

have been removed from state capitol buildings and Confederate statues are being toppled across the United States, the reasons for eradicating or modifying Confederate symbols are now “accessible” to the citizenry as a whole. But it was not wrong for Mosely-Braun to introduce these reasons when they were only “intelligible,” and it was not wrong for the Senate to accede to those reasons by denying the patent (as they did).

In conclusion, let me suggest an implication for Laborde’s liberal egalitarian argument as a whole. Although she does not argue for the normative or logical priority of the “justifiable state” over the “inclusive state,” she does put her argument for public reason before her argument for egalitarian respect. The gist of my argument is that there *should be* a priority ordering between these two criteria of legitimacy, and it should be reversed. For the liberal state to be democratically legitimate, egalitarianism should be *constitutive* of the epistemic standards of public reason, and not only an external constraint.

Liberal Modesty and Political Appeasement

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One of the stranger features of the rise of authoritarianism is that it is accompanied by the emergence—or reemergence—of radical critiques of liberal principles and liberal practices. What is strange is not that authoritarian apologists would offer such criticisms. More surprising is the infighting, polarization, and radicalization of thinkers who one might have expected to resist authoritarian impulses.

This is T. S. Eliot, who gave the 1933 Page-Barbour Lectures at the University of Virginia, and made his thesis the rejection of liberalism, and who repeated the performance in 1939, with his publication of *The Idea of a Christian Society*.¹ As the Nazis were coming to power and then as they were marching across Europe, apparently the important thing to do was attack liberalism. It was liberalism’s fault that society had lost its way, liberalism’s fault that society had no moral spine, and liberalism’s fault that

¹See, respectively, T. S. Eliot, *After Strange Gods: A Primer on Modern Heresy* (London: Faber & Faber, 1934); T. S. Eliot, *Christianity and Culture: The Idea of a Christian Society and Notes towards the Definition of Culture* (New York: Harcourt, 1948).

authoritarianism (and Nazism) were able to take root in previously democratic soil. Liberalism destroyed religion, and so destroyed itself.

We are hearing similar voices today from some religious conservatives. For example, in a recent book entitled *Pagans and Christians in the City*, Steven Smith attempts to resuscitate Eliot's thesis that our culture wars are explained by an epic conflict between Christianity and paganism, where "Christianity" stands for orthodox religious belief and "paganism" refers to secular liberalism.² This is a conflict between two religions, and we had better choose wisely. And, for Smith (as for Eliot), there is no question which is the wiser. Similarly, in a series of recent popular essays, Adrian Vermeule attacks the religion of liberalism as apostasy. He counsels true believers to be flexible and strategic in subverting existing liberal regimes, as they bring about "integralism from within."³

Laborde responds to an eclectic mix of religious critics of liberalism, including Talal Asad, Saba Mahmood, Winnifred Sullivan, Elizabeth Shakman-Hurd, and Stanley Fish (15–16). Many of these critics are on the left and, as Laborde argues, lack a coherent alternative to the liberalism they criticize. But the critique from the right strikes me as sharper, increasingly virulent, and more dangerous. Unlike some earlier communitarian critics, who were long on philosophical argument and short on systematic political alternatives, the new antiliberals—especially religious integralists—can point to historical examples of regimes they favor and to rising ethno-religious nationalism as a competitor to liberal secularism. In their current intellectual moment, antiliberals are voicing radical alternatives to the cheers of newfound audiences.

What does *Liberalism's Religion* say about these forms of religious antiliberalism? Does Laborde's minimal secularism address the criticisms of religious conservatives in ways that might help to draw down the intellectual energy behind them? Does it answer their deep-seated concerns about the failures of liberalism? Is this even an ambition that a liberal political theory should have?

A central theme of Laborde's work is that liberalism allows much more room for reasonable disagreement about how the state privileges and burdens religion than political liberals have recognized. She argues that the principles and values that support a liberal theory of legitimacy are

²Steven D. Smith, *Pagans and Christians in the City: Culture Wars from the Tiber to the Potomac* (Grand Rapids, MI: Eerdmans, 2018). See also R. R. Reno, *Resurrecting the Idea of a Christian Society* (Washington, DC: Regnery, 2016). For a response to Smith (and to Eliot), see Richard Schragger and Micah Schwartzman, "Jews, Not Pagans," *San Diego Law Review* 56 (2019): 497–520.

³See, e.g., Adrian Vermeule, "Integration from Within," *American Affairs* (Spring 2018), <https://americanaffairsjournal.org/2018/02/integration-from-within/>; Adrian Vermeule, "A Christian Strategy," *First Things* (Nov. 2017), <https://www.firstthings.com/article/2017/11/a-christian-strategy>; Adrian Vermeule, "Liturgy of Liberalism," *First Things* (Jan. 2017), <https://www.firstthings.com/article/2017/01/liturgy-of-liberalism>.

inconclusive with respect to a wide range of issues: whether the state can fund religious schools, grant exemptions from antidiscrimination laws to religious organizations, promote religious symbols, and restrict practices like abortion, euthanasia, and same-sex marriage. Across these issues and others, Laborde argues that a state can be legitimate even if it rejects positions that are now commonly associated with liberalism (see 150–59).

There is a deep and important distinction, on Laborde's view, between what makes a liberal state *legitimate* and what makes it *just* (157–59, 242). Her theory is *dualist*: one set of principles specifies the content of minimal secularism, and a state must satisfy those principles to be legitimate. A second set of principles specifies a conception of justice. But there are many such conceptions, including some which may be religiously inspired and also contrary to familiar conceptions of liberal justice, except insofar as they recognize the conditions of minimal secularism. Provided those conditions hold, however, citizens within a legitimate state must recognize the fairness of using democratic procedures to resolve disagreements about matters of justice. This is the sense in which Laborde's theory is modest: it adopts a thinner conception of liberal legitimacy, one that allows for a broader range of reasonable disagreement about relations between religion and the state.

