ACQUIRING UNIVERSAL VALUES THROUGH A PARTICULAR TRADITION: A PERSPECTIVE ON JUDAISM AND MODERN PLURALISM

JONATHAN JACOBS

John Jay College of the City University of New York

Abstract. Religious traditions can be sources of values and attitudes supporting the liberal polity in ways that political theorizing and conceptions of public reason often fail to recognize. Moreover, religious traditions can give support through the ways reason is crucial to their self-understanding. One understanding of Judaism is examined as an example. Also, the particularism of traditions can encourage commitment to universally valid values and ideals. Reason's role in Judaism and other religious traditions makes possible constructive interaction between those traditions and between religious and secular thought. Exclusion of religiously grounded considerations from the discourse and deliberations of liberal polities can be counterproductively illiberal.

This paper considers some aspects of the relation between religion and the liberal-democratic polity. The two main themes of the discussion are: (1) Much contemporary theorizing concerning liberal-democracy fails to recognize significant religiously grounded supports for the liberal polity; and (2) There are ways that religious traditions can interact constructively, with mutual benefit, in the pluralistic liberal polity. Both issues are explained, at least in part, by a failure to recognize the role reason has in the self-understandings of some religious traditions. The more we recognize that aspect of those traditions, the more clearly we will see that some of the main reasons given for excluding religiously grounded considerations from public, political discourse are unconvincing, and in some respects, unfair to religion. The discussion focuses on Judaism but the chief considerations apply to other religious traditions, as well.

The main elements of the view defended are the following:

(a) Religiously grounded considerations are an important source of the commitment to some of the fundamental values the pluralistic liberal polity both respects and reflects, and they are a basis for perspectives and attitudes that can support a liberal political order.

(b) Religiously grounded values are, in fact, of more fundamental concern, to many people than political principles, and it is not necessarily an error of reason that they should see things that way.

(c) Acquiring values and attitudes through participation in a particular religious tradition does not, as such, limit the scope and applicability of many of those values and attitudes. One can acquire universally valid moral commitments through a particular tradition. Also, different traditions, even when anchored in histories claimed to involve revelation, can engage each other rationally and constructively.

(d) The contrast between religion and reason, especially when there is an emphasis on the contrast between revealed religion and reason, is often overstated. Even in revealed religion there can be a crucially important role for reason in articulating and explicating religious values and commitments.

There surely are politically repugnant, intolerant, and intolerable forms of religiously based conduct. There is plenty of religiously fuelled hatred, cruelty, and violence, and there are many forms of religion that could not – and should not – be accommodated by the liberal polity. But they are not just extreme versions of an illiberal feature intrinsic to religion. Indeed, I will argue that there are respects in which religion has been a vitally important support to the liberal polity, historically and conceptually. Religion can be a support to the liberal polity, and interaction between different religious traditions can contribute to a deepened, shared understanding of moral values even in the absence of a standard of public reason.[1]

[1] My argument draws upon Nicholas Wolterstorff's critique of some contemporary forms of liberalism as unfair to religion and his broader critique of some of the most influential recent liberal theory and its employment of the notion of public reason. See, for example, his, 'Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons', in Paul J. Weithman, ed., *Religion and Contemporary Liberalism* (South Bend, IN: University of Notre Dame Press, 1997), pp. 162-181. And see his, 'Habermas on Religious Reasons in the Public Sphere', in N. Wolterstorff, *Understanding Liberal Democracy* (New York: Oxford University Press,

I.

By 'liberal polity' I mean a political order in which rights and liberties of individuals are fundamentally important, as is the rule of law and the role of citizens and their elected representatives in making the law. Also, a liberal polity enforces morality less rather than more, providing wider rather than narrower scope for persons to choose and pursue ends and interests, being accommodative with regard to people's different conceptions of what makes for a good life. Thus, the liberal polity's restraint with regard to enforcing morality permits a significant measure of pluralism. There is no conceptual requirement that a liberal polity *must* be as morally austere as possible, striving to be as close to neutrality as possible.[2] The liberal order *itself* reflects significant valuative commitments and its institutions are informed by certain principles, especially concerning extensive individual liberties. In that way the liberal order makes possible a diverse, pluralistic civil society. To coherently sustain the freedoms required for civil society of that kind broad, stable endorsement of certain fundamental values and principles is required. The restrained legal moralism of a liberal polity itself needs to be underwritten by widely shared substantive moral commitments.

A liberal order is not 'naturally' or automatically self-sustaining. It requires that people have a genuine, efficacious commitment to certain values and that they will not hate or despise their neighbours simply for being different, and will not demand that differences be repressed, and will tolerate at least some behaviours and people they neither admire nor even approve. It is *work* to sustain a liberal order, and that work requires participatory endorsement on the part of citizens. Pluralism requires a coherent, broadly supported framework.

Some ways of life and some value-commitments are symptomatic of moral corruption, error or perversity. A liberal polity has no obligation to accommodate them though it may elect to err on the side of tolerance. If conduct is objectionable to some but there is no clear evidence that it is harmful, then liberal principles – if not majoritarian politics – are likely

---

2013), pp. 353-376. The notion of public reason figures prominently in recent work by Jurgen Habermas, John Rawls, and Robert Audi, to mention just a few influential contemporary theorists of the liberal-democratic state.

