

ABSTRACT

Nicholas Wolterstorff's Reformed Epistemology and its Challenge to Lockean and Rawlsian Liberalism

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This dissertation charts the thought of Nicholas Wolterstorff as it regards his epistemology and political philosophy. It seeks to unfold his theory of democracy, which he calls the consocial position. It begins by introducing the reader to Wolterstorff by relating events and experiences of his life. This background information is important as it has played a vital role in shaping his thought. Next, it moves to explaining basic terms and ideas employed throughout. The basic issue, as Wolterstorff addresses it, is the question of whether citizens of a liberal democracy have a moral duty of religious-reason restraint in their public deliberations. Two basic strands of political theory are proposed as talking partners for Wolterstorff. The first is an Enlightenment public epistemology liberalism that argues for religious-reason restraint on the basis of a foundationalist epistemology. Wolterstorff develops this view through the work of John Locke. He criticizes this position and offers an alternative epistemology to that of foundationalism, which I call innocence epistemology. The second is a Post-Enlightenment public epistemology liberalism that argues for religious-reason restraint on the basis of a

political doctrine. Wolterstorff develops this position through the work of John Rawls. He criticizes this position, and in its place offers his consocial position.

His consocial position argues for a version of liberal democracy that does not require religious-reason restraint. The consocial position has three theses, none of which require a religious-reason restraint. The first thesis proposes three restraints on public deliberation, namely civility, respect for the law, and justice as the goal of deliberation. The second thesis proposes a particular understanding of the First Amendment as it regards government and religion. It calls for a position of impartiality, not neutrality. The third thesis proposes justice in shalom. This conception of justice has two primary components, namely a notion of rights, and a notion of prioritizing the evil of violating personhood.

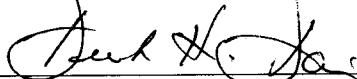
Nicholas Wolterstorff's Reformed Epistemology And Its Challenge To
Lockean And Rawlsian Liberalism

by

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A Dissertation


Approved by the J.M. Dawson Institute for Church-State Studies



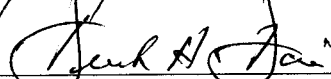
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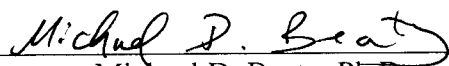
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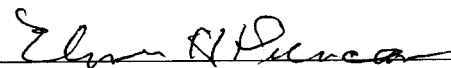
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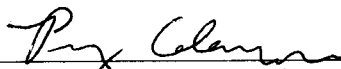
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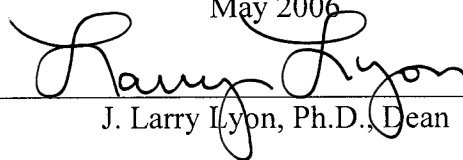
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TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	v
Chapter	
1. The Life and Thought of Nicholas Wolterstorff	1
Introduction	
Life of Nicholas Wolterstorff	
Justification of Study	
Outline of Dissertation	
2. Liberal Democracy, the Liberal Position and the Consocial Position.....	25
Introduction	
The Liberal Position	
Public Epistemology Liberalism	
A Theory of Political Structure	
Liberal Democracy	
Wolterstorff on the Liberal Position	
3. Enlightenment Public Epistemology Liberalism: John Locke.....	57
Introduction	
Skepticism and the Structure of Knowledge	
The Context of Locke's Thought	
Locke's Epistemology	
Locke's Doxastic Practice	
Critique of Lockean Foundationalist-Evidentialism	
4. Wolterstorff's Innocence Epistemology.....	116
Introduction	
Scholarship as Paradigm	
Wolterstorff: Anti-foundationalist and Realist	
Innocence Epistemology	
Criticism of Innocence Epistemology	
Conclusion	

5. Post-Enlightenment Public Epistemology Liberalism: John Rawls.....	169
Introduction	
Justice as Fairness	
Rawls's Political Turn	
Proposed Independent Source	
Critique of Political Liberalism	
Conclusion	
6. Wolterstorff's Consocial Position.....	227
Introduction	
Three Types of Society	
The Consocial Position: Three Theses	
First Thesis: Three Restraints on Public Reason	
Second Thesis: Impartiality	
Third Thesis: Justice in Shalom	
Summary	
Conclusion	
BIBLIOGRAPHY.....	282

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CHAPTER ONE

The Life and Thought of Nicholas Wolterstorff

Introduction

Do religious persons have an obligation to *reason to* their religious beliefs or religious convictions rather than *reason from* their religious beliefs? In the modern era this question has received substantial attention in the fields of epistemology and political theory. One of the predominant epistemological theories of the modern era, namely classical foundationalism, has argued that no religious beliefs are in the class of beliefs that are foundational. In other words, religious beliefs must be *reasoned to*. Similarly, a leading political theory of the last few decades, namely political liberalism, has argued that in political deliberation citizens of a liberal democracy must *not reason solely from* their religious beliefs.

Nicholas Wolterstorff, who will be introduced below, argues that with respect to epistemology and political theory the religious beliefs of religious persons can be *prima facie* entitled. Not only might religious beliefs be epistemologically entitled to a person, but *reasoning from* them in political deliberations is not necessarily a violation of the ideals of liberal democracy. According to Wolterstorff's narrative, classical foundationalism is fundamentally mistaken in its insistence that religious beliefs must be *reasoned to*, and be justified on the basis of evidence of a certain sort. As well, he maintains that liberal political theory or the liberal position¹ is misguided in its search for

¹Throughout this project Wolterstorff's phrase "liberal position" will primarily be used. It refers to any liberal political theory that argues for "religious-reason restraint." This idea will be developed more below and in the next chapter.

an equitable (or neutral) independent source for the public deliberations of citizens. His criticisms of the independent source thesis concentrates on the idea that all of the proposed independent sources exclude, to one degree or another, *reasoning from* religious beliefs. Wolterstorff opposes any notion of “*religious-reason restraint*” in the public deliberations of citizens in liberal democracy.¹ As an alternative to the project of the liberal position, he offers what he calls the consocial position. The greatest opposition to a position such as his, is from those views that attempt to defend the notion of an equitable independent source for public deliberation.

Modern liberal political theory is said to have arisen from the cultural crisis of fractured and warring traditions of Western Europe in the sixteenth and seventeenth centuries. Wolterstorff’s narrative on this cultural crisis and its proposed epistemological solution of classical foundationalism begins with John Locke. Locke was the first to seek an epistemological solution to the cultural crisis of a plurality of traditions or comprehensive doctrines.² Wolterstorff reads Locke as giving directions on how to govern beliefs when a tradition has been fragmented and pluralized. For Locke the fracturing of tradition was not the disease, but only a symptom. The disease was that humans were not rightly conducting their understanding and belief-formations. Fix the

¹Nicholas Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” in *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, ed. Robert Audi and Nicholas Wolterstorff (Lanham, MD: Rowman and Littlefield Publishers, 1997), 75. Throughout this work I will use Wolterstorff’s phrase, “religious-reason restraint,” to refer to this basic idea that he opposes.

²I prefer Rawls’s term of “comprehensive doctrines,” as it encompasses both religious and non-religious worldviews or perspectives. A comprehensive doctrine can be religious, political, moral or philosophical, see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), xx. For the sake of continuity I will primarily use the label “comprehensive doctrine.”

disease, Locke thought, and the symptoms will subside. For Locke and his contemporaries there was no longer a single tradition and set of texts to which to appeal.

Since there is no longer one tradition, Locke, according to Wolterstorff, argues that the belief-forming disposition of turning to tradition and the texts of that tradition will not suffice to solve the cultural problem of plural traditions or comprehensive doctrines. There must be a source of appeal outside of and above traditions. Locke sought to show that what citizens have in common is not religion (or traditions and their texts), but Reason. In *Essay Concerning Human Understanding* and *Of the Conduct of the Understanding* he sought to articulate the nature of Reason and its guidance for belief-formation.³ Wolterstorff identifies Locke's epistemological program as foundationalist in nature. Reformed epistemologists, including Wolterstorff, claim that the underlying project of classical foundationalism is dead, or at least dying. Wolterstorff attempts to show that the liberal position, which is based on such an epistemology, is thereby deficient.

The fact of an indeterminate plurality of traditions or comprehensive doctrines is still a problem for modern political theory and liberal political theory, in particular. John Rawls states that the first fact of contemporary politics "is that the diversity of comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away."⁴ Wolterstorff

³This idea will be discussed further in Chapter 3.

⁴John Rawls, "The Domain of the Political and Overlapping Consensus," *NYU Law Review* 64 (1989): 233, 234. Rawls notes five facts of a democratic society: (1) The fact of a plurality of comprehensive doctrines, (2) only the oppressive use of state power can maintain a continuing common affirmation of one comprehensive perspective, (3) to keep from crumbling a democratic regime must have the willing and free support of a substantial majority of its politically active citizens, (4) the political culture of a

concurs when he asserts that the problem of a plurality of comprehensive doctrines remains on our culture agenda. The liberal political theory offered by John Locke and others is still being worked out. Wolterstorff says “the proposed answers all turn up again. We in our century have been replaying the intellectual drama that unfolded from Locke to Hegel.”⁵

John Rawls is Wolterstorff’s contemporary exemplar of liberal political theory or the liberal position. The early John Rawls of *A Theory of Justice* sought an answer to the problem of a plurality of comprehensive doctrines by offering a liberal political theory based on a comprehensive epistemological doctrine, namely a Kantian one. The later John Rawls of *Political Liberalism* acknowledges that *A Theory of Justice* contained elements of a comprehensive doctrine, and argues instead for a political theory that is not grounded in a comprehensive doctrine.⁶ The later Rawlsian project seeks to develop the notion of a political conception that is divorced from comprehensive doctrines.

Employing the ideas of an overlapping consensus, the idea of the priority of the right over

reasonably stable democratic society normally contains, at least implicitly, certain fundamental intuitive ideas from which it is possible to work up a political conception of justice suitable for a constitutional regime, (5) we make many of our most important judgments subject to conditions which render it extremely unlikely that conscientious and fully reasonable persons, even after free discussion, can exercise their powers of reason so that all arrive at the same conclusion. In *Political Liberalism* Rawls only highlights numbers one, two and three above (36-38). This can be understood in that number five is presupposed by the reality of one and two. Number four is not so much a fact of democratic society as it is an assertion or a hoped for identifiable fact on Rawls part. Rawls seems to recognize this in that he says a democratic society “normally” contains, “at least implicitly” these fundamental intuitive ideas. The identification of these fundamental intuitive ideas form the basis of his theory of political liberalism.

⁵Nicholas Wolterstorff, *John Ethics and the Ethics of Belief* (Cambridge: Cambridge University Press, 1996), xx.

⁶Rawls, at the least, concedes that part III of *A Theory of Justice* has elements of a “comprehensive philosophical doctrine.” *Political Liberalism*, xviii.

the good and the idea of public reason,⁷ Rawls intends to identify an equitable independent source for public deliberation in a liberal democracy. Wolterstorff argues that Rawls's project of political liberalism not only fails, but is also an illiberal quest.

Although Wolterstorff is critical of the liberal position or liberal political theory, he is a defender of liberal democracy. He maintains that the liberal position's defense of liberal democracy is only one of many defenses of liberal democracy, and not one of the more significant defenses.⁸ The criticisms he marshals against the classical foundationalist epistemology that under-girds much of liberal political theory, and the criticisms of the Rawlsian proposed equitable independent source have been forceful. If sustained, his criticisms would allow for an alternative conception of epistemology and political theory. It might allow for an epistemology in which religious persons are *prima facie* entitled to their religious beliefs or convictions, and in public deliberations, are entitled to *reason from* them. Wolterstorff contends that an alternative epistemology and political theory can be produced that harmonizes with ideals of a liberal democracy.

This dissertation will examine Wolterstorff's critique of Locke's epistemological solution and Rawls's supposed political, not epistemological, solution to the problem of an indeterminate plurality of comprehensive doctrines. In doing this, a background will be provided concerning two constructive elements in Wolterstorff's alternative to liberal political theory. These two constructive elements are his alternative to classical epistemological foundationalism, and his alternative to a supposed equitable independent source for public deliberation. In the place of classical foundationalism, Wolterstorff

⁷Rawls, *Political Liberalism*, xvi.

⁸Nicholas Wolterstorff, "Do Christians Have Good Reasons for Supporting Liberal Democracy?" *The Modern Schoolman* 78 (January/March 2001): 229.

offers what I call “innocence epistemology.” His innocence epistemology sets forth a non-foundationalist theory of entitled belief. In place of the epistemological restraints of Rawls’s public reason, Wolterstorff argues for epistemological liberty that is consistent with liberal democracy. He calls his overall political project the “consocial position.”

The remainder of this chapter consists of an examination of Wolterstorff’s life and tradition. His background is relevant not merely to introduce Wolterstorff to those unfamiliar with him, but it also to offers a picture of how the fundamental teachings of his tradition and crucial events in his life have contributed to shaping his epistemology and political theory. This will be followed by a justification of the study and an outline of the dissertation.

Life of Nicholas Wolterstorff

Wolterstorff was born in 1932 to parents of Dutch descent, who transplanted to the United States from the Netherlands. He grew up in Bigelow, Minnesota in a family devoted to the Christian religion. In his autobiography, *The Grace That Shaped My Life*,⁹ Wolterstorff stresses the instruments of grace that have formed him. His early influences were his family and the Christian Reformed Church. Through his family life, he was immersed in Scripture and Christian piety. He was catechized in the Heidelberg Catechism, and trained by the liturgy and teaching of the church. He describes these early influences as being a ‘premodern’ worldview of God, man, Scripture and the world.

In his early teens they moved to Edgerton, about 45 miles from Bigelow where this upbringing in a premodern Christian worldview continued. He lived in the village,

⁹Nicholas Wolterstorff, “The Grace that Shaped my Life,” in *Philosophers Who Believe*, ed. Kelly J. Clark (Downers Grove, IL: InterVarsity Press, 1993).

but most of the extended family and friends of the family lived in the country. On Sundays the Wolterstorff home was the hub for social gatherings. He describes it this way:

“So after morning church they all came to our house – aunts and uncles, cousins, everybody, boisterous dozens of them. Sweets were eaten in abundance, coffee drunk; and the most dazzling intellectual experience possible for a young teenager took place. Enormous discussions and arguments erupted, no predicting about what: about the sermon, about theology, about politics, about farming practices, about music, about why there weren’t as many fish in the lakes, about what building the dam in South Dakota would do to the Indians, about local schools, about the mayor, about the village police office, about the Dutch Festival, about Hubert Humphrey...Then when it was time to go, everyone embracing.”

Wolterstorff concludes that from birth through his youth he was bequeathed the Reformed tradition of Christianity.

Wolterstorff enrolled at Calvin College, and there he came under the influence of the teaching of William Harry Jellema. Jellema challenged his students to describe how things look from a Christian perspective, to describe how the world appeared in light of Scripture and the gospel. It was at Calvin College that Wolterstorff delved into the Western tradition before him. His sophomore year he met Alvin Plantinga. They became “dear friends and have remained that ever since.”¹⁰ He recounts a course in Kant’s ‘pure critique’ taught by Harry Jellema with Alvin Plantinga and himself as the only two students.¹¹ In addition to influencing Wolterstorff and Plantinga, Jellema had an impact

¹⁰Wolterstorff, “The Grace that Shaped my Life,” 269.

¹¹Ibid. For Alvin Plantinga’s biographic memoirs see Alvin Plantinga, “Spiritual Autobiography,” in ed. Kelly J. Clark *Philosophers Who Believe* (Downers Grove, IL: InterVarsity Press, 1993). Alvin Plantinga also speaks of the profound influence of Jellema on his life. Plantinga recounts how he went to Calvin College his freshman year, and merely for fun of it, applied to Harvard and was accepted with scholarship. So he transferred to Harvard that year. At Harvard his faith was challenged. During a break in school he returned to Calvin for a visit. While there he heard Jellema present a few

on others students, such as William Frankena, Henry Stob and O. K. Bouwsma. Another element that shaped Wolterstorff's worldview was the writings of Abraham Kuyper. Kuyper's ideas had a profound influence on much of the intellectual environment at Calvin College while Wolterstorff was there. Wolterstorff became persuaded of Kuyper's model of theory-construction, which argued against the possibility of neutral or pure theorizing. He says that he adopted the Kuyperian view, and has held to it ever since.

After graduating from Calvin College, Wolterstorff went on to receive an M.A. from Harvard in 1954 and a Ph.D. from Harvard in 1956. He has held teaching positions at Calvin College, the Free University of Amsterdam and Yale University. His distinguished academic career includes giving the esteemed Gifford Lectures in Scotland and the Wilde Lectures at Oxford. Wolterstorff is somewhat unique in academia in that he is a Christian of the Reformed tradition who has garnered the respect of a wide spectrum of his intellectual colleagues. As well, he has written on a wide range of topics. He has been a central force behind the integration of a Christian perspective into ones scholarly pursuits. He has been a prolific scholar in writing books and articles on aesthetics,¹² philosophy, politics, education, religion and the defense of Christian theism.

lectures. He recounts that what impressed him the most was that Jellema was un-awed by modernity and its "intellectual imperialism with little real basis" (53). He then returned to Calvin College to study under Jellema and said it was "as good a decision as I have ever made" (53). He says, "Jellema was by all odds, I think, the most gifted teacher of philosophy I have ever encountered" (54).

¹²As far as this author is able to ascertain, more Ph.D. dissertations have addressed Wolterstorff's philosophy of aesthetics as found in his *Works and Worlds of Art* and *Art in Action* than any other area of his thought. This, as discussed below, is another reason for the need of an exposition of Wolterstorff's epistemology and political theory.

Along with Alvin Plantinga, Wolterstorff contributed significantly to what is known as “Reformed Epistemology.” The central theme of Reformed epistemology is its criticism of classical foundationalism. In particular, it is critical of the classical foundationalist requirement for evidence of a certain kind for justifying the belief in the existence of God. Wolterstorff has also achieved an international reputation as a writer on education. He has been the featured speaker at many Christian school and home-schooling conferences around the world. He played an integral role in founding “The Society of Christian Philosophers,” and the journal *Faith and Philosophy*. In addition to his contributions in the fields of education and the philosophy of religion, Wolterstorff has also provided a unique perspective on church-state issues. In particular, he has written much on religion in the public square. In April of 2002, Yale University hosted a conference honoring the life and work of Nicholas Wolterstorff. Featured speakers included Robert Audi, William Alston, Alvin Plantinga, Richard Swinburne, and Philip Quinn. This conference serves as a fitting acknowledgment of the intellectual career of Dr. Nicholas Wolterstorff.

Wolterstorff embraces a Reformed Christian world and life view. He says “I believe that the Reformed tradition represents a profound perception of the shape of the gospel, and has the promise of continuing to be of great benefit to Christendom and Western civilization.”¹³ Wolterstorff agrees with the Reformed conception of God as the creator and controller of all things. As well, he accepts the doctrine that humans are

¹³Nicholas Wolterstorff, “Letter to a Young Theologian,” *The Reformed Journal* (September 1976): 15.

fallen and in need of redemption.¹⁴ His tradition operates with a “holistic understanding of sin and its effect, of faith and of redemption.”¹⁵ The Reformed doctrine of the sinfulness of man has been particularly influential in his intellectual thought. The neglect of this doctrine, Wolterstorff maintains, has been a source for the inadequacy of much philosophical epistemology.¹⁶ For example, in an article on Thomas Reid and his theory of rationality, Wolterstorff approves of Reid’s assessment of belief-formation, but criticizes his lack of taking our fallen condition seriously enough. He says “Reid nowhere recognizes the ways in which sin inserts itself in the workings of our belief-dispositions. He bases his epistemology on those dispositions with which we have been endowed by our Creator. He hardly recognizes how those dispositions are now intermingled with all sorts of dispositions that we have by virtue of our fallenness.”¹⁷

¹⁴Wolterstorff approvingly cites Calvin’s assessment of humans as “totally depraved.” Nicholas Wolterstorff, *John Locke and Ethics of Belief* (Cambridge: Cambridge University Press, 1996), 243. The phrase “totally depraved” alludes to the idea of “total depravity,” which constitutes the “T” of the well-known Calvinist acronym: TULIP.

¹⁵Wolterstorff, “The Grace that Shaped my Life,” 267.

¹⁶Wolterstorff argues for a conception of human beings, and all of creation, as fallen in his debate with Robert Audi over political epistemology. Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 164. As well, Wolterstorff notes that the privileging of particular interests in the academy does not surprise the Christian in that the academy like all other institutions “participates in the fallenness of our human existence rather than being above it.” Nicholas Wolterstorff, “Does Truth Still Matter?” *Crux* 31 (September 1995): 18.

¹⁷Nicholas Wolterstorff, “Thomas Reid on Rationality,” in *Rationality in the Calvinian Tradition*, ed. Hendrik Hart and Johan van der Hoeven (Lanham, Maryland: University Press of America, 1983), 66. Elsewhere Wolterstorff remarks that he is a Calvinist and as such expects sin to be present in places such as the academy. Nicholas Wolterstorff, “Scholarship Grounded in Religion,” in *Religion, Scholarship and Higher Education: Perspectives, Models and Future Prospects*, ed. Andrea Sterk (Notre Dame, Indiana: University of Notre Dame Press, 2002), 14.

Wolterstorff observes that Calvin and Kuyper were more aware of the “ignoble belief-dispositions that we now have – we who are not only created but fallen.”¹⁸ The recognition of the reality of sin, he contends, should cause one to be attentive to evil and oppression and be active in the fight against it. He says that Reinhold Niebhuur, who urged politicians to follow *civitas mundi*, not *civitas dei*, and exhorted Christians to confine religion to lamenting the irony and tragedy of our fallen order, is incorrect. What we need to struggle for, says Wolterstorff, is *shalom*. His idea of *shalom* will be discussed in the last chapter as it is a one-word summarization of his views. It does not answer all the questions that might be raised, but for Wolterstorff the contours are there. Central in the contours of *shalom*, for example, is *justice*.¹⁹ It is Wolterstorff’s understanding of justice that has changed and matured in view of his life experiences.

Two experiences, which are political in nature, have been particularly influential. He describes these as “decisive unsettling experiences.”²⁰ The first such life experience

¹⁸Ibid. See also *John Locke and Ethics of Belief*, where Wolterstorff adds specifically that humans are fallen in various dimensions, “including our Reason” (243ff). It is just because Wolterstorff takes seriously the doctrine of the fall that he takes seriously Marx and Freud, and their comments on “suspecting.” Humans not only have noble, but ignoble sources of belief.

¹⁹One of the prominent aspects of justice is the claim that the poor have rights. This does not mean merely that society would be better without poor people or that the wealthy have duties to the poor. The poor have rights – legitimate claims. In other words, if a person does not have fair access to adequate means of sustenance, that person is morally injured. See Alberto Coll, “Prudence and Foreign Policy,” in *Might and Right After the Cold War: Can Foreign Policy Be Moral?* ed. Michael Cromartie (Washington, D.C.: Ethics and Public Policy Center, 1993), 35. For more on justice and shalom see Wolterstorff’s *Until Justice and Peace Embrace* (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., 1987). This concept will be further elaborated upon in the last chapter.

²⁰Nicholas Wolterstorff, “An Open Letter to Ed Ericson,” *The Reformed Journal* (October 1985): 3.

came in 1975 when he attended a conference in South Africa at the University of Potchefstroom as a representative for Calvin College. There he experienced first hand the oppression of apartheid. On a Tuesday evening meeting of the Conference an open discussion was held. It was at this meeting that the Afrikaners present really heard the cries for justice from their black South African Christian brothers and sisters. He commented that, “what I saw and heard there made me very angry.”²¹ Wolterstorff would later say of this Tuesday evening meeting that it was the “most intense evening of my entire life.”²² As Wolterstorff listened to the complaints of his black Christian brothers and sisters in South Africa, his thinking about justice and oppression began to change. In 1980 and 1981 Allan Boesak, a black Reformed pastor and theologian from South Africa, visited Calvin College as a multicultural lecturer. During his stay at Calvin College, Boesak and Wolterstorff became close friends. Wolterstorff relates that in Boesak he “hears the cries of the oppressed and the Word of the Lord.”²³ This life experience constituted the beginning of a turn in Wolterstorff’s thinking regarding the notion of justice.

Another life experience profoundly affecting Wolterstorff was hearing the cries of oppressed Palestinian Christians. Wolterstorff said he “celebrated with everyone else the astounding victory of Israel in 1967.”²⁴ Over a decade later, in 1978 he received a notice

²¹Wolterstorff, “The Grace that Shaped my Life,” 272.

²²Nicholas Wolterstorff, “A Family of Scholars,” *The Reformed Journal* (October 1978): 13.

²³Wolterstorff, “The Grace that Shaped my Life,” 272. See also Wolterstorff’s dedication to Allan Boesak in *Until Justice and Peace Embrace*.

²⁴*Ibid.*, 271.

inviting him to attend a conference in Chicago on Palestinian rights, at which a good many Christian Palestinians were present. Wolterstorff says that he had never knowingly met a Palestinian, much less a Christian Palestinian, nor did he even consider that there were any.²⁵ At the conference he met and heard first hand, from Palestinians, of the plight of Christian Palestinians in Israel. One person who had particular influence on him was Father Eliya Khoury, a Christian Palestinian in the Anglican Church. Wolterstorff says Khoury was imprisoned by the Israelis and expelled from Israel without a hearing. From Khoury, he learned that the Christian presence in Palestine had been cut in half, not because of conversion to Islam or Judaism, but because they were forced to leave Palestine without compensation by Christian backed Zionism.²⁶

Wolterstorff's uneasiness about the situation was becoming a conviction. He soon found himself on the board of the Palestine Human Rights Campaign. Wolterstorff says though that it "hasn't always been pleasant; the Palestinians are both immensely lovable and difficult to defend."²⁷ While defending their cause, he says he does all that is in his power "to remember the pain, the anxiety and rights of the Jewish people."²⁸ In light of the Reformed doctrine of sin and the fall, and these two unsettling experiences, Wolterstorff is determined to listen to both God and the oppressed. In doing this he believes one is more able to avoid falling into the trap of privileging one's position.

²⁵Wolterstorff, "An Open Letter to Ed Ericson," 3.

²⁶Nicholas Wolterstorff, "An Evening in Amman," *The Reformed Journal* (July 1982), 4.

²⁷Wolterstorff, "The Grace that Shaped my Life," 272.

²⁸*Ibid.*, 272.

Through these two unsettling experiences, Wolterstorff's conception of justice has been altered, and the place of justice in his thinking has assumed a priority. Justice, he says, has become one of the "fundamental categories through which I view the world."²⁹ Because his view of sin and its evil consequences, and in light of hearing the cries of the oppressed, Wolterstorff sees the calling of the church and his own calling, to work and pray for

"healing, liberation and fulfillment in all of life – in politics, in science, in social structures, in technology, in art, in recreation – willingly undergoing sacrifice and suffering when necessary. The church does not have the option of remaining passive in the face of deprivation and oppression and distortion. As Christ the Lord of the Church took on the form of a servant, so the church is called to be a serving, ministering presence in the world, aiding victims of structures that deprive and oppress, laboring to abolish such structures, seeking to replace them with structures in which persons find fulfillment."³⁰

There is one other life experience that has tremendously influenced Wolterstorff's life and thought. On June 11, 1983, his twenty-five year old son Eric died in a mountain climbing accident on a snowy slope in the Kaisergebirger of Austria. Wolterstorff says "I now live after, after the death of our son, Eric. My life has been divided into before and after."³¹ This experience, along with those noted above, has caused Wolterstorff to be even more sympathetic to suffering and oppression. In an article, *Suffering Love*, he argues against bracketing those Scripture passages that speak of God's emotions and

²⁹Wolterstorff, "The Grace that Shaped my Life," 272-273.

³⁰Nicholas Wolterstorff, *Educating For Responsible Action* (Grand Rapids, Michigan: CSI Publications, 1980), 11. Wolterstorff's understanding of oppression has led him to stand beside Christian Palestinians and Blacks in South Africa. In addition to these he has argued on behalf of the poor for the notion of rights to sustenance and on behalf of women in the Christian Reformed Church to have a greater role in ministry.

³¹Wolterstorff, "The Grace that Shaped my Life," 273.

suffering.³² God both sufferingly and joyously experiences the world. He says “suffering is an essential element in that mode of life which says not only ‘No’ to the misery of our world but ‘Yes’ to its glories.”³³ Hence, we cannot merely say “No” to poverty and suffering, but we must say “Yes” to alleviating it. Humans are called not merely to love God, but to love what God loves and seek to alleviate what causes God to suffer. In the death of his son Eric, Wolterstorff gained a new sense of the suffering of God. In *Lament For A Son* he writes

“And great mystery to redeem our brokenness and lovelessness the God who suffers with us did not strike so mighty a blow of power but sent his beloved son to suffer like us, through his suffering to redeem us from suffering evil. Instead of explaining our suffering God shares it. But I never saw it. I never saw it before, though I confessed that the man of sorrows was God himself, I never saw the God of sorrows. Though I confessed that the man bleeding on the cross was the redeeming God I never saw God himself on the cross. Blood from sword and thorn and nail, dripping healing into the worlds wounds.”³⁴

According to Wolterstorff, God suffers over injustice, oppression and suffering. In fighting against injustice in society we alleviate God’s suffering. In ending oppression, we end God’s suffering. In our suffering God does not merely explain it, but suffers with us. Wolterstorff concludes that God’s love is not without suffering. For Wolterstorff, God, family, church, school, and his life experiences are the instruments of grace that have shaped his thinking, especially as it relates to his notion of justice.

The controlling element of Wolterstorff’s world and life view is his religious heritage. He is a Reformed Christian who seeks to integrate this tradition into every area

³²Nicholas Wolterstorff, “Suffering Love,” in *Philosophy and the Christian Faith*, ed. Thomas Moore (Notre Dame, Indiana: Notre Dame Press, 1988).

³³*Ibid.*, 229.

³⁴Nicholas Wolterstorff, *Lament for a Son* (Grand Rapids, Michigan: W. B. Erdmans Publishing Company, 1987), 81-82.

of his life. In his book, *Art in Action*, he says “the essay that follows represents an attempt on my part to relate my ‘aesthetic to the central Christian dogmas,’ which I hold for true. For I find that my thoughts about art and the aesthetic do not arise independently of my Christian convictions. I do not find myself with two separate things in hand that must somehow be related. On the contrary, those Christian convictions contribute to the formation of those thoughts about the arts.”³⁵ This is true not only of Wolterstorff’s aesthetic, but his epistemology, metaphysic, ethic, social ethic, politics and every other area. Wolterstorff’s Christian convictions guide and govern his thinking. In *Reason Within the Bounds of Religion*, he speaks of his Christian convictions as belief-content that controls his scholarship.³⁶ For example, in aesthetics, Wolterstorff situates the relation between his convictions and his scholarship in this way: “This book is not the attempt to relate Christianity to the arts nor the arts to Christianity. It is the record of reflections on the arts by someone who stands within the Christian tradition and identifies himself with the Christian community.”³⁷

Although Wolterstorff is epistemologically self-conscious about his religious convictions and their role in his thought, he is not uncritical of his tradition. In an article, *The Weight of History*, he urges his fellow Reformed Christians to be critical of their own Calvinistic tradition. The Reformed tradition is not infallible, and it is incomplete. He reminds his readers that there is a standard of truth above their tradition, above Calvin

³⁵Nicholas Wolterstorff, *Art in Action* (Grand Rapids, Michigan: W. B. Erdmans, 1980), ix.

³⁶Wolterstorff, *Reason Within the Bounds of Religion*, 76.

³⁷Wolterstorff, *Art in Action*, ix.

and Kuyper.³⁸ Wolterstorff has spent a lifetime developing his understanding of the notion of justice, and how it relates to his tradition of the Reformed faith. The importance of this will be seen in his development of the notion of justice in response to the liberal position.

Justification of Study

There are four reasons that warrant a study such as this. First, Wolterstorff's insights are from within a tradition that is acquiring repute within academia. The impact that Nicholas Wolterstorff and Alvin Plantinga have had on scholarship has been sizeable. Reformed epistemology has been the subject of many academic texts. Scholars such as Merold Westphal, Vincent Cooke, William Hasker and Michael Sudduth have noted the extensiveness of the literature surrounding Reformed epistemology. Thinkers such as Robert Audi, David Basinger, Peter Appleby, Wesley Robbins and Terrance Tilley have entered into dialogue with, and lodged their criticisms against, Reformed epistemology.³⁹ As well, Catholic responses by Phillip Quinn, Patrick Lee, John Greco, John Zeis and others to Reformed epistemology have been mounted.⁴⁰

³⁸Nicholas Wolterstorff, "The Weight of History," *The Reformed Journal* (February 1961): 78.

³⁹David Basinger, "Plantinga, Pluralism and Justified Religious Belief," *Faith and Philosophy* 8, 1 (January 1991): 67-80. Peter Appleby, *International Journal for Philosophy of Religion* 24 (November 1988): 129-142. Terrance Tilley, "Reformed Epistemology and Religious Fundamentalism: How Basic are our Beliefs?" *Modern Theology* 6, 3 (April 1990): 237-257. Wesley Robbins, "Does Belief in God Need Proof?" *Faith and Philosophy* 2 (July 1985): 272-286. Wesley Robbins, "Is Belief in God Properly Basic?" *International Journal for Philosophy of Religion* 14 (1983): 241-248. Plantinga has engaged in written debate with Jay Van Hook and Philip Quinn. For the Plantinga-Van Hook debate see Jay Van Hook, "Knowledge, Belief, and Reformed Epistemology," *The Reformed Journal* 31 (July 1981): 12-15, and Alvin Plantinga, "On Reformed Epistemology," *The Reformed Journal* 32 (January 1982): 13-17. For the

Most of the attention Reformed epistemologists have been receiving has been directed at Alvin Plantinga, but the contributions of Nicholas Wolterstorff are equally deserving of attention. Wolterstorff and Plantinga are Christians from the Reformed tradition who have had their most significant influence in their primary field of philosophy. Although there has been significant research on Alvin Plantinga, there has been a paucity of scholarship on Wolterstorff. Plantinga's scholarship in epistemology has been more exacting than Wolterstorff's, and has received more attention, but the breadth of Wolterstorff's work is greater. He has given more attention to other disciplines, especially that of political theory. Because of Wolterstorff's endeavors in epistemology, and because of his distinctive notions about the role of religion in the public square, his views deserve attention by those interested in church-state issues.

Second, his contributions to political theory are historical and current. His knowledge of philosophical and political history is broad and original. As well, his work demonstrates that he is abreast and learned of current political epistemology. His interaction with contemporary political thinkers addresses fresh developments in political theory. His published debate with Robert Audi is a case in point.⁴¹ In this exchange

Plantinga-Quinn debate see Philip Quinn, "In Search of the Foundations of Theism," *Faith and Philosophy* 2 (October 1985): 469-486, and Alvin Plantinga, "Foundations of Theism: A Reply," *Faith and Philosophy* 3 (July 1986): 298-313, and Philip Quinn, "The Foundations of Theism Again: A Rejoinder to Plantinga" in *Rational Faith*, ed. Linda Zagzebski, 1995 (Notre Dame University Press, 1995), 14-47.

⁴⁰See Linda Zagzebski, ed. *Rational Faith: Catholic Responses to Reformed Epistemology* (Notre Dame, Indiana: University of Notre Dame Press, 1993).

⁴¹Nicholas Wolterstorff and Robert Audi, *Religion in the Public Square* (Lanham, Maryland: Rowman and Littlefield Publishers, Inc., 1997).

Wolterstorff not only offers criticism of Lockean and Rawlsian political theory, but also of Robert Audi's version of liberal political theory. It is important to note that Wolterstorff is not merely negative and critical, he sets forth an initial positive construction of an alternative model for religious convictions in the public square of liberal democracies. His academic insights and contributions in this field are deserving of closer scrutiny.

Reformed epistemology has earned a hearing in philosophical circles with regard not only to the area of philosophy of religion, but also with regard to the traditional area of epistemology. What has not been noticed is that Wolterstorff's epistemological views have significant implications for political theory or public life. The criticism Wolterstorff mounts against classical foundationalism is similar to his criticism of liberal political theory's requirement that in public debate one use reasons only of a certain kind. That the Reformed epistemological critique of classical foundationalism has won wide spread acceptance suggests that Wolterstorff's critique of political liberalism should be taken seriously, since it is rooted in his Reformed tradition, and bears an analogy to the critique of classical foundationalism. Through a study of Wolterstorff's contributions, a better understanding of the relationship between Reformed epistemology and political theory can be developed.

Third, while his tradition is Protestant, in particular that of the Reformed faith, his views suggest resources for positions that have a broader scope than his own narrow faith-tradition. His project is important because it can be employed by those outside of the Reformed faith. Because he is concerned about the role and place of religion in a pluralistic, liberal democratic culture, his views are of interest to both the religious person

and non-religious person. His distinctive position offers guidance on how those in the Christian tradition should think about public life, and it offers trenchant criticisms of the liberal position of political theory.

Finally, his tradition of the Reformed faith is outside of what would be considered the mainstream in that it is self-consciously religious, and seeks to integrate its faith commitment into its scholarship. Wolterstorff has been a leading thinker on religion and scholarship. His efforts have been ground-breaking, and they offer a paradigm for understanding his work in political theory. An examination of Wolterstorff's thought is needed in that it explores a respected religious epistemology and its connection to current political theory.

Outline of Dissertation

In his debate with Robert Audi, in *Religion in the Public Square*, Wolterstorff suggests his consocial position as an alternative to the liberal position, especially as it regards the three issues of public deliberation, church and state, and justice.⁴²

Wolterstorff argues that there are three shared convictions among those in the family of the liberal position. The first conviction is that there is an epistemological requirement of a religious-reason restraint. In public deliberations, whether it regards all public deliberations or only those of a certain sort, religious reasons are either to be bracketed all-together, or, they must, at the least, be chaperoned by secular reasons. The second conviction is that the position of "separation," is the preferred conception of the relationship between the government and religion. The third conviction is that a proper

⁴²Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 114-119.

view of justice in liberal democracy involves the prioritizing of autonomy, self-determination or some other notion of this sort.

Wolterstorff's consocial position is in conflict with each of these three convictions of the liberal position. Wolterstorff's consocial position denies that there is a moral duty to bracket religious-reasons, and finds the quest for an equitable independent source for public deliberation as hopeless and misguided.⁴³ The consocial position also rejects a separationist understanding of church and state issues. It suggests that such a position is discriminatory, and is not required by the First Amendment. The consocial position also rejects the liberal position's understanding of justice as autonomy or self-determination.

Wolterstorff's presentation of the consocial position is primarily negative or critical in character. In those places where he specifically identifies the stance of the consocial position, the thrust of his discussions are of a critical nature. This dissertation hopes to offer more than an assessment of the negative or critical elements of the consocial position. It will attempt to put together a positive construction of the consocial position. The positive construction is not systematically formulated by Wolterstorff, but it can be found sprinkled throughout his writings. By bringing together parts of his thought from a variety of venues a more complete development of the consocial position can be made.

The positive construction of the consocial position consists of three theses. The first thesis proposes three restraints on public deliberations: the civility-restraint, the respect-for-law-restraint and the justice-restraint. It will be shown that none of these

⁴³Ibid., 109.

restraints require a religious-reason restraint. The civility-restraint that Wolterstorff offers can be supplemented by Wolterstorff's epistemological discussions, specifically by what I call innocence epistemology. His innocence epistemology offers a Reidian-like epistemology with a normative noetic criterion for belief-entitlement. Its contours are revealed both in his criticism of John Locke's epistemology, and in the positive development of it that he marks out.

The second thesis of the consocial position is that the preferred interpretation of the First Amendment, as it concerns matters of church and state, is that of impartiality. This position is most fully and positively constructed in his account of the nature of education and the funding of public schools. Through these discussions, the second thesis is provided a paradigm for its positive construction.

The third thesis of the consocial position concerns a particular understanding of justice, namely what I call justice in shalom. His positive account of justice is found in his discussions on the notion of rights and the evil of violating personhood. Justice in shalom offers an alternative conception of justice to that of Rawls's justice as fairness. The overarching goal of this dissertation is to provide an analysis of Wolterstorff's account of the consocial position as an alternative to the liberal position, as exemplified in Locke and Rawls.

This first chapter introduced the dissertation topic of Nicholas Wolterstorff and his consocial position. It gave a summary of Wolterstorff's life and the relevant beliefs of his Reformed tradition. It revealed his specific views on the nature of God, man, God's Word and the world. It commented on the relevant events in Wolterstorff's life

that have had considerable impact in shaping his thinking. It provided a brief justification of the study and an outline of the content of the dissertation.

Chapter Two will provide an exegesis of Wolterstorff's narrative on epistemology and liberal political theory. It will outline the thesis and context of Wolterstorff's consocial position. It will show that he is an advocate of liberal democracy, but not of the liberal position or liberal political theory.

Chapter Three will offer an account of Reformed epistemology's critique of classically modern foundationalism.⁴⁴ This will be accomplished through a narrative that recounts Locke's foundationalist epistemology, and Wolterstorff's criticisms of it. This discussion will provide a background, and a basis, for Wolterstorff's "innocence epistemology."

Chapter Four will then turn to a positive account of Wolterstorff's epistemology. It will detail Wolterstorff's normative, situated, negative coherence theory of rationality. Its central claim is the presupposition of the *prima facie* justification of one's beliefs, which is summed up by the notion of "innocent-until-proven-guilty." Hence, it is given the title "innocence epistemology". Wolterstorff's innocence epistemology will be shown to give religious or theistic beliefs *prima facie* entitlement.

Chapter Five will discuss the attempt of liberal political theory to transform itself from a comprehensive doctrine to a political conception. John Rawls's work will be the focus of this discussion. The development of Rawls's thought from *A Theory of Justice* to *Political Liberalism* will be outlined, paying specific attention to his proposed independent source for public deliberation. It will be shown that Wolterstorff

⁴⁴The phrase "classically modern foundationalism" will be further discussed in Chapter Three.

understands Rawls's proposed independent source to be the *consensus populi* of a liberal democracy as determined by political theorists. Wolterstorff has four criticisms of this proposed source. He criticizes the identified source itself, he argues that the proposed source is not thick enough to do the job asked of it, he notes the flawed rationale for it, and he maintains it is inequitable.

Chapter Six will construct Wolterstorff's alternative to both John Locke's and John Rawls's proposed independent source for public deliberation. It identifies three theses of the consocial position. The first thesis rejects the search for an independent source for public deliberation, as offered by liberal political theorists. In place of a religious-reason restraint, it offers three restraints of its own, as mentioned above. The second thesis argues for a posture of impartiality on the part of government toward religion. The third thesis argues for a notion of justice that highlights rights and the evil of violating persons. This chapter will give a final summarization of the thought of Dr. Nicholas Wolterstorff as delivered in the findings of the dissertation. Specifically, it will assess the case made by Wolterstorff, and evaluate the contribution of his thought to the discussion of religion and the government.

CHAPTER TWO

Liberal Democracy, the Liberal Position and the Consocial Position

Introduction

Politics and religion have been perpetual issues of importance and debate in liberal democracies. Since the scholarship of John Rawls on topics of political philosophy, there has been a renewed dialogue and a marked turn in the debates concerning the exact nature and roles of religion, politics, the State and citizens. In addition to generating fresh interest in the classical questions of political philosophy, Rawls has established a framework for deliberation on old and new issues. One such issue broached by Rawls is that of the epistemological ethic of citizenship. At the heart of this issue is the question of whether certain reasons or religious convictions ought to be bracketed in public deliberation. The epistemological ethic of citizenship addresses such questions as: What exactly is a religious reason or religious conviction? What does it mean to bracket convictions of this sort? Who ought to bracket religious reasons and when should they? What would be accomplished if religious reasons or religious convictions were to be bracketed? Precisely what moral duty is violated when religious reasons are employed? These are just some of the questions involved in the epistemological ethic of citizenship.

This chapter will outline the nature and development of the liberal position on the issue of the epistemological ethic of citizenship in a liberal democracy, and its ramifications for the public deliberation of citizens. It begins by broadly identifying the liberal position, and then marking out within it the standpoint I call “public epistemology

liberalism.”¹ Next, it describes public epistemology liberalism’s basic conception of a liberal democracy² with its notions of freedom and equality. In order to move the project along, all that will be attempted is an approximation of what constitutes a liberal democracy. Then, public epistemology liberalism’s concepts of justice³ and stability will be discussed. It is these two elements of justice and stability within a liberal democracy that directly affect what, if any, epistemological obligations citizens have in public deliberation. Proponents of the liberal position utilize the problem of stability to thwart arguments in favor of religious-reason liberty in public deliberations. As well, they employ a conception of justice that is best preserved when religious reason or religious convictions are bracketed in public deliberation. It is from this sort of narrative account that public epistemology liberalism is able to advance its claim that religious reasons ought to be bracketed in public deliberation. Finally, this chapter concludes with an analysis of Nicholas Wolterstorff and his contribution to these issues. Although Wolterstorff’s consocial position is primarily critical in nature, its introduction here will provide the framework for the direction of this project.

¹“Public epistemology liberalism” will be used throughout this project to denote a specific stance within the liberal position. I discuss this further below.

²The use of the phrase “liberal democracy” throughout includes such notions as “modern democracies,” “Western democracies” or other such phrases.

³In “The Role of Religion in Decision and Discussion of Political Issues,” Wolterstorff offers a concept broader than justice. He suggests the idea of “the social good or some element thereof.” He says that Audi’s defense of a morally appropriate source is broader than mere justice, and hence the idea of “social good.” Such a change in terminology is not necessitated for this project. As “justice” is a commonly accepted notion for the argument made here it will continue to be used, where the difference is significant it will be noted. See Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues” (146ff).

The Liberal Position

The liberal position takes a stance on the issue of the basis upon which decisions are to be made within a liberal democracy. According to Wolterstorff, the liberal position has offered two principle obligations that it claims preserves a liberal democracy and allow it to function correctly. These two obligations identify the basis upon which decisions are to be made and debates are to be carried out, and to some degree limit citizens and officials to functioning according to this basis. One obligation is exacted against the individual and the other against the state.

The first obligation of the liberal position is exacted against individual citizens in that each person has a moral, not legal, obligation to reason according to a morally appropriate epistemological ethic. The liberal position argues that there is an epistemological ethic of citizenship, and it must be an epistemological ethic based upon justice and that achieves governmental stability. The liberal position's conception of justice provides the basis for maintaining that each citizen deliberate in public according to the morally appropriate epistemological source. This source may be an Enlightenment universal epistemological source or a Post-Enlightenment independently equitable epistemological source. The distinction between the two will be developed later.

The second obligation of the liberal position is exacted against the state in that the state is expected to enforce the principle of neutrality. This principle is often stated under the banner phrase of "separation of church and state." According to Wolterstorff, the liberal position holds to the notion of *separation*, rather than the notion of *impartiality*. The separation principle argues "that government is to do nothing to advance or hinder

any religion.”⁴ The impartiality view holds that the state need not separate itself from all religion, but rather should be impartial towards religion and irreligion.⁵ For Wolterstorff, who argues from the pluralist perspective, the First Amendment is best understood to allow impartial support of religion or irreligion. Although the latter issue of church and state will be discussed in this project, the primary concern of this project is the former issue of the epistemological obligation upon individual citizens. I begin by giving an account of terminology that will be used hereafter to indicate the stance of the liberal position on the former issue of obligations exacted against citizens.

Public Epistemology Liberalism

Throughout this dissertation the phrase “public epistemology liberalism” will apply primarily to the former notion of the liberal position with its epistemological obligation on individual citizens. It will be advantageous to give in broad terms what is meant by each element of the phrase “public epistemology liberalism.” The term liberalism will be discussed first, followed by the term epistemology, and concluding with the term public. The term “liberalism” is intended to keep this view within its historically liberal scheme. “Liberalism” conveys the ideal of all families of liberalism, which is to secure justice. This may be contrasted with a view that seeks the glory of God or perceived self-interest. Liberalism is distinguished by its commitment to “liberal”

⁴Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 76. Elsewhere Wolterstorff calls the separation position the “neutrality” position. See Nicholas Wolterstorff, “Neutrality and Impartiality,” in *Religion and Public Education*, ed. T. Sizer (Boston: Houghton Mifflin, 1967).

⁵Nicholas Wolterstorff, “Neutrality and Impartiality,” *Religion and Public Education*, (1967): 5.

principles and practices, such as limiting the power of the state over the individual, basic liberties and rights, and equality.

The term “epistemology” is meant to convey that the liberal position places a moral requirement upon the citizen, which is epistemological in nature. It has reference to one’s thought processes or rationale.⁶ It should be noted that the term “epistemology” is used to refer not primarily to the epistemological justification of the morally appropriate epistemological source according to which reasonable citizens submit their public deliberations, but rather to the epistemological details of the source itself.⁷ One final observation is that Wolterstorff argues that there exists a family of positions with distinct strands of similarity and differences within what is here being called public epistemology liberalism. Their commonality is a negation of certain epistemological beliefs or convictions, namely religious beliefs, with regard to public deliberation.⁸ As noted in the previous chapter, Wolterstorff calls this negation the religious-reason restraint. Public epistemology liberals do offer positive conceptions of the morally appropriate epistemological source, but there is not the unanimity regarding its positive

⁶Although the Rawlsian position is said to be political not epistemological, see Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 44. By this Rawls does not mean to say that he is not seeking to establish a public epistemology, but rather his final justification of *that* epistemology is not itself epistemological. I will address this further in a later chapter. Gerald Gaus argues that Rawls, Larmore and other Political Liberals actually do have an epistemology, and that it is vague and contentious. See Gerald Gaus, *Justificatory Liberalism An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996), 4.

⁷For example Rawls would contend that he does not, and, in fact, ought not to provide an epistemological justification of the equitable independent source.

⁸Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 73.

criteriological details as there is regarding what should be excluded. Whether positively or negatively understood, epistemological issues are present.

Finally, the term “public” denotes that the issue at hand is political in nature, and concerns coercive public laws.⁹ It is a reminder that the quest for an independent source is inspired by the concern over coercive public laws that involve limiting the freedom or liberty of others. With this broad understanding of public epistemology liberalism in place, I now turn to distinguishing two broad categories within public epistemology liberalism.

Public epistemology liberalism encompasses two strands of liberalism. Gerald Gaus’s *Contemporary Theories of Liberalism* provides a helpful framework for understanding these two strands. He separates liberalism into two basic camps: Enlightenment liberalism and Post-Enlightenment liberalism. Enlightenment liberalism holds to a “liberalism based on a conception of rational inquiry as transcending mere local opinion to arrive at the truth.”¹⁰ This view generally holds to a perfectionist form of liberalism in that it seeks to show that humans can arrive at universal moral truths and espouses certain virtues, dispositions and attitudes.¹¹ By contrast, Gaus identifies Post-

⁹I use the term “public” rather than “political” simply because of its possible confusion with Rawls’ particular brand of liberalism, namely political liberalism.

¹⁰Gaus, *Contemporary Theories of Liberalism* (London: Sage Publications, 2003), 18.

¹¹Steven Wall defines four aspects of liberal perfectionism. (1) He states that some ideals of human flourishing (pursuits, ideals, excellences or virtues that comprise a fully good life) are sound and can be known to be sound, (2) the state is presumptively justified in favoring these ideals, (3) a sound account of political morality will be informed by sound ideals of human flourishing, and (4) there is no general moral principle that forbids the state from favoring sound ideals of human flourishing, as well as enforcing conceptions of political morality informed by them, when these ideals are

Enlightenment liberalism as not supposing that there is moral truth that reason uncovers, even to the degree that “they are uncertain that moral truth can be appealed to in politics at all.”¹² Gaus quickly draws back from the absoluteness of such a statement when he says that Post-Enlightenment liberals do not fully reject the Enlightenment, but rather they take up many of the challenges to it. In particular, he notes that Post-Enlightenment liberals are busy at work seeking to find convergence on “public principles securing freedom.”¹³

Gaus then identifies seven strands of Post-Enlightenment liberalism: pluralistic liberalism, Hobbesian-inspired liberalism, collective reason liberalism, deliberative democracy liberalism, political democracy liberalism, political liberalism and justificatory liberalism. These two major categories of Enlightenment and Post-Enlightenment liberalism, delineate sufficiently the basic strands of liberalism. Public epistemology liberalism encompasses both Enlightenment and Post-Enlightenment liberalism.¹⁴ In forthcoming chapters, John Locke and John Rawls will serve as exemplars for Enlightenment public epistemology liberalism and Post-Enlightenment public epistemology liberalism respectively.¹⁵ Before discussing public epistemology

controversial and subject to reasonable disagreement. Stephen Wall, *Liberalism, Perfectionism and Restraint*, (Cambridge: Cambridge University Press, 1998), 8ff.

¹²Gaus, *Contemporary Theories of Liberalism*, 19.

¹³Ibid., 19.

¹⁴When the generic phrase “public epistemology liberalism” is used, I intend both the Enlightenment and Post-Enlightenment strands.

¹⁵Gaus seems to include Locke as a Post-Enlightenment liberal in that he says Post-Enlightenment liberals are “inspired by Locke,” *Contemporary Theories of Liberalism*, 19. I agree with Wolterstorff’s assessment of Locke as part of the Enlightenment tradition, which will be discussed in the next chapter. Where the

liberalism and its notion of justice and stability, it will be helpful to note the backdrop that public epistemology liberals have articulated. The backdrop includes a conception of liberal democracy wherein persons are constituted as free and equal.

A Theory of Political Structure

How one defines one's terms will control the nature of the discussion. It is inevitable that a definition will leave out what some consider essential and include what others consider trivial. In light of this, I will provide definitions that I believe best enable the project at hand and give reasons behind my choices. One cannot investigate every disputed notion or concept; choices must be made to move the project along. A complete analysis of liberal democracy will not be offered here. Instead, I will simply identify two of its main features that are embraced by public epistemology liberals, namely freedom and equality.

It is important to distinguish a liberal democracy from the liberal position or liberal political theory. A liberal democracy is a type of political structure or a particular view of how a people are governed. The liberal position refers to a particular conception of the basis upon which decisions ought to be determined, and debates are to be carried out within a political structure. A liberal democracy, as the name suggests, involves two central elements: a liberal element and a democratic element. The modern understanding of each of these elements was helpfully articulated by Immanuel Kant. In his essay, *Perpetual Peace*, Kant stated that "the fundamental principle of moral politics is citizens' subscription to freedom and equality as the sole constituents of its concept of

distinction among these strands of liberalism is pertinent to Wolterstorff's interaction with them, it will be noted.

right.”¹⁶ What Kant identified as the basic elements of his concept of right have become the fundamental features that constitute a liberal democracy in the modern era. Robert Audi, in *Religious Reason and Secular Commitment*, arrives at such an understanding of liberal democracy when he says that a “liberal democracy is properly so called because of its two fundamental commitments: to the freedom of citizens and to their basic political equality, symbolized above all in the practice of according one person one vote.”¹⁷ Broadly, the ideas of freedom and equality correspond to the labels “liberal” and “democracy.” Delineating the exact relation of democratic practice and liberal principles is no small task, but it is necessary to at least offer some conception of it in order to further the discussion.¹⁸ The democratic element will be discussed first, followed, by the liberal element.

In the modern era the term democracy has been associated with the notion of equality. The equality being sought is that of political equality. As noted above by Audi, it is most often embodied in the Western democratic notion of according “one person, one vote.” The idea of “one person, one vote” opens the dialogue as to what such a notion entails; whether it is feasible, whether it exists in degrees, whether it leads to tyranny of the majority, or other similar questions. In its purest form a democracy would consist of one person, one vote, on every political decision with a majority vote prevailing. Such a form of government suffers from two major defects: its impractical

¹⁶Immanuel Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis: Hackett, 1983.), 133.

¹⁷Robert Audi, *Religious Reason and Secular Commitment* (Cambridge: Cambridge University Press, 2000.), 4.

¹⁸My aim is not to discuss the justification of liberal democracy itself. For now, I simply take modern liberal democracies as a starting point.

nature in the politics of modern governments,¹⁹ and the threat of a tyranny of the majority. Each of these defects is addressed in modern democracies.

