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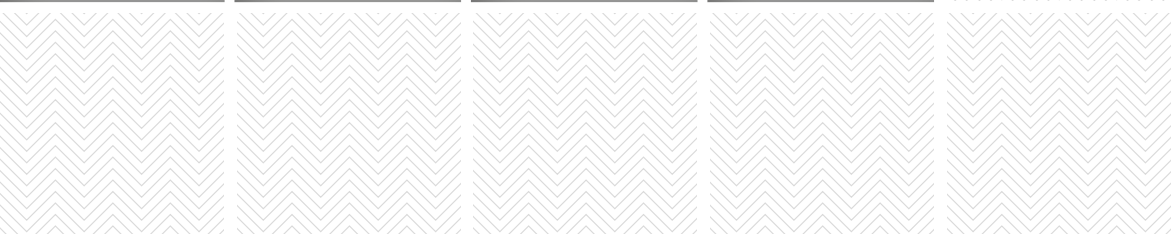
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RELIGIOWEST

RELIGIOUS PLURALISM

A Resource Book

Edited by:

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Responsible
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INTRODUCTION
PLURALISM AND PLURALITY

AURÉLIA BARDON
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In many parts of the world, different forms of cultural diversity have become central to experiences of and engagements with contemporary societies. Human societies have always been diverse but the modern period is distinctive, shaped by new forms of communication, global migration and media that have widened and established diversity and perhaps even 'hyper-diversity'.[1] Concepts that describe diversity directly or indirectly are prevalent over this period – multiculturalism and multifaithism, 'melting pots' and 'marble cakes', globalism and cosmopolitanism, pluralism, hyperpluralism[2] and, of course, diversity itself. In this publication, we want to focus on religious diversity amongst other types of cultural difference. Most of us experience religious diversity on a daily basis: not only do media communicate it to us, just looking around us, it is obvious that others have different beliefs, commitments, ritual lives and cultural moorings, and that practical differences and ideational disagreements are at least as common as shared practice and agreement when it comes to moral, religious or philosophical life.

The intention of this volume is to provide a set of resources for approaching different discourses around religious diversity, highlighting in particular the distinctive approaches and sensitivities emerging from different disciplinary engagements. As a foreground to this work, this introduction draws attention to two fundamentally different approaches that have often become entangled in discourses surrounding diversity, and which are visible even in the way the concept of 'diversity' is used today. This is the distinction between the descriptive notion of plurality and the normative notion of pluralism. This distinction is significant, but it is frequently obscured in discussions that lend the concept of 'diversity' a dual aspect, as a way of describing the proliferation of differences in contemporary societies and as a somehow desirable feature of those societies. By contrast to the ubiquity of 'diversity' and 'pluralism' in contemporary discourses about the multiplicity and coexistence of religions and worldviews, 'plurality' – the natural partner to 'pluralism' and the concept upon which its meaning rests – is conspicuously absent. This introduction (i) demonstrates that a clear distinction between pluralism and plurality can advance both the academic and public debate on religious diversity and (ii) shows how the chapters of this volume, each of which drawing on specific disciplinary traditions in defining diversity, exemplify the complicated dynamics between pluralism and plurality.

PLURALITY AND PLURALISM

The existence of deep religious differences and disagreements in societies around the world is a descriptive fact: it is simply how things are. In itself, such diversity is neither a good or bad thing, something that we should promote or bemoan, or that the state should respect or limit it. As an entirely descriptive term, 'plurality' does not provide any normative resource to evaluate the desirability of

1 Steven Vertovec. "More multi, less culturalism: The anthropology of cultural complexity and the new politics of pluralism." *Revista d'Etnologia de Catalunya* 15 (1999): 8-21.

2 Alessandro Ferrara. *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism*. Cambridge: Cambridge University Press, 2014.

any particular case of plurality. In other words, descriptive plurality can be unlimited. It simply tells us that there are disagreements and conflicts, not that these disagreements or conflicts are of the type that we should respect or seek to settle.

Standing in clear distinction from this plurality is the idea of pluralism, core to the political project of liberalism. That is, in democratic and liberal societies, a normative commitment to pluralism means that we do not only observe that citizens disagree about many different issues, but also that we believe that such disagreement is not problematic in itself and that the state should not impose on all citizens one single view or way of doing things. In this view, citizens should be free to decide for themselves, within certain limits, how they want to live their lives, according to their own conception of the good. Pluralism is therefore the result of conditions of freedom, and it limits the authority of the state.

Thus, normative pluralism refers to the commitment to respect certain disagreements. The liberal state should refrain from imposing any particular view that is the object of such a disagreement: it presupposes the fact of plurality, and suggests a way to deal with this plurality. Because normative pluralism is itself a philosophical position rather than an empirical observation, it requires a justification: any account of normative pluralism has to offer a good reason to respect certain disagreements rather than to impose a controversial view, even when this controversial view is shared by a majority of citizens. Why, for instance, would we want to guarantee religious freedom, including the freedom not to believe, even though a majority of citizens believes in the existence of God and belongs to the same religious tradition? The liberal justification for the commitment to normative pluralism is that disagreements are unavoidable under conditions of freedom when it comes to metaphysical questions.[3]

3 See John Rawls's discussion of the "burdens of judgment" (Rawls, *Political Liberalism*, 1993, p. 54).

Contrary to descriptive plurality, normative pluralism has limits. The liberal justification implies, for instance, that it applies to certain disagreements, those regarding metaphysical questions, but not to others. Pluralism, in other words, does not apply for instance to basic liberal values. Even though there might be a plurality of views concerning these basic liberal values, such plurality will be justifiably excluded. For this reason, the liberal state can legitimately impose the respect of human rights, even if some citizens might disagree that human rights should be respected. This is why the distinction between descriptive plurality and normative pluralism matters: plurality, as the mere existence of disagreements, does not always entail pluralism, referring to the idea that disagreements should be respected by the state.

Accounts from political theory highlight, then, a clear distinction between descriptive plurality and normative pluralism, and thereby call attention to the frequency with which the two approaches are confused.[4] Our view is that it is more accurate and certainly productive for scholars to make a clear distinction between descriptive and normative concepts, and that the terms 'plurality' and 'pluralism' capture this distinction simply and effectively. Not only does this distinction keep in view important distinctions between diversity and the way in which relations between diverse groups are conducted, but it is also a necessary first step to providing more nuanced models of both plurality and pluralism. On the one hand,

4 George Crowder, for instance, clearly made the distinction between the two dimensions but used the concept of pluralism for both: "The word 'pluralism' has several different meanings in moral and political theory. It may stand for the empirical claim that different people hold different beliefs and values, or for the normative view that such diversity is desirable." (George Crower, "Pluralism and Liberalism," *Political Studies*, 1994, 293). William Galston has also distinguished acknowledging diversity as a fact from accepting diversity as an instrumental or intrinsic value (William Galston, *Liberalism Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge: Cambridge University Press, 2004, 27).

and as several contributions to this volume highlight, plurality is not a straightforward matter of equally distributed and empowered constituents. Rather, there are different forms of plurality, shaped by the differential size and power of the groups involved and by the specific cultures of those groups. On the other hand, and also explored by contributors to this volume, pluralism is itself plural. Pluralisms differ on the extent in terms of the types of exchange they demand between groups, the way in which those groups are conceived of, and on the objectives pluralist models seek to fulfill. Pluralist ideologies can arise in the context of liberal political theory, but so too may they be developed in relation to social policy concerns about inclusion. Pluralism may be tied to neo-liberal discourses that value open markets and then seek to adjust societies to the effects of those markets; but pluralism may be a communitarian initiative, which recognizes that religious diversity that exists even in contexts that appear to be generally homogenous and engage with this as an intrinsic value of human society.

RELIGIOUS PLURALISM

Both the descriptive ("plurality") and the normative ("pluralism") dimensions of diversity can apply to a range of different objects. In our contemporary societies, we disagree and respect disagreements on religious, cultural, political, philosophical, or moral issues. Religious pluralism, however, is special. As such, it raises challenges that are of a particular kind and calls for special solutions.

What is special about religious pluralism is that it exists at three different levels. First, religious pluralism refers to the coexistence of different religious traditions. In this inter-religious pluralism, disagreements focus on what the "true" religion is, on how religious believers should worship their God, and on what kinds of dogmas, rites or practices make up the unalterable "essence" of a belief. Second, religious pluralism

refers to the fact that particular religious traditions are themselves internally pluralistic. In this intra-religious pluralism, disagreements occur concerning the true interpretation of a particular text, event, ritual or traditional practice. Third, religious pluralism also refers to the coexistence of religious and non-religious individuals and worldviews. Religion, whether it is understood as living a religious life, having religious beliefs or having a religious conception of the good, is only 'one option among others',[5] and there is a growing part of the population in modern secularized societies that can be considered as non-religious, including notably agnostics and atheists.

Because of these three different levels, there is no easy way to manage religious pluralism. When it comes to the pluralism of conceptions of the good life, for instance, it is enough for the state to refrain from imposing any particular conception on all its citizens. The same solution applied to religious pluralism, which would amount to the separation of religion and politics, is however sometimes seen as imposing a non-religious view, and therefore as disrespecting the third level of religious pluralism between religion and non-religion.[6] The particular challenges that arise in relation with religious pluralism come from here.

On the one hand, the liberal state should respect the disagreements at each of the three different levels of religious pluralism, without imposing any particular religious tradition, any particular interpretation of a religious tradition, and without

5 Charles Taylor, *A Secular Age*. Cambridge: The Beknap Press of Harvard University Press, 2007.

6 Laborde argues that the separation of church and state can be seen as "the institutional expression of the exclusion of religious belief from the public sphere, and of the secularist assumption that religions must have no place in public life and must be confined to the private sphere. Far from a common-ground judgment, which could be endorsed by all citizens, this amounts to the imposition of a substantively secularist philosophy on religious believers." (Cécile Laborde, "Political Liberalism and Religion: On Separation and Establishment," *The Journal of Political Philosophy* 21(1), 2013, 74)

imposing either religion or non-religion. On the other hand, religious pluralism is also limited by other commitments such as basic liberal norms. Any interpretation of a particular religious tradition or any new religious tradition conflicting with human rights will consequently not be considered as justified by pluralism, and might be legally prohibited.

Starting from different disciplinary approaches, and focusing on different features or dimensions, all the contributions gathered in this volume illustrate what makes religious pluralism special, why it is problematic to manage religious pluralism, and what its legal, social or political implications are.

WHAT IS RELIGIOUS PLURALISM?

Part I introduces the terms of the question: what is the 'religion' and the 'pluralism' in 'religious pluralism'? Though their ideas were developed in a workshop at the European University Institute in 2015, contributors here and elsewhere in the volume speak from their own disciplinary traditions, taking different approaches to terminology as a result. One resource that this volume therefore provides is an overview, in these short pieces, of how notions of diversity, plurality and pluralism work in different kinds of discussion – and to provide therefore new opportunities for reflection on these different approaches.

Taking these issues head on, **Élise Rouméas**'s chapter, **'What is Religious Pluralism?'** opens the section and the volume. The chapter works across disciplines, providing an overview of the some of the central ways in which different disciplines have approached and understood 'religious pluralism'. This chapter makes a particular distinction between what Rouméas terms theological, sociological, philosophical pluralisms alongside the idea of religious pluralism as a political ideal.

This chapter is an important beginning because it draws attention to how different methodological and ideological approaches give rise to distinctive understandings of 'religious pluralism', as well as to how disciplinary-specific assumptions shape how the concept is interpreted.

The next chapters confirm Rouméas's observation. In his chapter **'Political-Theological Pluralism', John W. Ackerman** shows how multiple ideas of pluralism may not simply give rise to problems of misunderstanding or confusion. Rather, he draws attention to how different approaches may compete with one another. In particular, he focuses on liberal notions of religious pluralism and the way in which this understanding has colonized discourses and made it difficult for alternative models. Drawing on the work of Hannah Arendt and Franz Rosenzweig for possible alternatives, Ackerman argues that the existing narrowed down array of political-philosophical responses to the challenge of pluralism is problematic for two reasons: first, it universalizes one philosophical tradition, secular liberalism, as the valid response to modern pluralism; and second, it sidelines other potential philosophical approaches which offer different, and maybe more adequate, ways of thinking about religious pluralism in contemporary society. For Ackerman, this contestation helps understand a paradox at the heard of contemporary political-philosophical debates: on the one hand, the religious and cultural plurality of contemporary societies is celebrated and endorsed through a commitment to pluralism, on the other hand, this commitment to pluralism is narrowed down to basically one admissible answer: political liberalism.

In **'Italy and Controversies around Religion-Related Issues: Overemphasizing Differences'**, **Alberta Giorgi and Luca Ozzano** historicise definitions of 'religious pluralism'.

Focusing on controversies surrounding religious pluralism in Catholic-majority Italy – debates in which religious plurality is closely entwined with issues and popular concerns about migration – Giorgi and Ozzano show that 'religious pluralism' has no single definition in the political sphere. Rather, its meaning is constructed by invested actors according to specific situations and needs. With implications for theoretical work, too, this work confirms that, in practice, religious pluralism is itself plural in the way we have outlined above: (i) pluralism in relation to the growing pluralization and hybridization of the religious landscape, (ii) pluralism within a religious tradition; (iii) pluralism in relation to the dichotomy religion versus secular.

For **Milda Ališauskienė** an empirical study of religious pluralism is an opportunity to consider different sociological theories concerning the nature and development of religious pluralism. In focusing on Lithuania – a country whose religious landscape is dominated by the majority Roman Catholic church – Ališauskienė's chapter, **'What and Where is Religious Pluralism in Lithuania?'**, can be read alongside **Agnieszka Pasieka's** chapter **'Religious Pluralism and Lived Religion: an Anthropological Perspective'** on Poland to explore the extent to which religious diversity needs to be evenly distributed to be considered plural and to foster social and political pluralism. Both chapters explore the ways in which uneven plurality and accompanying hierarchies of power shape and inhibit the development of social and political pluralist settlements over time. Echoing Giorgi and Ozzano's sensitivity to the need for typologies of pluralism, Ališauskienė's and Pasieka's approach calls attention to how apparently non-pluralist arrangements may be

better understood as – and demand attention as – embryonic or proto-pluralist arrangements and conceptualized as such.

Secularism has been justified in liberal political theory as a response to the fact of religious pluralism. Liberal philosophers have tended to associate secularism with the ideas of religious freedom, toleration and reasonable accommodations. In **'Two Uses of *"Laicidad"'***, **Sebastián Rudas Neyra** argues that there is another important understand of secularism which has been largely ignored by liberal political theory. He calls this second understanding 'anticlerical', claiming that this form of secularism may be a liberal and legitimate one, and particularly useful in societies where there is one strongly dominant religion.

Finally in this section, for **Garvan Walshe and Stephen de Wijze** the prospects for religious pluralism are bleak. Rather, 'religious pluralism' is a contradiction in terms, at least as a political ideal. In **'Civility Within Conflict: Managing Religious Pluralism'**, the authors contend that liberal and libertarian approaches to justice are inevitably tragic, because it is impossible, in their view, to establish a set of core principles that all citizens can endorse. Instead, they call for an account of justice that sees conflict, not pluralism, as the inevitable outcome of the plurality of worldviews and religions. By putting the concept of religious pluralism to one side, they say, it is possible to recognize the necessary injustice that some religious believers will experience as social institutions seek to manage this conflict, and they argue, too, that this conflict can be pursued within the bounds of civility and that civility can reduce the injustice involved to an acceptable minimum.

PLURALISM AND THE FREEDOM OF RELIGION

The notion of religious pluralism is bound up with the idea of religious freedom, whether it is understood as a special right or as part of a more general one, such as freedom of conscience. Societies are awash with difference and tensions arising from those differences; of these differences, religious difference is unusual (though not unique) in being a form of difference that many societies seek to honour and protect. Part II of the volume considers what kind of freedoms religion should or should not be granted in the name of pluralism, and the logics upon which these freedoms are granted.[7]

In **'Conscientious Objection to Sam-Sex Marriages and Partnerships: The Limits of Toleration in Pluralistic Liberal Democracies'**, **Stijn Smet** investigates a particularly controversial case of exemption: in several countries where same-sex marriage is legal, some civil servants have asked to be exempt from registering such marriages because of their religious convictions. Such citizens argue that the state would impose an unfair burden on them if it were to demand that they act against what their conscience tells them. Smet focuses on the UK case of Ladele v. Islington, and argues that, although there is a conflict between secular law and religious convictions, exemptions should not be granted because to do so would cause expressive harm. What is key in cases of exemptions claims for civil servants is that the expressive function of the law is at stake, since civil servants are agents of the state.

Another line of concern is raised by **Eileen Barker**, whose sociological work explores understandings and injustices surrounding new religious movements – popularly referred to as cults. In line with recent concerns about the kinds of religious practices that are enabled, encouraged or excluded according to freedom of religion discourses, Barker points to the way in which abstract freedoms are imperfectly implemented. This evocatively titled chapter – **'Freedom for Me and, Perhaps, You – but Surely Not Them? Attitudes to New Religions in Contemporary Democracies'** – is a reminder that freedom of religion and the notion of religious pluralism itself relies on some construction of 'religion', and necessarily creates legitimate and illegitimate forms. There is a need, it follows, for a critical engagement with claims about pluralism, given the serious curtailments of that pluralism even in places that, as Barker says, 'pride themselves on their progressive and inclusive approach to diversity'.

Recent debates on the meaning and justification of religious freedom have led many liberal philosophers to adopt an egalitarian theory of religious freedom.[8] Egalitarian theorists question the special treatment of religion and the idea that religious freedom is a special kind of right. Instead, they turn to alternative categories of general rights – such as freedom of conscience or the right to ethical independence. These increasingly significant approaches are explored by two contributors to this volume. Firstly, **Anna Blijdenstein** examines the way egalitarian theorists of religious freedom understand and use the concept of religion in, **'Egalitarian Theories of Religious Freedom and the Black Box of Religion'**.

The problem Blijdenstein wants to draw attention to is this: when egalitarian theorists deny religion any special legal or political status and seek to develop analogous concepts to work with like conscience, they do so on the basis of a particular, biased and controversial conception of religion.

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7 Winnifred F. Sullivan, Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin, eds. *Politics of Religious Freedom.* Princeton: Princeton University Press, 2015.

8 On egalitarian theories of religious freedom, see notably Cécile Laborde, "Equal Liberty, Non-Establishment and Religious Freedom," *Legal Theory*, 20(1): 52-77, 2014. .

Blijdenstein's chapter outlines some of the main assumptions about religion shared by egalitarian theorists, and shows how these assumptions affect the way egalitarian theorists think about particular religious traditions such as Islam.

Dara Salam's exploration of **'Religious Exemptions and Freedom of Conscience'** examines the case of religious exemptions and asks whether, from the perspective of egalitarian theories, such exemptions should be granted. He focuses on the egalitarian suggestion that freedom not of religion but of conscience may justify a range of exemptions, including important religious ones. The chapter identifies some important differences between the egalitarian arguments of John Rawls, Charles Taylor and Jocelyn Maclure, Ronald Dworkin, Brian Leiter, Christopher Eisgruber and Lawrence Sager. Salam shows that the problem of exemptions is a consequence of ethical and religious pluralism and of the inevitable clash between moral convictions and generally applicable aws.

Echoing issues raised by Walshe and Stephen de Wijze, **Volker Kaul**'s chapter poses a more serious challenge to the related notions of freedom of religion and religious pluralism. Kaul's chapter, which asks **'Is Religious Pluralism simply a matter of justice?'**, seeks to make space for concern that has been controversial in political philosophy, namely about the extent to which some religious views may be inconsistent with and resistant to religious pluralism. He tries to salvage the notion of religious pluralism from its reductive and arguably highly destructive interpretation, as exemplified in Huntington's famous *Clash of Civilizations* thesis, and in so doing his work draw attention to a possible paradox at the heart of the notion of religious pluralism. This is that the religious pluralism is founded on the idea that religion is, more than other beliefs and attachments, something that people cannot and/or should not be expected to compromise on; yet,

at the same time, for some believers pluralism is itself a compromise – and not one that they may be willing to make. For some, religion may be an anti-pluralist doctrine. Kaul therefore demands that we take seriously the fact that some actors reject the notion of pluralism and moderation in belief.

DISAGREEMENTS, DIFFERENCES AND PUBLIC JUSTIFICATION

The idea of a pluralistic society where religious difference is accepted, negotiated and maybe even capitalized on and enjoyed relies heavily on the assumption that important beliefs and sentiments can be successfully, if only partially communicated to people holding other beliefs. This focus on a real and meaningful dialogue, based on some kind of mutual understanding, is crucial to notions of religious pluralism and to contemporary 'postsecular' understandings of the role of religious reasons in political justification. Chapters in this section explore the possibility for communication and public deliberation across lines of religious difference both from empirical and normative perspectives.

The first two chapters deal explicitly with Jürgen Habermas's concept of the *institutional translation provisio*. The *institutional translation provisio* consists of the claim that religious arguments should be translated into a secular language before entering the institutional public sphere, with the logic being that a secular language is one accessible to all. In that way, secularity is a means via which otherwise unintelligible religious reasons become intelligible to people who do not share the same commitments and beliefs. Thus, secular language mediates between people in order to achieve the kinds of dialogue that would otherwise be impossible. For religious pluralism to be inclusive and successful, this or alternative forms of translation are surely necessary.

Yet for **Anja Hennig**, Habermas's idea of a translation proviso is both normative and contingent upon particular socio-political developments, including the religious pluralization of European societies. Her chapter **'Habermas's Translation Proviso and Conservative Religious Actors in the Public Sphere'** provides an introduction to this important area of theory, but, having offered a historical reassessment of it, also questions the extent to which Habermas's concept is applicable to different empirical cases. Drawing on empirical research on conservative morality politics in Italy and Poland, she singles out the problem of identifying empirically religious arguments and of determining the conditions and aims of religious-secular translation.

Marthe Kerkwijk, in **'Lost in Translation: A Critique on Habermas's *Translation Proviso'*,** focuses on the question whether religious reasons can be translated into secular ones at all. Following a critique voiced by Nicholas Woltersdorff, she argues that the term 'translation' is a misleading metaphor, because it downplays the extent to which meanings are altered in the process of transformation from religious into secular language. In particular, she argues, that the motivational force of religious reason is lost in translation between the public and institutional sphere. Thus, religious reasons are not so much subject to translation as they are lost in translation, as the title of her chapter alludes.

Working from a normative perspective, the following chapter from **Bouke de Vries examines in 'Liberal Justificatory Neutrality and Mandatory Vaccination Schemes'** whether religious or secular reasons can be a sufficient ground not to justify a political decision but to contest the legitimacy of an otherwise publicly justified political decision, in this case the imposition of mandatory vaccination schemes (MVS) Some citizens contest the legitimacy of this policy, arguing that MVS conflict with some

of their religious beliefs or with some of their secular doubts regarding the efficacy and dangers of vaccination. Such citizens claim that because MVS is not justified to them, it fails to respect them as equal citizens by providing good reasons supporting state action and therefore should be considered as illegitimate. De Vries adopts the convergence model of public justification to show that MVS can be publicly justified, i.e. they are justified for all citizens, including those who contest it for religious or secular reasons, and therefore that no exemption should be granted.

In **'Respect for Persons and the Restricted Use of Religious Reasons in Public Justification'**, **Nemanja Todorović** examines the argument of respect for persons which has been the dominant liberal strategy to justify the exclusion of religious reasons from public justification. He shows that the concept is more ambiguous than usually acknowledged and identifies two different interpretations of the concept of respect: respect for the reflective capacity of persons, of respect for the actual commitments that persons have. Todorovic argues that both interpretations fail to support the exclusion of religious reasons.

Ulrike Spohn's chapter, **'Challenging the Topos of "Religion and Violence" in Liberal Political Theory'** provides a broad history of religious pluralism and considers the roles of respect and critique in this history. Spohn draws attention to the extent to which religious pluralism is a relatively new phenomenon in Western Europe – replacing the confrontations and persecutions with which religious difference was negotiated until the Reformation. She shows why it is that, in Europe, working out pluralism has been done via political liberalism, and the influence of its secularist approach to pluralism. Spohn provides an overview of the two ways of thinking that have dominated this tradition: what she calls the 'respect argument', in which religious reasons are excluded from public reason for their lack of

general intelligibility and acceptability; and what she calls the public safety argument, in which "special restrictions for religious reasons in public deliberation are needed also because religion bears a special potential for violence, thus posing a special threat to public safety". Her chapter critiques both of the two approaches for their underlying essentialist understandings of religion.

The chapters collected in this volume provide a helpful and accessible overview of political liberal approaches to and debates surrounding pluralism. Together with the 'bibliography on religious pluralism' at the end of the volume they constitute a valuable resource for students and scholars in political theory and sociology of religion. By bringing together papers of a theoretical nature with empirical and anthropological approaches, we wanted to demonstrate how an understanding of everyday exchanges in contexts of religious plurality may enrich theoretical accounts of religious pluralism. It is in relation to this dual form of diversity – plurality and pluralism – that we can make sense of Veena Das's timely observation (discussed by Pasieka in this volume) that, today, 'religious pluralism is the *normal* condition in which religious subjectivities are formed'.[9]

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9 §Veena Das. "Cohabiting an Interreligious Milieu: Reflections on Religious Diversity." In *A Companion to the Anthropology of Religion*, edited by Janice Boddy and Michael Lambek. Malden, MA: Wiley-Blackwell, 2013: 69-84.

I-WHAT IS RELIGIOUS PLURALISM?

WHAT IS RELIGIOUS PLURALISM?

ÉLISE ROUMÉAS

The aim of this chapter is to bring some conceptual clarity to the understanding of religious pluralism[1]. Such clarification appears necessary, given conflicting disciplinary usages and slippages between the factual notion of plurality and normative accounts of pluralism. Religious pluralism has at least four different meanings. The first meaning is theological: pluralism assumes that other religious paths are true. The second is sociological: pluralism simply means religious plurality or diversity. In the third, pluralism is a philosophical school, what is known as value-pluralism in which values are irreducibly plural. Value-pluralism is not per se about religion, but can lead to a philosophical argument for valuing diversity intrinsically. Finally, a fourth conception of religious pluralism refers to a political ideal of peaceful interaction among individuals and groups of different religious faiths, as well as non-believers. This paper sets out these four models.

THEOLOGICAL PLURALISM

The first meaning of religious pluralism is theological. In Christian thought, pluralistic theologies assume that other religions might be equally true[2]. Pluralism contrasts with two other related categories, namely exclusivism and inclusivism. Exclusivists believe that there is only one true faith and only one way to salvation. In its Catholic version, the idea is captured by the old Latin phrase "*Extra Ecclesiam nulla salus*", i.e. "outside the Church there is no salvation." Its Protestant counterpart emphasizes personal belief in Jesus Christ as the only path to salvation. Salvation, in this view, can only be attained through the Christian church or the Christian faith.

Exclusivism has been challenged by inclusivism. Inclusivists also assume that there is one true religious faith and one path to salvation, but believe that non-Christians might be saved through the Christian path. The concept of "anonymous Christians" captures the idea that people who have never heard of Christ might still have an "implicit" faith in the real God. In this view, God probes all human hearts, Christian or otherwise, and learns who these anonymous

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2 I focus on the specific case of Christianity that has been much documented. Similar debates may have occurred in other religious traditions but remain less visible in the English-speaking literature. Much work remains to be done to shed light on the way different religious traditions relate to religious plurality. See John Hick, *God Has Many Names* (Philadelphia: Westminster Press, 1982); John Hick and Brian Hebblethwaite, *Christianity and Other Religions: Selected Readings* (Philadelphia: Fortress Press, 1981); John Hick and Paul F. Knitter, *The Myth of Christian Uniqueness: Toward a Pluralistic Theology of Religions* (Maryknoll, N.Y.: Orbis Books, 1987); John Hick, *An Interpretation of Religion: Human Responses to the Transcendent* (New Haven: Yale University Press, 1989); Paul F. Knitter, *No Other Name?: A Critical Survey of Christian Attitudes toward the World Religions* (Maryknoll, N.Y.: Orbis Books, 1985); Raimundo Panikkar, *The Intrareligious Dialogue* (New York: Paulist Press, 1978).