[2] There is a brief, very helpful summary of the main issues involved in the debate concerning liberalism and legal moralism – especially in regard to criminal justice – in Jeffrie Murphy, 'Legal Moralism and Liberalism', in *Character, Liberty, and Law: Kantian Essays in Theory and Practice* (London: Kluwer Academic Publishers, 1998), pp. 89-117.

to support permissibility. In this sort of disputed matter democratic politics and political principles may be in tension with each other. (In the United States at present, some political controversies are disputes over where the lines between 'objectionable' and 'impermissibly wrong' should be drawn. Examples are the question of whether homosexuals should be allowed to marry, and the decriminalization of marijuana.) Pluralism can be tested severely when groups with different values believe that their differences constitute conflicts that must be resolved. There is not some single formula or well-defined principle applicable to all such cases.

That fact makes it all the more significant that, in addition to institutional forms and legal permissions certain moral-psychological attitudes and dispositions are needed in order for a liberal polity to succeed *as* a liberal polity. A social world characterized by dispositions of civility – including restraint with regard to insistence on moral uniformity – is less vulnerable to moral differences motivating bitter alienation and hostility. Of course, faith-traditions can exhibit firm limits on how pluralistically accommodative they will be. But traditions can transmit and support dispositions of civility and the willingness to engage in dialectic rather than conflict. For example, religiously based traditions might habituate people in a concern for fairness, respect for others, civility in political discourse, and toleration of differences as ways of loving the neighbour.

Adherents of a specific tradition are, of course, likely to regard its values as true values. But that does not imply that those persons will be opposed to pluralism. Regarding others as mistaken need not immediately translate into political exclusion, discrimination or civil disqualification. Religiously committed persons can acknowledge the merits of the liberal rule of law even as they maintain their specific commitments.

Moreover, why must commitment to the values and principles crucial to the liberal order have a single source or be articulated by a single set of terms, which all reasonable persons would find acceptable? Indeed, it might be unreasonable to expect that to be the case. Historically, religion is a source of principles such as the equal standing of all persons as participants in a common moral world, the central importance of justice, that persons are not to be regarded or treated with contempt or in degrading ways, and so forth. In some respects liberal principles such as the equal standing of free persons under the rule of law, and the importance of respecting persons in a distinctive manner, not contingent

upon their achievements, skills, or station have religious bases. Torah teaches that we are 'to love our fellows' (Lev. 19:18), to aid the distressed and the unfortunate (Exod. 22:24), to do justice and to be merciful (Deut. 10:12, and Micah 6:8), to enact and uphold good laws (see Deut. 5:30, 6:2-3, 8:6-18), and overall, to 'walk in the ways of the LORD', to pattern our own activity on God's activity (Deut. 13:5, 28:9). Such values and attitudes are often acquired through participation in a particular tradition. That need not be an obstacle to people seeing that they have universal applicability, a point discussed further below.

One might suggest that values, if they are rationally supportable, can be supported independently of the religious traditions in which they have figured. However, that supposes that people's attachments to the values crucial to the political order can be independent of the particular sources in which the values are rooted. For many people politics is not fundamental; the question of what values should inform the political order is not an exclusively political issue for them, and it is not clear that someone is being irrational or immoral for regarding something other than political principles as the source of values regarding the political order. For many rational persons, political principles depend, at least to some extent, upon values with other sources or grounds. That the values crucial to liberal-democracy and its conception of the rule of law might have religious sources among their roots is more than an interesting *historical* fact. And it is not clear that persons are *irrational* for remaining faithful to the source of a value even if the value is supportable by considerations independent of that source.

Here I want to comment on the relevance of an important tradition of Jewish thought. Maimonides is a key figure in it but its elements are not uniquely Maimonidean nor uniquely medieval.[3] In this understanding of Judaism there are rational justifications for the commandments through which Jews are constituted a people in covenant with God. (The view concerns all six hundred thirteen commandments, not just the Decalogue.) The commandments are not tests of thoughtless obedience, and fulfilling them is not brittle legalism. The view maintains that among

[3] In 'The Epistemology of Moral Tradition: A Defense of a Maimonidean Thesis', I develop the notion of 'rational tradition' more fully, and I explicate elements of Maimonides's contribution to that notion. See, *The Review of Metaphysics*, September 2010. See also my, 'Tradition, Rationality, and Moral Life: Medieval Judaism's Insight', in *Judaic Sources and Western Thought*: *Jerusalem's Enduring Presence*, ed. Jonathan Jacobs (Oxford: Oxford University Press, 2011), pp.127-152.

the commandments is the injunction *to study the Law in order to deepen and enlarge one's understanding of it*. This is integral to appreciating the divine wisdom and benevolence informing the commandments and it is a way to more fully appreciate the gratitude and obedience we owe to God.

Jewish thinkers regularly point to *Deuteronomy* 4: 5-8 as the Scriptural basis of the requirement to employ reason in the study of the commandments as a way of living in accord with them. The passage says:

> Behold, I have taught you statutes and ordinances ... that ye should do so in the midst of the Land whither ye go in to possess it. Observe therefore and do them; for this is your wisdom and your understanding in the sight of the people, that, when they hear all these statutes, shall say: 'Surely this great nation is a wise and understanding people.' For what great nation is there that hath God so nigh to them, as the LORD our God is whensoever we call upon Him? And what great nation is there, that hath statutes and ordinances so righteous as all this law, which I set before you this day.