The first defect is attended to primarily by practical solutions, and the second defect seeks its solution in the “liberal” aspect of a liberal democracy.²⁰ With regard to the first defect of the impracticality of a pure democracy, modern democracies have responded primarily with pragmatic solutions. For example, theories of representative government have been implemented to solve the practical and logistical problems of according one person, one vote on every political decision. Modern notions of democracy carry with them the idea of practical solutions to the democratic ideal of one person, one vote. Frank Cunningham in his book, *Theories of Democracy*, provides such a modern and practical understanding of democracy when he defines a democracy as “the exercise of political power where policies and the agents charged with implementing them are directly or indirectly determined by popular voting.”²¹ According to this definition political power is determined by representatives who are chosen by popular voting either directly or indirectly. Such practical solutions to the first defect of a

¹⁹This is closely related to the problem of “the enfeeblement of the political.” See Jonathan Wolff, *John Rawls: Liberal Democracy Restated*,” 118-123.

²⁰The tradition of observing the potential evils of a pure democracy trace back to at least ancient Greece. Aristotle, for example, argues that democracy is the worst form of government. It should also be noted that issues concerning what constitutes a person often involve a theoretical solution. Assuming a person can be defined correctly, it is primarily to practical solutions on how to count the vote of each person that becomes the pertinent issue.

²¹Frank Cunningham, *Theories of Democracy*, 15. It should also be noted that the ideal of “one person, one vote” is not absolute. For example, in the American system of government the political office of Senator does not perfectly reflect the “one person, one vote principle.” This democratic ideal of equality may exist in degrees, which is an observation that Wolterstorff makes.

democracy do not significantly affect the present discussion, but they are helpful in that they provide a contrast to the nature of the solutions suggested for the second defect of the threat of a tyranny of majority in a democracy.

The threat of a tyranny of majority against individuals or minorities has been addressed with practical, as well as theoretical, solutions. Practical solutions include adopting procedures to protect individuals and minorities, such as that of checks and balances within a government. Underlying such procedures are theoretical defenses of the need for these procedures. In addition to procedural checks, checks that are more substantive in nature have been offered, such as the right to free speech or the right to assembly or the right to a trial before one's peers. In the modern era, one of the prevailing theoretical solutions to the problem of tyranny of majority in a democracy has been Kant's second element of freedom.

Freedom, broadly speaking, refers to the primacy of protecting individual rights. If "democracy" denotes the political equality of every citizen, then "liberal" denotes the freedom of each citizen based on theoretical justifications of the limits to rule by the majority over individuals and the minority. The theoretical justification for individual freedom can take a variety of forms. J. G. Merquior observes that the English thinkers Locke, Bentham and Mill saw liberalism as freedom from coercion; French thinkers, such as Rousseau and Montesquieu, stressed liberalism as freedom of self-rule; and German thinkers, such as Humboldt, Kant and Hegel, identified freedom with the notion of self-realization.²² Though the liberal element of a liberal democracy takes various forms, all share a commitment to prioritizing individual freedoms. The commitment to individual

²²J. G. Merquior, *Liberalism: Old and New* (Boston: Twayne Publishers, 1991).

freedom has primarily taken the form of placing restrictions or limitations on the government. It is to this notion of the priority of individual freedom, and the limits placed on government that the label “liberal” applies.²³ Regarding the present discussion of public epistemology liberalism, in addition to the limits on government, it suggests an epistemological limit be placed on all citizens of the liberal democratic regime.

Liberal Democracy

A liberal democracy according to public epistemology liberalism is a form of government wherein the freedom and equality of each individual is prioritized and preserved. Equality is preserved, in its most basic form, through the political protection of according each person one vote, whether directly or indirectly. This protection grants all normal, sane adults equal voice within a consistent scheme of voting. The freedom of the individual is protected from a tyranny of the majority through procedural policy and through substantive protections. The protection of freedom is often conserved under such notions as “equal protection under law.”

Robert Audi offers a spectrum of two types of liberal democracies. At the extreme ends are constitutional democracies and pure proceduralist democracies.²⁴ In the

²³Galston states that we do not always think carefully about the phrase liberal democracy. He helpfully suggests that the noun, democracy, “points to a particular *structure* of politics in which decisions are made, directly or indirectly, by the people as a whole, and more broadly, to an understanding of politics in which all legitimate power flows from the people.” (1) He suggests that the adjective, liberal, “points to a particular understanding of the *scope* of politics, in which the domain of legitimate political decision-making is seen as inherently limited.” (1). William Galston, *The Practice of Liberal Pluralism* (Cambridge: Cambridge University Press, 2005).

²⁴Robert Audi, *Religious Commitment and Secular Reason*, 7. Audi calls the extremes “pure proceduralism” and “unalterable constitutionalism.”

former, liberal principles are expressed and set forth in unalterable character in the constitution. In the latter only procedures are set forth. It is assumed that the procedures, at least as originally set forth, are such that they most likely will preserve liberal values. The objective of both extremes is to preserve the right of citizens to live as they see fit, and grant equal voice to all. Rawls summarizes the idea of a liberal democracy when he says that its overarching fundamental intuitive idea is “that of society as a fair system of cooperation between free and equal persons.”²⁵ Though such a definition leaves much to be exacted and allows for variety as to what exactly constitutes a liberal democracy, it does provide a minimally sufficient account to proceed in that it highlights the main elements of freedom and equality.

Before taking up freedom and equality as the working capital of public epistemology liberalism’s notion of justice, it is essential to first discuss public epistemology liberalism’s beliefs about other immutable features of modern liberal democracies. Sketching a particular conception of persons as free and equal, and delineating immutable attributes of liberal democracy, are together, form a crucial backdrop to a proper understanding of public epistemology liberalism’s conception of stability and justice.

John Rawls’s assessment of political theory, and liberal democracy, provides a workable setting for the discussion of public epistemology liberalism. His assessment of the immutable features of liberal democracies is accepted as an accurate analysis by public epistemology liberals. Prior to turning to this analysis, a few words about Rawls are appropriate. It can be argued that the seeds of public epistemology liberalism began

²⁵Rawls, “Political not Metaphysical,” *Philosophy and Public Affairs* 14, (1985): 231.

with earlier thinkers,²⁶ but I turn to John Rawls for a workable background because his model gives a fuller and more robust explication of a framework for discussion. Through Rawls, a basic conception of the present condition of liberal democracies can be outlined. Though the later Rawls positions himself in a form of Post-Enlightenment liberalism, specifically political liberalism, his assessment of the current political situation has been constant, and is appropriated by both Enlightenment and Post-Enlightenment public epistemology liberalism.²⁷

One of Rawls's concerns is with what sorts of reasons or rationale citizens of a liberal democracy are morally obligated to employ or refrain from employing in public deliberation, and why such an obligation is needed in a liberal democracy. He informs his readers that the aim of *Political Liberalism* is to "uncover the conditions of the possibility of a reasonable public basis of justification on fundamental political questions."²⁸ Rawls is here asking what the necessary political preconditions would be for a reasonable public basis of justification in liberal democracies. It is not necessary at this stage to inquire into the success of this project, but rather only to focus the attention on what Rawls understands by a reasonable public basis of justification and, more importantly, why it is necessary in a liberal democracy.

To understand Rawls's desire to uncover the conditions of the possibility of a reasonable public basis of justification in modern liberal democracies on fundamental

²⁶Wolterstorff makes an argument for John Locke being the first.

²⁷Where Enlightenment and Post-Enlightenment liberalism substantially differ from the Rawlsian political liberalism analysis, it will be noted.

²⁸Rawls, *Political Liberalism*, xxi.

political questions, we must turn to his discussion of modern liberal democracies themselves, and his quest for stability and justice within them; a quest that is common to public epistemology liberals. Rawls is not offering a universal justification of his particular version of public epistemology liberalism, but rather a political justification. This is to say that Rawls's transcendental approach is a quest to uncover the preconditions of a public epistemology *specifically* for Western democratic societies or liberal democracies. Although his solution does have its unique elements, his evaluation of the present political condition of modern liberal democracies is employed by public epistemology liberals, and to this evaluation I now turn.

Rawls's guiding question is, "how is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical and moral doctrines?"²⁹ Rawls's answer to this question begins with his elucidating five immutable attributes of modern liberal democratic societies that bring about this problem. In his article, "The Domain of the Political and Overlapping Consensus,"³⁰ Rawls offers five facts of modern democracies.³¹ First, the existence of a diversity of comprehensive doctrines or comprehensive perspectives is seen as an immutable condition of liberal democracy. In *Political Liberalism* Rawls is more specific when he says, "modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical and moral doctrines, but by a

²⁹Ibid., xxvii.

³⁰Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, Massachusetts: Harvard University Press, 1999), 473-496.

³¹Rawls uses the phrase "modern democracies" which is functionally equivalent to my use of liberal democracies.

pluralism of incompatible yet reasonable comprehensive doctrines.”³² For Rawls, comprehensive doctrines are those doctrines or worldviews that make a claim to speak to all areas of life. Rawls says that what differentiates his political doctrine from a comprehensive doctrine is a “matter of scope.”³³

Second, only the coercive use of state power can maintain a continuing common affirmation of one comprehensive doctrine. Third, to maintain trans-generational stability, a democratic regime must have the willing and free support of a substantial majority of its politically active citizens. Fourth, “the political culture of a reasonably stable democratic society normally contains, at least implicitly, certain fundamental intuitive ideas from which it is possible to work up a political conception of justice suitable for a constitutional regime.”³⁴ Lastly, citizens make many of their “most important judgments subject to conditions which render it extremely unlikely that conscientious and fully reasonable persons, even after free discussion, can exercise their powers of reason so that all arrive at the same conclusion.”³⁵

In summary, Rawls’s assessment of modern democracies argues that they contain within them a plurality of conflicting reasonable comprehensive doctrines; each of which can be reasonably held and can only be sustained or privileged by the use of coercive state power. Trans-generational stability can be achieved by persuasion, rather than coercion, in such democracies because within these modern democracies there exists certain fundamental intuitive ideas that make it possible to work up a political conception

³²Rawls, *Political Liberalism*, xviii, xxvii, xxxix, 4.

³³Ibid., 175.

³⁴Ibid., 38, n.41.

³⁵Ibid., xxx.

of justice that can be supported by a willing majority. Enlightenment and Post-Enlightenment public epistemology liberals would substantively agree with Rawls's assessment of the present liberal democratic situation. Enlightenment public epistemology liberals would differ with Rawls as to point number four above. In contrast to working up a political conception of justice, Enlightenment public epistemology liberals would argue that reason can bring about a consensus, and the conception of justice can be epistemologically justified.

Rawls's approach, which is shared by public epistemology liberals, is to ask, and attempt to answer, what is the greatest need of such liberal democratic societies as described above. In light of these "facts" of modern liberal democratic societies Rawls's answers entails explicating the nature of justice and stability. A brief discussion of the notion of stability will be given, before the more critical issue of justice is addressed.

Both justice and stability are essential elements of a well-ordered society in modern liberal democracies. Public epistemology liberals seek to achieve just societies that are also stable. Overcoming the five facts of modern democracies is the path to realizing such a stable and just society. As the issue of stability is not as critical to this discussion, and as its role is not as clearly and meticulously developed as is Rawls's notion of justice, only brief comment will be given here on his conception of it. Rawls often mentions the notion of stability, in very broad terms, to simply indicate the idea of winning enough support.³⁶ He adds slightly to this idea when he defines stability as the

³⁶Ibid., 39, 390, 392.

free and willing support of “at least a substantial majority of its politically active citizens.”³⁷

Rawls has identified a two-fold goal of modern liberal democracies: the implementation of justice and the achievement of stability.³⁸ His use of the concept of stability throughout his writings is always the latter stage of a two-stage analysis. In *Political Liberalism*, Rawls notes that in *A Theory of Justice* he argued for the well-ordered society of justice as fairness, and then proceeded to ask if such a society could also be stable.³⁹ This two-stage analysis has been the framework of both early and later Rawls, but whereas the early Rawls offered a comprehensive conception of justice, the later Rawls offers a political conception. The later Rawls suggests the earlier Rawls to have failed in providing a conception of justice that would result in stability, or gain a free and willing sufficient support of politically active citizens. So, for the later Rawls it is not until the principles of justice are articulated, that he then asks whether a modern democratic society based on such a notion of justice can gain the necessary support.⁴⁰ It would appear that stability, then, really has no justificatory role in arguments for bracketing religious reasons in public deliberation. Yet, this does not hinder Rawls from using his conception of stability as an argument for religious-reason restraint in public deliberation.

³⁷Ibid., 38.

³⁸Ibid., xx, 140.

³⁹Ibid., xlii, 65.

⁴⁰Ibid., 65.

What is important for Rawls is not only what might achieve stability, but also what prevents it. Rawls suggests the root cause of instability is the clash of unreasonable comprehensive doctrines. Rawls fortifies his view of instability with a recounting of the wars of religion. He fears that comprehensive doctrines, especially religious ones, result in political instability, because they contain within them no ground for toleration. Regarding the religious comprehensive doctrines of the 16th and 17th century he asks: for such religious comprehensive doctrines, “what can conceivably be the basis of religious toleration?”⁴¹ He goes on to note that for many there was no basis for toleration, “for it meant the acquiescence in heresy about first things, and the calamity of religious disunity. Even the earlier proponents of toleration saw the division of Christendom as a disaster, though a disaster that had to be accepted in view of the alternative of unending religious civil war.”⁴²

This maneuver of recounting history as endless religious strife and sectarian conflict is not unique to John Rawls. Charles Larmore suggests that the only alternative to liberalism is “sectarian warfare.”⁴³ Robert Audi, likewise, maintains that holy causes and “the clash of gods” bring about a state of irreconcilable politics, and that secular ideas, even firmly held, may still produce harmony.⁴⁴ Audi argues that religious

⁴¹Ibid., xxvi.

⁴²Ibid.

⁴³Charles Larmore, “Political Liberalism” *Political Theory* 18 (1990): 357.

⁴⁴Robert Audi, “The Separation of Church and State and the Obligations of Citizenship,” *Philosophy and Public Affairs* 18 (1989): 296.

disagreements polarize, but secular disagreements have less of a tendency toward this.⁴⁵

Rawls's historical reconstruction is that the tolerationist view was at first merely a *modus vivendi*, but now through political liberalism it transforms into a reasonable position, which he believes can provide stability as he defines it.⁴⁶

Public epistemology liberals agree that religious conceptions of justice are unable to garner enough support to achieve stability in modern democracies. This is to say, that the conception of justice offered by religious epistemology is incapable of providing the basis for social cooperation in a liberal democracy. Public epistemology liberals argue that not only have religious epistemologies failed to achieve stability in practice within liberal democracies, but religious epistemology suffers from other defects that make it unsuitable as the basis for public deliberation. Articulating these defects constitute the basis for public epistemology liberalism's claim that religious reasons should be bracketed in public deliberation. Public epistemology liberalism arrives at these defects primarily from its proffered morally appropriate epistemological source. Public epistemology liberalism grounds its morally appropriate epistemological source in its conception of justice, the topic that will now be taken up.

It is important to note that what public epistemology liberals are arguing for is greater restrictions, not greater freedom, for citizens in a liberal democracy. On its face, such a claim would appear to contravene the notion of citizens as free and equal, yet it is from just this starting point that public epistemology liberals make their case. They argue

⁴⁵Robert Audi, "Liberal Democracy and the Place of Religion in Politics," in *Religion in the Public Square*, ed. Robert Audi and Nicholas Wolterstorff (Landham, MD: Rowman and Littlefield Publishers, 1997), 7.

⁴⁶The major aid which his notion of stability brings to his theory is that it is a reminder that the conception of justice cannot be comprehensive.

that *because* citizens are free and equal, a restriction on the freedom of religious conviction must be developed. Entrance into the liberal democracy patterned after public epistemology liberalism requires the religious person to pay an epistemological tax and a limit on its freedom. Such a scenario places the onus on public epistemology liberalism to justify its view of justice, and its corresponding morally appropriate epistemological source.

There is no shortage of conceptions of justice that call for the bracketing of religious reasons in public deliberations. These conceptions of justice utilize notions such as autonomy, freedom, equality, respect, human flourishing, self-realization, the superiority of liberal values, the priority of the individual, and high and low standards of free expression in a liberal democracy. These are reflective of the nuances of argumentation various defenders of public epistemology liberalism employ, yet it is possible to articulate a general idea of the thrust of all these. The concept that most idealizes the public epistemology liberal's concern is that of respect.

The argument from respect concerns the priority of persuasion over coercion among rational persons. Public epistemology liberalism arrives at its argument from respect, because of its operating presuppositions. It begins its work with the assumption of citizens as free and equal. Whether this is justified on universal grounds or simply as a given among modern liberal democracies, the presupposition is the same. Coercion or use of force against citizens who are, or at least consider themselves, free and equal, is a violation of their self conception in that free and equal persons have an interest in living in such a way as they could approve on the basis of their own reason. To coerce such an individual in terms they would not sanction is to lack respect for them.

According to public epistemology liberals, it is not necessary to *actually* convince every citizen of one's favored coercive laws, but rather to merely justify them in such a way that all persons who are free and equal could sanction them. To merely supplant another rational person's judgment about ethical considerations with one's own non-universal or non-public judgment is considered an act of subjugation.⁴⁷ The project of public epistemology liberalism is articulating the exact nature of arguments that do not supplant nor subjugate a citizen's view of himself as free and equal. The proposed solution is a source or standard for justice that upholds respect. In this way, public epistemology liberals set themselves to the task of articulating a justice-as-respect conception of justice

Every conception of justice must answer, what is to be the basis upon which justice is determined? Wolterstorff asks, "And what is the appropriate source of the factual and moral convictions on the basis of which determinations of justice are to be made? That, for the person who embraces the liberal position, is the central question."⁴⁸ For public epistemology liberalism, justice requires a source that shows respect to all citizens as free and equal. It requires an *equitable* independent epistemological source to guide public deliberation on coercive laws.

The goal of providing a just standard for public epistemology may be pursued from an Enlightenment comprehensive liberal perspective or a Post-Enlightenment political liberal perspective. For example, Enlightenment liberals generally argue for a

⁴⁷The idea of subjugation is borrowed from Jeffrey Reiman, *Justice and Modern Moral Philosophy* (New Haven: Yale University Press, 1990).

⁴⁸Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 73.

distinctively liberal comprehensive conception of justice-as-respect, whereas a Post-Enlightenment liberal, such as Rawls, hopes to provide a module, not based on a comprehensive doctrine, which will fit within competing reasonable doctrines. On both approaches the goal is an epistemology that secures justice-as-respect. Whether the source for justice is John Rawls's notion of "public reason," Robert Audi's "secular rationale," Gaus' "public justification," or Locke's "entitled beliefs of maximal concernment," epistemological issues are inescapable. Public epistemology liberalism works to justify or discover an epistemological criterion for discerning morally appropriate reasoning that honors justice-as-respect in public deliberations.

Public epistemology liberalism begins its work within existing liberal democracies, as described above, and offers a conception of justice-as-respect that it believes will gain sufficient enough support among politically active citizens, who view themselves as free and equal. A key ingredient of public epistemology liberalism's conception of justice-as-respect is the epistemological ramifications. Public epistemology liberalism suggests that justice requires an epistemological *restraint* of sorts. The notion of freedom and equality has generally been accompanied by the notion of restraint in some form or another, but what is unique to public epistemology liberalism is that the restraint is directed toward citizens, not government, and this restraint, though *epistemological* in character, ultimately pertains to one's speech. Public epistemology liberals have set themselves to the task of articulating the exact nature of this epistemological restraint. The uniform conclusion among public epistemology liberals is that justice-as-respect within a liberal democracy requires a religious-reason restraint.

I have reduced the justificatory arguments for justice-as-respect to two for the sake of progress. Each type of argument parallel's each of the two major approaches to liberalism, namely the Enlightenment view and Post-Enlightenment view. The first type of argument is reflective of the Enlightenment view, which contends that religious reasons fail to achieve universal epistemological muster. The second type of argument is reflective of the Post-Enlightenment view, which contends that religious reasons fail to achieve liberal democratic public epistemological muster.

I will briefly introduce both types of justification here and will discuss Wolterstorff's interaction with each in subsequent chapters, working towards articulating the positive conception of Wolterstorff's consocial position. First, Enlightenment public epistemology liberalism argues for restraint on religious reasons because they fail to satisfy the demands of universal epistemological muster or universal reason. Enlightenment public epistemology liberalism attempts to offer a conception of epistemology that is universal or common to all normal, rational humans. Gaus notes three elements of this Enlightenment conception of universal reason: "1.) the truth is the same for everyone, 2.) reason is a shared capacity of all human beings, and 3.) the norms of good reasoning are universal."⁴⁹ Because of these truths, it was, and is, believed that rational humans can come to a consensus on truth or universal reason. If a citizen satisfies this universal epistemological standard, then that citizen will be showing respect to others citizens as free and equal in that the universal epistemological standard is that which is universal or common to every person, and as such is an equitable or just epistemological source.

⁴⁹Gaus, *Contemporary Theories of Liberalism*, 3.

The argument for a universal epistemology was notably articulated by John Locke in the form of a foundationalist conception of reason.⁵⁰ Locke argued for a conception of universal entitled beliefs on issues of maximal concernment, of which political issues are a species. His universal epistemology allowed for only the broadest and vaguest of religious beliefs. His logic entails that since most religious arguments cannot satisfy the requirements of this universal epistemology, they ought not to be the basis for public deliberation. It can never be appropriate to use an argument for public policy that fails to satisfy this minimal universal epistemology on issues of maximal concernment.

Second, Post-Enlightenment public epistemology liberalism differs in that it argues not for a universal epistemology, but rather for a specifically liberal democratic public epistemology. Rawls is a notable exponent of the Post-Enlightenment perspective of a liberal democratic public epistemology. His Post-Enlightenment notions are seen in his three indicators of what constitute public reason. He says “it is the reason of the public; its subject is the good of the public and matters of fundamental justice; and its nature and content is public, *being given by the ideals and principles expressed by society’s conception of political justice*, and conducted open to view on that basis.”⁵¹ The italicized phrase, though stated generically, refers to a society which is liberal democratic in nature. Hence, for Rawls, the liberal democratic public epistemology

⁵⁰The next chapter will discuss Wolterstorff’s argument that John Locke is concerned only with entitled beliefs of *maximal concernment*, not a general theory of belief entitlement. My point is still valid in that Locke is seeking a *universal* entitled belief of maximal concernment. It is not universal in the sense that it pertains to *every* epistemological issue. Rather it is universal in that it deals universally with all beliefs that are determined to be of maximal concernment, of which public deliberation is a species.

⁵¹Rawls, *Political Liberalism*, 213.

upholds justice-as-respect in that it is worked up from the ideals and principles of the liberal democratic regime, the main ideal being that persons are free and equal.⁵²

In addition, this italicized phrase speaks concretely to Post-Enlightenment public epistemology liberalism in that Rawls is attempting to avoid discussions of universal truth, morality or science. Rawls's conception of public reason is to be contrasted with what he calls comprehensive doctrines. Liberal democratic public reason is specific and non-comprehensive. That is to say, it does not cover a wide range of subjects, and does not include conceptions of what is of value in human life, ideals of personal virtue and other such beliefs that might inform non-political conduct.⁵³

In summary, public epistemology liberalism argues for a conception of liberal democracy wherein its main ideal is that of persons as free and equal. After delineating the immutable attributes of liberal democracies, they form a conception of justice-as-respect, which they believe will help guarantee the maintenance of persons as free and equal, and garner enough support for stabilization. Because citizens are free and equal, and have an interest in living in a manner they can endorse on their own reason, justice-as-respect in liberal democracies, whether grounded in a universal or in a liberal democratic public manner, requires epistemological respect among citizens. Only if this morally appropriate epistemological source is articulated will a citizen be able to know whether or not they are showing respect to the reasoning abilities of other free and equal citizens. The idea of freedom and equality require not only that coercive laws actually respect persons as free and equal, but also be arrived at through a process of reasoning

⁵²Rawls's explication of this will be discussed in Chapter Five.

⁵³Rawls, *Collected Papers*, 424, n.4.

that also respects persons as free and equal. This chapter will conclude by remarking on Wolterstorff's interaction with public epistemology liberalism, and his place in this debate.

Wolterstorff on the Liberal Position

Wolterstorff's contributions to the present dialogue are unique and worth consideration in that he brings an overtly religious perspective. In particular, his is a Christian comprehensive perspective.⁵⁴ His criticisms of a public epistemological ethic are insightful, and provide the groundwork for his consocial position. Although Wolterstorff is a critic of public epistemology liberalism, he is a supporter of liberal democracy. It is necessary to outline Wolterstorff's conception of a liberal democracy, and his defense of it because it is so closely entwined with his consocial position. I will locate Wolterstorff's place in this debate by first noting Wolterstorff's stance regarding liberal democracy, and then turn to his alternative to public epistemology liberalism, namely his consocial position.

Wolterstorff contends that it is possible to separate liberal polity from the liberal position or liberal political theory.⁵⁵ Wolterstorff understands a liberal polity to be that,

“in which there is a constitutional-legal framework which guarantees to all its sane adult citizens due process of law along with the so-called ‘civil liberties,’ foremost among those liberties being these: freedom of conscience, freedom of religious practice, freedom of speech, freedom of assembly, freedom from search and seizure without warrant, freedom from cruel and unusual punishment, and freedom from intrusions into one's private life. Each of these freedoms is a blend of *freedom from*

⁵⁴Wolterstorff, “Do Christians Have Good Reason for Supporting Liberal Democracy?” *The Modern Schoolman* Vol. 78, nos. 2 and 3 (January/March 2001): 231-232.

⁵⁵*Ibid.*, 229. Wolterstorff says it is important to recognize “that one can support liberal democracy without being a liberal theorist” (229).

actions of certain sorts by the state, and *freedom guaranteed* by the state from actions of certain sorts by one's fellow citizens."⁵⁶

This definition focuses on the "liberal" element delineated above. In *Religion in the Public Square*, Wolterstorff defines a liberal democracy as "that mode of governance that grants to all people within the territory of its governance equal protection under law, that grants to its citizens equal freedom in law to live out their lives as they see fit, and that requires of the state that it be neutral as among all the religions and comprehensive perspectives represented in society."⁵⁷ He summarizes this definition under the three concepts of equal protection, equal freedom and neutrality. Again, these three concepts correspond to the "liberal" element of freedom delineated above.

After citing these three concepts, Wolterstorff then notes one other immensely important addition, namely the concept of equal voice in governance. He says "the governance of society is ultimately vested in the normal law-abiding adult citizens of society, and at the point of ultimate vesting, each such citizen has equal voice. Normally this voice is exercised by voting for office bearers and for option in referenda."⁵⁸ This immensely important addition corresponds to the democratic element of equality delineated above. Wolterstorff understands a liberal democracy to involve both a liberal and a democratic element. It should be noted that in addition to specifying the "civil liberties" and "equal voice" of a liberal democracy, Wolterstorff contends that these liberties are not absolute, and each liberal democracy varies as to which liberties are

⁵⁶Ibid., 232.

⁵⁷Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 70.

⁵⁸Ibid.

enshrined and to what extent. In this way there is no fully liberal democratic polity, but rather liberal democratic polities of varying degrees.⁵⁹

Wolterstorff argues that there are non-liberal reasons for the support of such liberal democracies. He offers one such argument from the Christian perspective. In his article, “Do Christians Have Good Reasons for Supporting Liberal Democracy,” he asks if Christian thought as a whole supports a liberal polity.⁶⁰ The course of justification that Wolterstorff takes for Christian support of liberal polity is not a universal justification, but rather a situational justification. He asks, “whether Christian thought provides good reasons for people *in our sort of situation* to support liberal polity.”⁶¹ He begins by taking a line from Rawls, namely, Wolterstorff acknowledges the seemingly permanent condition of philosophical and religious diversity; the diversity of comprehensive doctrines of God and the good that exist in our modern liberal democracy. From this groundwork Wolterstorff works up what he thinks are good reasons *for Christians* living in a *religiously plural* polity to not only not be skeptical of liberal democracy, but also to refrain from seeking to subvert it.

Wolterstorff contends that those from a Christian perspective have not historically argued for liberal democracy as optimal but, rather, have supported it for the pragmatic reason that a liberal democracy is the least bad among options.⁶² In addition, he observes that the Christian perspective argues for a non-liberal democracy because it has

⁵⁹Ibid. See also Wolterstorff, “Do Christians Have Good Reason for Supporting Liberal Democracy?” 232, 233.

⁶⁰Ibid., 230.

⁶¹Ibid., 230. Italics are Wolterstorff’s.

⁶²Ibid., 241.

historically held to three political ideals. The first is that there is only one conception of the good, and that it usually entails the idea of a life of virtue and the love of God. This highest good is held by the Christian perspective in contrast to the highest good of securing for people the right to choose their own view of God and the good. The second is that coercion can, and often does, produce good results. Wolterstorff mentions the example of parents who force a child to learn the piano, which though coerced produces good results. The third is that political liberty is merely of moderate worth. Wolterstorff contends that these pre-modern Christian presuppositions will inevitably lead one to conclude that a liberal democratic polity is an impoverished arrangement. Preferable to it is a conception of polity that cultivates virtue and love of God.

Wolterstorff mentions one other argument for Christian support of liberal democracy. It is an argument that appeals to the Christian conviction of justice. He says that “the Christian will insist that the state accord and secure freedom for him to hold and live out his particular convictions about God and the good; it would be *unjust* were the state not to accord and secure the counterpart freedom to others.”⁶³ Wolterstorff goes on to note that the pre-modern Christian response to such an argument would be that the highest good is not the excellence of freedom itself, but rather the excellence of living out the Christian conception of God and the good. With this last attempt Wolterstorff summarizes that all efforts at arguing in favor of a liberal democracy from Christian convictions about goods have failed. He insists that the Christian must look elsewhere than to arguments from goods if he is to ever find that a liberal democracy is more than merely a pragmatic option.

⁶³Ibid., 242. Italics mine.

The alternative approach, which he adopts as a working paradigm, is to focus on evils to be avoided. It is in this argument that Wolterstorff offers particulars of his consocial position as a distinct alternative to public epistemology liberalism. Though Wolterstorff is favorable to liberal democracy, he does not hold to justice-as-respect. Instead, he offers a notion of justice-as-avoidance-of-evil-against-other-persons. Wolterstorff argues that not only does an epistemological source for public deliberation, which restrains religious reasons, violate the notion of respect, but it also violates justice-as-avoidance-of-evil-against-other-persons. So Wolterstorff's critique of public epistemology liberalism is both internal and external.

The assertion here is that Wolterstorff replaces the public epistemology liberal's notion of respect for persons with the notion of avoiding the violation of persons, and further, he holds that this latter notion does not entail any epistemological obligations in public deliberation for citizens of liberal democracy. He accomplishes this in two ways. First, he dissects and criticizes Enlightenment public epistemology liberalism's case for a universal epistemology that requires the bracketing of religious reasons. He offers in place of a foundationalist universal epistemology, a negative coherence model. This negative coherence model argues for the justification or legitimacy of religious reasons. If religious reasons meet this universal epistemological criterion of negative coherence, then it can be shown that one can argue from religious reasons in public deliberation, and simultaneously show respect to others as free and equal.

Secondly, Wolterstorff argues against Post-Enlightenment public epistemology liberalism's case for a liberal democratic public epistemology. In place of its liberal democratic notion of respect, he offers his liberal democratic notion of avoidance of evil

against others. These criticisms and their corresponding alternatives constitute major elements of Wolterstorff's consocial position. In the next two chapters, the Lockean argument for a universal foundationalist epistemology, and Wolterstorff's criticism and alternative to it will be developed.

CHAPTER THREE

Enlightenment Public Epistemology Liberalism: John Locke

Introduction

Wolterstorff notes that the liberal position entails two types of obligation in a liberal democracy. One obligation is upon the government and the other is upon individual citizens. According to the former obligation the government is to remain neutral regarding religion. The latter obligation requires that individual citizens of a liberal democracy are to deliberate according to a morally appropriate epistemological source. Public epistemology liberalism speaks to this obligation upon citizens. It maintains that there is an appropriate, moral not legal, epistemological ethic that is based on a conception of justice. Such a view falls under what Alvin Plantinga calls epistemic deontology. Wolterstorff asks, “And what is the appropriate source of the factual and moral convictions on the basis of which determinations of justice are to be made? That, for the person who embraces the liberal position, is the central question.”¹ The morally appropriate epistemological source has been delineated through the articulation of two basic sources: An Enlightenment universal epistemological source and a Post-Enlightenment independently equitable epistemological source.

In this chapter, the Enlightenment universal epistemological source will be examined under three headings. First, it offers a brief analysis of the epistemological landscape. This will work toward setting forth the basic epistemological framework of

¹Nicholas Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” in *Religion in the Public Square*, ed. Robert Audi and Nicholas Wolterstorff (Lanham, MD: Rowman and Littlefield Publishers, 1997), 73.

Enlightenment public epistemology liberalism, which is a form of foundationalism. Second, it develops the conception of foundationalism, along with its evidentialism, as articulated by John Locke. Wolterstorff notes that “to describe a position as ‘foundationalist’ without further explanation is to plunge into a swamp of verbal vagueness.”¹ He says the “range of positions called ‘foundationalism’ has been expanding by leaps and bounds in recent years, so much so that the expansion is well on the way to the point where the shared property will be little more than *being an epistemological position of which the speaker disapproves*.”² For this reason Wolterstorff focuses his efforts on a particular conception of foundationalism, namely that of John Locke. This second section will comprise a running narrative of Locke’s classically modern foundationalism³ as understood by Wolterstorff. Lastly, Wolterstorff’s critical evaluation of Locke will be given.

Locke is chosen as the exemplar for two reasons. The first is because of Wolterstorff’s thorough interaction with the thought of Locke, and the second reason is because Wolterstorff identifies Locke as “the most influential of the traditional version.”⁴

¹Nicholas Wolterstorff, *Thomas Reid and the Story of Epistemology* (Cambridge: Cambridge University Press, 2001), 187.

²Ibid.

³Wolterstorff uses the phrase “classically modern foundationalism,” *John Locke and Ethics of Belief* (Cambridge: Cambridge University Press, 1996), x. I choose the description “classically modern foundationalism” because Wolterstorff himself has used it and because it is a conjunction of Plantinga’s designation of “modern foundationalism” and Wolterstorff’s most common designation of “classical foundationalism.” See *Faith and Rationality* (Notre Dame: University of Notre Dame Press, 1983), 1-15, for further discussion.

⁴Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 81.

What Wolterstorff calls the “traditional version” corresponds to my “Enlightenment public epistemology liberalism,” and what he calls the “contemporary version” corresponds to my “Post-enlightenment public epistemology liberalism.” Throughout this chapter I will use the term “Enlightenment” to mean Wolterstorff’s “traditional version.” The term “Enlightenment” is appropriate in that even Wolterstorff makes a connection between Locke and Enlightenment public epistemology liberalism when he identifies Locke as “proto-Enlightenment.”⁵ In a sense, Wolterstorff chooses Locke and Rawls not merely because they are the most influential, but his narration of their thought provides justificatory aid to his consocial position.⁶ Third, this chapter concludes with observations on Wolterstorff’s critique of the Enlightenment epistemological model. This analysis will provide a support and context for his alternative to the foundationalist-evidentialism of Enlightenment public epistemology liberalism. This alternative epistemology will be presented in the next chapter.

Before discussing foundationalism, the exact point at issue must be identified. The question raised is not how does one justify a liberal democracy, but rather how does one justify a morally appropriate epistemological source for public deliberations within a liberal democracy? Certainly, if one is successful in justifying liberal democracy, it will, at the least, provide a framework and aid to the justification of a morally appropriate epistemological source within it. However, the two issues can be separated. For

⁵Nicholas Wolterstorff, "Evidentialism, Entitled Belief, and the Gospels," *Faith and Philosophy* 6, No. 4 (Fall 1989): 429-430.

⁶Something like MacIntyre’s dictum appears in play, namely “to justify is to narrate how the argument has gone so far.” Alisdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1988), 8.

example, in *Religious Commitment and Secular Reason*, Robert Audi outlines a multiplicity of approaches to justifying a liberal democracy. Audi states that there are “a number of ways in which a liberal democracy can be plausibly grounded.”⁷ He then offers a sketch of what such plausible grounding might look like for each, such as that of utilitarianism, instrumentalism, Kantianism, virtue ethics, communitarianism, a theological grounding, and intuitionism and common sense.⁸ He then proceeds to articulate his preferred conception of the morally appropriate epistemological source for public deliberations within a liberal democracy. Regardless of which justificatory approach one takes for liberal democracy itself, Audi contends he provides a satisfactory justification for the morally appropriate epistemological source within it. The issue at hand is the justification of the morally appropriate epistemological source for public deliberation, and not the justification of the liberal democracy itself.

Although the justification of a morally appropriate epistemological source for deliberation within a liberal democracy is comprised of many nuances, Wolterstorff summarizes the arguments to two broad approaches. The first of which is the Enlightenment approach. Is there a common method of justification of the morally appropriate epistemological source among Enlightenment public epistemology liberals? Wolterstorff contends that there is basically a common method, and that is the method of foundationalism, and its appended notion of evidentialism. Although the particulars of what is foundational and what is not may differ, they are related by the common

⁷Robert Audi, *Religious Commitment and Secular Reasons* (New York: Cambridge University Press, 2000), 8.

⁸In addition to these outlines, Audi remarks that there can be a diversity of the *kind* of cases made for liberal democracy, such as a moral or non-moral one. Audi, *Religious Commitment and Secular Reason*, 9.

methodology of foundationalism. Before discussing Locke's brand of foundationalism, it will be helpful to outline three leading epistemologies, and then consider the main features of classically modern foundationalism in general.

Skepticism and the Structure of Knowledge

Contemporary epistemology is loosely comprised of three basic positions: skepticism, coherentism and foundationalism.⁹ Coherentism and foundationalism constitute views about the structure of knowledge that are goaded on by skepticism concerning knowledge. Skepticism comes in a variety of forms with a variety of targets, such as rationality, knowledge or justification. With regard to the coherentist and foundationalist debate, skepticism holds that there are no non-inferentially justified beliefs. Skepticism exploits the regress problem posed to all accounts of epistemological justification. For example, the structure of knowledge presupposes a chain of reasons, no matter the relation between the reasons; and that all chains of reasoning must be of the nature of infinity, foundationality or circularity. Hans Albert calls this the "Munchhausen Trilemma." It maintains that "if one demands a justification for everything, then one must also demand a justification for the knowledge to which one has referred back the views initially requiring foundations."¹⁰ This move leads to a trilemma of three equally undesirable alternatives for the non-skeptic.

⁹I come to these three categories primarily because of their relevance to the specific epistemological topic at hand. Externalism and internalism have recently become categories of interest in epistemological debate, but do not serve well in the focus of this chapter, and thus will be discussed in the following chapter.

¹⁰Hans Albert, *Treatise on Critical Reason*, trans. M. V. Rorty, (Princeton, Princeton University Press, 1985), 18. Albert contends *the* problem of epistemology is the "problem of foundation," 12.

The first alternative, claims the skeptic, forces one into an infinite regress, which in practice is impossible. The skeptic claims that a chain of reasons that is infinite involves a regress of reasons that are unable to finally justify any belief. At no point in the chain of reasoning does one, in practice, find justificatory ground from which to proceed. The second alternative forces one into a logical circle, which in practice results in a proposition serving as its own foundation. This option is a form of coherentism, to which the skeptic rejoins that a circle of arguments is equally unable to justify any belief in that it must, in the nature of the case, finally use an argument as its own justification. The last alternative forces one to simply break-off the justification process, which can be done in practice, but results in arbitrary foundations.¹¹ This option is a form of foundationalism, and to it the skeptic maintains that arguments based on a termination point of the chain of reasons must be arbitrary, leaving each subsequent reason depending on an arbitrary beginning point that is without justification. The skeptic maintains that any meta-justification of a foundational belief, namely because it has some property *f*, must beg the question unless a reason or justification as to why belief *p* with property *f* is itself not in need of justification. Again the charge of arbitrariness is raised. For example, Peter Klein raises just such an objection to foundationalism when he states that “foundationalism is unacceptable because it advocates accepting an arbitrary reason at the base, that is, a reason for which there are no further reasons making it even slightly

¹¹Albert uses the terms “infinite regress,” “logical circle” and “breaking-off.” Albert, *Treatise on Critical Reason*, 18.

better to accept than any of its contraries.”¹² Skepticism armed with the regress problem is the hurdle for coherentism and foundationalism.

Both coherentism and foundationalism are claims or views about the structure of knowledge that seek knowledge or justified belief in response to the skeptics’ challenge. The foundationalist is goaded to a foundational descent and the coherentist to a coherent orbit. Coherentism, as an epistemological theory, is difficult to characterize. It is broadly articulated as a matter of relations between propositions. Audi describes epistemological coherentism as arguing that knowledge and justified belief possess “their epistemic credentials by virtue of their relations to other cognitions.”¹³ Coherentists typically hold that justification is solely a function of some relationship between one’s beliefs, none of which are privileged beliefs in the manner articulated by the foundationalist. John Pollock states that all coherence theories “turn upon the fundamental idea that it is a belief’s relationship to all other beliefs, and not just a privileged subclass of beliefs, that determines whether it is justified.”¹⁴ More will be said on coherentism in the following chapter.

As mentioned, foundationalism attempts to answer the epistemic regress problem of inferentially justified beliefs.¹⁵ Foundationalism, as a view of the structure of

¹²Peter Klein, “Human Knowledge and Infinite Regress of Reasons,” *Philosophical Perspectives* 13 (1999): 297.

¹³Robert Audi, *The Structure of Justification* (New York: Cambridge University Press, 1993), 4.

¹⁴John Pollock, *Contemporary Theories of Knowledge* (Lanham, MD: Rowman and Littlefield, 1986), 67.

¹⁵See John Greco, “Foundationalism and Philosophy of Religion,” in *Philosophy of Religion*, ed. Brian Davies (Washington, D.C. Georgetown University Press, 1998), 35.

knowledge or justified belief, denotes that a “person’s knowledge (or justified belief) has a foundational structure, but not what sorts of content the constitutive cognitions must have.”¹⁶ The basic notions of foundationalism, as well as the circularity inherent in coherentism, go as far back as Aristotle.¹⁷ Rather than an infinite regress of reasons, foundationalism holds that not all items of understanding are in need of demonstration. Its basic approach, then, is the articulation of the foundational principles that are non-inferential and that serve as the base for other beliefs.

Wolterstorff maintains that at the center of all foundationalisms is the articulation of “the conditions under which some particular truth-relevant merit attaches to propositional attitudes – as to the conditions under which some judgment or belief, say, is warranted, or entitled, or justified, or whatever.”¹⁸ He adds to this that they all have a similar fundamental conception of judgments and beliefs. Wolterstorff maintains that every foundationalist brings into play the distinction between non-inferential and inferential, or as he terms it “mediate” and “immediate ideas.”¹⁹ According to foundationalism, a proposition is foundational if and only if it is true and some human being could know, non-inferentially and with certitude, that it is true. Wolterstorff says that “any foundationalist whatsoever, whether a classical foundationalist or one of some other stripe, will begin by making a distinction between those of our beliefs which we hold on the basis of others of our beliefs, and those which we do not hold on the basis of

¹⁶Audi, *The Structure of Justification*, 4.

¹⁷Wolterstorff notes this connection in *Reason Within the Bounds of Religion*, 30. See Aristotle’s, *Posterior Analytics*, Book Alpha, especially Chapter 3.

¹⁸Wolterstorff, *Thomas Reid and the Story of Epistemology*, 188.

¹⁹*Ibid.*, 189.

other beliefs of ours – those which we hold immediately.”²⁰ Foundationalists’ agree that at least some beliefs are immediately held. They would argue that if a person with a belief *p*, which is rational for the person to believe because it is believed on the basis of another belief, *q*, such that *q* satisfactorily supports *p*, and that in turn, *q* is believed on the basis of another belief, *r*, such that *r* satisfactorily supports *q*; and if this chain of reasoning is carried on, then at some point in the series one will arrive at an immediately held belief, which is rational to hold and is not held on the basis of some other belief.²¹

And what are those immediately held beliefs or properly basic beliefs according to foundationalism? Philip Quinn, in his criticism of Plantinga, articulates it well. He says that there is a “triply universal claim.”²² This triply universal claim comes by way of two foundationalist traditions. The ancient or medieval foundationalism articulates two properly basic beliefs, namely self-evident beliefs and beliefs that are evident to the senses. Quinn puts it this way: “For any proposition *p*, person *S* and time *t*, *p* is properly basic for *S* at *t* if and only if *p* is self-evident to *S* at *t* or is evident to the senses of *S* at *t*.”²³ Modern foundationalism adds to this ancient foundationalism the notion of incorrigibility. Quinn expresses this by saying that “for any proposition *p*, person *S* and time *t*, *p* is properly basic for *S* at *t* if and only if *p* is incorrigible for *S* at *t* or is self-

²⁰Nicholas Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” in *Faith and Rationality*, ed. Alvin Plantinga and Nicholas Wolterstorff (Notre Dame: University of Notre Dame, 1983), 2.

²¹See Wolterstorff, *Faith and Rationality*, 3.

²²Philip Quinn, “In Search of the Foundations of Theism,” *Faith and Philosophy* 2 (1985): 470.

²³*Ibid.*

evident to S at *t*.”²⁴ From these foundational beliefs it is now possible to work out inferentially justified beliefs. It is this final modern notion of foundationalism that Wolterstorff calls “classically modern foundationalism.”²⁵ In summary, classically modern foundationalism holds that genuine science or true knowledge is “firmly based on a foundation of certitudes which can be known non-inferentially. The classically modern foundationalist makes the triply universal claim that these non-inferentially known certainties or foundational beliefs must be self-evident, evident to the senses or incorrigible.”²⁶ With this as Wolterstorff’s fundamental understanding of foundationalism in place, I now turn to his account of John Locke’s epistemological ethic, namely his ethic of belief.²⁷

²⁴Ibid., 470-471.

²⁵Nicholas Wolterstorff, *John Locke and the Ethics of Belief*, x. See also, Wolterstorff, *Thomas Reid and the Story of Epistemology*, 186. In *Reason Within the Bounds of Religion*, Wolterstorff goes so far as to say “the classic theory of theorizing in the Western world is foundationalism” (28).

²⁶Ibid. x, footnote, 4. Here Wolterstorff defines a classical foundationalist as “one who holds that the only *immediate (basic)* beliefs which possess whatever be the doxastic merit in question are those whose content is either a proposition self-evident to the person, or a proposition which is an incorrigible report of a mental act or object of the person.”

²⁷Wolterstorff gives this title – “the ethics of belief” – to his book on Locke. Passmore has written a journal article by the same title. See J. A. Passmore, “Locke and the Ethics of Belief,” in *Locke*, ed. Vere Chappell (Oxford: Oxford University Press, 1998), 279-298. Passmore focuses on the specific issue of belief and will, whereas Wolterstorff’s concerns are much broader.

The Context of Locke's Thought

Wolterstorff narrates how he happened upon Locke as so influential.²⁸ He tells his readers that he was led to consider Locke's general epistemology by three paths. First, early on in Wolterstorff's academic career he was perplexed by the challenge issued to religious persons to provide evidence for their religious beliefs. The challenge always took the form of foundationalism, which he found to be unsustainable. Wolterstorff was curious as to why the forms of foundationalism that seemed to him so "obviously unacceptable" were so compelling to many great philosophers.²⁹ This pursuit of the origins and articulation of foundationalism led him to Locke. He turned to Locke rather than Descartes for the shaping of this challenge, because Descartes foundationalism concerned *scientia* and its scope was more constrained than Locke's more wide-ranging foundationalism. In Locke's epistemological program, Wolterstorff says he found one of the first to formulate intelligently the evidentialist challenge to theistic belief.³⁰

The second path to Locke was forged by way of Thomas Reid. Wolterstorff found a metaphysical soul-mate in the 18th century Scottish philosopher. Like himself, Reid was anti-foundationalist, and yet also a metaphysical realist. Believing Reid to be unjustly ignored, Wolterstorff became determined to revive him from oblivion and restore him to canonical status in the teaching of modern philosophy in the West.³¹ In

²⁸Plantinga seems to credit his own realization of Locke's importance to Wolterstorff. See Alvin Plantinga, *Warrant: The Current Debate* (New York: Oxford University Press, 1993), 11.

²⁹Wolterstorff, *John Locke and the Ethics of Belief*, xi.

³⁰Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 137.

³¹Wolterstorff, *Thomas Reid and the Story of Epistemology*, ix.

this endeavor Wolterstorff was forced to contextualize Reid's thought, and to do this he was again led to Locke and his "way of ideas" as the main source of Reid's concern. Lastly, in defending religious belief against critique, Wolterstorff engaged in the study of the responsibilities human beings have for their beliefs. Here he found it mistaken to use "rationality" as a synonym for "permissibility."³² Why give rationality such an exalted status with regard to what human beings ought to believe? Wolterstorff pursued the answer to this question through historical narrative, and he was again led to John Locke. For Wolterstorff, Locke is the architect behind foundationalism, evidentialism and the governance of beliefs, and so Locke became the pivotal character in Wolterstorff's epistemological narrative.³³

Wolterstorff follows the commonly accepted view of the concerns that incited Locke to his philosophical reflections. Locke was having a discussion with friends regarding morality and revealed religion, and the participants came to an impasse on the various positions.³⁴ At first Locke was puzzled at what he had experienced, but soon found his way through it to discover the need for epistemological reform. This experience, along with Locke's growing weariness of the cultural crisis brought on by the religious and moral stalemates of the competing traditions, prompted Locke to

³²Wolterstorff, *John Locke and Ethics of Belief*, xiii.

³³Ibid., xxi. Wolterstorff also says that of those philosophers who spoke to governance of belief, Locke is the "most profound and influential."

³⁴Locke, *Essay*, Epistle to the Reader. Sterling Lamprecht notes that this view is confirmed by James Tyrell, who was present at this meeting. Tyrell makes a comment in the margin of his copy of *Essay Concerning Human Understanding* that the discussion concerned principles of morality and revealed religion. Lamprecht, "Locke's Attack Upon Innate Ideas," *Philosophical Review* 36, no. 2 (March 1927): 146. See also Wolterstorff, "Philosophy of Religion," 174ff.

concentrate his epistemological inquiry around religion and morality.³⁵ Nicholas Jolley goes so far as to say that Locke's main purpose was "not to found the philosophical movement of empiricism, nor to defend Boyle, Huygens and Newton and a corpuscularian theory of matter but, rather, Locke wrote the *Essay Concerning Human Understanding* because of a desire to better establish the principles of morality and religion."³⁶ These issues inspired Locke to not merely set forth a theory of knowledge, but more importantly a new *doxastic practice* for entitled beliefs of *maximal concernment*.

Through his narration regarding Locke's new doxastic practice, Wolterstorff is able to criticize all Enlightenment public epistemology liberalism that incorporates foundationalist presuppositions in its political philosophy. Wolterstorff begins by indicating that he is offering an alternative narrative on John Locke.³⁷ He contends that Locke was offering an epistemological ethic to the common person regarding one's beliefs, including political beliefs. He says that according to Locke "there is a general

³⁵Wolterstorff, *John Locke and the Ethics of Belief*, x.

³⁶Nicholas Jolley, *Locke: His Philosophical Thought* (New York: Oxford University Press, 1999), 2-3. Jolley says "If one examines the moral and religious context in which Locke was living at the time of his initial reflections, it becomes quite clear that one of the traits of the *Essay* which created such an active interest in Locke's contemporaries was the way in which its philosophical doctrines were almost always directly related to the moral and religious disputes of the day. This relevance gave to Locke's work an immediate importance for its readers. What came to fan the flames of controversy and invective was the solutions he proposed to the traditional disputes," viii. See also John Yolton, *John Locke and the Way of Ideas* (London: Oxford University Press, 1956).

³⁷Wolterstorff, *John Locke and the Ethics of Belief*, x.

ethic of belief, and that in this ethic reason has a central role.”³⁸ Locke’s capstone declaration was that “reason must be our last judge and guide in every thing.”³⁹ Wolterstorff says, that for Locke “any proposition of maximal ‘concernment’ which is not intuitively or demonstratively known to be true, Reason is to determine the probability of the proposition on satisfactory evidence, and we are to place a level of confidence in the proposition proportioned to what Reason tells us is that probability.”⁴⁰ Both Wolterstorff and Plantinga insist that once this ethic of reason-guided belief had been outlined by Locke, it became the prevailing way of thinking for modernity; in particular it became the prevailing way of thinking for the Enlightenment.⁴¹

According to Wolterstorff, this ethic of belief is most clearly and articulately set forth in the latter half of Book IV of the *Essay Concerning Human Understanding*. Book IV concerns belief-formation, and is the goal of the entire work. His narrative argues for Locke the rationalist,⁴² not the empiricist, whose primary concern is the nature of knowledge, and the articulation of the appropriate norms regulating one’s beliefs. By reason, Locke means not a body of truths, but rather a way of conducting the

³⁸Ibid., 180.

³⁹John Locke, *Essay Concerning Human Understanding*, 4.19.14. See also, 4.16.4.

⁴⁰Wolterstorff, *John Locke and the Ethics of Belief*, 180. See also, pages 66-67.

⁴¹Alvin Plantinga, *Warranted Christian Belief* (New York: Oxford University Press, 2000), 81, and *Warrant the Current Debate*, 11. Plantinga also says that Locke’s essay “ushers in epistemology in the West.” *Warranted Christian Belief*, 72.

⁴²See Ruth Grant, *John Locke’s Liberalism* (Chicago: University of Chicago Press, 1987), and Nicholas Jolley, *Locke: His Philosophical Thought* (New York: Oxford University Press, 1999), 169ff, who make similar arguments. Plantinga also echoes this in *Warranted Christian Belief*, 74. Plantinga credits A. D. Woozley for noting this in the 1960’s.

understanding with regard to belief. Wolterstorff notes that reason is not knowledge, but rather reason is the guide to trying one's best with regard to beliefs that rest on the base of knowledge.⁴³ Reason is the faculty by which one judges the strength and soundness of arguments. Locke suggests to his readers to let reason - not any particular tradition - be the guide. Wolterstorff notes that what was unique in Locke's project regarding belief was that he followed reason and did not consult the textual tradition or Scripture in his endeavor nor recommend them as a method.⁴⁴ Locke, in fact, disparages those who hold their convictions based on consulting some particular tradition. He argues that such a method would equally justify all traditions.⁴⁵ On the basis of this argument, and others, Locke maintains that one must follow reason as the guide in order to overcome stalemates, such as that which he experienced with his friends, and that which society was experiencing in its political debates.

Locke's Epistemology

Wolterstorff asserts, in his written debate with Robert Audi, that Locke's political epistemology is "pretty much a straightforward implication of his general epistemology."⁴⁶ With regard to Locke's general epistemology, I find the fundamental categorization of Locke's thought as delineated by Plantinga, aptly suited to serve as a

⁴³Wolterstorff, *John Locke and the Ethics of Belief*, 87.

⁴⁴Nicholas Wolterstorff, "Tradition, Insight and Constraint," *Proceedings and Addresses of the American Philosophical Association* 66, No. 3 (November, 1992): 43.

⁴⁵Locke, *Essay Concerning Human Understanding*, 4.15.6. See also, 4.20.17.

⁴⁶Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 82.

background framework. Plantinga portrays Locke as the source of three epistemological items: deontologism, foundationalism and evidentialism.⁴⁷ Epistemic deontologism addresses those duties and obligations humans bear in their thinking.⁴⁸ Foundationalism concerns the structure of knowledge, and evidentialism speaks to entitlement regarding beliefs. Each of these areas are explored in the discussion below.

The deontological nature of Locke's epistemology takes center stage for Wolterstorff. He says two questions dominate Locke's thought: what is the scope of human knowledge, and how ought we to govern our assent when we lack knowledge.⁴⁹ This latter question is the deontological question. Wolterstorff distinguishes between Locke's descriptive epistemology on the nature of knowledge and belief, and his prescriptive epistemology, which concerns the regulation of belief.⁵⁰ Since knowledge for Locke is sparse, as will be shown, Locke's primary concern is not with knowledge,

⁴⁷Plantinga, *Warranted Christian Belief*, 82. In *Warrant the Current Debate*, Plantinga says there are three connected notions that have dominated 20th century epistemology: justification, internalism and deontology (5). In another place, he says Classical foundationalism is really "classical *deontologism* – the view that epistemic responsibility and fulfillment of epistemic obligation and duty are of crucial epistemic importance – together with its consequent internalism that has been thus dominant." *Warrant the Current Debate*, v.

