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SECULAR FUNDAMENTALISM, RELIGIOUS FUNDAMENTALISM, AND THE SEARCH FOR TRUTH IN CONTEMPORARY AMERICA*

*Daniel O. Conkle***

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places shall be made plain, and the crooked places shall be made straight and the glory of the Lord will be revealed and all flesh shall see it together.

Martin Luther King, Jr.¹

Echoing the prophet Isaiah,² Dr. King dreamed of societal harmony and common understanding. Not only would “the glory

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This article had its origin on October 13, 1994, when I presented informal remarks at Hamline University's Seventh Annual Symposium on Law, Religion and Ethics. Alan Freeman and his spouse-collaborator, Elizabeth Mensch, had been scheduled to discuss the topic of “secular fundamentalism,” but Alan had been stricken by the illness that has since claimed his life, and he and Betty were unable to attend. I and several other panelists filled in as last-minute substitutes, addressing aspects of the same topic that Alan and Betty had intended to confront. We filled the time, but we could not begin to replace Alan and Betty, nor can anyone ever fill the void—both personal and scholarly—that has been created by Alan's untimely death.

Alan had more to accomplish, but he achieved so much in his life, both individually and in partnership with Betty. For this we should all be grateful. With sadness but with abiding respect and admiration, I dedicate this article to the memory of Alan, and I offer it in tribute to the scholarly work of Alan and Betty alike.

** Professor of Law and Nelson Poynter Senior Scholar, Indiana University-Bloomington. I am indebted to Thomas C. Berg, Deborah W. Conkle, Marie A. Failing, Scott C. Idleman, Michael J. Perry, and Richard B. Saphire for their extremely helpful comments on earlier versions of this article.

1. Martin Luther King, Jr., *I Have a Dream* (August 28, 1963), reprinted in James Melvin Washington, ed., *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, at 217, 219 (Harper, 1986).

2. See *Isaiah* 40:4-5 (King James Version).

of the Lord" be revealed, but "all flesh" would see the truth together. In today's America, this vision seems increasingly distant; some would say increasingly fantastic. From abortion to homosexuality to affirmative action, Americans are deeply divided on fundamental issues of morality and public policy. Combatants in an ongoing culture war,³ we disagree not only about specific issues, but also about the manner in which these issues should be considered, debated, and resolved. At bottom, we are divided because we disagree about the nature of moral and political truth and about how this truth should properly be determined. Far from seeing the truth together, we see separate truths that emerge from separate ways of thinking.⁴

In the epistemic cacophony of contemporary America, perhaps our most basic dispute concerns the role of religion as a source of truth.⁵ In a previous article in this journal, I explored aspects of this question, focusing on religion's public role, i.e., its role in American politics and law.⁶ I argued that religion can and should play a significant public role,⁷ but that some types of reli-

3. See, for example, James Davison Hunter, *Culture Wars: The Struggle to Define America* (Basic Books, 1991).

4. Indeed, we cannot even agree on precisely what we mean by "truth." See generally Michael J. Perry, *Love and Power: The Role of Religion and Morality in American Politics* 56-62 (Oxford U Press, 1991) (discussing "correspondence" and more "internalist" understandings of truth). Without entering that debate, I proceed in this article on the assumption that truth—including moral and political truth—does or might exist in a relatively strong, relatively objective sense, and that the search for truth, so understood, is both worthwhile and important. This assumption does not presuppose the existence of a single, universal truth on every moral or political question, regardless of the cultural or historical context, but it certainly rejects the notion that truth is nothing more than "power" or "social construction." At the very least, according to my assumption, some arguments on moral and political matters are better than others and, in that sense, are closer to the truth.

5. Relatedly, there are important epistemological questions concerning the nature and significance of religious truth, including religious truth as it relates to historical events. See, for example, Luke Timothy Johnson, *The Real Jesus: The Misguided Quest for the Historical Jesus and the Truth of the Traditional Gospels* 133-66 (Harper, 1996) (arguing that the truth of Christianity, including the truth of the Resurrection, is not a matter of strictly historical inquiry); Howard Lesnick, *Religious Particularity, Religious Metaphor, and Religious Truth: Listening to Tom Shaffer*, 10 J Law & Relig 317, 328-30 (1993-94) (suggesting that religion may be true in a deep but nonhistorical sense, even for those who are not conventional "believers").

6. Daniel O. Conkle, *Different Religions, Different Politics: Evaluating the Role of Competing Religious Traditions in American Politics and Law*, 10 J Law & Relig 1 (1993-94). As Professor David Hollenbach has explained, religion can play a public role not only by direct involvement in politics, but also by its influence in the broader realm of civil society and culture. See David Hollenbach, S.J., *Contexts of the Political Role of Religion: Civil Society and Culture*, 30 San Diego L Rev 877 (1993).

7. The role of religion in politics and law is constrained by the Establishment Clause of the First Amendment, but the Establishment Clause's prohibition on religiously motivated policy making is properly limited to the pursuit of *spiritual* objectives, such as at-

gion are more valuable for this purpose than others. In part, I offered epistemological distinctions, noting that different religions recognize different sources of truth and see different roles for argument and dialogue, both within and outside the community of believers.⁸

From this perspective, I was critical of religious “fundamentalism,” which I defined as a type of religion that regards its sacred text (or other religious authority) as a source of truth that is absolute, plain, and unchangeable:

This source of truth is absolute in the sense that it cannot be questioned on the basis of external evidence or arguments. It is plain in the sense that it requires little if any interpretation. It is unchangeable in the sense that it need not be adapted to contemporary circumstances.⁹

Drawing upon democratic ideals that trace their origins to the Enlightenment and to republican political theory, I contended that political decisions should be formulated on the basis of a deliberative, dialogic decision-making process, a process that at least permits the possibility that argument or discourse will lead to a change of mind. Because religious fundamentalism is not willing even to consider the possible truth of contrary positions, its contributions to America’s public life, I argued, should be viewed with caution and skepticism.¹⁰

In a footnote to this discussion, I suggested—without elaboration—that secular thinking can take on fundamentalist characteristics and that “the public role of this ‘secular fundamentalism’ should also be viewed with skepticism.”¹¹ In the current article, I mean to elaborate on this suggestion. More generally, I intend to survey several possible meanings of secular fundamentalism and to suggest how this concept, along with the concept of religious fundamentalism, might shed light on the epistemic crisis that confounds our search for truth—not only on public issues, but in private life as well. In the course of my discussion, I shall identify the basic problems that are raised by religious fundamentalism and by secu-

tempts to sponsor prayer or other devotional activities. The Establishment Clause should not be read to preclude a religiously motivated pursuit of non-spiritual, *worldly* objectives. On the distinction between spiritual and worldly objectives, see Conkle, 10 J Law & Relig at 11-13 (cited in note 6).

8. Id at 13-21.

9. Id at 14. As I explain in the article, fundamentalism actually is a matter of degree; thus, fundamentalist tendencies may be extreme or more moderate. See id at 14-15.

10. Id at 15-16.

11. Id at 16-17 n 55.

lar fundamentalism, and I shall explore how we might begin to move beyond them.

I. THE CONCEPT OF SECULAR FUNDAMENTALISM

Although still uncommon, the phrase "secular fundamentalism" has begun to appear with increasing regularity. But what does this concept mean, or what might or should it mean? I shall examine four possible meanings, explaining how they might mirror the meaning of religious fundamentalism and how they might help us understand the contemporary state of American public and private life.

A. Secular Fundamentalism as Ill-Defined Pejorative

Whether applied to religious or secular thinking, the "fundamentalist" label carries a pejorative connotation. Often used loosely and without clear definition, the label can be used to mark a person, group, or institution as in some respect intolerant, militant, or otherwise dangerous.

In the religious context, the term increasingly has been linked to radical movements abroad that are perceived to be not only irrational, but also violent. Professor Arthur Schlesinger Jr., for example, associates religious fundamentalism with murderous actions by people who claim to be following the will of God:

Yigal Amir claims that God ordered him to kill Prime Minister Rabin. Nor are murderous presumptions of this sort confined to Jewish fundamentalists. So too Muslim fundamentalists receive instructions from Allah to kill Salman Rushdie and to plant dynamite in Paris subway trains. So too Hindu fundamentalists massacre Muslims and blow up their mosques. So too Christian fundamentalists in our own country feel they are serving God by murdering doctors who perform abortions.¹²

Schlesinger finds it "scary" that so many Americans (more than a third) are "fundamentalists" in the sense that they harbor "delusions" that "God speaks to them directly."¹³ Schlesinger's fear undoubtedly is related to the violence that he associates with fundamentalism: "Fundamentalists are absolutists—people who believe they are appointed carriers of a sacred gospel and feel so sure they are right that they have no compunction about killing

12. Arthur Schlesinger Jr., *The Worst Corruption*, Wall St J A10 (Nov 22, 1995).

13. *Id.*

heretics or doing anything else to advance their cause.”¹⁴ “Unrebuked and unchecked,” he concludes, “fundamentalists of all faiths will continue to believe that they are serving God by mayhem and murder.”¹⁵

The label “fundamentalist,” of course, had its origins in American Protestantism, where it originally was claimed as a matter of self-description.¹⁶ But views like Schlesinger’s are on the rise, especially in the popular culture. As a result, it is not surprising that American religious believers, whatever their theology, increasingly find this label insulting.¹⁷

Like its religious counterpart, the phrase “secular fundamentalist” often is used to characterize a person or institution as dogmatic, extreme, or fanatical. Professor Schlesinger, for example, writes that the fascists and communists of the middle half of the twentieth century were holders of “totalitarian faiths,” “[s]ecular fundamentalists [who believed they were] executing the will of History.”¹⁸ In similar fashion, Professor Paul D. Carrington has referred to the violent “secular fundamentalism” of the French Revolution.¹⁹

With reference to contemporary America, the “secular fundamentalist” label has been extended to less extreme situations, including various types of “politically correct” ideologies or practices. Professor Carrington, for instance, has suggested that

14. Id.

15. Id.

16. See George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism: 1870-1925* (Oxford U Press, 1980); Ernest R. Sandeen, *The Roots of Fundamentalism: British and American Millenarianism 1800-1930* (U Chicago Press, 1970).