Maimonides and other influential medieval Jewish philosophers, such as Saadia and Bahya ibn Pakuda were anxious to elaborate the role of reason in Judaism and the role of understanding in human perfection. There are aspects of their views that are not merely 'local' to the medieval period. Their conceptions of how reason and revelation are modes of access to one body of truth can survive the abandonment of much of their medieval metaphysics and epistemology.

There is a complex debate over the question of whether this view of the rationality of the commandments is, or is like, a natural law conception of ethics. There is not space to explore that issue here but it is indicative of the plausibility of interpreting the commandments as rationally justifiable. Commenting on the role of reason in regard to fulfilling the commandments, while denying that the commandments should be interpreted as reflecting natural law, Michael Levine writes:

> In saying that the law is not natural Maimonides does not mean that it is not rational or objective. Certainly divine commandments are objective, and for Maimonides they are accessible to reason as well, in the sense already stated. We can discover what the reasons for the laws are. Moral rules and human law are also objective insofar as a moral rule or law must fulfill a function if it is to be counted as a moral rule or law at all. Merely the fact that Law has been revealed does not imply that it cannot be known through reason as well and extended in the establishment and embellishment of the moral-legal code.[4]

The chief point for present purposes is that a significant current of Jewish thought regards revelation as a gracious act of divine guidance, and regards the content of that guidance as rationally intelligible. Of course there are many different traditions and perspectives within Judaism. Also, there are many people whose illiberal commitments and hostility to an open, diverse civil society – and antipathy to reason – are grounded in and fuelled by religion. However, there are significant currents of thought in Abrahamic monotheism in general, and in Judaism in particular, lending thoughtful, reasoned support to values supportive of the liberal rule of law and a civic culture in which rights, freedoms, and moral standing are centrally important.

The notion that elements of a religion's moral teaching can be explicated in rational terms figures in important forms of Christian and Islamic tradition, as well. Assuming a clean break between religion and reason can lead to serious misrepresentations. One is the notion that, for a religious person, religion trumps rational considerations without concern for the epistemic (or moral) cost. That ignores those religious traditions in which seeking fuller understanding is itself a fundamental religious obligation. The medievals articulated sophisticated accounts of how reason and revelation, in mutual support, concern one body of truth. There are plenty of reasons not to think of that period as a source of liberal principles. Still, it is a mistake to dismiss medieval thought as so alien to liberal values that it has nothing to offer regarding the relation between reason and religion. All three Abrahamic monotheisms developed rationalistically oriented accounts of their own commitments and traditions.

We should not expect there to be some single, rationally compelling basis for the liberal-democratic political order and rational consensus on its basic features. That is unrealistically optimistic, given that there are rival reasonable conceptions of such an order and of why it is important to establish it. While the liberal order makes pluralism of values politically acceptable it can also benefit from the latter in the sense that there are different sorts of reasons for being committed to the liberal order. It is not clear why endorsement of such an order *should* come through just one, common pathway or why a religious source of liberal values should be regarded as suspect or be disqualified.

---

[4] Michael Levine, 'The Role of Reason in the Ethics of Maimonides', *The Journal of Religious Ethics*, Vol. 14, No. 2 (Fall 1986), 285.

In Rawls' view, '[u]nderstanding how to conduct oneself as a democratic citizen includes understanding an ideal of public reason.'[5] And, 'with respect to fundamental political issues, we are to debate in the public arena and to act (or to be ready and able to debate and act), on the basis of principles of justice that we can reasonably expect all those of our fellow citizens who are reasonable and rational to accept.'[6]

If we consider what motivates endorsement of the sorts of principles crucial to a liberal polity, and ask whether the principles and the motivations can come entirely from political considerations, we can see that, for many people, the relevant principles and values are supplied from outside of political thought. It is not evident that such grounding is necessarily less than rational. Moreover, the notion of 'public reason' is as contestable as the notion of natural law or the notion of a liberal polity. Consider the debates about various fundamental economic issues, about the scope of legitimate state power, about what conduct should be criminalized, and about what form criminal sanction should take. The contestability does not mean we cannot distinguish between plausible and implausible conceptions of such matters. There is a vital role for reason even if there are not strict criteria for what counts as satisfying a standard of public reason.

In his critique of Rawls' theory of the principles of justice of the liberal state Wolterstorff argues that, if we suppose that someone has followed the method Rawls advocates:

> ... no matter what those resultant principles of justice may be, the reasonable thing for her to expect is *not* that all reasonable people who use their common human reason will agree with her results, but that *not all* reasonable people will agree. It would be utterly unreasonable for her to expect anything else than disagreement.[7]

Nor is it necessary that all persons should agree on fundamental political issues. It is perhaps just as important – if not more important – that people should have a habit of civility such that disagreement and argument remain tolerable. As Wolterstorff observes, '[r]arely do we succeed in reaching consensus even among reasonable people of all these different stripes; but we try. Then, finally, we vote. Are we, in voting under these

[5] Nicholas Wolterstorff, 'Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons', p. 172.

[6] Ibid., p. 174.

[7] Ibid., p. 174.

circumstances, all violating somebody's freedom and equality?'[8] A habit of civility can be much more important to keeping a frictional dialectic going instead of hostile alienation or a resort to force.