⁴⁸Plantinga finds epistemic deontologism as the culprit that produces internalism. See his *Warrant the Current Debate*, v, vii, 11-15.

⁴⁹Nicholas Wolterstorff, "Locke's Philosophy of Religion," in *The Cambridge Companion to Locke*, ed. V. Chappell (Cambridge: Cambridge University Press, 1994), 172.

⁵⁰*Ibid.*, 184. Wolterstorff mentions Locke's philosophy as descriptive and regulative in "The Assurance of Faith," *Faith and Philosophy* 7, No. 4 (October 1990): 401.

but rather with rightly conducting one's beliefs.⁵¹ It is in Locke's prescriptive epistemology concerning beliefs that Wolterstorff locates deontologism. Within Locke's deontologism the two basic notions of foundationalism and evidentialism are expounded.⁵² In what follows, I reconstruct, in broad strokes, Wolterstorff's account of Locke's general epistemology.⁵³ I begin with his view of the nature and scope of knowledge, and then move to the nature and scope of belief and its proper governance, as it is explained through the categories of foundationalism and evidentialism.

Locke's descriptive epistemology concerning the nature of knowledge has direct implications for his prescriptive epistemology. Wolterstorff attributes to Locke's descriptive epistemology an official position that is visionary, and an unofficial position that is qualified. The official position holds that knowledge and belief are different phenomena. If this position holds then Locke's general epistemology concerning knowledge is not of the foundational sort as foundationalism is a theory concerning the

⁵¹Plantinga, *Warranted Christian Belief*, 75. Plantinga uses the term "opinion," not "belief." Locke's attention is primarily given to epistemic duties of a doxastic - not cognitive - nature. See Nicholas Wolterstorff, "John Locke's Epistemological Piety: Reason is the Candle of the Lord," *Faith and Philosophy* 11, No. 4 (October 1994): 586.

⁵²Wolterstorff specifically mentions these in his article "Locke's Philosophy of Religion."

⁵³I offer a reconstruction and not much by way of criticism or interaction except where relevant to the overall direction of the project. In addition, it would not be difficult to offer counter examples to any hermeneutic of Locke's thought. Peter Laslett is on point when he says that "Locke is, perhaps, the least consistent of all the great philosophers, and pointing out the contradictions either within any of his works or between them is no difficult task," John Locke, *Two Treatises*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 82.

presence of epistemic merits in beliefs.⁵⁴ Locke's unofficial position is that knowledge is a species of belief.⁵⁵ Wolterstorff discusses how these two positions confront Locke. He endeavors to show that Locke's official position cannot be maintained, and that even Locke himself concedes this. If Wolterstorff establishes that Locke's actual position is his unofficial position of knowledge as a species of belief, then Wolterstorff is in a position to discuss and criticize its foundational nature.

Wolterstorff begins where Locke does, the question of knowledge. With regard to his definition of knowledge, Locke is fairly straightforward. He says, "Knowledge then seems to me to be nothing but the perception of the connexion and agreement, or disagreement and repugnancy, of any of our ideas. In this alone it consists. Where this perception is, there is knowledge; and where it is not, there, though we may fancy, guess, or believe, yet we always come short of knowledge."⁵⁶ For Locke's official and visionary position, all knowledge is perceiving. Knowledge according to Locke's official position, as Wolterstorff sees it, is an *awareness* of some entity or fact, whereas belief is *taking* something to be true.⁵⁷ Under this notion, knowledge is scanty and short by Locke's own admission.⁵⁸ By perception, Locke is to be understood as speaking of

⁵⁴Douglas L. Coyle, interview by author, March 14, 2005, Las Cruces, NM, email correspondence.

⁵⁵Wolterstorff, "Locke's Philosophy of Religion," 176-177. Wolterstorff also discusses this in *John Locke and the Ethics of Belief*, 54.

⁵⁶John Locke, *Essay Concerning Human Understanding*, 4.1.2.

⁵⁷Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 82. He also says that "knowledge consists of *direct apprehension of facts*, whereas belief consists of *taking some propositions to be true*." In Nicholas Wolterstorff, "Tradition, Insight and Constraint," 47.

⁵⁸*Ibid.*, 4.14.1.

“direct awareness” or “immediate awareness.”⁵⁹ This is to be distinguished from “awareness of some fact achieved *by way of* awareness of some other.”⁶⁰ If knowledge is perception or awareness of a reality or fact, then what is it that the mind is capable of being aware of? Locke’s initial answer is that the mind is directly aware only of its own ideas. He says that the mind “in all its thoughts and reasonings, hath no other immediate object but its own ideas.”⁶¹ Wolterstorff notes this when he says that, for Locke, only the mind and its acts and objects are directly present to the mind.⁶² Ideas are basically mental phantasms⁶³ or mental objects⁶⁴ that come between the mind and its object.⁶⁵ Locke says at the beginning of the *Essay Concerning Human Understanding* that ideas are “whatever is the object of the understanding.”⁶⁶ Hence, all knowledge must concern

⁵⁹Wolterstorff, *John Locke and the Ethics of Belief*, 43; idem., “Tradition, Insight and Constraint,” 46. Wolterstorff also calls it “noticing, or what he calls an “inspectionist” view of knowledge. See Nicholas Wolterstorff, “The Migration of the Theistic Arguments: From Natural Theology to Evidentialist Apologetics,” in *Rationality, Religious Belief & Moral Commitment*, ed. R. Audi and W.J. Wainwright (Ithaca: Cornell University Press, 1986), 46.

⁶⁰Wolterstorff, “Tradition, Insight and Constraint,” 46.

⁶¹John Locke, *Essay Concerning Human Understanding*, 4.1.1.

⁶²Wolterstorff, “Locke’s Philosophy of Religion,” 187.

⁶³William Swabey, “Locke’s Theory of Ideas,” in *John Locke: Critical Assessments*, ed. Richard Ashcraft (London: Routledge, 1995), 4:282.

⁶⁴Wolterstorff, *John Locke and the Ethics of Belief*, 14.

⁶⁵Whether Locke holds ideas to be acts of perception or content of perceptual acts or whether ideas are concepts or images is not relevant to the present discussion. See Vern Chappell, *The Cambridge Companion to Locke* (New York: Oxford University Press, 1998), Chapter 2 for further discussion.

⁶⁶Locke, *Essay Concerning Human Understanding*, 1.1.8. Vere Chappell notes how Locke’s critics found him to be ambiguous as to his notion of ideas. *The Cambridge Companion to Locke*, 26.

ideas, or as Locke puts it, knowledge is the perception of the agreement or disagreement of any of our ideas.⁶⁷ This is the basic notion behind what has been termed the “way of ideas.” On Locke’s official position knowledge is perceiving, such that one has ideas in the mind of which one is directly aware. But of what kinds of ideas is it that our minds can be directly aware?

I find Plantinga’s insight on Locke helpful here. Plantinga divides knowledge, as it is understood by Locke, into four kinds.⁶⁸ The first is to perceive the agreement or disagreement of our ideas. According to Locke, this kind cannot, or at least need not, be regulated or governed in that it concerns ideas that are self-evident, and ideas of this sort are simply perceived by a properly functioning human mind. I would add that it cannot be governed specifically in a foundationalist manner.⁶⁹ Locke calls this intuitive knowledge.⁷⁰

⁶⁷Ibid., 4.1.2.

⁶⁸Plantinga, *Warranted Christian Belief*, 75ff.

⁶⁹4.2.1. With regard to this kind of knowledge Locke uses a metaphor of light and the eye to make his point. He says: “For in this the mind is at no pains of proving or examining, but perceives the truth, as the eye doth light, only by being directed towards it. Thus the mind perceives, that white is not black, that a circle is not a triangle, that three are more than two, and equal to one and two. Such kinds of truths the mind perceives at the first sight of the ideas together, by bare intuition, without the intervention of any other idea; and this kind of knowledge is the clearest and most certain, that human frailty is capable of. This part of knowledge is *irresistible*, and like bright sunshine forces itself immediately to be perceived, as soon as ever the mind turns its view that way; and leaves no room for hesitation, doubt, or examination, but the mind is presently filled with the clear light of it,” 4.2.1, emphasis mine. Note also that Locke recognizes that only “part” of knowledge is irresistible like this, meaning there is some kind of knowledge that is not. He reiterates this point when he says, “Thus the mind perceives, that an arch of a circle is less than the whole circle, as clearly as it does the idea of a circle: And this therefore, as has been said, I call intuitive knowledge; which is certain, beyond all doubt, and needs no probation, nor can have any; this being the highest of all human certainty. In this consists the evidence of all those maxims, which nobody has any doubt about, but

The second kind of knowledge concerns the contents of one's own mind. There are propositions, the ideas of which a person is the subject, such as being appeared to, the sensation of pain, dizziness or the like. This kind would be comparable to what contemporary philosophers would call "incorrigible mental states."⁷¹ Concerning this knowledge one is directly aware, and hence it need not be regulated. The third kind of knowledge is knowledge of the external world. Regardless of whether Locke holds that one can know what the external object is in itself, there is something external to a person causing the person to have these ideas. This would be a near equivalent to the foundationalist notion of something being evident to the senses.⁷² Locke calls this sensitive knowledge.⁷³ Because one is directly aware of sensation or being appeared to,

every man (does not, as is said, only assent to, but) knows to be true, as soon as ever they are proposed to his understanding. In the discovery of, and assent to these truths, there is no use of the discursive faculty, no need of reasoning, but they are known by a superior and higher degree of evidence," 4.17.14. Wolterstorff affirms this in "The Assurance of Faith," 406.

⁷⁰Locke does not introduce this language until 4.1.8 in the *Essay Concerning Human Understanding*. Wolterstorff observes that one is not compelled to believe that which one intuits, but rather one cannot grasp it without knowing it to be true, *John Locke and the Ethics of Beliefs*, 41. In other words, of what one intuits one is directly aware. In this way intuitive knowledge is that of direct awareness. For Locke "intuitive," "self-evident" and "immediate" are synonyms, *John Locke and the Ethics of Belief*, 42.

⁷¹Locke, *Essay Concerning Human Understanding*, 4.1.4.

⁷²In *John Locke and the Ethics of Beliefs* Wolterstorff presents a continuum of degrees of certainty in Locke's thought: the highest degree is intuitive knowledge or self-evidence, then demonstrative and then sensitive knowledge and at the bottom is probability and improbability (45).

⁷³Locke does not introduce this terminology until *Essay Concerning Human Understanding*, 4.3.5.

it need not be regulated. The last is demonstrative knowledge.⁷⁴ Demonstrative knowledge regards propositions that one can deduce from perceptions. This occurs when “the connection between two ideas is indirect and mediated by other ideas.”⁷⁵ It involves logic, demonstration and memory, among other things. Demonstration is susceptible to mistake in that it is not known “all at once” like the others.⁷⁶ Discussion of whether demonstrative knowledge is to be regulated will be given below. Suffice it to say, demonstrative knowledge is not direct awareness, and as such is to be regulated.

What has been said thus far is a recapitulation of Locke’s official position regarding knowledge as awareness. It is short and scanty in that it involves only ideas that are self-evident, incorrigible mental states and those evident to the senses. Not only does this view of knowledge as direct awareness or perceiving not get the job done on these three items, as will be shown in Wolterstorff’s criticism below, but it excludes many items that are considered epistemologically legitimate items. Further criticism of knowledge as direct awareness will be given throughout the chapter; for now I turn to Locke’s unofficial position on knowledge.

According to Locke’s unofficial position, another feature of knowledge is certitude. At the very beginning of the *Essay Concerning Human Understanding* Locke begins using the language of certainty with regard to knowledge. Even a cursory reading of the *Essay Concerning Human Understanding* will reveal that Locke considers

⁷⁴Locke does not introduce this terminology until *Essay Concerning Human Understanding*, 4.3.4.

⁷⁵Roger Woodbridge, “Locke’s Theory of Knowledge,” In Chappell 153.

⁷⁶Locke, *Essay Concerning Human Understanding*, 4.17.15. In *John Locke and the Ethics of Belief*, Wolterstorff uses phrases such as “grasps” or “just knowing it” to convey the idea of “all at once” (38).

knowledge as pertaining to certainty. The number of times Locke speaks of knowledge as certainty is abundant. For example, Locke distinguishes between certain knowledge and uncertain opinion when he says, “It is therefore worth while to search out the bounds between opinion and knowledge; and examine by what measures, in things, whereof we have no certain knowledge, we ought to regulate our assent, and moderate our persuasions.”⁷⁷ In Book IV alone there are an enormous number of references to knowledge as certainty. He equates perfect certainty and true knowledge.⁷⁸ He notes that there is no greater certainty than perceiving.⁷⁹ He says, “Though wherever the mind perceives the agreement or disagreement of any of its ideas, there be certain knowledge.”⁸⁰ In light of Locke’s discussions on certainty and knowledge, it is not surprising that Locke would explicitly make knowledge and certainty to be equivalent.⁸¹ Wolterstorff encapsulates all this when he says that for Locke “the hallmark of knowledge is *certainty*.”⁸²

In speaking of knowledge as certainty, Wolterstorff argues that Locke is forced into a dilemma. He makes this point in two different places, each with its own nuances. In his article “Locke’s Philosophy of Religion,” Wolterstorff makes the point that Locke

⁷⁷Locke, *Essay Concerning Human Understanding*, 1.1.3. Locke repeatedly defines faith, opinion and belief as those things of which we have no certain knowledge, 1.1.3, 1.1.5.

⁷⁸Ibid., 4.1.9.

⁷⁹Ibid., 4.2.1.

⁸⁰Ibid., 4.2.2.

⁸¹Ibid., 4.12.10, 4.15.2.

⁸²Wolterstorff, *John Locke and the Ethics of Belief*, 43, emphasis in original.

concedes that knowledge is more than perceiving or direct awareness. He argues for this on the basis of Locke's view of certainty as a continuum. He notes that Locke suggests a continuum with certainty at one end and probability at the other. Wolterstorff inquires as to the nature of the continuum. He answers that "the obvious suggestion is that the continuum is of...*believings*."⁸³ Wolterstorff is arguing that knowledge is not of degrees, but belief is of degrees. Since certainty is of degrees, then it follows that certainty regards belief, and therefore if knowledge entails certainty, it is a species of belief.⁸⁴ Wolterstorff deems that "though Locke's officially stated preference would be to speak only of *awareness of facts* as knowledge, an implication of his ascription of certitude to knowledge would be that *those believings of propositions which accompany such awareness* are knowledge."⁸⁵

His second argument rests on conflicts between Locke's claims and Locke's concessions. Locke claims that perceiving is what accounts for certainty, and yet he repeatedly concedes that there are beliefs that are certain without the accompaniment of perceiving. These concessions undercut the assumption that perceiving is what accounts for certainty. The general idea of Wolterstorff's argument is given in his book, *John Locke and Ethics of Belief*. There he elaborates on the argument from memory by noting that Locke argues that some cases of remembering are knowledge, and yet "knowingly remembering is not 'perceiving.'"⁸⁶ More will be said on Locke's thought regarding

⁸³Wolterstorff, "Locke's Philosophy of Religion," 177.

⁸⁴Ibid.

⁸⁵Wolterstorff, *John Locke and the Ethics of Beliefs*, 50-51.

⁸⁶Ibid., 54.

memory, below. The argument Locke makes regarding memory, along with his repeated examples of belief, which are certain, but not direct awarenesses, combine to force Locke to adjust his official position of knowing as perceiving.

Locke is forced to choose between maintaining his identification of knowledge as perceiving or direct awareness, and concede that belief may be certain without accompaniment of knowledge or maintain that knowledge is certitude and, yet, grant some beliefs are cases of knowledge, even though they are not the accompaniment of perceiving. Wolterstorff concludes that Locke clearly decides that knowledge “outstrips” perceiving.⁸⁷ He says this primarily because of Locke’s discussion of memory. Locke holds that some of our rememberings constitute knowledge. Rememberings are not perceivings or direct awareness, but they may be certain. Herein, Locke is forced to concede that perceivings are not the only immediate beliefs to which we are entitled. Wolterstorff summarizes by saying that “Locke’s analysis of memory-knowledge does not fit, nor does he in his analysis contend that it fits, his official account of knowledge as ‘perception.’ Certainty becomes the hallmark of knowledge; and thereby knowledge becomes a species of belief.”⁸⁸

Wolterstorff makes the point that Locke is forced into the same dilemmas with sensitive knowledge, demonstrative knowledge and knowledge of oneself, that he is with memory-knowledge.⁸⁹ For example, he notes that most commentators assume that for

⁸⁷Wolterstorff, “Locke’s Philosophy of Religion,” 177. See also “Tradition, Insight and Constraint,” 46.

⁸⁸Wolterstorff, *John Locke and the Ethics of Belief*, 54.

⁸⁹Ibid., 54ff.

Locke, one is directly aware of sensitive knowledge. Wolterstorff challenges this view and, instead, argues that for Locke sensitive knowledge is a species of inferential knowledge. He quotes Locke to this effect: “For I ask any one, whether he be not invincibly conscious to himself of a different perception, when he looks on the sun by day, and thinks on it by night; when he actually tastes wormwood, or smells a rose, or only thinks on that savour or odour? We as plainly find the difference there is between any idea revived in our minds by our own memory, and actually coming into our minds by our senses, as we do between any two distinct ideas.”⁹⁰ The point is that though one may have a sensory image in the mind with a certain quality, this does not require that something external exists as the cause of it. Such a belief must be inferred. Wolterstorff sizes up Locke’s view on sensitive knowledge as “consisting of knowing, by inference from a premise concerning one of one’s sensory images, that there exists something or other external, which is the cause of that sensory image.”⁹¹

Through this narration Wolterstorff shows that Locke is forced to move beyond knowledge as direct awareness or perception. Wolterstorff primary argument comes from Locke’s discussion of memory,⁹² namely that we can have knowledge of a fact of which we are not directly aware. This phenomenon of memory “forces Locke to choose

⁹⁰Locke, *Essay Concerning Human Understanding*, 4.2.14.

⁹¹Wolterstorff, *John Locke and the Ethics of Belief*, 55.

⁹²Wolterstorff says, “it is perhaps most decisively clear in his discussion of memory. (Locke) observes that we remember many things that we don’t actively have in the mind – things that we aren’t presently conscious of; and he concedes that some of such rememberings are knowings,” “John Locke’s Epistemological Piety: Reason is the Candle of the Lord,” *Faith and Philosophy* 11, No. 4 (October 1994): 575.

between factual awareness and certitude of belief as definitive of knowledge.”⁹³ As noted above Locke chooses certainty. Locke’s actual position of knowledge as certainty entails that knowledge is a species of belief. Wolterstorff sums up the argument this way:

“Locke finds himself forced to concede that knowledge goes beyond ‘perception.’ For he finds himself forced to include under knowledge what he calls sensitive knowledge; and, even more importantly, he finds himself forced to regard some cases of remembering what one ‘perceived’ or proved as themselves cases of knowledge. Assuming that beliefs (and assentings) are the bearers of the property which comes in varying degrees of certainty and probability, this has the consequences that knowledge in general must be for Locke not ‘perception’ but a species of belief (assent), and that ‘perception’ is not in all cases what accounts for certainty.”⁹⁴

Having established that for Locke knowledge is a species of belief, Wolterstorff is now able to locate Locke’s foundationalism as a governing principle of his epistemology.⁹⁵

Locke’s Doxastic Practice

Locke’s unofficial epistemology maintains that beliefs can be mediate or immediate. Immediate beliefs that are certain constitute the foundation for mediate beliefs.⁹⁶ He contends that doing one’s best with regard to mediate beliefs of maximal concernment is to regulate them according to truth. What ought to concern one is to sift

⁹³ Wolterstorff, “Tradition, Insight and Constraint,” 46.

⁹⁴ Locke, *John Locke and the Ethics Belief*, 60.

⁹⁵ It should be noted that Wolterstorff believes Locke’s foundationalism to be evident on both his accounts of knowledge in that both accounts assume “knowledge is grounded in certitude,” Nicholas Wolterstorff, “The Migration of the Theistic Arguments: From Natural Theology to Evidentialist Apologetics,” in *Rationality, Religious Belief & Moral Commitment*, eds. R. Audi and W.J. Wainwright (Ithaca: Cornell University Press, 1986), 49. As such both views incorporate a foundationalism concerning knowledge.

⁹⁶ He describes Locke as holding that for a belief to be rational “it must be grounded in the bedrock of certitude,” Wolterstorff, “The Migration of the Theistic Arguments: From Natural Theology to Evidentialist Apologetics,” 50.

out the truth-relevant merits of maximally concerned beliefs. Central to Locke and that of a modern epistemologist like Roderick Chisholm is “the endeavor to differentiate and pick out gradations in the epistemic status of beliefs.”⁹⁷ Where Roderick Chisholm, for example, thinks of a continuum of degrees of entitlement, Locke thinks of his as a continuum of truth-likelihood.⁹⁸ Truth-relevant merits include being justified, warranted, self-evident, rational, reliably formed, certain, scientific and others.⁹⁹ Wolterstorff opts to employ the notion of “entitlement,” which he utilizes to refer to beliefs one is permitted to hold, and says that Locke offered a doxastic practice of entitlement based on truth-relevant merits and demerits for beliefs of maximal concernment.¹⁰⁰

Locke’s foundationalism concerning beliefs has two unique elements to it. First, Wolterstorff’s claims that Locke is not offering a criterion for entitled belief *in general*, as it is often supposed, but rather an optimal doxastic practice for entitled beliefs of *maximal concernment*. Locke is presenting a theory of governance for beliefs of *a certain sort*, namely issues of maximal concernment; not a doxastic practice for all beliefs. One immediately inquires as to what might be the standard for what constitutes issues of maximal concernment.¹⁰¹ The notion of “concernment,” as with the notion of “certainty,” is comprised of a continuum or degrees. In the *Essay Concerning Human*

⁹⁷Ibid., 49.

⁹⁸Ibid., 50.

⁹⁹Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 83.

¹⁰⁰Ibid., 84.

¹⁰¹In “John Locke’s Epistemological Piety: Reason is the Candle of the Lord,” 581 and *John Locke and the Ethics of Belief*, xvi, Wolterstorff uses the phrase “maximal concernment,” but Locke himself, to my knowledge, never uses this exact terminology.

Understanding Locke speaks to two sorts of concernment. At one end is what he calls “highest,”¹⁰² or “grand,”¹⁰³ or “great,”¹⁰⁴ concernments. Locke also implies the notion of degrees of concernment when he speaks of those ideas that are of “greater” concernment,¹⁰⁵ this last being his most commonly used term. At the other end there would be what he terms the “lower” concernments.¹⁰⁶ Although Locke offers no official or tightly delineated standard for this, he does offer what he believes to be of maximal concernment to all.¹⁰⁷ When it comes to propositions of morality and religion, these propositions are of maximal concernment *for all*.¹⁰⁸ His clearest expression of this is when he says that the “discourses of religion, law, and morality...are matters of the highest concernment.”¹⁰⁹ He also says early on in the *Essay Concerning Human Understanding* that ideas concerning God are of “grand” concernment.¹¹⁰ For now,

¹⁰²Locke, *Essay Concerning Human Understanding*, 3.9.22.

¹⁰³*Ibid.*, 1.4.11.

¹⁰⁴*Ibid.*, 1.1.5, 2.18.7, 2.21.55, 2.23.13, 3.9.10, 3.9.22, 3.10.12, 4.10.1, 4.20.3.

¹⁰⁵*Ibid.*, 2.28.4, 3.10.5.

¹⁰⁶*Ibid.*, 4.20.3.

¹⁰⁷For morality and religion Locke gives theistic arguments for their being of maximal concernment, see 2.28.7-8, 14.

¹⁰⁸That is for any person capable of reason, etc.

¹⁰⁹Locke, *Essay Concerning Human Understanding*, 3.9.22. In 2.18.7 and 2.28.4 he speaks of men and their actions as being of “great concernment.” Another observation of interest is that in 3.10.12 Locke speaks of society having “great concernments.”

¹¹⁰Locke says, “It is suitable to the goodness of God to imprint upon the minds of men characters and notions of himself, and not to leave them in the dark and doubt in so grand a concernment,” *Essay Concerning Human Understanding*, 1.4.12 (See also, 4.10.1). Nicholas Jolley says that Book IV is Locke’s attempt to defend the thesis that

Locke will be granted the assumption that issues of maximal concernments include, but are not limited to, religion and morality.

Secondly, Locke is not offering a *criterion* of entitled belief, but rather he is “instituting a new doxastic practice.”¹¹¹ By this he means to say that Locke was offering a new approach to using our native belief-forming dispositions. For issues of religion and morality Locke offers an optimal doxastic or belief practice, by which he means a voluntary mode of belief formation constituted as doing one’s best. Locke never specifically articulates why one ought to do their best, but does articulate that doing one’s best consists of “believed propositions being true.”¹¹² Because obligations in belief must be prompted by truth-relevant merits, Wolterstorff describes Locke’s doxastic practice of entitlement as having an *alethic obligation*. Locke is unconcerned with governance of any other desiderata besides that of the truth of the proposition present to the mind. All of our believings are comprised of an array of merits and demerits, but the only one upon which Locke places an obligation are those concerned with truth or getting in touch with reality.¹¹³ Wolterstorff says that Locke’s doxastic practices are “ways of using our

“knowledge is possible in mathematics and morality but not (with rare exceptions) in metaphysics and the natural sciences,” *Locke: His Philosophical Thought*, 3.

¹¹¹Wolterstorff, “Tradition, Insight and Constraint, 48.

¹¹²Wolterstorff, “Locke’s Philosophy of Religion,” 179. William Alston, with whom Wolterstorff has interacted, uses the phrase “doxastic practice” throughout his writings. He calls doxastic practice a “way of forming beliefs and epistemically evaluating them, William Alston, *Perceiving God* (Ithaca: Cornell University Press, 1992), 6. Wolterstorff wishes to set his view apart from Alston’s. He does this by adding the notion of its being “voluntary.” By “voluntary” Wolterstorff wishes to set his view of doxastic practices apart from William Alston’s, who understands them as habits or constellations of habits.

¹¹³Wolterstorff, *John Locke and the Ethics of Belief*, 65.

belief-forming habits...Whenever one wants to do one's best, this is the practice to try to implement; whenever one *ought to* try seriously to do one's best, this is the practice that one *ought to* try to implement."¹¹⁴ The full picture is that Locke holds that human beings have a multiplicity of innate dispositions, not ideas, which, when triggered, give way to beliefs. These dispositions can be governed, and for propositions of maximal concernment, one is obligated to do one's best to verify if they are true or false. Together these ideas go to form a concept of entitlement as a maximal concernment doxastic practice of alethic obligations for doing one's best.¹¹⁵ What then are the elements of Locke's doxastic practice for entitlement to belief on issues of maximal concernment? Wolterstorff corrals four principles from Locke to be followed in one's doxastic practice.

Wolterstorff categorizes the four principles as the principle of immediate belief, the principle of evidence, the principle of appraisal and the principle of proportionality, each to be applied in succession. In *John Locke and the Ethics of Belief*, he only offers three principles for consideration, namely the principle of evidence, the principle of appraisal and the principle of proportionality, leaving out the principle of immediate belief.¹¹⁶ However, in "Locke's Philosophy of Religion," he adds the principle of

¹¹⁴Ibid., xix.

¹¹⁵In the *Essay Concerning Human Understanding*, Locke speaks to doing one's best, 2.21.71. See also 4.16.1, 4.17.23. Locke weds the obligation of doing one's best to a theistic principle. Elsewhere he states that God has placed humans in a position of scanty knowledge and much probability. He says that the greatest part of our concerns lie in this realm of probability that God has placed us, and our calling is to do our best in this place, 4.14.2. Wolterstorff picks up on this language of doing one's best, see *John Locke and the Ethics of Belief*, xviii-xix, and "Locke's Philosophy of Religion," 178.

¹¹⁶Ibid., 67ff.

immediate belief as the first,¹¹⁷ and in “Tradition, Insight and Constraint,” he alludes to this principle. Two questions present themselves here. First, what does Wolterstorff intend by the first principle of immediate belief? Secondly, why does he note this as one of Locke’s principles?

As to the first question, the principle of immediate belief concerns knowledge. In “Tradition, Insight and Constraint,” Wolterstorff defines this principle as requiring one to believe a proposition “*immediately* only if one *knows* the corresponding fact.”¹¹⁸ This is merely Wolterstorff restating his original discussion of knowledge as direct awareness. However, in “Locke’s Philosophy of Religion,” Wolterstorff states this principle as that “one is to believe something only if it is certain for one – that is, only if one knows it.”¹¹⁹ This definition of the principle of immediate belief leaves it ambiguous as to whether an immediate belief is knowledge as direct awareness, namely Locke’s official visionary position, or knowledge as certitude, namely Locke’s unofficial qualified position. Wolterstorff does not make much of this quandary in Locke, but as will be shown below Wolterstorff could make use of it in his criticism of foundationalism. To further the discussion, immediate belief can be understood as that which is a foundational belief, whatever else it may be, whether direct awareness or certainty.

As to the second question, Wolterstorff, it seems, adds this first principle of immediate belief simply to drive home the foundationalist nature of the whole project. The project of governing one’s belief does not concern immediate beliefs but, rather, only

¹¹⁷Wolterstorff, “Locke’s Philosophy of Religion,” 182ff.

¹¹⁸Wolterstorff, “Tradition, Insight and Constraint,” 49.

¹¹⁹Wolterstorff, “Locke’s Philosophy of Religion,” 182.

non-immediate or mediate beliefs. Wolterstorff says that Locke is presenting a method of governance for *mediate* beliefs, and only for mediate beliefs of “whose propositional content cannot be demonstrated.”¹²⁰ Assuming one can identify beliefs that are properly mediate, and that are constituted to be of maximal concernment, Locke offers three additional principles for governing the firmness of them. Before delineating each of these, one more concept must be introduced into the mix. In employing the concept of evidence regarding mediate beliefs, Locke will be forced to speak of evidence *of a certain sort*. Not any evidence will do, it must be evidence that is satisfactory. Wolterstorff terms it as “satisfactory evidence.”¹²¹ More will be said on this under the following three principles.

The second principle is the principle of evidence, which states that one is to “acquire evidence for and against the proposition such that each item of evidence is something that one knows, such that the totality of one’s evidence is satisfactory.”¹²² The clear implication of this principle for Wolterstorff is the blatant foundationalism involved.¹²³ Evidence, for Locke, clearly moves along foundationalist lines in that they are grounded in something that one knows. Wolterstorff offers this line from *Conduct of the Understanding* as proof of Locke’s foundationalist grid: “I think it may be proposed that, for the saving the long progression of the thoughts to remote and first principles in

¹²⁰Wolterstorff, *John Locke and the Ethics of Belief*, 66. See also “Tradition, Insight and Constraint,” 49.

¹²¹Ibid., 67. See also “The Assurance of Faith,” 404, and “The Philosophy of Religion,” 185.

¹²²Ibid.

¹²³Wolterstorff, “Tradition, Insight and Constraint, 49.

every case, the mind should provide itself several stages; that is to say, intermediate principles, which it might have recourse to in the examining those positions that come in its way. These, though they are not self-evident principles, yet, if they have been made out from them by a wary and unquestionable deduction, may be depended on as certain and infallible truths, and serve as unquestionable truths to prove other points depending on them.”¹²⁴ Wolterstorff concludes that Locke is a foundationalist, in that all inferential knowledge rests on immediate knowledge, and immediate knowledge gets its justification from the fact that one just sees them to be true.¹²⁵ All this is to say that one’s mediate beliefs must be grounded in the immediate beliefs. The principle also assumes that one has the time and ability to discern what constitutes satisfactory evidence and how much of it is to be gathered. Granting that one has found satisfactory evidence along foundationalist lines, and of the appropriate amount, one is to then proceed to appraise the satisfactoriness of the evidence in terms of its probability.

With satisfactory evidence in hand, one must settle the probability of the proposition that is before the mind. Herein is the third principle concerning mediate beliefs, namely the principle of appraisal.¹²⁶ It says that one is to “examine the (satisfactory) evidence one has collected so as to determine its evidential force, until one has ‘perceived’ what is the probability of the proposition on that evidence.”¹²⁷ Grounds

¹²⁴Locke, *Of the Conduct of the Understanding*, Section 21.

¹²⁵Wolterstorff, *John Locke and the Ethics of Belief*, 69.

¹²⁶Wolterstorff uses the term “appraisal” in “Locke’s Philosophy of Religion,” 183. See also *John Locke and the Ethics of Belief*, 73, and “Tradition, Insight and Constraint,” 49.

¹²⁷Wolterstorff, *John Locke and the Ethics of Belief*, 73.

of probability come in two basic kinds: matters of fact, such as personal observation or testimony of another's observation, and those things that fall beyond the discovery of our senses and are not capable of testimony.¹²⁸ Wolterstorff mentions that Locke's thought here merits a "massive body of probing and reflection," but that his present project is not the place. Suffice it to say that at this stage the satisfactory evidence is weighed as to its probability.

Having collected satisfactory evidence and determined the probability of the proposition at hand based on the evidence, one is now to apply Locke's fourth principle of proportionality. It states that one is to "adopt a level of confidence in the proposition, which is proportioned to its probability on one's satisfactory evidence."¹²⁹ The first point Wolterstorff is quick to note is that principle of proportionality "is totally silent on when it is permitted for one to believe P; alternatively, it is totally silent on when the 'fit' degree of confidence is above the belief threshold."¹³⁰ Assuming one can successfully follow this principle, its only guidance is in regulating the degrees of confidence of a belief.

These principles are clearly reflective of an epistemological program that is foundationalist and evidentialist. Locke summarizes his foundationalism and evidentialism regarding the governance of beliefs this way:

"When the truth or falsehood of some proposition is of maximal concernment to one, so that one is obligated to do one's epistemic best toward that proposition, the first thing to do is collect satisfactory evidence concerning the truth or falsehood of the proposition. That done, one must reflect carefully on the probability of the

¹²⁸Ibid., 74-75.

¹²⁹Ibid., 80.

¹³⁰Ibid.

proposition on that evidence. And finally, one is to proportion one's level of confidence in the proposition to its probability on one's (satisfactory) evidence. To accomplish all this, it is important that one be concerned solely with determining whether P is true or false, entirely 'indifferent' to any other value that believing or disbelieving P might have for one."¹³¹

One further element that Wolterstorff mentions, but does not allude to in this summarization, is that this entire process is best done publicly. Locke himself sets his ethic of belief before the public eye. Wolterstorff says "Locke's epistemology, though it has proved of deep interest to philosophers from the day of its publication, was, in its fundamental thrust, a *practical* philosophy intended for *public* consumption."¹³² One is better able to do one's best when not in social isolation. Locke's writings on education are a contribution to this project. The public nature of the project is also seen when Wolterstorff observes that Locke is insisting that "a new kind of space for a new kind of public discourse will have to be created."¹³³

It is critical to Locke's project that Locke's foundationalist-evidentialism be universally applied in the public arena. Locke contended that the enthusiasts of his day did not govern their assent according to Locke's foundationalist-evidentialism, and as such were imposing their unentitled beliefs on others. Doing such is a violation of our duty to God, and an affront on the dignity of others.¹³⁴ Locke's case rests on the notion that the beliefs of enthusiasts lack the requisite certitude to be constituted a foundational

¹³¹Ibid., 84.

¹³²Wolterstorff, "Tradition, Insight and Constraint," 50.

¹³³Wolterstorff, "John Locke's Epistemological Piety: Reason is the Candle of the Lord," 587.

¹³⁴Wolterstorff, *John Locke and the Ethics of Belief*, 121-122.

belief. This foundationalist strategy regarding belief closely resembles that of Enlightenment public epistemology liberalism.

Having established Locke's foundationalist and evidentialist principles, Wolterstorff is now able to consider how Locke applies this general epistemology to religious beliefs. Wolterstorff notes three types of religious or theistic beliefs. The first is *opinion* about God based on tradition, authority or the like. The second is *faith*, which is merely a special form of opinion involving the notion of a revelation from God. The third are those religious or theistic items that can be *known*. For Locke, what may be known is that God exists. But this knowledge is of the *demonstrative* sort. For example, Locke appeals to a form of the cosmological argument as being "certain" and "evident."¹³⁵ It is as clear and certain as that opposite angles, made by the intersection of two straight lines are equal.¹³⁶ Two points must be made here. The first is that though Locke finds the existence of God to be demonstrable, he limits the arguments in favor of God's existence to that of demonstration. What is of critical import for Wolterstorff is that Locke remains consistent in holding that the only facts a person can directly perceive are "facts concerning the mind's existence and its modifications."¹³⁷ Locke asserts that God himself is never directly perceived by the mind, but one's idea or concept of God may be. In this Locke precludes even the possibility of a sacramental view of experiencing God or an experience of God as described and defended by William Alston

¹³⁵Locke, *Essay Concerning Human Understanding*, 1.4.16 and 4.10.6.

¹³⁶*Ibid.*

¹³⁷Wolterstorff, "Locke's Philosophy of Religion, 186.

in *Perceiving God*. What is to be noted is that these are never argued against, but rather precluded a-priori.

Secondly, Locke goes beyond the notion of the existence of God, and says there are other religious or theistic items that one can know immediately. Wolterstorff cites as an example that “God would offer to us for our believing on God’s say-so only what is true.”¹³⁸ Although Locke allows for the existence of God, and statements as that just offered, they prove to be epistemologically irrelevant. Though God exists and would only offer to us in revelation what is true, that some purported revelation is indeed from God must be weighed through a foundationalist and evidentialist doxastic practice. *That* God reveals P cannot be demonstrated, but must be appraised by the probability of satisfactory evidence. Locke goes further in this discussion of what God may or may not reveal when he gives specific instructions regarding weighing a purported revelation. Wolterstorff puts it this way: “if any proposition (self-evidently) contradicts something of which one judges oneself to have intuitive (or demonstrative) knowledge, one must reject the proposal that God has revealed that proposition.”¹³⁹ This is why Wolterstorff summarizes Locke on religion by saying that he is “an evidentialist concerning all propositions that *entail* the existence of God.”¹⁴⁰ In this way, for all practical purposes, Locke’s program remains as foundationalist and evidentialist as modern Enlightenment public epistemology liberals.

¹³⁸Ibid. “Philosophy of Religion,” 185.

¹³⁹Wolterstorff, *John Locke and the Ethics of Belief*, 130.

¹⁴⁰Ibid., 186. Emphasis mine.

It is upon Lockean-like foundationalist and evidentialist grounds that religious beliefs and reasons are given a special epistemic status. For example, Locke says that which God reveals must be true, but whether God has revealed the proposition at hand lacks certainty and so cannot be known, but only believed in with a belief that is less than certainty. The firmness of one's belief is to be relative to the evidence according to the Lockean method. The result of this approach is that when foundationalism and religion are in conflict foundationalism is given the privileged position, and religious reasons are summarily dismissed as non-foundational. Religious reasons and religious beliefs are given up for what is considered more reasonable. Philosophers like Wolterstorff suggest that perhaps it is foundationalism and evidentialism that should be given up. Is Locke's foundationalist-evidentialism more certain than a religious person's experience of God? In the last section, I survey a variety of criticisms leveled against Locke by Wolterstorff that serve to substantiate that the foundationalist-evidentialism of Locke has no grounds for the privileging of its own position.

Critique of Lockean Foundationalist-Evidentialism

Wolterstorff says there are two methods of dealing with evidentialism that rests on foundationalism.¹⁴¹ The first is to show that foundationalism is unacceptable, and the second is to formulate and defend an alternative criterion of rational belief to that of classical foundationalism, and then test the truth of evidentialism by reference to this criterion. In concluding this chapter I will note Wolterstorff's critique of the Lockean approach to classically modern foundationalism, and in the next chapter I will turn to Wolterstorff's alternative epistemology.

¹⁴¹Wolterstorff, *Faith and Rationality*, 142.

Near the beginning of *Reason Within the Bounds of Religion*, Wolterstorff tells two epistemological stories from which he hopes to teach an epistemological lesson. The first is the story of the Congregation of the Inquisition and its interaction with Galileo, and the other is the story of the logical positivism of the 1920's and 1930's. Wolterstorff shares how the Congregation of the Inquisition allowed its interpretation of Scripture to govern its philosophic and scientific position regarding heliocentricity.¹⁴² He then develops his second story regarding logical positivism. The thrust of the story is to demonstrate how the logical positivists displayed a faith in natural science despite its not being arrived at scientifically.¹⁴³ Wolterstorff argues that both groups accepted certain beliefs as “control beliefs” through which they rejected one or another belief. He concludes these stories by noting that the logical positivists’ faith in natural science, which was not arrived at scientifically, strikingly resembles the Congregation of the Inquisition in their faith in the veracity of Holy Scripture.¹⁴⁴ This narrative serves as a paradigm for Wolterstorff’s criticism of the faith of foundationalists in foundationalism. Wolterstorff’s criticisms show that the foundationalist presuppositions of Enlightenment public epistemology liberalism, privilege their own faith commitments in the public square.

In his debate with Robert Audi, Wolterstorff connects Locke’s foundationalism to Enlightenment public epistemology liberalism. Although this theme plays a small role in his narrative of Locke, as a whole, Wolterstorff does argue that foundationalism of the

¹⁴²Wolterstorff, *Reason Within the Bounds of Religion*, 15-17.

¹⁴³Ibid., 18-20.

¹⁴⁴Ibid., 18.

Lockean sort is employed as means of discerning what types of reasons citizens are morally obligated to refrain from employing in public deliberation. Wolterstorff says that Locke desired that epistemological tyranny “be overthrown and a new ‘liberal’ society created.”¹⁴⁵ The epistemological tyranny of others, whether it is the authority of another or claims to revelation or whatever, puts out the “candle of the Lord” or reason in the human mind, but social reform can free people to use their own reason.¹⁴⁶ Though some persons may lack skill at doing this or lack inclination or are taught not to follow reason or lack the time to properly use reason, a liberal society is optimal in that it allows each person the best opportunity to escape epistemological tyranny.

Peter Schouls develops this Lockean theme in his work *Reasoned Freedom*. He describes the Lockean thesis as being that humans are born to be masters, not slaves that are subject to superstition, institutions or others persons. The stress here is on slavery to these such that one is under epistemological tyranny. The endeavor of freeing man the corporeal-rational being has much in it to commend it, but the details are interminably difficult. Wolterstorff endeavors to show that Locke’s reasoned freedom is a reasoned freedom of the foundationalist and evidentialist sort, and as such is itself a form of authority or tyranny. Locke’s desire for a public square with no “reverenced positions” fails.¹⁴⁷ It fails because his particular conception of reason as a guide for everyman reveals Locke’s own reverenced propositions.

¹⁴⁵Wolterstorff, “John Locke’s Epistemological Piety: Reason is the Candle of the Lord,” 587.

¹⁴⁶Ibid.

¹⁴⁷Ibid., 590.

This same reverencing of prejudiced propositions is seen in Enlightenment public epistemology liberalism, but primarily through a negation, rather than an affirmation. Enlightenment public epistemology liberalism operates on foundationalist principles similar to Locke in that they assume a set of beliefs that are morally appropriate to serve as foundational beliefs for public deliberation. Enlightenment public epistemology liberals may differ as to what beliefs constitute this foundational set, but they do agree that religious beliefs are universally regarded as non-foundational. Enlightenment public epistemology liberalism is united in giving special epistemic status to religious beliefs, such that these beliefs require evidence of a certain sort. It is this exclusion of some beliefs, namely religious beliefs, along with its attendant evidential requirement, that makes Enlightenment public epistemology liberalism subject to the types of criticisms leveled against Locke.

Wolterstorff's criticism of Lockean foundationalism, and evidentialism are manifold. First, Wolterstorff shows that Locke's view of knowledge is troubled. He notes that his official and unofficial positions do not comport. In addition, he contends that neither provides an adequate foundation for things that we take to be epistemologically legitimate. Second, Wolterstorff demonstrates that Locke fails to establish a coherent view regarding evidence, and the nature of inference within the foundationalist system. Deductive inference, probabilism and falsificationism prove to be inadequate. Third, Wolterstorff touches on the failure of Locke to articulate a *scientia* of morality. Defects in this are similar to defects elsewhere in the foundationalist system. Fourth, Wolterstorff reasserts Hume's criticism of Locke. Lastly, Locke's foundationalism suffers from self-referential incoherence and the problem of fallibility.

I shall touch on each of these in turn, after a short digression on Locke's indifferency rule.

Before examining each of Wolterstorff's criticisms of Lockean foundationalism, I will note another element of Locke's thought that buttresses his foundationalism, and which is adopted by Enlightenment public epistemology liberals. In *Of the Conduct of the Understanding* Locke develops what I will call the indifferency rule.¹⁴⁸ Locke suggests that properly conducting the understanding is to follow indifferency. By this he means to say that one should withhold belief in proposition P until one comes to proposition P with complete indifferency except as to its truth or falsity. The only motivation of the thing is to be the truth of the matter. It holds that if one believes proposition P for religious reasons it fails to believe proposition P with indifferency, and instead one believes proposition P with the bias of believing proposition P for the religiousness of the matter. Locke says that "it is conceit, fancy, extravagance, any thing rather than understanding, if it must be under the constraint of receiving and holding opinions by the authority of any thing but their own, not fancied, but perceived, evidence."¹⁴⁹

Locke goes on to say that

"the world is apt to cast great blame on those who have an indifferency for opinions, especially in religion. I fear this is the foundation of great error and worse consequences. To be indifferent which of two opinions is true, is the right temper of the mind that preserves it from being imposed on, and disposes it to examine with that indifferency, till it has done its best to find the truth, and this is the only direct and safe way to it. But to be indifferent whether we embrace falsehood or truth or

¹⁴⁸In *Of the Conduct of the Understanding*, Locke speaks to the notion of indifferency, see Sections 11, 84, 105, 150.

¹⁴⁹Locke, *Of the Conduct of the Understanding*, Section 12.

no, is the great road to error. Those who are not indifferent which opinion is true are guilty of this; they suppose, without examining, that what they hold is true, and then think they ought to be zealous for it.”¹⁵⁰

I would submit that in the rule of indifferency we find an example of a principle that will be later employed by public epistemology liberals. To be indifferent to everything but the truth of the matter, for Locke, entails that religious reasons cannot get to the truth of the matter. Religious reasons are not universal, and hence constitute a prejudice in the social sphere.¹⁵¹ Religious matters cause love of truth to take a back-seat to the love of the religion’s object.

In section twelve of his book *Of the Conduct of the Understanding* Locke uses this language of love. He says love of truth and indifference to all else will cure mistakes in knowledge and belief. This is what Wolterstorff means by truth-relevant merits. That religious reasons are something other than *truth*-relevant merits is a given not only for Locke, but for Enlightenment public epistemology liberals as well. But such a belief is not reasoned to, but rather reasoned from; it is reasoned from a foundationalist

¹⁵⁰Ibid. Wolterstorff notes in *Of the Conduct of the Understanding*, Sections 10, and 41, that this is best worked out socially. See also, Wolterstorff, *John Locke and the Ethics of Belief*, 85.

¹⁵¹The one exception Locke would make is belief in the existence of God. He repeatedly affirms the clear, universal, and certain demonstrative nature of belief in the existence of God. But for Locke, even if God’s existence is certain, what revelation God speaks through is not clear. To know which revelation is truly of God, one must implement the Lockean method of foundationalist-evidentialism. Locke’s presupposition is that God would never reveal in a Lockean (or foundationalist) evidential void. God must follow Locke’s foundationalist rules or persons would never be able to determine which revelation to follow. Locke accuses the enthusiasts of his day of imposing on themselves, and that this is but a step from imposing on others. But how is this any different, asks the astute skeptic, from Locke’s imposition of the method of foundationalist-evidentialism?

and evidentialist base. The simple rebuttal is that the principle of indifferency assumes a particular conception of truth and falsity, and why should a foundationalist conception be privileged, after it also is not universally received by all people? If Wolterstorff's criticism below holds, then one could just as easily argue that foundationalist matters cause love of truth to take a back seat to the foundationalist's object. Since epistemological neutrality is impossible with regard to the truth-relevant merits of a case, religious persons are equally able to claim their adherence to the indifferency rule. They merely differ as to the epistemological presuppositions behind what constitutes the truth-relevant merits of the matter.

Now, I turn to Wolterstorff's criticisms of Locke's conception of knowledge, and the nature of the foundations of Locke's foundationalism. First, Locke's official position, namely knowledge as direct awareness, is not enough to yield all of our legitimate knowledge claims. Such a stringent conception of knowledge does indeed make it scanty and short. So much so that beliefs based on it will be equally scanty and short, if not non-existent. Wolterstorff "finds Locke's proposal untenable; direct awareness, if it exists at all, will not bear the weight" required of foundations.¹⁵² In addition, Locke's theory itself excludes too many items that common sense considers epistemically legitimate. Wolterstorff summarizes when he says that "perception, memory and testimony all give us reliable access to facts to which the rigorous use of Locke's method gives no access."¹⁵³ Finally, Locke himself abandons his official view of knowledge in

¹⁵²Wolterstorff, "Tradition, Insight and Constraint," 57.

¹⁵³Wolterstorff, "John Locke's Epistemological Piety: Reason is the Candle of the Lord," 590.

his discussion of memory, the self, the world, and God; each being recognized as items of knowledge of which one can have certainty, even though one does have not direct awareness of them.

Secondly, Locke's unofficial position of knowledge as certainty does not fare much better. On the one hand, its foundations exclude much that is taken to be epistemically legitimate. On the other hand, Locke's suggested indubitables suffer from their own ambiguity. Take, for example, the claim that foundationalist beliefs can be of the class of "evident to the senses." Wolterstorff asks whether there are "singular propositions about physical objects, which someone can know non-inferentially and indubitably to be true."¹⁵⁴ He suggests that one cannot. He shows this by way of noting the discrepancy between appearing and being. With regard to sensations, there exist "discrepancy-making conditions," such that we learn that objects appear to the perceiver differently according to the perceiver's make up, and the state and situation of the perception.¹⁵⁵ For example, one may be appeared to in a certain manner, but because it is foggy or one is color blind or intoxicated, one errs in their perception of the physical object. Wolterstorff asks whether we know indubitably and with certitude all the discrepancy-making conditions.

He goes on to exploit this problem further by asking that even if we did know indubitably all the discrepancy-making conditions, could we know indubitably that discrepancy-making condition D was not in effect? For example, a discrepancy-making condition might be that when one is under the influence of drug X certain physical

¹⁵⁴Wolterstorff, *Reason Within the Bounds of Religion*, 50.

¹⁵⁵*Ibid.*

objects will appear differently, but can one be indubitably certain he or she was not secretly drugged? How could one be certain of it, without employing the very capacities that are themselves in question at that moment? In *Reason Within the Bounds of Religion*, Wolterstorff also alludes to problems with self-evident truths, but does not elaborate.¹⁵⁶ But even if Wolterstorff's criticism of self-evident truths failed, these truths alone cannot bear the weight needed of foundational propositions. In any case, if Wolterstorff's criticism of Locke holds, foundationalism is found wanting in the utter scantiness of its foundations, and its inability to justify these foundations.

In Wolterstorff's discussion of the nature of evidence, he shows the above problems to be further compounded. He goes to great effort to make clear that Locke's enterprise rests not simply on the notion of mere evidence, but rather on the notion of "satisfactory" evidence. What constitutes "satisfactory" evidence? According to Wolterstorff neither Locke nor classically modern foundationalists have given a plausible answer. The foundationalists have not given an adequate explication of how knowledge claims are derived from the foundations. Wolterstorff's method here is to inquire as to what the foundationalist exactly means by inference.

One approach might be deductive inference. In *Reason within the Bounds of Religion*, Wolterstorff says that "deductivism has all but totally collapsed."¹⁵⁷ This is because many of our seemingly warranted beliefs are not based on deductive inference from other beliefs. He gives the example of the seemingly warranted belief that "all swans have wings." Such a belief can never be *deductively* arrived at through singular

¹⁵⁶Ibid., 55.

¹⁵⁷Ibid., 37.

“evident to the senses” beliefs, such as that swan A, B and C have wings. No matter how many instances of singular “evident to the senses” beliefs one has regarding swans with wings, it does not *deductively* follow that all swans have wings. Wolterstorff concludes that though we can never have knowledge that we have seen all swans, we are still warranted in this belief.

A second approach to foundationalist inference is probabilism. It was developed in such a way as to allow inductive, as well as deductive, arguments. Wolterstorff notes that apart from drastically lowering the standards for what constitutes an evidentially satisfactory belief, it is flawed in two respects. First, inductive arguments presuppose the uniformity of nature. To begin with, induction cannot be a foundational belief in that we do not hold the uniformity of nature with certitude, whether inductively or deductively. In addition, and here Wolterstorff notes Hume’s criticism, to reply that one holds the uniformity of nature probabilistically is to beg the question at hand. It would be to use an inductive argument to prove induction. The conclusion to be drawn is that the rule of inference, upon which all inductive arguments rest, “is neither known with certitude to be satisfactory nor known to be probably satisfactory.”¹⁵⁸ It turns out that Lockean foundationalism can neither prove nor make probable a whole host of seemingly justified beliefs. Wolterstorff concedes that his observations are not a refutation of foundationalism, but they do seem to make it an “extremely unpromising theory.”¹⁵⁹

A third approach taken by those hoping to salvage the foundationalist project is a falsificationist approach. This approach argues that there is a sufficient condition for

¹⁵⁸Ibid., 40.

¹⁵⁹Ibid., 41.

determining whether a belief belongs in the category of an evidentially satisfactory belief. The condition holds that if a belief contradicts the foundations it does not constitute a satisfactory belief. Wolterstorff notes that in reality very little ever seems to be contradictory to what is taken to be the foundations. Secondly, if there were an anomaly, falsificationism gives no guidance as to whether to dispense with the foundations or the anomaly. Locke provides no additional method of inference for Wolterstorff to investigate. Wolterstorff concludes that foundationalism has not provided a plausible answer to the question of how knowledge claims are derived from the foundations.

Another element of concern for Wolterstorff that he briefly touches on, and provides further grounds for criticism of Lockean foundationalism, is Locke's view of morality. That "morality is the proper science, and business of mankind in general" is a common theme for Locke.¹⁶⁰ The essential question for Locke is "whether we can *know* – know in Locke's strict sense of 'know' – that some rule for action is a moral obligation."¹⁶¹ Locke believed that we can arrive at knowledge of many of our moral obligations. Locke maintains that God and duties are matters of knowledge not opinion. He says that "how short soever their knowledge may come of an universal or perfect comprehension of whatsoever is, it yet secures their great concernments, that they have light enough to lead them to the knowledge of their maker, and the sight of their own

¹⁶⁰Locke, *Essay Concerning Human Understanding*, 4.2.11.

¹⁶¹Wolterstorff, *John Locke and the Ethics of Belief*, 140.

duties.”¹⁶² Locke mentions on several occasions that a *scientia* of moral obligation can be had, but that he personally was not up to the task.¹⁶³

What might such a *scientia* look like? Locke offers clues to this project in the *Essay Concerning Human Understanding*. Wolterstorff contends that Locke presents two alternative methods here, a theistic project and an archetypal project.¹⁶⁴ The theistic project involves a process of long demonstration beginning with one’s own existence and moving to God’s “thatness” and “whatness.” From there Locke would move to the nature of man, to the concept of happiness, and then to rules of obligation upon such creatures.

The archetypal project appears to be much simpler in that it offers necessary truths of moral concepts. Locke develops the thought of the archetypal project along the following lines. Locke says that ideas come in two sorts – simple and complex. Simple ideas include such things as solidity, pain and pleasure, hot, white, etc. Complex ideas are the combining and comparing of the simple or general ideas. Among complex ideas there are complex ideas of substances and complex ideas of modes and relations. Substances are distinct particular things subsisting by themselves.¹⁶⁵ Complex ideas of substances, then, would include such things as man, army, gold, etc. Modes come in two

¹⁶²Locke, *Essay Concerning Human Understanding*, 1.1.5. See also 1.4.12.

