[105]Ibid., 26.

[106]Christopher Eberle, "What Respect Requires—And What It Does Not," in *The Ethics of Citizenship*, ed. Clanton, 190.

[107]Ibid., 191.

[108]Robert Audi, "Liberal Democracy and the Place of Religion in Politics," in Audi and Wolterstorff, *Religion in the Public Square*, 1, 16. Todd E. Pettys, "Sodom's Shadow: The Uncertain Line Between Public and Private Morality," *Hastings Law Journal* 61 (2010): 1187, thinks that any possibility of religious people being able to pass legislation that enforces their vision of morality under a secular rationale is diminishing, especially in the wake of *Lawrence v. Texas*. Justice Scalia, in his dissent, wrote that *Lawrence* signaled the end of morals legislation. Lawrence v. Texas (02-102) 539 US 558 (2003). The majority of the citizens of Texas' moral beliefs could not maintain the legislative prohibition of sodomy. However, cf. Cass R. Sunstein, "What Did Lawrence Hold? Of Autonomy, Desuetude, Sexuality, and Marriage," University of Chicago Law & Economics, Olin Working Paper No. 196 (September 2003), accessed August 6, 2016, http://dx.doi.org/10.2139/ssrn.450160. She argues that *Lawrence* invalidated a moral position no longer held by the majority of the citizens of Texas.

[109]John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 217.

justifications must be based on a common view of justice and the common criterion of public reason. US President Barack Obama said as much in a thoughtful address on the intersection of religion and politics in June, 2006:

> Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values. It requires that their proposals be subject to argument, and amenable to reason. I may be opposed to abortion for religious reasons, but if I seek to pass a law banning the practice, I cannot simply point to the teachings of my church or evoke God's will. I have to explain why abortion violates some principle that is accessible to people of all faiths, including those with no faith at all.[110]

Note the three requirements mentioned: political arguments must be "subject to argument," "amenable to reason," and "accessible."[111]

In *The Naked Public Square*, Richard Neuhaus also recommends that religious arguments be given secular justifications in public: "Those who want to bring religiously based values to bear in public discourse have an obligation to 'translate' those values into terms that are *as accessible as possible* to those who do not share the same religious grounding."[112] He goes on to include an important qualification, however, missing in

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[110]Barack Obama, "Address on Faith and Politics," Sojourner's Conference, June 26, 2006, accessed March 7, 2015, http://sojo.net/blogs/2012/02/21/transcript-obamas-2006-sojournerscall-renewal-address-faith-and-politics. This address was given prior to Obama's election as President in 2008. Unlike Warnock, however, Obama recognizes the beneficial role that religiously-inspired morality can play in political discourse: "But what I am suggesting is this - secularists are wrong when they ask believers to leave their religion at the door before entering into the public square. Frederick Douglas, Abraham Lincoln, Williams Jennings Bryant, Dorothy Day, Martin Luther King—indeed, the majority of great reformers in American history—were not only motivated by faith, but repeatedly used religious language to argue for their cause. So to say that men and women should not inject their 'personal morality' into public policy debates is a practical absurdity." Ibid.

[111]One reading of these requirements is that they beg the question: religious arguments are disallowed in public because they are not "subject to argument"; but they are not subject to argument because they are disallowed in the context where argumentation takes place. Religious arguments are disallowed because they are not "accessible"; but liberalism defines accessibility in a way unnecessarily hostile to religious arguments. Religious arguments are disallowed because they are not "amenable to reason"; but many religious arguments are very much amenable to reason, and only an artificial separation between matters of faith and matters of reason sustains the charge. See Alexander, "Liberalism, Religion and the Unity of Epistemology," 775. As Wolterstorff indicates, the exclusivist position regarding acceptable reasons "has almost always been formulated with religious reasons in view." Nicholas Wolterstorff, "The Paradoxical Role of Coercion," in *Understanding Liberal Democracy*, ed. Cuneo, 22.

[112]Richard J. Neuhaus, *The Naked Public Square*, 2nd ed. (Grand Rapids: Eerdmans, 1996), 125, emphasis added.

both Warnock's and Obama's arguments, saying that the same people have the "obligation . . . to expose the myth of value-neutrality that is so often exploited by their opponents."[113] For Neuhaus, translation is for the sake of argument and persuasion but it is not necessary to justify the moral position in question.[114] Jürgen Habermas, similarly, asks secularists not to deny the possibility that religious visions of the world may be true, but also thinks religious arguments should be translated into more accessible terms where possible.[115] Warnock and Obama, by contrast, would request such a translation because secular presuppositions are to be preferred as the foundations for public moral policy.

There are several problems with this "translation" requirement. First, demanding that moral discourse proceed in secular terms only is historically unprecedented. For instance, Jean Bethke Elshtain gives this historical survey:

> If we look at the saga of U.S. history, what do we see? We see that every major social movement in American history (until recent decades, perhaps) has been interlaced with religious language, inspiration, and enthusiasm: the American Revolution itself ("No King but King Jesus" was one of its rallying cries); abolitionism; women's suffrage; many of the social reforms of the Progressive Era; labor organizing; the Social Gospel movement; and the civil rights movement, which was, after all, headed by the Southern Christian Leadership Conference. In the United States, religion has never been an exclusively "private" matter.[116]

Christopher Eberle cites several more recent examples to show that democracy can handle morals legislation without any translation requirement. The successful passage of the International Religious Freedom Act 1998, Trafficking Victim's Protection Act 2000, and Sudan Peace Act 2002 each involved a range of advocates speaking from wildly

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[113]Ibid.

[114]Eberle's position is similar to this. Respect for non-religious fellow citizens produces the moral demand to attempt to persuade them in a way they could reasonably accept; but it does not demand that religious people abdicate the right of citizenship if they cannot find secular grounds upon which to do so. Eberle, "What Respect Requires," 189.

[115]Joseph Ratzinger and Jürgen Habermas, *Dialectics of Secularization: On Reason and Religion* (San Francisco: Ignatius, 2006), 51-52.

[116]Jean Bethke Elshtain, "Religion and Democracy," *Journal of Democracy* 20, no. 2 (2009): 7-8. See also Jeffrey Stout, "The Folly of Secularism," *The Good Society* 19, no. 2 (2010): 14-15.

differing worldviews, including religious ones.[117] Instead of requiring consensus around

shared reasons, Eberle argues that it is far more realistic and historically successful to aim

for a convergence of unshared justifications from a variety of worldviews that point to the

same or similar policies.[118]

The second problem is that the demand for translation of religious reasons into

secular ones carries with it the presumption that political reasoning on secular terms has

the advantage of neutrality, but it does not.[119] Bhikhu Parekh is correct: "Contrary to

liberal belief, secular reasons are not politically neutral or commonly shared."[120]

Assuming the neutrality of secular reasons privileges secular people and discriminates

against religious people.[121] Sadurski points out that applying a doctrine of neutrality to

citizens takes neutrality too far:

> It is one thing, it may be argued, for the state to attempt to be as neutral as possible
> on the controversial issues of private morality; it is quite another to expect citizens
> to reflect such neutrality in their decisions and conduct. While the former ideal may
> be a useful way of articulating the liberal political ideal, the latter demand
> (addressed to individuals) can be seen as absurd.[122]

Further, there is no evident reason to pit the "religion-specific" against the "universal."

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[117]Eberle, "Religious Reasons in Public," 432-34.

[118]Eberle writes, "Precisely because there can be convergence on a law without consensus with respect to the reasons for that law, it is doubtful that we have anything more than merely pragmatic reason to want citizens or legislators to support favored policies by appeal to universal values. I doubt that we have even that pragmatic reason." Ibid., 435.

[119]Gedicks, "Public Life and Hostility to Religion," 681, explains, "Secularism, then, does not mark any natural or inevitable distinction between private and public life. The confinement of religion to private life reflects the exercise of contingent social power, not the disinterested discovery of essential meaning or self-existent reality." See also Ibid., 686.

[120]Parekh, "The Voice of Religion," 66.

[121]Ibid. Cf. Sweetman, *Why Politics Needs Religion*, 126-27.

[122]Wojciech Sadurski, "Law's Legitimacy and 'Democracy-Plus,'" *Oxford Journal of Legal Studies* 26, no. 2 (2006): 400. Sadurski goes on to argue, however, that distinguishing the role of private individual and public citizen is one, if controversial way, of making a posture of neutrality possible at the level of the individual citizen.

The idea of "universal" values or justifications is murky, but if it means "widely accepted," then it should be pointed out that many religious claims are far more widely accepted than many secular claims.[123] Secular reasons are no more neutral than religious reasons; no less sprung from private and unshared concerns. Even if the modifier "secular" is dropped in favor of "reason" alone, rationality so conceived is no guarantor of neutrality. Charles Taylor perceptively observes, *pace* Rawls and other consensus theorists, that reason alone does not deliver consensus in moral and anthropological concerns: law, sociology, aesthetics, history, politics, or morality.[124] Human solutions in these areas come from a wide variety of perspectives, and produce different answers; reason does not seem competent to adjudicate between them.[125]

The third problem with the translation requirement is that the burden of translation is placed disproportionately upon religious people. They alone must do the intellectual work of translation to satisfy their secular fellow citizens and to make their arguments "accessible."[126] For instance, Warnock says that "sanctity of human life" may have meaning for religious believers, but it must be translated to be acceptable and understandable to nonreligious people.[127] Weithman criticizes this interpretation of the accessibility demand, pointing out that people who do not share a religious belief can

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[123]Eberle, "Religious Reasons in Public," 436. Roy Clouser shows that across a wide range of disciplines, allegedly secular and value-free arguments and theories make assumptions that are fundamentally religious in nature, which places secular and religious reasoning on even ground, and disrupts the claim that secular reasoning is in some way superior or preferred. Roy Clouser, *The Myth of Religious Neutrality*, rev. ed. (Notre Dame, IN: University of Notre Dame Press, 2005). Cf. Alexander, "Liberalism, Religion, and the Unity of Epistemology," 774-75.

[124]Charles Taylor, "Reason, Faith and Meaning," *Faith and Philosophy* 28, no. 1 (2011): 7.

[125]Ibid.

[126]Some religious citizens resist the demand to provide secular rationales for their religious objectives, but Pettys thinks that that resistance would be "softened" if religious arguments were allowed to speak in political debate. Pettys, "Sodom's Shadow," 204.

[127]Warnock and MacDonald, *Easeful Death*, 72.

understand it sympathetically.[128] The liberal presumption seems to be that religious arguments are so alien as to be incomprehensible to nonreligious people, something like listening to someone speak in a language another does not understand. Much closer to the case, however, is that a secular person could listen to a religious argument and both see and appreciate the internal religious logic and the way a religious person comes to their conclusion, even if they disagree with the conclusion or its premises.[129] The demand of civility, moreover, ought to go both ways.[130] As Weithman urges, religious people ought to make a deliberate effort to find reasons that secularists could endorse, but surely, civility would demand that when they cannot, nonreligious people will listen sympathetically and try to understand the religious argument in terms they could understand or even accept.[131]

A fourth problem is that translation into secular terms is required because liberalism mistakenly imagines political discourse to be monolinguistic. In this view, all political actors come together and speak in a single language governed by impartial reason, by which they understand one another, reason together, and arrive at satisfying conclusions. This conception of political discourse, however, is an idealistic myth; politics

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[128]Paul J. Weithman, "The Principles," in *The Ethics of Citizenship*, ed. Clanton, 257.

[129]Daniel Gold notes that the faculty of imagination plays a critical role in "approaching others' religious worlds." In Warnock's view, in the same way that the imagination empowers sympathy for others that issues in morality, it can facilitate cross-worldview sympathy and understanding that liberalism presumes to be so difficult. Daniel Gold, "Knowledge through Imagination: The Religious Imagination by James P. Mackey," *History of Religions* 28, no. 2 (1988):167.

[130]For instance, Habermas writes, "This requirement of translation must be conceived as a cooperative task in which the non-religious citizens must likewise participate, if their religious fellow citizens are not to be encumbered with an asymmetrical burden. Whereas citizens of faith may make public contributions in their own religious language only subject to the proviso that these get translated, the secular citizens must open their minds to the possible truth content of those presentations and enter into dialogues from which religious reasons then might well emerge in the transformed guise of generally accessible arguments." Jürgen Habermas, "Religion in the Public Sphere," *European Journal of Philosophy* 14, no. 1 (2009): 11.