In addition, in moral-psychological terms the strategy of compartmentalization of the political and the religious might leave us needlessly diminished resources for supplying and supporting ideals and principles.[9] There may be many persons for whom commitment to religion is crucial to their commitment to some of the values we would expect a liberal polity to endorse but, for those persons, the values are anchored in religion and not in autonomous political principles. The notion of the individual as meriting respect and as never to be treated merely as a means has deep roots in the Biblical anthropology of human beings as created in God's image. That the individual has irreducible worth is one reason why doing justice is felt by many people to have a deep, abiding claim on us. That political rule is to be the rule of *law*, its legitimacy grounded in the justice of law and not the will of the ruler, has Biblical roots. The notion that it is wrong to degrade or humiliate another, that it is wrong to oppress others or to abandon the weak, the helpless, and the destitute, all have Biblical roots. Why should politics require that religious grounds for such values be excluded?

One way of arguing for only nonreligious grounds for values is that such an approach makes the same justifying considerations accessible to all, and it claims that there are distinctively political principles reason can ascertain independent of any particular tradition. In such a view the normative considerations in favour of the political order (liberal values making for a liberal polity) are values that people should share *in the same way* because that is what makes possible the liberal order. It has normative priority because it is the enabling condition for the diverse values of individuals living in that political order. This understanding of the liberal polity has elicited a good deal of support. Yet, there are reasons for thinking that, for many persons, the motivational and

---

[8] Ibid., p. 175.

[9] For many persons, moral education occurs in a way that is thickly informed with religious ideas and ideals. The acquisition of moral concepts is learned through coming to understand the significance of paradigmatic examples, which are often Scripturally based. That does not mean the scope and meaning of the relevant moral values are confined to a religious context. However, religion can be a significant source in regard to moral education, the shaping of attitudes and perspectives, and a disposition of moral seriousness.

substantive roots of a strong liberal order are in deeper soil than that of rationally endorsable political arrangements. For many people, religious commitment and the way religion is a guide to conduct and to life are more fundamental to them than politics.

It is not just that it is unlikely that people will give up their religious commitments or refuse to distance them from the discussion of political issues. Rather, several religiously important values are not only consistent with the liberal political order but they also are enduringly relevant supports for it. For example, many people hold that the fact that we are created in the image of God underwrites the moral regard due to each human being. It is what makes possible relations with others on the basis of an understanding of the distinctive value of a person and on the basis of requirements fashioned by wisdom and benevolence, rather than human convention. It is what underwrites our conceptions of ourselves as having worth and dignity, whatever our station in life and whatever our circumstances. That human beings possess intellect and will is the basis of respect for, and concern for, all human beings. It is also the basis for the inestimable value of each person as an individual, for the 'separateness of persons' as distinct individuals.[10]

Biblical moral anthropology includes the notion of the community being governed by the rule of law along with the notion of the individual having significant standing. Each individual possesses reason and will, and each person is an accountable agent with a relationship to God through the exercise of his own thought, choices, and actions.

As a matter of historical fact, at least in the West, there is wide acknowledgment that the social world is likely to be religiously diverse and that the political order should tolerate such diversity. Even those who argue that their religion requires them to take specific stands on social issues rarely, if ever, argue that the political community should be theocratically governed. What are at issue are values, not sovereignty. As remarked above, there is a strong current of Jewish thought that maintains that we are to strive to understand and articulate our ethical commitments and judgments as fully rationally as we can. However, that is not the same as requiring that such commitments and judgments must

[10] Rawls employed the notion of the 'separateness of persons' as part of his critique of utilitarianism in *A Theory of Justice*. Rawls argued that one of the defects of utilitarianism is that it fails to adequately recognize the separateness of persons. The failure is in the way that utilitarianism focuses on the good overall brought about by an action or a policy, without morally distinguishing the impact on individuals.

be fully or purely rational – whatever that might mean – or must satisfy a standard of public reason. The religious grounding is not a built-in impediment to rational reflection or criticism.

A liberal order (even more than other types) depends on the kinds of agents participating in it and how they regard each other. Shared commitments to regard each other as having equal status as moral agents are crucial. Each person is a locus of judgment, valuative perspective, and thought-informed activity. A liberal order requires more than merely tolerating a wide range of behaviours and preferences. Honouring the equal status of other persons' rights and claims can require more than just not actively harming. In the Jewish understanding one is to relate to others not only in accord with terms restricting harm and interference but also through understanding others as neighbours in a community capable of open-ended striving toward moral improvement.

A liberal polity needs a common valuative core, commitment to which may have multiple sources as, for instance, in different faith-traditions. It is important that the values are rationally supportable and that they are common, but not essential that some single line of reasoning has led to them. In discussing modern politics David Novak remarks that,

> Fortunately for Jews and Christians, the type of democratic polity that has emerged in the West does not in principle require the absolute commitment required by God and his covenanted community. Only secular totalitarians have attempted to replace the covenant with their own absolute claims on the existential commitments of those under their control.[11]

Jews may see their values as grounded in covenant with God but that does not distract the focus of their commitment away from life with neighbours of different faiths or none at all. Novak adds, 'It is in the best communal interest of Jews and Christians to live in societies that affirm in law and public policy what Jews and Christians consider universally just.'[12] And, 'Jews and Christians also bring these forms of human community to civil society for the benefit of all its citizens, even for those of other religions, even for those who are secularists.'[13] The religious traditions themselves can be sources of the relevant values and can encourage the enlargement

[11] David Novak, *The Jewish Social Contract* (Princeton: Princeton University Press, 2005), p. 204.

[12] Ibid., p. 204.

[13] Ibid., p. 204.

of articulate understanding of them and rational engagement with other persons regarding them and their implications.