¹⁶³Ibid., 4.3.18, 4.4.7, 4.12.8. In *John Locke and the Ethics of Belief*, Wolterstorff notes that Locke merely considered himself not up for the job, not that it could not be done, 142. See also Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 88.

¹⁶⁴Wolterstorff gives these two methods these names. Wolterstorff, *John Locke and the Ethics of Belief*, 145. John Colman, *Locke’s Moral Philosophy* (Edinburgh: Edinburgh University Press, 1983), 167ff speaks in this dual fashion as well.

¹⁶⁵Locke, *Essay Concerning Human Understanding*, 2.12.6.

sorts, what I will call “unmixed” and “mixed” modes.¹⁶⁶ Complex ideas of unmixed modes are combinations of a single simple idea, such as dozen, or distances such as a mile, or duration such as an hour, etc. Complex ideas of mixed modes combine several distinct simple ideas. Within the concept of mixed modes there is a subcategory of ideas of relation. These are ideas that compare one idea with another such as mother, whiter, etc.¹⁶⁷

What can be known of mixed modes according to Locke? Locke describes mixed modes as archetypes. He gets at this by way of contrast with ideas of substances which are imperfect copies of things experienced. Mixed modes differ in that they are creations of the human mind apart from experience. For example, one can know what murder or adultery is without ever having seen them committed. Ruth Grant stresses the arbitrary nature of mixed modes as being the reason they are certain for Locke.¹⁶⁸ She says that “universal certain knowledge is available to us when our thinking concerns mixed modes and relations.”¹⁶⁹ Mixed modes are certain for Locke because all of their properties can be deduced simply from the definition of the thing. The examples Locke offers are: where there is not property, there is no injustice, and no government allows absolute

¹⁶⁶Locke calls unmixed modes, *simple* mixed modes. In that Locke has used the term “simple” as a category earlier in his argument it might elicit confusion to use the term “simple” to describe a complex or non-simple idea, hence my decision to use the name unmixed modes.

¹⁶⁷Locke, *Essay Concerning Human Understanding*, 2.12, 3.4.1.

¹⁶⁸Grant, *John Locke’s Liberalism*, 18.

¹⁶⁹*Ibid.*, 19.

liberty.¹⁷⁰ On this scheme Locke is able to compare the certainty of moral knowledge to the certainty of mathematics.¹⁷¹

The point of this discussion is that even if Locke was successful in this project of archetypal mixed modes of morals, Locke must still fall back on belief or opinion as to the actual application of them to particular instances. Locke even concedes that he gives a certain morality uncertainly applied. Locke recognizes this dilemma when he says

Thus, supposing gratitude to be a readiness to acknowledge and return kindness received, polygamy to be the having more wives than one at once; when we frame these notions thus in our minds, we have there so many determined ideas of mixed modes. But this is not all that concerns our actions; it is not enough to have determined ideas of them, and to know what names belong to such and such combinations of ideas. We have a farther and greater concernment, and that is, to know whether such actions so made up are morally good or bad.¹⁷²

Locke's *scientia* of morality turns out to give one no direction concerning the moral goodness or badness of an archetype.

In the final analysis, one asks whether Locke offers anything more certain than the competing traditions around him? In point of fact, we can never know because he never pursued the project in any substantive detail. If Locke's project is to be of service to the fractured traditions, then surely identification of some of our moral obligations must be delineated. Neither Locke, nor any of his successors have come close to marking out the details of such a project. Wolterstorff strikes the following criticism: "To learn

¹⁷⁰Locke, *Essay Concerning Human Understanding*, 4.3.18.

¹⁷¹See Wolterstorff, *John Locke and the Ethics of Belief*, 146.

¹⁷²Locke, *Essay Concerning Human Understanding*, 2.28.4. Grant says "It is possible to demonstrate through reasoned argument what men's rights and duties are in relation to each other. This is a kind of argument that belongs to the sphere of ideas of mixed modes and relations. But in applying the demonstrated norms in practice there can be no comparable certainty," *John Locke's Liberalism*, 50.

that where there is no property there is no injustice is not to learn what God requires and forbids of us with respect to property – nor, indeed, is it to learn whether there is any property.”¹⁷³ Merely articulating mixed modes is not the same thing as delineating the moral character of it. For example, Locke begins his *Second Treatise* with the mixed mode of slavery, but by what standard is one to judge this mixed mode as a bad mixed mode. Since Locke never developed his *scientia* of morality, he is not in a position to tell us. Nor has Locke’s project of rightly conducting the understanding proved persuasive to all, which is the presupposition upon which much of his *Two Treatises* rest. Wolterstorff concludes that “it goes without saying that few people have found Locke’s proposal for a true science of ethics plausible.”¹⁷⁴ One is left wondering why Locke’s practice has been rejected with regard to morality, but not with regard to religion. The criticism of Locke’s *scientia* of morality deals a further blow to his *scientia* in general as being an extremely unpromising theory.

In addition to the criticism’s above, Wolterstorff borrows from Hume in his criticism of Locke’s doxastic practice. Hume’s criticism, briefly alluded to above, is that induction is not a manifestation of reason, but custom. He says that reason, which he takes to be a faculty for apprehending necessary relations among propositions, is “not capable of telling us when beliefs concerning present and remembered experience constitute satisfactory evidence for some proposition concerning (contingent) facts which we have not experienced and are not experiencing.”¹⁷⁵ His point is that any syllogistic

¹⁷³Wolterstorff, *John Locke and the Ethics of Belief*, 145.

¹⁷⁴*Ibid.*, 148.

¹⁷⁵*Ibid.*, 168.

argument which makes use of induction must add in its premises a premise “which is the product not of reason, memory, or awareness, but of sheer habit, mere custom.”¹⁷⁶

Locke’s project warns against custom as an antagonist to rightly conducting reason,¹⁷⁷ yet Hume demonstrates that Locke presupposes induction, which itself is not substantiated by reason.

In response Locke could point to his acknowledgment of custom and that he created a category for it, namely judgment. He says that intuitive knowledge is the perception of the certain agreement or disagreement of two ideas immediately compared together, and that rational knowledge is the perception of the certain agreement or disagreement of any two ideas, by the intervention of one or more other ideas. His third category is judgment knowledge, which constitutes thinking or taking “two ideas to agree or disagree, by the intervention of one or more ideas, whose certain agreement or disagreement with them it does not perceive, but hath observed to be frequent and usual.”¹⁷⁸ The notion of “frequent and usual” is his acknowledgment of its being what Hume called “custom.” But again, as per the discussion with knowledge, merely to acknowledge and categorize something is not to explain it, but rather merely to restate it. In addition, if Hume is correct, then Locke will be hard pressed to find any item of knowledge that is not to be classified as judgment knowledge, which is to say that custom, not reason, is Locke’s true guide. Wolterstorff summarizes Hume’s attack this way:

¹⁷⁶Ibid., 171.

¹⁷⁷Ibid., 167.

¹⁷⁸Locke, *Essay Concerning Human Understanding*, 4.17.17.

We human beings are endowed with a variety of processes for immediate belief-formation which give us more reliable access to facts of various sorts than does the Lockean evidentialist practice with its base consisting exclusively of beliefs evoked by episodes of direct awareness. And as to *mediate* beliefs, recent discussions in philosophy of science suggest that there are bodies of acts to which modes of *mediate* belief-formation other than that which Locke proposes are our best modes of access.¹⁷⁹

Locke's theory of knowledge, and hence his foundationalist-evidentialism, is devastatingly critiqued by the pen of Hume.

Wolterstorff mounts two other powerful critiques of Locke's version of doxastic practice; the first is the self-referential problem and the other is drawn from Locke himself, namely the problem of fallibility. First, the problem of self-referential incoherence is not overcome in Locke's epistemology. Locke defines knowledge as the perception of the connection and agreement or disagreement or repugnancy of any of our ideas. Is this statement itself a matter of knowledge? If so then it must be either perceived as true or it must be certain, but surely no one would maintain that Locke's massive defense of this in the *Essay Concerning Human Understanding* is either immediately perceived or certain. It would appear that Locke's case for his epistemology as the standard for public deliberation rests on a faith commitment similar to that of the Congregation of the Inquisition and the logical positivists. Should Locke reject the notion of its being a faith commitment, one is left with taking Lockean epistemology on Locke's say-so, which sounds suspiciously like the epistemological tyranny he tells his readers to avoid.

It should also be noted that this self-referential incoherence is apparent in Locke's recommendation regarding the social aspect of foundationalist-evidentialism. On the one

¹⁷⁹Ibid., 178.

hand, Locke encourages individuals to participate in this process in a public setting. Yet, on the other hand, Locke also warns against allowing oneself to be epistemologically tyrannized by others.¹⁸⁰ How is one to determine when one is being epistemically tyrannized? How is it even possible to speak an answer to this without avoiding the charge of epistemological tyranny? In fact, Wolterstorff's criticisms above serve as a very compelling start to a case for epistemological tyranny on the part of Locke.

The second criticism, which is taken from Locke himself, concerns Locke's admission that though reason is infallible, humans can be mistaken about "the probability of a proposition on a body of evidence."¹⁸¹ Locke fails to deal with the possibility of fallibility within his own epistemological endeavors in adequate ways. What does Locke say about the possibility of being mistaken about the probability of a proposition on a body of evidence? Locke holds that mistakes are often due to such things as being inculcated from youth with propositions as being true, certain and self-evident - that are in fact doubtful and false or by mere habit receive some hypothesis as true that is in fact not.¹⁸² An example he offers is a Catholic who is inculcated in the doctrine of transubstantiation. The cure, he says, is to examine carefully the principles one certainly knows to be true, and not take something on the authority of others.¹⁸³ These prior beliefs that one has been inculcated with, serve to inhibit one's assent to a self-evident or

¹⁸⁰Wolterstorff, "John Locke's Epistemological Piety: Reason is the Candle of the Lord," 584-584.

¹⁸¹Wolterstorff, *John Locke and the Ethics of Belief*, 94.

¹⁸²In "John Locke's Epistemological Piety: Reason is the Candle of the Lord," Wolterstorff cites four causes of mistakes in beliefs: allegiance to authority, inculcated principles, received hypothesis, and prevailing passions, 588-589.

¹⁸³Locke, *Essay Concerning Human Understanding*, 4.20.8.

palpable truth. This inhibition can be of the sort that inhibits the normal causal efficacy of a perception such that one might not believe the proposition corresponding to that fact or of the sort that the inculcated belief might inhibit the perception itself. Wolterstorff maintains that the consequences of this are disastrous for Locke because Locke does not propose that each person empty oneself of all beliefs at the presence of each new proposition of maximal concernment. Wolterstorff asks why should it not be “the case that though we have direct awarenesses of certain facts, our attempt to identify such acts of awareness is a fallible enterprise.”¹⁸⁴ His point here is only to show that this fallible enterprise is a problem for Locke’s system specifically, but not to the idea that we in fact have direct awarenesses.

Wolterstorff’s critique of Locke’s foundationalism serves as a paradigm for the criticism he offers against foundationalism in general. Like Locke, Enlightenment public epistemology liberals have endeavored to impose their version of “reason as a guide,” with its revered propositions, as the model for public political deliberation. Although Wolterstorff never brings this point out, it is clear from the deontologism of Locke’s project that Locke did indeed think that the doxastic practice set forth in his writings is a morally appropriate, universal way of conducting the understanding. It does not appear that Locke ever held that his version of “reason as a guide” should be legally enforced, but surely he believed that it carries some moral weight. He makes the statement that “when we find out an idea, by whose intervention we discover the connexion of two others, this is a revelation from God to us, by the voice of reason.”¹⁸⁵ In this section of

¹⁸⁴Wolterstorff, *John Locke and the Ethics of Belief*, 99.

¹⁸⁵Locke, *Essay Concerning Human Understanding*, 4.7.10.

the *Essay Concerning Human Understanding*, Locke equates following the voice of reason with following the revelation of God to a person. Elsewhere Locke indicates that reason is a faculty from God to humans; the obvious implication is that there is a morally appropriate use of our minds that pleases God.¹⁸⁶ Locke makes this obligation most clear when he comments,

whereas he that makes use of the light and faculties God has given him, and seeks sincerely to discover truth by those helps and abilities he has, may have this satisfaction in doing his *duty* as a rational creature, that, though he should miss truth, he will not miss the reward of it. For he governs his assent right, and places it as he should, who, in any case or matter whatsoever, believes or disbelieves, according as reason directs him. He that doth otherwise *transgresses* against his own light, and misuses those faculties which were given him to no other end, but to search and follow the clearer evidence and greater probability.¹⁸⁷

Whether Locke is utilitarian in his ethics or holds to a divine command theory is not relevant to the obvious fact that some sort of moral obligation existed to use reason. The clear assumption is that the standard to which one is responsible to in one's public deliberation is the public standard proposed in Locke's epistemology.¹⁸⁸

Wolterstorff notes Locke's foundationalist-evidentialism model of reason "has proved enormously compelling among the intelligentsia of the modern West."¹⁸⁹ But to Wolterstorff and many others it has proved to be wanting in many great respects. His arguments against it include not only the criticisms above, but also that Locke's project

¹⁸⁶Ibid., 4.10.1 and 4.14.3. Here Locke says that since knowledge is scanty God has given us the faculty of judgment. Now surely, if God has given this faculty there is at least some sort of obligation for persons to use it.

¹⁸⁷Ibid., 4.17.24, emphasis mine. The clear moral and obligatory tone is evident.

¹⁸⁸In addition to these statements regarding moral obligation, Locke also recommends his reason as a guide to foundationalist-evidentialism for the sake of one's own happiness. See, *Essay Concerning Human Understanding*, 1.1.5, 4.14.2.

¹⁸⁹Wolterstorff, *John Locke and the Ethics of Belief*, 148.

requires too much of the person. It assumes one has the time and energy to perform Locke's doxastic practice on all issues of maximal concernment. This presupposes that epistemic obligations are the only, or at the least the highest obligations, one has. Humans have all sorts of obligations, and though doing one's epistemic best is a high one, it may be subordinated to other obligations we have.

Enlightenment public epistemology liberalism assumes a foundationalist stance against religious reasons, in that religious reasons cannot be immediate, but instead are always mediate, and as such require evidence. Until an adequate epistemological source for discerning evidence is itself universally and certainly discerned, claims such as this are rightly seen as an arbitrary privileging. As mentioned earlier, Wolterstorff's criticism of Locke serves as a paradigm for his criticism of all subsequent foundational stances. His conclusion is that "not only is it not the case that one must hold one's religious beliefs for reasons of the Lockean sort to be entitled to them, it is not, in general, necessary that one hold them for any reasons at all. Something about the person, the belief and the situation brings it about that the person is entitled to the belief."¹⁹⁰ Is Wolterstorff saying that there should be no epistemological standard whatsoever? It will be argued in the next chapter that Wolterstorff is not an epistemological relativist. He offers an alternative doxastic practice that is much less restrictive than that offered by Locke or Enlightenment public epistemology liberalism, and one that is more consistent with the tenets of liberal democracy.

¹⁹⁰ Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 87.

CHAPTER FOUR

Wolterstorff's Innocence Epistemology

Introduction

The impetus behind the development of Locke's foundationalist-evidentialism was the current social and political issues of his age. A primary target of Locke's epistemological endeavors was the enthusiasts. He contended that their enthusiasm was "socially pernicious."¹ The enthusiasts were irresponsible and arbitrary in their own believings, and such leads to arbitrariness in the exercise of political authority through the prescribing of opinion. Locke was convinced that our believings regarding God and revelation, and other matters of maximal concernment, must be believed rationally.² For Locke and others of the Enlightenment persuasion, rationality is foundationalist in character and evidentially grounded in that which is certain. To oppose foundationalist-evidentialism and its notion of "good reasons" is to leave one with only the alternative of relativism and its consequent, dogmatism. Locke's epistemological presuppositions suggest an either/or dilemma that says "either accept the evidentialist challenge or allow that anything goes?"³

¹ See Nicholas Wolterstorff, "The Migration of the Theistic Arguments: From Natural Theology to Evidentialist Apologetics," in *Rationality, Religious Belief & Moral Commitment*, ed. R. Audi (Ithaca: Cornell University Press, 1986), 43.

² Locke believed Christianity could meet the evidentialist challenge, whereas public epistemology liberalism does not. It is in his work, *The Reasonableness of Christianity, As Delivered in the Scriptures*, that Locke endeavored to show that Christianity can meet the evidentialist challenge.

³ Wolterstorff, "The Migration of the Theistic Arguments," 45.

Wolterstorff rejects the either/or dilemma and, instead, asks why it is “assumed that the (religious) believer is violating his rationality if he does not believe for good reasons?”¹ For Locke and those of the Enlightenment, it seemed obviously true that to deny the foundationalist-evidentialist canons is to be left with only relativism and dogmatism. Wolterstorff notes that when Enlightenment foundationalist-evidentialist’s were confronted with scrapping either their religious beliefs or the canons of foundationalism, they did not hesitate to declare, “so much the worse for religion.”² Yet, Post-Enlightenment criticism forcefully argues that when science has been subjected to the same canons, it has fared no better than religion. Is the foundationalist willing to declare “so much the worse for science?” In light of the present state of epistemological issues, Wolterstorff comments that “the old worry is surfacing: Does anything go? Must dogmatism reign?”³

Wolterstorff, along with Alvin Plantinga, has attempted to show that religious beliefs are on an equal epistemic footing with many other beliefs of philosophical importance, such as the belief in others minds or past events, and that it is not the case that anything goes epistemically.⁴ Wolterstorff notes that there is a two-pronged method

¹ Ibid.

² Nicholas Wolterstorff, “Locke's Philosophy of Religion,” in *The Cambridge Companion to Locke*, ed. V. Chappell (Cambridge: Cambridge University Press, 1994), 197.

³ Wolterstorff, “Migration of the Theistic Arguments,” 45.

⁴ Elsewhere, Plantinga attempts to make the case that belief in God is as rational as belief in other minds. It should again be noted that the establishment of what constitutes a religious reason or religious belief is terribly difficult to articulate. Such a discussion is beyond the scope of this project. How is it that one has a duty to provide evidence for a belief that is religious, until what constitutes a religious belief has first been unarguably agreed upon? Plantinga, *God and Other Minds*, (Ithaca, N.Y.: Cornell

in this project: The first is to criticize those views of rationality that privilege non-religious beliefs, such as foundationalist-evidentialism. The second is to “formulate and defend a criterion of rational belief alternative to that of classical foundationalism, and then to test the truth of others by reference to this criterion.”⁵

In attempting to show that it is not religious beliefs that are defective, but rather classical foundationalist epistemologies that are deficient, Wolterstorff has employed the first method via a paradigm critique of Lockean foundationalist-evidentialism. His criticisms of Locke, along with his criticisms of a more general nature, such as in *Reason Within the Bounds of Religion*, locate him as an anti-foundationalist. Does this anti-foundational stance require an epistemological relativism? Can Wolterstorff avoid the reproach that was heaped upon the enthusiasts of Locke’s day? Is Locke correct in his assumption that “the only alternative to his own view as to what we must do with the dictates of reason, is a policy of ‘anything goes’ – antinomianism in religious belief?”⁶ The second method of formulating an alternative epistemology is taken up by Wolterstorff to respond to such questions.

In this chapter Wolterstorff’s positive account of an alternative epistemology will be delineated and examined. It should be remarked that even if Wolterstorff should fail in this endeavor, it does not affect the merits of his criticisms of foundationalist-

University Press, 1967). In *John Locke and the Ethics of Beliefs* (Cambridge: Cambridge University Press, 1996), x, Wolterstorff asks: what is it that makes religious beliefs different from perceptual beliefs?

⁵ Nicholas Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” in *Faith and Rationality*, ed. Alvin Plantinga and Nicholas Wolterstorff (South Bend, IN: University of Notre Dame Press, 1983), 142.

⁶ Wolterstorff, “Philosophy of Religion,” 194.

evidentialism. Wolterstorff seeks to demonstrate that religious reasons or beliefs are within the epistemic rights of rational persons, and that this entails that citizens in liberal democracies are free to make use of religious reasons in their political deliberations. In this chapter I will first present a brief description of Wolterstorff's philosophy of scholarship, as it will provide a pattern for how he discusses beliefs in general, and suggests a goal toward which his insights work. This will be followed, secondly, by a summary of Wolterstorff's criticism of Lockean foundationalist-evidentialism. In addition to criticism in the previous chapter, three further criticisms will be introduced. He takes his cue regarding these additional criticisms from the thought of Thomas Reid. When all of his critical work is taken together, it solidifies Wolterstorff's anti-foundationalist stance. Third, Wolterstorff's alternative epistemology will be sketched, namely innocence epistemology. This will entail articulating the phenomena of innocent beliefs, his theory of rationality, and his criterion of rationality. Fourth, after articulating his epistemology, it will then be shown how Wolterstorff applies it to the question of the rationality of belief in God, and the rationality of belief in the gospels. Lastly, criticisms of his epistemology will be given, along with concluding comments.

Scholarship as Paradigm

I begin with a discussion of Wolterstorff's view of scholarship. His discussion in this field provides a paradigm for understanding his approach to epistemology.

Wolterstorff identifies the Grand Project⁷ of Western scholarship as being the

⁷ In another place he calls it the "Grand Project." Nicholas Wolterstorff, "Does Truth Still Matter? Reflections on the Crisis of the Postmodern University," *Crux* 31/3 (September 1995): 22-23.

Enlightenment enterprise of the generically human.⁸ This view is distinctly anti-particularist and anti-perspectival in its approach. Wolterstorff says that according to the well-informed learning of the Enlightenment, when individuals enter academia they are to render inoperative all of their “particularities – of gender, of race, of nationality, of religion, of social class, of age, so as to allow only what belongs to our generic humanity to be operative within those halls.”⁹ Particularism, it is argued, obstructs access to reality.¹⁰ Wolterstorff notes that this project of universality and consensus began in earnest with Descartes, but has yet to achieve its goals. It seeks the removal of all bias and prejudice, in other words particularities,¹¹ in order to achieve its goal of consensus. Although Wolterstorff embraces the realism of the Enlightenment approach, he questions the belief that consensus and anti-particularism are the preferred method of getting in touch with reality. He argues that it has failed in three ways.

First, the Grand Project of Enlightenment scholarship fails because it lacks the qualities of justice. Wolterstorff finds himself in agreement with those particularist perspectives that contend that justice demands an equal voice for all in the academy. The hegemony of “the purportedly universal” has been lifted, and Wolterstorff goes so far as

⁸ Nicholas Wolterstorff, “Scholarship Grounded in Religion,” in *Religion, Scholarship and Higher Education: Perspectives, Models and Future Prospects*, ed. Andrea Sterk (Notre Dame, Indiana: University of Notre Dame Press, 2002), 6.

⁹ Ibid., 6. Elsewhere Wolterstorff identifies this path to consensus and elimination of diversity to be a form of “methodological atheism.”

¹⁰ Nicholas Wolterstorff, *Educating for Life* (Grand Rapids, Michigan: Baker Academic, 2002), 110.

¹¹ Nicholas Wolterstorff, *Reason within the Bounds of Religion* (Grand Rapids, Michigan: W. B. Eerdmans Publishing Co., 1984), 28. See also Nicholas Wolterstorff, “Commitment and Theory,” *Christian Higher Education: The Contemporary Challenge*, (Potchefstroom, South Africa: Institute for the Advancement of Calvinism, 1976), 116.

to say that victimizers displaying repentance will go a long way to restoring dialogue.¹²

He is quick to note that his grounding of the argument for justice is not grounded in antirealism. The anti-realist argument says that awareness of reality cannot be had as there is no reality, and hence it is unjust to exclude particular perspectives as if there is some basis for it in reality. Wolterstorff is a realist, as will be discussed below, and integrates his notion of justice with it. His argument from justice presupposes metaphysical realism. He holds that all perspectives have access to at least some bit of insight into reality,¹³ and justice demands that each be heard to help us become more in touch with this reality.

Although Wolterstorff finds the argument from justice to be sound, he finds it less compelling than his second and third arguments against the Grand Project. The second argument asserts that a generically universal viewpoint is impossible to achieve. He says that “we cannot, upon entering the academy, manage to use just our generic intellectual constitution.”¹⁴ In another place he asserts that the Enlightenment idea of laying aside beliefs and differences of religion, nation, tradition, class, gender, race, and other such, and working together to advance learning is “not possible.”¹⁵ Is it possible to have a generic intellectual constitution? How does one know when one has found it? Such a

¹² Wolterstorff, “Does Truth Still Matter?” 27. Wolterstorff’s primary concern in this article is to work toward calling upon the victim to not “nurture resentment.” Such an attitude will help facilitate dialogue among all the perspectives.

¹³ Ibid., 25.

¹⁴ Ibid., 23.

¹⁵ Nicholas Wolterstorff, “Public Theology or Christian Learning,” in *A Passion for God’s Reign*, ed. Miroslav Volf (Grand Rapids, Michigan: E W. B. Eerdmans Publishing Co., 1998), 84.

method of scholarship, he says, “would scarcely be neutral...but would in fact be the expression of one highly distinctive comprehensive perspective from among the multitude of available perspectives.”¹⁶ The Enlightenment position inevitably privileges a particular point of view, and its methodology is found by Wolterstorff to be misguided, mistaken and epistemically not possible. Simply put, we humans are unable to circumvent the beliefs, the purposes and the affects acquired in everyday life, and make use in scholarship of just one’s indigenous, generically human, hardwiring.¹⁷ Academic learning, then, is “unavoidably perspectival.”¹⁸ The Enlightenment dream of a generic, universal and consensus-achieving project is a “hopeless hope.”¹⁹ It is more and more being seen as a vision of an illusion.²⁰

His third and last argument is one that he presupposes throughout, namely that there is an objective reality, and we can get in touch with it. With the collapse of this Grand Project many in academia have been asking if the academy is nothing but “a vast constellation of interests contesting for power?”²¹ This question parallel’s that raised by

¹⁶ Wolterstorff, *Educating for Life*, 275.

¹⁷ See Wolterstorff, “Does Truth Matter Still Matter?” 23.

¹⁸ Wolterstorff, “Scholarship Grounded in Religion,” 13. He approvingly cites Abraham Kuyper as holding to this position regarding learning. Nicholas Wolterstorff, “Abraham Kuyper’s Model of a Democratic Polity for Societies with a Religiously Diverse Citizenry,” in *Kuyper Reconsidered: Aspects of his Life and Work*, ed. Cornelis van der Kooi and Jan de Bruijn (Amsterdam: VU Uitgeverij, 1999), 197. It should also be noted that Wolterstorff does not intend the word “perspectival” to be understood in the Nietzschean sense of perspectival.

¹⁹ Wolterstorff, “Does Truth Still Matter?” 26.

²⁰ Wolterstorff, *Educating for Life*, 249.

²¹ Wolterstorff, “Does Truth Still Matter?” 18.

the rejection of Enlightenment epistemology as to whether the only alternative is an epistemological relativism leaving each position to merely jockey for power.

Wolterstorff contends the position that supposes that the whole of the matter is nothing more than self interested power exercised with false consciousness “is appallingly imperceptive.”²²

In his discussion on scholarship Wolterstorff makes it clear that he does not follow the above position for the reason that it is rooted in antirealism. He states that he is not a “global antirealist.”²³ He goes to lengths to disclose that he is not among those eager to embrace metaphysical antirealism.²⁴ He says that the “fact that we cannot render inoperative our particularist identities so as to function just *qua* human beings in no way implies that there’s not a ready-made world awaiting our discovery.”²⁵ He does not believe that each perspective is as good as the next, and that reality is beyond our getting in touch with it. Rather his argument against the Grand Project is that humans acquire programming in everyday life, and it is anything but a generically human one. And as each particular programming has access to at least some portion of reality – “nobody is totally out of touch with reality.”²⁶ Dialogue among the particular perspectives has the potential to lead to greater access to reality.

²² Ibid.

²³ Wolterstorff, “Scholarship Grounded in Religion,” 14.

²⁴ Wolterstorff, “Does Truth Still Matter?” 18.

²⁵ Wolterstorff, “Scholarship Grounded in Religion,” 14.

²⁶ Wolterstorff, “Does Truth Still Matter?” 23.

He further argues that without particular programming one could not even begin to embark on the Grand Project. His argument regarding the impossibility of a generically human constitution, is coupled with his belief that real learning takes place in a context of “responsible perspectivalism,”²⁷ that has as its goal getting in touch with objective reality. The academy, he says, should be a place of dialogical pluralism that pursues truth and reality. What is relevant for Wolterstorff’s epistemological project is that it follows a similar path as that navigated in his views of scholarship. In fact, his view of scholarship depends on his epistemology, and both have a similar conclusion of responsible dialogue among diverse perspectives and persons.

According to Wolterstorff both Enlightenment epistemology and Enlightenment scholarship presuppose classical foundationalism.²⁸ Meta-epistemology has undercut the supposed generic human enterprise of classical foundationalism, and has shown it to be a particular epistemological enterprise, both in epistemology and in scholarship in general. This leads one to inevitably ask: why should the Enlightenment ideal with its classical foundationalism be privileged? As an alternative, Wolterstorff suggests that the academy incorporate particularist learning.²⁹ He informs his readership that he embraces the two-fold revolution in the academy of giving up the illusion about foundationalism being a generic human enterprise, and embracing fairness through the pluralizing of the academy

²⁷ Nicholas Wolterstorff, “From Liberal to Plural,” in *Christian Philosophy at the Close of the Twentieth Century*, ed. Sander Griffioen and Bert M. Balk (Uitgeverij Kok, Netherlands: Kampen, 1995), 213.

²⁸ Wolterstorff, “Scholarship Grounded in Religion,” 7.

²⁹ It should be noted that Wolterstorff here speaks to the nature of scholarship within *public* universities.

by way of particularist learning.³⁰ If one is a particularist in learning, then how does one arrive at truth or consensus? Is there a criterion of rationality in epistemology that can speak to the problems of scholarship? Wolterstorff has entered into the difficult waters of this issue; to it I now turn.

Wolterstorff: Anti-foundationalist and Realist

I begin by summarizing Wolterstorff's criticisms of Locke's foundationalist-evidentialism outlined in the previous chapter, and then note three additional critiques he borrows from Reid. In doing this, it will be made clear that Wolterstorff does not merely reject a certain form of foundationalism, but also that he is an anti-foundationalist. His basic criticism of Locke's foundationalist-evidentialism can be summarized in his employing a threefold questioning of the foundationalist assumptions regarding mediate and immediate beliefs. First, with regard to immediate or foundational beliefs, he inquires as to the certainty of those immediate foundational beliefs offered by classical foundationalism, namely beliefs that are self evident, evident to senses and incorrigible. For example, with respect to beliefs that are evident to the senses he points out that distortion of perception may occur,³¹ and he also illustrates that "perception is not insulated from theory."³² Additionally, he remarks that assuming the validity of the

³⁰ He quotes detractors of the Enlightenment view as arguing there "never was and never can be such a thing as generic human learning; the ideal of such learning is and always has been illusory." Wolterstorff, "Scholarship Grounded in Religion," 13.

³¹ Wolterstorff, *Reason within the Bounds of Religion*, 50-52.

³² *Ibid.*, 53.

foundations suggested by classical foundationalism, they are not adequate to justify those beliefs normally considered acceptable.³³

Secondly, he inquires as to the exact nature of the linkage between immediate and mediate beliefs. He argues that deductivism, probabilism and falsification are not successful. He notes that deductivism fails in that many beliefs, such as “all swans have wings,” is not deducible from other immediate evident-to-the-senses beliefs. Probabilism fails in that it presupposes the uniformity of nature, but such a belief is not itself an immediate belief. The undemonstrated assumption of the uniformity of nature contravenes the foundationalist criterion. In addition, he makes the observation that probabilism is a drastic lowering of standards as to what constitutes knowledge. And falsificationism fails in that its focus is refutation of theories, rather than their confirmation, and such a strategy seldom results in the rejection of the specified theory. Thirdly, Wolterstorff demonstrates that foundationalism itself is not a foundational or properly basic belief.³⁴ In this way, it suffers from the problem of self-referential incoherence.

In addition to the criticisms enumerated above, Wolterstorff utilizes three of Reid’s critiques of the Way of Ideas. Wolterstorff acknowledges that the contemporary notion of classical foundationalism does not hold to all the notions of those of the Way of

³³ In Nicholas Wolterstorff, “Commitment and Theory,” he says they are “far too slender,” 117-118, and in *Reason within the Bounds of Religion*, he says they are not “ample” enough, 54.

³⁴ Wolterstorff cites that he accepts Plantinga’s criticism of foundationalism. In an article Plantinga offers the above self-referential critique. Alvin Plantinga, “Reason and Belief in God,” in *Faith and Rationality*, ed. Nicholas Wolterstorff and Alvin Plantinga (South Bend, IN: University of Notre Dame Press, 1983), 60-62.

Ideas, but they do hold to something “in the region”³⁵ of it. He argues that many of Reid’s criticisms of the Way of Ideas, three in particular, apply to classical foundationalism, *mutatis mutandis*.³⁶

First, Reid notes that the skeptics, such as Hume and Descartes, accept the testimony of consciousness without establishing its reliability, which is a violation of their own standards.³⁷ Reid’s second argument is an *ad hominem* observation that those of the Way of Ideas persuasion are not skeptical enough in that they take as true the thoughts and sensations of which they find themselves conscious. He expands on this argument when he observes that the skeptic is unable to conduct his life in a manner consistent with what he professes.³⁸ Foundationalists regularly violate the stipulations of foundationalism in real life; that is, they take as true many propositions and perceptions without first establishing the proper link. It is Reid’s observation that “all normal human beings are so constructed that they cannot follow the advice of the skeptic.”³⁹ For example, in real life individuals trust memory as much as self evidence.⁴⁰

³⁵ Nicholas Wolterstorff, “Hume and Reid,” *Monist* 70/4 (1987): 406.

³⁶ Ibid.

³⁷ This argument is a form of self referential incoherence.

³⁸ Nicholas Wolterstorff, “Thomas Reid on Rationality,” in *Rationality in the Calvinian Tradition*, ed. Hendrik Hart and Johan van der Hoeven (Lanham, Maryland: University Press of America, 1983), 54.

³⁹ Wolterstorff, “Thomas Reid on Rationality,” 55.

⁴⁰ Wolterstorff, “Hume and Reid,” 412.

Thirdly, Reid accuses the Way of Ideas proponents of arbitrariness. Reid finds them to be “completely arbitrary”⁴¹ in that they hold that one is “justified in accepting the deliverances of inference without first having adequate evidence that inference is a reliable belief producing mechanism.”⁴² Reid queries as to why the belief-disposition of reason is given a free pass, while our other belief-dispositions are required to pay a fee of justification. The lesson Wolterstorff draws from all this is that Reid concludes that one is forced either to admit Hume’s logic or question the principles upon which the Way of Ideas, and foundationalism, *mutatis mutandis*, is founded. Reid’s assessment is that if the theory refutes common sense, then the theory is wrong.

Wolterstorff follows Reid in questioning the principles upon which the theory is founded, and concludes that epistemology must be “without a foundation of indubitables.”⁴³ Through his thorough rejection of foundationalist-evidentialism Wolterstorff has positioned himself in the anti-foundationalist camp. If one is foundationless, then is one left with only antinomianism with regard to belief? How is it possible that an anti-foundationalist can make a case for anything? Wolterstorff says that the preceding analysis of the modern situation has led many of his colleagues to a form of philosophical relativism. Not only did Locke contend that the only alternative to his foundationalist efforts is a form of relativism, but so do many contemporary intellectuals of the modern Western world.⁴⁴ He observes that some philosophers, such as Richard

⁴¹ Wolterstorff, “Thomas Reid on Rationality,” 55.

⁴² *Ibid.*, 55-56.

⁴³ Wolterstorff, *Reason within the Bounds of Religion*, 56.

⁴⁴ Wolterstorff, “Philosophy of Religion,” 197.

Rorty, have concluded from the collapse of the classical foundationalist theory of knowledge that the concept of knowledge itself must be discarded.⁴⁵ And some have concluded from the collapse of the classical foundationalist theory of rationality that the distinction between the rational and nonrational beliefs must be discarded. Such philosophers have affirmed a form of the notion of ‘anything goes’⁴⁶ as its respects epistemology.

Wolterstorff is familiar with this conclusion that is drawn by many, but he argues that the rejection of classical foundationalism does not force one to adopt a form of relativism.⁴⁷ As far as I can see in his writings, he makes no real concerted effort to make a sustained argument against philosophies of relativism,⁴⁸ but he does make it clear that he is not a relativist. He attempts to make his case against relativism not by

⁴⁵ Wolterstorff cites Richard Rorty and Jacques Derrida as examples. On Richard Rorty see Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 4 and “Thomas Reid on Rationality,” 64. On Jacques Derrida see Wolterstorff, *Divine Discourse* (Cambridge, Cambridge University Press, 1995), 153-170.

⁴⁶ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 4.

⁴⁷ In “Commitment and Theory,” Wolterstorff emphasizes that “we are not forced to choose between foundationalism and antinomianism,” 118.

⁴⁸ In Andrew Sloane’s work, *On Being a Christian in the Academy*, he devotes chapter two to relativist alternatives to Wolterstorff’s theory of rationality. See Andrew Sloane, *On Being a Christian in the Academy* (Waynesboro, Georgia: Paternoster Press, 2003), 43-72. In this particular chapter he primarily discusses Kuhn’s cognitive relativism. Of the 204 footnotes only a few of these actually quote or reference Wolterstorff, and each of these make reference not to Wolterstorff’s sustained arguments against relativism, but rather to declarations on Wolterstorff’s part that he is not a relativist. I suppose one could make the argument that since Wolterstorff endorses Sloane’s book that if Wolterstorff were to offer criticism’s against relativism, it would take the form Sloane suggests. To follow this path will take us too far off the track. I propose to look only at his alternative to relativism and ask if it succeeds.

sustained critique of relativist philosophies, but through a positive case for an alternative to relativism. This positive case rests on a position of metaphysical realism.

Here Wolterstorff takes notice of an important distinction in philosophical thought. Anti-foundationalism, according to Wolterstorff, does not entail that “anything goes” epistemologically, as Locke suggested. Wolterstorff builds his case for this by arguing that anti-foundationalism does not entail metaphysical antirealism. He is careful to distinguish between two philosophical issues. There is a distinction to be made between the issue of foundationalism/anti-foundationalism and realism/antirealism. Richard Rorty, an anti-representationalist, acknowledges such when he says that “antifoundationalism in epistemology is not enough to rid us of the metaphysical distinction between appearance and reality.”⁴⁹ Wolterstorff places the onus on others to demonstrate that anti-foundationalism necessarily entails antirealism. Though he is an anti-foundationalist epistemologically, he is a metaphysical realist. He notes that for many of these intellectuals, rejection of foundationalist-evidentialism has led to “an eager embrace of metaphysical antirealism.”⁵⁰ He finds himself in sharp opposition to the view that “there is no way things are except relative to our conceptual schemes”⁵¹ and deems such a position to be fundamentally flawed. This sort of antirealism is as untenable as classical foundationalism.⁵²

⁴⁹ Richard Rorty, *Truth and Progress* (Cambridge: Cambridge University Press, 1998), 2-3.

⁵⁰ Wolterstorff, “Does Truth Still Matter?” 18.

⁵¹ Wolterstorff, “Scholarship Grounded in Religion,” 14.

⁵² Wolterstorff, “Does Truth Still Matter?” 18.

Wolterstorff upholds the notion that humans can get in touch with reality.⁵³ He states this most forcefully in *Reason Within the Bounds of Religion*. There he says, and I quote at length for the sake of making clear the vigor with which he not only denies foundationalism, but affirms realism,

theorizing is without a foundation of indubitables. . . . In saying this I do not at all mean to deny that there is an objective reality with a nature independent of what we all conceive and believe. Nothing I have said requires the affirmation that man is the creator of that which is. . . . Nor do I mean to deny that you and I can attain knowledge of that objective reality. . . . Nothing I have said requires the profession of ‘anything goes’. . . . From (the rejection of foundationalism) it does not follow that there is no structured reality independent of our conceivings and believings. . . . Nor does it follow that we must give up truth as the goal of theoretical inquiry. . . . Nor does it follow that we can never know the truth.”⁵⁴

Elsewhere he says “It is of utmost importance that we retain the conviction that there is a structured world out there, created by God, independent of our human activities of conceptualizing and interpreting, along with the conviction that not only does our programming often obstruct access to that reality, but that our nature and programming together also *enable* access.”⁵⁵

⁵³ Wolterstorff suggests that Abraham Kuyper as a model. He contends that though Kuyper held that there is not a generic human enterprise of learning, yet he maintained a metaphysical realism. Wolterstorff, “Abraham Kuyper’s Model,” 197-198.

⁵⁴ Wolterstorff, *Reason within the Bounds of Religion*, 56-57. In *On Universals*, Wolterstorff argues that we can not only know our conceptual scheme, but also that to which our conceptual scheme applies, xii. It is of interest to note that Wolterstorff argues for the existence of predicable entities along the lines that the belief in predicable entities is an innocent belief in that there are no good reasons not to believe such. See Nicholas Wolterstorff, *On Universals* (Chicago: University of Chicago Press, 1970), 105ff.

⁵⁵ Wolterstorff, “Public Theology or Christian Learning,” 84-85. Additionally, in “From Liberal to Plural,” he says, that “there remains a reality objective to us, created by God, of which we are aware,” 213. In *John Locke and the Ethics of Belief*, Wolterstorff unmistakably declares his position when he states that he is a “thorough-going metaphysical realist who is also an anti-foundationalist,” xii. He is most adamantly against antirealism in his article “Are Concept-Users World-makers?” *Philosophical Perspectives* 1 (1987): 233-267. He concludes in this article that “we do not make

Not only does he embrace the notion of realism over antirealism, but getting in touch with reality is a noetic priority. He says that “Locke assumes – rightly in my judgment – that we have an obligation to govern our assent with the goal in mind of getting more amply in touch with reality.”⁵⁶ His embrace of realism might seem far-fetched to the anti-realist, but it is just this embrace of realism that allows Wolterstorff to move his project along.

In response to the anti-realist, he notes the error involved in their manner of thinking. Simply because foundationalism does not provide a rational criterion for knowledge does not mean the concept of knowledge is to be discarded. He says that to argue from “the untenability of a proposed criterion for the application of a certain concept, to a conclusion that the concept itself has no application” is a mighty leap.⁵⁷ By contrast, he maintains that the grand challenge is to develop an epistemology articulating these convictions of anti-foundationalism and metaphysical realism.⁵⁸ Wolterstorff sets himself to this task by proposing a theory of rationality with an alternative criterion that avoids the criticisms of classical foundationalism and is anti-

objects with concepts. What we count as an object of this or that sort was there all along awaiting our counting it as that” (264).

⁵⁶ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 145.

⁵⁷ Wolterstorff, “Thomas Reid on Rationality,” 64.

⁵⁸ Wolterstorff, “From Liberal to Plural,” 213. For further elaboration on his realism see Nicholas Wolterstorff, “Realism vs. Anti-Realism: How to Feel at Home in the World,” *Proceedings of the American Catholic Philosophical Association* 54 (1985): 182-205 and “Are Concept-Users World-makers?” *Philosophical Perspectives* 1 (1987): 233-267.

relativist enough to give his view of realism substance.⁵⁹ In this endeavor he again turns to the aid of Reid, who offered a form of a “non-classical foundationalist theory of rationality.”⁶⁰

Innocence Epistemology

Wolterstorff’s theory of rationality is a component of a broader epistemological position. As an alternative to classical foundationalism, Wolterstorff has articulated what I call innocence epistemology. It maintains that one’s beliefs have presumptive innocence.⁶¹ In direct contrast to the evidentialist position, in which one’s beliefs are presumptively guilty until proven innocent by evidence, Wolterstorff’s posture is that “our beliefs are rational unless we have reason for refraining; they are not nonrational unless we have reason *for* believing.”⁶²

Richard Swinburne has developed a similar principle. He says that this principle of epistemological innocence “leads to the view that the person with justified beliefs, the

⁵⁹ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 142. What is to be rejected is not rationality, but rather a classically modern foundationalist approach to rationality.

⁶⁰ Wolterstorff, “Thomas Reid on Rationality,” 64.

⁶¹ A familiar metaphor that helps explain his thought is Otto Neurath’s boat imagery. Neurath likens our beliefs to a boat that is already afloat at sea and “we are like sailors who must rebuild their ship upon the sea,” John Pollock, *Contemporary Theories of Knowledge* (Totowa, NJ: Rowman and Littlefield, 1986), 4. Wolterstorff attempts to elaborate on why our beliefs are afloat at sea and why we are justified in being aboard it. He accomplishes this through a discussion of belief-forming mechanisms.

⁶² Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 163. Swinburne offers a similar view though he is not considered a Reformed epistemologist. According to Swinburne, the principle of credulity is a principle of rationality that asserts, roughly, that all things being equal, things are as they appear to be. He contrasts this with another principle of rationality, namely the principle of testimony, which is equivalent to what Reid called the principle of credulity.

rational person, is the credulous person; she believes everything until she has a reason not to do so.”⁶³ In other words, we are within our epistemic rights to begin where we are, with the beliefs we have, even though subsequent considerations may defeat this *prima facie* rationality. This is essentially the point being made by Plantinga and Wolterstorff.⁶⁴ Our beliefs are rationally innocent until proven guilty, not guilty until proven innocent.⁶⁵ Within this broader epistemological stance of innocence epistemology, Wolterstorff offers a general theory of rationality, which includes a criterion of rational belief. I call his criterion, the “adequate reasons criterion.”

First, I will elaborate on the notion of innocence epistemology, then move to his general theory of rationality, and conclude with his adequate reasons criterion. It is important to understand that I do not follow this path merely for the logic or proper ordering of items of research. It will be made apparent that such a path follows Wolterstorff’s development of his epistemology. His seemingly mere background information is, in actuality, part and parcel of the criterion of rational belief that he eventually offers. Following this development of his epistemology will be an analysis of

⁶³ Swinburne, *Epistemic Justification* (Oxford: Clarendon Press, 2001), 142.

⁶⁴ For Swinburne’s account of the principle of credulity, see his *The Existence of God* (Oxford: Clarendon Press, 198), pp. 254-271, and *Epistemic Justification*, chapter five.

⁶⁵ This innocence is a *prima facie* innocence, not *ultima facie*, see “Can Belief in God Be Rational If It Has No Foundations?” 163. Plantinga speaks similarly, when he says that being appeared to *treely* (seeing a tree) confers *prima facie* justification, “Reason and Belief in God,” 83. In *Epistemic Justification*, Swinburne makes the distinction between diachronic and synchronic justification. Synchronic justification is a theory of “what it is for a belief to constitute a justified response to the situation in which the believer finds herself at a given time” (3). Diachronic justification is a theory of “what it is for a belief to constitute a justified response to adequate investigation over time. Wolterstorff does not make this distinction, but his innocence epistemology speaks to both synchronic and diachronic elements of justification.

an exemplar of his criterion of rationality with regard to belief in God and the gospels. The chapter will finish with criticism and conclusions regarding Wolterstorff's innocence epistemology.

Fundamental to innocence epistemology is the claim that beliefs start out having a presumptive innocence. A vital argument for this notion is his suppositions regarding belief-forming mechanisms or belief-dispositions. Regarding his innocence epistemology I will pursue the following order. First, I will discuss its coherentist element. Then, I will outline his conception of belief-dispositions, which also serve as a basis for his contention that foundationalism is arbitrary. Last, I discuss his criticisms of reliabilism as they serve as a guide for deficiencies that his own criterion will need to avoid.

Wolterstorff's epistemology is not foundationalist, but does it fit into a coherentist theory of knowledge? After he delivers his criterion of rationality he notes that what he has articulated puts his epistemology in the territory of a form of negative coherence. He says that it is "perhaps" a form of negative coherence as described by John Pollock.⁶⁶ In *Contemporary Theories of Knowledge*, Pollock notes that foundationalist theories give a subclass of beliefs a superior role in determination, namely immediate beliefs over mediate beliefs. He defines a coherence theory as "any doxastic theory denying that there is such an epistemologically privileged subclass of beliefs. Coherence theories insist that all beliefs have the same fundamental epistemic status, and the justifiability of a belief is determined jointly by all of one's beliefs taken together."⁶⁷ Wolterstorff's

⁶⁶ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 172.

⁶⁷ John Pollock, *Contemporary Theories of Knowledge*, 67.

innocence epistemology denies the privileging of some subclass of one's beliefs and in this way is coherentist. As to the notion of joint determination on the basis of all of one's beliefs, Wolterstorff is silent. The form of Wolterstorff's coherentism, if there is any, is of a negative coherence sort. Pollock defines a negative coherence theory as that theory which accords "all beliefs the status of *prima facie* justification. A negative coherence theory tells us that we are automatically justified in holding any belief we do hold unless we have some positive reason for thinking we should not hold it."⁶⁸

On this definition of negative coherence, it would seem that indeed Wolterstorff's epistemology is a negative coherentism. But one should not be too quick to reach this conclusion in that Wolterstorff later says that the foundationalist/coherentist distinction is not helpful and should be discarded. In addition, he makes statements such that his concept of justification is "not a relation between propositions. It is a relation between a *person* and some one of his *believings*."⁶⁹ Such a view jeopardizes the supposed coherentism of his theory of knowledge.

A question can also be asked of Pollock's notion of negative coherence. For a theory to be constituted a negative *coherence* theory, must a universal element of it be that of coherence (whether it plays the entire role of justification or merely an element)? Wolterstorff nowhere to my knowledge offers coherence as a universal criterion for rationality, whether wholly or only as a necessary aspect of a much more varied criterion.

⁶⁸ Ibid., 83

⁶⁹ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 158. Perhaps Wolterstorff intended to say it is not "merely" a relation between propositions, but he in fact did not.

Instead he seems only to offer it as one situated element that contributes to one's belief-governance obligations.

In light of Wolterstorff's comments to the effect that the coherence-foundationalist distinction is not illuminating,⁷⁰ and that he repeatedly stresses the situatedness of belief, as will be shown below, one concludes it is not truly a coherence theory, but does make use of coherentist notions. In his discussion of adequate reasons in his criterion of rationality, he never directly states nor implies that a universal element of determining adequate reasons involves coherence. I conclude that coherence may play a role in determining an "adequate reason" in one situation, and may not play such a role in a different situation. Hence, when the descriptor "negative coherence" is used it is to be taken in this sense.

With regard to the innocence or *prima facie* justified status of one's beliefs, Wolterstorff makes use of Reid's notion of belief-formation. He begins his discussion of belief-forming mechanisms with praise for Thomas Reid as the great exception to the general disregard of this issue in the epistemological tradition. He expounds on Reid's analysis of belief-forming mechanism with approval. Reid contended that we each have a "variety of dispositions, inclinations, propensities, to believe things – *belief-dispositions* we may call them."⁷¹ What explains our beliefs is a "triggering" of one of our belief-

⁷⁰ Ibid., 172.

⁷¹ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 148. Wolterstorff adopts this conception of belief dispositions in his exposition of it in *Until Justice and Peace Embrace*. He says "we as normal human beings all possess a variety of *belief dispositions* – that is to say, we possess various dispositions, propensities, inclinations, such that when some event in our experience activates the disposition, a belief is produced, a proposition is accepted." Nicholas Wolterstorff, *Until Justice and*

dispositions.⁷² For example, certain sensations trigger in us a belief about the external world, other sensations trigger in us belief about other persons, and still other sensations trigger in us belief in the testimony given to us by others and so on. Some belief-dispositions are considered noble, in that they are immediate and have getting in touch with reality as the goal. Other belief-dispositions may be ignoble in that they seek something other than reality-possession goals,⁷³ such as personal security, power over another or financial gain.

Noble belief-dispositions come in two sorts. Most are what I will call immediate belief-dispositions. These produce in the subject an immediate belief. By contrast, there is what I call mediate belief-dispositions.⁷⁴ These do not immediately produce belief, but rather by way of inference produce belief. Among all of our various belief-dispositions some are innate and others conditioned. He cites with approval Reid's contention that as to the innate belief-dispositions, we are endowed with them by our Creator.⁷⁵ Conditioned belief-dispositions are those that we have acquired.

Peace Embrace, (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., 1987), 166.

⁷² Ibid.

⁷³ For more on the notion of "reality-possession obligations," see below.

⁷⁴ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 150. He calls this the "reasoning disposition." I find my description more helpful in that both mediate and immediate beliefs result from belief-dispositions; one working immediately and one mediately. As well, Wolterstorff himself distinguishes the "reasoning disposition" from "one of our *other* belief dispositions," hence inferring it is a species of belief-disposition.

⁷⁵ Ibid.

Reid spotlights the principle of induction as the fountainhead for the acquisition of belief-dispositions, and these dispositions are limitless. As an example Wolterstorff cites Reid on the acquiring of the belief-disposition that “when I hear a certain sound, I conclude immediately without reasoning, that a coach passes by.”⁷⁶ Not only do we acquire new belief-dispositions, but we also refine and modify our belief-dispositions. Reid’s classic example here is the credulity belief-disposition. On this principle we take the testimony of others as true. In children, Reid says, this principle is “unlimited,”⁷⁷ but in adults it is mature and modified. As we grow and mature we modify the credulity belief-disposition. Another example of this would be the correcting of our sense perceptions by sense perception, such as when one sees a mirage one learns to modify what in fact one is sensing.

With regard to the emergence of an immediate belief upon the triggering of a belief-disposition, Wolterstorff is unambiguous that it is not within our control. He says that “beliefs are formed in us by the activation of our belief-dispositions rather than by acts of will.”⁷⁸ Elsewhere he says that “beliefs are not the outcome of decisions but of dispositions.”⁷⁹ However, the working of our belief-dispositions are “to a great extent”

⁷⁶ Ibid., 151.

⁷⁷ Ibid.

⁷⁸ Nicholas Wolterstorff, *Divine Discourse*, 270.

⁷⁹ Nicholas Wolterstorff, “Evidentialism, Entitled Belief, and the Gospels,” *Faith and Philosophy* 6 (Fall 1989): 452.

within our power.⁸⁰ He suggests the idea of having the ability to “steer” our doxastic constitution.⁸¹ One’s culpability in belief arises at just this point.

He discusses belief-dispositions and their governance in several places. I have brought his thoughts together here and uncovered four ways by which we can govern our belief-disposition. First, it is frequently within our power to determine whether a triggering event may or may not take place.⁸² By this he means that by acts of our will we are able to direct the attention of our epistemic faculties.⁸³ Secondly, we often have it within our power to halt or hinder a belief disposition from functioning.⁸⁴ When a triggering event does occur it might be that we are able to determine if the disposition to believe will become operative. He says that “we can *resolve* or *determine* that a disposition will not become operative, and sometimes at least such a resolution is effective.”⁸⁵ As an example, he cites the resolve to not believe one spouse’s testimony in a dispute until one has heard the other side.

Thirdly, “by acts of the will we can impair or improve our epistemic faculties.”⁸⁶ By this I understand him to mean that we can grow and mature in our belief-dispositions. Reid’s example of the credulity belief-disposition in children growing and maturing as

⁸⁰ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 153.

⁸¹ Wolterstorff, *Divine Discourse*, 271.

⁸² Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 153.

⁸³ Wolterstorff, “Evidentialism, Entitled Belief, and the Gospels,” 452.

⁸⁴ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 13.

⁸⁵ *Ibid.*, 153.

⁸⁶ Wolterstorff, “Evidentialism, Entitled Belief, and the Gospels,” 452.

we become adults, serves as an example. As well, it was mentioned earlier that Wolterstorff maintains that we are able to acquire new belief-dispositions, which would include an act of the will.

Lastly, by “acts of the will we can attempt to keep in or near the forefront of consciousness something we already believe.”⁸⁷ This appears to be an element of coherentism in one’s beliefs. Our web or system of beliefs will affect our belief-dispositions. In *Reason Within the Bounds of Religion*, Wolterstorff notes that we each have a “cloak of beliefs” by which we weigh our theories.⁸⁸ As it is impossible to bring all of one’s beliefs to a proposition or triggering event one must select which beliefs will come to the forefront to interact with it. The beliefs selected will serve to impact the belief-disposition accordingly. Wolterstorff describes these beliefs as serving as inhibitors or abettors to belief. It is all these activities and capacity to governing our belief-dispositions that make one culpable in one’s believings.

