



## BOOK REVIEWS

Michael J. PERRY, *Religion in Politics. Constitutional and Moral Perspectives*. Oxford — New York, Oxford University Press, 1997.

Michael Perry's book "Religion in Politics" is a sound discussion about the fundamental question of the role religious arguments should play in political debate and in political choices concerning the morality of human conduct in a religiously pluralistic country like the USA.

The author of "Love and Power", being a distinguished law professor at Northwestern University, does not conceal his Christian Catholic perspective, but sees himself standing "between all religious non-believers on the one side and many religious believers — especially theologically conservative believers — on the other". This position is held throughout the book, therefore it is interesting for those sharing Perry's belief and for those who are critical of it.

Perry approaches questions about the role of religious arguments in politics from a constitutional and from a moral side. Concerning the moral side of the problem, he discusses and criticizes recent works by Rawls and his "ideal of public reason". Perry closes his book with a case study on religious arguments about the morality of homosexual conduct which includes a criticism of Finnis' secular argument about homosexuality.

In his first chapter Perry discusses the US constitutional law on the freedom of religion in relation to the question of the role of religious arguments in politics. By presenting several constitutional conflicts: prayer in public schools, government displaying religious symbols, government aid to religiously affiliated schools, he shows the relevance of the discussion of the role religion plays in politics.

Perry interprets two norms which express the freedom of religion: the "free exercise norm" and the "non-establishment norm". The first is the norm that government shall not prohibit free exercise of religion and the second is to be understood that the government is forbidden to favor a religion and to establish a religion. Perry sees both of them as anti-discrimination provisions. The core of Perry's analysis is "that

government may not make judgments about the value or disvalue ... of religions or religious practices or religious (theological) tenets" (9). His understanding of the meaning of the two norms stands in close relation to the position of the Supreme Court and also shows which points in the juridical discussion are controversial.

In order to answer the question about the constitutionally permissible role of religious arguments in politics, Perry takes his interpretation of the two norms of religious freedom into account. First of all he states that the "norm of non-establishment" is not violated by a religious argument in public debate because a legislator is — like every ordinary citizen — constitutionally free to utter his or her opinion because of freedom of speech. The question which is more serious and more important is whether the "non-establishment norm" is violated by a government which bases its political choice on religious argument. Perry answers this question by arguing that "as a practical matter, the non-establishment norm should be understood to require only that government not make a political choice about the morality of human conduct in the absence of a plausible secular rationale"). Perry makes his view clear by distinguishing between an ideal matter where the "non-establishment norm" forbids the government to base any political choice on religious arguments and the practical matter mentioned above. The latter has to be taken into consideration because, if a government, legislator or other public official relies on both secular and religious argument, it is hard for a court to discern which one of the arguments supports the choice.

In order to give the possibility of evaluating the extent of the freedom of religion in the constitutional law of the United States, Perry adds to his first chapter the "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" which is the most complete statement of freedom of religion in the international law of human rights.

The second chapter focuses on political debates and the morally proper role of religious arguments in



them. For Perry it is important that religious arguments should be presented in public discourse for several reasons. First, Perry recognizes that religious arguments play a role because the United States is still an overwhelmingly religious country. Therefore these arguments are and should be part of the public culture. Second, they should be discussed in order to test them. For Perry, a barrier between culture and politics does not make sense because it is not possible to keep to it.

In discussing the approach of Greenawalt, Perry notes that his opinion is in contrast to Greenawalt, who thinks that legislators should not use religious arguments in politics because by doing so they exclude nonbelievers or other religious oriented people whom they also wish to represent. Perry is also critical of Rawls' argument of the "ideal of public reason".

While chapter two discusses the role of religious arguments in the political debate, Perry's final chapter inquires into the point of the morally proper role of religious arguments as a basis of political choice. In Perry's view, religious arguments can be used in political choices about the requirements of human well-being as long as a secular argument supports them and comes to the same conclusion.

In his discussion Perry differentiates between religious arguments about human worth and those about human well-being. For him the premise that all human beings are sacred is the one and only religious argument which would need no further secular argument, if there were none. His reason for this view is that this premise does not affect the "non-establishment norm", i.e., it does not favour one religion over another. This is contrary to the religious arguments about human well-being in political choices. For Perry, they need support by secular arguments because human beings have the tendency to make mistakes and to deceive themselves about what God has revealed.

Touching the question of what role Scripture and Christian tradition should play in political debates and choices, Perry is a strict defender of an open-minded notion which supports the historical and critical use of tradition and which tries to make religious argumentation understandable, also to people who do not share this conviction.

Perry tests his own view in a case study on the

religious arguments about the morality of homosexual conduct. His argumentation supports his view that the morally and constitutionally correct way to have religious arguments in the political arena is to have them supported by secular arguments. Perry criticizes Finnis' secular opinion that homosexual sexual conduct is morally illicit. He sees Finnis' argument that homosexual sexual conduct is not a procreative union which allows the two married partners to actualize and experience their relationship, as not convincing. Perry comes to the conclusion that there is good reason to think that if sex is no longer confined to procreation, then there is no sound secular argument contra homosexual conduct. Therefore "it is difficult to see how any religious argument that all such conduct is immoral ... should be thought sufficiently strong to ground a political choice ... about the morality of human conduct".

Perry's book is a helpful contribution to the ongoing debate about the role of religion in politics. With his view that in political debates religious arguments may be heard and even encouraged to be heard and the rule that in political choices concerning human well-being religious arguments need the support of secular ones, he finds a practical compromise between a position that denies religious arguments in political debates or political choices and a religiously fundamentalist position. Seen from a theological side, his arguments are sometimes not very strong in arguing with historical facts or the status quo. But regarding his argumentation from a pragmatic side, I think that the solution he is presenting about the question of which role religious arguments should play in the political realm of human conduct is convincing and adequate as regards the situation in the United States.

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