It is obvious that cultural differences (of many kinds, not just religious) *can* be impediments to the recognition that we are participants in a common moral world. Yet, one's neighbour, supposing that person's life to be shaped by different traditions, need not remain a *moral* stranger, alienated or inaccessible because of the difference in traditions. People can differ over what they take to be authoritative sources of evidence for moral views without rational dialectic and reciprocity being thwarted or grinding to a halt.

II.

Tradition can be a source of moral learning in which the values learned are universal in scope while the tradition is particular in its concreteness. There are ways in which traditions can habituate people in narrow perspectives, a kind of moral selectivity, and lack of regard for persons who are not participants in the tradition. But that is not an integral feature of tradition; those are ways a tradition can be morally corrupt. Many people acquire their values and attitudes through education in a tradition, and tradition can encourage civility, respect for human dignity, concern for others, and a commitment to justice, for example. It may be that such values are *more* effectively learned through the rich, lived detail of specific practices, modes of attention, and disciplines of conduct than they are learned through transmission of abstract principles. It is a mistake to think of tradition as a ladder on which to climb to universal or objective values and then do away with the ladder. The practices associated with a tradition can be ways of sustaining genuine commitment to the values.

Indeed, in the Maimonidean view of tradition there is a spiral of mutual reinforcement involving practice on the one hand, and enlargement of understanding on the other. Practice habituates people and shapes dispositions to act in certain ways for certain kinds of reasons. The agent is then in a position to reflect on those dispositions and the reasons for them, and attain a fuller, more critical understanding of them. That understanding, which enables the agent to appreciate the practices, can strengthen the motivation to act in the relevant ways. And because reflection is itself part of what one is habituated into, the agent is better able to engage with persons outside the tradition, is better able to

elucidate its point and to see how other traditions might strive to realize similar values.

Traditions can do much to support values and practices crucial to the liberal order and civil society, practices of justice, charity, integrity, and moral awareness. Tradition should not be interpreted as habituating people in narrowness of vision and close-mindedness. There are traditions that enjoin critical thought rather than hostile defensiveness or habits of not thinking for one's self.

In the rationalistically-oriented Jewish tradition to which I have made reference, part of living in accord with tradition is the way people learn universal values and principles.[14] The particularism of revelation and tradition is not essentially at odds with moral universality or objectivity. The values learned are not values only for the particular community though a great deal of the form of life and activity through which they are learned reflects the particularity of the community. While many of the tradition's requirements are clearly specific to that particular tradition – and may seem inscrutable or just plain strange to others – they are understood as parts of the textured, complex, overall discipline of acquiring virtues. They are one people's special responsibility but the virtues that are shaped are *human* virtues, and they are not meaningful only within a particular community or people. In fact, Maimonides argued that the perfection to which Torah guides people is *human* perfection, not something limited to the Jewish people as having a distinct nature.[15]

The covenanted community has a vital place in how commitments, ideals, and principles are acquired and transmitted. Tradition supplies a specific architecture of moral life through which individuals and the community engage with objective valuative considerations and come to understand them. The view combines a rationalist disposition with a kind of epistemic humility. One reason tradition is to be respected is that it sustains the project of seeking improved understanding. Hence, even when the justification of what is required is obscure we still have

---

[14] I develop this view further in, 'The Reasons of the Commandments: Rational Tradition Without Natural Law', in *Reason, Religion and Natural Law*: *Plato to Spinoza* (Oxford: Oxford University Press, 2012), pp. 106-129.

[15] See Menachem Kellner's *Maimonides on Judaism and the Jewish People* for explication of this Maimonidean view and its intellectualist perfectionism. Maimonides (in contrast to, say, Judah Halevi) did not believe that the Jewish people had a distinct nature or that in order to be a Jew one had to have a certain lineage. *Maimonides on Judaism and the Jewish People* (Albany: State University of New York Press, 1991).

a tether to it in a way that connects it with the understanding we have achieved so far. That way, the requirement's meaningful connections with our overall understanding can be more effectively realized.

Maimonides argued that we cannot attain understanding without practice, and practice needs to be guided by Torah and tradition. As indicated above, the view is that we cannot grasp the rationality of some of the commandments without leading lives in accord with them.[16] The practices associated with tradition are a way of making the values real elements of our lives and world. And, we have a responsibility to seek to understand those values and the reasons that justify them. Lenn Goodman describes the Law's role in facilitating human perfection as follows:

> ... right actions facilitate right choices by forming good habits; virtues promote right actions, since a virtue is, by definition, a disposition toward appropriate action. The commandments nurture certain kinds of choices, both for the life those choices foster for the individual and the community. Neither virtuous actions nor the virtues themselves are valued solely for their intrinsic worth. Both contribute to the good life materially, morally, and intellectually.[17]

The practices and dispositions cultivated by fidelity to tradition are intended to do real good in the life of the community rather than having value solely in terms of disciplined conformity. One could maintain the latter – scrupulously, even – and not have enlarged one's understanding or genuinely acquired a virtue. Mere legalistic conformity lacks the spiral of mutual reinforcement between understanding and conduct that Maimonides and others took to be the point of the commandments. They are meant to perfect persons, not just test them for obedient conformity.