....

1 I thank the editors of this volume for their useful contribution to the final draft of this chapter.

Christians are[3]. Devout Jews, Muslims, Buddhists, or even atheists, can therefore be saved through the Christian faith.

Pluralism differs from both exclusivism and inclusivism insofar as it questions the "myth of uniqueness"[4]. There is no such thing as one true faith or a unique path to salvation. Pluralists do not assert that all religions have equal worth, but assume that other religious traditions could have a salvific potential. Interreligious dialogue is a way to learn more about the religious truths present in other religions.

Pluralistic theologies developed in the Christian tradition especially between the 1970s and 1990s. There are different types of theological pluralism. Some pluralists argue that there is a fundamental unity among religious traditions. One of the most important defenders of such unitary pluralism, and perhaps the most controversial, is the philosopher of religion, John Hick. According to Hick, religions are different cognitive responses to the same Ultimate Reality. They are different phenomenal manifestations of the same noumenon[5]. Believers from different faiths can therefore engage together in truth-seeking dialogue. Since there is ultimately one religious truth, they can learn from each other's imperfect religious knowledge. More cautiously, the theologian Raimundo Panikkar postulates the incommensurability of different religious paths[6]. There is no such thing as a common denominator shared by the world religions. But even without a common Ultimate Reality, dialogue is possible insofar as believers recognize the authenticity of the religious faith of others. What matters most is not the content of beliefs, but the sincerity of the

faith. Interreligious dialogue becomes interfaith dialogue[7].

Thus, the theological meaning of religious pluralism refers to a certain attitude towards religious plurality. It is a religious response to the fact of diversity that calls for an equal recognition of religious difference. Yet pluralistic theologies have been very controversial and received a fair amount of criticism within Christian circles[8].

SOCIOLOGICAL "PLURALISM" OR PLURALITY

The second meaning of religious pluralism is sociological[9]. Pluralism refers here to the social phenomenon of religious plurality or diversity. This is an empirical fact, or rather a dynamic of pluralization, that deserves to be described and explained. To avoid any confusion, such sociological pluralism should be referred to as plurality.

Religious plurality is not a new phenomenon[10]. In pre-reformation Europe, the Catholic Church was already dealing with "infidels" (Jews and Muslims), and the Orthodox Church of Eastern Europe.

3   This controversial idea of "anonymous Christians" was introduced by the German Jesuit theologian, Karl Rahner (1904-1984).

4   Hick and Knitter, *The Myth of Christian Uniqueness: Toward a Pluralistic Theology of Religions.*

5   Hick, *An Interpretation of Religion: Human Responses to the Transcendent.*

6   Panikkar, *The Intrareligious Dialogue.*

7   Interfaith dialogue often includes non-religious beliefs, such as agnostic or atheist views. Such opinions are interpreted as specific kinds of faith.

8   See Gavin D'Costa, *Christian Uniqueness Reconsidered: The Myth of a Pluralistic Theology of Religions* (Maryknoll, N.Y.: Orbis Books, 1990).

9   Sociological pluralism (or "plurality") refers here to a descriptive account of diversity. This does not imply that all sociologists use the notion in a purely descriptive fashion. James Beckford, for example, is critical of the conflation between descriptive and normative usages of "pluralism" in sociology. As a matter of "conceptual hygiene", he writes, "it is preferable to associate 'pluralism' with ideological and normative positions". See James A. Beckford, *Social Theory and Religion* (Cambridge: Cambridge University Press, 2003): 79.

10 Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, Mass: Belknap Press of Harvard University Press, 2007).

In a context of superposition between religious and political entities, "heresy" was perceived as a crime against the political body, and the struggle against heretics was fierce. One group of dissidents succeeded in establishing themselves, namely the Hussites of Bohemia, in the fifteenth century. The subsequent reformations of the sixteenth century brought about unforeseen religious divisions – not only, that is, between Catholics and Protestants but also within Protestantism itself. Protestantism was soon divided into rival congregations, such as Lutherans, Reformed (or "Calvinists"), and Anabaptists. This new diversity shows how religious disagreements and cleavages frequently cut across religious traditions.

The sociological phenomenon of religious pluralism has acquired new scope in recent decades, both in Western Europe and the United States[11]. This religious diversity encompasses not only Christians, Jews, and Muslims, but also non-Abrahamic religions, such as Hindus, Buddhists, new religious movements and, of course, a growing number of non-believers[12]. Globalization and migration play a significant role in the pluralization of Western societies. Through these processes, modernity has not led to the disappearance of religion, as some theories of secularization predicted, but to a deep plurality. Not only do various religions coexist but religion itself undergoes a process of internal pluralization. French sociologist Danièle Hervieu-Léger speaks of "exploded religion" (*religion éclatée*) in order to describe this contemporary religious landscape[13]. In it, religion becomes increasingly subjectivized and individual believers tend to come up with their own *bricolage* — they pick and choose what they find appealing in different religions[14]. This process of customization of religion reflects what Peter Berger calls the "heretical imperative", namely the prominent place of "choice" in modern beliefs[15]. In these ways, many sociologists argue that modernity and pluralization go hand in hand. As Charles Taylor puts it:

> the present scene, shorn of the earlier forms, is different and unrecognizable to any earlier epoch. It is marked by an unheard of pluralism of outlooks, religious and non- and anti-religious, in which the number of possible positions seems to be increasing without end[16].

The question of religious plurality becomes more complex when one considers not only the diversity of religious traditions, but also the variety of religious movements within and outside these traditions, as well the diversity of unbeliefs. Some religions are monotheist, others polytheist, and some are Godless. There is even some doubt about the relevance of the concept of religion to encompass all these phenomena[17]. Religious plurality is not only about the one and the many, it is a multifaceted diversity that requires constant interpretation.

11 Thomas F. Banchoff, *Democracy and the New Religious Pluralism* (Oxford: Oxford University Press, 2007).

12 The question of the inclusion of non-believers within the concept of religious plurality is an interesting one. Here I include also non-religious beliefs (such as atheism and agnosticism). Even if they are arguably not religious per se, they define themselves in relation to religion.

13 Danièle Hervieu-Léger, *Le Pélerin et le converti: la religion en mouvement*. (Paris: Flammarion, 1999): 29.

14 *Ibid.*, 18.

15 *Hairesis* in Greek means choice. See Peter L. Berger, *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation* (Garden City, N.Y.: Anchor Press, 1979).

16 Charles Taylor, *A Secular Age* (Cambridge: Belknap Press of Harvard University Press, 2007): 437.

17 Wilfred Cantwell Smith, *The Meaning and End of Religion* (Minneapolis, Minn: Fortress Press, 1991). See chapter 2: "'Religion' in the West".

PHILOSOPHICAL PLURALISM

The third meaning of pluralism is philosophical. In liberal political theory, diversity can be envisaged either as a *fact* or as an *instrumental value*[18]. On the one hand, the liberal state must ensure that diversity does not threaten the stability of the system. When John Rawls speaks about "the fact of pluralism", he is referring to the sociological phenomenon[19]. He could be speaking about plurality instead. However, he gives a specific interpretation of pluralism, through the idea of reasonable pluralism. Reasonable pluralism refers to the irreducible diversity of religious, moral, and philosophical comprehensive doctrines, both incompatible and reasonable[20]. Diversity (including religious diversity) is envisaged as a natural consequence of the exercise of autonomous reason

in a democratic regime. For Rawls, autonomy and diversity are compatible and complementary. The valorization of autonomy by liberalism provides the conditions for diversity to thrive. On the other hand, diversity is instrumentally valued by some liberals because it benefits individuals and society. John Stuart Mill, for example, argues that the diversity of opinions and beliefs serves the quest for truth. In addition, the variety of ways of life is linked to the development of individuality which is crucial to social progress. We have good instrumental reasons, according to Mill, to value diversity[21].

There is, however, a third way between a factual account and an instrumental defense of diversity. Philosophical pluralism values diversity *intrinsically*. Pluralism here is a theory of value — value-pluralism — whose metaphysical assumptions are contested. This kind of pluralism contrasts with monism, the idea that values can be harmonized in a unified system or reduced to a common denominator. According to Isaiah Berlin, pluralism is:

> the conception that there are many different ends that men may seek and still be fully rational, fully men, capable of understanding each other and sympathizing and deriving lights from each other, as we derive from reading Plato or the novels of medieval Japan — worlds, outlooks, very remote from our own[22].

In this view, pluralism differs from a vulgar relativism (or subjectivism) which would say: "I prefer coffee, you prefer champagne. We have different tastes. There is no more to be

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18 William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge, U.K.: Cambridge University Press, 2002): 27. Galston associates the first with John Rawls and the second with John Stuart Mill and James Madison.

19 John Rawls, *Political liberalism* (New York: Columbia University Press, 2005).

20 Rawls does not define reasonableness as such, but he does specify some aspects of a "reasonable person" (*Ibid.*, 48-63). One aspect is the willingness of individuals to propose and abide by principles and standards as fair terms of cooperation, to the extent that others reciprocate. Another aspect is the readiness of individuals to recognize and accept the consequences of the burdens of judgment. Burdens of judgment are the reasons why reasonable and sincere persons disagree on moral, religious, or philosophical issues (Rawls, *Political liberalism*, 56-57): (1) Evidence is conflicting and complex and therefore hard to assess and evaluate; (2) We disagree about the weight that should be given to the same considerations; (3) Conceptual indeterminacy forces us to rely on differing judgments and interpretations; (4) Our assessment of evidence depends upon our life experience (position in society, ethnicity, etc.); (5) There are different normative considerations to both sides of an issue; (6) Some selection of values must be made since a system of social institution is limited in the values it can admit. Because of the burdens of judgment, the careful use of reason does not lead to the same conclusions. Reasonable persons hold different comprehensive doctrines and pluralism prevails.

21 John Stuart Mill, *On Liberty and Other Essays* (Oxford: Oxford University Press, 1991). See "On Liberty", chapter 3: "Of Individuality, as One of the Elements of Well-being".

22 Isaiah Berlin and Henry Hardy, *The Crooked Timber of Humanity: Chapters in the History of Ideas* (London: Murray, 1990): 11.

said"[23]. Contrary to relativism thus construed, pluralism asserts that values are objective, and that humans pursue them as ends in themselves. Such values can be in conflict, which means that they are incompatible with each other and incommensurable. As a result, "[we] are doomed to choose, and every choice may entail an irreparable loss"[24]. The choice between incompatible values implies a moral cost.

For Joseph Raz, autonomy is intimately linked to pluralism[25]. Autonomy indeed requires the possibility to choose between a diversity of worthwhile choices. William Galston, on the other hand, argues that liberalism should not be centrally concerned with autonomy, but rather with "the protection of legitimate diversity"[26]. A diverse society is one where individuals can choose freely among a plurality of conceptions of the good life. Diversity provides the necessary conditions for the exercise of autonomy, but also for "expressive liberty" which allows individuals and groups to lead their lives in conformity with their convictions, although these convictions do not always reflect the value of autonomy[27].

Value-pluralism concerns first of all goods, and not ways of life, cultures, or religions[28]. However, the metaphysical premise of an irreducible plurality of value can easily be translated into a principle of "respect for plurality" insofar as it reflects the plurality of goods[29]. George Crowder adds that pluralism should not only value the diversity of cultures, but diversity within cultures, insofar as it favors autonomy. If value-pluralism is not properly speaking about religion, it can justify a normative position in favor of the valorization of diversity, including religious diversity[30].

RELIGIOUS PLURALISM AS A POLITICAL IDEAL

In its fourth sense, pluralism does not take a theological stance about religious truth, nor does it make a metaphysical claim about the nature of value. Pluralism is also not to be confused with mere plurality or diversity. Rather, it refers to a political ideal of peaceful interaction of individuals and groups of different religious traditions and confessions, as well as non-believers. Pluralism portrays a world that has moved "beyond mere toleration" toward the active engagement with religious difference.

How does pluralism relate to toleration? Toleration can be understood in many different ways[31]. Let us define it quite narrowly as an attitude of self-restraint when confronted with beliefs or behaviors judged to be reprehensible. To be tolerant is to refrain from acting to eradicate what is perceived as wrong. Toleration presupposes some kind of moral judgment, but accepts a resignation in the face of evil. This kind of toleration leads, at best, to peaceful coexistence. By contrast, the pluralistic attitude points to recognition and promotes the enthusiastic endorsement of difference. Difference should not be deplored, but celebrated as a facet of the inherent diversity of a free society.

23 *Ibid.*, 11.

24 *Ibid.*, 16.

25 Joseph Raz, *The Morality of Freedom* (Oxford [Oxfordshire]: Clarendon Press, 1986).

26 Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, 23.

27 *Ibid.*, 28.

28 George Crowder, "Two Concepts of Liberal Pluralism", *Political Theory* 35 (2007): 133.

29 *Ibid.,* 132

30 See Michael Jinkins, *Christianity, Tolerance, and Pluralism: A Theological Engagement with Isaiah Berlin's Social Theory* (London: Routledge, 2004).

31 According to Michael Walzer, several attitudes can be encompassed under the umbrella of toleration, ranging from mere resignation to enthusiasm. I believe that the enthusiastic endorsement of differences should no longer be labeled toleration, but rather a pluralistic attitude. See Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997): 10-11.

Here, pluralism goes beyond toleration — that leads to mere coexistence — to refer to active engagement across boundaries of faith — interfaith cooperation.

This understanding of religious pluralism is consistent with the definition of Courtney Bender and Pamela Klassen, namely as "a commitment to recognize and understand others across perceived or claimed lines of religious differences"[32]. It is also very close to Thomas Banchoff *et al.'s* definition in which religious pluralism refers to "patterns of peaceful interaction among diverse religious actors — individuals and groups who identify with, and act out of, particular religious traditions"[33]. Why speak of "peaceful" interaction? Because, says Banchoff, the ideal of religious pluralism "ends where violence begins"[34]. Such conceptions of religious pluralism do not contradict the fact that religious plurality pertains to differences, disagreements, and conflicting interests. Pluralism does not deny the existence of strong controversies within religions, between religions, and between religions and the secular; instead, pluralism poses an ideal of the regulation of conflicts through peaceful interaction.

32 Courtney Bender and Pamela E. Klassen, *After Pluralism: Reimagining Religious Engagement* (New York: Columbia University Press, 2010): 2.

33 Thomas F. Banchoff, *Religious Pluralism, Globalization, and World Politics* (Oxford: Oxford University Press, 2008): 4.

34 *Ibid.*, 5.

REFERENCES

Banchoff, Thomas F. *Religious Pluralism, Globalization, and World Politics.* Oxford: Oxford University Press, 2008.

Banchoff, Thomas F. *Democracy and the New Religious Pluralism.* Oxford: Oxford University Press, 2007.

Beckford, James A. *Social Theory and Religion.* Cambridge, U.K.: Cambridge University Press, 2003.

Bender, Courtney and Pamela E. Klassen. *After Pluralism: Reimagining Religious Engagement.* New York: Columbia University Press, 2010.

Berger, Peter L. *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation.* Garden City, N.Y.: Anchor Press, 1979.

Berlin, Isaiah and Henry Hardy. *The Crooked Timber of Humanity: Chapters in the History of Ideas.* London: Murray, 1990.

Crowder, George. "Two Concepts of Liberal Pluralism". *Political Theory* 35:121-146, 2007.

D'Costa, Gavin. *Christian Uniqueness Reconsidered: The Myth of a Pluralistic Theology of Religions.* Maryknoll, N.Y.: Orbis Books, 1990.

Galston, William A. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice.* Cambridge, U.K.: Cambridge University Press, 2002.

Hervieu-Léger, Danièle. *Le Pélerin et le converti: la religion en mouvement.* Paris: Flammarion, 1999.

Hick, John. *An Interpretation of Religion: Human Responses to the Transcendent.* New Haven: Yale University Press, 1989.

Hick, John. *God Has Many Names.* Philadelphia: Westminster Press, 1982.

Hick, John and Paul F. Knitter. *The Myth of Christian Uniqueness: Toward a Pluralistic Theology of Religions.* Maryknoll, N.Y.: Orbis Books, 1987.

Hick, John and Brian Hebblethwaite. *Christianity and Other Religions: Selected Readings.* Philadelphia: Fortress Press, 1981.

Jinkins, Michael. *Christianity, Tolerance, and Pluralism: A Theological Engagement with Isaiah Berlin's Social Theory.* London: Routledge, 2004.

Kaplan, Benjamin J. *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe.* Cambridge, Mass: Belknap Press of Harvard University Press, 2007.

Knitter, Paul F. *No Other Name?: A Critical Survey of Christian Attitudes toward the World Religions.* Maryknoll, N.Y.: Orbis Books, 1985.

Mill, John Stuart. *On Liberty and Other Essays.* Oxford: Oxford University Press, 1991.

Panikkar, Raimundo. *The Intrareligious Dialogue.* New York: Paulist Press, 1978.

Rawls, John. *Political liberalism.* New York: Columbia University Press, 2nd edition, 2005.

Raz, Joseph. *The Morality of Freedom.* Oxford [Oxfordshire]: Clarendon Press, 1986.

Smith, Wilfred Cantwell. *The Meaning and End of Religion.* Minneapolis, Minn: Fortress Press, 1991.

Taylor, Charles. *A Secular Age.* Cambridge, Mass: Belknap Press of Harvard University Press, 2007.

Walzer, Michael. *On Toleration.* New Haven: Yale University Press, 1997.

POLITICAL-THEOLOGICAL PLURALISM

JOHN WOLFE ACKERMAN

Present day political-philosophical debates are characterized by a paradox: on the one hand, the religious and cultural plurality of contemporary societies is celebrated and endorsed through a commitment to pluralism, on the other hand, this commitment to pluralism is narrowed down to basically one admissible answer: political liberalism. Such narrowing down of the range of political-philosophical responses to the challenge of pluralism is problematic for two reasons: first, it universalizes one philosophical tradition, secular liberalism, as *the* valid response to modern pluralism; and second, it sidelines other potential philosophical approaches which offer different, and maybe more adequate, ways of thinking about religious pluralism in contemporary society In this article, I propose to explore a hitherto under-researched branch in political philosophy which, I will argue, could itself represent an untapped resource for pluralizing the political-philosophical tradition: political theology. Political theology is usually understood in the terms of debate set by Carl Schmitt in his landmark text *Political Theology: Four Chapters on the Concept of Sovereignty* (1922) as being about sovereignty, the *Rechtsstaat*, and the appeal to theological absolutes to shore up mundane political power.[1]

But recent debates have also pointed to the limits of Schmittian political theology as emphatically Christian (and specifically Roman Catholic) in both its lineage and polemical thrust.[2]

As Cécile Laborde has observed in a reflection on the possible relevance of Schmittian political theology, Schmitt's thinking can be interpreted promisingly as "a reminder of the structurally *Christian* nature of the secular state", that is, of the fact that the secular state is actually "deeply implicated in a particular (Christian) political theology."[3] According to Laborde, what must then be addressed in response is "the extent to which the basic categories of secular liberal theory are themselves dependent … on a *problematically* ethnocentric conception of the individual and of the state"[4]. Laborde's answer would seem to be that basic secular conceptions can hold up normatively even if they are permeated by (Christian) religious notions. Laborde, therefore, admits to the paradox noted in the beginning but finds a way around it by arguing for the normative superiority of the secular liberal tradition. In this short chapter, I propose an alternative: rather than continuing to project a single, narrow view of the relationship between historical Western Christianity and the saeculum (in the form of pre-modern sovereigns ruling by divine right) onto the intersection of theology and politics in late modernity, we might instead today enlist a more expansive conception of political theology—one attentive to the fact of religious pluralism and the very wide range of possible relationships between divine and human political power that this religious diversity may encompass—in the service of a more adequately

1   Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: The MIT Press, 1985). For historical background and current debates, see Hent de Vries, "Introduction: Before, Around, and Beyond the Theologico-Political," in *Political Theologies: Public Religions in a Post-Secular World*, ed. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 1–88, and Miguel Vatter, "Introduction: Crediting God with Sovereignty," in *Crediting God: Sovereignty and Religion in the Age of Global Capitalism*, ed. Miguel Vatter (New York: Fordham University Press, 2011), 1–25.

2   See also *Judaism, Liberalism, and Political Theology*, ed. Randi Rashkover and Martin Kavka (Bloomington, IN: Indiana University Press, 2014).

3   Cécile Laborde, "Three Theses About Political Theology: Some Comments on Seyla Benhabib's 'Return of Political Theology,'" *Critical Review of International Social and Political Philosophy* 17, no. 6 (2014): 693, doi: 10.1080/13698230.2014.930782.

4   Laborde, "Three Theses", 695.

pluralistic understanding of contemporary politics. In order to initiate such an effort, we might begin by registering that the "political theology" inherited from Schmitt itself came into existence in tandem with other political theologies that were resistant to and critical of it—and critical as well of the distinct role that Christian political theologies had played in the rise of the modern state in Europe, and of the forms of state politics that these particular political theologies continue to underwrite.

This chapter focuses on the modern German iteration of the European state tradition within which Schmitt wrote: on its theory of the *Rechtsstaat*, that state of "right" that is understood as both a set of governing institutions and a system of law conceived as an alternative to mere laws, which has come to be seen as an end in itself in Western politics—and on the historical resistance to this German tradition of state-thinking that was generated out of its encounter with Jews and Judaism in the German-speaking realm, from the late eighteenth to the twentieth centuries.[5] This encounter was shaped decisively by the Christian anti-Judaism of both German theology and philosophy, but was also characterized by varied forms and moments of friction, dissent, and challenge to this anti-Judaism. Alternative political theologies were among the results of these confrontations. In this article, I present one small sample indicative of a larger picture, by focusing all too briefly on two confrontations that occurred in the wake of the First World War and the period of the Weimar Republic when debates around political theology reached a particular apex, with Schmitt at their center. First, in the underappreciated reading of Hegel's theory of

the state by Jewish philosopher-theologian, Franz Rosenzweig, and the Jewish writings, particularly *The Star of Redemption*, that he produced on its heels; and, second, in the more direct but largely overlooked challenge by political theorist, Hannah Arendt, to Schmitt's particular version of political theology.[6]

Franz Rosenzweig is typically portrayed as a scholar who studied Hegel and the German political-philosophical tradition before turning away from it to commit himself instead to a renewal of German Judaism—a development that is typically figured as a turning inward to Jewish ritual tradition and communal life.[7] But Rosenzweig can also be read as exemplary of a wider phenomenon of German-Jewish political theology, and of the challenge this Jewish political theology posed and still poses to both Christian political theology and the political-philosophical tradition to which it was intimately connected. He was educated, as a student of Friedrich Meinecke, at the forefront of the emerging German intellectual history and its particular attention to the development of the nation-state. In writing, on the eve of the war, the first great study of Hegel's theory of the state, its development and influence on the century that followed, Rosenzweig subsequently rebelled against this world and the ideological constellation that undergirded it. In doing so, he called into question the German tradition's long-established, deprecatory view of Judaism in order to discover new resources in it that could answer some of that tradition's most urgent shortcomings.

5 Both German-Christian perceptions of Judaism and German-Jewish assessments of Judaism and Christianity have also been shaped in and by their perceptions of Islam, but this paper leaves this dimension of these confrontations to the side here. On these entanglements, see especially the recent work of Gil Anidjar and Susannah Heschel.

6 I give a far more extended reading of this constellation in Ackerman, "The Politics of Political Theology: Rosenzweig, Schmitt, Arendt" (PhD diss., Northwestern University, 2013).

7 Cf. Franz Rosenzweig, *Hegel und der Staat* [1920], new ed., ed. Frank Lachmann (Frankfurt: Suhrkamp, 2010), and Franz Rosenzweig, *The Star of Redemption* [1921], trans. William W. Hallo (Boston: Beacon, 1964).

Rosenzweig's reading turned on his explication of Hegel's famous statement in the preface to the *Philosophy of Right*—"What is rational is actual, and what is actual is rational"—as Hegel's concise expression of the historical and political transformation that occurred with the advent of Christianity.[8] According to Hegel, it was in God's becoming man in Christ that reason became actual in the world as human matter. Through this event, the political state had been endowed, in Hegel's view, with the task of the continuing actualization of reason in the world, a task that found embodiment in the person of the human sovereign and the power of decision lodged on his person. Thenceforth to be played out on the stage of world history, the Christian task of realizing reason in the world was also destined to lead to ever-renewed wars.

Against this understanding, Rosenzweig's turn to Judaism did not represent a turn away from politics and withdrawal from the world. It entailed the articulation of a different politics based on a different theology in which God has not become man. It too is a political theology, but one which takes its alternate starting point from the revelation of the commandment: of a law that is given, not the product of human fabrication. It reads the command to love God as an incitement to ongoing acts of love of neighbor, locating these acts in the everyday agonistic encounters and interactions in the world in which the "given" law finds its enactment, and apart from which it would remain ineffective.[9] It locates politics not primarily in any undertakings of states but rather, in the conflicts and negotiations entailed in these everyday encounters with manifold neighbors and in the concerted action these encounters generate which has neither a realization nor an ultimate decision as its end. It thus generates what Rosenzweig calls a "messianic politics", one that operates in another time than "world history"—and according to a critique, not just of Hegel, but also *avant la lettre* of what Schmitt would shortly define as political theology.[10] By preserving the alterity of God and the givenness of the divine commandment, Rosenzweig's Jewish political theology resists the becoming absolute of the human sovereign who has assumed powers that once belonged to God.

Schmitt's political theology is the object of a more direct critique in Hannah Arendt's Weimar and post-Weimar writings. This critique parallels Rosenzweig's in key ways, drawing similarly on Jewish resources to resist the statist political theology of the German-Christian tradition. It begins in Arendt's doctoral dissertation on the concept of love in the writings of Augustine where, without naming Schmitt, Arendt cites both his *Political Theology* and his 1927 "The Concept of the Political" in order to argue that in their respective pursuits of order in the world, both Augustine and Schmitt block the very encounter with the other that would make love of neighbor possible or, for that matter, political friend-enemy judgments of

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8 "*Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig*". Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), 20; Hegel, *Werke*, vol. 7: *Grundlinien der Philosophie des Rechts* (Frankfurt: Suhrkamp, 1986), 24. See Rosenzweig, *Hegel und der Staat*, 355; Hegel, *Philosophy of Right/Philosophie des Rechts* §279, §328. Cf. also the readings in Michael Theunissen, *Die Verwirklichung der Vernunft: Zur Theorie-Praxis-Diskussion im Anschluß an Hegel*, Beiheft 6, *Philosophische Rundschau* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1970) and Emil Fackenheim, "The Actuality of the Rational and the Rationality of the Actual," in *The God Within: Kant, Schelling and Historicity*, ed. John Burbridge (Toronto: University of Toronto Press, 1996), 164–71. (Cf., further, Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat* [Berlin: Walter de Gruyter & Co., 1970] and Fackenheim, *The Religious Dimension in Hegel's Thought* [Chicago: University of Chicago Press, 1982].)

9 Rosenzweig's political theology was first articulated in the second half of *The Star of Redemption*, published one year after *Hegel and the State*.

10 See Schmitt, *Political Theology*, e.g., 5, 10, 55–56, 65–66.

the sort Schmitt famously advocated.[11] Arendt began to formulate an alternative in her next project on the Jewish Berlin salonnière, Rahel Varnhagen, in which she sought to recover the Jewish trait of gratitude for that which is given as a positive resource for encounter with and inhabitation of the world from which Rahel, under the pressures of Prussian antisemitism, had fled.[12] Indeed, it was the elimination of the very possibility of encounter that accounted for the destruction of politics by totalitarianism in Arendt's acclaimed post-war analysis of the catastrophes of the mid-twentieth century. In *The Origins of Totalitarianism*, she prescribed the rekindling of gratitude for the individual's time in the world as a prerequisite for the re-founding of a common world or worlds in which politics might again become possible.[13] This thread carries through all the way to her theorization of a new mode of foundation in *On Revolution*.[14] There, she countered Schmitt's depiction of popular constituent power as a secularization of the divine power of creation, with an alternate theological

conception of a continuing creation in which the plurality of creation participates. It is this account that forms the basis for Arendt's revolutionary constitutionalism of ongoing new beginnings, nourished by the continual plural encounter with given difference.