One final assessment Wolterstorff makes with regard to belief-dispositions is that Reid and Hume were correct in arguing that it is not the case that reason can or needs to certify the reliability of other belief-dispositions. Belief-dispositions, including the belief-disposition of reason, are innocent until proven guilty.⁸⁹ In light of his model of belief-dispositions he is able to argue for the *prima facie* innocence of our beliefs. In

⁸⁷ Ibid.

⁸⁸ Wolterstorff speaks of a three-tiered cloak, namely data-beliefs, data-background beliefs, and control beliefs. A full explication of these beliefs would take the subject too far off topic. For a fuller explication of these see his *Reason Within the Bounds of Religion*.

⁸⁹ Wolterstorff, “Hume and Reid,” 410ff.

holding that we are “endowed” with such belief-dispositions and that a large part of its operations is not controlled by acts of our will, we are *prima facie* justified in our beliefs. In holding that there are ways in which we can control belief-dispositions and those things that affect them, he is able to say that it *may* be the case that one is culpable in one’s belief. But how does one determine which is operative, and whether there is culpability? Wolterstorff’s final answer will be that there is no generic answer, but rather only a situated, particular answer. This is made evident in his general theory of rationality and his criterion of rational belief, to which I now turn.

Wolterstorff sets himself to the task of articulating a criterion of rationality. It should be made clear that Wolterstorff does not set his sights on knowledge, but rather rationality. He notes that of the Reidian commentators he is aware of, all contend that his primary concern was knowledge. But Wolterstorff holds that Reid was eager to respond to skepticism concerning justified belief not knowledge.⁹⁰ Wolterstorff is eager for the same task. Before setting forth this criterion of rational belief, he first discusses what he means by the notion of rationality. Wolterstorff, following Reid’s lead, defines rationality as being “intellectually justified in one’s belief.”⁹¹ What then does Wolterstorff intend by “intellectually justified belief?”

First, it speaks to rational *beliefs*, not to rational persons, rational actions, rational plans or such.⁹² He paraphrases Locke approvingly when he says that the concept of rationality has reference to “obligations that pertain to our believings – call such

⁹⁰ Wolterstorff, “Thomas Reid on Rationality,” 45.

⁹¹ *Ibid.*, 45. He uses “rational belief” interchangeably with “intellectual justified belief.”

⁹² Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 142.

obligations our noetic obligations.”⁹³ Secondly, intellectual *justification* of belief has reference primarily to duties and responsibilities in one’s thinking or noetic faculties. Wolterstorff maintains that “just as there are duties and responsibilities pertaining to one’s treatment of other human beings, so too there are duties and responsibilities pertaining to one’s use of the intellect. . . . The justified belief, then, is the belief that is in accord with the norms for believing.”⁹⁴ As our ethical lives have norms for actions, so with regard to our intellect there are norms for our believings.

An important qualification that Wolterstorff makes is the distinction between “being justified” and “justifying” one’s belief.⁹⁵ He says that “to be justified in believing that so-and-so is to be in a certain *state*. To justify one’s belief that so-and-so is to perform a certain *action*.”⁹⁶ This distinction is critical for Wolterstorff in that if our only conception of justification is the latter, then humans would not be rational in most all of our beliefs. At this stage of development it is helpful to understand that with regard to this notion of justification Wolterstorff has primary reference to the former notion of being justified. It should also be noted that this distinction and the adoption of “being justified” is another point of validation for the presumptive innocence of one’s belief.

Thirdly, Wolterstorff also stresses that it is *intellectual* justification of belief. With this additional element he is able to distinguish between a simple justified belief and a rational belief. An intellectually justified belief is a species of justification in belief

⁹³ Ibid., 144.

⁹⁴ Wolterstorff, “Thomas Reid on Rationality,” 46.

⁹⁵ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 157.

⁹⁶ Ibid.

that has as its primary object getting in touch with reality.⁹⁷ Wolterstorff has a particular over-arching obligation for rational belief, namely a reality-possession obligation.⁹⁸ By this Wolterstorff means that a rational belief is an intellectually justified belief that concerns norms of believing as it relates to getting in touch with reality.⁹⁹ “The goal of getting in touch with reality is to be distinguished from such goals as increasing peace of mind or staying out of trouble with one’s government or increasing one’s wealth or power.”¹⁰⁰ In sum, an intellectually justified belief speaks to the obligation we have to govern “our assent with the goal in mind of getting more amply in touch with reality.”¹⁰¹

With this initial statement on the notion of rationality, I now turn to Wolterstorff’s explication of it, giving special attention to how he attempts to avoid the Scylla of dogmatic absolutism and the Charybdis of relativism. Wolterstorff argues for a normative and situated theory of rationality. It is a normative theory in that it obliges one “to do as well as can rightly be demanded” to bring it about that one believes a proposition if it is true and disbelieve it, if it is false.¹⁰² It is situated in that “rationality of belief can only be determined in context – historical and social contexts, and, even

⁹⁷ Wolterstorff, “Thomas Reid on Rationality,” 46.

⁹⁸ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 144.

⁹⁹ See Wolterstorff, “Thomas Reid on Rationality,” 46, for the link between intellectual justification and getting in touch with reality.

¹⁰⁰ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 14.

¹⁰¹ *Ibid.*, 145.

¹⁰² *Ibid.*, 149.

more narrowly, personal context.”¹⁰³ I will now examine both of these elements in more detail, beginning with the latter.

Wolterstorff’s theory of rationality brings to light the situatedness of our noetic obligations. He says that it is “important to realize that the obligations in question are *situated* obligations, in that which obligations...actually apply to a given person is a function of various aspects of the particular situation of the person in question.”¹⁰⁴ They are situated in a couple of ways: The first pertains to propositions to which our obligations of rationality pertain, and the second pertains to the variety of obligations we humans face. In addition he offers an analysis of belief-forming mechanisms, which aids in shedding light on the situatedness of rationality.

As to the first element of deciphering those propositions to which our obligations of rationality pertain, he holds that it is only with regard to those beliefs that “we do in fact have.”¹⁰⁵ Here he differs with Chisholm who, he says, argues that our noetic obligations concern “any proposition one considers.”¹⁰⁶ Surely it is not the case that one has a reality-possession obligation for every thought that crosses one’s mind, such as the number of beans in a bag that one might be holding.¹⁰⁷ On this idea he borrows a page from Locke in that some beliefs simply are not of maximal concernment and, as such, no

¹⁰³ Ibid., 155.

¹⁰⁴ Wolterstorff, *Divine Discourse*, 272.

¹⁰⁵ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 147.

¹⁰⁶ Ibid., 146.

¹⁰⁷ Ibid., 147.

reality-possession obligation exists.¹⁰⁸ In addition, there may be propositions that all humans ought to consider and perhaps ought to believe, but some persons have not in fact considered them.¹⁰⁹ In other words, it is not the case that reality-possession obligations apply to all the propositions reality presents to us. He concludes that there is no general guidance for which propositions our obligations of rationality pertain, and as such we have only a situated obligation. This is further established in his discussion of the second element.

With regard to the second element he argues that obligations other than those of *believing* are relevant. Wolterstorff chides contemporary epistemology that disconnects our noetic obligations from other obligations of ours. Our noetic obligations do not arise in a void or in some generically human fashion. Instead, “our noetic obligations arise from the whole diversity of obligations that we have in our concentered situations.”¹¹⁰ He maintains that humans have a variety of obligations, besides our noetic obligations, and there is no general principle for prioritizing one’s obligations. As a point of illustration, he suggests that a man might have family obligations, such as taking one’s son to a World Series game, that take priority over belief-governance obligations, such as whether one has in fact calculated one’s checkbook in accord with reality.¹¹¹ He states this principle with slight variation when he speaks of the relevance of the doxastic practice being utilized in any given belief. For example, in any given situation one might be

¹⁰⁸ Nicholas Wolterstorff, *John Locke and Ethics of Belief* (Cambridge: Cambridge University Press, 1996), 65-66.

¹⁰⁹ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 147.

¹¹⁰ *Ibid.*, 148.

¹¹¹ *Ibid.*, 157.

acting irresponsibly in using a generally more reliable doxastic practice with regard to a reality-possession obligation in that it is too time consuming and conflicts with other obligations.

He concludes that “to pose the abstract question, for some proposition P, ‘Is *one* entitled to believe that P?’ is to pose a question void for vagueness.”¹¹² It is vague, because it fails to deal with the situatedness of persons. Other ways in which our noetic obligations are situated include the abilities and availability of doxastic practices to any given person. For example, present day doxastic practices are different, and often superior, to those of the past. As noted above, noetic obligations are also situated as to the totality of a person’s obligations.¹¹³ What comes to the surface is that one’s noetic obligations are situated, and this will entail that rationality is situated.¹¹⁴ Such a conception of rationality might leave one wondering whether a theory of rationality with a normative component can still be built.¹¹⁵ Wolterstorff contends it can and offers an approach to this.

As part of his theory of rationality Wolterstorff maintains that with regard to one’s beliefs, there is a normative component. In Wolterstorff’s innocence epistemology there is a two-fold normative component. The first normative concept applies “at that point where a determination is made concerning the propositions to which our obligations

¹¹² Wolterstorff, *Divine Discourse*, 273.

¹¹³ Ibid.

¹¹⁴ Wolterstorff, “Thomas Reid on Rationality,” 65.

¹¹⁵ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 155.

of rationality pertain.”¹¹⁶ Our noetic obligations do not apply to every proposition that confronts us, but that they do apply to some, is certain. The other normative component is that we are required to do as well as can rightly be demanded of us. This is to be distinguished from Locke’s proposal that a person is obligated to do one’s best. Such a generic obligation is impossible in light of the previous discussions on the nature of obligations. He says that “doing one’s best may be more than can rightly be asked of one.”¹¹⁷

Wolterstorff’s notion of doing as well as can rightly be demanded of us is the guiding normative component behind his criterion of rationality. The criterion of rationality he offers, answers what it means to do as well as can rightly be demanded of us. Before moving to the criterion, the situatedness of this obligation and its focus on reality-possession obligations must be highlighted. It is situated in that what can be rightly demanded is never a generic human question, but a concrete situated one. It is to be answered in the light of one’s obligations, availability of doxastic practices, and other such questions.

As well, it regards reality-possession obligations. In his article “Can Belief in God Be Rational if it has no Foundations?” he elaborates on this guiding obligation when he says, that with regard to one’s beliefs we are only obligated “to do as well as can rightly be demanded of us so as to bring it about that we believe them if they are true and disbelieve them if they are false.”¹¹⁸ The obligation of doing as well as can rightly be

¹¹⁶ Ibid., 148.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

demanding has a two-fold assignment of bringing it about that we believe a proposition if it is true and disbelieve it, if it is false.¹¹⁹ The reality-possession obligation with regard to those propositions to which rationality pertains must involve both aspects. To pursue only the latter will come at the cost of a diminished number of truths pursued and held. To pursue only the former will come at the price of increasing the amount of false beliefs one might acquire.¹²⁰

In summary, Wolterstorff suggests that our noetic obligations are real, but are nonetheless “situated.”¹²¹ With the development of these ideas, Wolterstorff goes so far as to say that “rationality is always *situated* rationality.”¹²² For Wolterstorff, epistemological questions and epistemological answers are always particular and situated, and never come to us, in fact, as some generic human enterprise. Hence, the normative component that Wolterstorff identifies is situated in nature. We are now in a position to examine the main feature of his theory of rationality, namely his criterion of rationality, and will later discuss its consistency with the notion of situatedness delineated above.

We come to the doorstep of his proposed criterion of rationality that delineates what is entailed in the notion of doing as well as can rightly be demanded. I call it the “adequate reasons” criterion. He suggests that a person is justified in believing a certain proposition he finds himself believing, unless adequate reasons can be offered to cease

¹¹⁹ Ibid., 145, 148.

¹²⁰ Ibid., 145-146.

¹²¹ Wolterstorff, *Divine Discourse*, 272.

¹²² Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 155.

from believing the proposition.¹²³ His criterion of rationality or rational belief in its final form states:

“A person S is rational in his eluctable and innocently produced belief *Bp* if and only if S believes *P*, and either

1. S neither has nor ought to have adequate reason to cease from believing *p*, and is not rationally obliged to believe that he *does* have adequate reason to believe *p*; or
2. S does have adequate reason to cease from believing *p* but does not realize that he does, and is rationally justified in that.¹²⁴

He summarizes this by noting that his main contention is that a person “will have done as well as can rightly be demanded of him in the use of his belief-governing capacities toward the goal of getting in touch with reality if, and only if, all of his beliefs are innocently produced and none of those is nonrational on this criterion.”¹²⁵

Before examining Wolterstorff putting the adequate reason criterion into practice with regard to God and the gospels, there are three features of the adequate reasons criterion that must briefly be developed to get a clearer picture of it. First, this criterion of rationality is only for eluctable beliefs. By this he means to say that the criterion only applies to those beliefs that is within one’s power to refrain from believing. If one is incapable of ceasing from believing in a proposition, then one is *prima facie* justified in the belief and the criterion of rationality presented here need not apply.

¹²³ Ibid., 163.

¹²⁴ Ibid., 168. This version specifically addresses what is rational and nonrational in our believings. He also articulates this criterion for rationally *not* believing. It says “A person S is rational in an eluctable and innocently produced case of not believing *p* if and only if S does not believe *p* and either: 1. S neither has nor ought to have adequate reason to believe *p*, and is not rationally obliged to believe that he *does* have adequate reason to believe *p*; or 2. S does have adequate reason to believe *p* but does not realize that he does, and is rationally justified in that.” Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 169.

¹²⁵ Ibid.

Secondly, *prima facie* justified beliefs must be innocently produced. This adjustment is necessary for Wolterstorff to avoid accusations of relativism. This notion states that if someone has altered one's belief disposition or acquired some new belief disposition for non-innocent reasons, they are suspect. Innocent belief dispositions are those that help bring it about that one is getting in touch with reality. He states that "the only acceptable reason for undertaking to revise one of one's belief dispositions is that one justifiably believes it to be reliable."¹²⁶ This qualification will prove to be a source of criticism for innocence epistemology and will be discussed below.

Lastly, Wolterstorff's criterion of rationality puts into service the normative concept for which it is intended to be a criterion. In other words, Wolterstorff's introductory remarks and background material are part and parcel of helping the reader come to a more concrete notion of what is meant by "adequate reasons." His innocence epistemology offers a criterion of rationality that tells one to heed the dictates of adequate reason. Such a conception might lead some to ask: But is not a criterion of rationality supposed to tell us what it is that constitutes adequate reason? This too will prove to be a difficulty for his epistemology and will be discussed below.

What concrete elements does Wolterstorff give for his notion of adequate reason? In addition, to introductory remarks and background discussion, he does offer an important clue to the informative nature of his use of adequate reason in his criticism of reliabilism. Concerning reliabilism he notes the overwhelming task of identifying what is or is not a reliable mechanism. For example, is the credulity principle a reliable mechanism, and if so, how does one identify it? Does the acceptance of the testimony of

¹²⁶ Ibid., 164.

another human constitute a reliable belief-forming mechanism? Is it the testimony of *any* professor, or even more narrowly, is the testimony of *this* professor what constitutes a reliable belief-forming mechanism with regard to the credulity principle?

In addition, reliabilism is too constrictive in that it may be that we believe a proposition and are justified in thinking it was formed by a reliable mechanism, when in fact it is not. As well, it may be that we believe a proposition and are justified in thinking it was not produced by a reliable mechanism, when in fact it was. The common element underlying this latter dual criticism is that one need only cease believing if one has adequate reason to do so, not whether or not it was reliably formed. His criticism illuminates the inadequacies of reliabilism, but whether they illuminate the notion of adequate reason on his criterion is another question, but he thinks it does. Wolterstorff has offered a conception of innocence epistemology as a theory of rationality that maintains beliefs are innocent or rational if the belief is eluctable, innocently produced and the situated person has no adequate reasons to refrain from the belief.

Having outlined Wolterstorff's criterion of rationality, he puts it into practice regarding his arguments for the conditions under which a person is entitled to believe in God, in general, and in the gospels of the New Testament, in particular. Again, Wolterstorff's initial move in all of his discussions regarding rational belief is a retracing of the Lockean foundationalist-evidentialist program that says propositions that are immediately evident to a person are entitled, but as to mediate beliefs one must carry out an evidentialist activity. This whole program he finds flawed for the reasons previously discussed. In addition he specifically highlights the whole notion of belief-dispositions.

He notes that foundationalist-evidentialism attempts to delineate which belief-forming practices require epistemic justification.

He finds such an attempt unable to get going in that foundationalist-evidentialism, according to Reformed epistemology, itself is self-referentially incoherent, arbitrary and on its own merits cannot provide the needed epistemic material for relevant human thought. Because foundationalist-evidentialism cannot provide non-circular discursive justification it has no basis for privileging itself over religious belief-forming practices. Christopher Eberle, in *Religious Conviction and Liberal Politics*, notes that the “innocent until proven guilty” metaphor is intended to convey that the presumptive innocence “claim just means that we ought not object to *any* practice, whether sacred or profane, on grounds that that practice isn’t amenable to noncircular justification.”¹²⁷ No practice can escape this.

William Alston has been particularly helpful on this point. His views are a close relative to Reformed epistemology. A major concern of his project has been to make clear the similar nature of sense experience and Christian or mystical experience. In *The Reliability of Sense Perception* he makes the case that no argument for the reliability of sense perception or perceptual practice can be given that does not succumb to epistemic circularity. The same holds true of mystical perception or the Christian mystical practice. Neither sense perception nor mystical perception can be proven without falling into epistemic circularity, and neither have adequate reasons for deeming them unreliable. He goes to exhaustive efforts to show that beliefs derived from “Christian experience” are no

¹²⁷ Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 245.

less rational than beliefs about physical objects on the basis of sense perception. As such, there is no rational basis for privileging some belief-forming mechanism over others.

Alston quips that to epistemically outlaw religious belief-forming practices on the basis of some other belief-forming practice is epistemic imperialism. He says it is to unwarrantedly subject “the outputs of one doxastic practice to the requirements of another.”¹²⁸ These arguments are helpful in validating the *prima facie* justification for Wolterstorff’s innocence epistemology approach. With regard to belief in God, he is in a position to ask: Is it true that to be entitled to belief in God one must first perform the foundationalist-evidentialist activity? With regard to the gospels, he asks, “is it true that to be entitled to believe what the gospel writers say one must first do this other: Perform the evidential activity?”¹²⁹ Wolterstorff and Reformed epistemology find no adequate reason that such is the case.

Reformed epistemology argues that the Reformed tradition has always had a strong element that objects to the project of natural theology, and instead embraces a direct, non-sensory awareness of God.¹³⁰ Reformed epistemology traces this tradition to

¹²⁸ William Alston, *Perceiving God: The Epistemology of Religious Experience* (Ithaca, NY: Cornell University Press, 1991), 216. Plantinga uses a similar methodology in his argument for belief in God by way of analogy with one’s belief in other minds. He argues that if we have direct contact only with the contents of our own minds, then it is impossible to prove the existence of other minds. The proper conclusion to this is not that other minds do not exist, but rather it casts doubt on any theory of rationality that suggests we are permitted beliefs only if we can support it with arguments. Belief in other minds then is properly basic, namely it is rational. So by analogy belief in God may be properly basic, that is, it too is rational. For a detailed elaboration of this method see his *God and Other Minds*.

¹²⁹ Wolterstorff, “Evidentialism, Entitled Belief, and the Gospels,” 430.

¹³⁰ See Nicholas Wolterstorff, “The Reformed Objection to Natural Theology” in *Rationality and the Calvinian Tradition*, ed. Nicholas Wolterstorff, Hendrik Hart and Johan van der Hoeven (Lanham, Maryland: University Press of America, 1983).

Augustine's notion of "divine illuminism," and Calvin's *sensus divinitatis*, both of which are accounts of a non-inferential knowledge of God. Wolterstorff adds to this tradition of direct, non-sensory awareness of God a corresponding belief-disposition. He argues specifically for a "theistic belief-disposition" in line with this account of direct God-awareness.¹³¹ In *Lament for a Son*, he gives a clue to this belief-disposition from his own life. He says that

When I survey this gigantic intricate world, I cannot believe that it just came about. I do not mean that I have some good arguments for its being made and that I believe in the arguments. I mean that this conviction wells up irresistibly within me when I contemplate the world. The experiment of trying to abolish it does not work. When looking at the heavens, I cannot manage to believe that that they do not declare the glory of God. When looking at the earth, I cannot bring off the attempt to believe that it does not display his handiwork.¹³²

Belief in God just wells up within him; it is not inferred nor does it come at the end of syllogism. It is important to note that he does not believe that we infer the existence of God from perceptual knowledge of the existence of design; rather, "the awareness of the design immediately causes the belief."¹³³ Under such conditions one is rational in one's theistic belief in that it is presumptively innocent.

His theistic belief-disposition allows belief in God to be rational without "the justifying circumstance consisting in the fact that he believes it on the basis of other

¹³¹ Nicholas Wolterstorff, "What Reformed Epistemology is Not," *Perspectives* (November, 1992): 18.

¹³² Nicholas Wolterstorff, *Lament for a Son* (Grand Rapids, Michigan: W. B. Eerdmans Publishing Co., 1987), 76.

¹³³ Nicholas Wolterstorff, "Is Reason Enough," *The Reformed Journal* 31: 4 (April 1981): 145.

beliefs of his which he judges to be good evidence for it.”¹³⁴ According to the adequate reason criterion, a person could be justified in believing that God exists without believing it on the basis of other beliefs. A pertinent question is whether one can believe that God exists without its being produced by or reinforced by the mechanism of “inference?”¹³⁵ Wolterstorff maintains that there is no adequate reason to suppose that the inference belief-disposition is the best, much less the only, mechanism that gives us access to truths about God.¹³⁶ Three further reasons for this conclusion are that, first, the inductive belief-disposition as delineated in foundationalism does not give us access to a vast range of facts we take to be fact. Secondly, there are other belief-dispositions that do give us access to other facts, such as memory, sense perception and testimony.

Thirdly, people do in fact come to belief in God in a whole variety of ways. Some come to belief in God through the credulity belief-disposition. Others come to belief in God through, what I will call, a moral belief-disposition that produces sense of guilt or a sense of peace. Yet others come to belief in God through a mystical belief-disposition¹³⁷ of experiencing communion with God or hearing God speaking or feeling the strengthening of the Holy Spirit or via some religious practice, such as attending Mass.¹³⁸ This is to say that according to innocence epistemology it is possible that one is

¹³⁴ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 175.

¹³⁵ Ibid., 175.

¹³⁶ Nicholas Wolterstorff, “John Locke’s Epistemological Piety: Reason is the Candle of the Lord,” *Faith and Philosophy* Vol. 11, No. 4 (October 1994): 591.

¹³⁷ I call it mystical in light of Alston’s repeated use of the term mystical. For example, see “Christian Experience and Christian Belief,” in *Faith and Rationality*, 64.

¹³⁸ Wolterstorff, “Can Belief in God Be Rational If It Has No Foundations?” 103. It should be noted that Plantinga even offers a form of an ontological argument in *The*

immediately and *prima facie* justified in the belief that God exists, and simultaneously has no adequate reason to cease this belief.

For Wolterstorff there is no adequate reason to believe that one who holds as one of his immediate beliefs that God exists has *de facto* failed to govern his assent as well as one ought. What he has endeavored to prove is that the argument for failure to govern one's beliefs cannot be made in a generic and abstract fashion but, rather, criticism can only be made by scrutinizing "the belief system of the individual believer, and the way in which that believer has used his noetic capacities."¹³⁹ He would agree with Plantinga's summary that since there is no universal abstract defeater for belief in God, there is no reason at all to conclude in some generic fashion that belief in God is nonrational.

Plantinga says that "we have found no reason at all for believing that belief in God cannot be basic in a rational noetic structure."¹⁴⁰

Nature of Necessity (Oxford: The Clarendon Press, 1974). In very generic terms he basically argues that if God is only a being that exists in the understanding then a being can be conceived with God's properties that exists in reality. Such a being would be greater than God as a being defined by all those attributes, but yet only existed in the mind. The proposition that there is a being greater than God that can be conceived is false. Hence it is false that God exists only in the understanding but not in reality. God exists in the understanding, so also he exists in reality. This merely highlights that arguments that are inferential can be offered in addition to one's immediate belief. But Plantinga is quick to note that even if one can offer argumentation for belief in God, it is less stable than belief in God as a basic belief. Argumentation will always be subject to "the latest academic fashion." See Plantinga's "Reason and Belief in God," 72.

¹³⁹ Ibid., 176.

¹⁴⁰ "Is Belief in God Rational?" in *Rationality and Religious Belief*, ed. C.F. Delaney (South Bend, IN: University of Notre Dame Press, 1979): 26. In this article Plantinga argues that foundationalism is intellectual imperialism in that it simply declares irrational any noetic structure that happens to contain more foundational beliefs than the foundationalist's foundational beliefs. He asks whether there is "any reason at all for holding that a noetic structure including belief in God as basic is irrational?" In light of

In addition to his analysis of whether one may be rationally justified in the belief that God exists, Wolterstorff also offers an analysis for conditions under which a person might be entitled to believe the gospels. He is not unaware of the hermeneutical question that is inextricably bound up with this epistemological question. He follows Hans Frei's model of gospel interpretation, namely a "realistic narrative" approach.¹⁴¹ Such an epistemological method requires seeing the story as the meaning of the gospel text, not as some fable or allegory pointing to a moral principle or a story beyond itself. Even if one does not accept this hermeneutic, Wolterstorff notes that one can still follow his argument as a hypothetical concerning one who does take this approach.¹⁴² Whereas with belief in God, Wolterstorff concentrated on the theistic belief-disposition, with regard to entitled belief in the gospels, the fundamental element is the credulity principle or belief in the testimony of another. He says that "epistemological reflection on the phenomenon of accepting what the gospel writers say requires, unavoidably, reflection on the phenomenon of believing something on someone's sayso."¹⁴³ Wolterstorff follows the pattern of demonstrating the failure of foundationalist-evidentialist handling of the credulity principle, and that there is no generic reason not to follow the credulity principle with regard to the gospels.

his arguments against foundationalism he answers that if belief in God as a basic belief is irrational, its reason or reasons for so being "remains to be specified," 26.

¹⁴¹ Wolterstorff, "Evidentialism, Entitled Belief, and the Gospels," 434. On this model the gospels are said to use a form of realistic narrative. The author means something by the writing of the text and the story is not a shadow of something more real, but what it says is real. If one's interpretation of a text violates this, then the interpretation is not correct.

¹⁴² Ibid., 444.

¹⁴³ Ibid., 445.

For Enlightenment philosophers the credulity principle must be governed by reason of a foundationalist-evidentialist sort. Wolterstorff summarizes their approach this way:

“having discerned that someone said *p*, we must have available to us adequate evidence that *his saying p* belongs to a reliable speech-type; we must also have available adequate evidence, pro and con, concerning the truth of *p* itself; and only if *p* seems to us more probable than not on adequate scrutiny of all that evidence are we to believe *p* on sayso.”¹⁴⁴

In other words, with regard to testimony one must apply the evidential activity.

Specifically, testimony must pass two tests. First, the reliable speech test, and second, the independence evidence test, which in this case means the foundationalist-evidentialist test.

As to the first, Wolterstorff refers to Hume’s criticism that such a method itself is not reason-grounded. “Hume argued that the inductive inference, from experienced samples of a certain speech-type to the belief that the speech-type as a whole is reliable, is unalterably a product of custom/habit rather than rational insight.”¹⁴⁵ The point is that the credulity practice itself is no less a species of reason than is the inductive practice of determining reliable speech.¹⁴⁶

But it was Reid who took Hume’s analysis a step further. In light of Hume’s criticism, he asserted that what accounts for taking something on someone’s sayso is an innate, God-implanted credulity principle. Corresponding to the credulity principle is the veracity principle, which holds that we have an innate, God-implanted impulse to only

¹⁴⁴ Ibid., 447.

¹⁴⁵ Ibid., 447. He mentions this argument again later, 454.

¹⁴⁶ Ibid., 454.

assert something if we in fact believe it to be true. Of this principle Reid says that it has a “powerful operation, even in the greatest liars; for, where they lie once, they speak truth a hundred times.”¹⁴⁷

Wolterstorff also emphasizes that with regard to identifying reliable speech, the fundamental element in this epistemological process is how one gets the inductive practice going. “For to get the inductive practice going we have to judge on independent grounds that certain items of speech are true and that certain items are false.”¹⁴⁸ In this way, the first test collapses into the second. As to the second test, namely the foundationalist-evidentialist test, all of Wolterstorff’s criticisms given thus far apply.

As with belief in God, Wolterstorff’s response to all generic questioning is a critique of generic questioning itself, and a reorienting toward the concrete and particular. Of course, it is not wrong to believe for reasons, and at times may be obligatory, but it is not “in general obligatory for Christian believers to believe the identity-narrative of the gospels for reasons. Christian belief does not have to be rationally grounded.”¹⁴⁹ It may be that some Christians do have obligations to ground certain of their beliefs by means of other tests, but it is not the case that “some general formula for the governance-obligations” can be given as to the rationality of believing the narrative of the gospel writers on their sayso.¹⁵⁰

¹⁴⁷ Ibid., 448. See Thomas Reid, *Inquiry into the Human Mind*, ed. Timothy Duggan (Chicago: University of Chicago Press, 1970), 238-239.

¹⁴⁸ Ibid., 449.

¹⁴⁹ Ibid., 455.

¹⁵⁰ Ibid.

He offers a concrete particular example in the form of a friend's testimony to him; he calls his friend "Virginia." She had a non-sensory, quasi-mystical experience regarding God.¹⁵¹ He recounts her experience of God communicating immediately to her, and highlights that she was rational in her belief that God spoke to her. He grants that others, by their own presuppositions, might offer some other explanation, but as for Virginia she did as well as can rightly be expected of her. Wolterstorff notes the human condition we find ourselves in and says that it is just often the case that two people look at same evidence and come to different conclusions.¹⁵² He finishes by affirming that "it is possible for an intelligent adult of the modern Western world to be entitled to believe that God has spoken to him or her."¹⁵³

Bringing Plantinga and Reid together, we can summarize it this way: it may be that a person reads Nietzsche, Freud, Marx and others, and is unmoved by their theistic objections. For example the person may find Freud's historical recounting is a myth developed out of his own sexual frustrations; or that communism is Marx's own personal opiate; or that contra-Nietzsche, Christians are not weak, such as mother Teresa. Yet when this person reads the gospels, he just finds himself believing.¹⁵⁴ When presented with further objections to theistic beliefs, he finds no adequate reason to take up the

¹⁵¹ Wolterstorff, *Divine Discourse*, 275.

¹⁵² *Ibid.*, 279.

¹⁵³ *Ibid.*, 280.

¹⁵⁴ Alvin Plantinga, *Warranted Christian Belief* (New York: Oxford University Press, 2000), 100.

philosophical challenge with regard to this belief in God, anymore than he finds adequate reasons to take up the philosophical challenge to belief in external objects.¹⁵⁵

Criticism of Innocence Epistemology

Criticism of Reformed epistemology and Wolterstorff's innocence epistemology with its criterion of rationality has been manifold. In 1983 Wolterstorff and Plantinga published *Faith and Rationality: Reason and Belief in God*. Merold Westphal stated that since Anthony Flew and Alasdair MacIntyre's 1955 publication of *New Essays in Philosophical Theology*, there has not been a single book that has had as comparable an impact as *Faith and Rationality*.¹⁵⁶ It is not surprising that with such attention given to it, that Reformed epistemology has been the target of much criticism. It is not possible here to recount all the debates and nuanced criticisms of Reformed epistemology or its responses and counter arguments. Instead, I will focus on two criticisms of Wolterstorff's innocence epistemology, criticisms that he himself is aware of, as they

¹⁵⁵ See Chapter 8 of Nicholas Wolterstorff, *Thomas Reid and the Story of Epistemology* (New York: Cambridge University Press, 2001).

¹⁵⁶ See Merold Westphal's book review of *Faith and Rationality: Reason and Belief in God*, in *International Journal for Philosophy of Religion*, XVI (1984). By 1986 the movement of Reformed epistemology was well under way as Vincent Cooke observed. He reviewed the major works put out by Plantinga and Wolterstorff up to that point. See Vincent Cooke, "Current Theology: The New Calvinist Epistemology," *Theological Studies* 47 (1986): 273-285. In 1998 the amount of academic material surrounding Reformed Epistemology had grown to such an extent that William Hasker, in an article focusing on the narrow topic of the Quinn-Plantinga debate, noted its extensiveness. See William Hasker, "The Foundations of Theism: Scoring the Quinn-Plantinga Debate," *Faith and Philosophy* 15 (January 1998): 52. In 1994 Michael Sudduth, in his article "Bi-Level Evidentialism and Reformed Apologetics," mentions the "plethora of articles written on what is now called *Reformed Epistemology*." See Michael Sudduth, "Bi-Level Evidentialism and Reformed Apologetics," *Faith and Philosophy* 11 (July 1994): 379.

serve as the greatest obstacles to his overall project. The criticisms are directed at the notion of adequate reasons and innocently produced beliefs. The common element underlying each of these is the problem of relativism, which will be addressed last.

It can be argued that innocence epistemology, specifically its criterion of rational belief, gives no direction for its fundamental element of adequate reasons, and in fact, begs the question at just this crucial point. His innocence epistemology offers a criterion of rationality that tells one to heed the dictates of adequate reasons concerning one's beliefs. But is not a criterion of rationality supposed to tell one what it is that constitutes adequate reasons? Wolterstorff is not naïve to this criticism and acknowledges it when he says that his criterion "makes use of the very same normative concept for whose application it is a criterion."¹⁵⁷

He hopes to overcome this criticism in two ways. The first is by noting that his innocence epistemology, of which his notion of adequate reasons is a part, is an illuminating project. He contends that his use of the concept of rationality in the introduction of the concept itself, does not destroy the project at hand. Additionally, he does not merely employ the very same normative concept for whose application it is a criterion, but rather he claims to build on the notions of rationality that the reader already has, and he offers clarifying comments about it. In this way, he does give his readers a basic understanding of what he intends by it. He says that his hope in narrating his project in the way he does is that "the reader either would acquire the concept or would acquire a clearer view of a concept which he already had."¹⁵⁸

¹⁵⁷ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 169.

¹⁵⁸ Ibid.

His second response is to ask the basis upon which his project is unilluminating. Of course, any foundationalist-evidentialist or reliabilist basis for criticism he will argue is itself flawed. Wolterstorff's assessment is that his project is consistent with the human condition, and is correct and illuminating. One could ask Wolterstorff, why is it that the foundationalist could not make the same claim regarding his project as illuminating and therefore rational? Could he not say that foundationalism has spawned much of the illuminating elements of the Enlightenment? Whether a project is illuminating or not will, of course, largely depend on one's epistemological and moral presuppositions.

Another item for criticism is Wolterstorff's notion that *prima facie* justified beliefs must be *innocently produced*. In order to avoid the charge of relativism, Wolterstorff must make some such suggestion. This notion states that if someone has altered one's belief disposition or acquired some new belief disposition for non-innocent reasons they are suspect. Innocent belief dispositions are those that help bring it about that one is getting in touch with reality. He states that "the only acceptable reason for undertaking to revise one of one's belief dispositions is that one justifiably believes it to be reliable."¹⁵⁹

Wolterstorff seems to appeal to a form of reliabilism at this point. This not only comes out in the statement quoted above, but also in his answer to the question of someone who believes a proposition simply for the fancy of it. He offers a response to this notion, of one believing a proposition simply because one takes a fancy to it, that is reliabilist in nature. He argues that if one knows that proposition P was believed on the basis of the taking-a-fancy-to-it belief mechanism, then it is non-innocent. His

¹⁵⁹ Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" 164.

contention is that even if there is such a belief-mechanism as this, it most certainly does not produce innocent beliefs.

Wolterstorff argues that if such a belief-mechanism exists, all normal adults know it to be an unreliable belief-mechanism.¹⁶⁰ The idea is that such a belief mechanism does not reliably produce innocent beliefs. With this move he offers the notion of reliability-from-an-adult-perspective as a standard of innocent beliefs. The question not answered by Wolterstorff is how this notion of reliability differs from the reliabilist answer that he himself criticized as inadequate. What is Wolterstorff's standard of reliability? Is his notion of reliability different than the reliabilism that he has critiqued? If so, how? If not, then do his own criticisms apply? Wolterstorff has not addressed these questions, and as such one is led to believe that his innocence epistemology, though not in a worse position, is nonetheless in a similar position to that of foundationalism and reliabilism.

Wolterstorff has directed the bulk of his critical powers at foundationalism and its inability to get in touch with reality. But has Wolterstorff given any reasons that innocence epistemology fairs any better? He often speaks of the need for dialogue as a means to getting in touch with reality in those ways to which we are blind. But is this more of a politically correct hope, then it is a reasonable theory? Are there any reasons that lead one to hold that innocence epistemology brings one in touch with reality better than foundationalism? Wolterstorff's response would undoubtedly include a review of foundationalism's failures, but this offers nothing positive in response to the question now being posed. The most likely direction Wolterstorff would move is theological. Theologically he holds to a created world that we are able to get in touch with, and that

¹⁶⁰ Ibid., 172.

because we humans are in a fallen condition and blind to our privileging proclivities, getting in touch with reality can be helped with dialogue.

What the criticisms above share in common is an element of the charge of relativism. Wolterstorff has argued that antirealist Post-enlightenment thought will “shortly dry up...because of its self-referential incoherence and its inability to answer the charge of moral relativism.”¹⁶¹ But has Wolterstorff answered this same charge? The criticism that Wolterstorff provides no concrete standard by which one can determine what constitutes an adequate reason parallels the criticism that he fails to provide a concrete standard with regard to what constitutes an innocent belief. It can be argued that Wolterstorff has failed to provide a non-relativist notion of these two items, but again, this puts him in no worse of a position than the epistemologies he has critically engaged.

Eberle has commented on the fact that there is no non-circular epistemological justification of rationality and that any criticism for failing to provide a generic or universal account of rationality is more a “complaint against the human condition” than it is of any particular view.¹⁶² Wolterstorff concedes as much when he says that “we shall have to acknowledge what the thinkers of the Enlightenment would have found appallingly unpalatable; namely, that examination of tradition can take place only in the context of unexamined tradition, and that in our examination, *our convictions as to the facts are schooled by our traditions.*”¹⁶³ Epistemology inevitably succumbs to circularity

¹⁶¹ Nicholas Wolterstorff, “Between the Pincers of Increased Diversity and Supposed Irrationality,” in *God, Philosophy and Academic Culture*, ed. W. Wainwright (Atlanta: Scholars, 1996), 20.

¹⁶² Eberle, *Religious Conviction in Liberal Politics*, 250.

¹⁶³ Wolterstorff, *John Locke and Ethics of Belief*, 246. Italics mine.

at its ultimate starting point. Hence, attacks against Reformed epistemology or Wolterstorff's innocence epistemology are not somehow epistemically superior, but rather epistemically equivalent to those criticisms posed by Reformed epistemology to their antagonists. Must the problems posed in epistemology be abandoned as unsolvable or might there be some other epistemological method that will prove even more illuminating than those thus far offered, such as the transcendental method? Wolterstorff acknowledges that we each have a set of presuppositions or a perspective on reality, but maintains that such an admission "cannot be the end of the matter...it must at best be the beginning."¹⁶⁴ As the positive account of foundationalism and innocence epistemology have been confronted with forceful criticism, perhaps a better approach might be the transcendental method of fellow Reformed and Calvinistic thinker Cornelius Van Til.¹⁶⁵

Conclusion

Post-enlightenment thought of the postmodernist stripe acknowledges the epistemological stalemate regarding alternative epistemologies. This has led some to opt for an altogether new path with regard to political life together in a liberal democracy. This new path seeks political, not epistemological, solutions to issues regarding the state, individuals and coercive laws.

¹⁶⁴ Wolterstorff, *Reason Within the Bounds of Religion*, 22.

¹⁶⁵ See Cornelius Van Til, *A Christian Theory of Knowledge* (Phillipsburg, NJ: Presbyterian and Reformed Pub. Co., 1969), and *The Defense of the Faith* (Phillipsburg, NJ: Presbyterian and Reformed Pub. Co., 1985), and *Survey of Christian Epistemology* (Philadelphia, PA: Den Dulk Christian Foundation, 1969). Although Wolterstorff and Plantinga give much attention to Kuyper and Dooyeweerd, neither give much attention to the thought of Cornelius Van Til, who has had a substantial impact in Reformed and Presbyterian circles.

Wolterstorff has even suggested that such a path is the best solution. In the closing chapter of his critical narrative on Locke's epistemological solution to political problems of societies with conflicting traditions, Wolterstorff proposes a political direction for solutions to the problems. He says that "it is to politics and not to epistemology that we shall have to look for an answer as to how" to live together.¹⁶⁶ He reiterates this point in "Religious Reasons, Liberal Theory and Coercion," where he argues that we have in fact been conducting our politics without a shared foundation and now must proceed to articulate how this might best be done.¹⁶⁷

Although Wolterstorff finds his innocence epistemology a superior epistemological model for humans in our condition trying to get in touch with reality, it is to a non-epistemological solution that he turns in solving the problem of diverse traditions trying to live together in justice and peace. In the next chapter the political, not epistemological, solution of John Rawls will be presented as Rawls provides the most articulate example of what Wolterstorff does *not* intend by his notion of a political solution.

¹⁶⁶ Wolterstorff, *John Locke and the Ethics of Belief*, 246. He states the same, almost verbatim in "Evidentialism, Entitled Belief, and the Gospels," 456.

¹⁶⁷ Wolterstorff, "Religious Reasons, Liberal Theory and Coercion," 26.

CHAPTER FIVE

Post-Enlightenment Public Epistemology Liberalism

Introduction

Wolterstorff separates public epistemology liberalism into an Enlightenment position and a Post-Enlightenment position. Each offers its answer as to the appropriate source of the factual and moral convictions on the basis of which determinations of justice are to be made. Enlightenment public epistemology liberalism offers a universal epistemological source based on the deliverances of a generic human nature.¹ It was shown through the Lockean narrative that this position suggests some form of foundationalism as the epistemological standard of morally appropriate reasoning within liberal democracies. Upon this basis, religious belief or convictions are to be bracketed in public deliberations. Wolterstorff and other Reformed epistemologists have offered critical assessments of foundationalism, and hence, of the liberal procedure that rests upon it. He contends that the foundationalism under-girding Enlightenment public epistemology liberalism is “untenable.”² So much so, in fact, he asserts that “almost no one today would contest that claim.”³ Wolterstorff concludes that it is illiberal to suggest that religious people bracket their religious convictions on such a basis.

Post-Enlightenment public epistemology liberalism is in agreement with Wolterstorff’s criticism of Enlightenment public epistemology liberalism. They both

¹Nicholas Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” in *Religion in the Public Square*, ed. Robert Audi and Nicholas Wolterstorff (Lanham, MD: Rowman and Littlefield Publishers, 1997), 85.

²Wolterstorff, “The Role of Religion,” 87.

³Ibid.

contend that foundationalism and all other universalist attempts at knowledge and truth fail, and are thereby inappropriate as a standard for morally appropriate public reasoning in a liberal democracy. Post-enlightenment public epistemology liberalism seeks to offer its own version of a neutral source for public reasoning. It suggests a source for public deliberation that does not rest upon “chastened epistemology”¹ or a “comprehensive doctrine.”² Its source is said to be independently equitable and not grounded in a comprehensive theory of the good. This source has had numerous defenders and a variety of suggested justifications. As discussed in Chapter Two, Gerald Gaus has offered seven strands of Post-enlightenment public epistemology liberalism, but the originator, and most articulate defense of this sort of liberalism, is given by John Rawls.³

Rawls places himself within the pale of Post-Enlightenment public epistemology liberalism when he states that his position of political liberalism “is not a form of Enlightenment liberalism, that is, a comprehensive liberal and often secular doctrine founded on reason and viewed as suitable for modern age now that the religious authority

¹Ibid., 91. Wolterstorff uses this term, which will be further discussed below.

²Rawls uses this terminology in *Political Liberalism* (New York: Columbia University Press, 1996), which will be further discussed below.

³Shaun Young says Rawls is “epoch making.” *Beyond Rawls: An Analysis of the Concept of Political Liberalism* (Lanham, MD: University Press of America, 2002), 51. Robert Nozick states that “political philosophers now must either work within Rawls’s theory or explain why not.” *Anarchy, State and Utopia* (Oxford: Basil Blackwell, 1982), 183. Nozick himself opted to explain why not. Joshua Cohen notes that in 1956 Peter Laslett commented that for the moment political philosophy is dead. Cohen responds that “philosophy is back, and its revival owes much to John Rawls’s *A Theory of Justice*.” Joshua Cohen, “Philosophy and Theory: A More Democratic Liberalism,” *Michigan Law Review* (May 1994): 1503. Such comments could be multiplied.

of Christian ages is said to be no longer dominant.”⁴ He offers an independent source for public deliberation that he calls public reason.⁵ Public reason, under the guidance of what Rawls calls “reciprocity,” proposes that persons should deliberate and vote as political citizens, not as egoists, philosophers, moralists, religionists or any such, on issues of constitutional essentials and matters of basic justice. Public reason does not employ egoist-reasoning, philosopher-reasoning, religionist-reasoning, common generic human reasoning, or any such but, rather, a form of reasoning that is less than the whole truth.⁶ It is a form of reasoning that eschews entanglement with foundationalist epistemologies and the rational, and instead, suggests a doctrine of reasonableness. Because Rawls’s view comes under the purview of Post-Enlightenment public epistemology liberalism, and because of his influential status, Wolterstorff interacts with him as a paradigm for this position.

This chapter consists of two basic sections. The first section will provide an introduction to Rawls’s life and work, paying specific attention to his conception of justice as developed in *A Theory of Justice* and *Political Liberalism*. Rawls’s work can be distinguished between two major divisions: the early Rawls of *A Theory of Justice* and the later Rawls of *Political Liberalism*. This section will trace the evolution of the early

⁴Rawls, *Political Liberalism*, xl. Wolterstorff also identifies Rawls as such when he contrasts Rawls’s method with Locke’s. He states that Rawls tacitly concedes that such appeals as Locke’s to “the deliverances of shared human reason are futile.” See Nicholas Wolterstorff, “Religious Reasons, Liberal Theory and Coercion,” paper presented at a Conference in Frankfurt, Germany.

⁵He uses the concept of “public reason” in *Political Liberalism*, l-lx, 7, 9-10, 213-214, 225-243. He further elaborates on it in “The Idea of Public Reason Revisited.” In John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999).

⁶Rawls, *Political Liberalism*, 216. See also 218, 225, 242 and 243.

Rawls up to his 1993 work, *Political Liberalism*. The second section will report Wolterstorff's narrative on the later Rawls of *Political Liberalism*, and give an account of his critique of Rawlsian Post-Enlightenment public epistemology liberalism. This discussion of the Rawlsian Post-Enlightenment position is needed for two reasons. First, even if Wolterstorff's defense of religious beliefs as rational, as outlined in the previous chapter, does hold, these same religious beliefs could potentially be prohibited on other grounds. One such ground is the political, not epistemological, source for religious-reason restraint. Rawls attempts to argue that certain religious beliefs should be bracketed on the grounds that no comprehensive doctrine, whether religious or otherwise, satisfy the requirement of the independently equitable political source. As Wolterstorff's critique of Locke sought to demonstrate that religious convictions are rational or within the epistemic rights of citizens, and need not be bracketed on any such supposed generic or universal epistemological basis, so also he seeks to establish that religious convictions are within the political rights of citizens of liberal democracy. Secondly, by way of a critique of Rawls, he attempts to show that all such Post-enlightenment attempts at identifying an independently equitable source fail. This will lead to the final chapter and Wolterstorff's alternative of the consocial position with its proposed restraints.

Justice as Fairness

Rawls is considered by many to be the most influential American political philosopher of the twentieth century. He was born in Baltimore, Maryland in 1921 and graduated from Princeton University in 1950 with a Ph.D. in moral and political philosophy. As a Fulbright Scholar to Oxford University he was shaped in part by political philosopher and historian Isaiah Berlin. In 1962 he joined the faculty of Harvard

University, where he remained until officially retiring in 1991. His 1958 article entitled “Justice as Fairness,” launched his soon-to-be influential ideas concerning justice in a liberal democracy. In this article Rawls put into writing what he considered to be a viable alternative to modern political and ethical theories. He set forth the direction of his thought when he says that “a practice is just if it is in accordance with the principles which all who participate in it might reasonably be expected to propose or to acknowledge before one another when they are similarly circumstanced and required to make a firm commitment in advance without knowledge of what will be their peculiar condition.”⁷ It was not until 1971, with the publication of *A Theory of Justice*, that Rawls emerged as a political philosopher of great influence. *A Theory of Justice* quickly became the subject of scholarly books, articles and dissertations.⁸ Because of his many critics, Rawls refined his thesis of justice as fairness over a twenty year period. In 1993 he published the revised and clarified version of justice as fairness in *Political Liberalism*. Rawls’s political philosophy has been a working out and refining of this seminal idea of justice as fairness.

Throughout his writings the basic framework for delineating his theory of justice is the tradition of social contract theory. Through the use of a fictive assembly he sought to arrive at principles of justice that would be fair to all. In *A Theory of Justice* he stated

⁷Rawls, “Justice as Fairness,” *Philosophical Review* 67 (April 1958): 183.

⁸Jonathan Wolff contends that “contemporary English-language political philosophy began in 1971.” Jonathan Wolff, “John Rawls: Liberal Democracy Restated,” in *Liberal Democracy and Its Critics: Perspectives in Contemporary Political Thought*, ed. A. Carter and G. Stokes (Cambridge: Polity Press, 1998), 118. He notes that the publication of *A Theory of Justice* and the announcement of the new journal *Philosophy and Public Affairs* both occurred that year.

that the guiding idea behind justice as fairness is that “the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association.”⁹

To best understand this, it will first be helpful to note the political and philosophical context within which Rawls was working. In *A Theory of Justice*, he begins by sharing the inadequacies of utilitarianism as defended by Hume, Adam Smith, Bentham and Mill. Rawls rejects utilitarianism as the guiding principle of social contract theory, primarily because of its teleological nature.¹⁰ He also notes that intuitionists had shown the difficulties inherent in utilitarianism, such as the “apparent discrepancies between the implications [of the principle of utility] and our ordinary moral convictions.”¹¹ For Rawls the intuitionist critique of utilitarianism was sound, but as a theory it offered no rational alternative. Intuitionism itself fails in that its principles reduce to triviality or they lead to falsehood or oversimplification.¹² As an alternative to

⁹John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 11.

¹⁰Rawls finds teleological principles to be incompatible with equal liberty. Rawls, *A Theory of Justice*, 330. Because of the teleological or consequentialist nature inherent in both utilitarianism and perfectionism, he rejects them both. Sandel picks up on this important theme of Rawls and so describes Rawls’s liberalism in *A Theory of Justice* as deontological, to distinguish it from the teleological. Michael Sandel, *Liberalism and the Limits of Justice*, 2d ed. (Cambridge: Cambridge University Press, 1998), 3.

¹¹Rawls, *Political Liberalism*, xvii. Before *Political Liberalism*, Rawls first presented his criticism of utilitarianism in *A Theory of Justice*, vii, viii, 22-27.

¹²See Rawls, *A Theory of Justice*, 39ff for further elaboration of this idea.

the failed attempts of utilitarianism and intuitionism, Rawls offered his theory of justice as fairness.

His alternative theory begins with the traditional model of the social contract and takes it to a higher level of abstraction.¹³ He hoped to offer a more developed Kantian-like social contract theory that “is no longer open to the more obvious objections often thought fatal to it.”¹⁴ The final product of this endeavor is the marking out of the two principles of justice arrived at through a process of fair agreement.¹⁵ Before analyzing his exposition of justice as fairness, it will help to give a basic understanding of the terms “justice” and “fairness” as utilized by Rawls.

The notion of justice has been the issue driving the work of Rawls. He begins *A Theory of Justice* by noting that justice as fairness is a theory of justice. He says that “justice is the first virtue of social institutions, as truth is of systems of thought.”¹⁶ This is to say, that even if a theory is useful or pleasing, it must be rejected or revised if it is not true. Likewise, even if laws and institutions are efficient and useful they must be rejected or reformed if they are unjust. Historically, political philosophy has primarily sought to answer in a substantive manner the question: what is justice? His aim is not to provide a substantive definition of justice, but instead to delineate a decision procedure

¹³Rawls, *Political Liberalism*, xvii.

¹⁴Rawls, *A Theory of Justice*, viii.

¹⁵Bruce Ackerman, offers a similar fictive assembly type theory of justice in *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980).

¹⁶Rawls, *A Theory of Justice*, 3.

for arriving at the fundamental principles of justice.¹⁷ From this broad notion of justice he then distinguishes between two particular conceptions of justice: “the concept of justice as meaning a proper balance between competing claims from a concept of justice as a set of related principles for identifying the relevant considerations which determine this balance.”¹⁸ Concerning the former conception, he elaborates that the primary subject of justice is “the way in which the major social institutions distribute fundamental rights and duties, and determine the division of advantages from social cooperation.”¹⁹ The bulk of Rawls’s intellectual effort is focused on the latter conception of justice, namely ascertaining the principles for identifying the relevant considerations that determine this balance of justice. This conception of justice deals particularly with justice as an accounting of certain distributive principles that would be chosen under conditions of fair agreement.

A proper understanding of the conception of the term “fairness” is an essential element in the Rawlsian project. Rawls does not ask what principles of justice are just but, rather, which can be agreed upon in a fair manner.²⁰ It will be helpful to elucidate Rawls usage of the term “fair.” He uses the expression “fairness” to denote a notion of

¹⁷The phrase “a decision procedure for justice” is adapted from David Schaeffer’s phrase “decision procedure for ethics” in David Schaeffer, *Justice or Tyranny* (Port Washington, NY: Kennikat Press, 1979), 16.

¹⁸Rawls, *A Theory of Justice*, 10.

¹⁹*Ibid.*, 7.

²⁰To ask which principles of justice are just would lead to an obvious infinite regress. Rawls understands this problem and so begins his article “Justice as Fairness” by stating that justice and fairness are indeed different.

reciprocity, which he defines as upholding the principles of justice.²¹ Rawls is not concerned to offer a conception of the good life, but rather a conception of justice that is neutral among ends.²² In order for fairness or neutrality among ends to be achieved there must exist an environment of non-heteronomous decision making, as will be discussed more below. His desire is that justice as fairness is to be understood as that which all mutually disinterested rational individuals of competing comprehensive worldviews can adopt in a situation of moderate scarcity²³ to achieve just decisions regarding social institutions.

With this background data in place, an outline of Rawls's strategy and argumentation in *A Theory of Justice* will be given. The general idea of *A Theory of Justice* is that social primary goods – such as opportunity, income, and social bases of self-respect - are to be distributed equally unless an unequal distribution of them advantages the least fortunate. He divides *A Theory of Justice* into three parts. Part one argues that the social contract view of justice as fairness that he outlines is superior to other views, such as utilitarianism or intuitionism. Part two suggests that his justice as fairness harmonizes with our considered judgments concerning a variety of topics of

²¹John Rawls, *The Law of Peoples*, 14, the two principles of justice will be identified below.

²²Michael Sandel discusses this important point in “Political Theory of the Procedural Republic,” in *Reinhold Niebuhr Today*, ed. Richard John Neuhaus (Grand Rapids, Michigan: William B. Eerdmans Publishing, Company, 1987).

²³Because of the limits on the length of the present discussion, I have not discussed in any detail Rawls's account of mutually disinterested persons or his use of Hume's notion of moderate scarcity. See Rawls, *A Theory of Justice*, 127-128.

moral and political philosophy. Part three argues that a society ordered around justice as fairness will be a stable society.