[131]Weithman, "The Principles," 257. Rawls, *Political Liberalism*, 217, writes that the duty of civility "also involves a willingness to listen to others and a fair-mindedness in deciding when accommodations to their view should reasonably be made."

has never been this way.[132] Instead, people have combined good reasons and bad with emotion, tradition, conflicting values, and what Parekh terms "unspoken sympathies and antipathies . . . and an inherently messy collective self-understanding."[133] A more realistic view of political discourse, Parekh rightly argues, requires a political vocabulary that deliberately submits to being a multilingual discourse.[134] Political discourse has in the past accommodated multiple secular languages (communism, liberalism, conservatism), some of which have naturally religious overtones, just as religious discourse has secular implications; thus there is no impediment to including religious voices.[135] Further, Parekh argues, religion is best able to speak to political concerns when it uses its own "authentic idioms."[136] This multilingual discourse involves and necessitates the "mutual education" of participants in their interlocutor's worldviews and perspectives.[137]

Fifth, the translation requirement asks religious people to artificially separate their religious and political selves. Wolterstorff finds the translation demand unequitable for religious people, whose convictions are conceived with social and political implications that flow naturally from them; separating the political into another category is alienating and does violence to their convictions.[138] Citizens enter the public square as whole people;

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[132]Parekh, "The Voice of Religion," 75.

[133]Ibid.

[134]Ibid., 74. Discourse theory is a promising avenue for accommodating multiple perspectives in public conversation. Discourse theory sets the terms of rationality as a set of rules and principles (like non-contradiction, clarity of language, reliability of empirical premises, and sincerity) that everyone must follow; its core is to guarantee freedom and equality for every person to contribute to public discussion. Less restrictive than Rawlsian public reason, discourse on these terms does not always produce a single correct answer, and it admits a range of supporting reasons. See Robert Alexy, "The Dual Nature of Law," *Ratio Juris* 23, no. 2 (2010): 172.

[135]Parekh, "The Voice of Religion," 74.

[136]Ibid., 73.

[137]Ibid., 77.

[138]Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in Audi and Wolterstorff, *Religion in the Public Square*, 176. Parekh, "The Voice of Religion," 69.

they cannot detach or insulate the role of citizenship from that wider whole, nor does citizenship constitute the whole of an individual.[139] Rorty, in his reconsideration, writes, "I doubt that there is at present a consensus that good citizenship requires us to have non-religious bases for our political views."[140]

Even when religious people translate their concerns and justify them with secular reasons, however, Warnock finds two problems. First, by making a secular argument, religious people show that they do not regard their own religious arguments as sufficient to justify public legislation. If they did, Warnock insists, they would rely entirely upon them.[141] For instance, Warnock observed that in legislative debates about the legality of euthanasia, religious believers would begin with a religious statement, and support it with consequentialist arguments.[142] Using consequentialist arguments "would have been unnecessary for them, if they had felt that the theological argument was unanswerable."[143] The claim is not simply that religious arguments are insufficient, but that religious people know their arguments are insufficient, and that using secular arguments instead amounts to a kind of dishonesty or duplicity.[144]

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[139]Parekh, "The Voice of Religion," 74. This complaint is known as the "integrity objection." See Kevin Vallier, "Liberalism, Religion and Integrity," *Australasian Journal of Philosophy* 90, no. 1 (2012): 149, 159-60; Michael J. Perry, *Morality, Politics and Law* (New York: Oxford University Press, 1988), 181-82. Macedo dismisses the integrity objection as childish. Stephen Macedo, "In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?" in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Washington DC: Georgetown University Press, 2000), 35. John Burt writes, "To treat religious values as a purely private matter is to force religious people to accept complicity in what they have reason to object to, and to require them to choose between whether to be citizens or believers. To allow them to use religious appeals, so long as they remain part of a persuasive culture in which they must recognize that they cannot trample others merely because they think they are in the right, is to enable one to be both citizen and believer, although the two roles may be in some tension." John Burt, "John Rawls and the Moral Vocation of Liberalism," *Contemporary Readings in Law and Social Justice* 1 (2009): 37-38.

[140]Rorty, "Religion in the Public Square," 144.

[141]Warnock, *Dishonest to God*, 56-57.

[142]Warnock and MacDonald, *Easeful Death*, 68-69.

[143]Warnock, *Dishonest to God*, 56-57.

[144]In press interviews, Warnock has stated that she has no objection to religious viewpoints

Second, Warnock suggests it may not be possible for a religious person to make truly secular arguments.[145] She recounts an occasion where Lord Winston, an orthodox Jew, prefaced his remarks in Parliament that he was setting aside his religious views and speaking from a "purely secular point of view."[146] Warnock comments, "It is open to question whether it is possible for a truly religious person to speak from a wholly secular point of view."[147] In other words, religious people may not be able to make such a translation with integrity.[148] If religious believers really believe and are motivated by

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expressed in Parliament, so long as the religious nature of the argument is not concealed. In an interview for *The Guardian*, Warnock said, "The other institution within which religion must have no privileges is Parliament. Of course people may give their views on the morality of proposed legislation from their own religious standpoint, but if they do so, they must make it clear where they are coming from. This is why I have no objection to the presence of the bishops in the House of Lords. We all know that they speak for the church, and the church often needs to be heard, given its history of educational and social philanthropy. But it is crucial that religion has no special rights; we must at all costs remain a democracy, not a theocracy." "Secularism: What Does It Mean to You?" *The Guardian* (November 26, 2013), accessed June 17, 2014, http://www.theguardian.com/commentisfree/2013/nov/26/secularism-what-does-it-mean-to-you-panel. In an interview for the New Statesman, Warnock said, "The Archbishop of Canterbury said he thought that religious people had an absolute right to express their political opinions in parliament and outside. But he thought they ought to declare where they're coming from; they shouldn't expect a free passage just because of their faith. I thought that was absolutely wonderful." Jonathan Derbyshire, "The NS Interview: Mary Warnock," *The New Statesman*, December 15, 2010), accessed May 22, 2015, http://www.newstatesman.com/philosophy/2010/12/interview-society-religion.

[145]This position is curiously shared to some degree by theorists who argue for the admission of religious arguments in public discourse. Julien Winandy argues that, to some degree, Weithman, Carter, Habermas and Wolterstorff present a view of a religious citizen who is either unwilling or unable to properly differentiate between religious or nonreligious arguments, or between arenas of discourse. He proposes that when religious people are seen as capable of making these differentiations, even if in some cases they do not, then the argument shifts from whether arguments are religious or secular to whether either is used in a way respectful of its interlocutors. Julien Winandy, "'Religious Citizens' in Post-Secular Democracies: A Critical Assessment of the Debate on the Use of Religious Argument in Public Discourse," *Philosophy and Social Criticism* 41, no. 8 (2015): 844-49.

[146]Warnock, *Dishonest to God*, 58.

[147]Warnock, *Dishonest to God*, 58.

[148]For instance, Edward Rubin argues that laws prohibiting assisted suicide violate the Establishment Clause: "Religion, and specifically a particular view of Christianity, is clearly the motivating force of this agenda; whatever secular justification the proponents of this view may offer, it seems clear as a matter of empirical observation that they are in fact attempting to impose a religiously based position on the populace at large." Edward Rubin, "Assisted Suicide, Morality and Law: Why Prohibiting Assisted Suicide Violates the Establishment Clause," *Vanderbilt Law Review* 63 (2010): 810. In other words, translation to secular reasons does not remove the stigma of the religious source of the conviction. Rubin's argument trades entirely upon the categorical difference between secular (acceptable) and religious

religious concerns, something is amiss about presenting secular reasons to justify their position.[149]

Both of these problems are absurdly circular. Summarized as conversations, Warnock's first concern challenges the integrity of the arguer in holding religious beliefs:

Warnock: "Religious reasons aren't sufficient. Please translate them into secular terms."
Religious person: "Ok. How about this?"
Warnock: "See? You don't really believe your religious reasons. How dishonest of you."

The second concern challenges the integrity of the arguer in offering secular reasons:

Warnock: "Please translate your religious concerns into secular terms."
Religious person: "Ok. How about this?"
Warnock: "You don't believe these secular reasons. You're just faking."

In both cases, religious people are trying to follow (unfair) rules set out for them by standard versions of liberalism, and then are faulted when they attempt to do so.

Beyond the circularity of Warnock's critique, there lurks a more ominous consequence. If religious reasons must be translated to be acceptable, and religious persons cannot make that translation with integrity, it effectively rules out all contributions of religious people to public moral debate. They cannot make religious arguments (for the various reasons Warnock provides), nor can they be trusted to make secular arguments with integrity. The result? *It is no longer religious arguments which are morally disallowed in public discourse, but religious people.*[150]

The *counterfeit* critique fails for the following reasons. First, the burden to

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(unacceptable) arguments, but his hostility toward the religious is so acute that no secular reasoning can cleanse the religious taint off of assisted suicide prohibitions.

[149]Mary Warnock's husband noted that the existence of God makes a massive difference in how people conceive morality and moral demands. Geoffrey Warnock, *The Object of Morality* (London: Meuthen and Co., 1971), 142. Audi thinks that secular reasons become mere *rationalizations* when the stronger motive behind a person's position is religious. Robert Audi, *Democratic Authority and the Separation of Church and State* (New York: Oxford University Press Premium, 2011), 145-47; Audi, "The Separation of Church and State," 281-82.

[150]Chambers, "Secularism Minus Exclusion," 18, writes, "Excluding religious reasons effectively excludes religious believers from the important public processes through which a democratic community justifies coercive regulation. . . . Blanket exclusion of religion appears to confer less respect to free and equal status of religious citizens than secular citizens."

translate religious arguments into secular terms cannot fairly be placed upon religious people. Secularists must bear some of the weight of mutual understanding that democracy requires, and discard their pretensions of neutrality. Second, when religious people make the effort to fulfill the duty of civility and attempt a translation of their concerns into secular terms, Warnock is wrong to regard that effort as an admission of the inadequacy of their religious beliefs. Warnock is guilty of moving the goalposts when she demands that religious people use secular reasoning for public laws and then complains that they cannot do so with integrity.

Summary

Warnock's third objection, that religious arguments are offered dishonestly in the five ways addressed in this chapter, fails as a general critique of religious arguments in the public square. The accusation of *manipulation* is forceful only when the objective of the religious argument is to persuade and there is clear evidence of insincerity. The charge that religious arguments are *disingenuous* has some merit in cases of pretense, but does not apply to sincere believers. The complaint of *deception,* similarly, may apply in some cases, but fails as a general critique if religious reasons are not thought *a priori* to be irrational, as they should not be. Warnock's charge that religious arguments are *evasive* by seeking to either avoid thinking or block debate ignores the role of reason and the ubiquity of debate in religious and theological moral thought. Finally, the charge that the use of secular reasoning offered by religious people is *counterfeit* assumes the neutrality of secular arguments, places on religious people an unfair measure of the duty of civility, and then unfairly faults them as they seek to fulfill that duty.

Warnock's Conclusion: Exclude Religious Arguments

Dishonest to God undertakes to see whether religious pronouncements or positions should have "special authority" in public legislation, and concludes that religious

arguments should be kept out of public moral disputation entirely.[151] Jeff Phillips summarizes Warnock's position this way: "Religious moral judgments . . . *have no standing* in the democratic decision-making processes of a secular society."[152]

This conclusion, I argue, is not warranted by the objections Warnock offers. As analyzed here, Warnock's argument consists of eight specific objections to religious arguments, six of which do not apply generally to religious arguments, either because the objection is too broad (e.g., the charge of disingenuousness or manipulation only applies in limited cases) or because it is too narrow (e.g., the charge of arrogance could be leveled at anyone who disagrees with you). If successful, these critiques are only incidentally and anecdotally successful, and can fairly be set aside as substantial general critiques.

The objections with the most merit are those most central to liberal political theory: (1) the charge of *coercion*, which addresses the issue of how moral authority is conceived and the relevance of religious moral authority to the body politic, and (2) the charge that religious people offer *counterfeit* secular arguments, which addresses the kind of reasoning and arguments that may be fairly admitted to the public square. While I do not regard Warnock's version of either the *coercion* or *counterfeit* critiques as wholly successful, let us grant for argument's sake that they are. The result would amount to a dilemma for religious people, a damned-if-you-do, damned-if-you-don't conundrum. You're damned if you argue in religious terms because your religious argument is coercive, placing your fellow citizens under an illegitimate moral authority. You're damned if you don't argue in religious terms, because you cannot make secular arguments with integrity. I call this dilemma "Warnock's fork." The only way to avoid both tines of the fork is to eschew advancing any argument in the public square. Warnock frames her book as an

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[151]Warnock, *Dishonest to God*, 11, 161-62.