These components—gratitude for the given, everyday encounters with the neighbor, and ongoing, agonistic negotiation of law that is never simply the product of human autonomy—together constitute an alternate Jewish political theology that emerges in the writings of Rosenzweig and Arendt . Their work examined the German philosophical tradition's thinking of the state and its intertwinement with Christian theology—in critical confrontation with both that tradition and with Schmitt's particular version of political theology.

In contrast to the Christian political theology of the German philosophical tradition, this Jewish political-theological alternative affirms plurality and contest as constituent elements of both religion and politics, including where they inevitably intersect. Its existence reflects the fact that the modern Western political tradition emerged against a background of religious pluralism (even if highly constrained by the dominance of Christianity) and was always already part of the confrontation this entailed. Discussions on political theology in the twentieth century encompassed positions that sought to reinforce Christianity's influence on the European political tradition and ones that countered it. But the latter did so, it is important to recognize today, not just in the name of secularism but also on behalf of alternatives that drew on other religious and theological resources in the service of other types of politics which might just be more pluralistic than the more familiar Christian political theology of a unified state. In the context of contemporary discussions on how to accommodate religious pluralism, and in the face of the many voices

11 Hannah Arendt, *Der Liebesbegriff bei Augustin* (Berlin: Springer, 1929); Carl Schmitt, "Der Begriff des Politischen," *Archiv für Sozialwissenschaft und Sozialpolitik* 58, no. 1 (1927): 1–33. See also John Wolfe Ackerman, "The Memory of Politics: Arendt, Schmitt and the Possibility of Encounter," in *Concentrationary Memories: Totalitarian Terror and Culture Resistance*, ed. Griselda Pollock and Max Silverman (London: I.B. Tauris, 2013), 31–43.

12 Rahel identified her gratitude in her memoirs as one of her defining and also her most "hideous" traits, a positive trait that under conditions in Prussia had been perverted into its opposite. See Hannah Arendt, *Rahel Varnhagen: Lebensgeschichte einer deutschen Jüdin aus der Romantik* (Munich: Piper, 1959), 20. Cf. Hannah Arendt, *Rahel Varnhagen: The Life of a Jewess*, ed. Liliane Weissberg, trans. Richard and Clara Winston (Baltimore: Johns Hopkins University Press, 1997), 87.

13 See Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, 1951), 438 (from the original Concluding Remarks, reprinted also in the 2004 Schocken ed.). See also Ackerman, "The Memory of Politics".

14 Hannah Arendt, *On Revolution* (New York: Viking, 1965).

insisting that Western democracies should not compromise the fundamental principles of secular liberalism in the face of challenges posed by religious sensibilities, this example suggests that we would do well to look more closely to the recurrent moments of friction between the Christian fundaments of the political-philosophical tradition inherited by the West and its minoritized religious and theological Others. Such action will yield insights into how we might yet cultivate a politics of robust engagement across the fluid, permeable, often overlapping lines of religious and theological difference that have long animated the societies and the world in which we live. In fact, contrary to expectations, political theology can be a powerful resource for such a project.

REFERENCES

Ackerman, John Wolfe. "The Memory of Politics: Arendt, Schmitt and the Possibility of Encounter". In *Concentrationary Memories: Totalitarian Terror and Culture Resistance*, edited by Griselda Pollock and Max Silverman, 31–43. London: I.B. Tauris, 2013.

Ackerman, John Wolfe. "The Politics of Political Theology: Rosenzweig, Schmitt, Arendt". PhD diss., Northwestern University, 2013.

Anidjar, Gil. *Semites: Race, Religion, Literature*. Stanford: Stanford University Press, 2008.

Anidjar, Gil. *The Jew, the Arab: A History of the Enemy.* Stanford: Stanford University Press, 2003.

Arendt, Hannah. *Rahel Varnhagen: The Life of a Jewess*. Edited by Liliane Weissberg. Translated by Richard and Clara Winston. Baltimore: Johns Hopkins University Press, 1997.

Arendt, Hannah. *On Revolution*. New York: Viking, 1965.

Arendt, Hannah. *Rahel Varnhagen: Lebensgeschichte einer deutschen Jüdin aus der Romantik* Munich: Piper, 1959.

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, Brace, 1951.

Arendt, Hannah. *Der Liebesbegriff bei Augustin*. Berlin: Springer, 1929.

de Vries, Hent. "Introduction: Before, Around, and Beyond the Theologico-Political". In *Political Theologies: Public Religions in a Post-Secular World*, edited by Hent de Vries and Lawrence E. Sullivan, 1–88. New York: Fordham University Press, 2006.

Fackenheim, Emil. "The Actuality of the Rational and the Rationality of the Actual". In *The God Within: Kant, Schelling and Historicity*, edited by John Burbridge, 164–71. Toronto: University of Toronto Press, 1996.

Fackenheim, Emil. *The Religious Dimension in Hegel's Thought*. Chicago: University of Chicago Press, 1982.

Hegel, G.W.F. *Elements of the Philosophy of Right.* Edited by Allen W. Wood. Translated by H.B. Nisbet. Cambridge: Cambridge University Press, 1991.

Hegel, G.W.F. *Grundlinien der Philosophie des Rechts*. Vol. 7 of *Werke*. Frankfurt: Suhrkamp, 1986.

Heschel, Susannah. "German Jewish Scholarship on Islam as a Tool for De-Orientalizing Judaism," *New German Critique* 117 (2012): 91–107. doi: 10.1215/0094033X-1677282.

Heschel, Susannah. Address to the International Council of Christians and Jews, Istanbul, June 2010. Available at http://abrahamicfamilyreunion.org/wp-content/uploads/2010/07/Heschel-S-Keynote.pdf.

Laborde, Cécile. "Three Theses About Political Theology: Some Comments on Seyla Benhabib's 'Return of Political Theology'". *Critical Review of International Social and Political Philosophy* 17(6):689–696, 2014. doi: 10.1080/13698230.2014.930782.

Rashkover, Randi, and Martin Kavka, ed. *Judaism, Liberalism, and Political Theology*. Bloomington, IN: Indiana University Press, 2014.

Rosenzweig, Franz. *Hegel und der Staat*. Edited by Frank Lachmann. Frankfurt: Suhrkamp, 2010.

Rosenzweig, Franz. *The Star of Redemption.* Translated by William W. Hallo. Boston: Beacon, 1964.

Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty.* Translated by George Schwab. Cambridge, MA: The MIT Press, 1985.

Schmitt, Carl. "Der Begriff des Politischen". *Archiv für Sozialwissenschaft und Sozialpolitik* 58(1):1–33, 1927.

Theunissen, Michael. *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat.* Berlin: Walter de Gruyter & Co., 1970.

Theunissen, Michael. *Die Verwirklichung der Vernunft: Zur Theorie-Praxis-Diskussion im Anschluß an Hegel.* Beiheft 6 of *Philosophische Rundschau.* Tübingen: J. C. B. Mohr (Paul Siebeck), 1970.

Vatter, Miguel. "Introduction: Crediting God with Sovereignty". In *Crediting God: Sovereignty and Religion in the Age of Global Capitalism*, edited by Miguel Vatter, 1–25. New York: Fordham University Press, 2011.

ITALY AND CONTROVERSIES AROUND RELIGION-RELATED ISSUES: OVEREMPHASIZING DIFFERENCE

LUCA OZZANO
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1. INTRODUCTION: RELIGIOUS PLURALISM AS A SOCIO-POLITICAL CONSTRUCTION

For most of the twentieth century, the role of religion and especially religious values in politics has been neglected by political science and political sociology. This was largely a consequence of the adoption of the so-called 'secularization paradigm'[1], as well as the fact that most analysis of religion in society was typically a field for specialists[2]. Only since the 1980s has religion 'returned' into the public sphere and been framed as an issue for discussion[3].

A growing scholarship, besides the specialist field, has developed on a number of topics, such as: religion and democratization[4] religiously-oriented political parties[5], religion in international

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1   William H. Swatos and Kevin J. Christiano, "Introduction — Secularization Theory: The Course of a Concept". *Sociology of Religion* 60, no. 3 (1999): 209–28; Rodney Stark, "Secularization, R.I.P.", *Sociology of Religion* 60, no. 3 (1999): 249–73; Steve Bruce, "Did Protestantism Create Democracy?" *Democratization* 11, no. 4 (2004): 3–20.

2   James A. Beckford, "'Start Together and Finish Together': Shifts in the Premises and Paradigms Underlying the Scientific Study of Religion". *Journal for the Scientific Study of Religion* 39, no. 4 (2000): 481–95.

3   Gilles Kepel, *La Revanche de Dieu : Chrétiens, juifs et musulmans à la reconquête du monde* (Paris: Seuil, 1991); José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994).

4   Alfred C. Stepan, "Religion, Democracy, and the 'Twin Tolerations'" *Journal of Democracy* 11, no. 4 (2000): 37–57; Alfred C. Stepan and Graeme B. Robertson, "Arab, Not Muslim, Exceptionalism," *Journal of Democracy* 15, no. 4 (2004): 140–46; Carsten Anckar, *Religion and Democracy: A Worldwide Comparison* (Routledge, 2011); Luca Ozzano, "Religion, Political Actors, and Democratization: The Turkish Case," *Politics and Religion* 7, no. 03 (2014): 590–612; Francesco Cavatorta and Fabio Merone, "Moderation through Exclusion? The Journey of the Tunisian Ennahda from Fundamentalist to Conservative Party," *Democratization* 20, no. 5 (2013): 857–75; Mirjam Künkler and Julia Leininger, "The Multi-Faceted Role of Religious Actors in Democratization Processes: Empirical Evidence from Five Young Democracies," *Democratization* 16, no. 6 (2009): 1058–92; Manfred Brocker and Mirjam Künkler, "Religious Parties Revisiting the Inclusion-Moderation hypothesis – Introduction," *Party Politics* 19, no. 2 (2013): 171–86; Olivier Roy, *La laïcité face à l'islam* (Paris: Stock, 2005).

5   Sultan Tepe, *Beyond Sacred and Secular: Politics of Religion in Israel and Turkey* (Stanford: Stanford University Press, 2008); Nancy L. Rosenblum, "Religious Parties, Religious Political Identity, and the Cold Shoulder of Liberal Democratic Thought", *Ethical Theory and Moral Practice* 6, no. 1 (2003): 23–53; M. Hakan Yavuz, *Secularism and Muslim Democracy in Turkey* (Cambridge: Cambridge University Press, 2009); Luca Ozzano, "The Many Faces of the Political God: A Typology of Religiously Oriented Parties", *Democratization* 20, no. 5 (2013): 807–30; Luca Ozzano and Francesco Cavatorta, eds., *Religiously Oriented Parties and Democratization* (Abingdon; New York: Routledge, 2014); Stathis N. Kalyvas, *The Rise of Christian Democracy in Europe* (Cornell University Press, 1996); Stathis N. Kalyvas, "From Pulpit to Party: Party Formation and the Christian Democratic Phenomenon", *Comparative Politics* 30, no. 3 (1998): 293–312; Asher Cohen, "The Religious Parties in the 2006 Election", *Israel Affairs* 13, no. 2 (2007): 325–45; Payam Mohseni and Clyde Wilcox, "Religion and Political Parties", in *Routledge Handbook of Religion and Politics*, by Jeffrey Haynes (Abingdon: Routledge, 2009), 211–30.

relations[6], or the public debate on ethical-religious issues, variously approached[7]: this latter is the specific focus of this short paper.

6 Jeffrey Haynes, *An Introduction to International Relations and Religion* (Harlow: Pearson, 2007); Jeffrey Haynes, "Transnational Religious Actors and International Politics", *Third World Quarterly* 22, no. 2 (2001), 143-158; Jonathan Fox and Shmuel Sandler, *Bringing Religion Into International Relations* (New York: Palgrave MacMillan, 2006); Jonathan Fox, "Integrating Religion into International Relations Theory", in *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes (Abingdon: Routledge, 2009), 273–92; Giorgio Shani, "Transnational Religious Actors and International Relations", in *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes (Abingdon: Routledge, 2009), 308–22; Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (Simon and Schuster, 1996); Pavlos Hatzopoulos and Fabio Petito, eds., *Religion in International Relations: The Return from Exile* (New York: Palgrave Macmillan, 2003).

7 Jean-Paul Baubérot and Micheline Milot, *Laïcités sans Frontières* (Parigi: Seuil, 2011); Isabelle Engeli, Christoffer Green-Pedersen, and Lars Thorup Larsen, *Morality Politics in Western Europe: Parties, Agendas and Policy Choices* (Basingstoke; New York: Palgrave Macmillan, 2012); Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (New York: Cambridge University Press, 2004); Grace Davie, *Religion in Britain Since 1945: Believing Without Belonging* (Oxford ; Cambridge, Mass: John Wiley & Sons, 1994); Isabelle Engeli, "The Challenges of Abortion and Assisted Reproductive Technologies Policies in Europe", *Comparative European Politics* 7, no. 1 (2009): 56–74; Charles Taylor and Amy Gutmann, *Multiculturalism: Examining the Politics of Recognition* (Princeton, N.J: Princeton University Press, 1994); Jürgen Habermas, "Notes on Post-Secular Society", *New Perspectives Quarterly* 25, no. 4 (2008): 17–29; Jeff Haynes and Anja Hennig, eds., *Religious Actors in the Public Sphere: Means, Objectives, and Effects* (Abingdon; New York: Routledge, 2013); Eugenio Lecaldano, *Bioetica. Le scelte morali* (Roma; Bari: Laterza, 2005); Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, N.J: Princeton University Press, 2005); Claudia Mancina, "Laicità e politica", in *Laicità. Una Geografia Delle Nostre Radici*, ed. Giovanni Boniolo (Torino: Einaudi, 2006), 5–26; Michael Minkenberg, "Religion and Public Policy Institutional, Cultural, and Political Impact on the Shaping of Abortion Policies in Western Democracies", *Comparative Political Studies* 35, no. 2 (2002): 221–47; Michael Minkenberg, "The Policy Impact of Church–state Relations: Family Policy and Abortion in Britain, France, and Germany", *West European Politics* 26, no. 1 (2003): 195–217; Linda Woodhead, "Gendering Secularization Theory", *Social Compass* 55, no. 2 (2008): 187–93; Robert Wuthnow, *Rediscovering the Sacred: Perspectives on Religion in Contemporary Society* (Grand Rapids, Mich: Wm. B. Eerdmans Publishing Co., 1992).

In Italy, as in other European countries, the last decades have been characterized by deep controversies around religion-related issues. Among these, some have revolved around how to deal with non-Catholic religions: being Italy a religious quasi-monopoly, the debate is indeed intertwined with the debate about migration. Other discussions were instead focused on issues related to the role of Christian values in the secular public sphere, and particularly on religious symbols, bioethics and sexuality [8].

The analysis of the controversies shows that in the political sphere 'religious pluralism' has neither a single definition, nor acknowledged and stable characters. For example, during the controversy on the role of religious teaching in the public education system, non-Catholic religions were acknowledged as possible actors in the debate, thus taking into account Italian society's religious plurality. On the other side, in dealing with medically-assisted procreation, religious pluralism only concerned the differences between Catholic and secular attitudes toward the issue. Besides being a meaningful social reality thus, religious pluralism also plays an important role as a socio-political construction. Among the many possible scientific perspectives, therefore, we chose to adopt a socio-constructivist approach, focusing on what actors mean by religious pluralism and how they argue for, or against, its role in the political sphere.

8 Stefano Allievi and Jørgen S. Nielsen, *Muslim Networks and Transnational Communities in and Across Europe* (Leiden: Brill, 2003); Luca Diotallevi, "Internal Competition in a National Religious Monopoly: The Catholic Effect and the Italian Case", *Sociology of Religion* 63, no. 2 (2002): 137–55; Garelli, Franco. *Religione all'italiana*. (Bologna: Il Mulino, 2011); Garelli, Franco. "Religion and Politics: The Italian Case". *Annual Review of the Sociology of Religion*, 2 (2011a): 216–244; Lecaldano, *Bioetica*; Mancina, *Laicità*; Pace, Enzo. *Vecchi e Nuovi Dei. La geografia religiosa dell'Italia che cambia*. (Milano: Edizioni Paoline, 2011); Pace, Enzo. "Achilles and the Tortoise. A Society Monopolized by Catholicism Faced with an Unexpected Religious Pluralism". *Social Compass* 60, 3 (2013): 315-331; Gian Enrico Rusconi, *Come se Dio non ci fosse: i laici, i cattolici e la democrazia* (Torino: Einaudi, 2000).

In this short paper we focus on how 'religious pluralism' is constructed by political actors by comparatively analyzing controversies around religion-related issues that took place in Italy between 2001 and 2013. The paper draws on the results of four years of research on the Italian ethical-religious debates, based on the analysis of a wide database of printed media[9]. It pays particular attention to how the debates have been framed by the different actors and how their coalitions changed over time and according to the various issues. In relation to the meaning of religious pluralism in contemporary Italy, the research shows on the one hand that political actors have different views of issues related to pluralism according to the values founding their worldview; on the other, they are ready to shift their allegiances and seek a compromise or rather frame the debates as struggles between non-negotiable values according to their perception of short-term political interests. In other words, it is clear that the setting influences the forms of political debates and their outcomes. In addition, we identify three meanings of religious pluralism that emerge in the Italian public sphere: pluralism within the majority religious tradition; pluralism in relation to the dichotomy religion v secular; and pluralism in relation to the growing pluralization and hybridization of the religious landscape.

2. THREE DIMENSIONS OF ITALIAN RELIGIOUS DIVERSITY

The meanings of religious pluralism in the Italian political debate are grounded on three dimensions of religious diversity. A first dimension of Italian religious diversity is related to the heterogeneity of the Italian Catholic tradition. Although Italy can be categorized as a religious quasi-monopoly[10], many scholars have pointed out that, far from being homogeneous, Italian Catholicism has always been characterized by a high degree of internal and geographical difference[11]. Catholicism's internal differences have increased in the last decades, affecting, for example, the identity of the Catholic Church, whose contemporary image has been described as a "sectarian Church"[12].

The second dimension of Italian religious pluralism concerns the role of religion and religious values in a secular and democratic public sphere. Recent studies show that Italian society is increasingly secularized[13]. While Catholicism has maintained its importance in Italian society, as an 'influential

10 Diotallevi, "Internal Competition in a National Religious Monopoly".

11 Roberto Cartocci, *Geografia dell'Italia cattolica*. (Bologna: Il Mulino, 2011); Ivo Colozzi and Stefano Martelli. *L'arcipelago Cattolico. Analisi sociologica dell'associazionismo ecclesiale a Bologna*. (Bologna: EDB, 1988); Diotallevi, "Internal Competition in a National Religious Monopoly"; Enzo Pace, *L'unità dei cattolici in Italia*. (Milano: Guerini e Associati, 1995); Paolo Segatti "Religiosità e territorio nel voto alla Democrazia Cristiana dal 1948 al 1992". *Polis* 13, 1 (1999): 45-65.

12 Marco Marzano. "The 'sectarian' Church. Catholicism in Italy since John Paul II". *Social Compass* 60, 3 (2013a): 302-314

13 Cartocci, *Geografia*; Garelli, Religione all'Italiana; Marco Marzano. *Quel che resta dei cattolici*. (Milano: Feltrinelli, 2013); Marco Marzano. *Il cattolicesimo magico. Un'indagine etnografica*. (Milano: Bompiani, 2009); Paolo Segatti, and Gianfranco Brunelli "L'Italia religiosa. Da cattolica a genericamente cristiana". *Il Regno* 10 (2010): 337–351.

9 Luca Ozzano and Alberta Giorgi, *European Culture Wars and the Italian Case: Which Side Are You On?* (London: Routledge, 2015, forthcoming).

minority'[14], its role is highly controversial. Indeed, in the last decades the Italian public and political spheres have been marked by heated debates about the role of religion in the secular public sphere, particularly in relation to religious symbols, bioethics and sexuality.

The third dimension of Italian religious pluralism is related to the increased presence of non-Catholic religions in Italy, both in terms of numbers and public visibility. The pluralization of the Italian religious landscape[15] is driven, as it is in the rest of Europe, by ongoing secularization and migration processes. Non-Catholic religions are nowadays involved in Italian society, and make public claim for gaining acknowledgement and visibility. At the same time, public visibility increased the political attention towards this latter form of religious pluralism[16].

Given these three dimensions of Italian religious pluralism, Pace advises that scholars must go "beyond the ethno-centrism (or Catholic-centrism that has inevitably characterized our research on our predominantly Catholic society)"[17]. Despite increasing religious pluralism, Catholicism maintains a crucial symbolic role in Italian public and political debates, both as an actor and cultural reference. In fact, the religious cleavage between the Catholic Church and the Italian State had a crucial role in shaping the Italian political system

until the early Nineties[18]. The changes affecting the political system and cultural landscape of contemporary Italy placed religious pluralism among the discussion topics in the public sphere, and different political actors variously mobilized different understandings of religious pluralism in the country.

3. RELIGIOUS PLURALISMS

Scholars have analyzed different aspects of Italian religious pluralism, including how it is represented by the mass media and in the public and political spheres. In our research, we specifically focused on political controversies that have taken place around religion-related issues. We used a qualitative (frame-analysis) approach, collecting, coding, and analyzing texts from 7,134 articles from a wide range of Italian daily newspapers. The objective of this work was to question the binary image of Italy, often represented as being stuck in a war between secular and religious factions. This work, therefore, analyzed controversies around this dynamic, drew attention to the processes of constructing the discursive space and norms for public discussion, and showed the variety in frames and counter-frames around religion and religion-related issues.

Our research shows several interesting features of Italy's religious pluralism, not only in relation to the identity of actors engaged in the public sphere and their perception of religious pluralism, but also (and often especially) in relation to the way identities and images of pluralism are constructed by the different actors in different times and in relation to different debates[19]. We focused on the national printed press: newspapers usually present

14 Luigi Ceccarini and Ilvo Diamanti, "Catholics and Politics after the Christian Democrats: The Influential Minority", *Journal of Modern Italian Studies* 12, no. 1 (2007): 37–59.

15 See the maps of Italian religious diversity in Pace "Achilles and the Tortoise"; see also Pace *Vecchi e Nuovi Dei*.

16 Renzo Guolo, *Chi Impugna La Croce. Lega e Chiesa* (Roma/Bari: Laterza, 2011); Anna Triandafyllidou, "Religious Diversity and Multiculturalism in Southern Europe: The Italian Mosque Debate", in *Multiculturalism, Muslims and Citizenship. A European Approach*, edited by Tariq Modood, Anna Triandafyllidou, and Ricard Zapata-Barrero (Abingdon: Routledge, 2006), 117–42.

17 Pace, Achilles and the Tortoise, 330.

18 Ceccarini and Diamanti, "Catholics and Politics after the Christian Democrats".

19 Courtney Bender and Pamela E. Klassen, eds. *After Pluralism. Reimagining Religious Engagement.* (New York: Columbia University Press, 2010).

the mainstream discourse and dominant frames[20], and are the arenas in which public visibility, resonance, and legitimacy must be gained[21]. More specifically, we focused on the political discourses as reported by print media. Indeed, the Italian media sphere is mostly not an independent actor, but rather strictly intertwined with politics: the national mainstream newspapers are connected to powerful economic groups, while political newspapers are financed by political parties or groups addressing different political audiences. Therefore, we divided print media according to political ideology [22].

Firstly, our research shows that while most actors seem to fully accept religious pluralism, others do not. This is the case with Italy's Radical Party and some fringes of the Marxist left, whose idea of state secularism often seems to go beyond the separation of Church and State to reject any presence of religion (also in terms of values) in the public sphere. However, it is especially the case of the Lega Nord party, which – despite its adoption of neo-pagan symbols and rituals in the 1980s and 1990s – in recent years has been increasingly marked by an identity-based, civilizational and intolerant agenda based on a peculiar vision of Christian identity[23]. According to this view, Catholic values, symbols and places of worship – strongly intertwined with Italian and Western

ethno-cultural identity – are the only legitimate religious presence in the public sphere.

In general, other actors accept religious pluralism, although they range in terms of a concomitant preference for Catholicism. What is striking, in this case, is the paradoxically-shrinking number of political actors who clearly embrace the state's neutrality towards religions: this is shown particularly by the debate concerning the presence of the crucifix in public schools which was rejected by only a minority of actors, even in the center-left. On the other hand, in relation to other issues, the center-right was apparently often uncertain between the adoption of a Lega Nord-style identity approach and a 'republican', more secularly-oriented view of citizenship and pluralism.

If we look instead at religious actors, there are at least two relevant features to point out. On the one hand, non-Catholic religious actors are afforded virtually no voice in the debates, even when the discussion is related to their presence in the public sphere, as in the cases of the veil and localization of mosques. On the other hand, we see that the Catholic Church itself is torn between an exclusivist identity-based approach and a pluralist one emphasizing the absolute right to freedom of worship and belief. This is particularly evident in the debate relating to Muslim places of worship, the visible presence of which in the Italian physical and symbolic landscapes is accepted by some and rejected by others among both the Vatican's hierarchies and the grassroots clergy.

This complex scenario is further enriched if we take into account the process of the debate (in which the positions of actors are not fixed, but rather constructed in relation to the stances of others) and the strategic attitudes of many actors. A striking example of the changing construction of problems is the debate on the veil. In the early 2000s, when the discussion was constructed in

20 Gerlinde Mautner. "Analyzing Newspapers, Magazines, and Other Print Media." In *Qualitative Discourse Analysis in the Social Sciences*, edited by Ruth Wodak and Michal Krzyzanowski: 30-53.London; (New York: Palgrave Macmillan, 2008).

21 Ruud Koopmans and Paul Statham eds. *The Making of a European Public Sphere. Media Discourse and Political Contention*. (Cambridge: Cambridge University Press, 2010).

22 Ozzano and Giorgi, *European Culture Wars and the Italian Case*.

23 This emerges even while debating issues apparently unrelated to ethno-cultural identity, such as abortion which is often stigmatized by the Lega Nord, not out of theological concerns but in relation to Italian population decline and immigration flows

relation to the Middle-East, the debate in the center-left was dominated by a secular approach rejecting the veil as an instrument of male domination, while the center-right appeared much more supportive of tradition. On the other hand, in the second half of the decade when the debate revolved around the presence of the veil in the Italian public sphere and educational institutions, the center-right adopted a pro-ban approach, while for the center-left multiculturalist concerns became predominant, in opposition to the Lega Nord's xenophobic stances. There are, however, other cases in which changes are not related to different constructions of a problem, but are clearly strategic in nature. This is the case, for example, of the discussion on the legalization of same-sex partnerships: while in the second half of the 2000s, the center-right was very firm in its emphasis on traditional Catholic-based values which implied a rejection of any official recognition of same-sex couples, in the early 2010s, facing the competition of Mario Monti's centrist coalition, center-right leaders signaled their willingness to a compromise on the issue.

Broadly speaking, we can observe that at least two major problems related to religious pluralism emerge from our analysis. First, in relation to bioethics and sexuality, the alignment of the Catholic Church and the political center-right encourages the construction of the debate as a zero-sum struggle in which both religiously- and secularly-oriented actors present their values as non-negotiable. This, in turn, means that a compromise is less easy to reach. On the other hand, when the discussion revolves around non-Catholic religious minorities, especially Muslims, they are often implicitly regarded as second-class citizens without the right to voice in a debate dominated by political actors. This is not only the case of organizations mainly representing immigrants without Italian citizenship, but also of groups such as the COREIS whose members are Italian converts: which precisely shows that

this discrimination has a religious, and not ethno-cultural, grounding.

Our analysis also proves, however, that such cleavages and discriminations can change, or at least be circumvented, as a consequence of the strategic face of actors, and the interactional dynamics of the debate which can alter the construction of religious pluralism in the public debate. Thus, for example, the center-right's emphasis on 'non-negotiable values' has softened in the early 2010s, mainly as a consequence of party system changes, alleviating the intensity and tone of some debates; while in some local contexts, religious minorities have been able to break free from exclusion and stigmatization thanks to organizational change and participative processes enhanced by local administrations.