Before moving to Rawls's explication of justice and fairness in his concepts of the original position and the veil of ignorance, a few words must be said regarding the notion of right. One of the under-girding elements of *A Theory of Justice* is Rawls's thought concerning the concept of right. He develops his theory of justice upon the philosophical presupposition of the priority of the right to the good.²⁴ Rawls distinguishes between two notions of good. One is a comprehensive or thick view of good that refers to an individual's plan of life, philosophy, religious beliefs and other such. The other is Rawls's thin theory of the good, which makes use only of primary goods that are common to or needed by all comprehensive theories of the good.²⁵ Rawls maintains that the only means to fairness among competing comprehensive views of the good is to give priority to the right. Justice as fairness can be summarized as the priority of the right to competing ideas of the comprehensive good as it relates to just institutions. His project, he contends, is a consistent articulation of this notion.²⁶

²⁴Rawls, *A Theory of Justice*, 396. See also *Political Liberalism*, 173.

²⁵Ibid., 127. He does concede in *A Theory of Justice* that justice as fairness does employ a "thin" conception of the good to make the project work, 396. The primary element of this "thin" conception is primary goods. He says that the original position "does not assume the parties [*sic*] particular ends, but only that they desire certain primary goods. These are things that it is rational to want whatever else one wants," 253. The choice Rawls makes on behalf of the representatives is that each person desires the largest share of primary goods that enables one to act most autonomously. Primary social goods include "rights and liberties, opportunities and powers, income and wealth," 92. See Rawls, *A Theory of Justice*, Chapter VII for a fuller defense of this idea.

²⁶He maintains a similar distinction in *Political Liberalism*. There he contends that his thin use of good means one that employs political ideas and does not rely on comprehensive doctrines, 209.

Rawls's understanding of the concept of the priority of the right has two nuances in *A Theory of Justice*. The first is that certain individual rights take priority to common or societal goods. The second is that his conception of right as articulated in the two principles of justice does not rely on a conception of the good life for justification.²⁷ In his attempt to be consistent with this notion of the priority of the right, Rawls seeks to identify the circumstances of fair agreement in such a manner as not to ground them in some particular conception of the good. The hurdle for the Rawlsian project is to demonstrate that agreement on justice can be obtained without their being agreement as to a comprehensive or thick conception of the good.

Another necessary element in this endeavor is the five constraints on the concept of right or the principles of justice being sought.²⁸ These constraints are part of what is entailed in prioritizing the right, and distinguish it from a concept of the good. The first is generality, which holds that the principles to be formulated may not employ those notions that would "be intuitively recognized as proper names, or rigged definite conceptions."²⁹ The second is universality, which says that the principles are to hold for

²⁷Sandel notes that it is this latter claim that is the catalyst behind the liberal-communitarian debate. Michael Sandel, "Book Review: Political Liberalism, 1993," *Harvard Law Review* 107 (1994): 1766ff. For further clarification regarding the communitarian-liberal debate, see *Communitarianism and Individualism*, ed. S. Avineri and A. de-Shalit, (Oxford: Clarendon Press, 1992); and S. Mulhall and A. Swift, *Liberals and Communitarians* (Cambridge: Blackwell, 1992).

²⁸His basis or justification for these is that they "seem reasonable" and are "natural enough" given the present project (Rawls, *A Theory of Justice*, 130-131). He adds to these comments that they are justified by the reasonableness of the theory of which they are a part (131). Criticism of Rawls's notion of the "reasonable" will be discussed below.

²⁹Rawls, *A Theory of Justice*, 131. For example, the principle may not say that all the goods shall go to Microsoft or to Bill Gates.

everyone and to be “chosen in view of the consequences of everyone’s complying with them.”³⁰ The third is publicity, which maintains that the principles chosen must be part of a public conception of justice. There should be a general awareness of the principles themselves and of their universal acceptance. The fourth is that it must impose an “ordering on conflicting claims.”³¹ This will manifest itself in his two priority rules. The last is finality, which asserts that all involved parties must regard the “principles as the final court of appeal in practical reasoning.”³² Rawls summarizes that “taken together, then, these conditions on the conception of right come to this: “a conception of right is a set of principles, general in form and universal in application, that is to be publicly recognized as a final court of appeal for ordering the conflicting claims of moral persons.”³³

With these constraints in place, Rawls turns to his fictive assembly that will choose the principles of justice. The representative individuals³⁴ are placed in a fictive assembly called the original position, which mirrors the state of nature in conventional

³⁰Ibid., 132.

³¹Ibid., 134.

³²Ibid., 135.

³³Ibid.

³⁴In *Political Liberalism* Rawls also calls them “trustees,” 75, 106. Russell Hittinger calls these individuals “rational contractors,” who “agree to a scheme of justice prior to knowing how the scheme materially affects their individual interests or conceptions of moral or nonmoral good(s).” Russell Hittinger, “John Rawls: Political Liberalism,” *Review of Metaphysics* 47 (March 1994): 585.

social contract theory.³⁵ In *Political Liberalism* he states that the original position is introduced to “work out which traditional conception of justice....specifies the most appropriate principles for realizing liberty and equality once society is viewed as a fair system of cooperation between free and equal citizens.”³⁶ The question before Rawls is how are the fair terms of cooperation to be determined? Are they to be determined by some authority outside of the persons cooperating, or by God, or by knowledge of an independent moral order, or according to some comprehensive doctrine of the good? The original position eschews each of these suggestions and instead proposes that the fair terms are to be “established by an undertaking among those persons themselves in the light of what they perceive as their reciprocal advantage.”³⁷ In the Rawlsian original position there is no outside authority, nor does it have as its goal objects such as self-preservation or the glory of God. Rather, its goal is the delineation of the principles of justice. The original position makes an important refinement to the state of nature that Rawls believes allows the achievement of this goal. It is here that he introduces the concept of the veil of ignorance.

Rawls makes use of the ideal of justice as a blindfolded woman in his notion of a veil of ignorance. He describes the parties of the original position as situated behind a veil of ignorance, not knowing certain kinds of particular facts. The original position is the fictive assembly that only allows certain specified information to the representatives

³⁵John Locke’s description of the state of nature is often spoken of as a real historical event. See *Second Treatise*, chapter 2. Rawls’s original position is purely hypothetical. Rawls, *A Theory of Justice*, 12, 21, 120ff, 167f, 587. In *Political Liberalism* see Lecture II, section 5.

³⁶Rawls, *Political Liberalism*, 22.

³⁷*Ibid.*

of deliberations. On his conception of the classical social contract theory, human individuals of various races, genders, social classes, religions, tastes, talents, convictions, ambitions, views of the good, and other such, enter into a contract that each considers to better provide for his self-preservation, or his own good. Combining Rawls's description from several parts of *A Theory of Justice*, the representatives behind the veil of ignorance are deprived of many items of knowledge. It says that each representative does not know his place in society, his class position or social status. Nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, peculiar interests, and the like. Nor does he know his conception of the good, or the particulars of his rational plan of life, or even special features of his psychological make-up. Nor is he aware of the particular circumstances of his own society, or information about the generation to which he belongs, or any knowledge of the course of history.³⁸ Although knowledgeable regarding human affairs in general, behind this veil of ignorance the person is stripped of all specific contingencies and is ignorant of his or her real-life circumstances.

It should be noted that the veil of ignorance does not mean each person comes to Rawls's "purely hypothetical situation"³⁹ of contract-making cognizant only of humanness qua humanness. Instead, Rawls builds on Kant's conception of human nature as a free and equal rational being, who acts autonomously when he or she chooses according to this nature. To choose on the basis of one's social position or natural endowments or arbitrariness of fortune or any such contingencies is to act

³⁸I have combined the descriptions of what the individual behind veil of ignorance does not have knowledge of from pages 12, 136 and 200 of *A Theory of Justice*.

³⁹Rawls, *A Theory of Justice*, 12.

heteronomously, and presupposes a particular conception of the good.⁴⁰ Consistent with the priority of the right, the veil of ignorance deprives the person of the opportunity of choosing the principles of justice in an egoistic heteronomous manner.

To ensure fairness Rawls suggests that “one takes the position of certain representative individuals and considers how the social system looks to them.”⁴¹ In other words, in the process of contract making, or deciding on principles of justice, each person is temporarily ignorant only of his or her own true or real-life present situation, class, gender, race, and other such. Each one hypothetically adopts many of the various possible situations, classes, races, and other such, that he or she might be in. Having stepped into the shoes of these other positions, one then casts his or her vote for what he or she considers the basic principles of justice. As Rawls states it, “the one main task clearly is to determine which principles of justice would be chosen in the original position.”⁴²

Rawls’s justification of this particular conception of the original position or state of nature, and this particular conception of a veil of ignorance within the original position is that it “seems reasonable.”⁴³ He says that “the idea here is simply to make vivid to ourselves the restrictions that it seems reasonable to impose on arguments for principles of justice, and therefore on these principles themselves. Thus it seems reasonable and generally acceptable that no one should be advantaged or disadvantaged by natural

⁴⁰Ibid., 252.

⁴¹Ibid., 95.

⁴²Ibid., 14.

⁴³Ibid., 18.

fortune or social circumstances in the choice of principles.”⁴⁴ This conception seems reasonable to Rawls because he contends it is in accordance with the priority of right with its reasonable constraints. The only question remaining is what principles of justice would be chosen under these fair circumstances.

Through a succession of clever, intricate and well designed arguments, Rawls articulates two principles of justice and two priority rules that he believes would be chosen in the original position. The first principle addresses equal liberty, and the second principle speaks to social and economic inequalities. The first principle states that “each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.”⁴⁵ He tells his readers that these “basic liberties” include “political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.”⁴⁶ The first principle is chosen because it secures those primary goods necessary to all

⁴⁴Ibid. Throughout Rawls’s writings he makes use of the notion of the arbitrariness of fortune. Henry Richardson makes an interesting observation from the life of Rawls that may have contributed to the importance of this idea for him. He says of Rawls that “in two successive years, his two younger brothers contracted an infectious disease from him—diphtheria in one case and pneumonia in the other—and died. Rawls’s vivid sense of the arbitrariness of fortune may have stemmed in part from this early experience. See Henry Richardson, “John Rawls,” *The Internet Encyclopedia of Philosophy* [article on-line]; available from <http://www.iep.utm.edu/r/rawls.htm>; Internet.

⁴⁵Rawls, *A Theory of Justice*, 250, 302.

⁴⁶Ibid., 61.

rational plans of life.⁴⁷ As well, Rawls will later argue that it is the reasonable choice of a being whose nature is to be free and equal.

The second principle sets forth the conditions that must exist for social and economic inequalities to be justified. The second principle has two parts. Part (a) of this principle is known as the difference principle and part (b) is known as the fair opportunity principle. It states that

- “social and economic inequalities are to be arranged so that they are both:
- (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
 - (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”⁴⁸

He adds that this second principle applies “to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command.”⁴⁹ The equality of opportunity principle is more straightforward and has been less controversial. The difference principle on the other hand has been the subject of much criticism.⁵⁰ It utilizes the maximin rule of choice in conditions of uncertainty. The maximin rule says to maximize the minimum share or, put differently, one should decide upon the best of worst case outcomes.

Added to the two principles of justice are two rules of priority. In circumstances where the two principles of justice are in conflict, Rawls suggests that rather than seek a compromise, there should be a lexical prioritizing or ordering of the two principles. By

⁴⁷Ibid., 90.

⁴⁸Ibid., 302.

⁴⁹Ibid., 61.

⁵⁰For a brief discussion of this see Will Kymlicka, *Contemporary Political Philosophy*, 2d ed. (Oxford: Oxford University Press, 2001), 60-70.

this he means that the prioritized principle must be satisfied before the next may be applied. He says:

“This is an order which requires us to satisfy the first principle before we can move on to the second, the second before we consider the third, and so on. A principle does not come into play until those previous to it are either fully met or do not apply. A serial ordering avoids, then having to balance principles at all; those earlier in the ordering have an absolute weight, so to speak, with respect to later ones, and hold without exception.”⁵¹

The first priority rule regards liberty. According to this rule all matters pertaining to liberty have priority to matters of economic improvement and matters of equality of opportunity. It states that liberty may only be limited for the sake of liberty.⁵² He offers two cases for elaboration on this idea when he says that liberty can only be restricted when less extensive liberty strengthens the whole system of liberty that is shared by all and a less than equal liberty must be acceptable to those with lesser liberty.⁵³ The second priority rule holds that the second principle of justice takes priority to what he calls the principle of efficiency. It states that justice is lexically prior to the principle of efficiency⁵⁴ and welfare, and to that of maximizing the sum of advantages. The second priority rule also states that fair opportunity is prior to the difference principle. He offers two cases for elaboration when he says that “inequality of opportunity must enhance the

⁵¹Rawls, *A Theory of Justice*, 43.

⁵²Ibid., 302. Rawls makes one exception to this rule, namely, conditions of crisis scarcity may permit limitations on liberty in order to keep persons alive.

⁵³Ibid.

⁵⁴For further elaboration of this see Rawls, *A Theory of Justice*, 67-74.

opportunities of those with the lesser opportunity,” and “that an excessive rate of saving must on balance mitigate the burden of those bearing the hardship.”⁵⁵

To complete this project he shows that the justice as fairness with its two principles of justice fits our considered judgments about just institutions. He shows how the two principles of justice would impact constitutional issues, legislation concerning social and economic issues, and the behavior of individuals in such a society. He works out the details of this in part two of *A Theory of Justice*. In part three Rawls offers additional justification for the two principles of justice. The two principles of justice are determined to be right regardless of any good that it may or may not produce. It so happens, he argues, that the two principles will converge to produce the good. Further, he addresses the issue of order and stability in a society of justice as fairness. He argues that such a society as he has delineated can be stable if it is a “well-ordered” society. He makes his case for stability by focusing on the acquisition of a sense of justice as fairness, and the congruence of that sense of justice with an individual’s conception of the good. This summarizes the main elements of Rawls’s theory of justice.

Although receiving much praise, *A Theory of Justice* was not without its critics. Many of the details of *A Theory of Justice* were challenged, but it was the critics who spoke to the deep conceptual problems and seemingly arbitrary presuppositions of *A Theory of Justice* that most affected Rawls. The detractors receiving most attention were the communitarians.⁵⁶ For example, Michael Sandel argued in *Liberalism and the Limits*

⁵⁵Ibid., 302.

⁵⁶Rawls says that there is no basis for the claim that his changes are a result of the criticisms of the communitarians. *Political Liberalism*, xix n. 6. Despite this claim, *Political Liberalism* directly answers their trenchant criticisms. For example, Sandel summarizes the Rawlsian quandary when he asks “whether Rawls can have liberal

of *Justice* that *A Theory of Justice* defends a deontological liberalism.⁵⁷ It consists of a liberalism that seeks to avoid conceptions of the good and of ends. With regard to avoiding teleology, it offers a view of an “unencumbered self,” namely a view of “a self understood as prior to and independent of its purposes and ends.”⁵⁸ He says that “what is most essential to the unencumbered personhood is “not the ends we choose but our capacity to choose them.”⁵⁹ Regarding Rawls conception of the good as it relates to his conception of the self, Sandel contends that if the self of *A Theory of Justice* is a Kantian self then it is not neutral, but instead privileges the self-interested conception of individuals at the expense of a communal understanding of the self and interests.⁶⁰ If the self of *A Theory of Justice* is truly an unencumbered self, then it makes deliberation about ends an exercise in arbitrariness. Further, Sandel contended that the claim to prioritizing

politics without metaphysical embarrassment” (Sandel, *Liberalism and the Limits of Justice*, 14). Rawls a short time later offers an article entitled “Justice as Fairness: Political not Metaphysical.” Whether or not Rawls believes himself to be responding to the communitarians, his revisions so happen to speak to their criticisms. Additionally, even if Rawls claims not to be engaged in intellectual dialogue with communitarians, his fellow political liberals have engaged them.

⁵⁷Sandel, *Liberalism and the Limits of Justice*, 3-14.

⁵⁸Michael Sandel, “The Procedural Republic and the Unencumbered Self.” In Michael Sandel, *Public Philosophy* (Cambridge: Harvard University Press), 162.

⁵⁹Sandel, *Liberalism and the Limits of Justice*, 19.

⁶⁰Van Den Brink summarizes this point in a very lengthy sentence when he says that critics of *A Theory of Justice* “argued that Rawls had perhaps succeeded in developing an ideal theory of justice and social stability for Kantian subjects, who in their moral reasoning are not bothered by ties to family, community, culture, and so forth, but had failed to develop such a theory for real people, whose capacities for autonomy, reasonableness, and rationality differ greatly because, as an inescapable trait of the human condition, these capacities are always embedded in, and substantially shaped by, particular frameworks of value.” Van Den Brink, *The Tragedy of Liberalism* (Albany: State University of New York Press, 2000), 43.

the right to the good is simply to say that one's comprehensive doctrine of the good for individuals and society is to give priority to the right in political and moral issues.⁶¹ The point of real contention was located in these types of grand or abstract assumptions and conflicts in *A Theory of Justice*.

Rawls's Political Turn

Rawls's 1980 Dewey Lectures at Columbia University first indicated the change in his thinking.⁶² In the 1985 article *Justice as Fairness: Political Not Metaphysical*, Rawls solidified his new direction with particularity. Justice as fairness was reformulated and clarified so as to reflect the notion of *political*, not metaphysical, liberalism.⁶³ The name "political liberalism" conveys two of its main elements. The first is that it is political in that it does not rest on a comprehensive doctrine or a full metaphysical accounting for its principles of justice. Secondly, it is liberal in that it seeks to uphold the notions of individual freedom and equality. After twenty plus years of interaction with the critics of *A Theory of Justice*, Rawls published his new version of

⁶¹See Sandel, *Liberalism and the Limits of Justice*, Chapter 1.

⁶²Rawls, *Political Liberalism*, xix. Rawls identifies 1980 as the public beginning of his turn.

⁶³Others who have argued for a non-metaphysical or non-perfectionist strand of liberalism include Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980); Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987); Judith Shklar, *Ordinary Vices* (Cambridge: Belknap Press of Harvard University Press, 1984), and her "Liberalism of Fear," in *Liberalism and Moral Life*, ed. Nancy L. Rosenblum (Cambridge: Harvard University Press, 1989). Her account of a form of political liberalism has overlap with Wolterstorff's consocial position, as will be discussed in the next chapter.

justice as fairness in *Political Liberalism*. In this work he concentrates primarily on the relationship of justice as fairness to comprehensive doctrines or worldviews.

Rawls concedes the comprehensive nature of his theory of justice in *A Theory of Justice* when he says that justice as fairness in this work is regarded as a fully comprehensive, or perhaps a partially comprehensive, doctrine.⁶⁴ The inconsistency in *A Theory of Justice* is found not with the principles of justice themselves, but with the fact of pluralism and his account of stability. He argued that the two principles of justice would be decided upon in a pluralist society, yet the notion of stability espoused in part three of *A Theory of Justice* assumes a well-ordered society in which there is consensus and commitment to the two principles of justice. His account of a well-ordered society and stability in *A Theory of Justice* fares no better than other religious or philosophical comprehensive doctrines. The only means to maintaining unity under a comprehensive doctrine, including his own comprehensive doctrine in *A Theory of Justice*, is through state force or “oppression.”⁶⁵ Rawls recognizes that his account of stability in part three of *A Theory of Justice* is “not consistent with the view as a whole.”⁶⁶ Either his notion of pluralism, or his ideas concerning stability, and the congruence of justice and goodness must be changed. He notes that modern democratic societies are characterized by a pluralism of comprehensive doctrines, of which there will be no change in the foreseeable

⁶⁴Rawls, *Political Liberalism*, xviii; idem, *The Law of Peoples*, 179.

⁶⁵Rawls, *Political Liberalism*, 37.

⁶⁶Ibid., xviii.

future. As such, it is his account of stability in a well-ordered society that underwent revision.⁶⁷

Political Liberalism intends to adhere more consistently to the notion of the priority of the right of individual freedom and equality to comprehensive conceptions of the good, while simultaneously securing stability. Rawls is not asking about the truth of justice according to some particular comprehensive doctrine, but rather what is justice in a liberal democracy.⁶⁸ In *Political Liberalism* he makes a concerted effort at a more consistent Post-Enlightenment version of justice as fairness. By revising part three of *A Theory of Justice*, Rawls knows he may not claim the liberal position as true, lest he violate the priority of right to the good. To do such is to merely return to the Enlightenment method of adopting and imposing one comprehensive doctrine, and that by state coercion. Instead, Rawls wants to place political liberalism in the category of a political doctrine, not a comprehensive doctrine.⁶⁹ The question of its truth is a philosophical question, and Rawls wishes to simply leave “philosophy as it is.”⁷⁰

⁶⁷Ibid., xix. James Bohman highlights this change when he states that “the political problems of pluralism have moved to the center of John Rawls’s account of a well-ordered democratic society.” James Bohman, “Public Reason and Cultural Pluralism,” *Political Theory* 23 (May 1995): 253.

⁶⁸Rawls says that he is not concerned with truth, but rather with humans getting along (*Political Liberalism*, xxvii). He desires to forge a conception of justice that is reasonable, not necessarily truthful.

⁶⁹Ibid., 374.

⁷⁰Ibid., 375. Rorty takes cues from statements such as these by Rawls to argue that Rawls no longer has a philosophical accounting of the human person, but rather a “historico-sociological description of the way we live now.” Richard Rorty, *Objectivity, Relativism, and Truth* (Cambridge: Cambridge University Press, 1999), 185. And this historico-sociological form of life now is the self that lives within modern democratic regimes. Rorty goes on to say that it just might be that Rawls is trying to “systematize

Rawls begins *Political Liberalism* by identifying two fundamental issues that need to be addressed in modern liberal democracies. The first deals with finding the “most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal and as fully cooperating members of society over a complete life, from one generation to the next.”⁷¹ The second deals with finding the most appropriate “grounds of toleration...given the fact of reasonable pluralism as the inevitable outcome of free institutions.”⁷² These two problems led Rawls to refine his guiding question. In *Political Liberalism* he asks: “how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?”⁷³ *Political*

the principles and intuitions typical of American liberals.” Rorty, *Objectivity, Relativism and Truth*, 189.

⁷¹Rawls, *Political Liberalism*, 3.

⁷²Ibid., 4.

⁷³Ibid. Rawls’s revised primary question has been the driving force behind late twentieth century political theory. Modern political theories at some level attempt to provide an answer to the issues posed in Rawls’s question. For example, one sees in Jurgen Habermas this same question in a slightly different form when he asks how “disenchanted, internally differentiated and pluralized lifeworlds (can) be socially integrated?” Frank Michelman, “Review of *Between Facts and Norms* by Jurgen Habermas,” *Journal of Philosophy* 93 (1996): 307. Habermas hopes to answer this question by means of his theory of communicative action or discourse ethics. Although Habermas’s discourse ethics is similar to Rawls’s political liberalism in many ways, there are two fundamental differences. The first is that Rawls’s original position calls for a veil of ignorance on the part of the contracting parties, whereas Habermas’s discourse ethics teaches that valid (not truthful) claims can be made only as each person is able to rationally express himself or herself. The second is that Habermas calls for a dialogical procedure that is dependent on the consent of all the parties, whereas Rawls’s original position can be construed, according to Habermas’s critique of Rawls, in a Kantian monological fashion that allows for a purely individual internal universalism. Another example is Richard Rorty, who rejects the notion of comprehensive worldviews or “meta-narratives” all-together. He states that he believes that the “only homogenization which the liberal tradition requires is an agreement among groups to cooperate with one another

Liberalism's answer to this question is not radically different from that given in many portions of *A Theory of Justice*.

A beginning point is his revised and political conception of justice, which has three unique features. First, it speaks to political, social and economic institutions within a closed system.⁷⁴ Second, its conception of justice is a "freestanding view."⁷⁵ By this he does not necessarily mean that it cannot be grounded in comprehensive doctrines, but only that it is expounded apart from and without reference to such. He says it is like a module "that fits into and can be supported by various reasonable comprehensive doctrines."⁷⁶ He also says that his political conception of justice is political in that its scope is limited to matters of the political. Thirdly, the political conception of justice is expressed in terms of "certain fundamental ideas seen as implicit in the public political culture of a democratic society."⁷⁷ Comprehensive doctrines are relegated to the realm of

in support of institutions which are dedicated to providing room for as much pluralism as possible." Richard Rorty, *Philosophy and Social Hope* (New York: Penguin Books, 1999), 237. His source for achieving this is to be found in human consensus. He says that "willingness to accept the liberal goal of maximal room for individual variation, however, is facilitated by a consensus that there is no source of authority other than the free agreement of human beings" (Rorty, *Social Hope*, 237). Each of these in its own way seeks to answer Rawls's guiding question. The focus of his attention is overcoming the problem of the pluralism of comprehensive doctrines in liberal democracies. Although Rawls finds it remarkable that "just cooperation among free and equal citizens is possible" given the deep opposition between competing comprehensive worldviews, he nonetheless hopes his justice as fairness will play a valuable role in spurring such cooperation. Rawls, *Political Liberalism*, 4.

⁷⁴Rawls, *Political Liberalism*, 11.

⁷⁵Ibid., 12.

⁷⁶Ibid., 12, 145.

⁷⁷Ibid., 13.

“background culture,” and not the political culture.⁷⁸ With this introduction in place, Rawls summarizes political liberalism:

Justice as fairness starts from within a certain political tradition and takes as its fundamental idea that of society as a fair system of cooperation over time, from one generation to the next. This central organizing idea is developed together with two companion fundamental ideas: One is the idea of citizens...as free and equal persons; the other is the idea of a well-ordered society as a society effectively regulated by a political conception of justice. We suppose also that these ideas can be elaborated into a political conception of justice that can gain the support of an overlapping consensus.”⁷⁹

Having described Rawls’s basic approach and the overall direction of *Political Liberalism*, it is here that I turn to Wolterstorff’s exegesis of Rawlsian political liberalism. Wolterstorff primarily interacts with political liberalism in its attempt to offer a purely political source for public deliberation; one that is non-universal or independent. Wolterstorff is not concerned with inconsistencies from *A Theory of Justice* to *Political Liberalism*, but rather the final product of *Political Liberalism* as it most consistently articulates the Post-Enlightenment version of public epistemology liberalism.

Proposed Independent Source

Wolterstorff begins his assessment of Rawls with a discussion of the underlying reasoning that leads Rawls to choose the source that he does. Before identifying the source, Wolterstorff identifies the attempt to come to an agreement on justice apart from a conception of the good as Rawls’s primary aim. It is an alternative to the dominant tradition, which according to Rawls includes Greek philosophy, Christian thought and

⁷⁸Ibid., 14. This distinction sounds much like the public/private distinction, but in this case it is not merely religious positions that are relegated to the private.

⁷⁹Ibid.

utilitarianism, among others. The dominant view holds that “there is but one reasonable and rational conception of the good.”⁸⁰ Rawls seeks to propose a source that is freestanding independent of a rational conception of the good or comprehensive doctrine.⁸¹ Rawls defines a comprehensive doctrine as one that “covers all recognized values and virtues within one rather precisely articulated scheme of thought.”⁸² The important element for Rawls is that the dominant view offers a conception of the good that speaks to political and nonpolitical values and virtues. Rawls’s political liberalism aims to avoid grounding his independent source in a comprehensive doctrine, whether a religious comprehensive doctrine or any other. Wolterstorff notes that one of the great merits of Rawls’s discussion is that he includes not only religions, but metaphysical, moral and philosophical views as being comprehensive doctrines that speak to political and nonpolitical values and virtues.⁸³

⁸⁰Ibid., 135.

⁸¹Rawls suggests it is possible to operate on a less than comprehensive doctrine. He gives the analogy of only certain evidence being allowed in criminal trial, such as no evidence based on hearsay, no evidence from an improper search, etc. See *Political Liberalism*, 218, 221. The point is that in criminal trial we decide in such a way that is not based on the whole truth. Either basic rights requires the limits of public reason, like illegal search or that other great values are advanced by doing this. *Political Liberalism*, 219.

⁸²Ibid., 175.

⁸³Wolterstorff, “The Role of Religion,” 90. See Rawls, *Political Liberalism*, 13, 175, 374. Rorty indicates that when Thomas Jefferson said that “it does me no injury for my neighbor to say that there are twenty Gods or no God” he set an example which “helped make respectable the idea that politics can be separated from beliefs about matters of ultimate importance - that shared beliefs among citizens on such matters are not essential to democratic society.” Richard Rorty, *Objectivity, Relativism and Truth*, 175. In this way Jefferson established the ideal of religious toleration, and that religious views or doctrines are irrelevant to politics. In much the same way Rorty quotes Rawls approvingly when Rawls says that he is “going to apply the principle of toleration to philosophy itself.” Rorty, *Objectivity, Relativism and Truth*, 179. In other words, just as

For Wolterstorff, a clue to understanding Post-Enlightenment public epistemology liberalism and Rawls is by an investigation into the reasoning behind their seeking to avoid grounding their view of justice in a comprehensive doctrine. In the process of answering this Rawls lays a foundation for his chosen independent source. Wolterstorff goes to the root of Rawls's reasoning for avoiding comprehensive doctrines when he quotes him in *Political Liberalism* as saying that a comprehensive doctrine is unable to "secure the basis of social unity, nor can it provide the content of public reason on fundamental political questions."⁸⁴ The foremost reason for the necessity of a freestanding independent source is the failure of the alternatives to secure stability. Comprehensive doctrines fail as an independent source because they are unable to gain sufficient support among citizens of a liberal democracy. As noted above, the only means to consensus on such a source is through state coercion. There are several arguments that Rawls employs to demonstrate the failure of grounding a conception of justice on a comprehensive doctrine within a system of liberal democracy.

Rawls argues that the foundation upon which comprehensive doctrines rest is suspect. Wolterstorff notes that for Rawls, the rejection of comprehensive doctrines lies in great measure upon what he considers to be a "chastened epistemology."⁸⁵ For example, Rawls would be receptive to something like Wolterstorff's critique of classically modern foundationalism. He quotes Rawls's conviction that the "question the dominant tradition has tried to answer has no answer; no comprehensive doctrine is

Jefferson sought to establish an ideal of religious tolerance, Rawls additionally seeks to establish an ideal of philosophical tolerance.

⁸⁴Wolterstorff, "The Role of Religion," 90; Rawls, *Political Liberalism*, 134.

⁸⁵Ibid., 91.

appropriate as a political conception.”⁸⁶ Wolterstorff contends that political liberalism “concedes the existence in liberal democracies of a plurality of religions with adherents who are *entitled* to their adherence.”⁸⁷ By this, Wolterstorff indicates that for Rawls a whole host of epistemologies are reasonable. This would include some foundationalist epistemologies, some non-foundationalist epistemologies, some religious epistemologies and other such. Rawls is not concerned with the rationality of such positions, but with their reasonableness as will be discussed below.

An additional argument for the rejection of a comprehensive doctrine as an independent source is Rawls’s notion of the burdens of judgment. By “burdens of judgment” he means to limit “the scope of what reasonable persons think can be justified to others, and how this leads to a form of toleration and supports the idea of public reason.”⁸⁸ The burdens of judgment are sources of the difficulties in arriving at agreement in judgment. They include the complexity of evidence, the kinds of considerations that are relevant, the vagueness of our concepts, the differences in persons’ total experiences, difference in normative considerations, difficulties in prioritizing and lack of clarity in hard decisions.⁸⁹ These are offered to show that even if unreasonable elements of disagreement, such as pride, bias, prejudice, group interest, blindness, and other such, did not exist, the burdens of judgment show why reasonable disagreements would still persist. The fact of the burdens of judgment is important because of the

⁸⁶Ibid., 90; Rawls, *Political Liberalism*, 135.

⁸⁷Ibid., 91.

⁸⁸Ibid., 59.

⁸⁹These are summarized from Rawls, *Political Liberalism*, 56-57.

consequence it leads to, namely reasonable pluralism. The burdens of judgment demonstrate that no comprehensive doctrine would gain consensus, even if it in fact were objectively true. Since it could not prove itself to be true to all, no comprehensive doctrine can serve as the independent source for constitutional essentials. Rawls's conclusion is that reasonable, yet incompatible comprehensive doctrines, are the normal result of the exercise of human reason.⁹⁰

Rawls is aware of the objection that if a comprehensive doctrine is rejected as the source for justice, then all alternatives must at bottom be a mere *modus vivendi*.⁹¹ A particular notion of justice is a necessary element of the political liberal project, but not a sufficient one. The political liberal project must also result in a stable society. Historically, societies have attempted to bring political unity through the adoption of one rational comprehensive perspective from which decisions of justice were derived. When competing comprehensive doctrines were tired of warring and unable to establish hegemony, Rawls suggests that the factions would resort to a social contract as a *modus vivendi*. Such a contract is adopted until it is no longer in the best interests of one group

⁹⁰Ibid., xviii, see also 3, 4.

⁹¹Patrick Neal, for example, argues that Rawls must choose between a theory of justice that is political and hence a *modus vivendi* or a theory of justice that is metaphysical and hence a comprehensive perspective. Patrick Neal, "Justice as Fairness: Political or Metaphysical," *Political Theory* (February 1990), 24-50. William A. Galston offers a similar criticism when says that liberalism "can hardly take a step without appealing to some understanding of the good." See Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (New York: Cambridge University Press, 1991), 8. He points out that if Rawls offers no prior reason for favoring democratic society to non-democratic society, then he has not avoided justification, but merely moved it back one step without solving it. To never offer a justification is to be left with a *modus vivendi*. See Part II of *Liberal Purposes*.

to continue in it.⁹² A *modus vivendi* is one possible route for those who reject the notion of a comprehensive doctrine as the independent source. Rawls rejects this route. He maintains that a *modus vivendi* is incapable of providing unity and stability in a liberal democracy. Its primary problem is that its “stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests.”⁹³

If neither a *modus vivendi*, nor a comprehensive doctrine is appropriate as the independent source in a liberal democracy, then what other alternative is there? Here Rawls believes himself to have offered a unique *tertium quid*, namely a freestanding political conception of right and justice that establishes stability by an overlapping consensus.⁹⁴ An overlapping consensus is not a *modus vivendi* concession or a mere “balance of forces,”⁹⁵ but rather a consensus on an object that is affirmed on moral grounds. It differs from a mere *modus vivendi* in that it “is moral in its object and motivation.”⁹⁶ The moral grounds include “conceptions of society and of citizens as persons, as well as principles of justice, and an account of the political virtues through which those principles are embodied in human character and expressed in public life.”⁹⁷ In these ways, the overlapping consensus is not a *modus vivendi* and, as such, will prove

⁹²Rawls, *Political Liberalism*, 147.

⁹³Ibid.

⁹⁴Ibid., 374, footnote 1. Rawls acknowledges that Charles Larmore and Judith Shklar developed forms of political liberalism, independent of his work, but until that point no liberal writers had suggested such.

⁹⁵Ibid., 39.

⁹⁶Ibid., xliii.

⁹⁷Ibid., 147.

stable. Because the overlapping consensus consists of various views that support the political conception of justice “from within their own comprehensive view,” it will not be discarded should one’s own views gain dominance in a society.⁹⁸

The operative question for Rawls at this point, concerns the nature of the political conception wherein there is an *overlapping* consensus. He states that it is the convergence of views among those who are *reasonable*.⁹⁹ This is to say, that an *overlapping* consensus is synonymous with the notion of a *reasonable* consensus or an overlapping consensus of those who are first deemed reasonable. “Reasonableness” is the distinctive feature of Rawls’s work. It has been alluded to above a number of times, and it constitutes a Copernican-like revolution in political theory. Rawls argues that the independent source must rest on a notion of reasonableness, not on a notion of rationality or a comprehensive doctrine. The common assumption of the dominant view discussed above is that a conception of the good must precede a conception of the right. Put in other terms, a notion of rationality must precede a notion of the reasonable. Rawls’s intellectual efforts are employed at arguing for the opposite of this claim.¹⁰⁰ The priority

⁹⁸Ibid. The moral psychology involved in this claim is beyond the scope of this project. See Rawls, *Political Liberalism*, Lecture II, 47-88.

⁹⁹ He says that the overlapping consensus is a consensus “of all the *reasonable* opposing religious, philosophical, and moral doctrines likely to persist over the generation and to gain a sizable body of adherents in a more or less just constitutional regime, a regime in which the criterion of justice is that political conception itself.” Rawls, *Political Liberalism*, 15. Emphasis mine.

¹⁰⁰By placing the right prior to the good, the right sets limits as to what goods are allowed. See John Rawls, “Justice as Fairness: Political not Metaphysical,” in *Collected Papers of John Rawls*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999): 249, and Rawls, *Political Liberalism*, 172, footnote 2.

of the reasonable and its exact meaning are significant and a vital element of Rawls's political liberalism to which he repeatedly returns.

Jean Hampton points out the importance of this idea to political liberalism when she says that "political unity is purchased in a Rawlsian state committed to political liberalism via an overlapping consensus on substantive matters, where those who participate in this agreement are only those whose views are 'reasonable.'"¹⁰¹ Lief Wenar notes that since Rawls uses the term "reasonable" so frequently, a precise definition is needed. He says,

Rawls refers to *reasonable* principles of justice, *reasonable* judgments, *reasonable* conditions on a process of construction, *reasonable* decisions, a *reasonable* political conception of justice, *reasonable* expectations, a *reasonable* overlapping consensus, *reasonable* justification, *reasonable* norms, a *reasonable* society, *reasonable* disagreement, *reasonable* assurance, *reasonable* faith, *reasonably* favorable conditions, the virtue of *reasonableness*, a *reasonable* idea, *reasonable* measures, *reasonable* requirements, *reasonable* actions, *reasonable* doubt, a *reasonable* basis of public justification, *reasonable* answers, a *reasonable* variant of the public conception of justice, a *reasonable* understanding, *reasonable* belief, a *reasonable* combination and balance of values, *reasonable* extensions of justice as fairness, a *reasonable* expression of political values, *unreasonable* force, *reasonable* comprehensive doctrines and *reasonable* ways of affirming them, and *reasonable* agents or persons, who have a *reasonable* moral psychology...clearly we need to study the meaning of this term.¹⁰²

Because of the particular emphasis of this project it should be noted that Wenar has left out perhaps the most crucial phrase that Rawls uses as far as this project is concerned, namely, "*reasonable* religious...doctrines."¹⁰³ The critical question for the Rawlsian

¹⁰¹Jean Hampton, "The Common Faith of Liberalism," *Pacific Philosophic Quarterly* 75 (1994): 208.

¹⁰²Lief Wenar, "Political Liberalism: An Internal Critique," *Ethics* 106 (October 1995): 34.

¹⁰³Rawls, *Political Liberalism*, 47. Although this could be subsumed under Wenar's "reasonable faith."

project is determining the definition, or the standard, of what is “reasonable?”¹⁰⁴

Wolterstorff notes the importance of the notion of reasonableness, and stresses that it “would take a good deal of exegetic industry to figure out what Rawls means by ‘reasonable.’”¹⁰⁵

To solve the riddle of the reasonable in Rawlsian political liberalism is to answer Wolterstorff’s inquiry as to the identity of the independent source. Rawls identifies the reasonable by contrast to the rational.¹⁰⁶ The rational concerns the individual agent and “the capacity for a conception of the good.”¹⁰⁷ It “applies to a single, unified agent (either an individual or corporate person) with the powers of judgment and deliberation in seeking ends and interests peculiarly its own.”¹⁰⁸ The reasonable by contrast concerns the public and “the capacity for a sense of justice.”¹⁰⁹ The rational as a conception of the good, is not the basis for the reasonable. He concedes that it may be impossible to prove that the reasonable cannot be derived from the rational, but thus far the best attempts have

¹⁰⁴Michael Depaul says that Rawls’s “position would be more accurately labeled justice as the reasonable than justice as fairness.” Michael Depaul, “Liberal Exclusions and Foundationalism,” *Ethical Theory and Moral Practice* 1 (1998): 112.

¹⁰⁵Wolterstorff, “The Role of Religion,” 98.

¹⁰⁶The contrast is not so strong that the two concepts are unable to be “complimentary ideas.” Rawls, *Political Liberalism*, 52.

¹⁰⁷Rawls, *Political Liberalism*, 52.

¹⁰⁸*Ibid.*, 50.

¹⁰⁹*Ibid.*, 52.

failed.¹¹⁰ Because of this failure he offers the project of reasonableness as an independent source.

If the source for reasonable public deliberation is not grounded in a comprehensive doctrine or that which is rational, nor is it a *modus vivendi*, then we again are confronted with a basic question, whose concrete answer has thus far eluded us: what source does Rawls suggest for determining the principles of justice that are reasonable? Wolterstorff states that “the answer Rawls offers is, if nothing else, provocative. Though he himself does not use the term ‘*consensus populi*,’ his suggestion at bottom, is that, in a liberal democracy, the *consensus populi* ought to be used to form the political basis of discussions and decisions of the citizens.”¹¹¹ Wolterstorff contends that for Rawls the reasonable is that which is extracted from the shared political culture of a liberal democracy or its *consensus populi*.¹¹² The reasonable principles of justice that are

¹¹⁰Ibid., 53. Comments such as these further corroborate that Rawls’s position is best classified as Post-Enlightenment.

¹¹¹Wolterstorff, “The Role of Religion,” 91-92. In addition to calling it *consensus populi*, Wolterstorff also calls it “the Idea of one’s extant liberal democratic society – ‘Idea’ being understood in the Hegelian sense. The principles are to be extracted from that idea.” Nicholas Wolterstorff, “Abraham Kuyper’s Model of a Democratic Polity for Societies with a Religiously Diverse Citizenry,” in *Kuyper Reconsidered: Aspects of his Life and Work*, ed. Cornelis van der Kooi and Jan de Bruijn (Amsterdam: VU Uitgeverij, 1999), 193.

¹¹²Galston notes that in this move Rawls “has shifted from theory conducted *sub specie aeternitatis* to theses drawn from, and addressed to, a specific public culture.” *Liberal Purposes*, 23.

extracted from the *consensus populi* are the source for what Rawls identifies as public reason.¹¹³

Wolterstorff details the Rawlsian extraction process. Rawls begins his work in the historical and political circumstances in which he finds himself, namely a liberal democracy. He feels no need to justify this form of political organization, because we now live in a situation in which such a system is established. His approach is to proceed to determine the shared political conception of justice and the self in a liberal democracy. He says, “we start, then, by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles.”¹¹⁴ Citizens in such a shared political culture as that of an existing liberal democracy “understand themselves and their relationships in a certain way.”¹¹⁵ Wolterstorff highlights Rawls’s core idea of a liberal democracy as being that system wherein “political power, which is always coercive power, is the power of the public, that is, of free and equal citizens of a collective body.”¹¹⁶ In particular, they regard society as a system of fairness and persons as free and equal. From these extracted principles Rawls constructs the edifice of political liberalism.

If *consensus populi* is the proposed independent source, a crucial question then becomes who will determine the content of the independent source and how?

¹¹³Margaret Moore calls it “public reasonableness.” She says that “Public reasonableness is at the center of liberalism.” Margaret Moore, “On Reasonableness,” *Journal of Applied Philosophy* 13 (Fall 1996), 167.

¹¹⁴Rawls, *Political Liberalism*, 8.

¹¹⁵Wolterstorff, “The Role of Religion,” 92.

¹¹⁶*Ibid.*, 94; Rawls, *Political Liberalism*, 216.

Wolterstorff says that Rawls assigns this task to political theorists. It is the role of political theorists to clarify and explain the conception of the self, the principles of justice and other such items from an analysis of the shared political culture. Wolterstorff insightfully identifies Rawls's two-fold procedure of the political theorists as first analyzing political culture and identifying its fundamental ideas, and then extracting the principles of justice from those ideas. This process, Rawls says is "freestanding" in that it does not rest upon a particular conception of God or the good.¹¹⁷ This freestanding conception of self and principles of justice constitute the proposed independent source for the decisions and discussion of citizens in a liberal democracy.

Rawls performs the task of the political theorist by identifying fundamental ideas of the shared political culture, and "the more fundamental idea" that connects these other fundamental ideas.¹¹⁸ Although Wolterstorff does not specifically note this distinction between "fundamental ideas" and "the more fundamental idea," he does allude to it in his analysis. First, Rawls's distinction will be noted, and then Wolterstorff's equivalent division will be discussed.

In his article, "Justice as Fairness: Political Not Metaphysical," Rawls outlines the above process, but with a slight variation. He says there are fundamental ideas of a political culture and there is "a more fundamental idea" of which our other fundamental

¹¹⁷Rawls identifies this as the second feature of a political conception of justice. Rawls, *Political Liberalism*, 12-13.

¹¹⁸Rawls, "Justice as Fairness: Political not Metaphysical," 393-4. Rawls whole discussion is hypothetical, including the notion of political theorists. They are not needed, in reality, in that Rawls performs the entire thought experiment for us.

ideas are connected, systematized and developed.¹¹⁹ “The *more* fundamental idea is society as a system of fair social cooperation between free and equal persons.”¹²⁰ The more fundamental idea becomes a guide and beginning point to work out his political liberalism. Rawls playing the part of the theorist identifies the shared political culture. The shared political culture holds to a system of fair social cooperation and persons as free and equal as its “more fundamental” elements. Although Wolterstorff highlights that Rawls continually returns the notion of fairness and of the self as free and equal, he places most of his emphasis on Rawls’s conception of the self as free and equal. Rawls says that since liberal democracies are conceived of as “a fair system of cooperation over time between generations, we adopt a conception of the person to go with this idea.”¹²¹ Wolterstorff notes that such a conception of persons as free and equal is a start, but it is not sufficient as a source for determining justice in a liberal democracy. He says that it is “an important first stab...but it is much too general, much too ambiguous, much too vague. What we need is a much more careful and detailed analysis. This analysis of the political culture or the political mind will uncover the “fundamental organizing *ideas* of

¹¹⁹Ibid., 393-4.

¹²⁰Ibid., 394, italics mine. He reiterates this when he says that “the overarching fundamental intuitive idea...is that of society as a fair system of cooperation between free and equal persons,” 395-6. Rawls finds this notion of the self as free and equal to be a fundamental aspect of the shared political conception in liberal democracies. He says “since we start within the tradition of democratic thought, we also think of citizens as free and equal.” Rawls, *Political Liberalism*, 18-19. Rawls argues that these values and ideas are inherent to or found in almost all democratic societies. Rawls, *Political Liberalism*, 14, 15, 139.

¹²¹Rawls, *Political Liberalism*, 18. Whether or not fairness is more fundamental than freedom and equality is not relevant to the discussion, but that these two elements are somehow “more fundamental” than others is relevant.

that culture.”¹²² Wolterstorff’s distinction between the “first stab” of citizens as free and equal, and these other fundamental organizing ideas, is the same as Rawls’s explicit division of the more fundamental ideas and other fundamental ideas. Wolterstorff states that once the other fundamental ideas are determined, it is the role of the theorist to ‘elaborate’ or ‘unfold’ those ideas into principles of justice.”

With the “more fundamental” ideas and the other fundamental ideas in place, Rawls the theorist continues to elaborate and unfold until he arrives at the principles of justice. The elaboration and unfolding of all of these ideas of our shared political culture results in a recapitulation of the original position, the veil of ignorance and the two principles of justice as developed in *A Theory of Justice*. These will not be restated as they were explicated above. Having unfolded the two principles of justice, Rawls believes himself to have sufficiently identified the independent source. These two principles of justice then serve as the parameters for independent basis for public deliberation on political matters. Wolterstorff says “it is the principles of justice thus arrived at that are to function as the *basis* of decisions and discussions on political matters.”¹²³

Critique of Political Liberalism

Wolterstorff begins his critical assessment of Rawls by asking three questions. He asks of the Rawlsian version of public epistemology liberalism: “1. What rationale does he offer for the restraint he proposes on religious reasons? 2. What does he propose

¹²²Wolterstorff, “The Role of Religion,” 92, italics mine.

¹²³Ibid., 93.

as the independent source? 3. Is that source effectively identified, will it do the work asked of it, and is it fair to demand of religious people that they use this source, rather than their religious source as the basis of their decisions and discussions on political matters?”¹²⁴ I have separated Wolterstorff’s third question into two questions, one dealing with the question of whether the identified source can do the work asked, and a second dealing with the fairness of demanding citizens to use this source. In what follows, Wolterstorff’s critique of Rawls’s mature thought in *Political Liberalism* will be expounded along the lines of the questions above, but with a different ordering. The following outline will be pursued: First, Wolterstorff’s criticism of the identified independent source is presented. Secondly, his inquiry concerning whether the proposed source is thick enough to accomplish its goal is unfolded. Thirdly, Wolterstorff’s critical evaluation of the rationale given for the proposed independent source is examined. Lastly, Wolterstorff’s contention that Rawls’s proposed independence source is not equitable is discussed. Wolterstorff concludes that it is fundamentally unfair to demand that religious people use this proposed source as the basis for public deliberations, rather than their religious source. This will be followed by a summary of Wolterstorff’s criticism of Post-Enlightenment public epistemology liberalism as delineated by Rawls.

The first category of questions relates to Rawls’s identification of the independent source. As noted above Wolterstorff identifies Rawls’s independent source to be the *consensus populi* of liberal democracy with its main content taking the form of the two principles of justice. For Wolterstorff, this source raises a host of questions and criticisms. His most perceptive question concerns whether this *consensus populi* is of an

¹²⁴Wolterstorff, “The Role of Religion,” 90.

Idea of liberal democracy or of extant liberal democracies.¹²⁵ Wolterstorff finds this distinction between the Idea of liberal democracy and extant liberal democracies critically relevant. Existing liberal democracies are always *more or less* liberal democracies; there is no extant Idea of liberal democracy.¹²⁶ Citizens of American liberal democracy do not view all people as fully free and equal, in the Ideal sense of these terms.

Wolterstorff offers as an example that part of the *consensus populi* of American liberal democracy is to limit the rights of homosexuals. The Idea of liberal democracy might grant equal rights to homosexuals to live as they see fit, but certainly such a position is not presently the *consensus populi* of American liberal democracy.¹²⁷ Wolterstorff maintains that “only if we look at the political culture of American society through the rose-tinted glasses of the Idea of liberal democracy, viewing inconsistencies with the Idea as mere ‘deviations’ from the regnant ‘mind,’ will we fail to see that on many issues a good many Americans are firmly opposed to the Idea of liberal democracy. The Idea of liberal democracy does not capture their ‘considered convictions.’”¹²⁸ The distinction leads Wolterstorff to ask whether Rawls’s independent source is grounded in an Idea of liberal democracy or on the *consensus populi* of an existing liberal democracy.

¹²⁵The phrase “Idea of liberal democracy” is taken from Wolterstorff, “The Role of Religion,” 97.

¹²⁶*Ibid.*, 70.

¹²⁷*Ibid.*, 97.

¹²⁸*Ibid.*, 97-98. In addition, Wolterstorff notes that if Rawls’s *consensus populi* is truly an analysis, then it will not solve anything, it will simply analyze.

Wolterstorff suggests that Rawls blends the two in an “extraordinarily idealized picture of the American political mind.”¹²⁹ This blending of extant liberal democracies and an Idea of liberal democracy has not gone unnoticed by Wolterstorff. He says that Rawls assumes that the *shared political culture* of certain extant societies is the same as “*the Idea of liberal democracy*.”¹³⁰ Wolterstorff finds this assumption to be empirically not true, as noted above. As well, Rawls’s proposed source is confronted with a dilemma. If Rawls opts for the Idea of liberal democracy, then such a move returns him to the project of *A Theory of Justice*. To suppose an Idea of liberal democracy is to follow a perfectionist path and is to entangle oneself in a comprehensive doctrine of justice. If Rawls turns to the *consensus populi* of existing democracies, then it succumbs to relativism.¹³¹

Wolterstorff’s second criticism in this area regards the theorists themselves. Wolterstorff suggests that Rawls employs an Enlightenment notion of reason. He suspects that despite Rawls’s protest against the Enlightenment version of epistemology,

¹²⁹Ibid., 97.

¹³⁰Ibid.

¹³¹The primary criticism from perfectionist *liberalism* against Rawls’s conception is that political liberalism lacks justificatory force. See Stephen Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1998), 29ff. Wolterstorff suggests that Rawls has opted for the latter course of the *consensus populi* of existing liberal democracies, such as American society. Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in *Religion and Contemporary Liberalism*, ed. Paul J. Weithman (Notre Dame, IN: Notre Dame Press, 1997), 171. He argues that it would be “hopeless” to attempt to extract Rawls’s liberal ideals from existing liberal democracies. Wolterstorff, “The Role of Religion,” 97.

its understanding of “how reason works is still operative.”¹³² He suggests a two-fold manner in which it still operates. He says, first, that the principles proposed must gain support by appealing to each citizen’s reason. Rawls calls this the liberal principle of legitimacy. It states that “our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.”¹³³ Rawls says it must be justifiable to “each citizen’s reasons.”¹³⁴ Wolterstorff argues that what Rawls intends by the reasonable in this instance is the reason of citizen’s as “common human reason.”¹³⁵ He argues that Rawls is assuming the Enlightenment version of reason as a common or universal notion as it applies to the considerations of individual citizens. As Rawls’s notion of the reasonable is dependent on the idea of “common human reason” it is susceptible to Wolterstorff’s criticisms against Locke’s Enlightenment version of reason.

This line of argument partially fails for a couple of reasons. First, Wolterstorff had himself acknowledged in his sketch of the Rawlsian project that Rawls is seeking to establish a non-comprehensive doctrine of the reasonable. In other words, one that is not

¹³²Wolterstorff, “The Role of Religion,” 98.

¹³³Rawls, *Political Liberalism*, 217. See also 134ff. Stephen Macedo succinctly summarizes the liberal principle of legitimacy as saying “the application of power should be accompanied with reasons that all reasonable people should be able to accept.” *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism* (Oxford: Clarendon Press, 1990), 41.

¹³⁴Wolterstorff, “The Role of Religion,” 92, 98; Rawls, *Political Liberalism*, 143.

¹³⁵*Ibid.*, 92, 98. See also Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 171.

derived from the rational as the Enlightenment version of reason entails. The reasonable for Rawls is not a comprehensive doctrine nor is it grounded in one, but rather it is a specific notion that is extracted from the shared political culture. His repeated quotes to this effect could easily be produced. To argue that Rawls now sneaks in an Enlightenment notion would require some further exegesis of his writing in addition to this one quotation. Secondly, exegesis of the very statement quoted by Wolterstorff seems to suggest that Rawls is not thinking of an Enlightenment notion of reason. As just noted above, Wolterstorff cites Rawls as affirming that the principles proposed must win the support of citizens by addressing “each citizen’s reason.”¹³⁶ Although Wolterstorff cites this phrase in several different places, they are taken from one remark by Rawls in *Political Liberalism*. Wolterstorff cites this remark, and then extrapolates that this phrase indicates an Enlightenment version of reason. Upon citing the phrase “each citizen’s reason,” Wolterstorff proceeds to equate it with the Enlightenment version of reason. As just noted in the first point, even if this phrase unequivocally has reference to the Enlightenment version of reason, surely it could be argued that it is a slip of the pen in light of the entire project and repeated statements to the contrary. But such does not need to be attributed to Rawls when the quote is taken in its entirety. In both of Wolterstorff’s citations of this phrase he does not cite the sentence in its entirety. The sentence in Rawls states: “Rather, justice as fairness is not reasonable in the first place unless in a suitable way it can win its support by addressing each citizen’s reason, as

¹³⁶Ibid. This is taken from Rawls, *Political Liberalism*, 143, and is also found in Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 171.

explained within its own framework."¹³⁷ The final qualifying phrase in italics makes it clear that Rawls is not thinking of some generic human view of reason, but rather an overlapping consensus of reasonable comprehensive doctrines.¹³⁸

Though this point of Wolterstorff fails, his second observation regarding Rawls's use of the Enlightenment version of reason is more to the point. Wolterstorff asks what view of reason the "political theorist" incorporates in his elaborating and unfolding. Does the political theorist operate with the Enlightenment understanding of the belief-forming disposition or something else? Wolterstorff's point is that the political theorists themselves are not immune to bias, prejudice and the burden of judgments when unfolding and elaborating upon the shared political culture. To offer the notion of shared political culture is not to identify the independent source, but rather it only offers a direction to look for an independent source. The above criticisms suggest major obstacles to identifying the independent source with any specificity.

Wolterstorff offers one further criticism along these lines. He inquires as to what one can reasonably expect of any principles of justice that are identified and proposed. He maintains that it is reasonable to conclude that Rawls's principles will not be accepted

¹³⁷Rawls, *Political Liberalism*, 143. Emphasis mine.