17. More and more, conservative American Protestants are calling themselves “evangelicals.” See Gustav Niebuhr, *Public Supports Political Voice for Churches*, NY Times A1 (June 25, 1996) (describing results of public opinion survey).

18. Schlesinger, Wall St J (cited in note 12). Referring to “the monster of Hitlerism and Stalinism,” Haris Silajdzic, the former Prime Minister of Bosnia, has contended that in light of this history of “secular fundamentalism,” Europeans are in no position to condemn religious fundamentalism as uniquely problematic. See *Premier Warns of Secular Fundamentalism in Europe*, British Broadcasting Corporation, BBC Summary of World Broadcasts (July 31, 1995) (available on LEXIS).

19. The French Revolution began with Mr. Jefferson’s enthusiastic approval, but it lost his support when it became infected, as do so many of our causes, with excessive zeal—when the secular fundamentalists, Marat, Danton, and Robespierre, guillotined ordinary citizens and even penniless prostitutes on allegations that they had uttered the hateful words, “Vive le roi,” or “Long live the King.”

Paul D. Carrington, *Remembering Jefferson*, 2 Wm & Mary Bill of Rts J 455, 459 (1993).

American universities sometimes act as modern-day successors to the "secular fundamentalists" of the French revolution:²⁰

Many individual members of the academic profession would punish their students or even their colleagues for utterances that they choose to deem as offensive, much as Robespierre took mortal offense at those hateful words, "Vive le roi." In many places in America, a teacher's career may be placed in grave danger if he or she is convicted, even in a kangaroo court, of holding sentiments that are characterized as racist, sexist, or homophobic, or that are deemed by sensitive auditors to be "harassment," a term that in some minds embraces all utterances implying sexual differences.²¹

In like manner, the author of a column in the New York Times has written that "schools that once believed in free speech, free love, free everything (but tuition) have turned into bastions of secular fundamentalism, equally willing to prescribe and proscribe."²² According to Don E. Eberly, this "secular fundamentalism," in academia and elsewhere, is the work of "secular true believers."²³

As these religious and secular examples suggest, "fundamentalism" can carry a powerful rhetorical punch. Absent further clarification, however, there is a significant danger of false association and exaggeration. As a group, religious conservatives in the United States certainly are not terrorists in the making,²⁴ and Robespierre is not lurking behind every campus speech code. In any event, the term "fundamentalist" does little analytical work when used as a general pejorative, and it is not particularly helpful

20. Id at 459.

21. Id at 460. See id ("That current academic dogma is secular in form" does not make it less problematic than religious zealotry.).

22. Allen R. Myerson, *Help Wanted: Gyration Inspectors*, NY Times Sec 4 at 2 (Feb 4, 1996).

23. Secular true believers, much like their religious counterparts, possess a moral rectitude that is uncommon in an age of declining beliefs. Secularism's adherents hold an unshakable confidence not only in the superiority of their values, but to their right to assert them over others through the institutions of society.

Don E. Eberly, *Restoring the Good Society: A New Vision for Politics and Culture* 52 (Hourglass Books, 1994).

24. Not surprisingly, this type of false association is likely to be invoked in political attacks on religious conservatives. For example, Americans United for Separation of Church and State recently sponsored a political advertisement containing the following text: "Maybe we should let radical religious fundamentalists run this country. (After all, it's worked so well in Iran.)" The advertisement ran in the Colorado Springs Gazette Telegraph shortly before the November, 1996, election; Americans United was rebuffed in its attempts to place the advertisement in another newspaper and on billboards. See Barry W. Lynn, *Billboard Battle: Who's Being Censored?*, Church & State 21 (Dec 1996).

in mapping the contours of public and private life in contemporary America.

Some would argue that "fundamentalist" has become so freighted with negative baggage and so colored with vague implications that it should not be used at all. An alternative course is to use the term more selectively and precisely, indicating the meaning that is intended and explaining the definitional or analytical work that is thereby accomplished.²⁵ In my previous article, I attempted to follow this alternative course in addressing religious fundamentalism.²⁶ In the following sections, I shall do the same for secular fundamentalism, discussing how this concept might have meanings more helpful than that of a general pejorative.

B. Secular Fundamentalism in Textual Interpretation

As noted earlier, religious fundamentalism can be defined as a type of religion that regards its sacred text—for example, the Bible—as a source of truth that is absolute, plain, and unchanging. As such, religious fundamentalism is one among various methods of Biblical interpretation. Secular documents also require interpretation and, if the documents carry normative implications, they may raise similar interpretative issues. In the American political system, for example, the United States Constitution is a normative document that embodies a type of political, or perhaps political-moral, truth. As a result, constitutional interpretation is in some respects similar to Biblical interpretation.²⁷

"Secular fundamentalism" can be used to describe a method of secular interpretation that mirrors the method by which religious fundamentalists interpret the Bible. With reference to the Constitution, for instance, this form of secular fundamentalism regards the constitutional text as a source of constitutional truth or meaning that is absolute, plain, and unchanging. To determine the meaning of the Constitution, one should look only to the text—not

25. The fact that a term has a negative connotation does not necessarily mean that it should be abandoned. Perhaps the negative connotation is in some way *deserved*. But this depends on the particular meaning that the term is designed to convey.

26. Conkle, 10 J Law & Relig at 14-16, 23-24 (cited in note 6).

27. For discussions and evaluations of the analogy between Biblical and constitutional interpretation, see, for example, Sanford Levinson, *Constitutional Faith* (Princeton U Press, 1988); Thomas C. Grey, *The Constitution as Scripture*, 37 Stan L Rev 1 (1984); Michael W. McConnell, *The Role of Democratic Politics in Transforming Moral Convictions into Law*, 98 Yale L J 1501, 1509-14 (1989); Michael J. Perry, *The Authority of Text, Tradition, and Reason: A Theory of Constitutional "Interpretation,"* 58 S Cal L Rev 551 (1984).

to societal, philosophical, or other values that lie outside the text. In this sense, the Constitution, like the fundamentalist's Bible, is an absolute source of truth. Likewise, one should apply the "plain meaning" of the constitutional text, which requires little if any explication, and one should adhere to that meaning as timeless, regardless of changing circumstances or changing values.

"[Constitutional] originalism is secular fundamentalism," writes Professor Morton J. Horwitz.²⁸ Horwitz explains:

To the extent that Constitution worship is America's secular religion, and all religions have a tendency towards fundamentalism, originalism in constitutional discourse is the equivalent of religious fundamentalism. If you consider the Scopes trial and William Jennings Bryan's argument for the literalism of the seven day creation and then think about Justice Black's argument for the literalism of "Congress shall make no law," you can see in Justice Black's case a secularized Southern Baptist mode of argument.

Originalists and constitutional literalists are fundamentalists. The argument about a living Constitution versus originalism is parallel to the question of modern and adaptable religion versus the old time religion.²⁹

Horwitz suggests that America's attraction to what he calls "the old time religion" helps explain why "the idea of a living Constitution has had such a difficult time in American culture."³⁰

Whatever the strength of Horwitz's argument, the concept of secular fundamentalism can perform a useful function in the context of textual interpretation. Indeed, if religious fundamentalism is defined as a method of interpretive inquiry, the secular analogy is very close indeed: both religious and secular fundamentalists view their normative text as a source of truth that is absolute, plain, and unchanging.³¹

28. Morton J. Horwitz, *The Meaning of the Bork Nomination in American Constitutional History*, 50 U Pitt L Rev 655, 663 (1989).

29. Id (footnote omitted). Compare McConnell, 98 Yale L J at 1512 (cited in note 27) ("Constitutional interpretation, performed in the manner of Orthodox Jews and Christian fundamentalists, would seek specific answers to specific questions from a particular time in the past (presumably the founding), and would enforce those answers in today's world, notwithstanding considerable pressure arising from changes in context and circumstance."). See also Gordon S. Wood, *The Fundamentalists and the Constitution*, New York Review of Books 33, 39 (Feb 18, 1988).

30. Horwitz, 50 U Pitt L Rev at 663 (cited in note 28). For further elaboration, see Morton J. Horwitz, *The Supreme Court, 1992 Term—Foreword: The Constitution of Change: Legal Fundamentalism Without Fundamentalism*, 107 Harv L Rev 30 (1993).

31. Secular fundamentalists, at least if they are judges, actually might have a more complex understanding of the text they are interpreting. In particular, judges might adopt

Although interesting and helpful, the idea of secular fundamentalism as a form of textual interpretation is limited to its particular context, i.e., the interpretation of normative secular texts, of which the Constitution is the prime example. The question that remains is whether there are other forms of secular fundamentalism in contemporary America, forms of secular fundamentalism that may have broader, more general implications for the search for truth in American public and private life.

C. Secular Fundamentalism as Political Liberalism

Religious fundamentalism is more than a method of textual interpretation. It also reflects unquestioning faith. This faith requires no reasoned explanation, and it need not be defended against challenges that proceed from contrary premises. Viewed in this way, religious fundamentalism can be seen as a method of thought that is both insulated and insular; it is insulated from competing claims of truth, and it inhabits an epistemic universe that is disconnected from other ways of thinking.

Is there a comparable type of *secular* thinking, i.e., a “secular fundamentalism” that depends on faith, that shields itself from incompatible truth claims, and that effectively isolates itself as a separate system of thought? With respect to American politics and public life, at least, one could argue that there is, and that it takes the form of political liberalism (in the philosophical sense).