[152]Jeff Phillips, "Mary Warnock, Dishonest to God: On Keeping Religion out of Politics," *Theology* 114 (6): 457, emphasis added. Phillips also comments, "The consummation devoutly to be wished by Baroness Warnock is the separation of morality from religion and religion from politics." Ibid., 456.

argument against "religion," but the abstraction involved in that term conceals that her proposal would amount to a wholesale exclusion of religious people from the public square.[153] What she proposes as a defense of democracy is in effect a broadsided assault on democracy.[154]

Setting secular morality as the approved language of public moral discourse restricts the range of voices admitted to the conversation. Trigg insists that such restriction is illicit: "Government should try to reflect the freely chosen views of its citizens, not try to mould them."[155] Quoting Mill in *On Liberty*, he writes, "Silencing of discussion is an assumption of infallibility."[156] Stout agrees, declaring that "all democratic citizens should feel free to express whatever premises actually serve as reasons for their claims."[157] Jenny Teichman observes that Warnock has a "propensity to join the big battalions. . . those for whom science is a religion and whose soldiers fight for legal positivism against the concept of natural human rights, for euthanasia against the Hippocratic Oath, and for multicultural relativism against absolutist ethics."[158] Jeff Phillips, similarly, notes that her entire project in *Dishonest to God* depends upon the tenability of her "Whiggish" approach to secularity and philosophical reason."[159] Warnock seems to think that modernity has "carved out an

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[153]Warnock, *Dishonest to God*, 1.

[154]Ibid., 166; cf. Parekh, "The Voice of Religion," 72; Pettys, "Sodom's Shadow," 1204. Daniel Piar observes that when a community's moral sensibility is disconnected from lawmaking, the outcome is potentially undemocratic. When morality is permitted to influence legislation, it tends to promote moral diversity. Daniel F. Piar, "Morality as a Legitimate Government Interest," *Penn State Law Review* 117 (2012): 157-58. Cf. Wojciech Sadurski, "Conventional Morality and Judicial Standards," *Virginia Law Review* 73 (1987): 350.

[155]Trigg, *Religion in Public Life*, 144.

[156]Ibid.

[157]Stout, *Democracy and Tradition*, 10.

[158]Jenny Teichman, "Mary Warnock: The Uses and Abuses of Philosophy," *New Criterion* 18, no. 4 (1999): 26-27.

[159]Phillips, "Mary Warnock," 457.

uncomplicatedly secular sphere upon which reasoning must be based."[160] This assumption is so questionable that all of the conclusions for which she wants to argue, for Phillips, "possess no critical obviousness."[161]

Warnock also uses pluralism in an oddly undemocratic way. Since Western culture is more religiously and philosophically diverse than ever before, she argues that politics should take that into account by operating on premises everyone can affirm. In her hands, however, pluralism becomes the reason not to *include* a variety of perspectives, but to *exclude* them. Since not everyone can affirm religious premises, they should be kept out. Her solution is to base politics on secular principles, which not everyone can affirm. In her hands, pluralism becomes a reason to exclude controversial perspectives— except, of course, for her own.

Warnock's conclusion, further, is neither logically necessary, nor, more loosely conceived, morally required. One could stipulate that all of Warnock's objections to religious arguments were basically correct, but still not conclude that religious arguments ought to be disallowed or morally disapproved.[162] One could retain the freedom for religious reasoning in public debate for any number of reasons: out of a respect for freedom of religion, out of the possibility of religious people having moral knowledge, or out of respect for democratic principles like freedom of speech and freedom of thought.[163]

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[160]Ibid.

[161]Ibid.

[162]One of the assumptions of restrictive theorists like Rawls and Audi is that religious arguments threaten the democratic order, and that this threat justifies their exclusion. Greg Magarian objects, drawing on free speech theory to argue that even subversive speech can be beneficial to democracy, and that political stability and dynamism are goals best held in tension. He concludes that religious arguments ought both to be allowed in political discourse and to be subject to substantive criticism of their content and assumptions. Gregory P. Magarian, "Religious Argument, Free Speech Theory, and Democratic Dynamism," *Notre Dame Law Review* 86, no. 1 (2011): 44.

[163]Warnock expresses this idea herself: "So what happens if Parliament seems to have gone wrong? When this happens, it is crucial to hold on to the benefits of democracy and freedom of speech." Warnock, *The Uses of Philosophy*, 100. However, Alexander insists that allowing the possibility that religions (especially illiberal religions) can be bearers of truth is epistemologically incompatible with the

Warnock's critique of religious arguments in public is not without merit. The power of religious language is considerable, and she is right to insist it be used only with sincerity and integrity, without manipulation, evasion or disingenuousness. Her proposed conclusion, to exclude religious arguments, however, fails because it overreaches.

The next chapter will conclude this dissertation by proposing an outline for a more just approach to political discourse, examining the current state of religious discourse in the United States legislative and jurisprudential context, and suggesting avenues for future research.

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embrace of liberalism: "If liberalism is true as a normative theory, then it follows that any religious views that deny liberalism's tenets are false." Alexander, "Liberalism, Religion, and the Unity of Epistemology," 766. There is thus a tension between the normativity of liberalism as a political regime and allowing space for religions in conflict with its tenets to be thought possibly true.

CHAPTER 7

CONCLUSION

This final chapter summarizes the preceding critique of Mary Warnock's exclusionary posture toward religious arguments in public discourse provided in this dissertation. This summary is followed by an overview of the cultural acceptance of religious arguments in public discourse in the United States. An alternate framework for political discourse is proposed, which welcomes religious citizens and their arguments and accommodates ongoing conflict as an acceptable and even beneficial concomitant of pluralistic democracy. The chapter concludes with three suggestions for future research.

Summary of This Dissertation

This dissertation began by examining Mary Warnock's view of the imagination. Her project of demonstrating the unity of imagination across all its functions was shown to be untenable, as no single concept of imagination encompasses all the functions she assigns to the imagination. In morality, Warnock relies on imagination to produce sympathy and to enable an agent to envision herself in someone else's place, but these two imaginative activities require incompatible descriptions of imagination. The other imaginative capacity related to morality is the ability to envision alternate futures, but the phenomenon of imaginative resistance strongly implies that preexisting moral convictions strongly proscribe the range of moral futures one is able to imagine. This proscription suggests that envisioned futures are not the original source of moral beliefs. Finally, Warnock does not explain how feelings of sympathy produce actual moral obligation; imagination alone seems insufficient for the birth of normativity.

In religion, Warnock replaces believing with imagining as the mode of cognitive engagement with religious ideas; single code theory affirms that doing so achieves her

desiderata of minimizing the doctrinal and moral aspects of religion and emphasizing the aesthetic and emotional. Warnock's approach to the religious sublime experience fails to address the question of the nature or existence of the sublime object fully, and overlooks the range of religious experiences that do not fit her sublime paradigm. Warnock's view of religious symbols confines them to one form of reference though they clearly operate in three, and unjustifiably leans on imagination to do interpretive work that is propositional and not imagistic.

Warnock argues for a soft conceptual separation of law and morality, in order that she may assign all authority to law and deny it to morality. Warnock conceives political authority in largely procedural terms and political legitimacy in terms of obligation, enabling her to insist that, once provided equal access to the political discourse that influences lawmaking, all citizens are under obligation to obey the resulting legal regime. She proceeds to argue that religious moral conviction ought not to have procedural access to public discourse, but ought to be confined to the private. Privatization of religion, however, misunderstands the role of reason in religion, makes incorrect claims of epistemological superiority, and moreover, is a hostile exercise of raw social power against religious citizens.

Warnock's aestheticized, non-realist approach to religion excludes the doctrinal and moral elements of faith. However, Warnock's own view of how the human imagination unites a wide range of cognitive functions makes such a separation less tenable. She thinks that clear doctrine is incompatible with religiously appropriate mystery, but this need not be so. Understood properly, mystery is deepened and enriched by proper theological work, rather than the reverse. Warnock's aestheticization of religion emphasizes the individual, emotive, and internal aspects of religion, and ignores the social and moral elements of religion. Yet, ordinary religious people do not compartmentalize their faith in this way, and the numbers of people who embrace liberal views of religion are vanishingly small. In fact, current demographic trends show a global rise in religiosity,

mostly of a doctrinally conservative and morally strict variety. Contrary to the expectations of secularization theory, it appears that religion and religious people will continue to make religious arguments in public moral discourse, perhaps with increasing numbers and intensity. Liberal approaches to religion, then, are no answer to the problem of trenchant moral conflict in politics.

Warnock argues that religious arguments resist moral change, improperly seek to place people under religious authority, and are often proposed in a dishonest fashion. This dissertation attempts to show instead that religious arguments do not inherently resist moral change and that reliance on religious authority makes them no more coercive or arrogant than arguments whose claim to authority lies elsewhere. Further, while religious arguments certainly can be and have been advanced dishonestly, this problem equally attends other kinds of arguments. Though problematic, these abuses do not justify the exclusion of all religious arguments from public moral discourse.

Religious Discourse in the United States

Though the United States has a persistently religious culture, religious arguments are generally avoided in public. In fact, it could be argued that in the American political context, Warnock's desired moral prohibition against religious arguments is already well established. To what extent this cultural mood is driven by the influence of Rawlsian political philosophy, by the acceptance of the notion that religion must be kept private, by the unwritten regulations of politically correct culture, or by disinclination to express moral disapproval, is unclear. This hesitation to make religious arguments in public forums can be seen in the recent cultural, legislative, and judicial debate concerning the legalization of same-sex marriage.

This dissertation was written amid the public moral discourse over same-sex marriage, leading up to and following the passage of *Obergefell vs. Hodges*, the Supreme

Court ruling legalizing same-sex marriage in the United States.[1] *Obergefell* is widely regarded as a watershed after which Christian influence has been decisively expelled from a place of social and political power.[2] In the societal conversation leading up to *Obergefell*, religious arguments were studiously avoided by same-sex marriage opponents. For instance, one analysis of newspaper articles showed that arguments about the moral status of marriage appeared in less than a third of them, demonstrating that religious arguments did not feature largely in the discussion.[3] Ryan T. Anderson, perhaps the leading spokesman for philosophical opposition to same-sex marriage, deliberately avoided any reliance on religious arguments.[4]

Few people, however, pretend that religious sentiment has no influence upon public opinion about homosexuality or same-sex marriage. A 2012 Gallup poll showed a strong correlation between religion and opposition to same-sex marriage.[5] Liu and Macedo

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[1]Obergefell v. Hodges, 576 US ____ (2015).

[2]Michael Stokes Paulsen, "The Wreckage of Obergefell," *First Things* 256 (2015): 36, writes, "If same-sex marriage is, as the Court has now said, a fundamental constitutional liberty, those who resist it are like segregationists resisting *Brown v. Board of Education*—forces of evil to be extirpated. Civil rights laws provide the bulldozer for eliminating such views." Paulsen also observes the Court assured that religious people would be able to "advocate" and "teach" marriage as they have historically understood it, but Chief Justice Roberts, in his dissent, noticed that this language fell short of assuring that the constitutionally guaranteed "exercise" of religion was not in danger by this ruling. Ibid., 37.

[3]Elizabeth R. Cole et al., "Against Nature: How Arguments about the Naturalness of Marriage Privilege Heterosexuality," *Journal of Social Issues* 68, no. 1 (2012): 58, explains, "The fact that arguments about the moral status of marriage appeared in less than a third of the articles demonstrates that public debates over the legal status of same-sex marriage are not primarily about moral justifications, including the invocation of religion. However, it is notable that every argumentative dimension based on conceptions of what is natural was associated with the likelihood of providing arguments based on moral status. This suggests that the use of naturalness rhetoric is likely to be associated with religious justification."

