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Civic Pluralism and Human Solidarity

Jonathan Chaplin

Jonathan Chaplin is an independent scholar and member of the Cambridge University Divinity Faculty, having served as Director of the Kirby Laing Institute for Christian Ethics from 2006-2017.

Civic pluralism as a dilemma

Introducing the series, Stanley Carlson-Thies acknowledged that, although Christians should support civic pluralism for compelling theological reasons – as an inescapable implication of our commitment to religious freedom – there are outcomes of civic pluralism we must inevitably regret or lament. One is that, in endorsing it, “we are voluntarily embracing the circumstance that a diversity of views and ways of life will be legally protected and that much that we are sure is wrong will be recommended and urged on others.”

In this and the next article I want to delve into this apparent dilemma by exploring two distinct senses of the idea of “solidarity.” In this piece, I’ll consider our solidarity as “creatures” with other human beings, and in the next one, our solidarity as “minorities” alongside other communities of conviction (although the themes will inevitably seep into each other).

My focus in both articles will be on the *legal and political* implications of civic pluralism. We can certainly speak of civic pluralism as an *ethos* – the civility we should maintain in our public engagements with our diverse neighbors, friends, colleagues or fellow citizens. In his fine book [*Confident Pluralism: Surviving and Thriving Through Deep Difference*](#), lawyer John Inazu notes that this includes such practices as tolerance, humility, patience, avoiding insults and bullying, and building relationships across difference. Christians should surely be guided by such an ethos of civic pluralism in every sphere of life and society, not only politics. But here I explore civic pluralism as a principle of law and public policy (on which Inazu also has much of value to say).

Let me begin by teasing out further the nature of the “dilemma” of civic pluralism. When enshrined in law – by, for example, the upholding of robust rights to individual freedom of conscience or institutional religious freedom – civic pluralism allows very diverse lifestyles and behaviors to co-exist within the same political community. In many areas of public practice, civic pluralism refrains from imposing uniform, exceptionless legal norms across every person or institution. It allows Christians to

do what they are sure is right in their spheres of freedom (such as requiring applicants to a Christian college to commit to supporting the institution's ethos), while permitting others to be free to do what they are sure is right (and what Christians may be convinced is wrong) in their areas of freedom (such as raising their children into consumerism or other harmful practices).

Yet civic pluralism does not mean a blanket principle of "live and let live". It will not bring about what one libertarian political philosopher has termed a "[liberal archipelago](#)" – an array of separate islands in which near-total freedom of choice for distinct communities of conviction is possible. The post-bellum American Republic was founded on the constitutional conviction that one of the non-negotiable limits of civic pluralism is human slavery, irrespective of the political (or religious) convictions of those who defend it.

Civic pluralism does not rule out all legal uniformity within a state, but only attempts to limit the adverse impact of such uniformity on distinct communities of conviction – Christian, secular humanist, Muslim, Marxist, Jewish, pagan, and so forth. Indeed a state can and should protect convictional plurality by means of generally applicable laws. There are also many other occasions where the state rightly deems legal uniformity necessary – not only in technical matters of harm-prevention like driving tests or health and safety standards but also in weightier matters such as the protection of fundamental human rights. What those rights are, and how the law should protect them, is often vigorously contested in a plural society, but every community of conviction (even a libertarian one) will want at least some of them imposed on the whole society.

Sometimes, some communities of conviction will succeed in entrenching their views into law. The inescapable outcome is that some things Christians are sure are wrong will indeed be imposed on them by law – at least until they remove themselves from the law's reach where that is possible (perhaps by resigning from a job that creates a conscientious conflict), or until the law can be changed (usually a long way off), or until they conclude that their only option is conscientious disobedience (for which they'll have to bear the consequences).

That such an objectionable (to them) law has been arrived at through a procedurally legitimate process of democratic decision-making, one in which they may have actively participated, will not remove their regret. Nor will it make an unjust law just.