Needless to say, there are various theories of political liberalism. In general, however, liberalism calls for public “neutrality” toward the “private” moral choices of individuals, a neutrality that is said to require the exclusion of “personal” moralities, including religious viewpoints, from any significant role in public policy making.³² Thus, according to liberalism, we are to “bracket our moral

a fundamentalist interpretive stance without rejecting the possibility that the text, in its fullest understanding, contains broader or evolving truths. In interpreting the Constitution, for example, judges might believe that the *judiciary* should do no more than enforce the Constitution’s fundamentalist meaning, but they might also believe that nonjudicial decision makers, interpreting the Constitution for themselves, might properly honor other, non-fundamentalist constitutional values.

32. According to Professor Michael J. Sandel, this ideal of neutrality is one of three connected ideas that form the essence of contemporary liberal theory, the others being the priority of individual rights and the notion that individuals are “freely choosing, unencumbered selves.” Together they create what Sandel describes as “the procedural republic” of modern America. Michael J. Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy* 28 (Belknap Press of Harvard U Press, 1996).

and religious convictions when deliberating about politics and law."³³

Although different theories contain important variations and qualifications,³⁴ an essential claim of liberalism is that political decisions generally should be supported by "reason," and that religious and similar viewpoints do not qualify.³⁵ Professor John Rawls, for example, privileges what he calls "public reason":³⁶

What public reason asks is that citizens be able to explain their vote to one another in terms of a reasonable balance of public political values, it being understood by everyone that of course the plurality of reasonable comprehensive doctrines held by citizens is thought by them to provide further and often transcendent backing for those values. ["Comprehensive doctrines," for Rawls, include religious and similar belief systems.³⁷] . . . The only comprehensive doctrines that run afoul of public reason are

33. *Id.* at 18. Some contend that political liberalism, and the privileging of secular over religious beliefs in the resolution of political issues, is constitutionally required by the Establishment Clause. For a prominent article advancing this position, see Kathleen M. Sullivan, *Religion and Liberal Democracy*, 59 U Chi L Rev 195 (1992). As noted previously, I reject this interpretation of the Establishment Clause, which, in my view, would improperly constrain the religiously motivated pursuit of non-spiritual, worldly objectives. See above, note 7.

This is not to deny that a religiously motivated law, like any other law, might violate constitutional principles—or principles of liberal democracy—that are unrelated to the law's religious motivation. See generally John H. Garvey, *A Comment on Religious Convictions and Lawmaking*, 84 Mich L Rev 1288 (1986) (arguing that liberal democracy values certain goods, including certain individual freedoms, and that religiously motivated lawmaking should not conflict with those goods); John H. Garvey, *What Are Freedoms For?* (Harvard U Press, 1996) (elaborating Garvey's theory of freedoms).

34. Professor Mark Tushnet, for example, has argued that it is permissible for lawmakers to rely on religious justifications, but only if the laws they adopt are independently justifiable on secular grounds. Mark Tushnet, *The Limits of the Involvement of Religion in the Body Politic*, in James E. Wood, Jr., and Derek Davis, eds, *The Role of Religion in the Making of Public Policy* 191-220 (Baylor U Press, 1991). Professor Michael J. Perry adopts a somewhat similar position in his most recent book, although he would not require secular grounding for the claim that all human beings are sacred. Michael J. Perry, *Religion in Politics: Constitutional and Moral Perspectives* (Oxford U Press, 1997).

35. Indeed, liberal theorists may define "reason" to include virtually all kinds of thinking *except* religion. According to Professor Suzanna Sherry, for example, "reason" includes thinking based on "experience, observation, logic, learned patterns, and tradition"—unless, that is, any of these sources of judgment depend upon "[a]ppeals to a perception of reality shared only by the faithful." Suzanna Sherry, *The Sleep of Reason*, 84 Georgetown L J 453, 455-56 (1996).

36. John Rawls, *Political Liberalism* (Columbia U Press, 1993). Rawls limits his claim to "fundamental" political questions involving "constitutional essentials" and "questions of basic justice," *id.* at 214, although he adds that even with respect to other issues, "it is usually highly desirable to settle political questions by invoking the values of public reason," *id.* at 215.

37. See *id.* at 13, 175.

those that cannot support a reasonable balance of political values.³⁸

As this passage suggests, the related concepts of “public reason” and “reasonable balance” are at the core of Rawls’ theory.

According to Professor Paul F. Campos, however, Rawls’ explanation and defense of these concepts is seriously incomplete. Indeed, says Campos, Rawls’ vision of liberalism amounts to a type of “secular fundamentalism.”³⁹ According to Campos, “‘reason’ and ‘reasonable’ fill the lexical space that in many other discourses would be filled by ‘God,’ or ‘the scriptures,’ or ‘moral insight.’ . . . ‘[R]eason’ functions as the master concept that transcends the enumeration of particular reasons: *invoking* ‘reason’ becomes equivalent to *giving* reasons.”⁴⁰ And to invoke “reason” is to exclude conceptions of truth that, according to “reason,” are not “reasonable.” In this way, Campos concludes, Rawls and his followers can “celebrate tolerance and pluralism while at the same time condemning any meaningful dissent . . . as not merely wrong, but contrary to the dictates of reason itself.”⁴¹

To the extent that political liberalism—whether that of Rawls or that of other theorists—in fact embraces an exclusive and exclusionary form of “reason,” it, like religious fundamentalism, is both insulated and insular. It is insulated from claims of truth that lie outside the domain of reason, and it inhabits an epistemic universe that is disconnected from these other ways of thinking. To the extent that liberalism cannot defend its embrace of reason except by averting to reason itself, moreover, it requires a leap of faith. In

38. Id at 243. Although he privileges public reason in this sense, Rawls contends that citizens who affirm his understanding of liberalism do so “on moral grounds.” Id at 147.

All those who affirm the political conception start from within their own comprehensive view and draw on the religious, philosophical, and moral grounds it provides. The fact that people affirm the same political conception on those grounds does not make their affirming it any less religious, philosophical, or moral, as the case may be, since the grounds sincerely held determine the nature of their affirmation.

Id at 147-48. For Rawls’ most recent explication of his views, see John Rawls, *The Idea of Public Reason Revisited*, 64 U Chi L Rev 765 (1997).

39. Paul F. Campos, *Secular Fundamentalism*, 94 Colum L Rev 1814 (1994). Compare R. Randall Rainey, S.J., *Law and Religion: Is Reconciliation Still Possible?*, 27 Loyola LA L Rev 147, 189-90 (1993) (suggesting that “the systematic exclusion or marginalization of ‘religious people’ from public policy discourse and the rule of law” amounts to “liberal fundamentalism,” a “form of secular fundamentalism”).

40. Campos, 94 Colum L Rev at 1820-21 (cited in note 39).

41. Id at 1826.

this sense, it may be that liberalism is "the faith of those who have lost their faith."⁴²

Secular fundamentalism, understood as the embrace of political liberalism, rejects religion as a source of truth in the public domain.⁴³ To the extent that religion has truth value, it is a matter of private truth, a form of truth that lacks public significance. In the public sphere, reason prevails. Modern science is one aspect of reason; it controls the resolution of empirical questions. On questions of morality and ethics, secular rationalism is controlling, and "private" moral choices are protected in the absence of tangible and demonstrable harm to others.⁴⁴

This understanding of secular fundamentalism helps explain the public aspects of modern America's epistemic crisis. On one side are religious fundamentalists who, assuming they bring their religion to bear on public issues, regard it as the only legitimate source of truth on whatever issues it addresses. On the other are secular fundamentalists who embrace an entirely different source of truth, one that excludes religious thought as illegitimate. Each group resides in its own world of truth. These worlds are isolated from each other, and their inhabitants cannot communicate across the divide.

D. Comprehensive Secular Fundamentalism

Secular fundamentalism as political liberalism is limited to the public sphere. But some secular thinkers—let us call them "*comprehensive* secular fundamentalists"—embrace a similar epistemology for *all* questions of truth or meaning. Thus, comprehensive secular fundamentalists resolve public *and* private questions of

42. Id at 1822.

43. At least one political candidate has used the phrase "secular fundamentalism" in this way. See John Marelius, *Huffington Issues Spiritual Call to Arms*, San Diego Union-Tribune 8 (Oct 12, 1994) (quoting United States Senate candidate Michael Huffington as decrying the "secular fundamentalists" who believe that "God should . . . be kept in the closet and under wraps" and that religion should not be brought to bear on public issues).

44. On the privatization of religion and the secularization of public debate, see, for example, Stephen L. Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (Basic Books, 1993); Frederick Mark Gedicks, *Some Political Implications of Religious Belief*, 4 Notre Dame J L Ethics & Pub Pol'y 419, 421-27 (1990); Frederick Mark Gedicks, *Public Life and Hostility to Religion*, 78 Va L Rev 671 (1993); Michael W. McConnell, "God is Dead and We Have Killed Him!": *Freedom of Religion in the Post-Modern Age*, 1993 BYU L Rev 163; Steven D. Smith, *The Rise and Fall of Religious Freedom in Constitutional Discourse*, 140 U Pa L Rev 149, 169-78 (1991). For a rich analysis of these developments as they relate to the issue of abortion, see Elizabeth Mensch & Alan Freeman, *The Politics of Virtue: Is Abortion Debatable?* (Duke U Press, 1993).

truth exclusively by reference to modern science and secular rationalism.⁴⁵ Other potential sources of truth, including especially religion, are excluded from consideration.

As Reinhold Niebuhr observed, secularism can lead to a type of "fanaticism" that "insinuates new and false ultimates into views of life which are ostensibly merely provisional and pragmatic."⁴⁶ Comprehensive secular fundamentalists may well adopt a provisional and pragmatic view of reason. Ironically, however, it is their very embrace of reason, as an exclusive and exclusionary source of truth, that serves as their false ultimate, i.e., as opposed to the ultimate of truth itself. With reason as their ultimate value, comprehensive secular fundamentalists virtually close their minds to religious insights, and therefore to the possibility of religious truth or meaning, whether in public or in private life. Thus, like religious fundamentalists, they are absolutists in the sense that they are unwilling even to consider claims of truth that proceed from premises they do not already share.