CONCLUSION

Broadly speaking, this research addresses religious diversity and pluralism from a socio-constructivist perspective. We have argued that political actors variously frame the different dimensions of religious diversity in a wide variety of ways, and propose different meanings of 'religious pluralism' in the public sphere. On the whole, our results show that there is a broad agreement on the importance of religious pluralism in Italian politics. Nonetheless, our results also show that despite this political support, controversies emerge especially in relation to the actual *meaning* of religious pluralism and its policy implications in relation to different issues. Finally, we showed how the discourse on religious pluralism is clearly influenced by changes in the political sphere and the strategic behavior of actors within it. Our general conclusion from this study is that, when addressing religious pluralism, social scientific analysis must reckon with the multiplicity of meanings which actors attach to terms that, at first glance, appear unequivocal.

REFERENCES

Allievi, Stefano and Jørgen S. Nielseneds. *Muslim Networks and Transnational Communities in and Across Europe*. Leiden: Brill, 2003.

Anckar, Carsten. *Religion and Democracy: A Worldwide Comparison*. Abingdon: Routledge, 2011.

Baubérot, Jean-Paul and Micheline Milot. *Laïcités sans frontières*. Paris: Seuil, 2011.

Beckford, James. "Start Together and Finish Together: Shifts in the Premises and Paradigms Underlying the Scientific Study of Religion." *Journal for the Scientific Study of Religion* 39, 4 (2000):481-495.

Bender, Courtney and Pamela E. Klassen, ed. *After Pluralism. Reimagining Religious Engagement*. New York: Columbia University Press, 2010.

Brocker, Manfred and Mirjam Künkler. "Religious Parties: Revisiting the Inclusion-Moderation Hypothesis - Introduction". *Party Politics* 19, 2 (2014):171–86.

Bruce, Steve. "Did Protestantism Create Democracy?" *Democratization* 11, 4 (2004):3–20.

Cartocci, Roberto. *Geografia dell'Italia cattolica*. Bologna: Il Mulino, 2011.

Casanova, José. *Public Religions in the Modern World*. Chicago: University of Chicago Press, 1994.

Cavatorta, Francesco and Fabio Merone. "Moderation through Exclusion? The Journey of the Tunisian Ennahda from Fundamentalist to Conservative Party." *Democratization* 20, 5 (2013):857–75.

Ceccarini, Luigi and Ilvo Diamanti. "Catholics and Politics after the Christian Democrats: The Influential Minority'. *Journal of Modern Italian Studies* 12, 1, (2007):37–59.

Cohen, Asher. "The Religious Parties in the 2006 Election." *Israel Affairs* 13, 2 (2007):325–45.

Colozzi, Ivo and Stefano Martelli. *L'arcipelago Cattolico. Analisi sociologica dell'associazionismo ecclesiale a Bologna*. Bologna: EDB, 1988.

Dalmasso, Emanuela and Francesco Cavatorta. "Democracy, Civil Liberties and the Role of Religion after the Arab Awakening: Constitutional Reforms in Tunisia and Morocco." *Mediterranean Politics* 18, 2 (2013):225–41.

Davie, Grace. *Religion in Britain since 1945: Believing Without Belonging*. Oxford: Blackwell, 1994.

Diotallevi, Luca. "Internal Competition in a National Religious Monopoly: The Catholic Effect and the Italian Case." *Sociology of Religion*, 63, 2 (2002):137-155.

Engeli Isabelle Christoffer Green-Pedersen and Lars Thorup Larsen. *Morality Politics in Western Europe. Parties, Agendas, and Policy Choices*. Basingstoke: Palgrave MacMillan, 2012.

Engeli Isabelle. "The Challenges of Abortion and ART Policies in Europe." *Comparative European Politics* 7, 1 (2009):56-74.

Fox, Jonathan. "Integrating Religion into International Relations Theory." In *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes, 273–92. Abingdon: Routledge, 2009.

Fox, Jonathan, and Shmuel Sandler. *Bringing Religion Into International Relations*. New York: Palgrave MacMillan, 2006.

Garelli, Franco. *Religione all'italiana*. Bologna: Il Mulino, 2011.

"Religion and Politics: The Italian Case." *Annual Review of the Sociology of Religion*, 2 (2011a):216–244.

Guolo, Renzo. *Chi impugna la croce. Lega e Chiesa*. Roma/Bari: Laterza, 2011.

Gutmann, Amy and Charles Taylor, eds. *Multiculturalism*. Princeton: Princeton University Press, 1994.

Habermas, Jürgen. "Notes on Post-Secular Society". *New Perspectives Quarterly*, 25, 4 (2008):17–29.

Haynes, Jeffrey and Anja Henning, eds. *Religious Actors in the Public Sphere. Means, Objectives, and Effects*. New York: Routledge, 2011.

Haynes, Jeffrey. *An Introduction to International Relations and Religion*. Harlow: Pearson, 2007.

"Transnational Religious Actors and International Politics." *Third World Quarterly* 22, 2 (2001):143-158.

Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster, 1996.

Inglehart Ronald and Pippa Norris. *Sacred and Secular. Religion and Politics Worldwide*. Cambridge: Cambridge University Press, 2004.

Kalyvas, Stathis N. "From Pulpit to Party: Party Formation and the Christian Democratic Phenomenon". *Comparative Politics* 30, 3 (1998):293–312.

Kalyvas, Stathis N. *The Rise of Christian Democracy in Europe*. Ithaca: Cornell University Press, 1996.

Kepel, Gilles. *La Revanche de Dieu : chrétiens, juifs et musulmans à la reconquête du monde*. Paris: Seuil, 1991.

Koopmans, Ruud and Paul Statham, eds. *The Making of a European Public Sphere. Media Discourse and Political Contention*. Cambridge: Cambridge University Press, 2010.

Künkler, Mirjam and Julia Leininger. "The Multi-Faceted Role of Religious Actors in Democratization Processes: Empirical Evidence from Five Young Democracies." *Democratization* 16, 6 (2009):1058–92.

Lecaldano, Eugenio. *Bioetica. Le scelte morali*. Roma/Bari: Laterza, 2005.

Mahmood, Saba. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press, 2005.

Mancina, Claudia. "Laicità e politica." In *Laicità. Una geografia delle nostre radici*, edited by Giovanni Boniolo, 5-26.Torino: Einaudi, 2006.

Marzano, Marco. *Quel che resta dei cattolici*. Milano: Feltrinelli, 2013.

"'The 'sectarian' Church. Catholicism in Italy since John Paul II." *Social Compass* 60, 3 (2013a):302-314.

Il cattolicesimo magico. Un'indagine etnografica. Milano: Bompiani, 2009.

Mautner, Gerlinde. "Analyzing Newspapers, Magazines, and Other Print Media." In *Qualitative Discourse Analysis in the Social Sciences*, edited by Ruth Wodak and Michal Krzyzanowski, 30-53. London; New York: Palgrave Macmillan, 2008.

Minkenberg, Michael. "The Policy Impact of Church-State Relations: Family Policy and Abortion in Britain, France, and Germany." *West European Politics* 26, 1 (2003):195-217.

"Religion and Public Policy. Institutional, Cultural, and Political Impact of Shaping Abortion Policies in Western Democracies". *Comparative Political Studies* 35, 2 (2002):221-247.

Mohseni, Payam and Clyde Wilcox. "Religion and Political Parties." In *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes, 211–30. Abingdon: Routledge, 2009.

Ozzano, Luca, and Alberta Giorgi. European Culture Wars And The Italian Case. Which Side Are You On? Abingdon; New York: Routledge, forthcoming [2015].

Ozzano, Luca and Francesco Cavatorta, eds. *Religiously Oriented Parties and Democratization*. Abingdon; New York: Routledge, 2013.

Ozzano, Luca. "Religion, Political Actors, and Democratization: The Turkish Case." *Politics and Religion* 7, 3 (2014):590–612.

"The Many Faces of the Political God: A Typology of Religiously Oriented Parties". *Democratization* 20, 5 (2013):807–30.

Pace, Enzo. "Achilles and the Tortoise. A Society Monopolized by Catholicism Faced with an Unexpected Religious Pluralism". *Social Compass* 60, 3 (2013):315-331.

Vecchi e Nuovi Dei. La geografia religiosa dell'Italia che cambia. Milano: Edizioni Paoline, 2011.

L'unità dei cattolici in Italia. Milano: Guerini e Associati, 1995.

Petito, Fabio and Pavlos Hatzopoulos, eds. *Religion in International Relations: The Return from Exile*. New York: Palgrave Macmillan, 2003.

Rosenblum, Nancy L. "Religious Parties, Religious Political Identity, and the Cold Shoulder of Liberal Democratic Thought." *Ethical Theory and Moral Practice* 6, 1 (2003):23–53.

Roy, Olivier. *La laïcité face à l'Islam*. Paris: Stock, 2005.

Rusconi, Gian Enrico. *Come se Dio non ci fosse. I laici, i cattolici e la democrazia*. Torino: Einaudi, 2000.

Segatti, Paolo. "Religiosità e territorio nel voto alla Democrazia Cristiana dal 1948 al 1992." *Polis* 13, 1 (1999):45-65.

Segatti, Paolo and Gianfranco Brunelli "L'Italia religiosa. Da cattolica a genericamente cristiana". *Il Regno* 10 (2010): 337–351.

Shani, Giorgio. "Transnational Religious Actors and International Relations." In *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes, 308–22. Abingdon: Routledge, 2009.

Stark, Rodney. "Secularization, R.I.P." *Sociology of Religion* 60, 3 (1999):249–73.

Stepan, Alfred C. and Graeme B. Robertson. "Arab, Not Muslim, Exceptionalism." *Journal of Democracy* 15, 4 (2004):140–46.

Stepan, Alfred C. "Religion, Democracy, and the 'Twin Tolerations'." *Journal of Democracy* 11, 4 (2000):37–57.

Swatos, William H. and Kevin J. Christiano. "Introduction — Secularization Theory: The Course of a Concept". *Sociology of Religion* 60, 3 (1999):209–28.

Tepe, Sultan. *Beyond Sacred and Secular: Politics of Religion in Israel and Turkey*. Stanford: Stanford University Press, 2008.

Triandafyllidou, Anna. "Religious Diversity and Multiculturalism in Southern Europe: The Italian Mosque Debate." In *Multiculturalism, Muslims and Citizenship. A European Approach*, edited by Tariq Modood, Anna Triandafyllidou, and Ricard Zapata-Barrero, 117–42. Abingdon: Routledge, 2006.

Woodhead, Linda. "Gendering secularization theory." *Social Compass* 55, 2 (2008):187-193.

Wuthnow, Robert. *Rediscovering the Sacred: Perspectives on Religion in Contemporary Society*. Grand Rapids Mich: Wm. B. Eerdmans Publishing Co., 1992.

Yavuz, M. Hakan. *Secularism and Muslim Democracy in Turkey*. Cambridge: Cambridge University Press, 2009.

WHAT AND WHERE IS RELIGIOUS PLURALISM IN LITHUANIA?

MILDA ALIŠAUSKIENĖ

The aim of this paper is to analyze the form of religious pluralism that has arisen in contemporary Lithuania and its impact on society in general and minority religions in particular. This paper also contributes to the broader understanding of the forms of religious pluralism that have emerged in the post-socialist societies of Central and Eastern Europe, and reveals the peculiarities of these pluralisms in relation to the theories of pluralism outlined by sociologist James A. Beckford and by historian William A. Hutchison[1] – Beckford's notion of pluralism as ideology, and Hutchison's[2] analysis of the development of religious pluralism in the United States through three stages: toleration, inclusion/belonging and participation/cooperation. Though his analysis focuses on the role of the state, the historical stages described by Hutchison may serve as ideal for socio-historical analysis of implementation of religious pluralism in Lithuania. This chapter proceeds by providing a portrait of diversity and pluralism in Lithuania today, before situating this picture in relation to the history of religious pluralism implemented in Lithuania in the early Nineties, its historical roots and social consequences for contemporary society and minority religions. It argues that pluralism in Lithuania today is in a phase of toleration as outlined by Hutchison.

LITHUANIA AND RELIGIOUS PLURALISM

Historical and legal analyses provided in the following chapter suggest that the Lithuanian pattern of religious pluralism rests on three ideas. These are that: 1) the Roman Catholic Church is the most important religious community in the country; 2) the State is a proactive agent in religious life, and supports it; 3) the State, Roman Catholic Church and some traditional religious communities have an interest in maintaining the hierarchy of religious communities.

Lithuania in Northern Europe is one of three Baltic states, bordering with Russia (Kaliningrad), Poland, Belarus and Latvia. The country's population is around three million, comprised largely of ethnic Lithuanians (84.1 %). The data of the 2001 and 2011 censuses states that a majority of the Lithuania's population belong to the Roman Catholic faith (77.2 %). The other largest denomination was Orthodox Church (4.2 %), and about one fifth of population (16%) did not declare a religious affiliation or state that they belonged to any religious group. These data also revealed that, while the population belonged to 28 religious communities in 2001, this number had doubled by 2011, reaching 59 in total[3].

At first glance the religious composition of Lithuania's population does not appear to provide grounds for much discussion of religious pluralism, although statistics do not always give an exact picture of social realities. However, British sociologist James A. Beckford[4] gives five indicators of religious diversity, with three of these being applicable to the Lithuanian case:

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1 William R. Hutchison, *Religious Pluralism in America* (New Haven, London: Yale University Press, 2003).

2 *Ibid*., page number? The whole book is about these types, I cann't indicate the page number here.

3 *The Data of 2011 Census of Lithuanian Population*. Official Website of Department of Statistics of Republic of Lithuania. https://osp.stat.gov.lt/documents/10180/217110/ Gyv_kalba_tikyba.pdf/1d9dac9a-3d45-4798-93f5-941fed00503f

4 James R. Beckford, *Social Theory and Religion* (Cambridge: Cambridge University Press, 2003), 80.

1) a high number of religious traditions and religious communities; 2) a high number of individuals who match elements of various religious traditions; and 3) the representation of world religions like Christianity, Judaism, and Islam. Religiously-diverse societies demand some kind of religious pluralism, but this in turn requires reflexivity. From a sociological point of view, Beckford states therefore that it is important to take account of the forces that shape the forms which have been taken throughout history by religious pluralism, as an ideological position. He defines religious pluralism as "a term denoting a normative or ideological view holding that the diversity of religious outlooks and collectivities is, within limits, beneficial and that peaceful coexistence between religious collectivities is desirable"[5].

RELIGIOUS PLURALISM IN LITHUANIA BEFORE AND AFTER WWII

Religious pluralism is becoming a political concern for contemporary societies dealing with migration and mobility trends, and also coping with geopolitically-determined conditions such as membership into international organizations and political and economic alliances. Lithuanian society is no exception. The geographical position of the country and its history have determined that diverse religious beliefs and practices have had to coexist in one state and its territory, be it the Poland-Lithuania Commonwealth, the Russian Empire, the First Republic of Lithuania, the Soviet Republic of Lithuania or the State of Lithuania (and European Union member).

The legal foundations of the regulation of religious communities were laid during the period of the First Republic of Lithuania (1918-1940).

According to historian Regina Laukaitytė[6], the state was an active agent in the religious life of Lithuania over this time. It differentiated religious communities, indicated which were "recognized" and which were eligible to receive certain privileges. Between 1918 and 1940, the state recognized eight religious communities: Roman Catholics, Orthodox, Old Believers, Evangelical Lutherans, Reformed, Jews, Muslims and Karaites[7]. This list of recognized religious communities was largely inherited from the Russian Empire but the Lithuanian state added the Old Believers community which was prohibited and persecuted under Russian rule. Salaries for the clergy, allowances, and loans from the state for prayer houses were privileges for state-recognized religious communities. They had army chaplains and were allowed to administer civil registry. This function delivered to religious communities also contributed to the partial transformation of the status of clergy from religious leadership to state office. The mainstream Roman Catholic Church (RCC) influenced the religious 'field', and its clergy had an impact on decisions regulating various aspects of the activities of religious communities[8]. During the Soviet annexation of Lithuania, religion was eliminated from its public life and the majority of religious communities experienced restrictions of their activities and nationalization of property. However, in 1990, after independence was declared, a new passage of legal acts regulating religious issues began. Two articles of the 1992 Constitution of the Republic of Lithuania addressed religion and its

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5 James R. Beckford, *Social Theory*, 80-81.

6 Regina Laukaitytė, Lietuvos religinės mažumos 1918-1940 m. valstybės globoje. *Religija ir visuomenė nepriklausomoje Lietuvoje (1918-1940 m.),* sud. Arūnas Streikus, (Vilnius: Lietuvių katalikų mokslo akademija), 243-270.

7 Karaites are the adherents of Karaism, a form of Judaism that does not accept the authority of Talmud and follows only the Torah. Karaism was brought to Poland and Lithuania in the 14th century.

8 Regina Laukaitytė, *Religinės mažumos*, 243-270.

place in society[9]: Article 26 outlined freedom of conscience, religion, and belief; Article 43 addressed "Church-State" relations, highlighting that there was no state religion and regulating the recognition of so-called "traditional" churches and religious organizations. The adoption of the article addressing Church-State relations had been preceded by complex discussions among lawyers, priests, and politicians about the meaning of the concept "traditional religious community". In 2007 the Constitutional Court ruled that such a title indicates that it has been present in Lithuania for more than two generations. A list of "traditional religious communities" was provided in the 1995 Law on Religious Communities and Associations (LRCA)[10]. It also presented a more concrete legal framework for recognizing religious communities and identifying traditional, state-recognized - and other religious communities - and their different legal statuses. Traditional and state-recognized religious communities were entitled to state subsidies, tax exemption, recognition of marriages, prison and hospital chaplaincy, and religious education in state and municipal schools.

Today, the status of state-recognized religion requires that a religious organization has been legally registered for at least 25 years, has support within society, and that its teaching and practices are not in conflict with the law and public morals. In such cases the Lithuanian Parliament may grant the status of state-recognition based on the positive conclusion of the Ministry of Justice. In 2002, this status was awarded to the Association of Evangelical Baptist Churches and later, in 2008, to the Seventh Day Adventist Church. There are

pending applications for the Pentecostal and New Apostolic Church, favorably received by the Ministry of Justice but awaiting a decision from the Lithuanian Parliament. The last decade has been marked by various efforts to correct the 1995 LRCA and include new requirements for the status of state recognition, i.e. to increase it from 25 to 50 years according to the decision of the Constitutional Court[11]. Nevertheless, despite these efforts, such corrections have not reached Parliament and the LRCA has not been changed.

After the ratification in 2000 of three international agreements between the Holy See and the Republic of Lithuania, the place and role of Roman Catholic Church (RCC) was actually strengthened and, while the Lithuanian Constitution enables the state to have agreements with other traditional religious communities, this has never actually happened. Public discussions have been held regarding how to implement these agreements in law and in the relationship between the state and other religious communities. Between 2005 and 2008, these discussions were mostly initiated by traditional religious communities which sought to ensure their special status in the Lithuanian society by strengthening it through the agreements with the state following the example of agreements between the Holy See and the Republic of Lithuania. While these efforts were not successful, they drew attention to the idiosyncratic position of the RCC in Lithuania.

To sum up, the type of religious pluralism adopted by the state in Lithuania in the early Nineties was a hierarchical one: the RCC enjoys a special position due to the fact that the majority of the population identifies as members, and because of the sociopolitical power it gained during the Soviet era when it was underground, becoming

9   *Lietuvos Respublikos Konstitucija. (The Constitution of the Republic of Lithuania).* 1992. http://www3.lrs.lt/home/Konstitucija/Constitution.htm.

10 *LR religinių bendruomenių ir bendrijų įstatymas. (Law on Religious Communities and Associations).* 1995. in http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=21783. There are nine "traditional" religious communities: the Roman Catholic Church, Greek Catholic Church, Russian Orthodox Church, Old Believers, Judaism, Karaism, Sunni Islam, Evangelical Lutheran Church, and the Reformed Evangelical Church.

11 Glodenis, Donatas, "Administrative and Financial Matters in the Area of Religious Freedom and Religious Communities: Case of Lithuania" in *Legal Aspects of Religious Freedom,* ed. Drago Cepar (Ljubljana: Office of the Government of the Republic of Slovenia for Religious Communities, 2008), 392-408.

again an important agent in public life after the collapse of the Soviet Union. The type of religious pluralism that was implemented in Lithuania's legal system, therefore, maintained the historic patterns of religious community differentiation that existed during the period of the First Republic and was inherited from the Russian Empire. According to historical research, the politicians of both Republics did not question the idea of differentiating religious communities along these lines and in many cases evaded questions about religion altogether, often forwarding them to the RCC and its clergy.

LIMITATIONS OF CONTEMPORARY LITHUANIAN PLURALISM

In the following section, I present two sets of empirical data that provide insights into the consequences of this particular form of religious pluralism for Lithuanian society and particularly for minority religions[12].

Firstly, qualitative research conducted among members of minority religions in 2007, 2009 and 2014 reveals that members are stigmatized through being labeled 'sectarian' and their religious organizations labeled as 'sects'[13]. In public discourse, the terms 'sect' and 'sectarian' are equivalent to the 'non-traditional religious communities' status. This research also shows that minority religions are marginalized, even those that enjoy state recognition. This is due to their exclusion from the working groups involved in consultations about the renewal of laws on religion and the adoption of the notions of international agreements between the Republic of Lithuania and the Holy See.

Secondly, in 2012 the Lithuanian minority religions survey (N=362) showed the sources associated with religious discrimination in the country[14]. The first source of religious discrimination described by respondents in this research was the Roman Catholic Church (52%). The second was mass media (43%) while the third was the law (32%). These answers show that respondents were critical to the state pattern of religious pluralism and the role of RCC within it.

Despite these phases of transition, religious pluralism in Lithuania is closest to the first stage of religious pluralism described by Hutchison – toleration. Very few religious communities in the country benefit from this type of religious pluralism – only those identified in the list of traditional religious communities. Moreover, the common interest of the state and RCC in maintaining the form of hierarchical pluralism does not suggest that the situation will change in the near future at macro level. However, it is also possible that the changing society and its attitudes to different religious beliefs and practices might create more favorable conditions for religious minorities to exist at the individual level.

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12 By the term "minority religions", I refer to the so-called non-traditional religious communities that are not included in the list of traditional religious communities in 1995 LRCA.

13 Ališauskienė, Milda. (sud.) *Religinių mažumų lygių galimybių užtikrinimas Lietuvoje: problemos ir rekomendacijos.* (Vilnius: Naujųjų religijų tyrimų ir informacijos centras, 2014).

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14 Ališauskienė, Milda, Glodenis, Donatas. *Iššūkiai religinei įvairovei Lietuvoje: religinių mažumų perspektyva.* Mokslo studija. (Vilnius: Naujųjų religijų tyrimų ir informacijos centras, 2013).

CONCLUSIONS

The aim of this paper was to analyze the form of religious pluralism that has arisen in contemporary Lithuania and its impact on society and minority religions in particular. The empirical data presented here show that the form implemented in the early Nineties is imbalanced and influences public attitudes towards minority religions. These groups feel that they are discriminated against as a result of the influence of the Roman Catholic Church and laws that have created hierarchical religious pluralism.

The analysis of religious pluralism in Lithuania reveals the difficulties encountered by some post-socialist societies in which so-called "national churches" had, and continue to have, sociopolitical power in public life. Such power was acquired by the binding relationship between state and church that is considered part of national identity and politics. This continuous binding relationship inhibits the implementation of religious pluralism in general, and raises questions about what it should be and who should profit from it: every religious community or only some?

REFERENCES

Ališauskienė, Milda. (ed.) *Religinių mažumų lygių galimybių užtikrinimas Lietuvoje: problemos ir rekomendacijos.* Vilnius: Naujųjų religijų tyrimų ir informacijos centras, 2014.

Ališauskienė, Milda, Glodenis, Donatas. *Iššūkiai religinei įvairovei Lietuvoje: religinių mažumų perspektyva. Mokslo studija.* Vilnius: Naujųjų religijų tyrimų ir informacijos centras, 2013.

Ališauskienė, Milda. "Freedom of Religion in the Baltic States: a Sociological and Legal Analysis". In: *Spaces and Borders. Current Research on Religion in Central and Eastern Europe*, Andras Mate-Toth and Cosima Rughinis (eds.), Berlin, New York: Walter De Gruyter:133-151, 2011.

Beckford, James, R., *Social Theory and Religion*, Cambridge: Cambridge University Press, 2003.

Department of Statistics of Republic of Lithuania. *The Data of 2011 Census of Lithuanian Population.* https://osp.stat.gov.lt/documents/10180/217110/Gyv_kalba_tikyba.pdf/1d9dac9a-3d45-4798-93f5-941fed00503f

Glodenis, Donatas. "Administrative and Financial Matters in the Area of Religious Freedom and Religious Communities: Case of Lithuania". In: *Legal Aspects of Religious Freedom,* ed. Drago Cepar, Ljubljana: Office of the Government of the Republic of Slovenia for Religious Communities:392-408, 2008.

Hutchison, William, R. *Religious Pluralism in America.* New Haven, London: Yale University Press, 2003.

Laukaitytė, Regina. "Lietuvos religinės mažumos 1918-1940 m. valstybės globoje". *Religija ir visuomenė nepriklausomoje Lietuvoje (1918-1940 m.),* sud. Arūnas Streikus, Vilnius: Lietuvių katalikų mokslo akademija:243-270, 2010.

Republic of Lithuania. *LR religinių bendruomenių ir bendrijų įstatymas. (Law on Religious Communities and Associations).* 1995. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=21783

Republic of Lithuania. *Lietuvos Respublikos Konstitucija. (Constitution of the Republic of Lithuania).* 1992. http://www3.lrs.lt/home/Konstitucija/Constitution.htm.

Streikus, Arūnas. "The History of Religion in Lithuania since the Nineteenth Century". In: *Religious Diversity in Post-Soviet Society. Ethnographies of Catholic Hegemony and the New Pluralism in Lithuania*, Milda Ališauskienė and Ingo W. Schröder (eds.), Farnham: Ashgate:37-76, 2012.

RELIGIOUS PLURALISM AND LIVED RELIGION: AN ANTHROPOLOGICAL PERSPECTIVE

AGNIESZKA PASIEKA

Recent scholarship on religion has increasingly engaged with the issue of religious pluralism, and in so doing it has moved beyond the mere acknowledgement of religious pluralism as a particular feature of modern society to a recognition that "religious pluralism is the *normal* condition in which religious subjectivities are formed"[1]. Numerous social scientists, anthropologists among them[2], have demonstrated that comparative research enables us to look at present day phenomena in a longer and broader – cross-temporal and cross-cultural – perspective and interrogate what we perceive as "new" or "specific." Simultaneously, initiatives and programs that highlight the importance of endorsing and committing ourselves to pluralism have been flourishing. However, while such a commitment is often considered admirable and desirable, the extent to which the dominant doctrines and programs of pluralism help to achieve this goal is less certain. Many studies of pluralism carry with them – intentionally or not – normative assumptions: they approach pluralism as a widely recognized social ideal, a communal goal, and even as synonymous with "non-conflictual relations". Relatedly, scholars have pointed out ambiguities inscribed into discourses surrounding religious pluralism, such as, the ways in which religious pluralism may also constitute a threat to liberalism, even while being seen as an achievement of liberal thought[3].

This paper also contributes to this discussion by identifying yet another ambiguity in the concept of pluralism: namely, the manner in which pluralism tends to encompass certain hierarchical relations around ideas of normalness. In discussing this problem, I also aim to interrogate the following question: what is special about religion and how does religion make pluralism special? In order to address these queries, I present some of the findings of my year-long ethnographic study, undertaken in a multi-religious community in rural Southern Poland between 2008 and 2009[4]. What I hope to convey is the importance of people's own conceptualizations and experiences of religious pluralism, the scrutiny of which invites us to go back to the theory and revisit the concepts we use.

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1 Das, Veena, "Cohabiting an Interreligious Milieu: Reflections on Religious Diversity". *A Companion to the Anthropology of Religion,* ed. Janice Boddy and Michael Lambek (Malden, MA: Wiley-Blackwell, 2013), 82.