What's more, most Christians will be committed to those very democratic procedures for sound theological reasons as well. From a Christian point of view, democratic institutions are not a mere technique for managing society (still less a channel for advancing the interests of the church). Historically, democracy first came to be affirmed after the Reformation as a political extension of "the priesthood of all believers" – an affirmation of the equal political dignity and voice of all citizens, and of their common calling to pursue public justice.

We seem to find ourselves, on grounds of Christian conscience, committed to a system of democratic pluralism that, while promising, and often guaranteeing, a wide degree of freedom for Christian practice, also seems to pose a constant threat to the integrity of that very conscience. Can this really be an implication of the "public justice" of which civic pluralism is touted as a prime example?

Civic pluralism and shared creatureliness

Let me analyze this dilemma further by exploring the implications of another fundamental Christian conviction: the solidarity we experience with our fellow human beings as equally “made in the image of God.” This shared creatureliness is what, at bottom, we are appealing to when we seek to determine the *limits* of civic pluralism – in helping identify human interests so fundamental that they cannot be left to the free play of pluralistic politics. As I just hinted, one way to capture these interests is in terms of the language of “human rights.” There are others.

Christians confess that all human beings, whether they know it or not, inhabit a shared order of creation – a constituting, sustaining, and guiding framework for human and social life that, where followed, enables the enjoyment of *shalom*. They also confess that, in spite of human willfulness and blindness, all humans can and often do glimpse something of this order simply as they make their way in life.

Thus, for example, as parents gaze at the face of their new-born child (or hear its hungry cries), they come to know much of the meaning of parental love and the responsibilities of family life. As people get busy meeting their and their family’s own basic needs for food, clothing and shelter, they begin to intuit the equal claims of other human beings to such goods – the claims of shared human dignity. As they gather with others to engage in many human tasks like production, education and culture, they start to discern enduringly beneficial patterns of associational life. As they reflect together on how the wider communities to which they belong might be justly ordered, they begin to [strike upon the need for public authority](#).

At their best, as humans over time cumulatively reflect on this ordinary human experience, certain abiding insights seem to crystallize. Sometimes these insights becoming so clear that they are deemed to be “universal truths” or “first principles” of morality, or, as the Catholic (and, indeed, much of the Calvinist) tradition has it, principles of “natural law.”

Sometimes, humans get these more or less right, but at other times, egregiously wrong. The record of “discernment on human experience” is, to say the least, patchy: it has included affirmations of both gender mutuality and patriarchy, of both participatory government and tyranny. This is why Protestants have often cautioned that such supposedly universal principles of natural law (or creation order) cannot be reliably accessed by human reason alone. Rather, to be understood properly they depend on the unique, corrective insights of “special revelation.”

Intriguingly, however, there is a growing convergence between the Catholic and Protestant traditions on the deep connection between and mutual dependence of, on the one hand, generic human insights into creation order and, on the other, unique divine revelation into that order. Both traditions increasingly agree that we cannot appeal straightforwardly or exclusively to “creation order” or “nature” as if its wisdom could be straightforwardly read off our experience (even when we are fully “rational”). Only through Christ, they both insist, can “nature” be reliably grasped. What Pope Francis says of the natural environment in his remarkable encyclical [Laudato Si'](#), applies to all of nature, or creation: “In the Christian understanding of the world, the destiny of all creation is bound up with the mystery of Christ, present from the beginning” (§99).

Both traditions also agree that we cannot appeal straightforwardly and exclusively to biblical revelation as if its essential moral teaching were crystal clear to all suitably humbled minds (as if it were “perspicacious”, as conservative Protestants often assert). *Creatures* cannot read Scripture without the knowledge (however initially skewed) acquired through their very creatureliness.

There is an emerging ecumenical recognition that to discern true morality – including political morality – we need to draw on the totality of divine communication: in Scripture, in the history of the church’s reading of Scripture (“tradition”), in creation, and in the human experience of creation – with Scripture accorded primacy.