This more comprehensive understanding of secular fundamentalism may be the one that most closely mirrors religious fundamentalism, whose claims of truth, of course, apply to matters of private as well as public concern. Otherwise, the comparison is similar to that which I have offered concerning the public domain. Thus, as applied in a comprehensive manner to private and public issues alike, religious and secular fundamentalism are systems of thought that are both insulated and insular—that is, both shielded and isolated from competing understandings of truth. Likewise, each depends on a type of faith. The faith of religious fundamentalists is the acceptance of truths without regard to competing claims of reason; the faith of comprehensive secular fundamentalists is that without reason, there is nothing.

No less than the versions of secular fundamentalism discussed previously, comprehensive secular fundamentalism is a concept that helps illuminate America's chaotic search for truth. Comprehensive secular fundamentalists follow an epistemology that sepa-

45. Comprehensive secular fundamentalists invariably embrace political liberalism for the resolution of public questions. Conversely, those who are secular fundamentalists in the sense of embracing political liberalism need not be comprehensive secular fundamentalists, i.e., they need not reject religion as a source of truth or meaning in the private domain.

46. Reinhold Niebuhr, 2 *The Nature and Destiny of Man: Human Destiny* 238 (Charles Scribner's Sons, 1964) (originally published 1943); see Thomas C. Berg, *Church-State Relations and the Social Ethics of Reinhold Niebuhr*, 73 NC L Rev 1567, 1603-06 (1995).

rates them, on private as well as public issues, from those who regard religion as at least a potential source of truth or meaning. Religious fundamentalists are equally isolated, ignoring claims of truth that might undermine their religious understandings.

II. THE PROBLEMS WITH FUNDAMENTALISM

In examining our epistemic struggles in public and private life, the most useful understandings of secular fundamentalism are the last two offered: secular fundamentalism as political liberalism and comprehensive secular fundamentalism. In the remainder of this article, I shall focus on secular fundamentalism in these two senses, along with religious fundamentalism as applied to public and private issues respectively. I shall identify what I regard as the basic problems with religious and secular fundamentalism, and I shall suggest, in tentative and exploratory fashion, how we might begin to move beyond them.

A. The Problems with Religious Fundamentalism in Politics and Law

In my previous article, I addressed the problems that arise when religious fundamentalism—reliance on a religious source of truth that is viewed as absolute, plain, and unchanging—is brought to bear on political or legal issues.⁴⁷ To summarize briefly, the American political system has intellectual roots in reason as well as religion. These roots derive from the Enlightenment, which taught that religion is not beyond the testing of reason, and from republican political theory, which emphasized the importance of deliberation in the formulation of government policies.

These themes of the Enlightenment and of republicanism continue to inform our system of governance. When religious fundamentalism enters the realm of politics and law, however, it rejects the claims of reason and relies on a source of truth that is beyond challenge or debate. This type of political involvement thus tends to undermine a basic tenet of our democratic system—that legal policies should be formulated on the basis of a dialogic decision-making process, a process requiring an openness of mind that religious fundamentalism does not allow.

47. See Conkle, 10 *J Law & Relig* at 14-16, 23-24 (cited in note 6). No less than other citizens, religious fundamentalists are entitled to the full protection of our constitutional guarantees of religious freedom and freedom of expression. Thus, in suggesting that religious fundamentalism can be problematic in the realm of politics, I certainly am not suggesting that it should in any way be legally restricted or legally disadvantaged.

It is important to emphasize that these problems are distinctive to religious *fundamentalism*; they do not extend to religion in general. Too often, this distinction is overlooked. Professor Suzanna Sherry, for example, invokes the continuing lessons of the Enlightenment and republican theory to support her argument that religious beliefs should be excluded from any meaningful role in public policy making.⁴⁸ But Sherry reaches this conclusion only by confusing religion with religious fundamentalism, i.e., by assuming that *all* religion is fundamentalist religion. Thus, she refers to religion as an “antirational” epistemology that is “likely to be impervious to persuasion.”⁴⁹ “Sincerely held religious beliefs,” she writes, “cannot be shaken by rational argument—that is the heart of faith.”⁵⁰

Contrary to Sherry’s suggestion, religious beliefs can be the product of rational thinking no less than of faith. To be sure, faith is a critical part of religion. More to the point, this faith is typically grounded in a sacred text that serves as an important source of truth, one that may be at odds with competing secular sources. Unless they are fundamentalists, however, religious believers do not view their sacred text as a source of truth that is absolute, plain, and unchanging.⁵¹ Thus, non-fundamentalists interpret their text not according to a perceived “plain meaning,” but rather with an eye to competing sources of truth, including modern science and philosophy.⁵² Likewise, they consider the changing condition of society for its impact on their religious understandings.

Accordingly, non-fundamentalist religious believers form and revise their beliefs, including their religious beliefs, by considering

48. See Sherry, 84 Georgetown L J at 464-84 (cited in note 35).

49. Id at 478-79.

50. Id at 476. But compare id at 454 (contrasting “largely rational” religion with “religiosity of the traditional, pre-Enlightenment, antirational kind”).

51. In my previous article, I distinguished between two types of non-fundamentalist religious believers—religious “modernists,” who stand at the opposite extreme from religious fundamentalists, and religious “reconcilers,” who stand more in the middle. See Conkle, 10 J Law & Relig at 17-21 (cited in note 6). In the present discussion, I am treating these two types together.

52. Contrast Sherry, 84 Georgetown L J at 462 (cited in note 35) (“The methods of science and rational argument are of no avail in evaluating religious beliefs . . .”).

Writing from a very different perspective, Professor Stanley Fish challenges the coherency and persuasiveness of liberal arguments like that of Sherry. See Stanley Fish, *Mission Impossible: Settling the Just Bounds Between Church and State*, 97 Colum L Rev 2255 (1997). But Fish, like Sherry, appears to believe that religious thinking is truly “religious” only when it amounts to religious fundamentalism: “[T]hose religions that put ‘openness of mind’ at the center of their faith—or rather at the center of their rejection of faith— . . . are indistinguishable from other enlightenment projects and are hardly religions at all.” Id at 2281.

not only their religious text, but also contemporary societal practices and various kinds of nonreligious thought. In so doing, they constantly strive to maintain an overall belief structure that is logical and coherent.⁵³ Hardly "impervious to persuasion," they are broadly open to rational dialogue, both within and outside their religious community. As a result, when non-fundamentalist religious believers bring their religious beliefs to bear in American politics and lawmaking, this practice does not conflict with the insights of the Enlightenment and republican theory. The conflict arises only if the religious believers are religious fundamentalists.

B. The Problems with Religious Fundamentalism in the Private Domain

In the private domain, the problems with religious fundamentalism are not political, but theological. I am not a theologian, but these problems are basic, and they therefore are not difficult to recount. They involve the undervaluation of human reason, the sin of intellectual pride, and the lack of genuine religious faith.

Religious fundamentalism does not deny the human capacity to reason, but it strictly limits the role of reason by affirming a source of truth that is regarded as absolute, plain, and unchanging. On whatever issues this source of truth addresses, reason is thus confined within a narrowly drawn and self-contained epistemic system. As a result, religious fundamentalism severely cabins, and thereby undervalues, the human capacity for reason. Yet this capacity for reason, no less than the human capacity for faith, is a product of the Creation, and therefore should be accepted as a gift from God.

Religious fundamentalism also is theologically problematic in its claims of certitude. These claims suggest the sin of pride—in particular, the sin of intellectual pride, or pride of knowledge.⁵⁴ At the same time, they are premised on an unwillingness to confront competing evidence and arguments, an insular stance that, paradoxically, suggests a lack of genuine religious faith.

Wolfhart Pannenberg, a contemporary Christian theologian, is critical of fundamentalist religion, by which he means "religion

53. For a wonderful description of the "continuous" epistemology of a religious believer of this type, see Larry Alexander, *Liberalism, Religion, and the Unity of Epistemology*, 30 San Diego L Rev 763, 767-70 (1993).

54. For a discussion of the sin of intellectual pride, i.e., pride of knowledge, see Reinhold Niebuhr, 1 *The Nature and Destiny of Man: Human Nature* 194-98 (Charles Scribner's Sons, 1964) (originally published 1941).

that, in an unwarranted claim to certitude, refuses to engage the human capacity for reason.”⁵⁵ He writes that authentic religion must “lay claim to reason” and at the same time “be ready to accept criticism, and to cultivate an ethos of self-criticism.”⁵⁶ Pannenberg explains:

Traditional doctrines and forms of spirituality, along with the Bible itself, are not exempt from critical inquiry. Such inquiry is required by the alliance of faith and reason. Christian confidence in the truth of God and His revelation should be vigorous enough to assume that truth will not succumb to any findings of critical inquiry. . . . [I]f we think it is necessary to protect divinely revealed truth from critical inquiry, we are in fact displaying our unbelief. Such inquiry, while it may at times pose difficulties, will finally enhance the splendor of the truth of God.⁵⁷

Religious fundamentalists can lead lives that are rich in meaning and that are grounded in a deep sense of order as well as peace. But their religion rests on a theology that is problematic in significant respects. A more satisfying theology suggests that religion should fully accept and embrace the gift of human reason. It should engage competing claims and arguments, holding fast to a faith that such discourse will not and cannot undermine the truths of God.

C. The Problems with Secular Fundamentalism in the Form of Political Liberalism

In the public sphere, secular fundamentalism, in the form of political liberalism, is problematic for reasons that are similar to those relating to political decision making based on religious fundamentalism. Thus, like religious fundamentalist politics, liberalism—to the extent that it precludes religious involvement in politics—is inconsistent with the political foundations of our society as well as our contemporary political culture. More specifically, the historical and contemporary role of religion in American public life belies the claim of liberalism that citizens and lawmakers should “bracket” their religious convictions when deliberating about politics and law.