Tradition's normative authority is not automatically an impediment to adherents having the sorts of dispositions and values-horizon needed for participation in a liberal polity. There are reasons to recognize tradition

---

[16] See the articles and chapters mentioned in notes 3 and 14 for a fuller account of the spiral of mutual reinforcement resulting from the relations between ethical virtue and intellectual virtue, especially in Maimonides though detectable in Bahya ibn Pakuda, too. See Bahya's *The Book of Direction to the Duties of the Heart* (Oxford: Littman Library of Jewish Civilization, 2000). Many of the medievals had a much more rationalistic conception of religion than is prevalent in many places in the modern world. Many of the medievals regarded reason and religion as modes of access to one body of truth, and they sought to explicate how reason and faith complement and reinforce each other, rather than drawing a bright line separating and compartmentalizing them.

[17] Lenn Goodman, *God of Abraham* (New York: Oxford University Press, 1996), p. 192.

as a possible source of valuable support for liberal democracy. We should consider the substance of particular traditions to see what values they endorse and what sorts of dispositions, attitudes, and perspectives they encourage. It would be illiberal, and almost certainly counterproductive, to dismiss traditions at the outset, simply for failing to satisfy a standard of public reason or because it is supposed that they inevitably narrow people's moral view. Also, it can be important to consider how a tradition responds to changing historical circumstances and to the ways of life and views of the world commended by other traditions.

III.

I have remarked that a disposition of civility may be more important to the political order than rational agreement on all fundamental political matters. A civil civic culture can accommodate a measure of disagreement and participants are likely to be disposed to seek constructive resolutions rather than there being a fixed standard for how the matter should be concluded. How can different, historically particular traditions contribute to civil society?

By 'civil society' I mean all of those contexts, activities, associations, and interactions in which persons engage voluntarily and not by requirement of the law of the state.[18] That a young person should attend school or at least be educated to a certain level might be a requirement of the state but in a liberal political order there are multiple options for educating young people and, to that extent, education counts as an activity of civil society. Economic activity, professional associations, religious organizations, leisure activities, the arts, and all manner of cultural activity count as elements of civil society. In a liberal political order persons have extensive liberty to participate in civil society in accord with their own interests, values, and preferences and participation in civil society can supply people with reasons to strive to preserve the liberal order.

When civil society is extensive, when people's lives are shaped in large part by voluntary association, decision, and activity, and the texture of the social world is largely spontaneous rather than commanded, individuals exercise voluntary, purposeful agency. This is so even if the spontaneity is

[18] The way in which I use the notion of civil society in this paper is strongly influenced by Edward Shils' treatment of the topic, especially in *The Virtue of Civility.*

informed by tradition, orderliness, and considerable predictability. Civil society in this sense is not a *thing*; it is a way of living. It is not possible without liberty and the converse is true, as well. Civil society is a mode of social and economic life in which a diversity of values is pursued and there is openness to changing patterns of interaction, shifting interests, and patterns of association but not necessarily a hurried pace of change. There is extensive scope for individual and group purposefulness but there is no overall 'plan'.

The values necessary for a flourishing civil society find some of their strongest cultural anchors in Biblical religion, even if their idiom in secular society fails to refer to that anchor. Edward Shils writes:

> Our appreciation of the value of the individual human being and of the value of his self-expression and self-protection is fundamentally an appreciation of the sacredness of his existence. That we call this appreciation self-evident is itself a product of a long tradition. The system of freedom – with its self-restraint of the powerful, its acknowledgment of the worth of other persons, its reluctance to submit to authority, and, above all, its aspiration to rational self-determination – can flourish only if it is permeated with a largely unreflective acceptance of these rules of the game of the free society.[19]

The more informed we are concerning religious roots of values, principles, and ideals we take to be fundamental, the more puzzling it sounds that religion – at least certain forms of it – should be thought *threatening* to liberal values. It is true that the language of a faith-tradition is not an idiom of value-neutrality. It is also true that much of the most important early modern political thought that led to the theory of the liberal state was motivated by the horrors of religious warfare and spectacular sectarian violence and cruelty. However, religion is not a uniquely accountable motive for civil war and neighbour slaughtering neighbour, and despite the sorry historical record it remains true that many of the fundamental values of the liberal polity have religious roots and are sustained by religious commitment.

Theistic considerations figure centrally in some of the most important moral/intellectual history by which we have become able to articulate politically fundamental values. In addition, the values and the traditions can be understood in such a way that their particularity is not necessarily

[19] Edward Shils, *The Virtue of Civility*, Ed. by Steven Grosby (Indianapolis: Liberty Fund, 1997), p. 110.

in conflict with universal validity. The particularism of a tradition can be a way in which the vitality and significance of values is preserved. That elements of tradition remain living convictions for many people is not, in its own right, evidence of the dubious rationality or narrow-mindedness of such people. It is not as though, in the political context, the choice is between public reason on the one hand, and religion and tradition on the other, as mutually exclusive, antithetical possibilities.

It is vitally important to be able to articulate one's rationale for political judgments and positions in a manner intelligible to others. However, any putative notion of public reason will almost surely limit and constrain political discourse in a needlessly presumptive manner. Forgoing a standard of public reason does not mean abandoning a concern to support one's views on grounds aspiring to intelligibility and even objectivity. There may be multiple pathways to objective values and to principles meriting universal endorsement. Diverse, particular traditions can be sources of objective, universal values. Rootedness in a tradition is not, as such, a basis for concluding that the values in question are wholly 'domesticated' to that tradition, relative to it, having validity and significance only for it.[20] Traditions can encourage a disposition of civility and an interest in mutual understanding without ceasing to be particular, historically individuated traditions with special significance to their adherents.