[4]Ryan T. Anderson, *Truth Overruled: The Future of Marriage and Religious Freedom* (Washington, DC: Regnery, 2015), 10. See also Sherif Girgis, Ryan T. Anderson, and Robert P. George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter, 2012). Robert R. Reilly, "Losing the Argument," *Claremont Review of Books* 16, no. 1 (2015): 25, argues that Anderson's reluctance to argue for the immorality of same-sex relationships undercuts his entire case; not to make that argument, he insists, is to forfeit the case. In the wake of *Lawrence*, however, it is unclear that arguing that homosexual behavior or marriage is immoral would make any difference on a jurisprudential level, because *Lawrence* rejected the validity of morals legislation.

[5]Frank Newport, "Religion Big Factor for Americans against Same-Sex Marriage," Gallup,

suggest that lawmakers who opposed same-sex marriage on religious grounds took care to find nonreligious language for their objections to avoid the appearance of being homophobic.[6] They concluded that there appears to be little public appetite for moral condemnation of homosexuality.[7] Others saw an unspoken religious objection behind arguments about the naturalness of marriage and its endurance over time.[8]

The public arena has increasingly rejected religious and moral arguments because they are perceived to be motivated by animus.[9] In a series of decisions—*Romer v. Evans*, *Lawrence v. Texas*, and *United States v. Windsor*—the Supreme Court turned to an animus-based jurisprudence to defend homosexuals in identity and in conduct against moral disapproval.[10] Justice Kennedy, writing the opinion of the Court in *Romer*, said that Colorado's Amendment 2 "seems inexplicable by anything but animus toward the

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December 5, 2012, accessed December 2, 2016, http://www.gallup.com/poll/159089/religion-major-factor-americans-opposedsex-marriage.aspx.

[6]Frederick Liu and Stephen Macedo, "The Federal Marriage Amendment and the Strange Evolution of the Conservative Case against Gay Marriage," *PS: Political Science and Politics* 30, no. 2 (2005): 213-14.

[7]Ibid., 214.

[8]Cole et al., "Against Nature," 58, writes, "It is notable that every argumentative dimension based on conceptions of what is natural was associated with the likelihood of providing arguments based on moral status. This suggests that the use of naturalness rhetoric is likely to be associated with religious justification." They conclude, "Naturalness arguments are so prevalent, so difficult to refute because they are typically based on assertion rather than evidence, and also so multifaceted, that they may obviate the need for arguments about morality, religion and scripture in public debate about same-sex marriage." Ibid., 60. Jeremiah A. Ho, "Weather Permitting: Incrementalism, Animus, and the Art of Forecasting Marriage Equality after U.S. v. Windsor," *Cleveland State Law Review* 62, no. 1 (2014): 44, remarks that an essentialist approach to gay identity, which sees the differences between gays and straights as deep and irreconcilable, has aided religious opposition to same-sex marriage: "Conventionally, in fact, [anti-gay] essentialism, in aiding natural law and religious morality, has continuously influenced state refusal to recognize same-sex couples for the purposes of marriage—and in much the same manner to differentiate and then marginalize sexual minorities as with anti-sodomy laws and military exclusion."

[9]Ho, "Weather Permitting," 61-68, carefully traces the history of the usage of animus as a jurisprudential classification from *Romer* through *Windsor*. Ho concludes that animus-focused jurisprudence shifts the emphasis from sexual minorities having to defend a positive claim to the rights they seek, to an emphasis that those who would deny those rights have no basis upon which to do so. Ibid., 73.

[10]Ibid., 63.

class it affects; it lacks a rational relationship to legitimate state interests."[11] At the outset, *Romer* had to overcome the view expressed in *Bowers v Hardwick* that the state has a legitimate interest in morally objecting to homosexuality.[12] However, the idea that moral disapproval could constitute legitimate grounds for legislation was decisively cast aside in *Lawrence*. Justice Scalia famously remarked in his dissent, "This effectively decrees the end of all morals legislation."[13] Animus turned out to be an adaptable weapon against same-sex marriage opponents:

> The majority's use of animus in a due process case such as *Lawrence* does demonstrate the versatility of animus not only for laws that discriminate based on traits but also for laws against conduct—as the difference in analysis between an equal protection and a due process review in *Lawrence* amounted to the difference between evaluating the anti-sodomy laws based on how it regulated sodomy by identity (equal protection) or by conduct (due process).[14]

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[11]Romer v. Evans, 517 US 620 (1996), 632. Barbara J. Flagg, "'Animus' and Moral Disapproval: A Comment on Romer v. Evans," *Minnesota Law Review* 82 (1998): 834, notes that *Romer* failed to distinguish between animus and moral disapproval. Animus is constitutionally impermissible, though moral disapproval is not. Flagg thinks *Romer* conflated the animus and moral disapproval because, unlike with due process, the pluralist intention of the equal protection guarantee requires the "doctrine that moral purposes alone never satisfy equal protection review." Ibid., 853.

[12]Andrew Koppelman, "Romer v Evans and Invidious Intent," *William & Mary Bill of Rights Journal* 6, no. 1 (1997): 89-90, states, "Laws that discriminate against gays will always be demonstrably rational, because such laws will always further the state's legitimate moral objection to homosexual sodomy. Thus teaches *Bowers v. Hardwick*. Laws that discriminate against gays will always be constitutionally doubtful, however, because they will always arouse suspicion that they rest on a bare desire to harm a politically unpopular group. Thus teaches *Romer v. Evans*. Both of these teachings are coherent, and neither of them is necessarily inconsistent with the other. They leave the courts, however, with a doctrinal dilemma that has no obvious solution." One sentence at the end of this 1997 article, however, was prescient: "I think it likely that, absent motives of raw hatred of gays, sexism, stereotyping, and religious triumphalism, the legal status of gays would be very different than it is now." Ibid., 145. Flagg, "'Animus' and Moral Disapproval," 833, makes a similar inference: "Thus one might infer from the decision that there is now a 'gay-friendly' majority on the Court, a majority that might be inclined to credit arguments that every anti-gay measure is motivated by constitutionally impermissible bias and hostility."

[13]Lawrence v. Texas 539 US 558 (2003), 599.

[14]Ho, "Weather Permitting," 63. Susannah W. Pollvogt, "Unconstitutional Animus," *Fordham Law Review* 81 (2012): 929, writes, "Theorists have offered that invoking animus is nothing more than a way for the Court to treat sexual orientation as a suspect classification without admitting that this is what it is doing." See also Koppelman, "Romer v Evans and Invidious Intent," 89, 93.

In *Windsor*, Justice Kennedy again referenced animus as a motivator for the Defense of Marriage Act, most of which *Windsor* invalidated.[15] The logic of animus reached its conclusion in *Obergefell*, in which state regulations confining marriage to man-woman couples were deemed unconstitutional.[16] While animus was not part of the explicit rationale for *Obergefell*, animus-based jurisprudence in *Romer*, *Lawrence*, and *Windsor* nevertheless provided critical precedents.[17]

Religious arguments against same-sex marriage, though not expressly targeted by the Court as special sources of animus, were nevertheless included under the umbrella of "moral disapproval." Though there are passing references to religion in these Court decisions, religious arguments are not directly engaged, either for or against same-sex marriage.[18] Regardless, the inference quickly follows that religious arguments against same-sex marriage have no merit because they are motivated by animus. In *Windsor*, Justice Kennedy noted that the House of Representatives, in passing DOMA, said that the

[15]United States v. Windsor, 570 US ____ (2013), 20. Justice Scalia, in his dissent, rejects the accusation of animus: "The majority says that the supporters of this Act acted with malice—with the 'purpose' (ante,at 25) 'to disparage and to injure' same-sex couples. It says that the motivation for DOMA was to 'demean,' ibid.; to 'impose inequality,' ante, at 22; to 'impose . . . a stigma,' ante, at 21; to deny people 'equal dignity,' ibid.; to brand gay people as 'unworthy,' ante, at 23; and to 'humiliat[e]' their children, ibid. (emphasis added). I am sure these accusations are quite untrue. . . . It is one thing for a society to elect change; it is another for a court of law to impose change by adjudging those who oppose it *hostes humani generis*, enemies of the human race." Scalia, J. dissenting, United States v. Windsor, 570 US ____ (2013), 21.

[16]Obergefell v. Hodges, 576 US ____ (2015), 22, is written, "These considerations lead to the conclusion that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry."

[17]Carlos Ball, "Bigotry and Same-Sex Marriage," *UMKC Law Review* 84 (2016): 648-50. See also Ho, "Weather Permitting," 6-24, for a discussion of the incrementalist legal strategy for advocating for same-sex marriage.

[18]The contention that religious arguments ought to have little presence in judicial proceedings, however, is sound; in government, the legislature is the appropriate place for citizens' religious concerns to be expressed. See this discussion in Mathilde Cohen, "Sincerity and Reason-Giving: When May Legal Decision Makers Lie?" *DePaul Law Review* 59 (2010): 1139-40.

law expressed both "moral disapproval of homosexuality, and a moral conviction that heterosexuality better comports with traditional (especially Judeo-Christian) morality."[19] This disapproval, Kennedy insists, shows that the essence of DOMA was to interfere with the "equal dignity of same-sex marriages."[20] Smith, by contrast, argues that Kennedy's charge that DOMA was motivated by animus is evidentially unsupported, a "brazen nonsequitur," and that in making the charge he fails to give appropriate respect to opponents of same-sex marriage.[21] In other words, Kennedy is guilty of baseless, irrational animus against defenders of traditional marriage—the same offense he imputes to opponents of same-sex marriage.

One peer-reviewed sociology article argues that all opposition to same-sex marriage is based upon animus.[22] The authors' reasoning is that when people who disagree with granting homosexual couples the right to marry were asked about whether same-sex couples with or without children counted as families, they said no: "We view the exclusion of same-sex couples from definitions of family as an expression of animus because it reflects deep-seated moral disapproval of a minority group that is seen as unworthy of family status."[23] On this rationale, no person, religious or otherwise, who held to a traditional definition of "family" could escape the charge of animus.

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[19]United States v. Windsor, 570 US ____ (2013), 21.

[20]Ibid.

[21]Steven D. Smith, "The Jurisprudence of Denigration," *UC Davis Law Review* 48 (2014): 680-82.

[22]Brian Powell, Natasha Yurk Quadlin, and Oren Pizmony-Levy, "Public Opinion, the Courts, and Same-Sex Marriage: Four Lessons Learned," *Social Currents* 2, no. 1 (2015): 3-12.

[23]Powell, Quadlin and Pizmony-Levy, "Public Opinion," 5-6, write, "The patterns here are unequivocal. Americans who oppose same-sex marriage typically do not count same-sex couples as a family. . . . These patterns belie the claim that animus is not implicated in opposition to same-sex marriage. Instead, opposition to same-sex marriage appears rooted in a disapproval of homosexuality, or at least the belief that same-sex relationships are less legitimate (i.e., "inferior" or "of lesser worth") than other family forms."

Animus discourse puts religious people on the defensive. In American culture, the accusation of bigotry has become the typical kneejerk response to any opposition to full acceptance of homosexuality.[24] In the legislative context, lawmakers who oppose same-sex marriage take special care to avoid the appearance of being prejudiced against homosexuals.[25] Mary Eberstadt has chronicled a wide range of recent events that display a rising hostility toward religion and religious conviction, especially Christianity.[26] Some of these events illustrate that Christian thought and assumptions are no longer widely accepted. The more marginal Christian convictions become in American culture, the more urgent the question of the admissibility of religious argumentation in public.

Steven Smith thinks the Supreme Court's animus-based approach to an issue as contested as same-sex marriage undermines healthy political discourse.

> It is hard to imagine a jurisprudence better calculated to undermine inclusiveness, destroy mutual respect, and promote cultural division. After all, the winners in the Court's cases are not taught to respect: how can they be expected to respect people who have been officially convicted of acting hatefully and with a 'bare desire to harm' them? The losers in these controversies are not taught to respect: how can they respect a system that peremptorily dismisses and marginalizes them with unsubstantiated (and in their own knowledge false) charges of hatefulness? And citizens who might look to the Court itself for any sort of example of civility will discern not respect, but rather a reckless, accusatory dismissiveness of those people and groups the Justices choose to disdain. Citizens of an inclusive pluralistic community presumably need to accept that on sensitive and controversial issues (like marriage) reasonable people can hold different moral positions in good faith. A decision like Windsor works to negate that possibility. [27]

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[24]For instance, see Ben R. Crenshaw, "'Shut Up, Bigot!' The Intolerance of Tolerance," Public Discourse, August 12, 2015, accessed December 3, 2016, http://www.thepublicdiscourse.com/2015/08/15398/.