55. Wolfhart Pannenberg, *How to Think About Secularism*, First Things 27, 31 (June/July 1996).

56. Id.

57. Id. at 31-32.

As noted previously, the American political system has roots in reason,⁵⁸ but it also has roots in religion. As Professors Richard Vetterli and Gary C. Bryner have explained, the Founders were overwhelmingly religious, and they did not regard religion as irrelevant to public issues:

The Founders as a whole were deeply religious men. Religion played a vital role in most of their lives; it influenced their beliefs and activities, their ideals and hopes. The foundation of their modern republican philosophy was based on a belief in God. Whatever the concepts that blended to form this republican doctrine—the dignity of man, natural law, natural rights, the right of resistance—all were suffused with an aura of the sacred.⁵⁹

Like many Enlightenment thinkers, the Founders—most of them, at least—regarded revelation as an important supplement to reason.⁶⁰ In their minds, religion and reason played complementary roles in the search for truth, including political truth.⁶¹

In the protection of religious freedom itself, for instance, religious justifications played a central role in the founding period—in

58. See above, note 47 and accompanying text.

59. Richard Vetterli and Gary C. Bryner, *Religion, Public Virtue, and the Founding of the American Republic*, in Neil L. York, ed., *Toward A More Perfect Union: Six Essays on the Constitution* 91, 100 (Brigham Young U, 1988).

60. James Madison, for example, “arrived at a consistent, lifelong defense of Christianity on the basis both of reason and intuition, shifting gradually like many contemporaries from the first to the second.” Henry F. May, *The Enlightenment in America* 96 (Oxford U Press, 1976). As such, Madison’s beliefs fell at “the center of the American religious spectrum.” *Id.* see also *id.* at xiv.

61. Professor Suzanna Sherry contends otherwise, but her argument is unpersuasive. Sherry initially claims that “virtually all of the Framers—and indeed the entire founding generation—shared a common background in the epistemology of the Enlightenment,” an epistemology “based on reason and empiricism, specifically rejecting faith and revelation.” Sherry, 84 *Georgetown L J* at 466 (cited in note 35). She then concedes, however, that her claim is “clouded” by the fact that “[t]he question of whether to privilege faith or reason would not have occurred to the founders for the simple reason that they did not see them as in conflict. They believed that religious belief could be (and indeed should be) supported by principles of reason.” *Id.* at 468. Sherry concludes that “the founding generation subscribed to the epistemology of reason,” *id.* but the better conclusion, even by Sherry’s own account, is the one that I advance in the text. In particular, the evidence suggests that the founding generation’s understanding of the Enlightenment did not deny a role for religion, i.e., as long as the religion did not *conflict* with the teachings of reason.

Relying on their own historical claims, Professors Isaac Kramnick and R. Lawrence Moore have argued that the Framers created “a godless Constitution and a godless politics,” and that this understanding should continue to control today. See Isaac Kramnick & R. Lawrence Moore, *The Godless Constitution: The Case Against Religious Correctness* 22 (W.W. Norton & Co, 1996). As Professor Scott C. Idleman has powerfully demonstrated, however, the authors’ thesis is seriously flawed and cannot be accepted. See Scott C. Idleman, *Liberty in the Balance: Religion, Politics, and American Constitutionalism*, 71 *Notre Dame L Rev* 991 (1996).

the arguments “not only of ministers and religious leaders, but also of political leaders such as Madison and Jefferson.”⁶² In particular, Madison relied on religious arguments in his *Memorial and Remonstrance Against Religious Assessments*.⁶³ And Jefferson grounded his famous Virginia Act for Religious Freedom on an explicitly religious rationale. Thus, in its preamble, the Act declares that “Almighty God hath created the mind free” and that compelled religion is “a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do.”⁶⁴

The Founders’ views concerning the public relevance of religion have never been abandoned. Rather, history reveals that Americans, time and again, have brought their religious convictions to bear on important questions of public policy—on issues such as slavery, temperance, civil rights, immigration, poverty, abortion, and environmental policy.⁶⁵ This is hardly surprising, because the most common American religions have significant political implications. As Dean M. Kelley has noted, “the formative religious traditions of the Western world—Judaism and Christianity—have for millennia embraced the conviction that their religious duty entailed active intervention in the ‘body politic.’”⁶⁶ As a result, Kelley writes, “churches and synagogues can no more be silent on public issues than human beings can refrain from breathing.”⁶⁷

Liberalism’s attempt to exclude religion from any role in public policy making might be plausible as a matter of abstract political philosophy, and it might even be plausible for some democratic societies. To make valid claims on the actual workings of a particular society, however, a political theory cannot dishonor that society’s

62. Smith, 140 U Pa L Rev at 162 (cited in note 44); see id at 153-66; see generally Symposium, *Religious Dimensions of American Constitutionalism*, 39 Emory L J 1 (1990).

63. For a discussion of Madison’s arguments, see Smith, 140 U Pa L Rev at 161 (cited in note 44).

64. Virginia Act for Religious Freedom, Va Code Ann § 57-1 (Michie 1996) (enacted Jan 16, 1786); see Smith, 140 U Pa L Rev at 162 (cited in note 44).

65. At the very least, this historical and continuing pattern of religious involvement suggests that “those who seek to secularize entirely the political and legal processes ought to face a presumption not in their favor.” Scott C. Idleman, *The Sacred, the Profane, and the Instrumental: Valuing Religion in the Culture of Disbelief*, 142 U Pa L Rev 1313, 1339 (1994).

66. Dean M. Kelley, *The Rationale for the Involvement of Religion in the Body Politic*, in Wood and Davis, eds, *The Role of Religion in the Making of Public Policy* at 159, 168 (cited in note 34).

67. Id at 188. See also Perry, *Love and Power* at 77-82 (cited in note 4) (discussing the “essentially political” nature of religion, including especially Western religion).

history, its contemporary political culture, and the fundamental beliefs of its citizens. As Professor Thomas C. Berg has written, "religion is too pervasive a factor in the lives of Americans" as well as "their concrete, historic patterns" to support a theory that proceeds "on the hope or premise that it will go away or retreat to the margins of life."⁶⁸ Berg relies on the insights of Reinhold Niebuhr:

[S]ecularization of the public order goes hopelessly against the grain in any society, such as America, in which religion plays an . . . important role in the lives of the people. Niebuhr's increasingly Burkean, "organic" understanding of society emphasizes that government must arise from the people, from their concrete, historic patterns. It cannot be based on imposing an abstract and ideologically consistent scheme—in this case, the rigid separation of religion from public moral reasoning—in the name of liberal philosophy . . .⁶⁹

In the "incurably religious" United States,⁷⁰ at least, the claims of political liberalism ring hollow and cannot be accepted.

Republican theory does not suggest otherwise. From a historical perspective, republicanism's search for the public good certainly did not exclude religion. In the founding period, as Professors Vetterli and Bryner have argued, "[r]eligion was especially important to the development of a republican culture,"⁷¹ with religious (including especially Christian) values and insights playing prominent and substantial roles:

The general Judeo-Christian tradition permeated American life. There were strong sentiments of mission, a belief that this pristine land had been set apart and preserved for a chosen people, and faith that America "was not only a destined nation, but a redeeming nation." There was a general consensus that Christian values provided the basis for civil society. Religious leaders had contributed to the political discourse of the Revolution, and the Bible was the most widely read and cited text. Religion, the Founders believed, fostered republicanism and was therefore central to the life of the new nation.⁷²

68. Berg, 73 NC L Rev at 1607 (cited in note 46).

69. *Id.*

70. See *id.* For a summary of statistics concerning the religiosity of Americans, see Conkle, 10 J Law & Relig at 3-4 (cited in note 6).

71. Vetterli and Bryner, *Religion, Public Virtue, and the Founding of the American Republic* at 92 (cited in note 59).

72. *Id.* (footnote omitted); see *id.* at 91-117; see also Richard Vetterli & Gary C. Bryner, *In Search of the Republic: Public Virtue and the Roots of American Government* (Rowman & Littlefield, 1987).

After the founding, moreover, religion continued to be “the major carrier of this republican tradition.”⁷³ Thus, as Professor John A. Coleman has explained, “the strongest American voices for a compassionate just community always appealed in public to religious imagery and sentiments, from Winthrop and Sam Adams, Melville and the Lincoln of the second inaugural address, to Walter Rauschenbusch and Reinhold Niebuhr and Frederick Douglass and Martin Luther King.”⁷⁴

According to Coleman, the historical link between republicanism and American religion is hardly surprising, and it is a link with continuing relevance:

Both the tradition of republican theory and that of biblical religion place great stress on love and sacrifice for the common good and on the need to found the health of public life on individual virtue and a morally good citizenry. Both stand in judgment of social theories which expect public virtue to arise from a healthy compromise of private vices.⁷⁵

Professor Timothy L. Hall concurs, noting that “[r]eligious groups, in the form of voluntary associations, create a context in which individuals become sharers of a common life, and thus have occasion to acquire an other-regarding disposition.”⁷⁶ Moreover, Hall continues, religious groups “have traditionally preserved didactic resources for discourse concerning the common good. The major religions, for example, have each emphasized perspectives that temper, at least to some degree, the purely selfish impulses that war against a concept of the public good.”⁷⁷ As Coleman and Hall make clear, religion has the capacity to advance, not hinder, a republican search for the common good.

From both a historical and a contemporary perspective, moreover, there is no reason to assume, *a priori*, that religion—at least non-fundamentalist religion—cannot use this capacity in a manner that contributes to a dialogic, deliberative truth-seeking process. As explained earlier, religious believers can be broadly open to rational discourse, not only within their religious community, but also in the broader culture.⁷⁸ As a result, Professor Michael J. Perry’s

73. John A. Coleman, *An American Strategic Theology* 187 (Paulist Press, 1982).

74. *Id.* at 193.