What justifies this modesty? Laborde cautions that liberals should not confuse their favored conceptions of justice for the only reasonable conceptions. Liberals

should not castigate as equally unreasonable conservative religious believers, on the one hand, and religious fanatics and fundamentalists, on the other. Not all critics of progressive, secular liberalism are unreasonable. Liberals' claims otherwise have fostered disdainful and often vindictive alienation from liberalism on the part of many conservative religious believers. This is regrettable and dangerous (politically) and it is unsound (philosophically), as it goes against the spirit of Rawlsian political liberalism: to find mutual terms of cooperation among people who disagree profoundly, including about justice.⁴

There are two claims here, and they are worth distinguishing. First, Laborde is making a political claim, that describing conservative religious believers as unreasonable is dangerous politically because it leads to alienation and backlash. The second is a moral claim, namely, that liberals are not justified in describing many religious conservatives as unreasonable. As I understand it, the burden of *Liberalism's Religion* is to make good on this latter claim.

But what about the political claim? Should liberals be concerned that their philosophical arguments are dangerous because they lead religious conservatives to be disdainful of them? Suppose Laborde is wrong about her theory of

⁴Cécile Laborde, "Three Cheers for Liberal Modesty," *Critical Review of International Social and Political Philosophy* (2018), doi:10.1080/13698230.2018.1487228.

minimal secularism and that Rawlsian political liberals are right.⁵ That is, suppose that the demands of liberal legitimacy are stronger and more robust than Laborde's minimal secularism. What, if anything, follows from her political claim?

Here are some reasons for thinking that little, if anything, should follow from it. If political liberals modify their views because religious conservatives feel alienated from liberalism, it is not obvious that liberal modesty will result in less alienation. Conservatives may react by demanding more concessions. Having moved from *Secularia* to *Divinitia* (151–52), why not now to *Apostolica*, Simon May's model of a well-functioning "religious democracy"?⁶ And if liberals draw the line at *Divinitia*, as Laborde suggests we do, what is to say that religious conservatives will not experience the same sense of frustration and recrimination? If they violate the conditions of minimal secularism, liberals will still criticize them for being unreasonable, with similar political repercussions.

A response might be that there will be fewer religious conservatives who want to move from *Divinitia* to some more religious state, and so the dangers stemming from alienation are diminished. But liberal modesty might also be perceived as weakness, leading conservatives to exploit their gains. This has long been the criticism of racial "moderates" during the Civil Rights era. In softening their claims on segregationists, they invited a fiercer backlash in the form of Massive Resistance.⁷ Today, feminists in the United States make similar claims about religious exemptions in the context of health care providers. By allowing widespread religious exemptions, liberals—to the extent they recognized the moral permissibility of such exemptions—allowed conservatives to entrench opposition to women's reproductive rights, leading to the pervasive and long-term curtailment of those rights.⁸ And the same argument is now being made with respect to LGBT rights. If liberals recognize religious exemptions for public accommodations that refuse to serve LGBT persons, those exemptions become a foothold for more aggressive and expansive claims in the future.⁹ Thus, in light of their historical experience with civil rights, women's rights, and recent

⁵See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1992); Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011).

⁶See Simon Căbulea May, "Religious Democracy and the Liberal Principle of Legitimacy," *Philosophy & Public Affairs* 37 (2009): 139–42.

⁷See Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004), 312–20, 408–21.

⁸See, e.g., Louise Melling, "Religious Refusals to Public Accommodation Laws: Four Reasons to Say No," *Harvard Journal of Law & Gender* 38 (2015): 185–88.

⁹See Elizabeth Sepper, "Doctoring Discrimination in the Same-Sex Marriage Debates," *Indiana Law Journal* 89 (2014): 752–56; Douglas Nejaime and Reva B. Siegel, "Conscience Wars: Complicity-Based Conscience Claims in Religion and Politics," *Yale Law Journal* 124 (2015): 2552–65.

reversals in LGBT rights, liberals have reason to be concerned that their modesty will be perceived as a form of appeasement.

Of course, these claims are contingent and speculative. So perhaps they should not be relevant to claims about the philosophical or normative soundness of either political liberalism or minimal secularism. Perhaps normative argument should proceed independently of such claims. But if so, then competing conceptions of liberal secularism stand or fall on their moral and philosophical merits, and not on how some religiously conservative or antiliberal critics react to them. The moral relevance of such reactions, if any, to liberalism must be determined by measuring them against liberal values and principles, not the other way around.

Integrity: An Individual or Social Virtue?

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Liberalism's Religion is a highly engaging, carefully argued, and rich text. Laborde's central arguments are very compelling, especially those that conclude that religion does not have a special place in liberal theory, but religion, nonetheless, deserves equal consideration in light of its foundational role in some persons' conceptions of the good and ways of life.

Arguing that religion qua religion does not warrant *special* treatment within liberalism, Laborde develops an account of the grounds for exemptions to generally applicable laws based on the value of individual integrity. She understands integrity "as an ideal of congruence between one's ethical commitments and one's actions" (203). She thus accepts a formal account of integrity, where the substance of one's commitments is not relevant to assessing their integrity or the value of their integrity per se. So for example, the mobster's claim to integrity concerning the importance of murdering his rival mobsters for breach of the mob code of honor is on a par (from the point of view of their integrity interests) with a Christian's claim to certain forms of prayer as necessary to worship God. This account of integrity is familiar to many, and found in the work of Bernard Williams. It concerns fidelity to one's deep commitments.

While Laborde adopts this formal model of integrity as fidelity to one's commitments, she has a sophisticated account of the conditions under which respect and accommodation for integrity-related interests are