Discussing ways in which tradition can develop and be responsive through reason while having roots in particular origins, MacIntyre writes:

> For such a tradition, if it is to flourish at all, as we have already learned, has to be embodied in a set of texts which function as the authoritative point of departure for tradition-constituted enquiry and which remain

[20] In recent moral philosophy it would be unsurprising to find that tradition is given an important role in moral epistemology and moral life by persons defending relativism. If one denies that there are objective or universal moral values, then a focus on tradition could be an important way of explaining a society or a culture's morality. Its morality would be domesticated to the values and the norms the society happens to accept, and tradition could be a way of preserving moral perspectives and the coherence of the group's moral view. However, there is this other way of regarding tradition, namely, understanding it as a mode of *access* to objective moral value rather than being what is relied upon in the *absence* of objective value. If there are objective moral values but our comprehension of them is not via self-evidence, intuition or the *a priori*, then tradition can be an important way of educating persons in the habits and practices that are a basis for coming to comprehend those values. That is one of the main ways in which tradition can be related to a realist or objective conception of moral values.

> as essential points of reference for enquiry and activity, for argument, debate, and conflict within that tradition.[21]

The embedding, the anchoring, should not be presumed to thwart critical considerations and interaction with others. Tradition can be open to historical development and to elaboration via encounter. Tradition need not be the enemy of criticism, engagement with other traditions and views, and reflective self-assessment. It is easy to overlook the fact that when we refer to 'the Jewish tradition' or 'the Catholic tradition', for example, we are almost certainly referring to multiple traditions exhibiting differences of practice and to some extent differences in belief and commitment.[22] Perhaps certain founding texts, historical particulars, and theological doctrines are essential to being recognizable as 'the Jewish tradition' or 'the Catholic tradition'. But a tradition that is not hysterically defensive – even if it is committed to certain dogmas – need not be closed to rational, critical interaction, and to development.

Earlier, I mentioned that there is a debate over whether Jewish moral thought is properly interpreted as including or being a version of natural law.[23] Perhaps, outside fairly small academic circles that debate is of

---

[21] Alisdair MacIntyre, *Whose Reason? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1989), p. 383.

[22] The expression, 'Judeo-Christian tradition' is used rather freely in discussions of the morality of the West or of the United States or Atlantic civilization, and the like. In fact, Judaism and Christianity differ in some significant respects. The place of theology in Christianity suggests some of the differences. Judaism does not have a dogmatic, doctrinal core in the same manner as Christianity, and theology does not have a role in Judaism in the way it does in Christianity. Also, the understanding of divine graciousness and what is involved in redemption, both its character and the means of it, differ in important ways. Yet, there are significant, shared elements and of course, Christians regard the *New Testament* as having essential roots and anticipations in *Tanakh*, read as *Old Testament* (with some changes in contents and order of texts). There are fundamentally important aspects of moral overlap regarding Judaism and Christianity; that is not to be denied. Still, it is not the case that the religions are so similar, and that the relationship between human beings and God is so similar, that it makes unproblematic good sense to refer to them together as 'the Judeo-Christian tradition' as though each differs from the other only in certain details.

[23] There is a growing literature on the question of whether Jewish moral thought, and especially medieval thought, should be interpreted as including or resembling natural law theorizing. David Novak's *Natural Law in Judaism* (New York: Cambridge University Press, 1998), has been an important contribution to the debate. I criticize his view and argue for interpreting medieval Jewish moral thought as *not* involving natural law in 'Judaism and Natural Law', *The Heythrop Journal* (2009), pp. 930-947. See also, chapters six and seven of *Law, Reason, and Morality in Medieval Jewish Philosophy* (Oxford: Oxford

little interest. It is important, though, as an illustration of something of possibly wide significance, even if explicit interest in it is not widely shared. It involves different religious traditions and important currents of secular thought in a manner that is an occasion for all participants to more articulately understand the other parties to the debate and in the course of doing so, more articulately and critically appreciate their own traditions and views. The conduct of the debate does not require the prior formulation of a fully defined standard of reason. The commitment to reason and reasonableness in a much broader, more informal sense, and to civility are sufficient. Discussants can enter into the debate genuinely only because they are already disposed to a combination of conviction and openness.

Much of the significance of the debate over natural law turns on the ways that different traditions understand the reasons for certain moral judgments and principles. It is not a 'merely' academic debate; it concerns action-guiding considerations of real relevance. Such a debate requires a high degree of intellectual and moral self-awareness, something quite the opposite of dogmatic intransigence. Granted, it may be much less problematic to attain dialectical civility in a scholarly or intellectual context than in a political context. (Well, maybe.) But the debate illustrates how traditions can be committed to the universality of numerous significant values, and can be open to learning how other traditions understand the grounds of those values and their implications for the business of living. The interaction of traditions can reinforce the disposition of civility and can contribute to ethical education.

The recent history of dialogue between the Abrahamic monotheistic faiths and the recognition that there is significant overlap between them regarding many fundamental values is encouraging evidence that thoughtful, morally serious persons can find ways for religious

---

University Press, 2010). I distinguish the metaethics of a conception of Jewish tradition from the metaethics of practical wisdom and of natural law, while acknowledging significant overlap between the Maimonidean conception of tradition, practical wisdom, and natural law. The chief point is that the particularities of a tradition can be a mode of access to objective, universally valid ethical judgments. It is likely that a great many people come to endorse values that are universally valid (or at least have a plausible claim to universal validity) through learning moral concepts and familiarity with paradigm cases within the contexts of particular traditions. Moral education in objective, universal values does not have to be achieved (and is probably rarely achieved) through abstract considerations 'uncontaminated' with the concrete particularities of specific traditions.

commitment to expand the disposition of civility. One of the chief gains from this is that a much more articulate fluency with value-pluralism will be achieved, hopefully displacing the brittle compartmentalization that characterizes 'multiculturalism' in its currently prevalent forms. The religious traditions can provide a socially significant example of how a common core of anchoring values can support multiple forms of expression and a diversity of practices promoting common goods.