75. John A. Coleman, *A Possible Role for Biblical Religion in Public Life*, 40 *Theological Studies* 701, 702 (1979).

76. Timothy L. Hall, *Religion and Civic Virtue: A Justification of Free Exercise*, 67 *Tulane L. Rev.* 87, 110 (1992).

77. *Id.* at 111.

78. See above, text accompanying note 53.

conclusion is sound: "[A]t its best," writes Perry, "religious discourse in public culture is not less dialogic—not less open-minded, not less deliberative—than is, at its best, secular discourse in public culture."⁷⁹

In addition to its problematic character in the public domain, political liberalism has potentially damaging spill-over effects on the private sphere of life. In theory, liberalism does not deny the truth and value of religion on issues of private concern. In practice, however, to the extent that we exclude religion from public life, we suggest that religion is a second-class source of truth. As Wolfhart Pannenberg explains, "People need social support in holding that a given account of reality is plausible."⁸⁰ Pannenberg cites the work of sociologist Peter L. Berger, who has described religious believers in the modern world as a "cognitive minority," i.e., "a group of people whose view of the world differs significantly from the one generally taken for granted in their society."⁸¹ For such a group, according to Berger, "the plausibility of 'knowledge' that is not socially shared, that is challenged by our fellow men, is imperiled, not just in our dealings with others, but much more importantly in our own minds."⁸²

I doubt that religious believers are a "cognitive minority" in the contemporary United States, but the devaluing of religion in public life could eventually place them in a comparable predicament. In particular, a rigidly secular public culture—a culture of the sort that liberalism might promote—would provide no social support for religious beliefs. Instead, it would tend to undermine, indirectly but inevitably, even the private faith of religious believers.⁸³

79. Perry, *Religion in Politics* at 46 (cited in note 34). Perry adds the following, parenthetical comment: "Nor, at its worst, is religious discourse more monologic—more close-minded and dogmatic—than is, at its worst, secular discourse." Id at 46-47.

Focusing on fundamentalist religion and citing psychological and sociological factors, Professor William P. Marshall has argued that religious involvement in politics creates a special risk of intolerance. William P. Marshall, *The Other Side of Religion*, 44 Hastings L J 843 (1993). Whatever the strength of Marshall's claim, however, it certainly cannot be extended to non-fundamentalist religion.

80. Pannenberg, *First Things* at 27 (cited in note 55).

81. Peter L. Berger, *A Rumor of Angels: Modern Society and the Rediscovery of the Supernatural* 6 (Anchor Books, 1990).

82. Id at 7.

83. See Gedicks, 4 Notre Dame J L Ethics & Pub Pol'y at 432-39 (cited in note 44). But compare Theodore Y. Blumoff, *The New Religionists' Newest Social Gospel: On the Rhetoric and Reality of Religions' "Marginalization" in Public Life*, 51 U Miami L Rev 1 (1996) (arguing that the privatization of religion does not imply its marginalization, and

D. The Problems with Comprehensive Secular Fundamentalism

Secular fundamentalism in another form, i.e., comprehensive secular fundamentalism, is directly relevant to the private sphere. As discussed previously, comprehensive secular fundamentalism moves beyond political liberalism to a more complete rejection of religious ways of thinking.⁸⁴ Thus, it turns to modern science and secular rationalism for the resolution of all questions of truth, whether public or private, and regardless of whether the questions relate to matters of fact or matters of value.

From the perspective of comprehensive secular fundamentalism, science is controlling on questions of fact. Science also plays an important, albeit more subtle, role in resolving questions of value. Thus, with its emphasis on empiricism and objectivity, the scientific world-view supports the idea that moral duties do not arise in the absence of tangible, observable harm to others. It is a combination of science and secular rationalism, then, that supports the idea of personal autonomy: in the absence of tangible, demonstrable harm to others, all questions of morality—whether public or private—should be left to the autonomous decisions of individuals.

Due especially to its heavy reliance on science, comprehensive secular fundamentalism also supports the idea of naturalism. Naturalism is “the view that ultimately nothing resists explanation by the methods characteristic of the natural sciences.”⁸⁵ According to naturalism, human attitudes and behavior, like other phenomena, are the product of prior causes that themselves are subject to scientific examination and explanation. Thus, “along with the rest of nature, human beings are explainable through the methods of the natural sciences. Human institutions and practices, the modes of experience of men, the goals and values of individuals and groups, are all natural, and no less so than the wheeling of galaxies and the evolution of species.”⁸⁶

Naturalism promotes the belief that what we think and do are entirely the product of naturalistic causes, i.e., primarily genetics and social conditioning. Many psychologists, for instance, now

that, indeed, there is an over-abundance of public religiosity in the United States, which actually disservices the cause of true religion).

84. See above, Part I. D.

85. Simon Blackburn, *The Oxford Dictionary of Philosophy* 255 (Oxford U Press, 1994).

86. Arthur C. Danto, *Naturalism*, in Paul Edwards, ed, 5 *Encyclopedia of Philosophy* 448, 449 (Macmillan Pub Co & Free Press, 1972).

claim that human happiness “seems to be largely determined by the genes, not by outside reality.”⁸⁷ This kind of scientific determinism in turn promotes a sense of moral relativism. If human attitudes and values are nothing more than the product of prior, scientifically identifiable causes, how can one say that the values that some people display are morally superior to the values displayed by others? Indeed, naturalism leaves us in a universe that “has no moral character save to the extent that it contains human beings among its objects and thus contains entities that have and pursue values.”⁸⁸

Comprehensive secular fundamentalism thus supports and furthers the ideas of personal autonomy, naturalism, and moral relativism. In the end, however, these three ideas are fundamentally inconsistent. In particular, naturalism and moral relativism severely undermine the value of personal autonomy. Consider, for example, a young woman deciding the future direction of her life. She might pursue a college education and eventually a career as a doctor. Instead, she might delay college—perhaps forever—in order to wed her high school sweetheart and start a family, or in order to take a job at a local factory. Or she might become a member of a religious order, taking a vow of chastity and poverty, and devoting her life to hands-on service to the poor. Or she might pursue any of a number of other options. Needless to say, the young woman’s decision is laden with moral considerations, and, according to the principle of personal autonomy, she is “free” to make this decision for herself. But just what is the point if her “choice,” in reality, is nothing more than the product of naturalistic

87. Daniel Goleman, *Forget Money; Nothing Can Buy Happiness, Some Researchers Say*, NY Times B5 (July 16, 1996). According to Dr. David T. Lykken, any deviations from this genetic predisposition depend primarily upon “the sorrows and pleasures of the last hours, days or weeks.” *Id.* (quoting Dr. Lykken). But “[h]owever tragic or comic life’s ups and downs, people appear to return inexorably to whatever happiness level is pre-set in their constitution.” *Id.*

According to this theory, to actively *seek* happiness, i.e., a personal “sense of well-being,” is an uphill struggle at best. See *id.* (quoting Dr. Lykken). But according to Dr. Lykken, the cause is not entirely hopeless. He offers this advice:

Be an experiential epicure. A steady diet of simple pleasures will keep you above your set point. Find the small things that you know give you a little high—a good meal, working in the garden, time with friends—and sprinkle your life with them. In the long run, that will leave you happier than some grand achievement that gives you a big lift for awhile.

Id. (quoting Dr. Lykken). It is difficult to imagine a thinner understanding of human fulfillment and human autonomy.

88. Danto, 5 *Encyclopedia of Philosophy* at 449 (cited in note 86). See generally Philip E. Johnson, *Reason in the Balance: The Case Against Naturalism in Science, Law & Education* (InterVarsity Press, 1995).

causes, and if no particular decision is any better than another? Autonomy becomes an illusion, and moral relativism sinks into the abyss of moral emptiness.

Like the problems with religious fundamentalism in the private domain, the problems with comprehensive secular fundamentalism are essentially theological. To accept the theological critique of comprehensive secular fundamentalism, however, one need not adopt any particular religious viewpoint. One need only believe that human life has ultimate meaning and purpose, i.e., that human life is more than the product of naturalistic—and essentially amoral—causes.

As Professor Michael J. Perry has explained, the essence of religion—and therefore theology—is the affirmation that human life has ultimate meaning. “One polar response to the problem of meaning,” writes Perry, “is to conclude that life is, finally and radically, meaningless”⁸⁹ The other polar response, he continues, “is ‘religious’: the trust that life is ultimately meaningful, meaningful in a way hospitable to our deepest yearnings.”⁹⁰ My argument here is that anyone accepting the second response should reject the comprehensive form of secular fundamentalism.⁹¹

Beyond theology, moreover, comprehensive secular fundamentalism is problematic on its own terms. As I have just discussed, the three major ideas that it supports are actually in conflict. Yet there is an even more basic problem of internal inconsistency. Above all else, comprehensive secular fundamentalism purports to privilege reason. But reason requires a certain openness of mind, a willingness to confront competing evidence and arguments. Those who adhere to comprehensive secular fundamentalism, however, are absolutists in at least one respect: they are not open to the possibility of religious truth and therefore are not willing to consider arguments that depend upon religious perspectives. To this extent, then, comprehensive secular fundamentalists actually ignore the cardinal value that they claim to prefer, the value of reason itself.

89. Perry, *Love and Power* at 69 (cited in note 4).

90. *Id.* at 70.

91. It may be that many who regard themselves as “secularists” would accept the second response. If so, they may be more “religious” than they think.

III. MOVING BEYOND FUNDAMENTALISM: TOWARD A DIALOGIC, MULTI-LINGUAL SEARCH FOR TRUTH

Both in the public and in the private domain, the claim that fundamentalism is detrimental to the search for truth depends upon the belief that dialogue is beneficial. Thus, if dialogue supports the search for truth, fundamentalism—whether religious or secular—is problematic because it entails a method of thinking that categorically denies the legitimacy or value of insights that proceed from contrary premises. As such, it is not open to a dialogic search for truth, at least not outside the confines of its self-contained epistemic system.