[25]In the legislative debate surrounding the passage of the Defense of Marriage Act, for instance, congressional representatives expressly disavowed animus toward homosexuals. Flagg, "Animus and Moral Disapproval," 835-36.

[26]Mary Eberstadt, *It's Dangerous to Believe: Religious Freedom and Its Enemies* (New York: HarperCollins, 2016), xi-xv.

[27]Smith, "The Jurisprudence of Denigration," 700.

Political philosopher Ryszard Legutko asserts that liberalism is inherently hostile to religion and usurps the role of the legislator of morality.[28] He writes,

> Today it is the legislators and the judges who decide what is and is not permitted, what is right and what is wrong, what is good and what is evil in matters of life and death. Until recently, the family ethics was to a large degree shaped—and with good results—by the Christians who continued and developed the teachings of the classical thinkers. But during the last decade this ethics was taken away from them and incorporated into the liberal-democratic mechanism. . . Quite often, the grounds for these decisions have strong anti-Christian overtones.[29]

In the wake of *Obergefell*, religious thinkers worry about the extent to which religious liberty can be retained in the face of an assertive state.[30]

Two recent events have signaled a revolt against this repressive discourse culture: the Brexit vote in the UK and in the election of Donald J. Trump as the President of the United States. Political commentators across the ideological spectrum have identified the failure of civil discourse—especially the frantic overuse of terms like "racist," "sexist," and "homophobe," along with the shaming of those who dare defy political correctness— to be the root of the severe backlash against progressive politics.[31] Whether President

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[28]Ryszard Legutko, *The Demon in Democracy: Totalitarian Temptations in Free Societies* (New York: Encounter, 2016), 154.

[29]Legutko, *The Demon in Democracy*, 166-67. Cf. Anderson, *Truth Overruled*, 106.

[30]Anderson, *Truth Overruled*, 105-22; Russell Moore, *Onward: Engaging the Culture without Losing the Gospel* (Nashville: Broadman and Holman, 2015), 138-60. The role of the state looms ever larger in progressive thought. The doctrine of subsidiarity, in which the state's role with respect to the civil institutions of market, church, and family is to defend their core norms and otherwise allow them to operate free of regulation or interference, is eroding. Seana Sugrue, "Soft Despotism and Same-Sex Marriage," in *The Meaning of Marriage: Family, State, Market and Morals*, ed. Robert P. George and Jean Bethke Elshtain (Dallas: Spence, 2006), 173-74. In the same way that communism is a state intrusion into the market with a heavy regulating hand and generally disastrous consequences, so same-sex marriage is a forceful state intrusion upon the institution of family, imposing a redefinition in defiance of biology, tradition, and precedent in common law. Sugrue, "Soft Despotism," 174.

[31]Some commentators include: Roger Scruton, "The Trump Card," A Point of View, *BBC Radio*, November 13, 2016, accessed November 28, 2016, http://www.bbc.co.uk/programmes/b081tkmc; Peter Hitchens, "Thoughts on Mr. Trump's New Dawn: Adrift on a Sinister Current," *The Daily Mail*, November 9, 2016, accessed November 26, 2016, http://hitchensblog.mailonsunday.co.uk/2016/11/the-world-as-we-knew-it-is-coming-to-an-end-thoughts-on-mr-trumps-new-dawn.html; George F. Will, "Higher Education Is Awash with Hysteria. That Might Have Helped Elect Trump," *The Washington Post*, November 18, 2016, accessed November 28, 2016, https://www.washingtonpost.com/opinions/higher-education-is-awash-with-hysteria-that-might-have-helped-elect-trump/2016/11/18/a589b14e-ace6-11e6-

Trump's promised conservative Supreme Court nominees will change the ideological balance on the Court and influence the direction of future decisions remains to be seen.

Moreover, discourse about same-sex marriage shows that religious arguments are not generally welcome in the culture of public moral discourse in the United States. Complaints against the exclusion of religious arguments in public moral discourse, therefore, are particularly relevant to the United States context.

A Fairer Approach to Public Moral Discourse

In light of this critique, I propose the broad outlines of an alternative approach to religious arguments and to public discourse that can avoid the anti-democratic posture entailed by exclusion of religious arguments. Such an approach to public discourse will see public justification of coercive law in terms of convergence and not consensus, seek to manage but not resolve political conflict, and regulate public discourse by attending to the virtues of healthy discourse rather than by policing the content of arguments offered therein.

Facing Rather than Avoiding
Political Conflict

As noted extensively in chapter 4, religious citizens will continue to be part of political life in Western democracies, bringing their often conservative moral and theological convictions to bear on matters of public concern. Rather than attempting to suppress or marginalize religious citizens and their views, Stout rightly insists that a fair political regime must find a way to include them.[32] In practical terms, exclusion is

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977a-1030f822fc35_story.html?utm_term=.bb82406dc059; Douglas Murray, "From Brexit to Trump: Giving the Elites a Hard Kick," *Foreign Affairs*, November 10, 2016, accessed November 26, 2016, https://www.foreignaffairs.com/articles/2016-11-10/brexit-trump.

[32]Jeffrey Stout, "The Folly of Secularism," *The Good Society* 19, no. 2 (2010): 12, writes, "An American secularist must face the fact that most U.S. citizens believe in God. A largely theistic majority is hardly about to elect representatives who openly promise to rescind the constitutional rights of believers to believe and to act on their beliefs as they see fit."

impossible anyway.[33] Hope for democratic reform and progress depends upon having these religious people actively participating in political coalitions that welcome them and their views as partners in conversation.[34] Stout emphasizes that if religious citizens are not so included, "our political life will cease to be democratic in anything but name."[35]

Secular and religious citizens, however, each fear being dominated by the other; this fear fuels ongoing political conflict and motivates exclusionary postures on both sides. Stout writes,

> Theocrats and secularists inspire fear in one another in part because they are trying to establish rules of discursive purity that would take the concerns of the opposite party off the list of things one ought to express. Each side's proposed purity rules look to the opposite side like tools of domination.[36]

Political liberals are not at all immune to the urge to dominate and oppress; liberalism as expressed in Western culture has come to express "an impatience with the costs of conviction" and a "distaste for conflict."[37] Mary Eberstadt insists that today secularists, not the religious, are heirs to repressive Puritanism:

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[33]Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004), 299, states, "Secular liberals, sensing the demise of the religious Left, might want to argue that the only way to save our democracy from the religious Right is to inhibit the expression of religious reasons in the public square. Aside from whatever theoretical errors might lie behind this argument, it is foolhardy to suppose that anything like the Rawlsian program of restraint or what Rorty calls the Jeffersonian compromise will succeed in a country with our religious and political history. So the practical question is not whether religious reasons will be expressed in public settings, but by whom, in what manner, and to what ends."

[34]Stout, "The Folly of Secularism," 15, explains, "Democratic reform may indeed be achievable by democratic means in places where the majority of the citizens are religiously active if citizens are prepared to build coalitions of the right sort. If major reform is going to happen again in the United States, it will probably happen in roughly the same way that it has happened before. It will not happen because of secularism, but in spite of it."

[35]Ibid.

[36]Jeffrey Stout, "Rorty on Religion and Politics," in *The Philosophy of Richard Rorty*, ed. Randall E. Auxier and Lewis Edwin Hahn, Library of Living Philosophers 32 (Chicago: Open Court, 2010), 527.

[37]John Burt, "John Rawls and the Moral Vocation of Liberalism," *Contemporary Readings in Law and Social Justice* 1 (2009): 28. Cf. Stout, *Democracy and Tradition*, 299.

It is standard-bearers within the progressive-secular alliance, not religious traditionalists, who now enforce dogma on the wider society, who police cultural precincts for heretics, and who shun and shame dissenters. They are the guardians of what has become a secularist substitute faith, concerning the sexual revolution and its perceived moral imperatives. And like the Puritanism of yesteryear, today's secular version does not tolerate nonconformism.[38]

Ryszard Legutko goes further, arguing that from its beginning, liberal democracy was hostile to religion.[39] Though expressed in formal terms, the conditions of religious liberty and state neutrality are interpreted substantively by a political class in a manner consistent with their anti-Christian bias.[40] Liberalism, like communism, intends to change the world for the better, and does so by intruding into areas that by its lights need updating.[41] Legutko writes,

> There is virtually no area in which the influence of Christianity has not been challenged. Everything that Christianity imbued with its spirit, legacy and wisdom—education, morality, sensibility, human conduct, even diet—the liberal-democratic order put to question and in many cases eliminated.[42]

He concludes that the architects of communism would have their breath taken away by how much of their failed antireligious objectives have been achieved by liberal democracy.[43]

In part, this inclination to repress dissenting views displays liberals' dismay that reason has proven unable to successfully adjudicate conflicts over fundamental

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[38]Eberstadt, *It's Dangerous to Believe*, 17.

[39]Legutko, *The Demon in Democracy*, 151.

[40]Ibid., 160, 163-64.

[41]Ibid., 5-6.

[42]Ibid., 167.

[43]Legutko writes, "If the old communists lived long enough to see the world of today, they would be devastated by the contrast by how little they themselves had managed to achieve in their antireligious war and how successful the liberal democrats have been. All the objective the communists set for themselves, and which they pursued with savage brutality, were achieved by the liberal democrats who, almost without any effort and simply by allowing people to drift along with the flow of modernity, succeeded in converting churches into museums, restaurants and public buildings, secularizing entire societies, making secularism the militant ideology, pushing religion to the sidelines, pressing the clergy in to docility, and inspiring powerful mass culture with a strong antireligious bias." Ibid., 167-68.

issues of value, and their alarm at the re-encroachment of traditional moral views.[44] On the other side, religious conservatives are unnerved over significant political victories won by progressive liberals, and fear for the future of their ability to practice their religion freely if trends continue.[45] Despite recent victories of the progressive left, the underlying cultural conflicts have not been resolved; they have only shifted.[46]

Managing Rather than Minimizing
Political Conflict

Exclusionary postures toward religious arguments like Warnock's pursue an often unacknowledged objective of pacifying political tension in the public square, which motivates the desire to marginalize perspectives that are perceived to be contentious.[47] Public reason liberalism seeks to minimize political tension by keeping religious arguments

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[44]Eberstadt, *It's Dangerous to Believe*, 17.

[45]A recent *Wall Street Journal* Op-Ed noted that Christians have been on the losing side of most culture war disputes in recent decades, with little sign the trend might be reversing. "'Culture Wars' Are Over and the Secular Left has Won," *Wall Street Journal*, January 6, 2015, eastern ed., accessed November 15, 2016, ProQuest Central.

[46]One of the shifts is the alienation of Catholics from the Democratic party, whose increasingly anti-religious posture has driven many Catholics to Republican or independent parties. Andrew L. Pieper, "Loyalty Lost: Catholics, Liberals, and the Culture Wars," *Journal of Media and Religion* 12, no. 3 (2013): 144-64. Though under Barack Obama, progressive secular liberalism has made many strides, the undercurrent of Tea Party conservatism and other cultural backlash against the Obama administration indicate that cultural conservatives have not acquiesced to the social changes. John Dombrink, "After the Culture War? Shifts and Continuities in American Conservatism," *Canadian Review of American Studies* 42, no. 3 (2012): 301-21.