2 In classical anthropological writings, the discussion on pluralism served the purpose of developing analytical tools for the study of "plural societies". In his seminal study, *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India,* John Sydenham Furnivall proposed (1948:305) to distinguish "societies with plural features" from "plural societies", the former being characterized by a mixed population *and* a common tradition (such as the US or Canada), while the latter refer to colonial and postcolonial societies (in Asia, Africa and Latin America), which were the objects of anthropological inquiry at the time. The label of "plural society" was thus applied by anthropologists who studied societies characterized by different forms of institutionalized inequalities between ethnic, religious and/or racial groups (see Furnivall, 1948); Kuper and Smith 1969; van den Berghe 1973). The plural society theory was later overtaken by theories of cultural pluralism, promoting the idea that cultural differences among people should be respected by a legal order which assures them equal rights within a society. In recent decades, anthropological studies of cultural, ethnic and religious diversity – which tend to be closely interrelated - have reached for different terminology while discussing pluralism. Steven Vertovec's (1999) call for a contemporary "anthropology of cultural complexity" suggests anthropologists' engagement with the ideas of "new pluralism", "multiculturalism", "the politics of difference" and "the politics of recognition", and thus a closer dialogue with other disciplines.

3 Klassen, Pamela and Courtney Bender, "Habits of Pluralism". In: *After Pluralism,* Courtney Bender and Pamela Klassen (eds.), New York: Columbia University Press, 1-28, 2010.

4 Pasieka, Agnieszka, *Hierarchy and Pluralism. Living Religious Difference in Catholic Poland.* (New York: Palgrave Macmillan, 2015).

Such an approach lies at the heart of numerous anthropological contributions which emphasize the importance of "pluralism from below"[5] and "theorizing not about pluralism, but theorizing from it"[6].

PLURALITY IN POLAND?

Foregrounding these discussions, we must ask: is it possible to study pluralism in a country like Poland? A by and large exceptionally homogenous country, roughly 95% of its citizens define themselves as Catholics and 97% as ethnic Poles. Moreover, due to the fact that around 40% of Church members regularly attend religious services, Poland's ethno-religious landscape tends to be described as special or even unique in the European context. Textbooks on the sociology of religion tend to associate Poland" with notions such as "confessional nationalism," "Catholic nation," "close church and state relations". To many, "secularization in Poland" sounds like an oxymoron, as does the idea of "religious pluralism in Poland"[7]. While it would be difficult to claim that Poland is a highly diverse country, it is however important to bear in mind that notions like "pluralism", "secular" or "religion" can be variably understood. Pluralism not only refers to interreligious relations but also to internal plurality within groups and even within individuals[8]; secularization processes may differ dramatically on macro, meso and micro levels[9]; and the very idea of religion carries so many different meanings and functions that taking religious attendance and self-classification to be the *only* proofs of its relevance in a society offers only a partial picture. As Josè Casanova[10] observes, there still exists a tendency to essentialize not only "'the religious,' but also 'the secular' or 'the political,' based on problematic assumptions of what 'religion' is or does".

Against this background, I strive through my research to demonstrate that we can better understand pluralism if we examine how it is actually lived and experienced within a context that scholars have until now for the most part ignored: a society that is largely homogeneous.

PLURALISM IN PRACTICE

This study was carried out in a rural district inhabited by seven religious communities: Roman Catholicism, Greek Catholicism, Eastern Orthodoxy, Seven Day Adventism, Pentecostalism, Jehovah Witnesses, and Buddhism. Even though Roman Catholics are a dominant group (75% of the population) and some communities have only a handful of adherents, religious diversity is strongly emphasized by inhabitants of the district and experienced on an everyday basis through interactions among neighbors, coworkers, and schoolmates. Inhabitants support each other in farming, cooperate in local councils, and socialize around visits to the village shop. On Saturday or

5   abian, Johannes, "Religious pluralism: An ethnographic approach", In: *Theoretical explorations in African religion,* ed. Wim van Binsbergen and Matthew Schoffeleers, (London: KPI, 1985).

6   Peletz, Michael, *Gender pluralism: Southeast Asia since early modern times* (London: Routledge, 2009). See also Gold, Ann Grodzins, "Sweetness and light: the bright side of pluralism in Rajasthan town" In *Religious pluralism, state and society in Asia*, ed. Clara Formichi (London: Routledge, 2002).

7   This is not only due to the perception of the Catholic Church's position as an obstacle to diversity but also due to the propensity to link decreasing religious vitality with pluralism; for a critique, see Chaves and Gorski 2001.

8   Lamine, Anne-Sophie, "Singular pluralities: a critical review of religious pluralism", *Religion and Society* 4 (2013).

9   Dobbelaere, Karel. *Secularization: an analysis at three levels* (Bruxelles: PIE Lang, 2002)

10 Casanova, Josè, "The secular and secularisms," *Social compass* 76 (2009).

Sunday they head to different religious shrines and, on the occasion of one community's religious festivities, they refrain from work in the field since, as they like to say, "neighbors deserve to celebrate in peace". On the one hand, villagers describe local diversity as something special, as a feature that makes their community different from the rest of Poland. On the other, they are likely to say that a peaceful and respectful coexistence is something obvious and normal as they are an open-minded, civic community. Similarly, while they tend to claim respect for the religious traditions of their neighbors and friends, they are also likely to highlight that they respect their co-villagers because they're good folks, good neighbors, good friends, and that their religious belonging comes second. Hence, a foundation of local interreligious sociability may be simply described as their ability to cooperate and establish relationships and friendships without denying religious difference.

However, I also observed a myriad of situations in which local religious pluralism was contested and in which good relations between neighbors and friends were put to the test. I saw "good neighbors," "Orthodox friends" and "dear Pentecostal fellows" transform into enemies overnight. Such situations usually, but not always, involved conflicts and debates among the Roman Catholic majority and minority communities. They could be characterized as the Catholic majority's efforts to set the limits of pluralism by reasserting their dominance and setting the rules, and minority communities' attempts to negotiate their rights and demand equal treatment – to transgress the taken-for-granted order of things which establishes the connection between being Polish and being Catholic as something "normal". Local disputes that I observed centered around the minority rights to be visible in the public sphere during religious celebrations, to offer children more than Roman Catholic religious classes in the school curriculum, and to call attention to the fact that, as one of my Orthodox informants put it, "it is our country, too".

CONTESTING PLURALISM

In light of the above, it seems important to ask once again: can we actually talk about "pluralism" here – pluralism which I understand, following Michael Peletz[11], "as diversity accorded legitimacy"? In order to answer this, it is necessary to probe deeper into how local people actually understand and define 'pluralism'.

When talking to me, locals frequently drew on the notion of "ecumenism." They used this notion to refer to the multiplicity of religions *and* (desired) attitudes towards diversity. The villagers adopted the term for their own use, transforming it into a polyvalent concept denoting the different experiences of "living together". Depending on the speaker's assessment of interreligious relations, the term can be invoked proudly, affirmatively, bitterly, critically, or even cynically. The point is not that some people view ecumenism positively and others negatively, or that some place hope in it while others are completely disillusioned. In the local understanding, ecumenism – or pluralism – is not good or bad, but both. And this recognition of pluralism's multivocality is precisely what permits the local community to carry on.

These observations led me to develop the concept of "hierarchical pluralism". Drawing on the scholarship of Pierre Bourdieu[12], Louis Dumont[13] and Edmund Leach[14], I define it as a changeable configuration of social relations that allows and acknowledges diversity while at the same time making clear which ethnic and/or religious group is dominant. I argue that the foundation

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11 Peletz, Michael, *Gender pluralism*, 2009.

12 Bourdieu, Pierre, *Outline of a theory of practice* (Cambridge: Cambridge University Press, 1977); *The logic of practice* (Stanford, Calif.: Stanford University Press, 1992).

13 Dumont, Louis, *Homo hierarchicus* (Chicago: University of Chicago Press, 1980); *Essays on individualism* (Chicago: University of Chicago Press, 1986).

14 For a more detailed discussion on respective theories in relation to the idea of "hierarchical pluralism", see Pasieka, *Hierarchy and Pluralism* (2015).

of hierarchical pluralism is the "normalcy" and taken-for-grantedness of the idea of "Pole-Catholic" – which constitutes a "doxa"[15]. This doxa is promoted and reinforced by different state and Church policies, and at once deeply internalized and referred to by minority groups. In introducing this notion, I highlight a situation in which *declared* equality serves to mask *factual* inequality. Yet, it is not the perpetuation of uneven relations that is most important here; rather, I find it crucial to emphasize that pluralism thus conceived is characterized by a constant tension between the opposing poles of pluralism and of hierarchy, between those practices and discourses which emphasize equal rights of different religious confessions and those which reinforce the majority's dominance.

And the *dynamic configuration of pluralism* does not mean that "hierarchical pluralism" is exclusively a product of relations between the Roman Catholic majority and minority communities. Religious minorities who inhabit the district no doubt see their position as precarious. In criticizing the dominant group, each minority expresses certainty that it would do better as a majority: the Orthodox claim that they would show the importance of the Christian message, Adventists suggest that they would pray for politicians rather than putting pressure on them, and Buddhists aver that they would ensure the power of human reason. Most importantly, however, the communities which demand recognition for themselves do not always grant it to others. In expressing their views on other religious communities, minorities also tend to "set the limits" of interreligious dialogue, defining some "religious others" as non-desirable actors in local religious landscapes, questioning

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15 Pierre Bourdieu defines (1977:167) "doxa" as a taken-for-granted view of the world which makes the social order self-evident so that it "goes without saying because it comes without saying". According to Bourdieu, "doxa" does not only make the social order appear natural, but also provides people with an understanding of what is proper for their position.

not only their dogmas or practices, but also their existence. In doing so, they reach for the vocabulary of the dominant discourse, unwittingly reproducing it and asserting hierarchies. They too establish what kind of interreligious relations are to be considered normal or reasonable and who can be accommodated within their vision of religious pluralism. Such considerations invite us to move beyond the recognition of the "special" Polish-Catholic case and reflect on the emergent properties of theirs being a dominant religion.

IS RELIGION SPECIAL?

This brings us back to the initial question: what is special about religion and how does religion make pluralism special? Would hierarchical pluralism be as powerful if its foundation was not religious but, say, economic or ethnic? Scholarly opinions on the uniqueness of religious pluralism vary; while some claim that it is "the most evocative of issues and provocative of conflicts" among different kinds of pluralism[16]; others warn against simplistic assumptions of this sort[17], arguing that what tends to be described as "religious conflict" often has much more complicated causes. Reducing people merely to their religious affiliations does not do justice to the complexity of individual identities – as believers, coworkers, fans of the same football team – but it is also important to see how religion subtly, often unconsciously, shapes interactions both inside and outside explicitly religious contexts. My study of the multi-religious community demonstrates that in order to understand the paradoxes and contradictions inscribed into the practice of pluralism, it is essential to consider the manifold ways in which people *live* religion, what they *do* with religious idioms and practices in their everyday life. They may *use* religion as a source of moral inspiration,

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16 Marty, Martin, "Pluralisms", *The ANNALS of the American Academy of Political and Social Science* 612 (2007).

17 Casanova, "The secular and secularisms", 2009.

a marker of difference, a means of sociability, a basis for collective action, an element of tradition, or an expression of national identity – and these different usages sometimes challenge and sometimes reinforce the hierarchical component of pluralism. I thus contend that it is a focus on lived religious experiences that enables us to comprehend the ambiguous nature of religious pluralism and opens new vistas onto religion's individual, social, and cultural meanings.

To conclude, local engagements with and local ways of conceptualizing – and actually constructing – pluralism allow us to identify three aspects of scholarly approaches to religious pluralism that, I think, must be further problematized. *Idealization* refers to a tendency to idealize pluralism, in both present-day circumstances and historical contexts – a tendency that obscures pragmatic reasons behind pursuing pluralism as well as the acceptance of its good and bad sides as a foundation of pluralism, and which leads scholars to overlook the ways that it can reinforce hierarchies. The second problem is *naturalization*, by which I mean those effects of the discourse of pluralism that establish what kind of religious encounters and religious dialogue are perceived as desirable, meaningful, normal, and even what counts as religion or religious. Consequently, such a discourse may perform exclusion, reify the very religious difference that pluralism is supposed to engage[18], and foster a process of "othering" under the label of pluralism[19].

And finally, in identifying a third aspect of pluralism in *essentialization*, I wish to call the attention of scholars to different ways in which religion shapes people's lives and in which it is used by them. I believe that such an approach – a careful scrutiny of what "religion *may be* and *may do*", rather than what "religion is and does" – is a condition of a serious engagement with the idea of religious pluralism and may lead us to discovering "pluralism" and "pluralistic worldviews" even in those places that supposedly lack them.

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18 Klassen and Bender, "Habits of Pluralism", 2010.
19 Masuzawa, Tomoko.

REFERENCES

Berghe van den, Pierre L. "Pluralism". In: *Handbook of social and cultural anthropology*, J.J. Honigmann (ed.), Chicago, Ill.: Rand McNally, 959-978, 1973.

Bourdieu, Pierre. *The logic of practice*. Stanford, Calif.: Stanford University Press, 1992.

Bourdieu, Pierre. *Outline of a theory of practice*. Cambridge: Cambridge University Press, 1977.

Casanova, Josè, "The secular and secularisms". *Social compass* 76(4):1049–1066, 2009.

Chaves, Mark and Philip Gorski. "Religious Pluralism and Religious Participation". *Annual Review of Sociology* 27:261-281, 2001.

Das, Veena. "Cohabiting an Interreligious Milieu: Reflections on Religious Diversity". In: *A Companion to the Anthropology of Religion,* Janice Boddy and Michael Lambek (eds.), Malden, MA: Wiley-Blackwell, 69-84, 2013.

Dobbelaere, Karel. *Secularization: an analysis at three levels.* Bruxelles: PIE Lang, 2002.

Dumont, Louis. *Essays on individualism*. Chicago: University of Chicago Press, 1986.

Dumont, Louis. *Homo hierarchicus*. Chicago: University of Chicago Press, 1980.

Fabian, Johannes. "Religious pluralism: An ethnographic approach". In: *Theoretical explorations in African religion,* Wim van Binsbergen and Matthew Schoffeleers (eds.), London: KPI, 138-163, 1985.

Furnivall, John S. *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India*. Cambridge: Cambridge University Press, 1948.

Gold, Ann Grodzins. "Sweetness and light: the bright side of pluralism in a Rajasthan town". In: *Religious pluralism, state and society in Asia*, Chiara Formichi (ed.) London: Routledge, 113–137, 2002.

Klassen, Pamela and Courtney Bender. "Habits of Pluralism". In: *After Pluralism,* Courtney Bender and Pamela Klassen (eds.) New York: Columbia University Press, 1-28, 2010.

Kuper, Leo and Michael G. Smith. *Pluralism in Africa*. Berkeley: University of California Press, 1969.

Lamine, Anne-Sophie. "Singular pluralities: a critical review of religious pluralism". *Religion and Society* 4:150-166, 2013.

Leach, Edmund. *Political systems of Highland Burma*. Reprint. London: Athlone Press, 1997 [1954].

Marty, Martin. "Pluralisms". *The ANNALS of the American Academy of Political and Social Science* 612:13-25, 2007.

Masuzawa, Tomoko.

Pasieka, Agnieszka. *Hierarchy and Pluralism. Living Religious Difference in Catholic Poland*. New York: Palgrave Macmillan, 2015.

Peletz, Michael. *Gender pluralism: Southeast Asia since early modern times*. London: Routledge, 2009.

Vertovec, Steven. "More multi, less culturalism: The anthropology of cultural complexity and the new politics of pluralism". *Revista d'Etnologia de Catalunya* 15:8-21, 1999.

TWO USES OF *"LAICIDAD"*

SEBASTIÁN RUDAS

Contemporary debates about secularism are largely focused on what scholars have called the *fact of pluralism* that characterizes contemporary western societies. Unsurprisingly, the proposals that have been derived from these debates (e.g. the liberal pluralist conception of secularism) are intended to address the challenges posed by pluralistic societies to the advancement of liberal and democratic ideals. For instance, several attempts to define a workable conception of secularism emphasize that its normative requirements are not hostile towards pluralism, in particular towards *religious* pluralism. This trend is apparent in the 2005 *Déclaration Universelle sur la Laïcité au XXIe Siècle*[1], presented to the French senate by professors Jean Baubérot (France), Micheline Milot (Canada), and Roberto Blancarte (Mexico) on the occasion of the celebration of the centenary of the French Law of Separation. As the authors explain, one of the purposes of writing a "universal declaration" was to demystify French exceptionalism about *laïcité* and to make of it a concept that mirrors the liberal and democratic stand towards pluralism. By emphasizing its focus on freedom of conscience, pluralism, functional church-state separation, and the idea of reasonable accommodations as an effective tool for non-discrimination, the *Declaration* presents secularism as a political concept identical in its normative content to contemporary dominant versions of liberal pluralism.

By focusing on the Latin American context, in this chapter I present an argument against the universalistic character that the *Declaration* attributes to the notion of secularism[2]. I identify two political uses of the value of secularism and show that one is not captured by the *Declaration*. The first can be identified with the mainstream liberal democratic approach to secularism and finds no principled incompatibility with influential public religions. The second insists on the requirement to reduce the role of religion—particularly the Catholic Church—within the political-public sphere. I argue that the latter is "anticlerical" or "confrontational" and that it is not only compatible with liberalism and democracy, but that is *presented* as a defense of liberal and democratic values[3]. For instance, that it is used as a mechanism to advance protections of pluralism, particularly of social groups that do not conform to the dominant public morality. In other words, I argue that the latter is a legitimate (i.e. compatible with the values of liberal and democratic regimes) use of secularism.

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2 I will use "*laicidad*" when referring explicitly to the Latin American context. Otherwise, I will use the English word "secularism."

3 For arguments similar to the one I am presenting, see Faviola Rivera, *Laicidad y Liberalismo*, Colección de Cuadernos Jorge Carpizo. Para Entender y Pensar la Laicidad 3 (Mexico D.F.: IIJ - UNAM, 2013); Julieta Lemaitre, "Anticlericales de Nuevo. La Iglesia Católica Como un Actor Político Ilegítimo en Materia de Sexualidad y Reproducción en América Latina", in *Derecho y Sexualidades* (Buenos Aires: SELA, 2010).

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1 Jean Baubérot, Roberto Blancarte and Micheline Milot, "Déclaration universelle sur la laïcité au xxie siècle", *Le Monde*, September 12, 2005, http://www.lemonde.fr/idees/article_interactif/2005/12/09/declaration-univer-selle-sur-la-laicite-au-xxie-siecle_718769_3232 html. Henceforth the *Declaration*.

THE UNIVERSAL (LIBERAL AND DEMOCRATIC) DEFINITION OF SECULARISM

The authors of the *Declaration* emphasize their effort to disentangle the common association of secularism from the French republican experience of church-state separation and the hostility towards religion that is usually attached to French *laïcité*. They consider that secularism is not a French invention, as it is sometimes believed, and that an adequate definition of this notion need not be grounded on the particular features (especially its religious hostility) developed within the French tradition of political thought[4].

Roberto Blancarte, one of the authors of the *Declaration*, argues that it is important to clarify that secularism cannot, and should not, be considered equivalent to church-state separation[5]. There are political regimes that maintain the religious establishment, such as Denmark and the United Kingdom, yet are highly secular. Conversely, there are political regimes that explicitly stipulate church-state separation but use secularism as an ideology that betrays its own purposes (e.g. some interpretations of French *laïcité*). Furthermore, there are religious hierarchies that are politically influential despite the formal regime of separation, such as Mexico. An identification of secularism with church-state separation would be misguiding at the point in time of analyzing these three sorts of contexts. Alternatively, Blancarte proposes to understand secularism as a process whereby the sources of the legitimacy of political power are not found (anymore) in religious organizations, but in popular sovereignty. For him, therefore, democratic regimes are necessarily secular[6].

In addition to the link with democracy, the *Declaration* is explicit in its intention to highlight its commitment to liberalism. The three fundamental principles of the *Declaration* emphasize the acknowledgment of moral and religious pluralism and the consequent need for respecting freedom of conscience on equal grounds. In what seems a clear reference to the Canadian version of secularism, Article 3 of the *Declaration* proposes the mechanism of "reasonable accommodations" as an effective tool for guaranteeing non-discrimination[7].

By associating secularism with the notions of popular sovereignty, the ideal of non-discrimination, and respect of freedom of conscience, the *Declaration* grounds the field for a genuinely liberal and democratic understanding of this political notion. As a strategy to obtain the support of skeptics of secularism, both on the secularist and religious sides, this is a smart move. However, it does not do justice to some legitimate - e.g. liberal and democratic - uses of the notion of secularism in certain contexts.

4 Roberto Blancarte, "Laicidad: La Construcción de Un Concepto Universal", in *Laicidad: Una Asignatura Pendiente*, ed. Rodolfo Vázquez (Mexico D.F.: Ediciones Coyoacán, 2007), 29.

5 This is indeed commonplace among contemporary theorists of secularism, see Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience*, trans. Jane Marie Todd (Harvard University Press, 2011); Charles Taylor, "Why We Need a Radical Redefinition of Secularism?", in *The Power of Religion in the Public Sphere*, ed. Eduardo Mendieta and Jonathan VanAntwerpen, 2011, 34–59.

6 Roberto Blancarte, "Definir La Laicidad (Desde Una Perspectiva Mexicana)", *Revista Internacional de Filosofía Política* 24 (2004): 15–16. By the same author, see *Laicidad en México. La construcción de la República Laica en México*, Colección de Cuadernos "Jorge Carpizo" Para entender y pensar la laicidad 31 (Mexico D.F.: IIJ-UNAM, 2013); *Los retos de la laicidad y la secularización en el mundo contemporáneo* (El Colegio de Mexico AC, 2008); "El por qué de un Estado Laico", in *Los Retos de La Laicidad y de La Secularización en el Mundo Contemporáneo*, ed. Roberto Blancarte (Mexico D.F.: El Colegio de México, 2008), 29–46.

7 For the Canadian version of secularism, see Maclure and Taylor, *Secularism and Freedom of Conscience*; Micheline Milot, "The Secular State in Quebec: Configuration and Debates", *Diversité canadienne/Canadian Diversity* 10, no. 1 (2013): 39–43; Micheline Milot, *Laïcité dans le nouveau monde: Le cas du Québec* (Brepols, 2002).

In what follows, I will identify two legitimate uses of the notion of secularism found in the Colombian context - although they can be found in most Latin American contexts and perhaps in several European ones. I will show that while the *Declaration* captures the first, "religious friendly use" -, it overlooks the second, "confrontational use".

ON THE POLITICAL USES OF LAICIDAD

a) *Religious friendly use*

As in several other Latin American countries, Colombia has implemented a system of *laicidad* inspired by liberal and democratic values. The 1991 Constitution is motivated by an explicit commitment to respecting pluralism, which led to the conclusion of the concordat between the state and the Vatican and, importantly, to the disestablishment of the Catholic Church[8].

Laicidad is became a political value to which citizens can appeal in order to advance their claims with relation to freedom of conscience and equal respect. In matters of religious pluralism, *laicidad* in Colombia implies that no organized religion is entitled to receive privileged treatment. As it turns out, religious minorities (most of them non-Catholic Christians) have found in *laicidad* an effective political value for protecting and advancing their interests. Their rationale has been the following: *laicidad* implies no-discrimination of any religion; the Catholic Church enjoys a set of legitimate privileges (e.g. tax and judicial exceptions); therefore, not recognizing a similar set of privileges to religious minorities constitutes

a case of discrimination. The Colombian Constitutional Court has accepted this rationale and has ruled in support of the claims of religious minorities[9].

Since 1991, the system of *laicidad* in Colombia has become one of evenhandedness towards religion. This is apparent at the level of public education. For instance, in 1997, a governmental decree based on the principle of religious freedom—known by the public as the "evangelical concordat"— acknowledged the right to all recognized Christian churches to provide, upon demand, religious assistance in state offices, including public schools[10]. Accordingly, nineteen recognized Christian churches joined the Catholic Church as recipients of the right to provide religious education in public schools if requested by the school community. In order to protect freedom of conscience within the school, children cannot be obliged to take religion course.

This use of *laicidad* has been useful to the claims of religious minorities who have sought the protection of their rights to freedom of conscience and free exercise of religious practice and conviction. Religious minorities have advanced their claims, arguing that they are entitled to protection of these rights on equal grounds, which in Colombia means *on conditions of equality with regards to the Catholic Church.*

b) *Confrontational use*

The implementation of a regime of *laicidad* inspired by liberal pluralism has brought positive outcomes in promoting pluralism in Colombia. In particular, it has had a manifest impact in fostering religious pluralism. Such implementation, however, faces a challenge that is unlikely to appear elsewhere and

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8   For an account of the recent history of relations between the Colombian state and the Catholic Church, see Ricardo Arias, *El Episcopado Colombiano. Intransigencia y Laicidad (1850-2000)* (Bogota: CESO-Ediciones Uniandes-ICANH, 2003); Ricardo Arias, "El Difícil Camino Hacia La Laicidad: La Reforma Religiosa de 1991 Y El Episcopado Colombiano", in *Utopía Para Los Excluídos: El Multiculturalismo En África y América Latina*, ed. Jaime Arocha (Bogota: Unibiblos - National University of Colombia, 2004), 319–45.

9   For an account of several of the cases decided by the Colombian Constitutional Court regarding freedom of religion, see Leonardo García, *Laicidad y Justicia Constitucional*, Colección de Cuadernos Jorge Carpizo. Para Entender y Pensar la Laicidad 33 (Mexico D.F.: Instituto de Investigaciones Jurídicas - UNAM, 2013).

10 Arias, *El Episcopado Colombiano*, 346–347.

is not accounted for by the liberal and democratic inspiration of the *Declaration*.

The *Declaration* is silent about what is the most adequate institutional arrangement for guaranteeing the conditions upon which pluralism can flourish in contexts like the Latin American one. It seems to take for granted that the 'fact of pluralism' invariably appears everywhere and that the terms for an overlapping consensus have been settled uniformly in all liberal democracies[11]. The *Declaration* assumes that the social landscape to which secularism responds nowadays is homogenous everywhere and therefore its normative derivations can be translated into the terminology of a liberal democratic rule that is focused on dealing with the challenges posed by pluralism.

The *Declaration*'s diagnosis overlooks that one challenge for the secular state is the fact that the Catholic Church is socially influential, politically active, and reluctant to embrace the consequences of living in a liberal democracy. As a consequence, it is unwilling to renounce the remaining privileges inherited from past confessionalism. In these contexts, secularism has been used as a political value that *confronts* the dominant church. The *Declaration* seems to assume that such reluctance is consigned to the past and therefore that a sound conception of secularism must be built under the assumption that the Catholic Church, and perhaps most churches in western societies with a similar history, has effectively internalized the requirements derived from being part of liberal and democratic regimes. Considering the context in which it was first socialized, the message of the *Declaration* seems to be that any confrontational dimension of French *laïcité* must be abandoned, for in contemporary France there is no longer a

dominant organized religion that threatens to destabilize the republic[12].

One famous expression of the confrontational interpretation of secularism is the enlightened critique of religion embedded in its republican version. At different periods of time, this interpretation has been implemented in different contexts, for instance in France, Mexico, or Uruguay[13]. As shown above, it is against this interpretation of secularism that the *Declaration* reacts. However, in several countries where the Catholic Church is majoritarian and dominant there is a different confrontational use of secularism because it appeals to liberal and democratic values that aim at fostering the interests of women, sexual minorities, and advocates of sexual and reproductive rights.

Many social groups, both religious and non-religious, might be as conservative as the Catholic Church is today when it comes to women and LGBT rights. The confrontational use of secularism that I have been describing appears as a strategy to reduce the political power of a dominant religious institution that takes advantage of its historically-privileged position to interfere with state recognition of equal rights to women and the LGBT population. Minority conservative religious groups do not give rise to a confrontational use of secularism because they do not constitute a political force that is able to interfere with state recognition of equal rights to women and LGBT. Consequently, although different social groups might hold similar conservative views regarding sexual and reproductive rights, the confrontational use of secularism appears in contexts where a dominant religious institution uses its political power

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11 Faviola Rivera, "Laicidad y pluralismo", *Isonomía: Revista de teoría y filosofía del derecho*, no. 33 (2010): 35–64.