But perhaps dialogue is not important, or at least not essential, in the pursuit of truth.⁹² Whether on issues of public or of private concern, perhaps it is enough that individuals can join in common cause when their goals or interests coincide. In the public domain, for example, religious and secular environmentalists—without the need for any meaningful discourse between them—might combine to provide sufficient political support for an environmental statute that each group finds desirable, albeit for radically different reasons. Fastidious political liberals might object even to this type of religious-secular alliance. Otherwise, however, the idea of common cause would permit fundamentalists of all stripes, both religious and secular, to determine their own truth in their own way and, on public questions, to vote for the policies and the candidates that they believe their truth to require.

If dialogue in fact facilitates the search for truth, however, as I believe it does, fundamentalism—whether religious or secular—works to hinder that search. It erects a type of linguistic barrier, one that frustrates the search for truth by inhibiting communication that might lead to that end. Fundamentalists are like English speakers who adopt an “English only” rule for a society that includes people who speak not English, but Spanish. Perhaps the fundamentalists, like the English speakers, will reach the truth even as they exclude the views of those who use another language,

92. As Professor Steven D. Smith has noted, the role of dialogue in the search for truth can be overstated. See Steven D. Smith, *Moral Realism, Pluralistic Community, and the Judicial Imposition of Principle: A Comment on Perry*, 88 Nw U L Rev 183, 186 (1993) (“Moral reality . . . may be best understood not through dialogue or theoretical discourse, but rather by other means or faculties such as intuition, inspiration, tradition, or revelation.”); Steven D. Smith, *Skepticism, Tolerance, and Truth in the Theory of Free Expression*, 60 S Cal L Rev 649, 690 (1987) (“The suggestion that dialogue is the exclusive method of ascertaining truth does violence to the very meaning of dialogue. By its nature, dialogue is inherently parasitic upon methods other than dialogue for discovering truth.”).

but surely the odds would be improved if everyone's arguments and insights could be considered.

For a speaker's arguments and insights to be considered, of course, his or her listeners must be able to comprehend the speaker's language. To answer this need, some have argued that, at least in the public sphere, we should prefer a common language that is secular.⁹³ Thus, like Spanish speakers in an English-speaking society, religious citizens should translate their religious arguments into secular terms. Professor Suzanna Sherry, for example, writes that "[p]ublic dialogue . . . is only possible where the participants speak the same language, and in political discourse, speaking the same language is analogous to Rawls's 'public reason.'"⁹⁴

In a society as religious as ours, however, perhaps the secular speakers—at least those who embrace "public reason" as their exclusive mode of public discourse—are the ones speaking Spanish. In any event, the historical and contemporary role of religion in American public life makes it difficult to accept the argument that we should privilege secular language, and therefore secular thinking, in the manner suggested by Sherry and other liberal theorists. And in private life, there is even less reason to prefer discourse that is secular as opposed to religious.

More generally, it would be wrong—in public or private life—to adopt a single and exclusive moral language, whether secular or religious in nature. To do so would be to deny to some speakers their moral language of choice, a language that is closely linked to their sense of self, to the core of who they are as individuals. Those whose moral language is excluded would suffer affront, if not humiliation, because the exclusion would deny an essential element of their humanity. It would treat them as second-class citizens, second-class human beings. Their pain and resentment, in turn, would have adverse consequences for society at large, producing deep-seated divisions, distrust, and conflict.⁹⁵

93. See, for example, Robert Audi, *The Separation of Church and State and the Obligations of Citizenship*, 18 Phil & Pub Aff 259 (1989); Edward B. Foley, *Tillich and Camus, Talking Politics*, 92 Colum L Rev 954 (1992); Marshall, 44 Hastings L J 843 (cited in note 79).

Professor Kent Greenawalt has advanced a series of sophisticated and nuanced arguments that point generally in this direction, but with significant exceptions and caveats. See, for example, Kent Greenawalt, *Religious Convictions and Political Choice* (Oxford U Press, 1988); Kent Greenawalt, *Private Consciences and Public Reasons* (Oxford U Press, 1995).

94. Sherry, 84 Georgetown L J at 471 (cited in note 35).

95. Compare Daniel O. Conkle, *Toward a General Theory of the Establishment Clause*, 82 Nw U L Rev 1113, 1164-69 (1988) (arguing that a failure to respect religious and irrelig-

At the same time, limiting discourse to a single moral language would artificially confine and constrain the search for truth. A richer discourse—and a more open search for truth—would not be confined to a single moral language. Focusing especially on the need to respect religious contributions to public dialogue, Professor Stephen L. Carter explains:

What is needed is not a requirement that the religiously devout choose a form of dialogue that liberalism accepts, but that liberalism develop a politics that accepts whatever form of dialogue a member of the public offers. Epistemic diversity, like diversity of other kinds, should be cherished, not ignored, and certainly not abolished. What is needed, then, is a willingness to *listen*, not because the speaker has *the right voice* but because the speaker has *the right to speak*. Moreover, the willingness to listen must hold out the possibility that the speaker is saying something worth listening to; to do less is to trivialize the forces that shape the moral convictions of tens of millions of Americans.⁹⁶

Although directed to the public sphere, Carter's observations can properly be extended to support a multi-lingual dialogue on public and private issues alike. In such a dialogue, secular speakers could speak their language of choice, but so, too, could religious speakers.

For the multi-lingual discourse to be fully successful, however, participants would need to learn and understand the moral languages being used by others, and they themselves would need to communicate in moral languages other than their own. This might mean religious thinkers communicating not only in the language of their own religious traditions, but also in that of others. At least in the private domain, this type of interreligious communication already occurs with some degree of frequency. Thus, as Professor Theodore Y. Blumoff has argued, "conversation is not only possible across denominations, it occurs all the time."⁹⁷ Professor Blumoff, who is Jewish, provides a personal example, explaining

ious beliefs can cause grave injury, not only to the individuals whose fundamental beliefs are being disparaged, but also to the larger community of which those individuals are a part).

96. Carter, *The Culture of Disbelief* at 230-31 (cited in note 44) (emphasis in original). Compare Sanford Levinson, *Religious Language and the Public Square*, 105 Harv L Rev 2061, 2077 (1992) ("Why doesn't liberal democracy give everyone an equal right, without engaging in any version of epistemic abstinence, to make his or her arguments, subject, obviously, to the prerogative of listeners to reject the arguments should they be unpersuasive . . . ?").

97. Theodore Y. Blumoff, *The Holocaust and Public Discourse*, 11 J Law & Relig 591, 610 (1994-95).

how he has conversed with a Mormon colleague: "I question him using the same logic and language he uses. I question him in terms of his beliefs, as he does of mine."⁹⁸ On public issues as well, there is no reason to doubt the efficacy of this sort of discourse. On the issue of capital punishment, for example, Professor Martin E. Marty, an old-line Protestant, recently has invoked the principles of more evangelical thought in an attempt to persuade Charles Colson, an evangelical Protestant, that the death penalty is immoral "in evangelical terms."⁹⁹

In the multi-lingual discourse that I envision, religious thinkers might communicate not only in the language of their own and other religious traditions, but also in secular language. I must concede that it can be difficult for religious believers to translate their religious arguments into secular terms,¹⁰⁰ and the secular translation is likely to miss important parts of the religious meaning. Even so, as Professor Blumoff argues, "religiously motivated convictions usually can be meaningfully if not always fully translated into secular language."¹⁰¹ And this would not be a one-way street. Thus, in the multi-lingual discourse, secular thinkers might sometimes speak in religious terms, thereby communicating with religious believers in part by translating their secular arguments into language that the religious believers might find more persuasive. Indeed, as Professor Thomas C. Berg has suggested, it may be that the best form of argument, at least in many situations, appeals "to a standard that citizens on the other side of the debate accept."¹⁰² "[B]y presenting arguments based on premises others can accept,"

98. Id.

99. Martin E. Marty, *Dear Charles Colson . . .*, *Christian Century* 799 (Aug 14-21, 1996).

As Professor Douglas Sturm has argued, the serious pursuit of interreligious dialogue—a dialogue that "celebrates difference" even as it affirms "connectedness"—may represent a productive response to "the political question," i.e., the question of "How shall we live our lives together?" Douglas Sturm, *Crossing the Boundaries: On the Idea of Interreligious Dialogue and the Political Question*, 30 *J Ecumenical Studies* 1, 2, 3 (1993). Compare Alesia Maltz, *Commentary on the Harris Superquarry Inquiry*, 11 *J Law & Relig* 793, 831 (1994-95) ("[E]cumenical approaches are one of the most important tools we have to integrate values into political discourse.").

100. See Richard B. Saphire, *Religious People and Public Life: Some Reflections on Greenawalt*, 23 *N Ky L Rev* 655, 680 (1996) (asking devout religious believers to recast their arguments in nonreligious terms can be like asking them "to recast their arguments in ancient Greek").

101. Blumoff, 11 *J Law & Relig* at 611 (cited in note 97). Compare Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* 181-82 (Free Press, 1991) (discussing the possibility of "translating" particular religious discourses without a loss of religious distinctiveness).

102. Berg, 73 *NC L Rev* at 1622 (cited in note 46).

Berg writes, "the citizen respects the limits of her own perspective and the goodness and truth in those of others."¹⁰³

For the benefit of those who might think otherwise, it is important to emphasize the positive role that religious language—and religious insights—can play in a multi-lingual, dialogic exchange. As Professor John A. Coleman has written, for religious thinkers to limit themselves entirely to secular language creates a serious risk that "the specifically theological or religious vision will be undermined, betrayed or distorted."¹⁰⁴ Religious language, for example, can convey a communitarian impulse that is not easily captured in secular terms. The power of religious symbolism can "stir human hearts and minds to sacrifice, service, and deep love of the community."¹⁰⁵ The "thin" language of secularism, by contrast, tends to perpetuate "the bias toward liberty at the expense of justice in the American public-philosophy tradition and its concomitant individualistic tone."¹⁰⁶ Professor Michael J. Perry agrees, noting that religious insights can be meaningful even to those who stand outside the religion in question. "You certainly do not have to be Jewish to recognize that the prophetic vision of the Jewish Bible is profound and compelling," he writes, "any more than you have to be Catholic or Presbyterian or Baptist or even Christian to recognize that the Gospel vision of what it means to be human is profound and compelling."¹⁰⁷ As Perry suggests, religion can move us to confront the ultimate questions of private and public life. Indeed, it can move us to address the very meaning of human life, both for individuals and for the political community of which they are a part.