So, appeals to “pure nature,” or “creation order” alone, cannot, after all, yield sufficient clarity on the limits to civic pluralism, what government must insist upon, and how indeed that may shift in different histories and societies. As recently as the 1950s, such clarity seemed possible to as sophisticated a Christian thinker as Jacques Maritain, who drew up a “democratic charter” supposedly accessible to everyone irrespective of convictional divides. The much deeper and more pervasive convictional divides of today make that prospect much less likely.

But nor can these limits be deduced straightforwardly from the text of the Bible alone. What is required is that we take up, corporately in the church, the demanding hermeneutical challenge of discerning, from “divine communication” in all its forms, what those limits should be for our times and for our political communities. This requires a sustained and shared listening to all those forms of divine communication, the pooling of many sources of Christian wisdom (including theologians and biblical scholars, church leaders, political and legal thinkers and practitioners, grass-roots activists for justice, and more – and from all corners of the global church), and a genuine willingness to engage in mutual listening, critique and learning. Think-tanks, campaign organizations, Christian colleges and universities, local churches, denominations and ecumenical forums all need to play a role in this essential process.

The responsibility of this ongoing process of corporate discernment ranges much wider than politics, of course, but the particular outcome I have in mind here is the identification of a Christian perspective on the fundamental human interests that our political communities are bound to secure for all their citizens, irrespective of – and sometimes in the face of – the plurality of citizens’ deepest convictions.

Some of these interests seem easy to identify in liberal democracies like ours – sometimes, our Christian perspective will converge readily with that of others. Civic pluralism cannot, as noted, co-exist with slavery. Nor can it accommodate institutionalized racism, forced marriage, or legally permitted nights of crime as in the chilling [Purge](#) movie series. These violate the most fundamental protective duties of a political authority. They are *ultra vires* for any state, irrespective of the fact that some minorities of citizens – even majorities (as on slavery in the ante-bellum South) – may regard them as flowing from their deepest political *or even religious* commitments. Here, civic pluralism runs up against the limits imposed by (what we take to be) universal human claims.

Commonality and plurality

The phrase I just put in parenthesis – “what we take to be” – turns out to be of critical importance. While today the vast majority of Christians will share the near universal consensus on *these*

particular limits to pluralism, in other areas they – or large numbers of them – will find themselves in a minority ranged against several other minorities, or against a settled majority. Political debate will thus witness a variety – increasingly a cacophony – of competing *particular* convictions on what are the *universal* human interests to be secured by the state.

Oversimplifying somewhat, this is the case for “conservative” Christians on issues such as same-sex marriage, *Roe v. Wade*, physician-assisted suicide, legal recognition of multiple gender identities, technologies of human enhancement, individual and institutional religious liberty, and more. It will equally be the case that “progressive” Christians will find themselves in frustrated minorities on issues like climate change, gun control, reductions to welfare, “socialized medicine,” and more.

Christian perspectives on these issues will often reflect a particular reading of “creation order” that stands against the secular consensus (if there is one) – revealing that appeals to such a notion cannot by themselves resolve such fundamental political disagreements. Whether, and if so how, “creation order” helps us determine the limits of civic pluralism, is itself a deeply contested question. But we should not shrink from the task.

In the next article I explore further the implications for our understanding of civic pluralism of the second form of solidarity – our shared experience of finding ourselves as convictional minorities within the same political community, each seeking to advance a distinctive set of political convictions within states that must be plural in some areas while uniform in others.

To respond to the author of this article please email PJR@cpjustice.org. The articles in the *Public Justice Review* do not represent a consensus of positions on questions of public policy. We do not expect our readers will agree with all the arguments they find here, but we believe that within the broad tradition of what we call public justice we can do more by providing a forum for the debate and exchange of Christians, within those bounds, to work out public policy faithful to God and in service of our neighbors. We do not necessarily share the views expressed, but we do accept responsibility for giving them a chance to appear.