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12 Islam is usually said to have taken such place. However, the reasons explaining why this is a misleading claim are beyond the scope of this chapter.

13 Néstor Da Costa, "La laicidad uruguaya", *Archives de sciences sociales des religions*, no. 146 (June 1, 2009), doi:10.4000/assr.21270.

to interfere with the recognition of expressions of pluralism that are at odds with its moral doctrine.

The defense of women's right to abortion and gay rights to equal access to the institution of the family have incorporated *laicidad* into their political discourse. They use the notion as a political value, that is, as a value that refers to a foundational aspect of the republic. Similar to religious minorities, they request from the state a genuine commitment to *laicidad*. However, they do not use this value as a mechanism to gain access to privileges such as tax exceptions or special facilities in public buildings. They do not use *laicidad* as a mechanism to gain state recognition in the public sphere. Instead, their use of it is confrontational –or "anticlerical"—because they identify organized religions, and particularly the Catholic Church, as the main obstacle to seeing their requests recognized[14]. Their anticlericalism consists of requesting that the Catholic Church does not interfere with the state's recognition of pluralism. Therefore, they request that the public-

political sphere to remain independent from undue interference from organized religions[15].

Confrontational secularism emphasizes that evenhandedness towards religion is not enough to guarantee equal recognition of all. The Catholic Church still enjoys privileges inherited by past confessionalism which allows it to protect its moral doctrine and impose it as the public morality of society. Under the regime of secularism defined by the *Declaration*, recognition of expressions of non-religious (moral) pluralism is hindered by the dominant public morality—as defined by a dominant Catholic Church. As a consequence, marginalization of social groups that do not conform to the dominant public morality remains unaddressed. The confrontational use of *laicidad*, in contrast, seeks recognition of these groups by defending the view that the dominant power of the Catholic Church needs to be reduced as a means to guarantee real equal recognition[16].

","DOI":"10.1093/icon/mor060","ISSN":"1474-2640, 1474-2659","shortTitle":"By reason alone"," journal Abbreviation":"Int J Constitutional Law","language":"en","author":[{"family":"Lemaitre","given":"Julieta"}],"issued":{"date-parts":[["2012",3,30]]},"accessed":{"date-parts":[["2013",10,9]]}}}],"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"} For accounts of Latin American conflicts between sexual and reproductive rights and the Catholic Church, see Marta Lamas, "El Laicismo Y Los Derechos Sexuales Y Reproductivos", in *Laicidad: Una Asignatura Pendiente*, ed. Rodolfo Vázquez (Mexico D.F.: Ediciones Coyoacán, 2007), 125–42; Mala Htun, "Life, Liberty, and Family Values. Church and State in the Struggle over Latin America's Social Agenda", in *Religious Pluralism, Democracy, and the Catholic Church in Latin America*, ed. Frances Hagopian (Notre Dame, Indiana: University of Notre Dame Press, 2009), 335–64; Gustavo Ortiz, *La moralidad del aborto* (México: Siglo XXI, 2009), chap. 10–11.2007

14 Julieta Lemaitre provides a detailed description of the Catholic Church's strategy to defend its moral view on these issues in the United States, Mexico, and Colombia. Interestingly, she shows that it has adopted the requirements of liberalism (e.g. public reason requirements) in advocating its view in politics at the same time as taking advantage of its position within state institutions in order to be effective in its political activism, see Lemaitre, "By Reason Alone: Catholicism, Constitutions, and Sex in the Americas", *International Journal of Constitutional Law* 10, no. 2 (March 30, 2012): 493–511, doi:10.1093/icon/mor060.lay Catholic lawyers have translated theology into constitutional and human rights arguments to halt and reverse liberal abortion and same-sex marriage laws. Their arguments invoke reason instead of faith, based on the claim that the right use of reason in legal arguments leads to the same conclusions as theological reasoning. This article examines the main arguments recently used by lay Catholic lawyers in the United States, Colombia, Mexico, and Brazil and relates them back to the Vatican's position on human life, religious freedom, and gender equality. This article examines these parallels, their implicit theological basis, as well as their tensions, both rhetorical and substantive, with mainstream constitutionalism. →

15 Rivera, *Laicidad y Liberalismo*; Lemaitre, "Anticlericales de Nuevo".

16 The religious landscape in Latin America is changing dramatically, since numerous (conservative) Protestant churches are growing in number and size—partly due to the implementation of a system of *laicidad* that acknowledges privileges to religious organizations. One might conjecture that the political relevance of these churches will increase in the near future and therefore that the confrontational use of *laicidad* might not be directed towards the Catholic Church only but also the political power of these new churches.

CONCLUSION

Following the dominant trend among theorists of political secularism, the authors of the *Declaration* identify in the fact of pluralism the most important input for protecting and updating the notion of secularism. It is argued that in the context of deep and growing pluralism, it is important to stress that secularism does not require hostility towards religion. On the contrary, they argue that secularism is the incarnation of a strong respect for the fundamental commitments of conscience of all.

The second use of *laicidad* that I have presented differs from the use proposed by the writers of the *Declaration* and, more generally, from the dominant *liberal* interpretation of secularism, which is skeptical about any confrontational use of it. What this paper sought to stress is that this use of *laicidad* is grounded on liberal and democratic values. It appeals to the need to respect the decisions of conscience of individuals (women, homosexuals) who have been historically marginalized by the majority's social norms. More specifically, it advances the claim in favor of recognition of new moral worldviews that diverge from the morality endorsed by the majority, the dominant church, and the state. Furthermore, it promotes a public-political sphere that is independent from external pressures (e.g. the Catholic Church). This latter aspect is grounded on a democratic interpretation of political autonomy.

REFERENCES

Arias, Ricardo. "El Difícil Camino Hacia La Laicidad: La Reforma Religiosa de 1991 Y El Episcopado Colombiano". In: *Utopía Para Los Excluídos: El Multiculturalismo En África Y América Latina*, Jaime Arocha (ed.), 319–45. Bogota: Unibiblos - National University of Colombia, 2004.

Arias, Ricardo. *El Episcopado Colombiano. Intransigencia Y Laicidad (1850-2000).* Bogota: CESO-Ediciones Uniandes-ICANH, 2003.

Baubérot, Jean, Roberto Blancarte and Micheline Milot. "Déclaration universelle sur la laïcité au XXIe siècle". *Le Monde*, September 12, 2005. http://www.lemonde.fr/idees/article_interactif/2005/12/09/declaration-universelle-sur-la-laicite-au-xxie-siecle_718769_3232.html.

Blancarte, Roberto. *Laicidad en México. La construcción de la República Laica en México.* Colección de Cuadernos "Jorge Carpizo" Para entender y pensar la laicidad 31. Mexico D.F.: IIJ-UNAM, 2013.

Blancarte, Roberto. "El Por Qué de Un Estado Laico." In: *Los Retos de La Laicidad Y de La Secularización En El Mundo Contemporáneo*, Roberto Blancarte(ed.) 29–46. Mexico D.F.: El Colegio de México, 2008.

Blancarte, Roberto. *Los retos de la laicidad y la secularización en el mundo contemporáneo.* El Colegio de Mexico AC, 2008.

Blancarte, Roberto. "Laicidad: La Construcción de Un Concepto Universal". In: *Laicidad: Una Asignatura Pendiente*, Rodolfo Vázquez (ed.), 27–50. Mexico D.F.: Ediciones Coyoacán, 2007.

Blancarte, Roberto. "Definir La Laicidad (Desde Una Perspectiva Mexicana)". *Revista Internacional de Filosofía Política* 24:15-28, 2004.

Da Costa, Néstor. "La laicidad uruguaya". *Archives de sciences sociales des religions*, no. 146, June 1, 2009. doi:10.4000/assr.21270.

García, Leonardo. *Laicidad y Justicia Constitucional.* Colección de Cuadernos Jorge Carpizo. Para Entender y Pensar la Laicidad 33. Mexico D.F.: Instituto de Investigaciones Jurídicas - UNAM, 2013.

Htun, Mala. "Life, Liberty, and Family Values. Church and State in the Struggle over Latin America's Social Agenda". In: *Religious Pluralism, Democracy, and the Catholic Church in Latin America*, Frances Hagopian (ed.), 335–64. Notre Dame, Indiana: University of Notre Dame Press, 2009.

Lamas, Marta. "El Laicismo y los Derechos Sexuales y Reproductivos". In: *Laicidad: Una Asignatura Pendiente*, Rodolfo Vázquez (ed.), 125–42. Mexico D.F.: Ediciones Coyoacán, 2007.

Lemaitre, Julieta. "By Reason Alone: Catholicism, Constitutions, and Sex in the Americas". *International Journal of Constitutional Law* 10(2): 493–511 March 30, 2012. doi:10.1093/icon/mor060.

Lemaitre, Julieta. "Anticlericales de Nuevo. La Iglesia Católica Como Un Actor Político Ilegítimo En Materia de Sexualidad Y Reproducción En América Latina". In: *Derecho Y Sexualidades.* Buenos Aires: SELA, 2010.

Maclure, Jocelyn and Charles Taylor. *Secularism and Freedom of Conscience.* Translated by Jane Marie Todd. Harvard University Press, 2011.

Milot, Micheline. "The Secular State in Quebec: Configuration and Debates". *Diversité canadienne/Canadian Diversity* 10(1):39–43, 2013.

Milot, Micheline. *Laïcité dans le nouveau monde: Le cas du Québec*. Brepols, 2002.

Ortiz, Gustavo. *La moralidad del aborto*. México: Siglo XXI, 2009.

Rivera Castro, Faviola. *Laicidad y Liberalismo*. Colección de Cuadernos Jorge Carpizo. Para Entender y Pensar la Laicidad 3. Mexico D.F.: IIJ - UNAM, 2013.

Rivera Castro, Faviola. "Laicidad y pluralismo". *Isonomía: Revista de teoría y filosofía del derecho*, 33:35-64, 2010.

Taylor, Charles. "Why We Need a Radical Redefinition of Secularism?" In: *The Power of Religion in the Public Sphere*, Eduardo Mendieta and Jonathan VanAntwerpen (ed.), 34–59, 2011.

CIVILITY WITHIN CONFLICT– MANAGING RELIGIOUS PLURALISM

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STEPHEN DE WIJZE

This paper argues that liberal and libertarian theories of justice are unable to accommodate the phenomenon of religious pluralism in contemporary democratic societies. The reason is this: the attempt to do so by establishing core principles which all citizens, including illiberal religious citizens, can endorse is impossible. There will always be a pluralism of values in a liberal society, some of which are incommensurable and from which there is no Archimeadean point to decide whether one is better or more reasonable, or place them in an agreed hierarchy. Seeking reasonable citizens does not solve the fundamental problem and result in consensus or harmony since the very notion of 'reasonableness' is itself attractive and sensible only from within what Hampshire calls ' the liberal stockade'. Thus, liberal and libertarian approaches to justice are inevitably tragic: some religious practices are suppressed, and some religious doctrines officially discouraged, if not formally banned, and there can be no resolution of this clash that will be acceptable to liberals and non-liberals alike. Again, following Hampshire, liberals and libertarians need to see that (their) 'own way of life and habits of speech and thought, not only seem wrong to large populations, but can be repugnant in very much the same way in which alien habits of eating, or alien sexual customs, can be repugnant'[1]. Consequently, the best we can do in such circumstances is to adopt an account of justice that recognizes religious conflict as inevitable and that liberal societies will impose some injustice upon illiberal religious believers as society's institutions manage this conflict. However, we argue that this conflict can be pursued within the bounds of civility and that civility can reduce the injustice involved to an acceptable minimum.

We focus on the fact that orthodox adherents of different faiths believe they are privy to the truth about religious matters and that (a) they consider the corresponding doctrines maintained by adherents of other faiths or none to be false; and (b) that the content of religious doctrines has a direct bearing on politics and the law. How far then can such illiberal believers be accommodated within a broadly liberal society? Can liberal or libertarian theories of justice provide a way of treating them justly?

1. LIBERALISM AND LIBERTARIANISM – TWO APPROACHES TO ACCOMMODATING RELIGIOUS PLURALISM

Liberal theories of justice are concerned with how to fairly allocate the benefits and burdens of cooperative living. These benefits and burdens do not only concern the allocation of material goods but other social primary goods (as Rawls calls them)[2] which include political liberties, social opportunity, and the preconditions for living a life of self-respect. Libertarian theories of justice maintain that people are endowed with a set of rights, and that the government's function is limited to the protection of those rights. We focus on two approaches whose advocates seek to establish frameworks that treat even illiberal religious believers with justice: a liberal approach that seeks rational and reasonable consensus on principles of justice, and the other a libertarian approach that is indifferent to the religious beliefs held and practices followed provided these do not violate rights.

1 Stuart Hampshire. *Justice is Conflict* (London: Duckworth Publishers, 1999).

2 John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), 92.

a) The liberal search for reasonable and rational consensus

John Rawls's conception of justice as fairness is a useful way to illustrate the search for reasonable and rational consensus on principles of justice. In his early work (*A Theory of Justice*), he argues for a set of principles that all rational persons ought to endorse. In so far as religious doctrines fit within these principles, the state has no interest in the particular faith or practice in which such individuals engage. It is only when the practices of a particular faith violate the principles of justice that the state uses its power to prevent these activities. That is, by protecting basic rights, or ensuring that all children are given some secular education to enable them to participate in society, or outlawing polygamy as it treats women and men differently.

Rawls himself acknowledged that those who hold non-liberal religious views may not be able to endorse liberal principles of justice that apply to all aspects of their lives. Consequently, his later work (*Political Liberalism*) restricts the scope of his conception of justice to the political domain. Here, a consensus is sought on political values leaving the private lives of citizens to their own liberal or non-liberal conception of good. As long as religious doctrines allow their adherents to be liberal *citizens*, they can lead a non-liberal existence without interference from the state.

This limits how far religious views can impinge on the lives of individuals *qua* individuals and *qua* citizens but suffers from three challenges. Firstly, it requires that all religions accommodate liberal (or political liberal) values. Secondly, such liberal and libertarian principles of justice prioritize individuals over the group — non-liberal views, in contrast, often view a collective (such as the nation or community of believers) as being more important than the individual. Thirdly, these approaches undermine certain religious beliefs by insisting on a democratic liberal (or liberal civic)

education, equality for men and women, and the priority of nurturing autonomy and individuality in conflict with religious doctrines that hold conflicting views. Religious doctrines that reject such core liberal values are discouraged, considered unreasonable or irrational, and practices associated with them may be officially suppressed.

b) The libertarian defense of a set of rights

Though libertarians are best known for their hostility to economic redistribution[3], the defining feature of their attitude to the state is different. Libertarians hold that people are endowed with a set of rights, usually called natural rights, and that governments may not violate these.

Libertarian natural rights are not quite the same as those expressed, for instance, as 'human rights' in constitutional charters and international conventions[4]. To illustrate, judges interpreting a body of human rights law such as that initiated by the European Convention on Human Rights may find themselves deciding on where to draw the line between, for instance, a right to freedom of speech and another protecting personal privacy. In those deliberations, reference is often made to 'balancing' or 'resolving' the conflict between rights. Libertarians, however, consider the conflict between actual natural rights to be impossible[5].

3 Not all libertarians can fairly be so described. 'Left-libertarians' prescribe an original equal right to economic goods that can justify significant state intervention to redistribute the holdings of property issuing from market transactions. For such an account see Hillel Steiner, Peter Vallentyne, and Michael Otsuka. 'Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried.' *Philosophy and Public Affairs* 33 (2005):201–205. Walshe provides an environmentalist libertarian account in 'Green Libertarianism,' *Ethical Theory and Moral Practice 17* (2014):955–970.

4 No distinction is made here between legal and moral rights. It is assumed that a political system has authority to rule and upholds legal rights that correspond to moral ones. This is, of course, a simplification.

5 H.L.A Hart. 'Are there Any Natural Rights?,' *Philosophical Review* 64 (1955).

The purpose of courts is to rule on which right takes precedence if a clash does occur. It follows from this understanding that a religious practice, just like any other set of actions, either violates individual rights or it does not. This can allow for considerable freedom to practice religion, but not because libertarians think that religion is something special or important. It is seen as an activity like any other, to be dealt with no differently than getting a haircut or going fishing.

This attitude is, however, limited to activities that do not violate the libertarian state's conception of rights. Activities that do, such as female genital mutilation or, arguably, male infant circumcision, would be forbidden. More importantly, the use of state power to promote religious ends - something that non-quietist religions often seek - is absolutely prohibited.

While the libertarian position does not take it upon itself to suppress dissenting views, a libertarian polity is the sole determinant of what should be included in the set of publicly-enforced rights. In addition, it requires that these rights protect individuals rather than groups. This allows religious practices to which they are indifferent, but forbids those that clash with libertarian core values and denies official recognition to collective agents, such as religions, except insofar as they are associations of individuals. Consequently, the resolution of a clash in values between a libertarian state and illiberal religious believers amounts to the use of state power to repress religious practices that do not conform to libertarian principles. While Libertarians may defend this position on its merits, its implementation should not be characterized as the satisfactory 'resolution' of a conflict concerning religious pluralism. The imposition of a libertarian (or indeed, a liberal) state upon conservative religious believers does not cease to be an imposition because liberals or libertarians think it justified. Liberal and libertarian states ought to acknowledge this fact and attempt to mitigate the effects of loss they have inflicted upon illiberal religious believers.

2. THE TRAGIC DIMENSION AND THE NEED FOR CIVILITY IN CONFLICT

Liberal and libertarian attempts to accommodate religious pluralism require the imposition of liberal values on non-liberal groups and individuals. In so doing, they argue that there is a fair and just resolution to the conflict that arises between liberal and religious values and that a fair compromise can be reached which is satisfactory to all. However, to hold this view is to fail to see the proper nature of such conflict and the ultimate futility of resolving it through a search for a commonly-shared set of values or principles. As Hampshire points out:

The essence of a liberal morality is the rejection of any final and exclusive authority, natural or supernatural, and of the accompanying compulsion and censorship. In this context, freedom itself is felt, and is cherished, as a negative notion: no walls of dogma, no unquestionable rules from priests and politicians; the future is to be an open field for discovery. Openness is a negative concept, appropriately therefore an indeterminate concept. The liberal adversary is disgusted, or made nervous, by this negativity, by the openness and the emptiness, by the looseness of undirected living. The ensuring conflict is stark and often bitter[6]

We argue, following Hampshire, that any 'resolution' necessarily leaves a moral remainder and bitterness which should be recognized and accounted for when dealing with religious pluralism. There can never be a resolution that enables a 'perfect harmony of values'[7]. Conflict is inevitable and perpetual, as Hampshire succinctly sums up with the title of his book - *Justice is Conflict.*

....
6   Hampshire, *Justice is Conflict*, 41.
7   Hampshire, *Justice as Conflict*, 73.

If this is correct, accommodating religious pluralism in a liberal democratic society requires at least two things: 1. the acknowledgement of the tragic nature of such conflict and with it the attempt to compensate and mitigate the unjust imposition on those who hold non-liberal values; 2. an attempt to find ways of ensuring that conflict is kept to a minimum – a civility within conflict. The development and maintenance of institutions and procedures within society that can 'hear the other side' and garner the respect of both liberals and non-liberals 'from their customary use and from their gradually acquired familiarity'[8]. These institutions and procedures cannot deliver perfect fairness, but offer an equality of access to those who hold power and a kind of imperfect justice given the incommensurable values and ways of life.

A full specification of what that mitigation and compensation might consist cannot be developed here, but we expect that at the very least it should involve the public acknowledgement that illiberal religious believers ought to be able to make their peace with the social arrangements under which they live. It may extend, for instance, to some kind of material assistance or limited legal exemption to allow conservative religious believers to preserve some elements of their practices that do not pose an existential threat to the liberal or libertarian order maintained by the state. Such religious institutions may be entitled to tax exemptions or certain customs that would, in a strictly secular application of the law, be forbidden (e.g. Sikhs being allowed to carry ceremonial daggers where equivalent blades would not be permitted; permission to carry out Halal and Kosher animal slaughter where otherwise forbidden by animal welfare legislation; or individual Anglican priests could choose not to carry out same sex marriages, and so on). These exemptions are not, of course new, although we see them as means of managing an unavoidable conflict between liberals and

conservatives living in the same society: they do not amount to just resolutions of that conflict.

This will not, of course, satisfy the most committed illiberal religious hardliners. As Isaiah Berlin points out, there is no social world without loss[9]. However, it may at least be able to add some flexibility to what would otherwise appear an unduly cold application of abstract principle and thereby provide reasons for illiberal religious believers to acquiesce to a political order that is, from their point of view, far from the ideal. The hope is that this would go some way to preventing religious conflicts from being aggressively tackled solely in the political domain, increasing the likelihood of a resort to violence. With a pluralist framework that seeks civility within conflict, it is more likely that illiberal religious doctrines will be able to peacefully co-exist within a liberal political framework. The conflict and injustice experienced will be acknowledged and mitigated, and with it the kind of response that will result. Here, a way will be found to manage this inevitable conflict and prevent the great evils of war and other forms of extreme violence.

8   *Ibid.*, 45.

9   Isaiah Berlin. *The Crooked Timber of Humanity* (London: John Murray Publishers, 1990): 13.

REFERENCES

Berlin, Isaiah. *The Crooked Timber of Humanity.* London: John Murray Publishers, 1990.

Hampshire, Stuart. *Justice is Conflict.* London: Duckworth Publishers, 1999.Hart, H.L.A. 'Are There Any Natural Rights?,' *Philosophical Review* 64:175 –191, 1955.

Rawls, John. *A Theory of Justice.* Cambridge, Massachusetts: Harvard University Press, 1971.

Rawls, John. *Political Liberalism.* New York: Columbia University Press, 1993.

Vallentyne, Peter, Hillel Steiner and Michael Otsuka. 'Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried'. *Philosophy and Public Affairs* 33(2):201–215, 2005.

Walshe, Garvan. 'Green Libertarianism'. *Ethical Theory and Moral Practice* 17:955–970, 2014.

II – PLURALISM AND THE FREEDOM OF RELIGION

CONSCIENTIOUS OBJECTION TO SAME-SEX MARRIAGES AND PARTNERSHIPS: THE LIMITS OF TOLERATION IN PLURALISTIC LIBERAL DEMOCRACIES

STIJN SMET[1]

In this chapter, I examine how the law deals with a particular feature of religious pluralism in liberal democracies: the existence of individuals who, due to deeply held religious convictions, object to complying with legislation inspired by liberal values.

I focus in particular on legislative and judicial responses to civil servants who refuse to register same-sex marriages and partnerships in the Netherlands and United Kingdom. In both countries[2], a small number[3] of devout Christian civil servants sincerely believe that their religious conscience precludes them from registering same-sex marriages or partnerships. Such cases entail a conflict between the freedom of religion of such civil servants and the right to equality of same-sex couples[4]. In both countries[5], the conflict has been resolved in favor of the latter's right.

In the UK, the court case of *Ladele v. Islington* involved a registrar who refused to register same-sex partnerships for religious reasons. Initially, Ms. Ladele's objections were *de facto* accommodated by colleagues, who performed the relevant duties in her stead. However, when other - LGBT - colleagues complained about Ms. Ladele's behavior, Islington initiated disciplinary proceedings. The case ended up at the Court of Appeal, which ruled against Ms. Ladele, finding that Islington was justified in holding fast to its non-discrimination policy by ordering Ms. Ladele to perform all her duties as a registrar.

In the Netherlands, Parliament has recently enacted a piece of legislation that categorically denies persons who would act in contravention of Dutch equal treatment legislation access to the post of registrar, despite the Council of State's advice to deal with the relevant cases in a pragmatic manner[6].

THE OPTIMAL SOLUTION?

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2 The issue has also arisen in several other liberal democracies, including Spain, Finland, Sweden, France and Canada. See, for instance, Queen's Bench for Saskatchewan, *Nichols v. M.J.* [2009] SKQB 299 (Canada); Conseil Constitutionnel nr. 2013-353, 18 October 2013 (France). Also Bruce MacDougall et al., "Conscientious Objection to Creating Same-Sex Unions: An International Analysis," *Canadian Journal of Human Rights* 1 (2012): 127-164.

3 In the Netherlands, the most recent exact number cited is 88 registrars. See the explanatory report [*Memorie van Toelichting*] to the Law of 4 July 2014, Kamerstukken II 2012/2013, 33 344, nr. 6 (for the Law, see *infra*, footnote 5).

4 See also - in the UK - Supreme Court, *Bull and Anor. v. Hall and Anor.* [2013] UKSC 73; Court of Appeal of England and Wales, *Black and Anor. v. Wilkinson* [2013] EWCA Civ 820; Court of Appeal of England and Wales, *McFarlane v. Relate Avon Ltd [2010]* EWCA Civ 880. In the Netherlands, see also Equal Treatment Commission, advice 2002/25 (2002); Equal Treatment Commission, advice 2008/40 (2008).

5 In the UK, all related cases, cited in footnote 4, have also been resolved to the detriment of religious liberty.

6 Law of 4 July 2014 *tot wijziging van het Burgerlijk Wetboek en de Algemene wet gelijke behandeling met betrekking tot ambtenaren van de burgerlijke stand die onderscheid maken als bedoeld in de Algemene wet gelijke behandeling*, Staatsblad van het Koninkrijk der Nederlanden, Jaargang 2014, 260.

At first glance, it appears possible to avoid the predicament caused by civil servants conscientiously objecting to the registration of same-sex partnerships/marriages by doing away with the conflict itself, while keeping the rights of both parties entirely intact. One way of doing so would be through reasonable accommodation, i.e. by granting to registrars an exemption from their duties whenever same-sex couples are involved. In the argument of those who support such a move, this would not cause an undue burden on the rights of same-sex couples, since their marriage or partnership would still be registered, just by a different registrar[7]. Hence, this pragmatic solution would supposedly keep both parties' rights intact. Interestingly, this is precisely the solution advocated by the Dutch Council of State in its negative advice on the Dutch law[8]. The Council of State specifically held that "a pragmatic approach [to the problem] ... fits in with the Dutch tradition of tolerance *vis-à-vis* different opinions"[9]. Considerations of reasonable accommodation were also on the table in the UK *Ladele* case.

Yet, the UK courts and the Dutch legislator decided differently, holding that the right to equality of same-sex couples should prevail over freedom of religion. They thus preferred a principled solution over a pragmatic one. In this chapter, I will attempt to offer an explanation for that preference, in terms of the limits of toleration in pluralistic liberal democracies.

TOLERATION: A SUITABLE TOOL FOR ANALYSIS?

The concept of toleration arguably consists of three elements: 1) a negative element of (moral) disapproval of a certain belief or practice[10]; 2) a positive element that supersedes the negative element, for instance respect for individual freedom of conscience, leading to the toleration of the belief or practice *despite* the (moral) disapproval thereof; and 3) an account of the limits of toleration, *i.e.* the point beyond which (acting upon) a belief or practice can no longer be tolerated[11].

Toleration is a prominent principle of the political philosophies of, *inter alia*, Pierre Bayle and John Locke, aimed at ensuring peaceful religious co-existence in their times[12]. In transposing the concept to the present day, a few obstacles arise that *prima facie* preclude it being employed in relation to contemporary pluralistic liberal democracies in general, and the studied conflict in particular. Here, the two most important obstacles will be dispelled.

The first obstacle relates to the idea that the historical conception of toleration entailed an obligation of non-interference by the state in matters belonging to the private sphere (e.g. religious beliefs). Therefore, the objection goes, the same concept cannot be applied to issues pertaining to the current *public* sphere, such as

7   Robin Fretwell Wilson, "Insubstantial Burdens: The Case for Government Employee Exemptions to Same-Sex Marriage Laws," *Northwestern Journal of Law & Social Policy* 5 (2010): 321-22; Geoffrey Trotter, "The Right to Decline Performance of Same-Sex Civil Marriages: The Duty to Accommodate Public Servants - A Response to Professor Bruce MacDougall," *Saskatchewan Law Review* 70 (2007): 366-67.

8   Council of State, Advice W04.12.0331/I, 12 October 2012, Kamerstukken II 2012/2013, 33 344, nr. 4.

9   Ibid (author's translation).

10 In the case of *indifference* towards a belief, opinion or practice, toleration is thus not a conceptual possibility. See Jürgen Habermas, "Intolerance and Discrimination," *International Journal of Constitutional Law* 1 (2003), 3.