¹³⁸There is an argument along these lines that Wolterstorff does not offer but perhaps could. Wolterstorff does not address Rawls own comments on public reason where he states it includes not merely the principles of justice, but also other "guidelines of inquiry that specify ways of reasoning and criteria for the kinds of information relevant for political questions." Rawls, *Political Liberalism*, 223. Without these further elements Rawls acknowledges it would be "incomplete and fragmentary." Rawls, *Political Liberalism*, 224. His elaboration on these elements allows appeal to "presently accepted general beliefs and forms of reasoning found in common sense, and the methods of science when these are not controversial." Rawls, *Political Liberalism*, 224. If Rawls were to elaborate on such comments as the one above, it would perhaps afford Wolterstorff the opportunity to make argument for Rawls's use of an Enlightenment version of reason.

by all citizens. And, in fact, his two principles have suffered the fate of themselves being contested.¹³⁹ Wolterstorff concludes that “there is no more hope that reasonable and rational citizens will come to agreement, in the way Rawls recommends, on principles of justice, than that they will come to agreement, in the foreseeable future, on some comprehensive philosophical or religious doctrine.”¹⁴⁰ As long as Rawls’s proposed principles of justice fail to garner the appropriate support necessary for stability, his principles must be viewed as producing division and instability. Here Rawls is faced with a real dilemma. One option is to propose his view as a comprehensive doctrine and seek others who will agree so as to gain a dominant majority and impose his view. The other option is to retreat to a *modus vivendi*.¹⁴¹

Wolterstorff turns to the second of his questions, namely can the identified independent source do the job asked of it? He first notes that Rawls’s notion of public reason applies only to constitutional issues and matters of basic justice.¹⁴² Wolterstorff believes Rawls is forced to make such a concession to the limited utility of public reason because it most certainly has failed with regard to specific political issues of extant liberal

¹³⁹Wolterstorff, “The Role of Religion,” 99.

¹⁴⁰Ibid.

¹⁴¹Stanley Fish makes an insightful comment regarding the pretended neutrality of liberalism that is apropos to what Wolterstorff is getting at with regard to Rawls at this point. He says that “spinning your wheels is what you would be doing if you were to bracket your first premise and make it the object of critical attention. To be sure, this is something you might do, at least as an experiment, but where would you be if you did it? You would be nowhere-at sea amidst innumerable interpretative possibilities-and you could only proceed by installing some other premise in the position of first (usually while pretending not to do so.)” Stanley Fish Replies to Richard John Neuhaus.” *First Things*, 60 (February 1996): 37.

¹⁴²Wolterstorff, “The Role of Religion,” 102.

democracies. The question posed here is whether the independent source is “thick” enough to serve as a basis for public deliberation.¹⁴³

Wolterstorff knows that to show its inadequacy he must go to the heart of Rawls’s theory, namely the conception of selves as free and equal. His intent is to show that the notion of selves as free and equal is not thick enough to be relevant as a guide for public deliberation. Remembering the distinction between the more fundamental idea and the other fundamental ideas is helpful here. Wolterstorff certainly contends that the more fundamental idea of selves as free and equal is inadequate as a basis for deliberation. He demonstrates this by way of example from contemporary political issues.¹⁴⁴

In order to demonstrate that the notion of freedom and equality is not of itself thick enough to be relevant to political issues, he applies the notion to the issue of welfare assistance. For this insight he credits Kent Greenawalt.¹⁴⁵ With regard to welfare assistance he notes the continuum of possible positions. In addition to the continuum of government non-involvement in welfare to governmental responsibility for the distribution of resources, there exists “a number of significantly distinct distributive

¹⁴³Liberal perfectionist’s such as Raz and Galston basically argue that a thick theory of good is inescapable and liberalism is better off when it owns up to this and proceeds to engage in constructing one. See Raz, *The Morality of Freedom* and Galston “Defending Liberalism,” *American Political Science Review* (1982): 621-9. Frank Cunningham states the dilemma this way: “If a liberal state is one that favours tolerance of people’s pursuits of alternative goods in alternative ways, then how can it avoid tolerating goals or manners of pursuing them that contradict liberal values themselves?” Frank Cunningham, *Theories of Democracy* (New York: Routledge, 2002), 39.

¹⁴⁴David Hollenbach argues similarly that Rawls’s public reason is inadequate to resolve important disputed questions of justice. David Hollenbach, “Public Reason/Private Religion,” *Journal of Religious Ethics* (2001): 39-46.

¹⁴⁵See Kent Greenawalt, *Religious Convictions and Political Choice* (New York: Oxford University Press, 1988); and *Private Consciences and Public Reasons* (New York: Oxford University Press, 1995).

formulas,” of which Rawls’s two principles of justice is one. The Marxist formula of equality and freedom is “from each according to his abilities, to each according to his needs.” The utilitarian formula for equal freedom is the principle of maximizing average or total welfare.¹⁴⁶ A Christian formula for equal freedom consists of a divine command to feed the hungry.¹⁴⁷ The political liberal view holds to a principle of equal distribution except as inequalities make everyone better off. Wolterstorff cites Greenawalt’s chief criticism when he says that “a choice among these and other distributive approaches will depend on some initial premise about proper notions of human equality and upon complex judgments about human nature and actual or potential social relations.”¹⁴⁸ His point is to show that *Political Liberalism*’s two principles of justice are not the only source available for explaining the concept of persons as free and equal.¹⁴⁹ John Finnis underscores an even worse consequence for Rawls when he notes that Rawls’s notion of

¹⁴⁶Wolterstorff, “The Role of Religion,” 103.

¹⁴⁷Wolterstorff speaks to this in “Why We Should Reject What Liberalism Tells Us,” 162-163.

¹⁴⁸Wolterstorff, “The Role of Religion,” 103; Greenawalt, *Religious Convictions and Political Choice*, 174. An appeal to public reason presupposes a clearly identified line between the political and nonpolitical. In Dworkin’s *Tanner Lecture*, he argues that Rawls’s justificatory strategy fails to work out the problem of how to decide between competing conceptions of justice. Ronald Dworkin, “Foundations of Liberal Equality,” in *Equal Freedom*, ed. Stephen Darwall (Ann Arbor: University of Michigan Press, 1995). Wall argues a similar point when he says that if constructivism is needed, then Rawls begs the question. He asks why it is that one should choose political constructivism over, say, first person constructivism. Especially in light of the fact that some believe many of our fixed ideas of culture are evil, and a first person constructivist would be more desirable. Wall, *Liberalism, Perfectionism and Restraint*, 44-63.

¹⁴⁹Wolterstorff also appeals to the issue of abortion. He persuasively argues that Rawls’s two principles of justice are irrelevant and “they have nothing to say.” Wolterstorff, “The Role of Religion,” 102.

public reason short circuits dialogue and brings about the incivility he wants to cure.¹⁵⁰

Rawls's dilemma is that his independent source is either too thin and hence irrelevant or if thick enough to be relevant, it faces the problem of being constituted a comprehensive doctrine.

Rawls's response to this criticism might be that his principles of justice depend on the premise of shared political culture of liberal democracy, unlike the Marxian or utilitarian. Such a response returns one to the original question: which political theorist and which liberal democracy? Is it the Idea of liberal democracy or some particular extant liberal democracy? Wolterstorff insists that if it is an analysis of the constituent of ideas of extant liberal democracy it will not resolve the disagreement, but rather make it known. If it is an analysis of the Idea of liberal democracy then it is simply a bare assertion that one ought to adopt the liberal principles of justice because they match the liberal Idea of a liberal democracy.

Having identified the independent source as the *consensus populi* of the shared political culture, the question of Rawls's rationale for it will now be addressed. Wolterstorff insightfully observes that 'the *consensus populi* is to serve not only as the basis from which the principles of justice are to be extracted, but "the rationale for the restraint is to be extracted from that same *consensus populi*."¹⁵¹ The extracted principle bearing the most weight for Rawls is the principle of persons as free and equal. As the extracted principles they become the rationale for public reason. Accordingly, if a citizen

¹⁵⁰John Finnis, "Abortion, Natural Law and Public Reason," in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Washington, DC: Georgetown University Press, 2000), 81.

¹⁵¹Wolterstorff, "The Role of Religion," 94.

offers a reason that he or she knows other citizens will not accept then those other citizens have not been treated as free and equal.

Wolterstorff finds this assessment incorrect at several levels. First, Wolterstorff asks why it is that *reasons* must follow public reason, but *conclusions* do not necessarily have to follow public reason. Is it not conclusions that most affect the freedom and equality of others? If it is conclusions that must treat others as free and equal, of what concern is the reasons in a free society? Rawls might opt for a similar defense that he gives to Habermas in their exchange, where he argues that procedure and outcome go together. He argues that “the justice of a procedure always depends (leaving aside the special case of gambling) on the justice of its *likely* outcome.”¹⁵² In response, Wolterstorff could note that it is only a “likely” outcome, but there is no guarantee. Why not focus on the outcome and make one’s assurances relevant at that point? Additionally, the burdens of judgment equally apply here. Mistakes or errors in reasoning may occur, such that, wrong or illiberal conclusions are deduced. Wolterstorff makes one further comment when he states that if the offering of reasons that fellow citizens might not endorse constitutes lack of treating them as equal, then it follows that this applies to all issues, not merely constitutional essentials. Wolterstorff comments that limiting the scope to constitutional issues and matters of basic justice is misguided. He says that “it’s hard to see any theoretical reason for Rawls to hold that political authority in a liberal democracy is legitimate just in case its constitutional provisions and basic laws function non-coercively -- no matter what be true of all its other laws. Why place the threshold

¹⁵²Rawls, *Political Liberalism*, 421. Italics mine.

there?”¹⁵³ If Rawls gives no principled answer, then either the whole must go or, if we follow Rawls’s advice, then we must live with the tension of constantly violating the equality of others.

In addition to these points, Wolterstorff directs attention to a central failure in Rawls’s rationale. He inquires why it is the case that if one accepts a proposed policy on the basis of reasons that one knows other citizens will not accept, that it thereby violates the notion of equality. Wolterstorff contends it only violates the notion of equality in terms of the fact that one has not treated the opinion of another as equal to one’s own. The pertinent question is “whether *this* sense of equality is relevant to liberal democracy.”¹⁵⁴ He says, “it seems to me about as clear as anything can be that it is not relevant.”¹⁵⁵ He states that in a liberal democracy citizens discuss and then vote. By voting in *this manner*, no notion of equality relevant to extant liberal democracy or the Idea of liberal democracy is violated. Wolterstorff contends that it is only the result of the vote that is relevant in terms of equality and freedom relevant to liberal democracy. Equality is to be measured in terms of “fair voting procedures, and then, within that procedure, give everybody’s opinion equal weight.”¹⁵⁶ Wolterstorff offers the model of the U.S. Supreme Court, wherein the justices debate and try to reach a consensus. Eventually it is put to a vote and each judge’s vote carries equal weight.

¹⁵³Wolterstorff, “Religious Reasons, Liberal Theory, and Coercion.”

¹⁵⁴Wolterstorff, “The Role of Religion,” 108.

¹⁵⁵Ibid.

¹⁵⁶Ibid.

Included under this criticism is Rawls's notion of respect.¹⁵⁷ Wolterstorff observes that Rawls only looks at the notion of respect from the perspective of speaker. He suggests that respect also concerns the addressee. What if a citizen offers reasons from his or her comprehensive doctrine, and the addressee responds that such reasons are out of bounds because they are not based on public reason? Would not such a response profoundly disrespect the particularity of the speaker? Wolterstorff comments that such a response would treat a fellow citizen's particularity and the citizen himself in his particularity "as of no account."¹⁵⁸ Wolterstorff inquires whether we should not treat each other as persons who embrace comprehensive doctrines, rather than merely as persons who are free and equal. Does not respect require that "I invite them to tell me how politics looks from their perspective – and does it not require that I genuinely listen to what they say?"¹⁵⁹ Additionally, is not one's understanding of politics enriched by hearing Judaic or Christian or secular understanding of politics? To offer an example, suppose Martin Luther King offers a reason from his religious perspective and the addressee shames him for not bracketing such an argument. Is this not to disrespect King's particularity? Must one only honor our similarity? Are we really free to disrespect the particularity of another of, say the Jewish religion or a utilitarian

¹⁵⁷See Chapter Two for the previous discussion and elaboration of Rawls's notion of respect.

¹⁵⁸Wolterstorff, "The Role of Religion, 110.

¹⁵⁹Ibid. William Galston concurs with Wolterstorff's assessment when he states that "we show others respect when we offer them, as explanation, what we take to be our true and best reasons for acting as we do." *Liberal Purposes*, 109. The argument being made here is that Rawls's request itself shows a lack of respect. To suggest that all submit to a political conception or public reason is to use people and their convictions as means to an end.

perspective?¹⁶⁰ Wolterstorff contends that it is of the very essence of the Idea of liberal democracy to hear out how politics looks to those of a different perspective. Further, he says that such hearing out of others enriches our understanding of politics.¹⁶¹

A final question that Wolterstorff poses is whether it is “equitable to ask of everyone that, in deciding and discussing political issues, they refrain from using their comprehensive perspectives, and appeal instead to the yield of the independent source.”¹⁶² Wolterstorff offers two reasons why such a demand is inequitable. First, the conviction to base one’s decisions concerning basic issues of justice is based on one’s comprehensive doctrine.¹⁶³ For example, many religious persons have a fundamental religious conviction that one ought to base their deliberations and decisions regarding justice on their religious comprehensive doctrine.¹⁶⁴ Wolterstorff says that “their religion

¹⁶⁰Rawls might reply that exceptions are allowed. For example, he allows the religious reasons of abolitionists in that they were expressing public reason that would be “subsequently realized.” Rawls, *Political Liberalism*, 251. Such a concession, though, defeats all that Rawls has been proposing. How is one to tell whether or not a religious argument has the strength to be subsequently realized as part of public reasoning?

¹⁶¹Wolterstorff, “The Role of Religion,” 111. Rawls elaborates on the idea of respect with the notion of a publicity condition, Rawls, *Political Liberalism*, 66-71. In *Political Liberalism* he offers the notion of “availability” as the condition of publicity (225). For an analysis and a critique of public epistemology liberalism’s notion of respect and the conditions of publicity, see Christopher J. Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 81-151.

¹⁶²Wolterstorff, “The Role of Religion,” 105.

¹⁶³Many citizens consider it a matter of free exercise of religion and liberty of conscience to base moral and political decision on one’s religious or comprehensive doctrine.

¹⁶⁴See Patrick Neal, “Political Liberalism, Public Reason and the Citizen of Faith,” in *Natural Law and Public Reason*, ed. Robert George and Christopher Wolfe (Washington D.C.: Georgetown University Press, 2000), 179. Neal discusses issues of allegiance, authority and wholehearted commitment. In response to Rawls he argues that

is not, for them, about *something other* than their social and political existence; it is *also* about their social and political existence. Accordingly, to require of them that they not base their decisions and discussions concerning political issues on their religion is to infringe, inequitably, on the free exercise of their religion.”¹⁶⁵ Wolterstorff goes on to note the radical converse of the Rawlsian position in some religious people in that religious persons may in fact choose to base their decisions about constitutional matters and basic issues of justice on their religious convictions, and let more peripheral matters be decided upon other grounds.

Secondly, Wolterstorff points out a basic inequity in practice as it concerns the demands of public reason. He argues that typically religious comprehensive arguments are more easily identifiable than are arguments offered on the grounds of other comprehensive doctrines.¹⁶⁶ As such they will be inequitably chastened. Wolterstorff proceeds to ask: “How am I to tell whether the utilitarianism or the nationalism of the person who argues his case along utilitarian or nationalist lines is or is not part of his comprehensive perspective.”¹⁶⁷ He contends that for such reasons as these above the demands of Rawls’s public reason are neither neutral nor fair. Os Guinness’s observation

people who differ with Rawls are not necessarily selfish as *Political Liberalism* implies; it could be the case that such persons just think Rawls is wrong.

¹⁶⁵Wolterstorff, “The Role of Religion,” 105. It is to disrespect the freedom and equality of those who choose not to divide life between public and private but, rather, seek an integrated wholeness to life.

¹⁶⁶Francis Beckwith has noted that specifically it is Western religions that are easy to identify. See Francis Beckwith, “Separation of Church and State: Influence of the New Age Movement on Public Education,” in *God and Caesar*, ed. Michael Bauman and David Hall (Camp Hill, PA: Christian Publications Inc, 1994), 285-318. In this article he identifies teachings of the New Age that are unnoticed or ignored in public education.

¹⁶⁷*Ibid.*, 105.

highlights Wolterstorff's sentiment when he says that "to demand neutral discourse in public life...should now be recognized as a way of coercing people to speak publicly in someone else's language and thus never to be true to their own."¹⁶⁸ The liberal tradition's mere recognition that factions exist and that the notion of neutrality is slighted, does not necessarily mean the liberal position has risen above this status itself.

Conclusion

Wolterstorff's conclusion is rather straightforward. He states that it has been shown that "the rationale offered for restraint on the use of religious reasons in deciding and discussing political issues was far from persuasive and that the proposal made for an independent source was seriously deficient."¹⁶⁹ He believes the deficiency is not merely in its fine details or tangential matters but, rather, at the very core of the matter. It fails to persuasively identify an independent source that is thick enough to serve as the basis for public deliberation, and its claim to fairness and equitability on the basis of its conception of freedom and equality has not been established. Wolterstorff contends that disputes over what constitutes equal treatment cannot be resolved by a conceptual analysis of the

¹⁶⁸Os Guinness, "Tribespeople, Idiots or Citizens? Evangelicals, Religious Liberty and a Public Philosophy for the Public Square," in *Evangelical Affirmations* ed. K. S. Kantzer and C. F. H. Henry (Grand Rapids, MI: Zondervan, 1990), 471. Lee Harvey makes a similar comment about the supposed neutrality of the liberal tradition. He says that the "self-appointed referee turns out to be a contestant in disguise." In George Marsden, *The Outrageous Idea of Christian Scholarship* (NY: Oxford University Press, 1993), 72-73.

¹⁶⁹Wolterstorff, "The Role of Religion," 111. Stanley Fish makes a similar point when argues that "theory is available as a resource because its terms – in the case of liberal theory, individual neutrality, equality, and mutual respect – are not self-defining, but receive their meaning only when the background conditions for their application are specified." Stanley, Fish, "Mission Impossible," *Columbia Law Review* 97 (1997): 2319

concept of equal treatment, nor by a conceptual analysis of liberal democracies. He contends that many perspectives have “equal title to the honorific terms ‘equal treatment’ and ‘liberal democracy.’”¹⁷⁰ At its root, he says, there is “a normative disagreement over the kind of society we should be aiming at.”¹⁷¹

This normative disagreement stems from our belief-forming selves and from our comprehensive doctrine. As Wolterstorff summarizes: “The proposal I want to set before you is that (political liberalism) is an untenable picture of our belief-forming selves. Our different perspectives and traditions not only shape our beliefs by being used as a repository of premises for our reasoning. They shape our beliefs even when we’re not using their contents as premises for arguments. We must expect that the adherence by citizens to divergent perspectives and traditions will regularly lead them to make different judgments as to the content of natural law, different judgments as to the content of secular reason, different judgments as to the reasonableness of political conceptions of justice.”¹⁷² His point “is that this tendency of human reason working under conditions of freedom to yield increasing dissensus rather than consensus does not operate only in the formation of comprehensive perspectives, but also in the formation and assessment of political conceptions of justice, so that disagreements over justice often have their root in differences of comprehensive perspective.”¹⁷³

¹⁷⁰Wolterstorff, “Religious Reasons, Liberal Theory, and Coercion.”

¹⁷¹Ibid.

¹⁷²Ibid.

¹⁷³Ibid.

Wolterstorff argues that some comprehensive perspective is inescapable. Rawls, as with every perspective, has his premises and conclusions inextricably bound up together. Lief Warner contends that Rawls is unable to refer to the reasonable without circularity.¹⁷⁴ Paul Ricoeur echoes this when he states that a procedural conception of justice as given by Rawls “provides at best a rationalization of a sense of justice that remains a presupposition.”¹⁷⁵ And he goes on to suggest that in Rawls’s theory “circularity wins out over the linearity claimed by the theory of justice.”¹⁷⁶ Rawls’s circle is no more neutral or independent than others.¹⁷⁷ Wolterstorff takes this type of criticism a step beyond the neutrality question and applies it to liberal democracy itself. He observes that no one has even attempted to show that the concept of an independent source is itself compatible with the Idea of a liberal democracy.¹⁷⁸ The concept of elaborating upon and unfolding a shared political culture is not a neutral endeavor. Neither is Rawls’s nor any person’s analysis and elaboration of that shared political culture an enterprise that can be insulated against the effects of our perspectival disagreements.

¹⁷⁴Lief Warner, “Political Liberalism: An Internal Critique,” 37.

¹⁷⁵Paul Ricoeur, “On John Rawls’ *A Theory of Justice*: Is a Pure Procedural Theory of Justice Possible?” (1990): 560.

¹⁷⁶Ricoeur, 561. Ricoeur proposes that Rawls’s circularity itself constitutes “an indirect plea for the pursuit of an ethical foundation for the concept of justice,” 554.

¹⁷⁷George Klosko argues that such “liberal” circles are often far less neutral. He says “the pervasive intolerance of liberal citizens is one of the best attested facts of modern social science.” George Klosko, “Rawls Political Philosophy and the American Dream,” *American Political Science Review* 87 (1993): 352.

¹⁷⁸Wolterstorff, “The Role of Religion,” 79.

It will be shown in the next chapter that Wolterstorff's consocial position does not seek to put an end to liberal democracy, rather it seeks to uphold the ideals of liberal democracy. He contends that for liberal democracy to flourish there need not be any restraints on epistemologies or reasons. His consocial position argues for restraints, but not in terms of epistemology. It offers a much more liberal view of epistemological freedom and equality.

CHAPTER SIX

Wolterstorff's Consocial Position

Introduction

Nicholas Wolterstorff examines two of the most influential positions advocating religious-reason restraint within a liberal democracy.¹ Both versions represent a form of public epistemology liberalism, which advocates the moral appropriateness of an epistemological source for public deliberation. The first of these positions, namely Enlightenment public epistemology liberalism, suggested an epistemological source grounded in a form of foundationalism. The most significant exponent of this position was John Locke. According to Wolterstorff, Locke is a representative of the Enlightenment position, which holds that “a prerequisite of life together in our highly pluralistic societies is that we each submit our thought and actions to the common court of reason.”² Locke aimed to heal the fractured society about him by articulating a common source of Reason. His strategy involved circumventing tradition by getting “to the things themselves *instead of resting content with what people tell one about the things.*”³ For Locke, the relevant consideration is not whether a belief is secular or religious, but whether it is a

¹Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in *Religion and Contemporary Liberalism*, ed. P. Weithman (Notre Dame, IN: Notre Dame Press, 1997), 176.

²Nicholas Wolterstorff, “The Migration of the Theistic Arguments,” in *Rationality, Religious Belief and Moral Commitment*, ed. R. Audi (Ithaca, NY: Cornell University Press, 1986), 44.

³Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 169.

rational belief. His proposed source for rational belief rested upon his general epistemological theory. Wolterstorff made the case that Locke's general epistemology amounts to foundationalist-evidentialism. He demonstrated the weakness of this general epistemology, and so rejected it as the basis for an independent source for public deliberation. He not only gave detailed criticisms of this general epistemology, but offered innocence epistemology as an alternative theory of rationality. Wolterstorff does not explicitly propose innocence epistemology as a source for public deliberation, but the contours of it supplement his notion of responsible perspectival dialogue, which is an element of his consocial position.¹

The second form of public epistemology liberalism, namely Post-Enlightenment public epistemology liberalism, suggests an independent source grounded upon a political conception. Its most prominent defender is John Rawls. In the previous chapter the Rawlsian version of the proposed independent source for public deliberation was outlined and criticized. Wolterstorff demonstrated that the rationale for Rawls's independent source fails; it is not thick enough to do the job asked of it. His independent source with its notion of reasonableness would be fundamentally unfair to many comprehensive doctrines. As an alternative Wolterstorff offers what he calls the consocial position.²

This chapter consists of two basic sections. The first section concerns the broad approach to political structure that Wolterstorff outlines within which his consocial position is situated. This section will trace Wolterstorff's advocacy of a plural society as

¹It will be argued that this dialogical imperative is an element of his consocial position, and will be developed below.

²He also calls it the "consociational solution." Nicholas Wolterstorff, "Between the Pincers of Increased Diversity and Supposed Irrationality," in *God, Philosophy and Academic Culture*, ed. W. Wainwright (Atlanta: Scholars, 1996), 20. He directly contrasts the consociational model with the liberal model (16).

opposed to a sacral society or a neutral society. This discussion is appropriate as it gives the parameters for his discussion of the issue of religion and the state. After identifying his preferred pluralist conception of liberal democracy, the contours of it and his defense of it will be examined. With this background material set forth, it will then be shown in the second section that Wolterstorff's consocial position has three primary theses.³ His three theses are collected from various places in his writings, and put together in such a way that it leads up to the third, and most important.

The first thesis is a rejection of the search for an equitable independent source for public deliberation. In its place, the consocial position offers three restraints of its own. These three restraints are civility, respect for the law, and justice as the goal of deliberation. The second thesis of the consocial position is that with regard to the role of the state toward religion and other comprehensive doctrines, it requires that government take a stance of impartiality rather than neutrality or separation. The principles behind this stance are seen most clearly and forcefully through Wolterstorff's discussion of religion and the public schools. As such, his views on this issue will be used as a paradigm for fleshing out his notion of impartiality. The third thesis of the consocial position is its notion of justice in shalom. After highlighting his concept of shalom, attention will be given to Wolterstorff's concept of justice. Although the contours of justice are wide and varied, he centers his attention on two elements of it. First, it involves a concept of rights and their affirmation. Second, it involves the recognition that

³I use "theses" in the same sense that Wolterstorff does, when he compiles a list of theses regarding Rawls's position. Nicholas Wolterstorff, "Abraham Kuyper's Model of a Democratic Polity for Societies with a Religiously Diverse Citizenry," in *Kuyper Reconsidered: Aspects of his Life and Work*, ed. Cornelis van der Kooi and Jan de Bruijn (Amsterdam: VU Uitgeverij, 1999), 2. It is a generic term to describe the contours of his position.

violation of personhood is an evil, and that its being prevented takes priority to the good. His three theses fill in the void left by the absence of an independent source. After working out the details of Wolterstorff's consocial position, a final summary will be given.

Three Types of Societies

Before laying out the particulars of the consocial position, it will be beneficial to place it within the broader approach to the political structure that Wolterstorff outlines. According to Wolterstorff, advanced society is one that is composed of a variety of comprehensive doctrines among its citizenry.⁴ The operative question is how may each be treated with justice? He suggests that there are three types of societies with three corresponding views of justice as it relates to the role of the state with regard to religion or comprehensive doctrines. The three societies are a sacral society, a neutral society and a plural society. Each will be addressed in turn.

A sacral society is one in which preference is given to some comprehensive doctrine, usually a religion. He defines it as a "society in which full freedom of word and action is granted only to those who adopt certain religious beliefs or engage in certain religious practices."⁵ He maintains that such preference by the government for one group is inequitable and discriminatory. He illustrates this by way of example from his own

⁴Nicholas Wolterstorff, "Reforming American Society," *The Reformed Journal* (April 1973): 12.

⁵Nicholas Wolterstorff, *Educating for Life* (Grand Rapids, MI: Baker Academic, 2002), 194. He makes this more concrete in another place where he indicates that in a sacral society the preference given to one particular religion is specifically a "legal preference." Nicholas Wolterstorff, "How does Grand Rapids Reply to Washington?" *The Reformed Journal* (October 1977): 11.

tradition, namely the Christian tradition. He notes that support of Christian devotions in public schools, prayer at the opening of legislative sessions, reference to God in the pledge of allegiance, and other such is discriminatory towards other religions and irreligion. He says that Christians should “not strive to make the state Christian, in the sense that it forces everyone to act as a Christian thinks proper, or even the sense that it gives special favors to Christians.”⁶ In the early 1970’s Wolterstorff considered American society a sacral society because in “subtle and not so subtle ways it gives preference to theism over nontheism.”⁷ Giving preference to one religious group over other religious and irreligious groups deprives the latter of the full rights of citizenship. In a liberal democracy, full rights of citizenship are to be equally given to all citizens, not only to those who affirm certain religious beliefs or participate in the appropriate religious practices.⁸

The second type of society Wolterstorff identifies is a neutral society. In a neutral society, a distinction is made between sacred and secular, or public and private.⁹ He defines it as a “society in which religious diversity is confined to the individual consciences of people, their private lives, and their ecclesiastical associations, and in

⁶Wolterstorff, *Educating for Life*, 191. See also Wolterstorff, “Reforming American Society,” 13.

⁷Wolterstorff, “Reforming American Society,” 12.

⁸Wolterstorff, *Educating for Life*, 193.

⁹He states that “fundamental to the liberal solution is the distinction between the private sphere and the public. How exactly that distinction is drawn can and does differ a good deal from time to time within a given society and from one society to another; some such distinction however, is indispensable.” Wolterstorff, “Between the Pincers,” 14.

which all other affairs are conducted with religious neutrality.”¹⁰ The government is concerned with the public, and it is to remain neutral to religions in its advocacy. This amounts, says Wolterstorff, to giving preference to secularism in all areas except private consciences and nonpublic associations, such as ecclesiastical institutions.¹¹ He notes that “obviously, the freedom of religion permitted in a neutral society is considerably more constricted than that permitted in a pluralistic society.”¹² According to Wolterstorff, a neutral society turns out to be a form of a sacral society in disguise.¹³ He concludes that discrimination against religions in a so-called “public sphere” in the name of neutrality is as “discriminatory and oppressive as a sacral society.”¹⁴ For Wolterstorff, the neutral society is a society with the vision of the liberal position. In both a sacral society and a neutral society, his idea of justice as impartiality is contravened.

As an alternative to a sacral society and a neutral society, the consocial position champions a pluralist society.¹⁵ He defines a plural society as a “society in which all religions and irreligions are given equal right to express their beliefs in word and action,

¹⁰Wolterstorff, *Educating for Life*, 194.

¹¹Wolterstorff, “Reforming American Society,” 13; Wolterstorff, *Educating for Life*, 192.

¹²Wolterstorff, *Educating for Life*, 192.

¹³Wolterstorff, “Reforming American Society,” 13. He says it is a “sacral society of a special sort” (13).

¹⁴Ibid.

¹⁵Ibid., 14. He also calls it a pluralistic society (14). He informs Neuhaus that he took up the cause of pluralism in his public writings as early as 1966. Nicholas Wolterstorff, “Until Justice and Peace Embrace – Two Views and a Response,” *The Reformed Journal* (December 1984): 24.

insofar as that is consistent with the public welfare.”¹⁶ A plural society is one that honors particularism in its politics and institutions. It is comprised of a pluralism of voices and institutions that are in dialogue; a scenario which Wolterstorff believes will help overcome the “stultification of human life.”¹⁷ As well, a plural society does not define religion and then relegate it to a private sphere. In a pluralist society there is no preferential treatment given to a specific religious group, comprehensive doctrine or to particular religious practices. The state takes a posture of impartiality, not neutrality, toward all religions, comprehensive doctrines, and religious practices. This means that if there is government support for one comprehensive doctrine, then there must be support for all comprehensive doctrines, even if it is a religious comprehensive doctrine.¹⁸ Wolterstorff embraces the pluralist society and suggests that his fellow Christians ought to “strive to make the state impartial among all religions and irreligions.”¹⁹ Wolterstorff’s theme of impartiality will be developed more fully below.

¹⁶Wolterstorff, *Educating for Life*, 194. Elsewhere he says that a pluralist society is one that “treats its citizens in its public policies and legal structures impartially with respect to their religions.” Wolterstorff, “Reforming American Society,” 14.

¹⁷Nicholas Wolterstorff, *Until Justice and Peace Embrace*, (Grand Rapids, MI: Eerdmans Publishing Co., 1987), 62.

¹⁸The details of this will be discussed below.

¹⁹Wolterstorff, *Educating for Life*, 191. The common theme that Wolterstorff identifies in Locke and Rawls is their desire to avoid plural politics. 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 Political Debate*, ed. Robert Audi and Nicholas Wolterstorff (Lanham, MD: Rowman and Littlefield Publishers, 1997), 109. The system of government in the Netherlands is an example of a pluralistic society. See Stephen V. Monsma and J. Christopher Soper, *The Challenge of Pluralism: Church and State in Five Democracies*, (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1997), Chapter 3.

The Consocial Position: Three Theses

With this broad conception of the type of society that the consocial position advocates, his three theses of the consocial will now be sketched. The first thesis is that the search for an equitable independent source for public deliberation is to be rejected. In place of this project, Wolterstorff suggests that “citizens use whatever reasons they find appropriate.”²⁰ He makes it plain that by this he does not infer that there are no restraints whatsoever on a person’s using religious reasons or reasons rooted in a comprehensive doctrine. He marks out three sorts of restraints that are applicable to public deliberation in a liberal democracy. He suggests what I will call a civility-restraint, a respect-for-law-restraint, and a justice-restraint. I will extrapolate from his comments throughout his writings to show that none of these restraints require or imply a further religious-reason restraint.

First Thesis: Three Restraints on Public Reason

The civility-restraint recommends restraints on the manner in which citizens deliberate. There is a virtue of civility that belongs to the ethic of citizens in a liberal democracy.²¹ The consocial vision of society is one of civility, wherein citizens engage in responsible perspectival dialogue.²² First, his notion of “perspectival” will be discussed, followed by his notion of “responsible.”

²⁰Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 109.

²¹*Ibid.*, 112.

²²Nicholas Wolterstorff, “From Liberal to Plural,” in *Christian Philosophy at the Close of the Twentieth Century*, ed. Sander Griffioen and Bert M. Balk (Uitgeverij Kok, The Netherlands: Kampen, 1995), 213. He says that he promotes a “responsible

The civility-restraint calls for dialogue that is perspectival. Although Wolterstorff does not make the connection, it is clear that society under the consocial position looks something like Wolterstorff's vision for a perspectival academy. It will be recalled that his vision of the academy is particularist and perspectival. The academy upholds justice and most ably pursues truth under a particularist perspectival learning model.²³

Wolterstorff's epistemological reflections argued that there is no such thing as the Enlightenment vision of generic human learning.²⁴ The Enlightenment vision is not only unjust toward particular perspectives, such as feminism, liberationism, Jewish, Christian, utilitarianism and other such; it obscures truth by oppressing these. Particular perspectives, Wolterstorff contends, are not to be seen as biases and prejudices that hide truth, but rather it is through the voicing of perspectives that each person gains a better view of reality.²⁵ As responsible perspectival dialogue occurs in the academy, access to

perspectivalism" with a "dialogical imperative" (213). It should be remembered that Wolterstorff specifically repudiates the perspectivalism of a Nietzschean sort. Nicholas Wolterstorff, "Scholarship Grounded in Religion," in *Religion, Scholarship and Higher Education: Perspectives, Models and Future Prospects*, ed. Andrea Sterk (Notre Dame, IN: University of Notre Dame Press, 2002), 15. In this section I articulate that Wolterstorff makes a case for responsible dialogue, which is equivalent to his argument for a *responsible* perspectivalism. Wolterstorff, "From Liberal to Plural," 213.

²³Nicholas Wolterstorff, "Does Truth Still Matter? Reflections on the Crisis of the Postmodern University," *Crux* 31/3 (September 1995): 17.

²⁴He calls it a "view on the world from nowhere in particular by The Human Being Itself." Wolterstorff, "Does Truth Still Matter?" 17.

²⁵*Ibid.*, 26. Wolterstorff sees this same thing at work in the sciences. He says the new model of science is "persons with different particularities engaging in the dialogue of theorizing, hoping for consensus as the outcome, rather than insisting on it at the beginning." Wolterstorff, Nicholas Wolterstorff, "Theology and Science: Listening to Each Other," in *Religion and Science: History, Method, Dialogue*, ed. W.M. Richardson and W.J. Wildman (New York, NY: Routledge, 1996), 104.

truth is opened.²⁶ Similarly, as responsible dialogue occurs in public deliberation, access to justice is opened.

This ideal of free and open dialogue can be supplemented by his innocence epistemology. His innocence epistemology argues that there is no demand for greater justification when it comes to religious beliefs. Religious beliefs have presumptive innocence. In Chapter Three it was shown that foundationalist-evidentialism's defense of religious-reasons requiring greater justification does not hold up. Wolterstorff provides further reasons against the need for greater justification of religious beliefs in his interaction with Gary Gutting. It is argued by Gutting that the existence of a diversity of religions places an epistemological burden on religious views to provide greater justification for its beliefs.²⁷ He describes Gutting's approach as social-evidentialism. He argues that Gutting's charge of epistemological egoism in religious believers who refuse to justify their beliefs to certain peers, in a situation of religious diversity, is not successful. Although it fails as an epistemic duty, this does not necessitate that it fails as a moral duty.²⁸

²⁶Although equity demands that all particularist voices be given equal voice, Wolterstorff states that an even more important reason is "that those with a particularity distinct from one's own are often capable of discerning dimensions of reality that escape those who share one's own narrative identity. Not only justice but truth requires it." Wolterstorff, "Scholarship Grounded in Religion," 15. The same could be said for discussion of justice.

²⁷Gary Gutting, *Religious Belief and Religious Scepticism* (Notre Dame, IN: University of Notre Dame Press, 1982), 79-108. Wolterstorff says that "the rough idea is that social situations of religious diversity place on believers a requirement which does not hold for them in situations of consensus." Nicholas Wolterstorff, "Once Again Evidentialism – This Time Social," *Philosophical Topics* 16 (Fall 1988): 54.

²⁸In *Religious Belief and Religious Scepticism*, Gutting takes issue with Plantinga, but Wolterstorff offers up a response on Plantinga's behalf.

Gutting suggests a triadic situation that results in the epistemic duty of religious persons bearing a burden of justification. Wolterstorff outlines Gutting's triadic situation this way:

1. I believe *p*;
2. *S* is my epistemic peer; and
3. *S* does not believe *p*.²⁹

In such a situation, Gutting argues, religious believers are obligated to “perform the activity of justifying...believing *p*.”³⁰ In other words, to use the language of Reformed Epistemology, it may not count as a properly basic belief. Wolterstorff calls this claim the Gutting Principle. He contends that Gutting's Principle and its triadic situation fail to prove the epistemic duty Gutting suggests.

Its failure, according to Wolterstorff, comes with respect to two questions: what constitutes an epistemic peer and what constitutes justification? With regard to the former, Wolterstorff brings in our inescapable situatedness. He suggests that there does not exist some generic human peer, or some impartial or neutral observer, but only peers in *this sort of case* or *that sort of case*.³¹ In other words “peerage is proposition-specific.”³² He offers as an example of this needed “relativized concept of peer,”³³ an instance where a person who is more reliable in noticing the details of a car accident

²⁹Wolterstorff, “Once Again Evidentialism,” 68.

³⁰Ibid., 60.

³¹Ibid., 62.

³²Ibid., 64.

³³Ibid., 62.

would not necessarily have as his peer one who is better at arriving at correct answers in mathematics. It may very well be that the mathematician is too emotional, and not reliable, when it comes to the witnessing of a car accident. Through his discussion of this illustration he demonstrates the difficult matter of appropriate peerage. It shows there is not some generic human peer, but only a peer in *this* type of situation or a peer in *that* type situation. Wolterstorff's discussion reveals that compelling reasons for the religious person to consider the irreligious person his peer with regard to religious beliefs or experiences are very difficult to muster.³⁴

A possible response to Wolterstorff's argument might be that although the mathematician may not be one's peer, surely there are others who would count as a peer in determining the reliability of a witness to a car accident. Gutting does not offer a response in these terms, but it does seem he addresses this basic idea when he discusses the notion of "privileged epistemic status."³⁵ His argument is layered. He states that religious beliefs, even if they are properly basic, are questioned by others. He insists that if the intuitions or properly basic beliefs of others contravenes one's own, then that person must produce justification for one's intuitions or properly basic beliefs. His point reduces to the notion that only if one can produce reasons that one's religious beliefs are in a privileged epistemic status, may one escape the dilemma posed.

Wolterstorff does address this argument, but speaks in terms of access to facts. He points out that justification for a peer must, at the least, regard someone who has the

³⁴Additionally, it could be added that unless one presupposes there is some independent source, this argument equally applies to every comprehensive doctrine, not merely religious ones.

³⁵Gutting, *Religious Belief and Religious Scepticism*, 90ff.

same access to the facts.³⁶ He notes Gutting's distinction between justifying the belief that *p* and justifying the proposition "that I am entitled to continue believing *p* without devising or offering a justifying argument for *p*."³⁷ The latter amounts to an idea of one justifying that one has unique access to facts or with regard to the belief, it is in a privileged epistemic status. Wolterstorff addresses this latter idea. He says that it may be the case that "one's interlocutor is not one's epistemic peer" on the religious belief in question,³⁸ and that such a conclusion is not necessarily egoistic. He argues that one can, after much hard work and study, come to the conclusion that the Calvinian explanation of the noetic effects of sin is correct. In other words, religious beliefs are in a unique epistemic status in that others might be thwarting or distorting the natural disposition of belief toward God.

In addition, Wolterstorff offers three other responses. First, one need not give up one's religious beliefs because of arguments that contravene the belief. As an example, he cites that some can give arguments that I do not exist, and even though I may not have a response to the arguments mounted, it does not follow that I must therefore give up my belief that I exist. Second, the arguments he is presently laying out amounts to the action of justifying that his case is an exception to the Gutting Principle. He asks, does not dissent, such as his own with regard to the Gutting Principle, show the self-referential incoherence of its demand? Has the Gutting Principle itself followed the Gutting Principle at this point? Wolterstorff rejects it and makes a case against it. If the Gutting

³⁶Wolterstorff, "Once Again Evidentialism," 64.

³⁷Ibid., 65.

³⁸Ibid., 70.

Principle is unable to justify itself, how can the obligations it contends for be valid?

Thirdly, Wolterstorff also suggests that it may be the case that one just has other obligations that take priority to Gutting's demand for justification.

Finally, Wolterstorff turns the tables on Gutting. If Gutting charges religious believers with egoism, is it not also the case that irreligious persons are equally egoistic in not considering religious persons their peers as it regards their own irreligious beliefs? Wolterstorff asks why must the religious believer adopt the position of his so called peer, for example, the agnostic? He states that "one might as well insist that the agnostic join me in my [religious] belief."³⁹ Wolterstorff's arguments above can also be employed against those⁴⁰ who argue that secular reasons must be attached to religious reasons that are given in public deliberation. Wolterstorff asks why it is not also the case that the secularist must attach a religious reason to their secular reasons. He concludes that "social evidentialism concerning theistic beliefs is no more acceptable than Lockean evidentialism."⁴¹ Having dispelled Gutting's attempt at articulating an epistemic duty for greater justification of one's religious reasons, Wolterstorff does suggest that diversity places a moral duty to engage in responsible and perspectival dialogue. The burden of offering reasons rests equally upon every citizen, not just citizens of a certain sort. The

³⁹Ibid., 71.

⁴⁰For an example that Wolterstorff interacts with, see Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000), Chapter 4; and idem, *Religion in the Public Square*, 25-33. For a counter position see Christopher Eberle, *Religious Conviction in Liberal Politics*, (Cambridge: Cambridge University Press, 2002).

⁴¹Wolterstorff, "Once Again Evidentialism," 72.

above discussion, coupled with his criticisms of Locke and Rawls, suggests that Wolterstorff's proposal of perspectival dialogue has more than *prima facie* merit.

The second item to be addressed is Wolterstorff's notion of *responsible* perspectival dialogue. Wolterstorff gives clues throughout his writing as to what being responsible entails. A distinction can be made between the responsibility *to* dialogue and responsible dialogue. There always remains the imperative *to* dialogue, and for Wolterstorff this responsibility is paramount. But in his discussion of responsible perspectival dialogue, he has something else in mind. He makes reference to three characteristics that exemplify the dialogue in which we are to engage. Building on the preceding discussion, the first aspect of responsible dialogue is that it honors particularism. There is, in the academy and in society, a plurality of entitled positions engaged in a dialogue that gives equal voice to all perspectives.⁴² It not only gives equal voice to others, but actively engages in the dialogical activity of listening. Listening to each other and hoping to learn, he says, is essential in treating each other with dignity and to authentic flourishing.⁴³

A second characteristic of responsible and civil dialogue is that it honors something like Wolterstorff's innocence epistemology. Our deliberations should be guided by a situated rationality that pursues adequate reasons in particularist perspectival dialogue with others. The adequate reasons are situation specific and occur in dialogue, it is not a conception of adequate reasons based in some Kantian monological notion.

⁴²Wolterstorff, "Scholarship Grounded in Religion," 14.

⁴³Wolterstorff, "Once Again Evidentialism," 73.

The third characteristic of being responsible or civil includes certain virtues among citizens of a liberal democracy. Now that the “hegemony of the purported universal has been lifted” many voices, once suppressed, are being heard.⁴⁴ In the midst of this revenge of the particular,⁴⁵ Wolterstorff suggests that we are startled by how deep the resentment is in those who have had their voice suppressed. He says that to overcome the resentment of oppressed particular voices, certain virtues will be required, such as “tolerance of a certain sort, humility, and openness.”⁴⁶ For the particular voices that have been suppressed and have suffered, he exhorts them not to cut off dialogue on the grounds that their oppressors are unable to understand it, having never experienced it. Such victims should offer their dialogue on their suffering as a “strange gift to one’s others.”⁴⁷ But for such to ever take place, two other virtues must be present: repentance and forgiveness.⁴⁸ Unrepentance on the part of the victimizer, and the nursing of resentment on the part of the victim, will make responsible perspectival dialogue impossible. It is these three characteristics that delineate the basic conception of

⁴⁴Wolterstorff, “Does Truth Still Matter?” 27.

⁴⁵Ibid.

⁴⁶Wolterstorff, “From Liberal to Plural,” 213. He calls them “social virtues of a very special kind” (213). He also suggests in this article that there is for the Christian a virtue that displays “respect.” Although he champions particularism, he reminds his fellow Christians that human beings “are more than particular: we share a human nature; that nature calls for respect” (214). It also insists on the honoring of fundamental rights, which will be discussed below.

⁴⁷Wolterstorff, “Does Truth Still Matter?” 27.

⁴⁸Wolterstorff, “From Liberal to Plural,” 213.

responsible perspectival dialogue that is ungrounded in a generic human intellect or a supposed consensus populi epistemology.⁴⁹

Wolterstorff's pluralist society takes seriously the idea of civility and "multiple community."⁵⁰ It honors particularism in the academy and in society. He contends that citizens of different faiths and comprehensive doctrines can live together only if there is civil conversation or responsible dialogue. Through this means, fair consensus can be reached. Through the reasons offered by all, we work toward consensus on a vote, not consensus on a generic epistemic source for public deliberation. As an example he notes that cooperation is possible between Christians and utilitarians. Christians affirm murder to be wrong for theistic reasons or for Biblical reasons, while utilitarians affirm murder to be wrong on the basis of a pleasure principle. But through responsible perspectival dialogue concerning murder, a view of justice regarding it can be reached.⁵¹ Wolterstorff

⁴⁹Wolterstorff does call for "reason-based listening dialogue." Wolterstorff, "Once Again Evidentialism," 73. I would argue that by this Wolterstorff means one of two things. Either he is using the term "based" in some sense other than his notion of "grounded," or his use of reason must mean something other than generic human reason. He explicitly states that his vision of particularism is a particularism that is "ungrounded in reason." Wolterstorff, "From Liberal to Plural," 213. If his use of "based" is similar or synonymous with something that is "grounded," or in this case "ungrounded," then Wolterstorff contradicts himself. Perhaps one could attribute this to a slip of the pen, but there is a better explanation that I believe fits his overall project as I have explained it. According to his innocence epistemology a belief is rational until there are "adequate reasons" for one to reject it. It is best to take this phrase "reason-based listening dialogue" as saying "adequate-reasons-based listening dialogue. In this way, Wolterstorff is calling for civil dialogue that searches for adequate reasons regarding one's beliefs.

⁵⁰Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 109.

⁵¹Nicholas Wolterstorff, "The Reformed Community and Politics," *The Reformed Journal* (November 1964): 16-18.

recommends that we dialogue on the basis of those beliefs that we share in common.⁵²

He summarizes that in our conversation we offer reasons to advance a dialogue, to move toward consensus, and to correct mistakes. Communities engage in dialogue with other communities listening and hoping to learn.⁵³ His point is that agreement in the academy is the “asymptotic goal” not the secured beginning, that comes as a result of responsible perspectival dialogue.⁵⁴

The second restraint is the respect-for-law-restraint. In liberal democracies there are laws of the land and procedures provided in a Constitution. Dialogue and argumentation must be conducted in a manner that is not only civil, as discussed above, but also abides by the laws and procedures of the liberal democracy. For Wolterstorff, the First Amendment is of particular relevance on this issue. With regard to responsible perspectival dialogue, employing religious reasons in public deliberation is an instance of free exercise of religion. Attempts at religious-reason restraint violate the free exercise of

⁵²Nicholas Wolterstorff, “Is Reason Enough?” in *Contemporary Perspectives on Religious Epistemology*, ed. R. Douglas Geivett and Brandan Sweetman (New York: Oxford, 1992), 147.

⁵³Wolterstorff, “Once Again Evidentialism,” 72. He underscores his hope of consensus/convergence, when he says that in turning from epistemology and to politics, we are able to converse with each other and slowly alter “traditions in response to their conversations.” Nicholas Wolterstorff, “Evidentialism, Entitled Belief, and the Gospels,” *Faith and Philosophy* 6 (Fall 1989): 456.

⁵⁴Wolterstorff, “Does Truth Still Matter?” 27. An anecdotal argument against this hope of Wolterstorff’s is that he and another member of the Christian tradition, Richard Neuhaus, had difficulty abiding by this notion of civility. In 1984 Neuhaus had harsh criticism in his review of Wolterstorff’s book *Until Justice and Peace Embrace*. In their exchange Wolterstorff states that Neuhaus’s rhetoric is “beyond the bounds of civility.” Wolterstorff, “Until Justice and Peace Embrace – Two Views and a Response,” 24. One could suggest that if Wolterstorff and Neuhaus, two members of the Christian tradition, are unable to abide by an aspect of the civility-restraint, how can it be reasonably expected that members of different traditions will fair any better?

thinking and speaking religious reasons.⁵⁵ Wolterstorff argues that if a religious person, such as himself, holds that poor persons have rights on the basis of religious convictions, then for Locke or Rawls to demand that the religious person vote on some other basis is to violate that person's free exercise of religion.⁵⁶

Public epistemology liberals, such as Rawls, are quick to note they are not arguing for a legal duty, such that the First Amendment applies, but rather a moral duty. Wolterstorff has shown through his interaction with Locke and Rawls that there are no compelling reasons to think that a religious-reason restraint holds as a moral duty. Nothing about a liberal democracy requires such a restraint. Additionally, from his perspective, religious reasons are often better reasons than their counterparts. He gives as an example the religious reasoning of the Christian Environment Council. When arguing in support of protection for endangered species, they argue that God has concern for all creatures.⁵⁷ He contends that "endangered species are safer in the hands of those who ground their appeals in religion than in the hands of those who ground them in privatism, nationalism, or economism."⁵⁸ Wolterstorff further defends such a claim when he argues that secular or nonreligious arguments are very difficult to devise and defend.⁵⁹ As such,

⁵⁵Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 105. He says that to require of religious persons "that they not base their decisions and discussions concerning political issues on their religion is to infringe, inequitably, on the free exercise of their religion" (105).

⁵⁶Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 176.

⁵⁷For example, they cite Matthew 6:26 as proof.

⁵⁸Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 180.

⁵⁹Nicholas Wolterstorff, "Christianity and Social Justice," *Christian Scholar's Review* 16:3 (March 1987): 222. It remains to be seen if secular grounding of rights can

allegiance to these types of arguments will be limited. As an example, he notes that most of his fellow believers can devise arguments for certain rights, such as the rights of the poor, but that he probably cannot even devise a secular argument for such.⁶⁰ For instance, he is not sure he could develop a Kantian argument for poor rights, how much more difficult would such an endeavor be for non-philosophical citizens.⁶¹ He asks, why should such reasoning be forbidden “provided their actions fall within the boundaries of the constitution?”⁶² He maintains that the concern should be with the conduct of the debate more than with the content of the position staked out in the debate.⁶³ According to the consocial position, if a position such as that of the Christian Environment Council prevails, it is sufficient that it was fairly-gained and fairly-executed.⁶⁴ It need only to have abided by the laws of the land and the procedures of the liberal democracy.

Wolterstorff’s third restraint is the justice-restraint. It requires that public deliberation has as its goal, justice. That which should be aimed at in our discussions is

be made. See also Wolterstorff, “Inner Voices,” *Civilization* 6 (August/September 1999): 67. Wolterstorff recommends Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978), and idem, *Human Rights: Essays on Justification and Applications* (Chicago: University of Chicago Press, 1982), as making a cogent attempt to do such.

⁶⁰Wolterstorff, *Educating for Life*, 238. For an example of an explicitly religious argument for the civil right of the free exercise of religion see Wolterstorff’s “A Religious Argument for the Civil Right to Freedom of Religious Exercise, Drawn from American History,” *Wake Forest Law Review* (Summer 2001): 535-556.

⁶¹Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 163.

⁶²Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 180.

⁶³Ibid.

⁶⁴Ibid., 181.

political justice – not personal self-interest.⁶⁵ Religions not only deserve a voice based on civility, and extant laws of the land (namely the free exercise of religion clause), but also because political justice both demands it and is informed by it. First, justice demands equal voice for religious-reasons. His project as delineated in this paper offers his various reasons that justice demands not religious-reason restraint, but religious-reason liberty.⁶⁶

Second, Wolterstorff also argues for religious-reason liberty on the grounds that the notion of justice within liberal democracy is informed by religious reasons in such a manner as to positively advance justice in such a society. He says that discussion in our liberal democracy is debased because the goal of our discussions now is “economic self-interest, privatism and nationalism.”⁶⁷ We are in this predicament because these items have filled the vacuum left in the public square when religion is silenced. He quotes Stephen Carter approvingly when Carter says that “we are...one of the most religious nations on earth, in the sense that we have a deeply religious citizenry; but we are also perhaps the most zealous in guarding our public institutions against explicit religious influences.”⁶⁸ Wolterstorff straightforwardly declares that “there has been a silencing of religion in the public square.”⁶⁹ Although Wolterstorff has differences with Neuhaus,

⁶⁵Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 113.

⁶⁶Further arguments for this from his conception of justice will be given below under the third thesis.

⁶⁷Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 177. He also calls them “pocketbooks, privacy and nation” (178).

⁶⁸Ibid., 177.

⁶⁹Ibid.

he would concur with Neuhaus's basic thesis of the naked public square, which he says is the "result of political doctrine and practice that would exclude...religious values from the conduct of public business."⁷⁰

When religion is bracketed, it is not Rawls's extracted principles of justice from the consensus populi that serve as the goal of deliberation but, rather, self-interest in its various forms. This silencing of religion and the loss of justice as the goal of deliberation, has profoundly affected the state of current political discussion. He notes that even when one uses the "big ideas" of liberty and equality it is often mere rhetoric to secure one's interests.⁷¹ When religion is evicted from the public square, it is these non-transcendent items that citizens appeal to in their deliberations. He argues that in all of the great religions "there are strands of conviction which tell us that pocketbook, privacy, and nation are not of first importance. In all of them there are strands of conviction which tell that, in the name of God, we must honor the other."⁷² As examples of religiously motivated and directed causes, he offers the abolition movement, the civil rights movement, resistance movements in communist, fascist and apartheid countries.⁷³

⁷⁰Richard Neuhaus, *The Naked Public Square* (Grand Rapids, MI: Eerdmans, 1984), ix.

⁷¹Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 71.

⁷²Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 178. He summarizes that if we silence religion, then debasement represented by private and group egoism will follow (178).