Although the insights of religion would be important and valuable in the multi-lingual discourse that I envision, no language, whether religious or secular, would receive an a priori advantage. In the public domain, the goal would be similar to that of the "ecumenical politics" that Professor Perry has advocated:

The aim of ecumenical politics is, in words borrowed from *The Williamsburg Charter*, "neither a naked public square where all religion is excluded, nor a sacred public square with any religion established or semi-established." The aim, rather, "is a civil

103. Id. Berg's points are directed to the public sphere, but they are equally valid for discourse and debate in the private realm.

104. Coleman, *An American Strategic Theology* at 195 (cited in note 73).

105. Coleman, 40 *Theological Studies* at 706 (cited in note 75).

106. Id. at 705.

107. Perry, *Religion in Politics* at 81 (cited in note 34). "Gandhi was not a Christian," Perry continues, "but he recognized the Gospel vision as profound and compelling." Id.

public square in which citizens of all religious faiths, or none, engage one another in continuing democratic discourse.”¹⁰⁸

Whether in public or in private, moreover, every insight, religious or secular, would be considered for the light it might shed and the wisdom it might contain.¹⁰⁹

The search for truth thus would be guided not by power,¹¹⁰ but by persuasion. As Professor Sherry writes, “moral reasoning . . . can be good or bad.”¹¹¹ Although Sherry limits herself to secular moral reasoning, her analysis actually applies to religious reasoning as well. Thus, moral reasoning, whether secular or religious,

can be good or bad. It can contain inconsistencies and failures to notice logically necessary connections. It can fit poorly with experience or with one’s other beliefs, or have unpalatable implications. It can be based on faulty premises, unchallenged only because of cognitive negligence.¹¹²

Conversely, it might be logical. It might fit well with one’s experiences. It might mesh with one’s other beliefs or lead to an adjustment of those beliefs. Its implications might be attractive, and it might rest on premises that are sound.¹¹³

Would the language of fundamentalism, at least, be properly excluded from the multi-lingual discourse? Although it may seem paradoxical, the answer is no. Although I have argued that funda-

108. Perry, *Love and Power* at 45 (cited in note 4) (quoting *The Williamsburg Charter: A National Celebration and Reaffirmation of the First Amendment Religious Liberty Clauses* 19 (1988)).

109. In my previous article, I urged religious thinkers to be “reconcilers,” thinkers willing to confront and consider secular as well as religious sources of truth in an attempt to “reconcile” these sources by bringing them into harmony or agreement. Conkle, 10 *J Law & Relig* at 19-21 (cited in note 6). Those whose starting point is secular could likewise be reconcilers in this sense. To be a reconciler, however, one first must be multi-lingual: one cannot meaningfully consider a potential source of moral truth without understanding and communicating in the moral language of that source.

110. But compare Sherry, 84 *Georgetown L J* at 477 (cited in note 35) (“[T]here is no way to resolve disputes between epistemologies except by recourse to power.”).

111. *Id.* at 474.

112. *Id.* at 474-75 (footnotes omitted).

113. See generally Alexander, 30 *San Diego L Rev* 763 (cited in note 53) (arguing for the unity of religious and nonreligious epistemology).

At least on one theoretical understanding, the First Amendment, taken as a whole, may support my general conception of the search for truth. Thus, according to Professor William P. Marshall, the search for truth is a value that helps justify not only freedom of expression, but also the Religion Clauses. William P. Marshall, *Truth and the Religion Clauses*, 43 *DePaul L Rev* 243 (1994). “[B]y affirming the value of religious ideas in the pursuit of truth,” writes Marshall, “the search for truth value recognizes that freedom of religion and freedom of speech are complementary parts of the same enterprise.” *Id.* at 267. For an elaboration of Marshall’s views, see William P. Marshall, *In Defense of the Search for Truth as a First Amendment Justification*, 30 *Ga L Rev* 1 (1995).

mentalism frustrates a dialogic search for truth, this occurs only to the extent that fundamentalists actually control the discourse or make the decisions that the discourse is designed to inform. Such control or such decision making, in my view, would indeed be problematic. In the public domain, for example, it would be problematic if fundamentalists had the strength of numbers and the political power to themselves determine our laws and policies. But fundamentalists certainly can play a "speaking" role in the search for truth. Fundamentalists, as listeners, may be unwilling to entertain non-fundamentalist positions, but that does not mean that their fundamentalist claims have no value in a discursive exchange with non-fundamentalists. To the contrary, non-fundamentalists should listen to fundamentalist claims, attempting to understand the premises on which they are based and to appreciate the truth they might contain. At the same time, at least if my arguments in this article are sound, non-fundamentalists should urge their fundamentalist interlocutors to reconsider their fundamentalist stance. Fundamentalist minds can be changed—albeit only by conversion to non-fundamentalism.

In the world of multi-lingual discourse that I have imagined, humility and tolerance would be exceedingly important.¹¹⁴ In America, however, these qualities could and should be supported by religious as well as Enlightenment values,¹¹⁵ including, in the words of Reinhold Niebuhr, the religious "sense of humility which must result from the recognition of our common sinfulness."¹¹⁶ "To subject human righteousness to the righteousness of God," writes Niebuhr, "is to realize the imperfection of all our perfections, the taint of interest in all our virtues, and the natural limitations of all our ideals."¹¹⁷

Professor Thomas C. Berg explains the significance of Niebuhrian humility in the realm of politics:

The Niebuhrian view asks the political activist (religious or secular) not to renounce his most basic views, but to be aware of

114. This humility and tolerance would require that full consideration be given to the experiences, values, and insights of religious minorities, whose historical and contemporary experiences may lead them to be concerned, if not frightened, about an enhanced religious role in contemporary America. For powerful testimony on this concern from a Jewish perspective, see Blumoff, 11 J Law & Relig (cited in note 97).

115. See Berg, 73 NC L Rev at 1624 (cited in note 46).

116. Harry R. Davis and Robert C. Good, eds, *Reinhold Niebuhr on Politics: His Political Philosophy and Its Application to Our Age as Expressed in His Writings* 207 (Charles Scribner's Sons, 1960).

117. Id.

several complicating factors: his own limits, the difficulty in applying general religious truths to complex real-world problems, and the potential good and truth in the views of his opponents.¹¹⁸

Needless to say, Niebuhr's vision of humility—and the tolerance it naturally inspires—could and should extend to the private sphere as well.

CONCLUSION

Martin Luther King, Jr., dreamed of societal harmony and common understanding, a time when “all flesh” would see the truth together.¹¹⁹ My dream is more modest: a multi-lingual search for truth that might be a step in that direction. In today's America, even my dream—not to mention Dr. King's—might appear to be quite unrealistic.¹²⁰ As King most powerfully showed, however, dreaming is not always a vice, and “realism” is not always a virtue. Undue “realism” can block the pursuit of dreams that are

118. Berg, 73 NC L Rev at 1624 (cited in note 46). “Religious humility,” according to Niebuhr, “is in perfect accord with the presuppositions of a democratic society.” Reinhold Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of its Traditional Defence* 135 (Charles Scribner's Sons, 1944).

As Professor Jaroslav Pelikan has noted, President Abraham Lincoln exemplified the type of humility that Niebuhr later described. Jaroslav Pelikan, *Believers-in-Chief*, New Republic 30, 32 (Sep 4, 1995). Thus, Lincoln showed “a sense of reverence in the presence of a divine mystery that did not yield its ultimate secrets either to rationalism or to orthodoxy and therefore called for humility and awe on the part of all mortals.” Id.

119. See above, notes 1-2 and accompanying text.

120. And even if my proposed search for truth were in fact pursued within the United States, this might not be adequate for the increasingly global era in which we live. According to Professor Harold J. Berman, international conditions require “a transnational, cross-cultural, inter-religious” search for truth. Harold J. Berman, *Law and Logos*, 44 DePaul L Rev 143, 164 (1994). Such a search, writes Professor Berman, would draw upon the resources not only of Christianity, Judaism, and Islam—the traditional theistic religions—but also of various forms of Buddhism, Taoism, and other non-theistic religions, as well as on various forms of humanism that are not called religions but share with them a passionate commitment to a higher spiritual truth.

Id at 157.

If my dream for the United States is unrealistic, all the more so is Berman's for the world. But Berman has hope even for his vision, hope he traces to the Biblical account of Pentecost:

Implicit in the story of the Tower of Babel is the story of Pentecost It tells us that at a place where a multitude of people of different nationalities had gathered to worship, certain of them received from the Holy Spirit the power to speak in “other languages,” so that all the peoples of the earth could hear “the mighty works of God,” “each in his own native tongue.” Thus the story of Pentecost gives hope that human pride can be overcome, and that by translation from one language to another all peoples of the world may, by the power of a higher spiritual truth, share each other's experiences vicariously and become, as they were originally intended to be, united.

Id at 165 (citing and quoting *Acts* 2:1-13).

difficult but worthy. Such dreams demand our energetic support, however distant and unlikely their ultimate achievement might seem.

Dr. King not only pursued his “unrealistic” dream; he had faith that it would become a reality. “With this faith,” he said, “we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood.”¹²¹

Perhaps we cannot muster the faith of Dr. King. But if not faith, let us at least have hope.

121. King, *I Have a Dream* at 219 (cited in note 1).