11 Rainer Forst, "Pierre Bayle's Reflexive Theory of Toleration," in *Toleration and Its Limits*, ed. Melissa Williams and Jeremy Waldron (New York: New York University Press, 2008), 79; Anna Galeotti, "Citizenship and Equality: The Place for Toleration," *Political Theory* 21 (1993): 587.

12 For more details on the history of toleration and the different accounts of Locke and Bayle, see Forst, "Reflexive Theory"; Habermas, "Intolerance and Discrimination".

the conscientious objection issue studied here[13]. However, there is no principled reason to assume that the historical conception of toleration cannot usefully be adapted into a modern conception that *can* be applied to issues pertaining to the public sphere[14]. Indeed, speaking of toleration *regardless* of the sphere in which issues arise seems an appropriate course to take, given that there does not - or should not - exist a strict separation between a supposedly private and purportedly public sphere in contemporary liberal society[15]. Indeed, one of the salient features of contemporary religious pluralism is that, contrary to historic expectations, religion has not allowed itself to be strictly confined to the private sphere. Instead, it is increasingly, and strongly, claiming its right to be present in the public sphere. In accepting this reality and viewing toleration as a tool to deal with deep-seated differences in pluralistic society, regardless of the sphere in which those differences are expressed, an important analogy can be drawn between the historic conditions of religious pluralism under which the concept came to fruition and contemporary questions of deep religious pluralism in modern liberal democracies, signalling that the concept may be as relevant today as it was in the past[16].

The second obstacle relates to the seeming contradiction between toleration and the (supposed) neutrality of the contemporary liberal state. The objection goes as follows: since the liberal state purports to be neutral towards different conceptions of the good life, it is conceptually impossible for it to *tolerate* one or more such conceptions, given that toleration presupposes an element of negative appraisal[17]. Because the neutral liberal state refrains from *negatively* (or positively, for that matter) appraising conceptions of the good life, the question of toleration simply never arises. Toleration thus, it is alleged, has no place in the contemporary liberal state, at least not as a (vertical) political practice[18]. One possible answer[19] to this objection entails arguing that the liberal state is not - and cannot be - truly neutral[20] and to insist instead that the liberal state is based on a number of perfectionist ideals, such as autonomy, equality and human rights[21]. When this is accepted, the objection of conceptual impossibility no longer holds[22]. The concept of toleration may instead prove quite useful in explaining why the liberal state may want to - and does, in fact[23] - accept into its midst certain beliefs and practices that go against the fundamental principles of liberalism (e.g. equality) for superseding reasons (e.g. respect for autonomy and human rights).

13 François Boucher and Cécile Laborde. "Why Tolerate Conscience," *Criminal Law and Philosophy* (2014): 14-15, accessed December 23, 2014, doi:10.1007/s11572-014-9357-7.

14 Anna Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2002), 10.

15 Galeotti, "Citizenship and Equality," 600.

16 Jeremy Waldron and Melissa Williams, "Introduction," in *Toleration and Its Limits*, ed. Melissa Williams and Jeremy Waldron (New York: New York University Press, 2008), 24; Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997), 96.

17 John Horton, "Toleration as a Virtue," in *Toleration - An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996), 36.

18 Tolerance, conversely, may very well retain its place as an important (horizontal) moral virtue of individuals.

19 Other avenues are available, which will be explored in a later, full paper.

20 Lawrence Alexander, "Is There Logical Space on the Moral Map for Toleration? A Brief Comment on Smith, Morgan, and Frost," in *Toleration and Its Limits*, ed. Melissa Williams and Jeremy Waldron (New York: New York University Press, 2008), 304.

21 Ibid.

22 Bernard Williams, "Toleration: An Impossible Virtue," in *Toleration - An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996), 24; Waldron and Williams, "Introduction," 29.

23 For instance the exclusion of women from the post of priest in the Catholic Church.

WHAT ABOUT OUR CASE?

Thus far, I have opened up the conceptual space for applying the political principle of toleration to contested issues of (religious) pluralism in the public sphere of contemporary liberal society. However, this does not mean that space should be limitless. On the contrary, there are good reasons to speak of toleration only in a limited set of specific circumstances[24].

The primary reason for restricting the conceptual space for toleration has to do with its negative connotation: in general, individuals do not wish for the mere toleration of their beliefs and practices[25]. Rather, they quite rightly demand that these be viewed positively in terms of recognition and equal respect[26]. The liberal state should indeed be primarily concerned with respecting the equal human rights of all persons, including those who hold 'different' beliefs or practices[27].

Nevertheless, there are areas in which toleration remains a valid tool to deal with such 'difference', but only when the liberal state has cause to reasonably disapprove of the beliefs and practices at issue[28], most notably when these negate autonomy, equality norms or the human rights of others[29] [30].

In the context of *religious* beliefs and practices - the focus of this chapter - two examples may illustrate the point. The first is that of a Sikh man who objects to being photographed without his turban on an ID card. I submit that there is no reasonable cause for the liberal state to (morally) disapprove of his belief and practice as such, since these do not *prima facie* contravene any of the above-mentioned core liberal principles. Thus, there is no conceptual space or need for toleration. In that sense, this is from the outset a matter of respect for - not toleration of - the Sikh's 'difference'. The second example, in which there *does* exist conceptual space for toleration, is that of a Sikh man who objects to removing his turban while riding a motorcycle, and thus refuses to wear a helmet[31]. Here, I contend that the liberal state *can* reasonably disapprove of the practice, namely on paternalistic grounds[32]. The liberal state may nevertheless *tolerate* his choice for superseding reasons, for instance, out of respect for his religious liberty and personal autonomy.

The earlier outlined case of conscientious objection belongs to the second category. Given that the registrars wish to put into practice religious beliefs that contravene equality norms, there is reasonable cause for the liberal state to (morally) disapprove of their beliefs and practice. This opens up the conceptual space for toleration to come into play. The liberal state may either tolerate the beliefs and practices of its registrars, based on positive reasons relating to respect for religious liberty, or it may rule that they transgress the limits of toleration[33].

24 Alexander, "Logical Space," 300.

25 Horton, "Toleration as a Virtue," 35-36.

26 David Heyd, "Is Toleration a Political Virtue?" in *Toleration and Its Limits*, ed. Melissa Williams and Jeremy Waldron (New York: New York University Press, 2008), 175.

27 Ibid., 177. It should be clear from the remainder of the arguments set forth in this paper that I disagree with Heyd's conclusion that there is no room for toleration by the liberal state.

28 Horton, "Toleration as a Virtue," 33.

29 George Fletcher, "The Instability of Tolerance," in *Toleration - An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996), 162; Alexander, "Logical Space," 306.

30 Hate speech would be a good example; one in which most European liberal democracies consider the limits of toleration to be exceeded. Towards beliefs and practices that cannot be the object of reasonable disapproval by the liberal state, conversely, it should remain indifferent (in terms of (moral) evaluation), thus leaving no conceptual space for toleration.

31 See *contra*, Boucher and Laborde, "Why Tolerate Conscience," 15.

32 These reasons, as in the case of rules on the mandatory wearing of seatbelts, are paternalistic in the sense that they aim at protecting the individual against 'dangerous' exercises of his autonomy. The State decides on behalf of the individual what their superior interest or value – *i.e.* protection of his life and physical integrity – should be and contemplates restricting his autonomy in pursuit of those 'higher' ends (*i.e.* for his own good). See, for instance, Joel Feinberg, *Harm to Self – The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1986), 8.

33 I rely here on what Rainer Forst terms the 'respect conception of toleration'. See Rainer Forst, "The Limits of Toleration," *Constellations* 11 (2004): 316.

Although the Dutch Council of State considered the case to fall within the limits of toleration, the Parliament clearly disagreed. Likewise for the UK Court of Appeal in the *Ladele* case. But why would the limits of toleration have been reached, given that neither case entailed the denial of a public service to same-sex couples?[34] The reason can be found in the notion of expressive harm and the expressive function of law.

The expressive function of law is the role of law in shaping - both positively and negatively - the attitudes and opinions of members of society, for instance towards same-sex couples[35]. Within that context, expressive harm is the *non-material* harm caused by the state to the individual "when she is treated according to principles that express negative or inappropriate attitudes towards her"[36]. Expressive harm can be caused by a piece of legislation - the classic example being segregation laws in the United States[37] - or by a non-verbal act by the state or its agents[38]. Registrars refusing to register same-sex partnerships/marriages fall within the latter category.

In *Ladele*, the UK Court of Appeal dismissed the reasonable accommodation route, because insistence thereon would "mischaracterise Islington's aim by treating it as a purely practical one of delivering an efficient system". Instead, the court identified Islington's proper aim as providing a service "which complied with their overarching policy of being "an employer and a public authority wholly *committed to the promotion* of equal

34 In neither the Dutch nor the UK case were/are same-sex couples denied a public service, since other registrars were/are available to take over from conscientious objectors.

35 Cass Sunstein, "On the Expressive Function of Law," *University of Pennsylvania Law Review* 144 (1996): 2021-53.

36 Elizabeth Anderson and Richard Pildes, "Expressive Theories of Law: A General Restatement," *University of Pennsylvania Law Review* 148 (2000): 1527.

37 Ibid., 1528.

38 Ibid., 1530.

opportunities and to requiring all its employees to act in a way which does not discriminate against others""[39]. The court went on to find that "permitting Ms Ladele to refuse to perform civil partnerships "would necessarily undermine the council's clear commitment to ... their non-discriminatory objectives which [they] thought it important to *espouse* both to their staff and to the wider community""[40]. The court also ruled that "Ms Ladele's proper and genuine desire to have her religious views relating to marriage respected should not be permitted to override Islington's concern to ensure that all its registrars *manifest equal respect for the homosexual community*"[41]. Given that no same-sex couple had been denied a public service in Islington due to Ms. Ladele's objection, these findings are best understood in terms of expressive harm and the expressive function of Islington's non-discrimination policy.

Similar considerations apply to the Dutch case, in which Parliament ignored the Council of State's advice in favor of a pragmatic solution. The principled and symbolic nature of the Act constituted an important rationale for its passing. In the explanatory report, the Act is referred to being in the first place a piece of principled legislation[42]. Of particular importance is the statement that "what *can* help in a climate of intolerance is not the mere searching for 'pragmatic solutions' for the consequences of intolerance, but the consistent upholding of the prohibition of discrimination"[43]. The relevant Minister referred to the Act as constituting "an important step that partly has a symbolic character"[44]. He went on to state that

39 *Ladele*, para. 45 (emphasis added).

40 Ibid., para. 49, citing the Employment Appeal Tribunal's statements with approval (emphasis added).

41 Ibid., para. 55 (emphasis added).

42 Explanatory report, *supra* note 2, 2.

43 Ibid., 6 (emphasis in original).

44 Handelingen Tweede Kamer 2012-2013, nr. 91, item 6.

"with this [Act] a message is being sent, not only towards this category of registrars [i.e. the conscientious objectors], but in the first place to all gays and lesbians in the Netherlands and eventually towards Dutch society in its entirety: the norm is that we in no way wish to differentiate between persons of equal sex who marry and persons of different sex who marry"[45].

These statements all underscore the expressive aim of the Dutch law.

CONCLUSION - ANALOGOUS CASES?

An important step that remains is to analyze the above arguments on toleration and expressive harm in relation to analogous cases, to determine (i) whether they can be applied to those cases as well, and/or (ii) whether those cases can convincingly be distinguished from the one discussed in this paper. Those analogous cases concern, chiefly, conscientious objection by doctors to the performance of abortions, the refusal of private persons to provide services to same-sex couples (e.g. a double room in a bed and breakfast)[46], and conscientious objection to compulsory military service.

With regard to conscientious objections by doctors to the performance of abortions, my initial conclusions are (i) that such cases fall to be distinguished from the primary case examined in this paper, and thus, (ii) the conscientious objections at issue in abortion cases *can* be tolerated in a liberal democracy[47].

With regard to private persons' refusal to provide services to same-sex couples, my initial conclusion is that this situation is similar to the primary case examined in this paper in several respects, but crucially different in others. The important elements of difference are that the primary case involves state agents causing expressive harm, while the denial of private services involves private individuals causing material harm. My tentative argument is that the practice at issue in the 'denial of private services' case could also be considered as transgressing the limits of toleration, since it entails the causing of material harm.

With regard to conscientious objection to compulsory military service, my initial conclusion is that this issue is different from the primary case discussed in this paper in two crucial respects: (a) the objection does not cause any harm (expressive or material), and (b) the liberal state has no reasonable cause to morally disapprove of the objection, since it does not *prima facie* contravene core liberal principles. My tentative argument is that it is therefore not appropriate to consider conscientious objection to compulsory military service in terms of toleration and its limits. Instead, such cases should from the outset be dealt with as revolving around respect for human rights, in terms of (religious) conscience. Where other (non-moral) reasons fail to convince, for example, those based on public order, the liberal state should respect the 'difference' and grant an exemption.

....

45 Ibid.

46 *Cf. Bull and Anor. v. Hall and Anor.*, *supra* note 3.

47 These initial conclusions are based on the following (summarised) elements of difference (primary case *versus* 'abortion' case): (a) State agent *versus* private person; or State agent whose acts are directly identified with those of the State *versus* public employee (doctor in a public hospital) whose acts are not; (b) objection on the grounds of animus *versus* objection based on will to protect life; (c) no ability to formulate religious reasons in secular language *versus* availability of secular language to explain objection (protection of the right to life); (d) level of seriousness of interference with the individual's conscience: forced 'recognition' *versus* forced 'killing' .

REFERENCES

Alexander, Lawrence. "Is There Logical Space on the Moral Map for Toleration? A Brief Comment on Smith, Morgan, and Frost." In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron, 300-14. New York: New York University Press, 2008.

Anderson, Elizabeth and Richard Pildes. "Expressive Theories of Law: A General Restatement." *University of Pennsylvania Law Review* 148 (2000):1503-75.

Boucher, François and Cécile Laborde. "Why Tolerate Conscience," *Criminal Law and Philosophy* (2014): 1-21. Accessed December 23, 2014. doi:10.1007/s11572-014-9357-7.Council of State (the Netherlands), Advice W04.12.0331/I, 12 October 2012, Kamerstukken II 2012/2013, 33 344, nr. 4. https://www.eerstekamer.nl/behandeling/20121109/advies_raad_van_state_en_reactie/document3/f=/vj4fn2belgzv.pdf

England and Wales Court of Appeal, *Black & Anor v Wilkinson* [2013] EWCA Civ 820. http://www.bailii.org/ew/cases/EWCA/Civ/2013/820.html

England and Wales Court of Appeal, *McFarlane v. Relate Avon Ltd* [2010] EWCA Civ 880. http://www.bailii.org/ew/cases/EWCA/Civ/2010/880.html

Equal Treatment Commission (the Netherlands), Advice 2002-25, 15 March 2002. http://www.mensenrechten.nl/publicaties/oordelen/2002-25/detail

Equal Treatment Commission (the Netherlands), Advice 2008-40, 15 April 2008. http://www.mensenrechten.nl/publicaties/oordelen/2008-40/detail

Explanatory report [*Memorie van Toelichting*] to the Dutch Law of 4 July 2014, Kamerstukken II 2012/2013, 33 344, nr. 6. https://www.eerstekamer.nl/behandeling/20121109/memorie_van_toelichting_zoals/document3/f=/vj4ihcn3fuzr.pdf

Feinberg, Joel. *Harm to Self – The Moral Limits of the Criminal Law*. New York: Oxford University Press, 1986.

Fletcher, George. "The Instability of Tolerance." In *Toleration - An Elusive Virtue*, edited by David Heyd, 158-72. Princeton: Princeton University Press, 1996.

Forst, Rainer. "The Limits of Toleration," *Constellations* 11 (2004):312-25.

Forst, Rainer. "Pierre Bayle's Reflexive Theory of Toleration." In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron, 78-113. New York: New York University Press, 2008.

Fretwell Wilson, Robin. "Insubstantial Burdens: The Case for Government Employee Exemptions to Same-Sex Marriage Laws." *Northwestern Journal of Law & Social Policy* 5 (2010):318-68.

Galeotti, Anna. "Citizenship and Equality: The Place for Toleration." *Political Theory* 21 (1993):585-605.

Toleration as Recognition. Cambridge: Cambridge University Press, 2002.

Habermas, Jürgen. "Intolerance and Discrimination," *International Journal of Constitutional Law* 1 (2003): 2-12.

Heyd, David. "Is Toleration a Political Virtue?" In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron, 171-94. New York: New York University Press, 2008.

Horton, John. "Toleration as a Virtue." In *Toleration - An Elusive Virtue*, edited by

David Heyd, 28-43. Princeton: Princeton University Press, 1996.

Law of 4 July 2014 *tot wijziging van het Burgerlijk Wetboek en de Algemene wet gelijke behandeling met betrekking tot ambtenaren van de burgerlijke stand die onderscheid maken als bedoeld in de Algemene wet gelijke behandeling*, Staatsblad van het Koninkrijk der Nederlanden, Jaargang 2014, 260. https://www.eerstekamer.nl/9370000/1/j9vvhwtbnzpbzzc/vjlhbke0zmvc/f=y.pdf

MacDougall, Bruce, Elsje Bonthuys, Kenneth McK. Norrie and Marjolein van den Brink, "Conscientious Objection to Creating Same-Sex Unions: An International Analysis." *Canadian Journal of Human Rights* 1 (2012):127-164.

Sunstein, Cass. "On the Expressive Function of Law." *University of Pennsylvania Law Review* 144 (1996):2021-53.

Trotter, Geoffrey. "The Right to Decline Performance of Same-Sex Civil Marriages: The Duty to Accommodate Public Servants - A Response to Professor Bruce MacDougall." *Saskatchewan Law Review* 70 (2007):365-92.

Supreme Court (United Kingdom), *Bull & Anor v Hall & Anor* [2013] UKSC 73. http://www.bailii.org/uk/cases/UKSC/2013/73.pdf

Waldron, Jeremy and Melissa Williams. "Introduction." In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron, 1-30. New York: New York University Press, 2008.

Walzer, Michael. *On Toleration*. New Haven: Yale University Press, 1997.

Williams, Bernard. "Toleration: An Impossible Virtue." In *Toleration - An Elusive Virtue*, edited by David Heyd, 18-27. Princeton: Princeton University Press, 1996.

FREEDOM FOR ME AND, PERHAPS, YOU – BUT SURELY NOT THEM? ATTITUDES TO NEW RELIGIONS IN CONTEMPORARY DEMOCRACIES

EILEEN BARKER

Throughout history, new religious movements (NRMs) have been treated with suspicion and fear. Although contemporary democracies do not throw members of NRMs to the lions or burn them at the stake, they have ways and means of making it clear that pluralism and freedom of religion have their limits. The limits to pluralism are evident enough in countries such as Saudi Arabia or North Korea that have regimes stipulating that citizens must adhere exclusively to their one and only 'true religion' – or to atheism. Limitations to pluralism have also been manifest in countries such as Northern Nigeria, Sri Lanka or Myanmar (Burma), where terrorists have used violence to eliminate religions other than their own. Even otherwise peaceful democracies – that have signed the United Nations Universal Declaration of Human Rights[1], the European Convention on Human Rights[2] and other statements affirming freedom of belief (and non-belief) for all – can discriminate against religions, especially the new religious movements in their midst, and this they do in a variety of ways[3].

1 http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng All websites were accessed on 21 February 2015

2 http://www.echr.coe.int/Documents/Convention_ENG.pdf

3 James T. Richardson, ed., *Regulating Religion: Case Studies from Around the Globe* (New York & Dordrecht: Kluwer Academic/Plenum, 1994); Tore Lindholm, W. Cole Durham, and Bahia G. Tahzib-Lie, eds. *Facilitating Freedom of Religion or Belief: A Deskbook* (Leiden, The Netherlands: Koninklijke Brill, 2004); David M. Kirkham, ed., *State Responses to Minority Religions* (Aldershot Ashgate, 2013).

This paper outlines, from the perspective of a sociologist of religion, the ways in which such exclusions of NRMs demonstrate more subtle, but nevertheless marked and serious limitations to pluralism, even in contexts that pride themselves on their progressive and inclusive approach to diversity.

STATE REACTIONS TO MINORITY RELIGIONS

When the Berlin wall came down in 1989, the celebrations for democracy and freedom resounded throughout Eastern Europe and the former Soviet Union – and, after decades of state-imposed atheism, freedom of religion was among the most welcomed of changes. However, the honeymoon was soon over, and the traditional religions – be they the Orthodox Church in Russia, Bulgaria and Romania, or the Catholic Church in Poland, Croatia and Hungary – complained vociferously about foreign religions taking away their flock. The spiritual lives of people, they claimed, rightly belonged to them – the religions that had protected the culture and traditions of the society not only throughout the Soviet period but also throughout the centuries[4]. Politicians were urged to introduce laws restricting the incursion of foreign religions and, indeed, indigenous NRMs such as Vissarion's Church of the Last Testament in Siberia[5], the New Jerusalem in Romania[6], the White Brotherhood of Peter Deunov in Bulgaria[7],

4 Eileen Barker, "But Who's Going to Win? National and Minority Religions in Post-Communist Society'", *New Religious Phenomena in Central and Eastern Europe*, ed. Irena Borowik and Grzegorz Babinski (Kraków: Nomos, 1997), 25-62.

5 Filatov, Sergei, "Sects and New Religious Movements in Post-Soviet Russia". *Proselytism and Orthodoxy in Russia: The New War for Souls*, ed. John Jr Witte (Maryknoll, NY: Orbis, 1999), 163-84.

6 Silvia Chiţimia, "The New Religious Landscape in Romania", *New Religions and the New Europe,* ed. Robert Towler (Aarhus: Aarhus University Press, 1995), 87-98.

7   Milka Kraleva, *The Master Peter Deunov. His Life and Teaching.* (Sofia: Kibea, 2001).

or the White Brotherhood of Maria Devi Christ in Ukraine[8].

To take an example from Western Europe, the French Republic has, since its 1905 Law on the Separation of Church and State[9], declared itself to be a nation celebrating laïcité. In some ways resembling the First Amendment of the United States Constitution[10], laïcité is a situation that reputably guarantees not only the absence of state involvement in religious affairs, but also the equal treatment of all religions. The French government has, however, commissioned a number of Reports highlighting the problems of *les sectes*. One such Report listed 172 sectarian movements[11], as a consequence of which, group members have found themselves discriminated against in a number of ways, such as loss of employment; being unable to have their children accepted in schools; and being unable to rent accommodation, including halls in which to meet[12]. France funds, moreover, an Interministerial organization, MIVILUDES[13], which is specifically designed to fight 'cultic deviances' and has contributed to legislation

that focuses particularly on the activities of new religious or spiritual movements[14].

A distinction can be drawn between two approaches to pluralism. On the one hand, there are states such as France, Russia or China which declare that they want to protect their citizens from the potential dangers of what the Chinese term 'the evil sects'[15], and to this end, introduced special laws directed towards their movements *before* they have the opportunity to do harm. On the other hand, states such as the United States of America, Great Britain or the Scandinavian countries adopt the position that all citizens are equal before the law, whatever their beliefs, and everyone is assumed innocent until, by due process, proven guilty *after* having committed a criminal offence[16]. In other words, states in the former group react to the presence of religions that are perceived to be potentially dangerous before they have actually engaged in any criminal activity, while the latter wait until a law has been broken.

In practice, however, the distinction is not so clear-cut. Even the latter group of countries frequently introduce more subtle ways of ensuring that these religious 'others' are not treated equally to an established 'us'. One such way is if an NRM wants to register as a recognized religion in order to receive special privileges such as tax exemptions, for example, or simply to be able to

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8   Marat Shterin, "New Religions in Changing Russia" *The Cambridge Companion to New Religious Movements*, ed. Olav Hammer and Mikael Rothstein (Cambridge: Cambridge University Press, 2012), 286-302.

9   Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat. Republic of France http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000508749&fastPos=1&fastReqId=1194187241&categorieLien=cid&oldAction=rechTexte

10 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

11 Jacques Guyard and Alain Gest. *Les Sectes en France* (Paris: Assemblée Nationale, 1995). http://www.assemblee-nationale.fr/rap-enq/r2468.asp

12 N.L. Lheureux *et al.*, *Report on Discrimination Against Spiritual and Therapeutical Minorities in France* (Paris: Coordination des Associations et Particuliers Pour la Liberté de Conscience, 2000).

13 'Mission interministérielle de vigilance et de lutte contre les dérives sectaires', http://www.derives-sectes.gouv.fr/

....

14 Eileen Barker, ed., *The Centrality of Religion in Social Life: Essays in Honour of James A. Beckford* (Aldershot: Ashgate, 2008); Susan Palmer, *The New Heretics of France: Minority Religions, la République, and the Government-Sponsored "War on Sects"* (New York: Oxford University Press, 2011).

15 Guobin Zhu, "Prosecuting "Evil Cults": A Critical Examination of Law Regarding Freedom of Religious Belief in Mainland China." *Human Rights Quarterly* 32(3): 471-501, 2010.

16 Eileen Barker, "Do What Thou Wilt shall be the Whole of the Law". *Freedom of Conscience and Religious Freedom,* ed. Michaela Moravčíková. (Bratislava: Institute for State-Church Relations, forthcoming).

function as a religion in the country. First, it may have difficulty in persuading authorities that it *is* a religion[17]. The criteria are decidedly selective and applied inconsistently. For example, Buddhism may be accepted as a religion, while belief in God is stipulated as a necessary criterion for the classification[18]. Or, more generally, one criterion might be a minimum number of members, and if this number is large (the threshold is 20,000 in Slovakia), new religions are unlikely to reach the target. Another requirement might be existence of the religion in the country concerned for a specific number of years, again militating against eligibility of new religions for registration – or any kind of legal status at all, as is the case in some countries[19].

SOCIAL AND CULTURAL REACTIONS

Even if the law itself does not discriminate, its *application* can be partial. There have been frequent reports in the US and elsewhere of the police turning a blind eye when converts to a 'cult' have been illegally kidnapped and held against their will by "deprogrammers", telling those who have appealed for help that the police do not interfere in family matters[20]. Similar responses have been given when members of new religions have appealed to the courts for help[21].

Sometimes the law can be interpreted in a way that assumes that the customs of the majority religion(s) are those with which any 'normal' citizen should be expected to comply. An example of the taken-for-granted cultural implications of a country's traditional religion was provided in court when it was argued that there were limits to the extent that the British could 'reasonably' be expected to accommodate Jewish citizens. In this case of the late 1970s, a Mr and Mrs Ostreicher lodged an objection when the Secretary of State for the Environment decided to hold a public inquiry on a matter that concerned them (the compulsory purchase of houses they owned) on the seventh day of Passover. One of England's most senior judges, Lord Denning, ruled that "the men at the department acted perfectly reasonably" when they had arranged the inquiry to take place on 21 April, which carefully avoided Good Friday and Easter Monday, and which, he said, would seem to all ordinary people to be a quite suitable date[22]. Another example occurred when the judge in a case involving the Unification Church and a tabloid newspaper addressed the jury with the words:

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17 Eileen Barker, "But is it a Genuine Religion?" *Between Sacred and Secular: Research and Theory on Quasi Religion*, ed. Arthur L. Greil and Thomas Robbins (Greenwich CT; London: JAI Press, 1994).

18 The Charity Commissioners of England and Wales have been undergoing some changes in recent years. For centuries it was assumed that religion was 'a good thing', and thus entitled to certain privileges. More recently, with the advent of an ever-increasing religious pluralism, the definition was widened beyond belief in a Supreme Being, but increasingly stress has been laid on the necessity to demonstrate 'public benefit', the alleged absence of which has been used to exclude some religions from charitable status. https://www.gov.uk/government/organisations/charity-commission/. Eileen Barker. "Do What Thou Wilt shall be the Whole of the Law". In: *Freedom of Conscience and Religious Freedom,* Michaela Moravčíková (ed.). Bratislava: Institute for State-Church Relations, forthcoming.

19 *Ibid.*

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20 Ted Patrick with Tom Dulack, *Let Our Children Go* (New York: Ballantine, 1976).