[47]Derek Edyvane, "Justice as Conflict: The Question of Stuart Hampshire," *Contemporary Political Theory* 7, no. 3 (2008): 332, identifies this as an unspoken assumption of liberal political theory: "The pursuit of harmony has long been a central impulse of political thought. It is widely held that one of the hallmarks of an improving society will be the growth of moral consensus upon substantial (and usually liberal) terms of coexistence. This impulse is especially noticeable in the case of social contract theory, which makes agreement (whether hypothetical or real) a cornerstone of political legitimacy. The ideally just society in Rawls's scheme, the well-ordered society, is not merely a society governed by his principles of justice; it is also a society in which all citizens share a moral commitment to those principles (notwithstanding their reasonable disagreements about the good life). The truly just society is a harmonious society. A corollary of this is that the deep political conflicts we witness on a daily basis in the societies we actually inhabit are abnormal: they are not inevitable and they would not occur if our society were perfectly just; they are a sign of injustice and malfunction."

out of the public sphere. Conflict between two parties can of course be pacified by silencing one of them, but that tactic will only end the argument, not the disagreement. Many have noticed that when political conflict is displaced from official political processes, it will continue to ferment outside of those processes, sometimes with unwelcome results.[48] The healthier approach to fundamental conflict is to face it as an ongoing reality of political life and seek to manage it as well as possible, rather than to muzzle or marginalize one side or the other. Ongoing conflict ought to be expected as a fact of pluralistic politics.[49]

Management is a better approach, first, because attempts to resolve contentious political issues will inevitably require repression. Kevin Hasson states it succinctly:

> Recognizing others' right to be wrong on ultimate questions of life is inconvenient and expensive. But all the other alternatives are worse. Repression of religion, whether in the name of an official faith or of an official secularism, doesn't work. It merely builds up social pressure and postpones the day when it will vent.[50]

Wolterstorff, too, asks, "How can it be compatible with liberal democracy for its citizens to be *morally restrained* from deciding and discussing political issues as they see fit?"[51]

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[48]Michael W. McConnell, "Secular Reason and the Misguided Attempt to Exclude Religious Argument from Democratic Deliberation," *Journal of Law, Philosophy and Culture* 1, no. 1 (2007): 167-68, explains, "When particular groups are excluded from democratic participation, they become alienated and radicalized. They rarely 'get out of politics.' Instead, they engage in a different kind of politics-politics outside of the system. When certain issues, like abortion, are 'taken out of politics' by the Supreme Court, they do not cease to be the subjects of controversy. The venue for controversy merely shifts from legislative hall to street demonstration, and the most extreme voices in the movement gain ascendancy over those with an incentive to reach acceptable middleground solutions."

[49]Todd E. Pettys, "Sodom's Shadow: The Uncertain Line Between Public and Private Morality," *Hastings Law Journal* 61 (2010): 1215, writes, "Perpetual moral conflict is simply inevitable—the lines that we ought to draw between public and private morality are continually contested . . . the best we can do is identify the core question . . . relevant to the overarching task."

[50]Kevin Seamus Hasson, *The Right to Be Wrong: Ending the Culture War Over Religion in America* (New York: Image, 2015), 148. Cf. McConnell, "Secular Reason," 167-68; Stout, "Rorty on Religion and Politics," 532; Michael J. Perry, "Why Political Reliance on Religiously Grounded Morality Is Not Illegitimate in a Liberal Democracy," in *The Ethics of Citizenship: Liberal Democracy and Religious Convictions*, ed. J. Caleb Clanton (Waco, TX: Baylor University Press, 2009), 319; Michael J. Perry, "Religious Morality and Political Choice: Further Thoughts—and Second Thoughts—On Love and Power," *San Diego Law Review* 30 (1993): 705.

[51]Nicholas Wolterstorff, "The Role of Religion in the Decision and Discussion of Political Issues," in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious*

This question captures the complaint of inclusivists about religious arguments, and the complaint of this dissertation. Warnock can have her vision of secular political life only at the cost of the political liberty of religious citizens.

Second, liberalism is shaped by the deep assumption in social contract theory that just societies are harmonious, and that moral conflict is an evil to be avoided or minimized, and that it must be accepted as a fact of human life only reluctantly and wistfully.[52] Stuart Hampshire, however, offers a provocative argument to the contrary—justice is only possible where there is conflict.[53] He argues that moral diversity does not arise because of a failure of human reason, but as a consequence of reasoning.[54] Like Charles Taylor, Hampshire contends that reason does not incline toward consensus or toward single solutions to human problems in all their complexity.[55] Conflict is a perpetual and inevitable consequence of the exercise of human reason, and even more, is a normal and essential feature of human life.[56] Justice is not an idealistic and peaceful state of affairs to which political orders aspire but never attain; instead, justice is conflict. Justice emerges from competing claims, and the dictates of justice must be enforced against some of those claims.[57] Edyvane thinks that readers often miss the radical nature of Hampshire's

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Convictions in Political Debate (Lanham, MD: Rowman & Littlefield, 1997), 94, emphasis original.

[52]Edyvane, "Justice as Conflict," 332.

[53]Stuart Hampshire, *Justice Is Conflict* (Princeton, NJ: Princeton University Press, 2000). Interestingly, Warnock agrees with Hampshire about the inevitability of conflict, but then goes on to argue that because the law cannot be ambiguous, these conflicts must nevertheless be resolved. Mary Warnock, "Moral Thinking and Government Policy: The Warnock Committee on Human Embryology," *The Milbank Memorial Fund Quarterly* 63, no. 3 (1985): 512.

[54]Edyvane, "Justice as Conflict," 327-28.

[55]Charles Taylor, "Reason, Faith and Meaning," *Faith and Philosophy* 28, no. 1 (2011): 7.

[56]Hampshire, *Justice Is Conflict*, 40.

[57]Stuart Hampshire, *Innocence and Experience* (Cambridge, MA: Harvard University Press, 1989), 72.

position, explaining that for Hampshire, "the Rawlsian picture, of an overlapping moral harmony under the governance of reason, is not an ideal vision of justice regrettably unattainable; it is not justice at all. . . . The 'well-ordered' society of liberal myth is inhuman and ugly."[58] If Hampshire is right, then procedural justice is not a burdensome half-measure that partially impedes the pursuit of substantial justice, but is the essential condition for any justice at all.[59] Even if Hampshire's position is not completely correct, it offers a needed corrective to the idealism of consensus liberalism.[60] Rawls would agree that disagreement is an ongoing fact of political life, but he optimistically thinks reason can establish political values as the basis of a harmonious political order.[61]

Finally, the fact of pluralism may deny liberalism's highest aspiration of a society unified around a shared vision of life. John Gray writes that liberalism from its inception had two objectives. One objective was to form a single vision of life that could be agreed on by a diverse society. The second was to form a framework for peaceful coexistence among people with incompatible or incommensurate values systems—a *modus vivendi*.[62] Gray argues that while liberalism began in pursuit of the first objective, the wider diversity of liberal societies today makes the second objective perhaps the only achievable liberal objective.[63]

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[58]Edyvane, "Justice as Conflict," 333.

[59]Ibid., 335.

[60]For instance, Hampshire, *Justice Is Conflict*, 51-52, explicitly opposes monotheism and regards its moral monovision as a threat to be opposed in pluralistic society. Right behind monotheism, however, he equally opposes utilitarianism, because it collapses all moral considerations to a calculus of pleasure and pain. Ibid. All claims to universality, religious or secular, ought to be rejected.

[61]Edyvane, "Justice as Conflict," 327; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 58.

[62]John Gray, *Two Faces of Liberalism* (New York: New Press, 2002). On liberalism's universalist vision, see pp. 2-3, 20, 22, 28-29, 31. On the *modus vivendi* alternative, see ibid., 5-6, 20, 25, 33.

[63]Ibid., 6, 138. John William Tate, "A Sententious Divide: Erasing the Two Faces of Liberalism," *Philosophy and Social Criticism* 36, no. 8 (2010): 953-80, argues that Gray's dichotomy is expressed too strongly, and particularly, that he badly misreads Locke as supporting the universalist face of liberalism but

One philosophical question at issue is how deep pluralism goes. If pluralism is simply an epistemological fact, that would mean that although people reason their way to differing and incommensurable conceptions of the good, there may still be a single, best conception of the good. If pluralism is an ontological fact, that would mean that there is no single, truest conception of the good.[64] Standard versions of secularism and theism reject ontological pluralism because they are committed to a non-pluralist view of truth. The universalist strain in liberalism carries the assumption that even if it is inaccessible, there is a single answer to the questions of human nature and the conception of the good.[65] Further, liberalism proposes its vision of the good as that single answer.[66] Since the liberal vision of the good conflicts at points with theistic views, conflicts between religious and liberal-democratic views are inevitable.[67]

Even if ontological pluralism were the case, and were universally recognized to be the case, there would still be inevitable political tensions between incompatible views because, as Warnock writes, societal law must find or create single, universally applicable solutions to moral conflicts.[68] Consequently, there will always be tension

not a *modus vivendi*. Tate is correct about Gray's oversimplification of Locke, but is less convincing when he concludes that Gray's entire dichotomy collapses on itself. The tension Gray identifies, between a commitment to diversity and a single universal legitimacy structure of liberalism, is neither eliminated nor resolved by Tate's critique. Talisse ultimately critiques Gray's *modus vivendi* for imposing value pluralism as a liberal universal, which many citizens' comprehensive perspectives would not affirm. It is unclear, then, that Gray's *modus* substantially differs from standard versions of liberalism. Robert B. Talisse, "Two-Faced Liberalism: John Gray's Pluralist Politics and the Reinstatement of Enlightenment Liberalism," *Critical Review* 14, no. 4 (2000): 454-55. However, cf. John Horton, "John Gray and the Political Theory of Modus Vivendi," *Critical Review of International Social and Political Philosophy* 9, no. 2 (2006): 155-69, who agrees that *modus vivendi* is the best political arrangement that we can hope for, although he thinks that Gray's grounding of it in value pluralism is less secure than grounding it in human fallibility and weakness.

[64]Talisse, "Two-Faced Liberalism," 443-44.

[65]Ibid., 444.

[66]Legutko, *The Demon in Democracy*, 156, 165-66.

[67]Ibid.

[68]Warnock, "Moral Thinking and Government Policy," 512. See also Larry Alexander and Frederick Schauer, "Law's Limited Domain Confronts Morality's Universal Empire," *William and Mary*

between incompatible moral views in pluralistic societies, and the prospect for the reduction or resolution of such conflicts is dim.[69]

Convergence Rather than Consensus

The fact that citizens embrace incommensurable views of the human good suggests that justification of law ought to be conceived in a way that includes, as much as possible, people across a range of comprehensive doctrines.[70] Therefore, rather than the Rawlsian approach of requiring consensus on publically shared reasons to justify government coercion, the more inclusive approach of convergence is preferable.[71] In his

Law Review 48 (2007): 1579-603.

[69]Talisse, "Two-Faced Liberalism," 444, writes, "When the citizens of a given society are deeply divided at fundamental levels, there can be no single philosophical argument for a liberal polity that can command the assent of all. In short, under conditions of pluralism, the philosophical, consensus, and universalist aspirations of traditional liberal theory are at the very least in tension, if not strictly incompatible."

[70]Liberalism has four possible approaches to take toward "unreasonable" people who reject liberalism's fundamental commitments. Liberals can enforce a reasonable political order upon them, broaden the grounds for consensus, establish a *modus vivendi* with them, or maintain the consensus requirement while working to find ways to appeal to them in terms they can accept. Elvio Baccarini, "Public Reason: The Consensus and the Convergence View," *Philosophy and Society* 25, no. 1 (2014): 78.

[71]Zoffoli argues that most Rawlsians have misunderstood the Rawls's idea of an overlapping consensus of comprehensive doctrines. Enrico Zoffoli, "The Place of Comprehensive Doctrines in Political Liberalism: On Some Common Misgivings about the Subject and Function of the Overlapping Consensus," *Res Publica* 18 (2012): 351-66. Rawls argues that the concept of justice as fairness is shareable in pluralistic societies; shareability, however, can be interpreted either as requiring citizens to reason their way to it apart from their comprehensive doctrines (the abstraction strategy) or expressing the hope that citizens can reason their way to it from within their comprehensive doctrines, each from its own point of view (the convergence strategy). Ibid., 352. Zoffoli observes that Rawls first justifies his view of justice on freestanding grounds, and then attempts to show that reasonable comprehensive doctrines can converge upon the same conception. The freestanding conception is nevertheless primary. The two poles of convergence and consensus are defended in recent works by Gerald Gaus and Jonathan Quong, respectively. Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (New York: Cambridge University Press, 2010); Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011). Baccarini, "Public Reason," 78, attempts to find a middle ground that both affirms the basic commitments of a consensus view, but tries to adapt the convergence view as a way of providing and open door for unreasonable people to become at least partially engaged in political processes. He admits the point of this section: requiring consensus necessarily excludes a range of people from the political process. In fact, Quong, *Liberalism without Perfection*, 75-76, only seeks to justify consensus to those who already accept the fundamental tenets of liberalism; there is no effort to include them or justify a liberal regime to them. This point reinforces Enoch's contention that liberalism can achieve its desiderata only by restricting the range of people to whom justification is owed, or by idealizing the conditions under which justification

defense of convergence, Kevin Vallier writes, "Since reasonable pluralism lies at the heart of public reason, public reason liberals should assume that there is a presumption in favor of less restrictive conceptions of reasons over more restrictive conceptions."[72] Convergence has the advantage of respecting reasonable pluralism more robustly than consensus views.[73] It opens public debate to marginalized communities like African Americans and feminists, whose reasoning is not universally shared, and thus would be excluded on a consensus model.[74] Requiring public, shared reasons for all coercive government action is widely regarded as too thin to support the robust involvement of secular and religious citizens without alienation of one or the other.[75] Indeed, Gerald Gaus and Kevin Vallier explain, "The consensus conception of public justification is hostile to invoking religious reasoning because it is hostile to any genuinely pluralistic reasoning in public justification."[76] Consensus about reasons, moreover, is an idealistic and unnecessary requirement; if a group of citizens can agree on a coercive law, why add to that the requirement that they must share reasons for the law?[77]

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is owed. David Enoch, "Against Public Reason," Social Science Research Network, April 30, 2015, 2, accessed August 12, 2015, http://dx.doi.org/10.2139/ssrn.2601187.