⁷³Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 80. For an excellent discussion on the liberal position's fear of war and division because of religion, see Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 152-186. Wolterstorff dismisses this argument when he says that "there is no imminent danger whatsoever of a war of religion breaking out in the United States today." Wolterstorff, "Inner Voices," 67. For a fuller

Wolterstorff goes as far as to say that “the slaughter, torture, and generalized brutality of our century has mainly been conducted in the name of one or another secular cause.”⁷⁴

In these ways, Wolterstorff mounts evidence that religious-reason liberty aids a society in its pursuit of justice.

The Second Thesis: Impartiality

The second thesis of the consocial position is the requirement of the state to take a stance of impartiality with regard to religion and irreligion. This stipulation in the consocial position has direct relevance in interpreting the First Amendment issues.

According to Wolterstorff, the First Amendment requires a stance of neutrality on the part of the government and its agents in its treatment of various religions.⁷⁵ The question arises as to what is meant by the notion of neutrality. Wolterstorff says that the formulation of the First Amendment as to the requirement of neutrality is “ambiguous as between the impartiality and the separation positions.”⁷⁶ Although it is possible to

treatment see Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 78-80.

⁷⁴Ibid., 80. As examples, he suggests nationalisms of many sorts, communism, fascism, patriotism of various kinds, and economic hegemony (80).

⁷⁵Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 165.

⁷⁶Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 76. Before proceeding, clarification of terms employed by Wolterstorff in this discussion is important. He uses the term “neutral” with different nuances depending on the context. One use of this term is that it refers to that which is not pluralist. On this usage, neutral is an equivalent to what he calls the separation position (76) or the liberal position. Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 165. The clearest example of this occurs in his discussion of the different types of societies. It is unmistakable that the term neutral, as used in the phrase “neutral society,” means a society that embraces the liberal position and a separationist stance with regard to the state and religion. Wolterstorff, “Reforming American Society,” 13. He also employs the term “neutral” as ambiguous between impartiality and the position of separation. For

interpret neutrality as a stipulation to treat all comprehensive doctrines or religions impartially, this is not the intent of those whom Wolterstorff classifies as Neutral.⁷⁷

To clarify and better understand Wolterstorff's notion of separation and impartiality, it is helpful to turn to his discussion of religion and the public schools. Wolterstorff regularly refers to the particulars of this issue when discussing impartiality and separation. He notes that the relationship "between religion and the schools is only a specific example of the more comprehensive problem of the proper relationship between religion and social institutions generally."⁷⁸ This discussion of religion and public schools is appropriate as it provides a paradigm for the more general issue of government and its agent's treatment of religion.

The primary referent regarding the issue of the principle of separation and the principle of impartiality in our liberal democracy is the Supreme Court. Since the mid-twentieth century, the Supreme Court has "consistently interpreted the First Amendment

example, he states that the First Amendment calls for neutrality with regard to religion, and then proceeds to discuss the different understandings of the notion of neutrality, namely impartiality and separationism. Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," 75-76. I will use the term Neutral, with a capital "N," from this point forward to refer to Neutral society, which is a society that embraces the liberal understanding of neutrality as separationism. I will use the term "neutral" or "neutrality," with a lower case "n," from this point forward to refer to that notion which is ambiguous between separation and impartiality.

⁷⁷Ibid., 76.

⁷⁸Wolterstorff, *Educating for Life*, 188. He says "the question of the proper treatment of religion in the public schools is, in our country, inseparable from the question of what the government may do with respect to religion." Nicholas Wolterstorff, "Neutrality and Impartiality," in *Religion and Public Education*, ed. TheodorSizer (Boston: Houghton Mifflin, 1967), 4. Additionally, he explicitly states that "public schools must maintain exactly the same stance toward religions and irreligions that the state must" (7).

as requiring a Neutral society.”⁷⁹ By this Wolterstorff means that the Court has adopted a separationist understanding of the First Amendment. He sees Justice Jackson’s opinion in *Everson v. Board of Education* as arguing that schools should not “only be *impartial* as respects all religions, but also completely *free* of all religious beliefs and practices.”⁸⁰ It is in the latter notion wherein the separationist doctrine is manifested. Wolterstorff is unequivocal in asserting that this latter notion of separation is inescapably discriminatory.

He argues this in a two-fold manner. First, he contends that because education cannot be neutral, all education is inescapably discriminatory in nature. Second, the funding of one school system to the exclusion of others is discriminatory. As to the former issue of education being inescapably biased and discriminatory, he suggests that the discrimination can only be lessened. With regard to the latter issue of the discriminatory character of funding only one school system, he believes the discrimination can be eliminated. Each of these will be examined in turn.

As noted in the first chapter, Wolterstorff has devoted much of his energies to issues of education. As he understands the nature of education, it is inescapably biased,

⁷⁹Wolterstorff, “Reforming American Society,” 13.

⁸⁰Nicholas Wolterstorff, “Religion and the Schools: II,” *The Reformed Journal* (March 1966): 31. Wolterstorff cites Justice Jackson when he says that public schools are organized on “the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom, he will be better fitted to choose his religion” (31). Although Jackson’s is a dissenting opinion and one that Wolterstorff thinks offers flawed history, he does find Jackson’s dissent to be prophetic (31). Writing in 1966, Wolterstorff foresees the direction of our religiously diverse society and state. He understands that “when the fundamental philosophy of the public schools is fitted to a society as religiously diverse as ours, the natural outcome is just the sort of neutrality that Jackson alludes to” (31).

partial or, to use his term, “slanted.”⁸¹ It is inherently religious in its import. He approvingly cites one of his own teachers, Harry Jellema, when he says that “the difference between Christian and non-Christian education, is...not that religious faith is present in one and not in the other; the difference is between the Christian definition of God and a non-Christian definition.”⁸² Wolterstorff attempts to demonstrate this in a variety of ways throughout his writings. I have collected five ways that he substantiates that education cannot be neutral, but will always be discriminatory to some religion or irreligion. The five ways he shows the slanted nature of education are the aim of education, selection of subject matter, discipline, modeling and values.

First, Wolterstorff notes that every educational system teaches with the aim of inducting children into something. The goal of inducting students into something or another is not unique to religious schools. As humanistic education seeks to induct students into humanism, and Christian education seeks to induct students into Christianity, and Muslim education seeks to induct students into Islam, so also public education inducts its students into the American way of life.⁸³ The point is that every educational program must have an aim, and one’s chosen aim is anything but neutral in our pluralistic social culture.

Slantedness not only appears in the aims of the educational institution, but also in the choice of subject matter. According to Wolterstorff, the selection of curriculum and

⁸¹Wolterstorff, *Educating for Life*, 161. I will use Wolterstorff’s term “slanted” throughout to indicate that which is non-neutral and non-impartial.

⁸²Ibid., 68.

⁸³He calls this approach “Neutral Secularism.” Wolterstorff, “Religion and the Schools: II,” 32-34.

subject matter is vitally linked to the aim of the educational institution. He says “one has to select the subject matter; the cannon isn’t some objective thing just lying there, waiting to be picked up.”⁸⁴ He continues that “every educational program, if it is at all coherent, selects and treats its material by reference to the overall aim of the program. It is not possible to avoid that sort of slant.”⁸⁵ With regard to aim and subject matter of educational institutions, he summarizes that “if the slant fully coincides with the opinions of the surrounding culture, however, it will often not appear as a slant. It will appear that no choices are being made other than the choice to set objective reality before the student. Everything will appear entirely neutral...But whenever the situation seems that way, it is because the slant adopted is thoroughly in accord with prevailing opinion. It looks as though the school is accepting objective reality rather than making choices.”⁸⁶

In addition to the slantedness of aim and subject matter, Wolterstorff also identifies the slantedness inherent in discipline and modeling. By discipline he means rewarding and punishing so as to alter a person’s tendencies.⁸⁷ Surely the notion of discipline assumes some standard of value, which, as will be shown below, presupposes some view of the good. Even the choice of whether or not to discipline is a slanted choice. With regard to modeling, Wolterstorff devotes two chapters of *Educating for Responsible Action* to this topic. The gist of his discussion is to emphasize the importance and impact of modeling in effective teaching or what he calls inculcating a

⁸⁴Wolterstorff, *Educating for Life*, 161.

⁸⁵Ibid.

⁸⁶Ibid.

⁸⁷Nicholas Wolterstorff, *Educating for Responsible Action* (Grand Rapids, MI: CSI Publications, 1980), 36-50.

tendency. I draw as an example, Wolterstorff's discussion of prayer and the schools. He argues that if a school begins with prayer, then the free exercise of the Buddhist and the atheist is impaired. Similarly, there are persons in "our society whose religion demands that a child's educational day begin with prayer."⁸⁸ Not to begin with prayer is a violation of the religious person's free exercise.⁸⁹ This type of argument receives further support when the notion of modeling is brought to bear on it:

"Suppose, for example, that someone wishes to teach his child that belief in God, though not reprehensible, is still a matter of no great importance....One way of instilling this attitude would be to express these convictions openly to the child. An equally effective way would be to avoid all reference to God in conversation with the child. Silence will then speak so loudly that words are superfluous."⁹⁰

Just as lack of conversation regarding God models a view of God as irrelevant, so the absence of prayer before activities and instruction models a view of God, the world, and our activities that violates the religious beliefs of religious persons, equally as much as praying would violate the irreligious beliefs of irreligious persons. His point is that to compel a person by government coercion to pay for their own free exercise and for the free exercise of another is a violation of the former's free exercise.⁹¹

⁸⁸Wolterstorff, "Religion and the Schools: II," 33.

⁸⁹The immediate objection here is that Wolterstorff has categorized the issue as free exercise and not establishment. His discussion here counts as arguments for doing so. For further debate on this issue see, Stephen V. Monsma and J. Christopher Soper, eds. *Equal Treatment of Religion in a Pluralistic Society*, (Grand Rapids, MI: Eerdmans Publishing Company, 1998).

⁹⁰Wolterstorff, "Religion and the Schools: II," 33.

⁹¹More will be said on this claim below.

A final matter that is also inescapably slanted is that of values.⁹² This is shown through two questions that Wolterstorff poses. What values should a school teach and what reasons should be given for the said values? Suppose schools opt for “democratic values.” In light of all that Wolterstorff has said thus far, pinpointing the exact nature of those values is very difficult. As well, even if democratic values could be identified, reasons must be offered in their defense. In his discussion of discipline and modeling Wolterstorff notes that these types of teaching modes are most effective as teaching instruments when supported by reasons.⁹³ For an educational institution not to offer reasons violates the very ideals of education. But, to offer reasons as to the chosen values also causes a dilemma. Any reasons offered must in the nature of the case be slanted reasons. Recall that Wolterstorff has argued that there are no generic human reasons. He confesses that he has “no notion whatsoever how values can be inculcated without giving offense to one or another person’s religious beliefs.”⁹⁴ The dilemma is a real one in that “there will always be the curious and insistent student who says, ‘But why should I be tolerant?’ or ‘But why should I tell the truth?’”⁹⁵ In short, “one should not suppose that

⁹²For Wolterstorff’s discussion of “values clarification,” see Wolterstorff, *Educating for Responsible Action*, 121-131. He argues that not only is the value of values clarification itself a disputed value, but, according to some perspectives, it indoctrinates students into antinomianism and ethical egoism. He also quips that some of the most positive, enthusiastic, purposeful and proud individuals – attributes aimed at in values clarification – are con artists.

⁹³Wolterstorff, *Educating for Responsible Action*, 72-73.

⁹⁴Wolterstorff, “Religion and the Schools: II,” 34.

⁹⁵Wolterstorff, “Religion and the Schools: II,” 34. A further issue that could be included with the above five is the choice of education theory. For Wolterstorff’s discussion and response to the maturational type, socialization type and the interaction-developmental type as contrasted with his responsibility theory of education, see

as one moves from a Christian school to a public school, one moves from a slanted education to one devoid of any slant. Nor should one suppose...that one moves from a religiously slanted education to one that, though slanted, is at least religiously neutral.”⁹⁶

To summarize his thought thus far, Wolterstorff has argued that the First Amendment may be interpreted as requiring separation or impartiality. The separation principle allows public funding only of educational institutions that are neutral. It was shown that Wolterstorff finds education to be inescapably slanted. His notion of impartiality is completed in his discussion of public funding of non-public schools or more particularly, religious schools. He contends that to give funds only to “religiously neutral schools would be the institution of a sacral society.”⁹⁷ For those parents who are convinced that a non-religious education is wrong, it is discriminatory for government to support only those that are irreligious.⁹⁸ He argues that the separation principle that denies the impartial funding of schools is discriminatory and violates the free exercise of religion of some citizens.⁹⁹ He says it is discriminatory in that any monopoly of

Wolterstorff, *Educating for Responsible Action*, 16-29. His responsibility theory of education has undergone revisions since the writing of *Educating for Responsible Action*, specifically as they regard the notions of justice and shalom.

⁹⁶Wolterstorff, *Educating for Life*, 161.

⁹⁷Wolterstorff, “Reforming American Society,” 14.

⁹⁸Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 115; Wolterstorff, “Reforming American Society,” 14.

⁹⁹John Ely appears to follow Wolterstorff’s view of neutrality as impartiality and categorize some of these issues under free exercise. In his interaction with Laurence Tribe over the issue of abortion laws, Ely makes use of the term neutrality in the sense of impartiality. Tribe argues against anti-abortion laws because they are fraught with religious overtones. Ely expresses dismay at Tribe’s argument on this point. He says that “to disallow defenses embraced by sizable religious groups – or what is its functional

education, which is inescapably slanted, is a “powerful vestige of the sacral society,” even if it claims neutrality.¹⁰⁰ He states that “if those who wish a neutral society ever achieved their goal they would have achieved a sacral society. They would have achieved a society at least as inequitable and oppressive as that against which they reacted.”¹⁰¹

Wolterstorff also frames this issue in terms of equal *support* of government funding. He suggests an “equal support, if any support” when it concerns education.¹⁰² There is nothing in the First Amendment that would prohibit such. He is aware that some will respond that such violates the establishment clause, and that if the government supports all schools impartially then some citizen’s tax dollars will go to support a religion or irreligion he opposes.¹⁰³ This may be seen as one weakness of Wolterstorff’s

equivalent, to disallow legislation when such defenses are rife – seems to require a sort of secularization at war with the spirit of the Free Exercise Clause. The religious clauses read together, counsel neutrality with respect to religion: to remove a subject from public debate because religiously inspired views are found to be competing with others does not strike me as neutrality.” John Ely, *On Constitutional Ground* (Princeton, NJ: Princeton University Press, 1996), 298. In this response to Tribe’s notion of neutrality, Ely argues for an understanding of neutrality that is impartial in character.

¹⁰⁰Wolterstorff, “How does Grand Rapids,” 12. He offers as an example the anecdote that when a utilitarian who is committed to comprehensive utilitarianism uses resources of the academy, no one lifts an eyebrow, but if a Christian or Jew or Muslim does the same there will assuredly be complaints. Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 178.

¹⁰¹Wolterstorff, “Reforming American Society,” 14.

¹⁰²Wolterstorff, *Educating for Life*, 244.

¹⁰³Jackson made this point in *Everson* when he argued that Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable from rendering the same aid to the Church itself. See *Everson v. Board of Education*, 330 U.S. 1 (1947).

argument. How is it that one's "free exercise" is violated by the support of only non-religious schools? He retorts that

"if the government taxes for a school system that is enjoined to avoid all affirmation of religious conviction, it patently infringes on the free exercise of those whose conscience requires a religiously committed and integrated education for their children. Such parents, if they decide to educate their children in accord with their conscience, will have to start independent schools for which they will have to pay out of their own pockets – while nonetheless not being excused from paying the regular tax for the support of the public school system. This, to put it mildly, is an 'infringing' effect of a governmental arrangement."¹⁰⁴

Wolterstorff argues that the present monopolistic system infringes on free exercise by adding a financial burden to the free exercise of religious person's education.¹⁰⁵ In addition, the quality and effect of the religious education is infringed.¹⁰⁶ The religious person is made to feel like an outsider, as somehow not equal. As such the religious voice has more difficulty passing its beliefs on to the next generation. Further, the religious voice is weakened in that it cannot compete with the academy. He notes that the "only thing that can compete with the academy is the academy."¹⁰⁷ This has the vast implications for the shape and direction of society as a whole. Only the impartial treatment and support of schools gives a true equal voice.

¹⁰⁴Wolterstorff, *Educating for Life*, 246.

¹⁰⁵In an article for the *Wake Forest Law Review*, Wolterstorff makes the argument that the free exercise of religion is "one of the most fundamental elements of a liberal." Wolterstorff, "A Religious Argument," 535. For him, this means that the state bears a "burden of proof" in proposing a statutory limit on the free exercise of religion (535). The establishment clause, however, is "less fundamental in its status," (535). He cites the support of the established Church of England as an example of crossing the threshold for the establishment clause.

¹⁰⁶Nicholas Wolterstorff, "A Blow at Equity and Liberty?" *The Reformed Journal* (October 1971): 3.

¹⁰⁷Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 178.

He sees the dilemma as requiring either the “elimination of our tax support for schools, elimination of the no-support reading of the Establishment Clause in favor of a no-preference reading or elimination of the demand that religious belief and exercise shall not be infringed on.”¹⁰⁸ There are three stances that can be taken: either impartial support for all schools, no state support for any schools, or state support for only certain schools. It is only in the last option that religious persons bear a greater financial burden that others do not. The point of contention in Wolterstorff’s narrative is his suggestion that public funding of religious institutions does not constitute an establishment. His response is to dismiss the establishment clause as ever intending such, and to reassert his arguments above about neutrality and impartiality in a society with diverse religions and irreligions. He contends that only a position such as this honors the particularisms of our plural society.¹⁰⁹

He concludes that it is unjust, unfair and inequitable to maintain a no-support view of the First Amendment when an equal-support reading is fair and realistic. Such is

¹⁰⁸Wolterstorff, *Educating for Life*, 247.

¹⁰⁹His motive in this endeavor is not to impose the Christian view on public schools. In *Neutrality and Impartiality* he argues in favor of keeping public schools on the basis of tradition. He sets forth a view of how these schools should relate to religion. The position he develops is called “affirmative impartiality.” James Wood expresses a fear that those who oppose secular humanism or neutral secularism in public schools often use it as a ruse “to Christianize the public schools.” James Wood, “Religion and Public Schools,” *Brigham Young University Law Review*, (1986): 355. But Wolterstorff has made it clear that such is not his intent. In addition to arguing for a position of “affirmative impartiality,” he finds the quest to “Christianize” persons to be a futile quest. For example, he asks, but what could possibly be the point of forcing someone who does not have faith in God to engage in those activities that Christians use as means of *exercising* their faith in God? What could possibly be the point of forcing an atheist to say prayers or a Buddhist to swear an oath to God? Can one by Senate and court *really* get people to obey God’s commands?” Wolterstorff, *Educating for Life*, 192.

genuine pluralism and impartiality.¹¹⁰ In Wolterstorff's pluralist society, public funds would be given "impartially to all legitimate schools if it gave funds to any."¹¹¹ Not to support all equally is to deny the rights of religious schools. He maintains that rights, which will be discussed below, extend to institutions and organizations.¹¹² Religious schools have equal rights with non-religious ones to have an equal voice and equal support. Wolterstorff's argument revisits his theme that the Enlightenment dream of a shared common reason is unsuccessful. We are a society of multiple communities with multiple voices, and these include the voices of non-public schools.

The Third Thesis: Justice in Shalom

The third thesis of the consocial position is what I call justice in shalom. He describes his notion of shalom in fairly broad terms.¹¹³ He says that its vision is "first articulated in the Old Testament poetic and prophetic literature but then coming to expression in the New Testament as well."¹¹⁴ As an example of what shalom might look like he recommends Jesus and the Scriptures. He says that "Jesus in his deeds and words,

¹¹⁰Wolterstorff, "A Blow at Equity and Liberty?" *The Reformed Journal* (October 1971): 3, 4.

¹¹¹Wolterstorff, "Reforming American Society," 14. He says he is very much in favor of state aid to academically qualified nonpublic schools, and that it is a matter of justice, not survival. Wolterstorff, *Educating for Life*, 158.

¹¹²Wolterstorff, "Christianity and Social Justice," 215.

¹¹³The Hebrew word "shalom" means "peace."

¹¹⁴Wolterstorff, *Until Justice and Peace Embrace*, 69.

and Scripture in its words give us clues about the nature of shalom.”¹¹⁵ Shalom is a broad vision and Wolterstorff suggests three of its elements as a starting point to unveil it. Although he does not delineate its elements in a systematic and detailed fashion, it can be further uncovered from his various writings on issues that overlap with it. It primarily involves relationships, attitudes and a specific notion of justice.¹¹⁶

First, shalom has reference to harmonious relationships with God, others and the world about us. Justice in shalom involves living at peace in these areas. Second, he states that shalom is incomplete if there is no joy; an attitude of delight and gratitude is necessary.¹¹⁷ Shalom is not achieved in mere peace or justice, there must also be enjoyment of God, delight in human community and responsible enjoyment and use of nature. The third component of shalom is justice.¹¹⁸ Shalom cannot be realized without justice, and it is this aspect that has most relevance for the present project. As Wolterstorff discusses the notion of justice throughout his writings, two crucial themes emerge. The first involves a notion of rights and the second concerns the evil of violating

¹¹⁵Nicholas Wolterstorff, “Response,” in *Might and Right after the Cold War: Can Foreign Policy be Moral?* ed. Michael Cromartie (Lanham, MD: Distributed by National Book Network, 1993), 35.

¹¹⁶Wolterstorff, “Christianity and Social Justice,” 222. He speaks to three dimensions of the life that Christian education teaches and models or exhibits. The three dimensions mirror these three aspects of shalom; they are responsible action to God, others and the world, gratitude to God, and justice. Wolterstorff, *Educating for Life*, 274-283.

¹¹⁷Wolterstorff borrows from Calvin’s teaching on gratitude or being thankful. See Wolterstorff, *Until Justice and Peace Embrace*, 13-22, 124-140. He suggests that gratitude should be a part of the vision of education, see *Educating for Life*, 98-101, 265-273.

¹¹⁸Nicholas Wolterstorff, “Justice as a Condition of Authentic Liturgy,” *Theology Today* 48 (April 1991): 15, 17.

personhood. The consocial position's vision of justice in shalom maintains that justice is achieved through an acknowledgment of rights and the recognition of the evil of violating others. Each will be examined in the order above.

The issue of rights has been a theme of his for much of his academic career. He says there are no real disputes as to the general concept of justice, but there are on the contours of justice. The concept of justice in the Christian tradition is similar to its notion as found in other traditions. For example, Aristotle's definition of justice is receiving one's due.¹¹⁹ He says "the concept of justice in the biblical writings is the same as what it is in almost all other writings: Justice is receiving what is one's due, what is owed one, what one has a morally legitimate claim to, what one has a right to. Justice is present when one enjoys those goods to which one has a morally legitimate claim."¹²⁰ Disputes arise not at the point of its definition, but rather at the next step of delineating what it is that one is due or has a right to.¹²¹ Before dissecting his concept of rights, it should be noted that his concept of justice includes not only legitimate claims, but also establishes responsibilities. Morality for Wolterstorff has two dimensions: "the dimension of responsibility and the dimension of legitimate claim."¹²² Justice is comprised of both elements. At the beginning of his career he was primarily concerned

¹¹⁹Wolterstorff, "Justice as a Condition of Authentic Liturgy," 8. See also Wolterstorff, "Christianity and Social Justice," 215, and Wolterstorff, *Educating for Life*, 277.

¹²⁰Nicholas, Wolterstorff, "Theology, Law, and Legitimate Government," *Occasional Paper* No. 2. (1989): 9.

¹²¹He basically equates the concepts of justice and rights in his work *Until Justice and Peace Embrace*, 77.

¹²²Wolterstorff, "From Liberal to Plural," 214.

with justice in terms of responsibility.¹²³ In the latter part of his career his primary concern has been justice in terms of legitimate claims or rights.¹²⁴ Rights have become so central for him that he essentially shuns his previous ideas about justice and responsibility or responsible action. He declares straightforwardly that “justice has to do with rights.”¹²⁵ He also says that “justice is not a special case of responsibility.”¹²⁶ These declarations do not exclude the notion of responsibility altogether as the responsibility to fulfill rights is maintained. In his mature thought his concern has been with justice and rights, not justice and responsibility.

According to Wolterstorff, a right is a claim or “entitlement to some good.”¹²⁷ It is having moral grounds for a claim on some good such that one can “insist it *ought* to come my way.”¹²⁸ He summarizes his understanding of rights according to the following conditions: “A person has a right to some good if (1) he or she has a *morally legitimate claim* that (2) the *actual enjoyment* of that good be (3) *socially guaranteed* against *ordinary, serious and remediable threats*.”¹²⁹ Part one shows that rights presuppose an obligation upon other citizens or society. A right on this account is the “opposite of

¹²³See Wolterstorff, *Educating for Responsible Action*.

¹²⁴Wolterstorff finds Joel Feinberg’s exposition of rights insightful and it helps inform his own view. See Joel Feinberg, *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy*, (Princeton, N.J. : Princeton University Press, 1980), and *Social Philosophy*, (Englewood Cliffs, N.J., Prentice-Hall, 1973), 58ff.

¹²⁵Wolterstorff, *Educating for Life*, 277.

¹²⁶*Ibid.*

¹²⁷Wolterstorff, “Christianity and Social Justice,” 214.

¹²⁸*Ibid.*, 212.

¹²⁹Wolterstorff, *Until Justice and Peace Embrace*, 82.

undeserved generosity.”¹³⁰ Part two shows that a right is a claim to the realization or fruition of the good in question in one’s life. A mere promise of it or proclamation concerning it is “hollow.”¹³¹ Part three states the conditions under which rights are guaranteed.¹³²

This third part of his definition of a right plays a major role in justice in shalom. His basic point is that rights include a social element. He stresses throughout his writings the importance of social structures or social arrangements.¹³³ In *Until Justice And Peace Embrace*, he argues that the “structures of our social world are fallen.”¹³⁴ He chastises that part of the Christian tradition that is “inner formative” – that seeks undisturbed contemplation.¹³⁵ Likewise, he chastises those Christian traditions that are conformist.

¹³⁰Ibid., 83.

¹³¹Wolterstorff, *Until Justice and Peace Embrace*, 83.

¹³²He says a right is a claim to one’s enjoyment of the good in question being socially guaranteed against *ordinary* and *serious*, but *remediable*, threats. It concerns *ordinary* threats in that there all sorts of threats to our enjoyment of diverse goods that are so uncommon or unpredictable that it cannot reasonably be asked that social arrangements be put into operation to take account of them. It concerns only *serious* threats because some are too trivial, and it is with regard to *remediable* threats in that they must be capable of being remedy.

¹³³When defining “structure” he says “every sizable group of human beings has an interrelated array of social institutions; those institutions *fundamental* to a given group, along with features *pervasive* throughout a group’s institutions generally, will be regarded as belonging to the structure of that society.” Wolterstorff, *Until Justice and Peace Embrace*, 23.

¹³⁴Wolterstorff, *Until Justice and Peace Embrace*, 23.

¹³⁵Ibid., 5. He calls those religious traditions that disengage from culture and society as “avertive religions” (3).

He summons his fellow Christians to a world-formative position.¹³⁶ It holds that ones occupation is not a mere necessity of life, but a calling from God, and one ought to embrace a world-formative position of working to alter those structures that produce alienation and hinder realization.¹³⁷

Wolterstorff has expanded his discussion of rights to include the notion of society or social groups and social structures. As to the former he states that perhaps the duty is not for some individual, but rather “for *society* to arrange its structures.”¹³⁸ He concludes that it might be better to say that a right is a claim on society, rather than a specific individual.¹³⁹ As to the latter he further specifies that it is a claim against society that “it will be structured and arranged in such a way that one enjoy that good.”¹⁴⁰ Bringing these elements together, a right for Wolterstorff is a legitimate moral claim upon an individual and/or a society, and may include a claim upon social structures or social arrangements.

The element that takes highest priority for Wolterstorff is the notion that persons have morally legitimate claims. The Christian tradition often stresses one’s obligation before God, but not the rights that one has that are given by God. Wolterstorff not only desires to highlight the notion of rights as a morally legitimate claim, but one in particular

¹³⁶Ibid., 3-22. “We owe it to God and to our fellow human beings to see to it that our society’s array of institutions adequately serves the life of its members – that they serve the cause of justice and shalom” (62).

¹³⁷Wolterstorff, *Until Justice and Peace Embrace*, 23; Wolterstorff, “How does Grand Rapids,” 14.

¹³⁸Wolterstorff, “Christianity and Social Justice,” 227.

¹³⁹Ibid., 214.

¹⁴⁰Ibid., 214, 226.

stands out in his narrative. He offers a list of four kinds of rights that exist. There are rights to protection, rights to freedom, rights to voice or participation, and the rights to sustenance.¹⁴¹ The particular right that receives his greatest attention and takes center stage in justice in shalom is sustenance rights.¹⁴² He defines a sustenance right as involving three conditions. It involves the duty “to *avoid depriving* people of the good in question,” the duty “to *help protect* them from deprivation,” and the duty “to *aid* the deprived in the event that deprivation occurs.”¹⁴³

Essential to his discussion of rights is his methods of grounding them. He grounds rights, and specifically this basic right to sustenance, in different ways. He states that it is a right of human nature. We honor this right because others are “like ourselves.”¹⁴⁴ He calls the right to sustenance a natural right or one that is grounded “in the nature of things.”¹⁴⁵ He also gives explicitly theological grounding to rights.¹⁴⁶ The theological grounding of rights takes uppermost place in his grounding of sustenance

¹⁴¹Wolterstorff, *Until Justice and Peace Embrace*, 81.

¹⁴²Elsewhere he states that poor have rights. Wolterstorff, “Response,” 35.

¹⁴³Wolterstorff, *Until Justice and Peace Embrace*, 84.

¹⁴⁴Wolterstorff, “From Liberal to Plural,” 214. He says it is honored in virtue of “being human beings” or “icons of God” (214).

¹⁴⁵Nicholas Wolterstorff, “The Moral Significance of Poverty,” *Perspectives* (February, 1991): 8. He credits the liberal tradition for recognizing and prioritizing the notion of natural rights. Wolterstorff, “From Liberal to Plural,” 214.

¹⁴⁶Wolterstorff, “Abraham Kuyper’s Model,” 3. Rorty defends rights on the grounds that it is “the practice of those who happen to live in free and democratic societies.” Wolterstorff, “Christianity and Social Justice,” 222.

rights. Rights, he contends, are “God-given.”¹⁴⁷ Human beings bear the image of God and sustenance reflects this notion. The point he stresses is not that one respects the image of God *in others* through providing aid and sustenance but, rather, as we act in justice toward the weak and poor, we are *doing* the image of God.¹⁴⁸ We bear out and exhibit God when we honor the sustenance rights of others. Another aspect of his theological grounding of sustenance rights is that for the Christian community, the notion of rights rests in the joy and sorrow of God. He quotes Calvin for guidance on this idea. Calvin suggests in several places that God himself is wounded, as well as outraged, when there are victims of human cruelty.¹⁴⁹ Wolterstorff follows Calvin’s lead in taking the effects of injustice into transcendent realms.¹⁵⁰

His final approach to grounding rights is an overtly Biblical one. Humanity did not have to wait for liberals to give us the idea of rights; the Bible had that notion long ago. He observes that the Biblical writers declare that God loves justice.¹⁵¹ In our

¹⁴⁷Wolterstorff, *Until Justice and Peace Embrace*, 81.

¹⁴⁸Nicholas Wolterstorff, “Why Care About Justice,” *The Reformed Journal* (August 1986): 12. David Fletcher argues that Wolterstorff grounds his notion of rights in a non-enlightenment manner. David Fletcher, “Must Wolterstorff Sell His House?” *Faith and Philosophy* 4 (April 1987): 196. It will be argued below that Wolterstorff grounds rights in both an Enlightenment and a non-Enlightenment manner depending on the situation. Sometimes he grounds them in human nature or being human, and other times in Shalom or that we bear the image of God.

¹⁴⁹Wolterstorff, “Christianity and Social Justice,” 227. He quotes from Calvin’s commentary and sermons.

¹⁵⁰He says that in injustice one treats God unjustly. Nicholas Wolterstorff, “Justice and Justification,” *Reformed Theology for the Third Christian Millennium: The 2001 Sprunt Lectures*, ed. B. A. Gerrish (Louisville, Westminster John Knox, 2003), 96.

¹⁵¹Wolterstorff, “Justice as a Condition of Authentic Liturgy,” 8.

present culture such a statement can be read as saying that God loves retributive justice. But the Bible uses justice not in this sense but, rather, as Wolterstorff has been developing it through the lens of rights, and specifically, sustenance rights. The Biblical ideal of justice is not an upper level abstraction, but is much more real and concrete. When the Bible speaks of justice, it always makes reference to “widows, orphans and aliens.”¹⁵² He notes that this conception is foreign to Western thought. Western thought has imbibed Plato’s ideal of justice as law and order, and exercise of authority by wise philosopher-kings. By contrast the Old Testament prophets, such as Amos, couple justice with the weak and voiceless, who are to be brought into the community and enjoy its goods. It specifically identifies the type of people who make up this group. The liberal or Western conception of justice is security in property and body, and in the goods of certain freedoms like speech and assembly. By contrast, the Biblical notion of justice is in terms of the rights of the marginalized groups, such as the poor.¹⁵³

Wolterstorff’s notion of sustenance rights flows directly into his second theme of justice, namely the evil of violating personhood. It is through the Biblical narrative that Wolterstorff harnessed this second feature of justice in shalom. When discussing sustenance rights, he states that the underlying intuition of the biblical narrative is that “we are somehow violating the personhood of a human creature when we allow the basic needs of that creature to go unsatisfied.”¹⁵⁴ This second feature of justice, which was

¹⁵²Nicholas Wolterstorff, “Liturgy, Justice and Holiness,” *The Reformed Journal* (December 1989): 17.

¹⁵³Wolterstorff, “Theology, Law, and Legitimate Government,” 9.

¹⁵⁴Wolterstorff, “The Moral Significance of Poverty,” 11.

discerned and more fully developed later in his career, has become the highest priority of justice in shalom. The overarching idea of this feature of justice in shalom is that “some evils must never be perpetrated.”¹⁵⁵

He is concerned to make the evil of violating others most prominent. This turn in his thinking mirrors very closely the thought of Judith Shklar. Insights from her writings will be brought in to supplement and clarify Wolterstorff’s position. They will be compared on three items. First, it will be shown that they agree as to *prioritizing* the evil of cruelty. Second, they will be compared on the issue of the *cause* of cruelty. Third, their *solution* to the problem of cruelty will be compared and contrasted.

First, Wolterstorff and Shklar agree on prioritizing the evil of violating personhood or the evil of cruelty. Shklar has called her position “liberalism of fear.”¹⁵⁶ She states that liberalism of fear is a political doctrine that puts cruelty first.¹⁵⁷ It puts cruelty first in the sense of rank or order of vices.¹⁵⁸ It is also first in the sense of being the guiding principle of her political theory. It is not human flourishing, autonomy, well-being, the prioritizing of the good or other such that guides her politics but, rather, the evil of cruelty.¹⁵⁹ Her’s is a political theory that focuses on a *summum malum*, not a

¹⁵⁵Wolterstorff, “From Liberal to Plural,” 214.

¹⁵⁶Shklar, “Liberalism of Fear,” in *Political Thought and Political Thinkers*, ed. Stanley Hoffmann (Chicago: University of Chicago Press, 1998), 7.

¹⁵⁷*Ibid.*, 11. She holds that “cruelty is an absolute evil” (5). She states that liberalism of fear is “born of horror” (5).

¹⁵⁸Judith Shklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984), 5, 3, 7-44. She confesses that one may not be able to rank goods, but one can and should rank evils (9).

¹⁵⁹*Ibid.*, 4. She states that when we politically rank cruelty first, liberal democracy becomes “more a recipe for survival than a project for the perfectibility of mankind” (4).

summum bonum.¹⁶⁰ As noted earlier in the chapter, Wolterstorff argued that the Christian tradition has often embraced a sacral society. It has held to a notion of well-being, or a notion of some good as the highest political priority. For example, he cites Aquinas as arguing it is the calling of government to “promote virtue and love of God.”¹⁶¹ Wolterstorff rejects this view, and instead, offers something like what Shklar offers.

He is concerned to “turn our attention from goods to evils and from the nature of well-being to the nature of the person.”¹⁶² Specifically, he says, “we must turn our attention from the great good of living a life of true piety and virtue to the great evil of violating a person.”¹⁶³ He grounds this stance in an argument from the nature of personhood.¹⁶⁴ He argues that there are several elements that connect a person with his body. He notes that for a person, one’s body is one’s own; it belongs to me.¹⁶⁵ Each individual and his body are bound up in one’s narrative identity. There is an inner life to it, which also belongs to me. Included in this notion of the inner life is a person’s beliefs and convictions. Additionally, there are investments and attachments in this world that

¹⁶⁰Shklar, “Liberalism of Fear,” 10, 11. She also calls it a “liberalism of permanent minorities.” Judith Shklar, *Legalism: Law, Morals and Political Trials* (Cambridge, MA: Harvard University Press, 1986), 224.

¹⁶¹Nicholas Wolterstorff, “Do Christians Have Good Reason for Supporting Liberal Democracy?” *The Modern Schoolman* 78 (January/March 2001): 240.

¹⁶²*Ibid.*, 242.

¹⁶³*Ibid.*

¹⁶⁴For a similar treatment, see Robert Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York: Oxford University Press, 1999), Chapter 4.

¹⁶⁵Wolterstorff uses the personal pronoun “me.” In attempting to capture the essence of his argument, it is necessary to take up his usage of such pronouns.

each person makes. Such investments and attachments can be said to belong to me. Each of these elements – a person’s body, inner life, narrative identity, investments and attachments, and moral and religious convictions – speak of a human being’s personhood.¹⁶⁶

Evils that can be perpetrated against personhood are of several sorts. One way is by directly attacking another, as in rape or torture. Another is by unwanted intrusion, such as reading another’s diary or peeping on another. One can also attack the personhood of another by killing someone or destroying something a person loves or has chosen to attach themselves.¹⁶⁷ A political structure that prioritizes the protection of personhood from such evils has inherent worth. Wolterstorff’s vision for a political structure is a liberal democracy that has protection of personhood in all its dimensions as its “governing Idea.”¹⁶⁸

Secondly, Wolterstorff and Shklar give similar responses as to the cause of cruelty and violating persons. They both focus on the role of governments in perpetrating such evil. Shklar maintains that “governments, both formal and informal,” have

¹⁶⁶Wolterstorff, “Do Christians Have Good Reason,” 243-245.

¹⁶⁷Wolterstorff and Shklar agree that one’s depriving another of sustenance can be viewed as a form of assault. Wolterstorff compares the right to sustenance with assault when he says that “almost all of us think the right to freedom from assault so important that that we are happy to enlist the coercive powers of government in its behalf. Why is the right to means of sustenance not equally important? After all, having nothing to eat or no clear air to breathe or no medicine for one’s pneumonia is as sure a way of meeting death as being lethally assaulted.” Wolterstorff, “Christianity and Social Justice,” 224. Shklar makes a similar point when she argues that if one can alleviate another person’s suffering, regardless of its cause, it is passively unjust to not assist that person. See her discussion on passive injustice. Judith Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), 40-50.

¹⁶⁸Wolterstorff, “Do Christians Have Good Reason,” 247, 249.

generated fear.¹⁶⁹ She says that the agents of the modern state are the greatest source of social oppression, and that with deadly effect, because of the resources at their disposal.¹⁷⁰ Wolterstorff argues similarly when he speaks of social structures as being corrupt. It is “political regimes” that are the primary source of oppression.¹⁷¹ He reiterates this when he says that nothing causes so much “grievous assaults on human dignity as ideological totalitarian regimes.”¹⁷² Political institutions are meant to diminish alienation and advance realization for its citizens but, instead, they spread misery and injustice.¹⁷³ Just as his discussion of rights spoke to oppressive or fallen social structures, so too his notion of the evil of violating persons concerns these.

Lastly, as to the solutions proposed, Wolterstorff and Shklar have similarities and differences. They are agreed on prioritizing the evil of cruelty or violating persons. She calls it a necessity¹⁷⁴ and ranks it at the head,¹⁷⁵ while he calls it the “governing idea.”¹⁷⁶

¹⁶⁹Shklar, “Liberalism of Fear,” 3.

¹⁷⁰Ibid. She states that agents of governments always “inspire the greatest fear.” Judith Shklar, “Injustice, Injury and Inequality: An Introduction,” in *Justice and Equality Here and Now*, ed. Frank Lucash (Ithaca: Cornell University Press, 1986), 25. George Kateb describes that she fears politics because it “arouses or systematizes the human propensity to wickedness and wrongdoing.” George Kateb, “Foreword,” in *Political Thought and Political Thinkers*, ed. Stanley Hoffmann (Chicago: University of Chicago Press, 1998), xv.

¹⁷¹Wolterstorff, “How does Grand Rapids,” 13.

¹⁷²Wolterstorff, *Educating for Life*, 218.

¹⁷³Wolterstorff, *Until Justice and Peace Embrace*, 23.

¹⁷⁴Shklar, “Liberalism of Fear,” 10, 11.

¹⁷⁵Shklar, *Ordinary Vices*, 3

¹⁷⁶Wolterstorff, “Do Christians Have Good Reason,” 247, 249.

They both affirm that an effective means to this stance is some form of liberal democracy or constitutional form of government.¹⁷⁷ Additionally, they are agreed on what Shklar calls “memory.”¹⁷⁸ She states that liberalism of fear is committed to memory, rather than hope.¹⁷⁹ By this she means that anti-utopianism is crucial to prioritizing cruelty. Rather than amassing descriptions and stories of a future utopian paradise, she amasses descriptions and stories of past cruelties for us to learn from them. Shklar also put an aesthetic spin to this endeavor. Kateb notes that “she exploits the riches of the great moral essayists, the poets, and the writers of drama and fiction.”¹⁸⁰ However, because of her staunch distaste for utopianism, she remains silent regarding a future hope.

Wolterstorff concurs with her notion of memory. He utilizes past atrocities to remind citizens of the evil of which humans are capable. But Wolterstorff also utilizes the present and the future. In fact, his approach is to concentrate less on the past and the future, and more on the present. With regard to the present, he is less aesthetic and more realistic. He amasses descriptions and stories of *present, real* voices. Instead of merely *remembering* injustices, he stresses the need of *hearing* injustices through the cries of the oppressed. He is both present oriented and concrete or particular, eschewing mere talk of abstract notions of suffering. He suggests looking first to the marginalized to ascertain if

¹⁷⁷Her hope is not that government can make men good, but only that “it can keep them from violent action.” Kateb, “Foreword,” 230.

¹⁷⁸Judith, Shklar, “Injustice, Injury and Inequality: An Introduction,” in *Justice and Equality Here and Now*, ed. Frank Lucash (Ithaca: Cornell University Press, 1986), 20.

¹⁷⁹Shklar, “Liberalism of Fear,” 8; Shklar, “Injustice, Injury and Inequality,” 20.

¹⁸⁰Kateb, “Foreword,” xi.

a society is just.¹⁸¹ His intention is not to merely speak of injustices in the abstract, but of *this* or *that* injustice.¹⁸² It is not the abstract idea that someone's "rights were violated," but *this* or *that* person's rights were violated.¹⁸³ He takes this path in a great number of articles, attempting to help his readers see the faces of victims and hear their voices.¹⁸⁴

¹⁸¹Wolterstorff, *Educating for Life*, 280. He is clear that injustices are perpetrated by all sorts of groups, whether socialist or rightist. Wolterstorff, "Until Justice and Peace Embrace – Two Views and a Response," 24.

¹⁸²Shklar also discusses the notion of rights. She states that "rights are demanded first and foremost out of fear of cruelty," and that rights are assertions against power abused. Shklar, "Injustice, Injury and Inequality," 25. They function as fear-inspired protests (27, 29).

¹⁸³Wolterstorff, *Educating for Life*, 282-3.

¹⁸⁴For articles written by Nicholas Wolterstorff concerning the oppressed in South Africa, see Nicholas Wolterstorff, "Once Again, South Africa," *The Reformed Journal* (December 1977); Nicholas Wolterstorff, "Two Brotherhoods," *The Reformed Journal* (October 1981); Nicholas Wolterstorff, "South Africa Today: Can Violence Be Avoided?" *Christianity Today* (July 21 1978); Nicholas Wolterstorff, "Six Days in South Africa," *The Reformed Journal* (December 1985); Nicholas Wolterstorff, "A Triple Standard," *The Reformed Journal* (November 1982); Nicholas Wolterstorff, "Horror in Uganda," *The Reformed Journal* (April 1977); For articles concerning the oppressed in Israel and Palestine, see Nicholas Wolterstorff, "Nation and Covenant in Palestine (1)," *The Reformed Journal* (August 1981); Nicholas Wolterstorff, "Nation and Covenant in Palestine (2)," *The Reformed Journal* (September 1981); Nicholas Wolterstorff, "An Evening in Amman," *The Reformed Journal* (July 1982); Nicholas Wolterstorff, "The Beirut Massacre," *The Reformed Journal* (October 1982); Nicholas Wolterstorff, "Blood Runs, Hope Fades," *The Reformed Journal* (December 1983); Nicholas Wolterstorff, "Death in Gaza," *The Reformed Journal* (February 1988); Nicholas Wolterstorff, "Painful Lessons," *The Reformed Journal* (October 1979). In Nicholas Wolterstorff, "Lest Your Brother Be Degraded in Your Sight," *The Reformed Journal* (November 1971), he exposes the injustices of the prison system in America. Wolterstorff even exposes the suffering of God with regard to injustices and oppression. See Nicholas Wolterstorff, "The Wounds of God: Calvin's Theology of Social Justice," *The Reformed Journal* (June 1987); Nicholas Wolterstorff, "Trumpets, Ashes and Tears: Of Liturgy and Life," *The Reformed Journal* (February 1986): 17-22;

Bringing together the Biblical notion of justice, with its concern for rights and prioritizing the evil of violation, leads Wolterstorff to recommend a two-fold method for pursuing justice in shalom. The most effective means for fallen creatures to uphold justice in shalom is to “listen to those who because of their social background or goals or sympathies see the situation differently than we do.”¹⁸⁵ In addition, we can further unmask self-deceit through reading the prophetic word of the Bible. He says the person who “turns one of his ears to the prophetic unmasking of the word of the gospel and the other to the cries of those who suffer deprivation and oppression is not likely to suffer from the illusion that he is engaged in pure theory when in fact he is working to shore up his own position and privilege.”¹⁸⁶

Lastly, Wolterstorff is hopeful with regard to the future. He is hopeful of a time when social structures do reflect justice in shalom. He is not utopian, which is what Shklar most fears,¹⁸⁷ but he is hopeful and active by working toward *more* just social arrangements. Wolterstorff’s justice in shalom requires that one take up the cause of the oppressed,¹⁸⁸ and struggle against oppressive social structures. It hopes for future social structures and social arrangements that alleviate the suffering of widows, orphans and aliens. Having completed an analysis of the contours of Wolterstorff’s consocial

Wolterstorff, “Liturgy, Justice and Holiness;” Wolterstorff, “Justice as a Condition of Authentic Liturgy;” Wolterstorff, “Why Care About Justice;” Wolterstorff, “Christianity and Social Justice;” and Wolterstorff, “The Moral Significance of Poverty.”

¹⁸⁵Wolterstorff, *Until Justice and Peace Embrace*, 176.

¹⁸⁶Nicholas Wolterstorff, *Reason within the Bounds of Religion* (Grand Rapids, MI: Eerdmans, 1984), 146.

¹⁸⁷Shklar, “Liberalism of Fear,” 8.

¹⁸⁸Wolterstorff, *Until Justice and Peace Embrace*, 69.

position, a summarization of the findings of this project will be given.

Summary

In this work I have sought to bring together Wolterstorff's various writings to paint a clearer and more concrete picture of his consocial view of liberal democracy. In Chapter One the basic direction of the project was set forth. It gave an account of the life of Nicholas Wolterstorff, paying specific attention to those events and experiences that have influenced the shape of his thought. It was proposed that Wolterstorff has developed an alternative view of liberal democracy, namely the consocial position or what may be called a consocial democracy. It was noted that according to Wolterstorff, the major obstacle to his position is what I call public epistemology liberalism. In Chapter Two public epistemology liberalism was defined. It was remarked that its distinctive agenda is the discovery and defense of an equitable independent source for public deliberation. It was shown that what is common to public epistemology liberalism with regard to this issue is its religious-reason restraint. Two forms of public epistemology liberalism were identified – Enlightenment public epistemology liberalism and Post-Enlightenment public epistemology liberalism. In his writings, Wolterstorff has identified John Locke and John Rawls as the greatest exemplars of each respectively.

In Chapter Three Wolterstorff's narrative on John Locke was developed. It was shown that Locke's version of public epistemology liberalism rests on a version of foundationalism. Wolterstorff's criticism's of foundationalism and of Locke were described and evaluated. In Chapter Four Wolterstorff's alternative epistemology, namely innocence epistemology, was set forth. Innocence epistemology argues for a normative, situated, negative coherence theory of rationality, wherein religious beliefs are innocent until proven guilty.

In Chapter Five John Rawls's version of a Post-Enlightenment public epistemology liberalism was discussed. An account of Rawls's version of political liberalism was given, and it was shown that he attempts to defend an equitable independent source that is not grounded in a comprehensive doctrine or epistemology. Wolterstorff criticizes Rawls's approach on four basic issues, and finds it to be flawed. In Chapter Six Wolterstorff's consocial position was set forth. Having dispelled the major argument against his consocial position, namely an equitable independent source, Wolterstorff's position was described. His consocial position proposes three theses. The first thesis suggests three restraints on public deliberation: a civility-restraint, respect-for-law-restraint and justice-restraint. The second thesis proposes a stance of impartiality on the part of government toward religion. The third thesis argues for a conception of justice that prioritizes rights and the evil of violating persons.

Concerning Wolterstorff's consocial liberal democracy as presented in this project, many questions may be asked of it. Specifically, throughout this chapter substantial questions could have been raised regarding its details. For example, does he rank the various rights he suggests? Do rights take priority to deliberation? Does his notion of civility take priority to "truth" as one sees it? What role does stability play in his project? Is public funding of religious schools good for religious schools, and are such issues not better classified under the establishment clause rather than free exercise? What exactly does it mean to prioritize the evil of violating personhood? Many more questions of such a nature could be raised. His answers to such questions are not gathered here because he does not devote his attention to such questions. Rather than speculate as to *what* answers Wolterstorff might give, it was the intent of this project to

show the reader *how* Wolterstorff would answer. In focusing on epistemological issues, not only was his perceived main obstacle addressed, but the epistemic themes also provide a paradigm for how he thinks through various political issues. His answers to such questions above would depend on what other obligations he has and on the situation as to how he would answer. He would not attempt to defend an ideal democracy on the basis of generic human reason. Rather, his responses would differ from “case to case, depending on the situation.”¹⁸⁹

Wolterstorff’s interest is not in an ideal democracy and defending it simply on the basis of some notion of universal reason. In fact, there is no one generic human way to legitimate a constitution or political structure. In his lecture, *Theology, Law and Legitimate Government*, Wolterstorff states that it is difficult to formulate the conditions of state legitimacy, but he offers a few clues as to how it might be done. I suggest that Wolterstorff, though he does not make this connection, employs an innocence epistemology strategy. An innocence epistemology approach would argue that political structures are innocent until proven guilty on adequate reasons. It would suggest rights and the evil of cruelty as a good starting point for determining whether adequate reasons exist to find a political structure guilty of illegitimacy. Wolterstorff contends that a state may become guilty, or more accurately, illegitimate, based on certain signs that show it to be illegitimate. There are questions that may be asked of a state: How are widows, orphans and aliens treated? Does the government use its resources for cruelty? Are the basic rights of protection, rights of participation, rights of sustenance and other such

¹⁸⁹Wolterstorff, “Response,” 34.

honored? Wolterstorff is not concerned about ideal and generic human answers but, rather, achieving a *more* just liberal democracy.

It is difficult to classify Wolterstorff's consocial democracy. It evades being classified under the headings of modern categorizations of theories of democracy, such as participatory democracy, deliberative democracy, democratic pragmatism, perfectionist liberal democracy or other such. It defies these categorizations because it argues for a liberal democracy of degrees. His attention is focused on cultivating a political structure that is *more* or *less* a liberal democracy.¹⁹⁰ His project is to see a liberal democracy that looks *more* like what he describes; one that acknowledges rights, and prioritizes securing protection from the evil of violating persons. His pursuit is that of transforming individuals and social structures to reflect justice in shalom. This project has highlighted one feature of a liberal democracy that makes it *more* just, namely, that in public deliberation, citizens should be able to use whatever reasons they find appropriate. He summarizes that:

“the agreement arrived at need not be agreement on principles rich enough to settle *all substantial political issues whatsoever*. Sufficient if it be agreement *on the matter at hand*. It need not be agreement based on *principles shared by all alike*. Sufficient if all, each *on his or her own principles*, come to agreement on the matter at hand. It need not be agreement *for all time*. Sufficient if it be agreement *for today and tomorrow*. Sufficient if it be agreement among *us*. It need not even be agreement among *each and every one* of us. Sufficient if it be the fairly-gained and fairly-executed agreement *of the majority* among us.”¹⁹¹

Such a project is extremely frustrating to those who have made politics an exacting science. Writers, such as James Skillen, provide an example of frustration at, and a

¹⁹⁰Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” 70.

¹⁹¹Wolterstorff, “Why We Should Reject What Liberalism Tells Us,” 181.

dismissal of, Wolterstorff's project. Wolterstorff interprets Skillen's comments on *Until Justice and Peace Embrace* as suggesting it is a "disjointed agglomeration of disappointing discussions."¹⁹² He suggests that "it is little more than some initial passionate reflections emerging from socio-political awakening."¹⁹³ For those who are immersed in the categorizations of political theory and its language game, Wolterstorff might appear as a novice, or someone "emerging from socio-political awakening." But is it possible that Wolterstorff does understand these finemesh debates and details, but is offering a better way of discussing them, and a more hopeful approach to achieving justice? Those ensconced in the present language game of political theory will find it too difficult to break free and see Wolterstorff from the perspective presented here. Only if one fails to see his overall project and his attempt at transforming others, will one make criticisms, such as Skillen's.

In the end, Wolterstorff would not contest the claim that the consocial position is perhaps one big circle of thought for which he is a preacher. But is there a position that is not in such a predicament? Could it not reasonably be said that Rawls is an evangelist for the gospel of political liberalism? Are not his many terms, ideas and nuances tied into one big circular system of his preferred conception of liberal democracy? Is Rawls's political theory somehow more justified in some generic human sense? Such are the questions Wolterstorff would pose. And in turn he would begin his quest of seeking to transform individuals and social arrangements through his retelling of oppressed voices,

¹⁹²Skillen, "Until Justice and Peace Embrace – Two Views and a Response," 23. This may be true of *Until Justice and Peace Embrace*, but not of his thought when taken as a whole.

¹⁹³Ibid., 23.

and his recounting of justice as delivered in the Scriptures. Wolterstorff's project is not to enter into nuanced debates that forever meander in the world of abstraction but, rather, he is primarily attempting to be more concrete and practical. He aims to create an ethical and responsible community that is concerned with real and concrete issues of justice, such as aiding widows, orphans and aliens.¹⁹⁴ He understands that there must be some delving into abstractions, but his desire is to be world-formative by bringing his readers face to face with those who are suffering.

Conclusion

Wolterstorff is an academic scholar and a Christian. He brings his religious convictions to bear in his epistemology and politics, and he has not yet heard adequate reasons to cease from doing so. Through a criticism of these most influential versions of the liberal position, Wolterstorff has opened the way for his own account of justice in a liberal democracy. George Kateb offers a summary of Shklar's political thought that is apropos for Wolterstorff. He says "the sum of Shklar's [writings] do not...yield a systematic political theory, but they do contribute immeasurably to the reader's political education."¹⁹⁵ Whether or not one is convinced by Wolterstorff's attempts at a systematic political theory, he does succeed in contributing to his reader's theological, philosophical and political education.

¹⁹⁴ Wolterstorff, *Until Justice and Peace Embrace*, 69ff.

¹⁹⁵ Kateb, "Foreword," ix.

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