One of the chief obstacles to this is the way that so much recent political thought – in the name of liberal neutrality – has excluded religiously grounded considerations from public political discourse in a manner that has helped render people inarticulate with respect to a rich vocabulary of value and silenced certain forms of expression of moral conviction. Much more would be gained by political discourse that provided more opportunities for people to learn about each other (and themselves) by permitting much more open expressions of religion. This could be helpful by making it necessary for people to negotiate conflicts of value, concern, and interest by understanding each other's valuative idioms and their reasons for their commitments. If people are not given a chance to demonstrate the respects in which their religious commitments are amenable to rational support and articulation it is very likely that mutual suspicion and ignorance will remain the prevailing modus operandi regarding the role of religion in politics.

Perhaps both political and epistemic benefits can flow from the fact that multiple traditions can commend and encourage similar values while maintaining their distinctive cultural features. There would be possibilities of constructive interaction between traditions, efforts at elaboration and response to difficult cases and to objections and critique, and civil society could include educative cultural 'traffic' between diverse groups while accommodating many of their differences. There are ways in which the different traditions participating in a pluralistic society can be gainers from it rather than constantly at risk of 'dilution'. Interacting – practically and intellectually – with others' traditions can be a way of enlarging and adding depth and texture to one's own moral understanding through seeing how different narratives, images, and foci of concern can anchor valuative commitments. Tradition can be valuable for supplying stability of reference to moral ideas as those ideas are elaborated, extended, and revised in response to new kinds of cases relevant to them.[24]

In Judaism, Christianity, and Islam considerable thought has gone into engaging with the moral and social issues faced in the contemporary world, including matters of medical ethics, criminal justice, education, and other issues. This is not to say that in each tradition a single, normatively authoritative voice speaks for it. The reality is much more interestingly complex than that. The point is that a liberal polity could gain by permitting that multiplicity of voices to participate in the common discourse of politics, instead of compartmentalizing and restricting it in ways that are impediments to people learning from each other. Differences over eschatology and over the metaphysics of redemption need not be translated directly into an inability to jointly address issues with substantial valuative dimensions. Religious traditions, with their long practice at connecting the realities of actual historical circumstances with permanent, enduring ideals could prove to be sources of considerable help.

There is no question that religious traditions are often embraced and defended in ways that are hostile to any doubt or challenge. But that is because of the content and character of *those* traditions, and not simply because they are traditions or simply because they are *religious*. A tradition can value rational reflection and criticism, and can be responsive to challenges, hard questions, and new situations. A tradition is not, as such, necessarily closed to fruitful interaction or dogmatically sealed off from reflective criticism. A tradition can be a *rational* tradition without claiming a monopoly on rationality, without stubbornly refusing to be open to criticism and to being informed by ideas and sources external to it. A religious tradition can be rational in how it is elaborated and articulated, even if it is rooted in claims of revelation. Having that origin is not automatically a mark against the rationality of those for whom religion is a source of living conviction, a guide to right conduct, and to how to engage with others with different beliefs and commitments.

---

[24] Anchoring points in tradition may not always supply a kind of fixity or clarity of the values at issue. Some anchoring points are important because of the perplexity they motivate, generation after generation. Consider, for instance, the Akedah or Job, and also the moral imperfections of individuals such as Jacob and David. In those cases, tradition motivates moral thought, the testing of moral imagination, and the need for experiments in insight because of the difficulty and morally equivocal aspects of individuals and acts. This is a kind of stability of reference, not to paradigmatic moral resolution or certainty but to enduringly challenging moral difficulty.

Thinkers in the Jewish, Christian, and Islamic traditions have formulated conceptions of how rational aspiration could be a central element of Abrahamic monotheism. I am not suggesting that Maimonides, Aquinas, and Alfarabi, for instance, are directly relevant to contemporary politics. Nor am I suggesting that their views of their respective religious traditions should be normative. The point is the more general one that it is a mistake, and an illiberal burden upon religion, to assume that the rational intelligibility of political discourse requires the exclusion of religiously grounded considerations. There is a rich history of interpenetration of those traditions and of influences flowing in multiple directions. At the same time, they share some fundamental values and commitments, and there is a solid, anchoring basis for mutual respect and a continuing dialectic of moral engagement with each other, along with enlarged self-understanding attained through responsiveness to those values and commitments.

Excluding religiously grounded considerations from political discourse is likely to impede civil interaction and mutual understanding. In doing so, it only makes interaction between different views less educative, more guarded, and less trusting. It shuts out a sphere of rational interaction and thereby diminishes civil society. This presupposes rather considerable virtues on the part of religious persons. But why should we start out by thinking that those virtues are less likely to be characteristics of religious persons?[25]

[25] A version of this paper was originally presented in Berlin, at a Workshop for the Analytic Theology Project, generously funded by the John Templeton Foundation. I am very grateful to the Foundation and to the organizers of the Workshop.