[72]Kevin Vallier, "Convergence and Consensus in Public Reason," *Public Affairs Quarterly* 25, no. 4 (2011): 264.

[73]Ibid.

[74]Ibid., 273-74.

[75]Warren G. Frisina, "Religion and the Ritual of Public Discourse," *American Journal of Theology and Philosophy* 32, no. 1 (2011): 75. Cf. Baccarini, "Public Reason," 77.

[76]Gerald Gaus and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions," *Philosophy and Social Criticism* 35, nos. 1-2 (2009): 58.

[77]Christopher J. Eberle, "Religious Reasons in Public: Let a Thousand Flowers Bloom, But Be Prepared to Prune," *Journal of Civil Rights and Economic Development* 22, no. 2 (2007): 435, writes, "Precisely because there can be convergence on a law without consensus with respect to the reasons for that law, it is doubtful that we have anything more than merely pragmatic reason to want citizens or legislators to support favored policies by appeal to universal values. I doubt that we have even that pragmatic reason."

Instead of regulating the kinds of argument permitted in public justification in terms of content (secular or religious, public or private, shared or unshared, etc.), a promising alternative is to evaluate arguments instead upon the virtues of civil discourse: whether those arguments are honest, sincerely offered, fair-minded, not prejudicial, etc.[78] It is not enough for inclusivists to argue for the admission of religious reasons to public discourse; they need additionally to address whether there are boundaries to acceptable deliberation.[79] Since public deliberation is a cooperative activity aimed at collecting support for common action, the character and virtues of citizens as they interact with fellow citizens bear significantly on the possibility of persuading a pluralistic society to agree on collective action.[80]

As seen in chapter 6, many of Mary Warnock's concerns about religious arguments focus on the virtue or lack of virtue with which they are argued (manipulative, disingenuous, deceptive, evasive, or counterfeit). Callaway, for instance, recasts the requirement of reasonableness in terms of virtue:

> As I conceive of it, reasonableness is an aretaic volitional state that inclines the citizen to seek rational and voluntary cooperation with her fellow citizens rather than coercion. More than a mere rank-ordering of preferences, it motivates the citizen to offer reasons in an attempt to persuade those who disagree with her and generally keeps her from merely coercing others into following her own preferred plans of action. This disposition is a civic virtue because it leads citizens to act in ways that promote the ends of liberal democratic self-government, particularly the primary end of deliberation mentioned above. On my account, when a citizen acts

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[78]Simone Chambers, "Secularism Minus Exclusion: Developing a Religious-Friendly Idea of Public Reason," *The Good Society* 19, no. 2 (2010): 19. For instance, Mark Cladis, "Religion, Secularism, and Democratic Culture," *The Good Society* 19, no. 2 (2010): 24, offers the principle of non-privileging (in which religious citizens, for instance, do not offer religious arguments with the presumption that they are above challenge) and the principle of focused attention (in which nonreligious citizens focus on the issue at hand, and do not reply by arguing against religion in general or on the religion associated with the argument).

[79]Christopher A. Callaway, "Religious Reasons in the Public Square: A Virtue-Ethical Response to the Exclusivist/Inclusivist Debate," *Social Theory and Practice* 36, no. 4 (2010): 632. Chambers, "Secularism Minus Exclusion," 18, states, "Most of the people who throw out public reason retain a relatively demanding ethic of public discourse encouraging such attitudes as civility, reasonableness, respect and openness."

[80]Callaway, "Religious Reasons," 632.

from this state, the reasons she offers derive their appropriateness from their origin in her character. . . . This way of looking at deliberation and civic character is the opposite of an approach that begins by trying to discern which reasons (or kinds of reasons) are appropriate and subsequently sees civic virtue as simply an inclination to offer those reasons.[81]

The advantage of this approach is that neither secular nor religious arguments are disfavored because the virtues of public discourse are relevant to everyone who participates.[82] Further, Stout argues that when this approach is taken, the realities of discourse themselves will limit the kinds of acceptable religious (or secular) arguments that will be expressed in public; no other restrictions need to be added.[83]

Future Research

In light of the research presented here, I propose the following avenues for future research.

Discourse Theory

Discourse theory is a promising avenue of research for finding ways of managing the political tensions and conflicts of a pluralist society. However, it is not new, as Robert Alexy notes,

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[81]Callaway, "Religious Reasons," 633.

[82]Cladis, "Religion, Secularism and Democratic Culture," 24, writes, "A nonreligious Marxist, feminist, or environmentalist may be as likely to fail to exhibit the appropriate virtues as, say, a Christian or a Buddhist. Secularism in the good sense puts a high premium on public engagement skills and virtues, for these sustain and protect inclusive, agonistic public debate."

[83]Jeffrey Stout, "Religious Reasons in Political Argument," in *The Ethics of Citizenship*, ed. Clanton, 158-59. The virtue approach may not necessarily remove the need for a pre-commitment to basic liberal freedoms of speech, conscience and religion. Christopher J. Eberle, *Religious Convictions in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 220-22, for instance, makes an argument that on virtue justification grounds, Calvin could have been justified in executing Servetus. Callaway, "Religious Reasons," 638-39, replies that part of the terms of reasonable discourse is openness to future debate, which Calvin cut off by executing Servetus, and "on my account of deliberation, comprehensive doctrines are needed for bringing additional necessary content to public claims about proposed laws or policies. This means that trying to repress some comprehensive doctrines actually may end up harming the seedbeds for informed collective discussion of laws and policies. Consequently, there is even more of a need for tolerance (including tolerance of religious heterodoxy) that reasonable people will recognize."

The conditions of discursive rationality have been a central theme in moral theory from the beginning. Discourse theory has attempted to make these conditions explicit in a system of principles, rules, and forms of general practical discourse. This system comprises rules that demand non-contradiction, clarity of language, reliability of empirical premises, and sincerity, as well as rules and forms that speak to the consequences, and also to balancing, universalizability, and the genesis of normative convictions.[84]

Properly conducted discourse does not always produce a single answer, but it does constrain politics with certain normative demands central to liberalism, like freedom of speech and equality of persons.[85] Alexy argues that human rights are discursively necessary, but beyond that, discourse rules leave room for a wide variety of conclusions and solutions.[86] Bohman and Richardson, similarly, argue for a public reason not oriented around kinds of acceptable reasons, but around mutual respect and a willingness to revise proposals for coercive law, but, importantly, not to revise the underlying beliefs or reasons that led to the proposal in the first place.[87] How to manage the tensions between private conviction and public compromise, and its relation to the virtues of public discourse, bears further exploration.

In a related vein, Stout argues, "Democratic culture is best understood as a set of social practices that inculcate characteristic habits, attitudes and dispositions in their participants."[88] These practices are now so well established, that they are a tradition in their own right, and carry a kind of authority. That is, not all democratic authority springs from the Enlightenment ideal of the autonomous, reasoning individual; conceived in this

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[84]Robert Alexy, "Some Reflections on the Ideal Dimension of Law and on the Legal Philosophy of John Finnis," *The American Journal of Jurisprudence* 58, no. 2 (2013): 101.

[85]Robert Alexy, "The Dual Nature of Law," *Ratio Juris* 23, no. 2 (2010): 172-73. Cf. Robert Alexy, "Discourse Theory and Human Rights," *Ratio Juris* 9, no. 3 (1996): 209-35; Robert Alexy, *A Theory of Legal Argumentation*, trans. Ruth Adler and Neil MacCormick (Oxford: Clarendon, 1989), 188-206.

[86]Alexy, "The Dual Nature of Law," 173.

[87]James Bohman and Henry Richardson, "Liberalism, Deliberative Democracy and 'Reasons All Can Accept,'" *Journal of Political Philosophy* 17, no. 3 (2009): 253-74.

[88]Stout, *Democracy and Tradition*, 203-4.

way, authority resides in the social practices of healthy democracy.[89] Similarly, Robert

Brandom unpacks discursive social practices of democracy in terms of accountability and

"normative scorekeeping"; when citizens share their reasons, others can observe their

commitments to those reasons and their bases, and of the entitlements claimed in the

name of those reasons.[90] Thereby, the community in a respect-giving and self-correcting

manner tests political reasons for validity.[91] Frisina summarizes how discourse provides

room for a variety of political reason and justifications:

> The tradition of democratic discourse demands only one thing of all participants: you
> must stand ready to provide a rationale for any commitment whenever there is good
> reason to doubt its validity. Absent such doubts, however, there is no reason not to
> rely upon whatever commitments have rendered life meaningful. In fact, it would be
> foolhardy to throw over all commitments that were not founded on absolutely
> certain principles. Life as we know it requires that we take some things on faith,
> even if the faith is that our friends have good reasons for what they say and do.[92]

On this conception, religious reasons in public can be both admitted and challenged,

rather than excluded.[93]

Winandy, similarly, argues that Audi's framing of public reason projects two

incompatible views of religious citizens, one of which charges that religious citizens are

unreasonable.[94] In his critique of this inconsistency, Winandy concludes that if religious

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[89]Frisina, "Religion and the Ritual," 83.

[90]Robert Brandom, *Making It Explicit: Reasoning, Representing and Discursive Commitment* (Cambridge, MA: Harvard University Press, 1994), 180-98.

[91]Frisina, "Religion and the Ritual," 85-86.

[92]Ibid., 86.

[93]Cf. Ian Ward, "Democracy after Secularism," *The Good Society* 19, no. 2 (2010): 30-36. Ward argues for replacing a concern about religious arguments in the public square with a concern about domination. Ibid., 30. He says citizens have good reasons to be anxious about the threat of domination, given the fragility of balances required by democracy, but further argues that secularism has been conceived in a way to wrongly displace these anxieties upon religion as a threatening source of instability. Ibid., 33.

[94]Julien Winandy, "'Religious Citizens' in Post-Secular Democracies: A Critical Assessment of the Debate on the Use of Religious Argument in Public Discourse," *Philosophy and Social Criticism* 41, no. 8 (2015): 843, explains, "On the one hand he understands religious citizens as self-reflective theists who will necessarily come to the conclusion that it is best for everybody involved if public discourses are never conducted on the basis of religious reasons and motivations alone. The priority of secular reasons is

citizens can be expected to discern the differences between contexts for discourse, then the proper focus for the use of political arguments turns less on the use of religious or secular reasons, but on whether arguments of either type are used respectfully or disrespectfully.[95]

This general trend, which thinks of acceptable arguments in public discourse in terms of virtue, mutual respect, and non-domination, is a promising alternative to the inclusivist-exclusivist polarity that has been the dominant focus in political philosophy.

Non-Christian Religious Arguments

Warnock's argument, as well as many others of an exclusivist variety, are framed with Christianity in view, since it has been the dominant religious force in the Europe and the United States. However, other religious traditions pose different kinds of challenges to political discourse. Islam has a markedly different character, and poses challenges that Christianity does not, because of the way it conceives the relationships between the religious and political order.[96] For instance, since politics and religion are so intertwined in Islam, even making the distinction between religious and secular arguments is difficult on the Muslim worldview.[97] A conception of public discourse that

accessible to them upon reflection, and this insight can even help them to better understand their religious convictions and to bring them in line. On the other hand, however, the religious citizen supposedly has a tendency to believe in infallible and incontestable truths, to follow the commandments of religious charlatans, to obsess with the sins of his compatriots and to coerce them to lead a divinely approved life through political decision-making." Cf. Callaway, "Religious Reasons," 640, who writes, "If my criticism of Audi is correct, then there is no significant difference between religious and secular comprehensive doctrines. Thus, it seems that (a) public deliberation will unavoidably involve the introduction of some comprehensive doctrines, and (b) there is no reason why nonreligious doctrines should take pride of place over religious ones."

[95]Winandy, "Religious Citizens," 849.

[96]One interesting difference is in how translation of arguments from religious to secular is understood in Islam. A recent article addressing the discourse about the hijab in Norway argues that Muslim's use of secular arguments flows from their view that Islam encompasses the secular, and not from translation of arguments from religious to secular. Cora Alexa Døving, "The Hijab Debate in the Norwegian Press: Secular or Religious Arguments?" *Journal of Religion in Europe* 5, no. 2 (2012): 223-43.

[97]Døving, "The Hijab Debate," 223-43.

seeks to exclude religious arguments may not effectively restrain Muslims whose worldview does not acknowledge categorical differences in religion and politics.

Europe, for instance, is now confronting Islamic claims on many fronts, which political theory crafted with Christianity in view may prove inadequate to handle.[98] Research comparing how Christian and Islamic theoretical understandings of the state, public discourse, public justification, and what constitutes a religious argument would contribute significantly to this discussion.

Is Religion Special?

If Alexander is correct that secularism makes the same kinds of epistemological claims as a religion, one possibility is that secularism might qualify to be treated like a religion.[99] Many of the arguments against a secular public square contend that secularism makes religion-like claims and assumptions, and that it functions like a religion in many respects. How ought secularism to be treated? Rorty, for instance, complains that conscientious objections to participation in combat are only respected from religious but not secular citizens.[100] Does the free exercise of religion include the free exercise of secularism?[101]

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[98]Sindre Bangstad, "Inclusion and Exclusion in the Mediated Public Sphere: The Case of Norway and Its Muslims," *Social Anthropology* 21, no. 3 (2013): 356-370; Florian Zemmin, "Integrating Islamic Positions into European Public Discourse," *Journal of Religion in Europe* 8, no. 1 (2015): 121-46.

[99]Alexander, "Liberalism, Religion and the Unity of Epistemology," 792, writes, "Given epistemological unity, any line the courts draw between the religious and the nonreligious, the sectarian and the secular—a line on which First Amendment doctrine largely depends—will prove to be theoretically indefensible."

[100]Richard Rorty, "Religion as a Conversation-Stopper," in *The Ethics of Citizenship,* ed. Clanton, 136.

[101]Alexander, "Liberalism, Religion and the Unity of Epistemology," 792-94, discusses at length the conflict between the free exercise and establishment clauses of the First Amendment. Defining religion has been difficult to do without circularity, using "secular" to define "religious" and vice versa. Defining religion also has the downside of discriminating against religions that do not fit the definitional criteria. Paradoxically, making such a definition is essential to enforcing the First Amendment, but making such a definition appears to violate the First Amendment's commitment to neutrality. Ibid. Alexander concludes, "The failure of First Amendment jurisprudence to achieve coherence both within and between

Schwartzman writes that the special status of religion underwrites both its

disability (religion cannot be established) and its protections (the free exercise may not be

infringed):

> The problem, however, is that religion cannot be distinguished from many other
> beliefs and practices as warranting special constitutional treatment. As a normative
> matter, religion is not special. Again, we find ourselves in something of a bind.
> Religion must be special, and yet it is not.[102]

There is a burgeoning legal literature addressing the constitutional question of the

specialness of religion vis a vis secularism, asking whether the constitutional disabilities

and protections given to religion are appropriate.[103] How this question is settled will have

significant implications for religious arguments in public. The specialness of religion, for

instance, has been one reason advanced for privatizing it, under the idea that privatizing

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the religion clauses and to defend a secular/sectarian distinction, on which distinction the clauses depend,
are directly related to the liberal theory's failure to reconcile its high regard for religion and the freedom to
seek religious truth with its exclusion of religious-based claims from the domain of public policy. The
dominant theme most likely to emerge from the First Amendment will be one consistent with the treatment
of religious differences by those Judeo-Christian sects and religious skeptics whose world views are most
hospitable to philosophical liberalism: imposition of religious truths will be forbidden because (as some
believe) the attempt will undermine a modus vivendi and prove to be self-defeating, or because (as others
believe) no religious views can be known to be true; but religion will be relegated to a private, marginalized
domain." Ibid., 794.

[102]Micah Schwartzmann, "What If Religion Is Not Special?" *University of Chicago Law
Review* 79, no. 4 (2012): 1353.

[103]Alan E. Brownstein, "The Religion Clauses as Mutually Reinforcing Mandates: Why the
Arguments for Rigorously Enforcing the Free Exercise Clause and Establishment Clause Are Stronger
When Both Clauses Are Taken Seriously," *Cardozo Law Review* 32 (2011):101-3; Chad Flanders, "The
Possibility of a Secular First Amendment" *Quinnipiac Law Review* 26 (2007): 257-301; Michael W.
McConnell, "The Problem of Singling Out Religion," *DePaul Law Review* 50 (2000): 1-47; Brian Leiter,
Why Tolerate Religion? (Princeton, NJ: Princeton University Press, 2013); Christopher L. Eisgruber and
Lawrence G. Sager, *Religious Freedom and the Constitution* (Cambridge, MA: Harvard University Press,
2009); Anthony Ellis, "What Is Special about Religion?" *Law and Philosophy* 25, no. 2 (2006): 219-41;
William P. Marshall, "What Is the Matter with Equality? An Assessment of the Equal Treatment of
Religion and Nonreligion in First Amendment Jurisprudence," *Indiana Law Journal* 75, no. 1(2000): 193-
217; Frederick Mark Gedicks, "An Unfirm Foundation: The Regrettable Indefensibility of Religious
Exemptions," *University of Arkansas Little Rock Law Journal* 20, no. 3 (1998): 555-74.

religion protects it.[104] Regarding religion as normal and not special might admit religious arguments more easily to the public sphere, but might also remove its protections.[105]

Also demanding clarification is how the role of the state is conceived over against conscience or the church.[106] The idea that the state is not sovereign over church or conscience arose from a medieval jurisdictional view that accorded a certain sphere of influence to the state, and another to the church.[107] In the wake of the Reformation, the jurisdiction once granted to the church as an institution began to be supplanted by the individual conscience as the sphere inviolable by the state.[108] In the modern period, however, that jurisdictional frame has been largely abandoned; increasingly the secular state is the only recognized jurisdictional power.[109] Therefore, the argument is being made that while religion may be protected under freedom of speech or assembly, nothing distinctive about religion per se warrants special treatment.[110]

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[104]Louis Michael Seidman, "Public Principle and Private Choice: The Uneasy Case for a Boundary Maintenance Theory of Constitutional Law," *Yale Law Journal* 96, no. 5 (1987): 1006-59.

[105]Cladis, "Religion, Secularism, and Democratic Culture," 22-29, offers a religion-as-unexceptional model as a normative approach to the engagement of traditional religions in political life.

[106]Nathan S. Chapman, "Disentangling Conscience and Religion," *University of Illinois Law Review* (2013): 1457-501.

[107]Steven D. Smith, "Discourse in the Dusk: The Twilight of Religious Freedom?" *Harvard Law Review* 122, no. 7 (2009): 1874-75.

[108]Ibid., 1876-80.

[109]Ibid., 1882-83.

[110]For instance, see Eisgruber and Sager, *Religious Freedom and the Constitution*, 6, who argue that the idea of the separation of church and state is indefensible. Commenting on their argument, Smith, "Discourse in the Dusk," 1886, writes, "Once the two-realm, jurisdictional perspective is discarded or forgotten, Eisgruber and Sager's criticism seems apt: there is no longer any very compelling excuse for what now looks like a sort of schizophrenic, constitutional love-hate complex extending to religion both special immunities and special disabilities." See also Michael Stokes Paulsen, "Is Religious Freedom Irrational?" *Michigan Law Review* 112, no. 6 (2014): 1043-70; Michael W. McConnell, "Why Protect Religious Freedom?" *Yale Law Journal* 123, no. 3 (2013): 770-810.

Epilogue

It is the argument of this dissertation that by excluding religious arguments from the public square, liberalism, so regulated, would exclude the voice of religious people, which is a violation of the spirit of democracy. It may be that the counter-proposal to admit religious arguments in the public square will produce a contentious, bellicose, and unwieldy form of government.[111] In answer, I quote the words of Lady Warnock's fellow countryman, Winston S. Churchill, who in Parliament on November 11, 1947, said,

> Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time; but there is the broad feeling in our country that the people should rule, continuously rule, and that public opinion, expressed by all constitutional means, should shape, guide, and control the actions of Ministers who are their servants and not their masters.[112]

There is little doubt that competing worldviews, both religious and nonreligious, will continue to conflict in the formulation of public policy.[113] Christianity, Islam, and other religions on one hand, and various liberal and secular visions of politics on the other hand, will compete for domination. So let it be. The inclination to minimize that conflict

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[111]There is an emerging argument, however, that when religion's influence is removed from public discourse, political discord becomes more contentious, not less. Absent the restraints that religious morality puts on discourse and treatment of other persons, disgreements between opposing parties become more shrill and antagonistic. Commenting on recent trends in US politics, Peter Beinart argues, "When cultural conservatives disengage from organized religion, they tend to redraw the boundaries of identity, de-emphasizing morality and religion and emphasizing race and nation." Peter Beinart, "Breaking Faith," *The Atlantic* (April 2017), accessed March 25, 2017, https://www.theatlantic.com/magazine/archive/2017/04/breaking-faith/517785/. Similarly, declining religious influence on the left appears to concide with a more impatient, revolutionary mood. Beinart concludes, "Political commentators dreamed that the culture war over religious morality that began in the 1960s and '70s would fade. It has. And the more secular, more ferociously national and racial culture war that has followed is worse." Ibid.

[112]Winston Churchill, "Parliamentary Debate," November 1947, *Hansard Parliamentary, Debates*, Commons, v. 444: col 206-207, accessed December 4, 2016, http://hansard.millbanksystems.com/commons/1947/nov/11/parliament-bill#S5CV0444P0_19471111_HOC_292.

[113]A fitting final quotation from Warnock is her remark that "philosophical problems do not, on the whole, get solved. They arise over and over again, in different circumstances and with different degrees of urgency, and it always repays us if we look at them anew, with the eyes of the present time." Warnock, *The Uses of Philosophy*, 84.

will inevitably result in some voices rather than others being muted, to the disfavor of those so muzzled, and to the injury of public justice. Embracing such conflict is a necessary means to ensure that people are spared domination, either of a religious or a secular variety.

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ABSTRACT

A CRITICAL ANALYSIS OF MARY WARNOCK'S ARGUMENT
FOR THE EXCLUSION OF RELIGIOUS ARGUMENTS
FROM PUBLIC MORAL DISCOURSE

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The Southern Baptist Theological Seminary, 2017
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Mary Warnock, in her 2010 book *Dishonest to God: On Keeping Religion out of Politics*, argues for the exclusion of religious arguments from public moral discourse, contending that religious arguments resist moral change, illegitimately impose religious authority upon the public, and are often advanced in manipulative or dishonest ways. This dissertation analyzes and critiques her argument. Chapter 1 introduces Mary Warnock and shows how her argument relates to her philosophical work in imagination, morality, and religion.

Chapter 2 examines how Mary Warnock's view of imagination undergirds key tenets of her views of morality and religion.

Chapter 3 critiques her view of the relationship between morality and law, and also her distinction between public and private morality.

Chapter 4 examines Warnock's theologically liberal view of religion, which emphasizes the experiential and aesthetic and minimizes the doctrinal and moral.

Chapter 5 examines the first two of Warnock's three objections to religious argument in the public sphere—that religious arguments resist moral change and impose religious authority upon the public.

Chapter 6 examines Warnock's third objection—that religious arguments are advanced dishonestly in various ways.

Chapter 7 concludes the dissertation with an analysis of the state of religious arguments in the American legislative, cultural and jurisprudential context, and proposes an alternate but not new approach to religious arguments in public discourse.

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