21 Eileen Barker, *New Religious Movements: A Practical Introduction* (London: HMSO, 1989).
Forcible deprogramming has almost completely been replaced by voluntary 'exit counselling' in the West, but the practice continues in Japan, again, with members of NRMs being held against their will, sometimes for years. Willy Fautré, ed. *Japan: Abduction & Deprivation of Freedom for the Purposes of Religious De-conversion* (Brussels: Human Rights Without Frontiers International, 2012).

22 *Ostreicher v Secretary of State for Environment* [1978] 1 WLR 810 64.

You ask yourselves whether a reasonable man could believe that Mr. Moon is in fact the Messiah and the Lord of the Second Advent. Is he a dupe? Was he a dupe originally and then became converted? Or is he a fraud?[23]

Perhaps it is surprising that intransigent discrimination has come from some ecumenical and interfaith organizations which have an explicit policy that there should be freedom of religion for all in a pluralistic democracy, and that all should be treated equally. Yet these same organizations have appeared to believe that dialogue needs or ought to be limited to the more traditional or 'acceptable' religions. When questioned about their refusal to admit new religions to their number, organizers have responded that their members would not like this and the whole organization would collapse. Interestingly, it is often the members of a particular 'mainstream' religion who most strongly object to NRMs claiming to belong to their tradition. Thus, Soka Gakkai may be rejected by some other Buddhists, the International Society for Krishna Consciousness (ISKCON) by some other Hindus, the Ahmadiyya by other Muslims and the Church of Jesus Christ of Latter-day Saints (the Mormons), The Family International (the erstwhile Children of God) and the Unification Church by other Christians. It is possible that a new movement's claim to be Buddhist, Hindu, Islamic or Christian is seen as a threat to the boundaries of what is considered by mainstream traditions to be, respectively, 'real' Buddhism, Hinduism, Islam or Christianity in a way that NRMs from other traditions would not be so seen[24].

Even in countries that make no official distinctions between different religions (apart from having an Established Church), formal recognition of NRMs is considered inappropriate in certain circumstances. In the UK, for example, NRMs may be informally excluded. At a recent meeting at which a former British Prime Minister (Tony Blair) and the then Archbishop of Canterbury (Rowan Williams) were discussing democracy, religious freedom and the role of religion in public life[25], they were asked whether there were limits to the religions with which the state or th Established Church should dialogue. Both gave the same answer: *talking* to some individual members of some NRMs might be possible on occasion, but it would be unwise for either Church or state to engage in formal dialogue with such people.

We can also come across apparently well-meaning clergy finding ingenious ways of confirming that NRMs are 'less equal than us'. Once, while walking across a university campus with the Anglican chaplain, I remarked on a saffron-robed student and asked whether they had many devotees. The chaplain told me that he could not recognize the Hare Krishna movement as a religion (despite the fact that it would fit all the criteria he would normally use in defining a 'religion') because there were 'not enough rooms' in the chaplaincy to accommodate the addition. This, he explained, was because the university had a rule that every religion should be allotted a room in the chaplaincy. When I asked whether it might not be more honest to change the rule, he replied in a shocked tone that to do so could be seen as religious discrimination by allowing some religions, but not others, to have rooms.

23 *Dennis Frederick Orme (Plaintiff) v Associated Newspapers Group Inc.*1980-81. Transcript of Summing-Up given in the High Court of Justice, Queen's Bench Division, by Mr Justice Comyn in Orme v. Associated Newspapers Group Ltd (30 March 1981: 232).
24 Eileen Barker, "But is it a Genuine Religion?"

25 "Westminster Faith Debate: Religion in Public Life "http://www.jointpublicissues.org.uk/westminster-faith-debate-religion-in-public-life/

Since the 1970s, new religions have frequently found themselves under attack from the contemporary 'anti-cult movement' (ACM) that has spread throughout both the West and the East. This consists of groups (which may be funded by governments, traditional religions or private means) that have the primary objective of warning the public of the dangers of 'destructive cults' and often lobbying for these to be controlled or even banned altogether[26]. The information that the anti-cult movement disseminates has tended to be generalizing, often ill-informed and nearly always highly selective, pointing to occasional atrocities and suggesting that these apply to all 'cults'[27]. Not surprisingly, it is the ACM that supplies many of the horror stories picked up by the media, and it is the media that are the most efficient disseminators of popular images of NRMs. Analyses of reports in newspapers and magazines, on radio and television indicate that the media rarely present balanced accounts of NRMs, preferring instead to attract the interest of their audiences with the more lurid, bizarre or sensational reports, thereby confirming the 'conventional wisdom' that NRMs in general do not deserve the respect that can be afforded older, more established religions[28]. Such an atmosphere can have many repercussions that cannot be pursued in this paper.

It might, however, be mentioned that children brought up in NRMs will frequently hide their religion from their peers, and former members will massage their curricula vitae, afraid that acknowledging a connection with a so-called 'cult' would affect their life chances[29].

Finally, the cultural relativism of attitudes towards minority religions should be noted. Reactions to the diversity engendered by minority religions varies considerably between (and within) different societies, so that a particular religion may be tolerated or even welcomed in one society yet have its freedoms severely curtailed in another. Jehovah's Witnesses are in prison because they are conscientious objectors in a number of contemporary democracies and have been 'liquidated' in a Moscow court; members of the Russian Orthodox hierarchy have referred to Roman Catholicism as a cult; members of the Baha'i faith are persecuted in Iran, but regarded as one of the nine 'respectable' religions in the UK; members of the Ahmadiyya community are persecuted in Pakistan, but include a government minister in the UK; the Church of Jesus Christ of Latter-day Saints features on the French and Belgian Reports' lists of 'sectes', and were refused membership of the Inter Faith Network UK until 2014, yet in the USA there are a couple of dozen Mormons serving as Senators or Congressmen and one has stood as the Republican candidate for the Presidency.

26 Eileen Barker, "Watching for Violence: A Comparative Analysis of the Roles of Five Cult-Watching Groups". *Cults, Religion and Violence*, edited by David G. Bromley and J. Gordon Melton. (Cambridge: Cambridge University Press, 2002); Anson D. Shupe and David G. Bromley, eds *Anti-Cult Movements in Cross-Cultural Perspective* (New York: Garland, 1994).

27 Anson D. Shupe and David G. Bromley, *The New Vigilantes: Deprogrammers, Anti-Cultists, and the New Religions* (Beverly Hills: Sage, 1980).

28 James T. Richardson and Massimo Introvigne. "New Religious Movements, Counter-movements, Moral Panics, and the Media". *Teaching New Religions*, ed. David G. Bromley (Oxford and New York: Oxford University Press, 2007) 91-114; James A. Beckford, "The Mass Media and New Religious Movements". *New Religious Movements: Challenge and Response*, ed. Bryan R. Wilson and Jamie Cresswell (London: Routledge, 1999): 103-19.

29 Amanda van Eck Duymaer van Twist, *Perfect Children: Growing Up on the Religious Fringe* (Oxford: Oxford University Press, 2015); Eileen Barker, *New Religious Movements: A Practical Introduction* (London: HMSO, 1989).

CONCLUSION

This paper has described some of the ways in which increasing diversity, insofar as it encompasses the arrival of new religious movements, has sometimes led to attempts to restrict the very diversity that pluralist ideologies and policies overtly welcome[30]. This can happen at the most formal and explicit state levels; it can be seen in the interpretation and selective implementation of the law, in traditional religions, in organizations founded with the explicit purpose of introducing controls over the activities of 'cults' – and even in organizations explicitly founded with the objective of celebrating religious pluralism. Discrimination is also observable in the general culture of societies, frequently expressed through the mass media and, more recently, the ever-more pervasive social media. In short, the pluralism to be found in contemporary democracies may overtly celebrate freedom for all, but at a more implicit level, it would seem that the standpoint is more one of "freedom for me and, perhaps, you – but surely not them?"

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30 Here a distinction is being drawn between the descriptive concept of 'diversity', meaning 'many different', and the evaluative concept of 'pluralism', implying an approval of diversity.

REFERENCES

Barker, Eileen. "Do What Thou Wilt shall be the Whole of the Law". In: *Freedom of Conscience and Religious Freedom,* Michaela Moravčíková (ed.). Bratislava: Institute for State-Church Relations, forthcoming.

Barker, Eileen (ed.). *The Centrality of Religion in Social Life: Essays in Honour of James A. Beckford.* Aldershot: Ashgate, 2008.

Barker, Eileen. "Watching for Violence: A Comparative Analysis of Five Cult-Watching Groups". In: *Cults, Religion and Violence,* David G. Bromley and J. Gordon Melton (eds.). Cambridge: Cambridge University Press, 2002.

Barker, Eileen "But Who's Going to Win? National and Minority Religions in Post-Communist Society'". In: *New Religious Phenomena in Central and Eastern Europe,* Irena Borowik and Grzegorz Babinski (eds.). Kraków: Nomos, 1997, 25-62.

Barker, Eileen "But is it a Genuine Religion?" In: *Between Sacred and Secular: Research and Theory on Quasi Religion,* Arthur L. Greil and Thomas Robbins (eds.), Greenwich CT; London: JAI Press, 1994, 97-109.

Barker, Eileen *New Religious Movements: A Practical Introduction.* London: HMSO, 1989.

Beckford, James A. "The Mass Media and New Religious Movements". In: *New Religious Movements: Challenge and Response,* Bryan R. Wilson and Jamie Cresswell (ed.). London: Routledge, 1999: 103-19.

Charity Commission. Title? https://www.gov.uk/government/organisations/charity-commission

Chiţimia, Silvia. "The New Religious Landscape in Romania". In: *New Religions and the New Europe,* Robert Towler (ed.). Aarhus: Aarhus University Press, 1995, 87-98.

European Court of Human Rights. European Convention on Human Rights. Amended. (Accessed 21 February 2015) http://www.echr.coe.int/Documents/Convention_ENG.pdf

Fautré, Willy (ed.). *Japan: Abduction & Deprivation of Freedom for the Purpose of Religious De-conversion.* Brussels: Human Rights Without Frontiers International, 2012.

Filatov, Sergei. "Sects and New Religious Movements in Post-Soviet Russia". In: *Proselytism and Orthodoxy in Russia: The New War for Souls,* John Witte Jr. and Michael Bourdeaux (eds.), Maryknoll, NY: Orbis, 1999, 163-84.

*Dennis Frederick Orme (Plaintiff) v Associated Newspapers Group Inc.*1980-81. Transcript of Summing-Up given in the High Court of Justice, Queen's Bench Division, by Mr Justice Comyn in Orme v. Associated Newspapers Group Ltd (30 March 1981: 232).

Guyard, Jacques and Alain Gest. *Les Sectes en France.* Paris: Assemblée Nationale, 1995. (Accessed 21 February 2015) http://www.assemblee-nationale.fr/rap-enq/r2468.asp

Joint Public Issues Team. "Westminster Faith Debate: Religion in Public Life". (Accessed 21 February 2015) http://www.jointpublicissues.org.uk/westminster-faith-debate-religion-in-public-life/

Kirkham, David M. (ed.) *State Responses to Minority Religions.* Aldershot Ashgate, 2013.

Kraleva, Milka. *The Master Peter Deunov. His Life and Teaching.* Sofia: Kibea, 2001.

Lheureux, N.L. *et al.,* *Report on Discrimination Against Spiritual and Therapeutical Minorities in France.* Paris: Coordination des Associations et Particuliers Pour la Liberté de Conscience, 2000.

Lindholm, Tore, W. Cole Durham and Bahia G. Tahzib-Lie (eds.). *Facilitating Freedom of Religion or Belief: A Deskbook*. Leiden, The Netherlands: Koninklijke Brill, 2004.

'Mission interministérielle de vigilance et de lutte contre les dérives sectaires'. (Accessed 21 February 2015) http://www.derives-sectes.gouv.fr/

Palmer, Susan, *The New Heretics of France: Minority Religions, la République, and the Government-Sponsored "War on Sects"*. New York: Oxford University Press, 2011.

Patrick, Ted with Tom Dulack, *Let Our Children Go.* New York: Ballantine, 1976.

Republic of France.

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000508749&fastPos=1&fastReqId=1194187241&categorieLien=cid&oldAction=rechTexte

Richardson, James T. and Massimo Introvigne. "New Religious Movements, Counter-movements, Moral Panics, and the Media". In: *Teaching New Religions*, David G. Bromley (ed.). Oxford and New York: Oxford University Press, 2007: 91-114.

Richardson, James T. (ed.) *Regulating Religion: Case Studies from Around the Globe.* New York & Dordrecht: Kluwer Academic/Plenum, 1994.

Shterin, Marat. "New Religious Movements in Changing Russia". In: *The Cambridge Companion to New Religious Movements*, Olav Hammer and Mikael Rothstein (eds.). Cambridge: Cambridge University Press, 2012, 286-302.

Shupe, Anson D., and David G. Bromley, eds. *Anti-Cult Movements in Cross-Cultural Perspective.* New York: Garland, 1994.

Shupe, Anson D. and David G. Bromley. *The New Vigilantes: Deprogrammers, Anti-Cultists, and the New Religions.* Beverly Hills: Sage, 1980.

Supreme Court of the Northern Territory of Australia. *Ostreicher v Secretary of State for Environment* [1978] 1 WLR 810 64.

United Nations. Universal Declaration of Human Rights. United Nations Department of Public Information, NY (accessed 21 February 2015): http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng

van Eck Duymaer van Twist, Amanda. *Perfect Children: Growing Up on the Religious Fringe.* New York: Oxford University Press, 2015.

EGALITARIAN THEORIES OF RELIGIOUS FREEDOM AND THE BLACK BOX OF RELIGION

ANNA BLIJDENSTEIN

Many contemporary political theorists writing about religious freedom argue that in pluralist societies, religious convictions should not be treated as uniquely special[1]. Cécile Laborde calls these thinkers 'egalitarian theorists of religious freedom'[2]. This family of approaches can be contrasted with another form of thought in which religious freedom is a special freedom, or even the *first liberty* of the liberal state, because religion is seen as distinctive and irreducible to a broader category 'as it serves to protect a uniquely special human good'[3]. According to egalitarian theories, the liberal state should endorse a stance of neutrality toward religious and nonreligious citizens, but the category of what is protected by religious freedom is extended by *analogizing* religion with other beliefs, commitments and identities.

In this text, I will focus on two egalitarian theories of religious freedom: the influential model John Rawls puts forward in *Political Liberalism* and the theory Jocelyn Maclure and Charles Taylor present

in *Secularism and Freedom of Conscience*[4]. Maclure and Taylor depart from a Rawlsian starting point, but criticize his chosen analogy of religion with 'comprehensive doctrines'. They claim that all 'convictions of conscience' merit protection. However, while Laborde defends the need to develop egalitarian theories, she rightly states that the analogy chosen by Maclure and Taylor shows that these theorists 'underestimate the communal, cultural dimensions of religion itself and betray an (unexpected) Protestant bias'[5] – an argument which could also be made for Rawls' conception of religion as a comprehensive doctrine. In this essay, I briefly discuss Laborde's critique, and build upon it to show that both theories in fact contain several different representations of religion. These assumptions, which are rarely made explicit, cannot only be found in the theories' general definitions and descriptions of religion but also in discussion of specific religions and religious believers. Some of these representations rely on implicit theological assumptions, whilst others are related to a historically-specific construction of religious conflict. Implicit assumptions on the nature of religion do not only inform political theory's normative standpoints on religious freedom and the accommodation of religious minorities, but may also have a wider influence on societal debates on religion, and its place in society. Making these ideas explicit opens up the possibility of contestation.

1   See, for example: Ronald Dworkin, *Religion without God* (Cambridge, Mass.: Harvard University Press, 2013); Brian Leiter, *Why Tolerate Religion*? (Princeton: Princeton University Press, 2012); Micah Schwartzman, "What If Religion Is Not Special?" *University of Chicago Law Review* 1351 (2012).

2   Cécile Laborde, "Equal Liberty, Nonestablishment, and Religious Freedom", *Legal Theory* 20(1):5, (2014).

3   *Ibid*. For a defense of the idea that religion is special, see Michael W. McConnell, "Why Protect Religious Freedom?" *Yale Law Journal* 123, (2013), 770 -792; Rafael Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", *Oxford Journal of Law and Religion* 1 (2012), 1-22.

4   John Rawls, *Political Liberalism (*New York: Columbia University Press, 2005); Charles Taylor and Jocelyn Maclure, *Secularism and Freedom of Conscience* (Cambridge MA, London: Harvard University Press).

5   Cécile Laborde, "The Politics of Religious Freedom: Protecting Freedom of Religion in the Secular Age", *The Immanent Frame* (blog), April 23, 2012, http://blogs.ssrc.org/tif/2012/04/23/protecting-freedom-of-religion-inthe-secular-age/.

This paper proceeds by setting out the particular ways in which these authors view religion – as matters of conscience and as comprehensive ideologies, demonstrating how this characterisation overestimates the likelihood of inter-religious diversity and division and underestimates the possibility for intra-religious heterogeneity and conflict. It goes on to show how their focus on the Reformation and the so-called wars of religion mean that such accounts of religious and moral pluralism are modeled on a historically-specific construction of religious conflict.

RELIGION AS CONSCIENCE

Maclure and Taylor argue that the good of religion – that part of it that merits special consideration and protection – is situated in the idea that religious beliefs are 'convictions of conscience'. These 'core meaning-giving beliefs' are especially important because they structure people's existence, help them understand the world around them and guide their moral judgments and conduct[6].

A similar role is ascribed to comprehensive doctrines when Rawls explains that religious, philosophical or moral doctrines are part of an individual's conception of the good – that is, their conception of 'what is valuable in human life'[7]. Moral judgments, according to Rawls, are always made 'from the point of view of some comprehensive moral doctrine. These doctrines render a judgment, all things considered: that is, taking into consideration what they see as relevant moral and political values and all relevant facts (as each doctrine determines)'[8]. Consequently, the role Rawls assigns to the individual's religion is closely related to that ascribed by Maclure and

Taylor to conscientious convictions: it coordinates our moral decisions and helps us understand our aims and commitments. This similarity between the two theories is remarkable, for in the past Charles Taylor has fiercely criticized Rawlsian liberalism by stating that it rests on an overly-individualistic conception of the self. This current focus on individual conscience seems to be at odds with his earlier commitment to communitarian political theory[9].

According to Laborde, something is lost when re-describing freedom of religion as the freedom to live according to 'conscientious convictions' or 'comprehensive doctrine'. Many aspects of people's religious experience cannot simply be reinterpreted in such a manner. For numerous religious believers, she states, religion is about exhibiting virtues, living in community with others and 'shaping one's daily life in accordance with the rituals of the faith'[10]. A practicing Catholic who goes to mass on Sunday receives the sacrament of marriage, and has her children baptized and confirmed, will most likely find these activities meaning-giving, yet they are not necessarily duties of conscience. 'Taylor and Maclure tend to re-interpret acts of habitual, collective, "embodied practices" of religious devotion as Protestantized duties of conscience'[11]. Despite their different terminology, therefore, Rawls and Maclure and Taylor are equally guilty of collapsing religion into matters of conscience. And this isn't the only similarity in their characterization of religion.

6 Maclure and Taylor, *Freedom of Conscience,* 13.

7 Rawls, *Political Liberalism*, xx.

8 *Ibid.*

9 Charles Taylor, *Philosophy and the Human Sciences: Philosophical Papers Two.* Cambridge: Cambridge University Press, 1985); Charles Taylor, *Sources of the Self: The Making of the Modern Identity.* (Cambridge: Cambridge University Press, 1989).

10 Laborde, "Politics of Religious Freedom".

11 *Ibid.*

RELIGION AS COMPREHENSIVE

Not only do these authors focus on religion as a system of ethics – as a matter of conscience – they see this system as taking a particular form, namely, comprehensive. Maclure and Taylor offer a nuanced account. Certainly, they believe that by using the term 'comprehensive doctrine' John Rawls disregards the fact that many people do not base their life decisions on a wide-ranging and general doctrine. Some individuals may adopt a partially comprehensive doctrine by attempting to establish coherence in their values and commitments, but others – perhaps the majority, as Maclure and Taylor believe – 'refer to a fluid, eclectic set of values that are spelled out and linked to one another to a greater or lesser degree'[12]. The individual appeals to values when making a decision, but weighing up competing values 'occurs on an ad hoc basis'[13]. On the other hand, this does not mean that Maclure and Taylor do not consider religion to be comprehensive. In fact, several passages in *Secularism and Freedom of Conscience* suggest they do in fact believe religion to be all-encompassing and systemic. Comprehensiveness, however, is not the aspect of religion that makes it worthy of respect and protection in their view[14]. Instead, its significance is characterized by its producing intensely-held convictions – like some secular beliefs and commitments[15]. By distinguishing between established 'religious doctrines and other values that do not originate in any totalizing system of thought', convictions that 'originate in a doctrine based on exegetical and apologetic texts', and those that follow from an eclectic set of specific and (sometimes) temporary commitments and values, Maclure and Taylor present religion as an all-embracing system of values and convictions based on dogma found in religious texts[16]. This conception of religion – as I go on to show – leads the authors to argue that religious believers have little opportunity to adapt their convictions over time.

John Rawls uses the concept of a 'comprehensive doctrine' when he speaks of religious and secular conceptions of the good. A conception may be fully comprehensive, Rawls contends, 'if it covers all recognized values and virtues within one rather precisely articulated system'[17]. Although Rawls explicitly states that not all people adhere to a doctrine that is systemic and 'all-inclusive', he believes 'there is a tendency for religious and philosophical conceptions to be general and fully comprehensive; indeed their being so is sometimes regarded as an ideal to be realized'[18]. In this way, an ambition to being general and all-encompassing is made into a defining feature of religious or secular moral doctrines.

RELIGION, UNIVOCALITY AND CONFLICT

Another feature that Rawls, Taylor and Maclure also take to be typical of religion is its internal homogeneity. In both *Political Liberalism* and *Secularism and Freedom of Conscience*, it is stressed that in a modern liberal democracy individual value systems are incompatible. It is this circumstance of inevitable conflict that leads Rawls to search for an overlapping consensus on political principles that can provide stability. Taylor and Maclure argue that moral and religious pluralism 'lies at the heart of the most profound and complex disagreements existing among citizens'[19].

12 Maclure and Taylor, *Freedom of Conscience*, 94

13 *Ibid.*

14 Rawls would agree that what creates the need for protection is the importance doctrines play in people's life, not the fact that they are comprehensive.

15 Maclure and Taylor, *Freedom of Conscience*, 97.

16 *Ibid.*, 93.

17 John Rawls, *Political Liberalism*, 13.

18 *Ibid.*, 175.

19 Maclure and Taylor, *Freedom of Conscience*, 10.

For Maclure and Taylor, the idea that religions provide – or aim to provide – a systematic account of all virtues and values that applies to all subjects is directly related to the fact that they regard the presence of many different religions and secular doctrines as a source of conflict. The emphasis on system – in which all virtues and values are coherently positioned – leads the authors to focus solely on conflicts between diverging 'totalizing systems of thought', and not on possible conflicts within religious traditions, texts or communities. The 'doctrinal' aspect of religion that is emphasized in both theories make religions seem like rigid moral systems that are internally consistent and thus leave little room for doubt, uncertainty or moral dilemmas:

People who refer […] to a more fluid, eclectic set of values are not as likely to see their values as so many obligations or unconditional rules for action. Since the arbitration among values – professional success, family life, and social involvement, for example – not all of which can be realized fully and simultaneously, is permanent and structural reality in their lives, such people enjoy a much larger margin for maneuvering with respect to their convictions than those who rely on a comprehensive doctrine (whether an ecocentrist philosophy or a monotheist religion)'.[20]

While Christians, Jews and Muslims apparently have access to a complete and fully coherent value system that helps them to balance career and family life without losing any sleep over it, those who do not adhere to such a doctrine must balance and weigh competing values on a daily basis. As a result, individuals who do not adhere to a comprehensive doctrine are more adept at adapting their beliefs and values to changing circumstances[21].

For Rawls, the idea that religion leaves little room for doubt and discussion and is therefore an important source of societal conflict has less to do with the notion of comprehensiveness than with the idea that religious and non-religious doctrines contain an impenetrable transcendent element[22]. This can be better understood by examining how Rawls describes the historical origins of freedom of conscience, toleration and neutrality of state. Rawls and Taylor and Maclure consider the Reformation and the aftermath of religious wars as a starting point for these developments that now characterize the secular state[23]. As depicted by the authors, the pluralism of religious and nonreligious doctrines in modern societies in some sense mirrors the conflicting Christian doctrines that developed during the Reformation. In the introduction to *Political Liberalism,* for example*,* Rawls discusses the historical developments that led to the contemporary reality of the pluralism of moral and religious doctrines. Christianity, and especially the Reformation, says Rawls, drastically changed the aims and nature of political and moral philosophy.

During the religious wars after the Reformation, people were no longer 'in doubt about the nature of the highest good, or the basis of moral obligation in divine law. These things they thought they knew with the certainty of faith, as here their moral theology gave them complete guidance'[24]. This clash between Salvationist, creedal, and expansionist religions was not known to the ancients, but is, according to Rawls, a defining feature of modernity:

20 Taylor and Maclure, *Freedom of Conscience*, 94.

21 *Ibid.*

22 As Ulrike Spohn shows in her contribution to this volume, the idea that all religions contain a certain core or essence that cannot be discussed, much less compromised over, is present in the work of many liberal philosophers, especially of those critical of the use of religious arguments in political discussions. See her contribution for a problematization of this volume.

23 Maclure and Taylor, *Freedom of Conscience,* 22; Rawls, *Political Liberalism*, xxii-xxiv

24 Rawls, *Political Liberalism*, xxiv

What is new about this clash is that it introduces into people's conceptions of their good a transcendent element, not admitting of compromise. Political liberalism starts by taking to heart the absolute depth of that irreconcilable latent conflict[25].

Political liberalism should thus embrace the fact of reasonable pluralism as 'a pluralism of comprehensive doctrines, including both religious and nonreligious doctrines'[26]. The focus of modern political and moral philosophy therefore can no longer be the nature of the highest good. For the Moderns, states Rawls, the good is known in their religion or – in contemporary society – in their religious or non-religious comprehensive doctrine. This personal conception of the good, he continues, is characterized by a special inaccessibility that makes conflicts between different ideas of the good irreconcilable.

This historical reading of religious wars, which gives them a crucial place in the 'making of modernity', has been extensively criticized by Cavanaugh[27]. Even without his critique on the characterizations of religious wars as wars about conflicting doctrines, we may wonder if the idea of clashes between people who are 'in no doubt about the nature of the highest good' provides the best description of contemporary, pluralistic societies[28].

REPRESENTATION OF SPECIFIC RELIGIONS: RAWLS ON ISLAM

Up to now I have argued that Rawls' and Taylor and Maclure's egalitarian theories of religious freedom contain several contestable assumptions about the nature of religion. Egalitarian theorists, however, not only write about religion in general but also discuss cases involving specific religious groups and traditions. Islam and the presence of Muslims in democratic Western societies are topics that are discussed particularly often. These debates contain descriptions of Islam that are again based on assumptions about Muslims and the nature of their religion. To fully open the 'religious black box'[29], it is instructive to look at such representations of specific religions alongside assumptions about religion in general in order to see how the two are interrelated.

In *On the Muslim Question*, Anne Norton claims that Rawls's *The Law of Peoples* contains several contestable assumptions about the nature of Islam[30]. In his book, Rawls introduces a hypothetical and idealized Islamic people he calls Kazanistan which is used to illustrate the idea that liberal peoples can have just relations with non-liberal but decent peoples[31]. According to Norton, Kazanistan's decency is ensured by its departure from what Rawls presents as 'the Muslim norm'.

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25 Rawls, *Political Liberalism*, xxvi.

26 *Ibid.*, xxiv.

27 Cavanaugh, William. *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict.* (Oxford: Oxford University Press, 2009), 150.

28 Moreover, Rawls seems to fall prey to what Donald Lopez calls the 'ideology of belief', the assumption 'that religion is above all an interior state of assent to certain truths'. While belief may be central to the way Christians have told their own history, religion in general can and should not be defined as a 'set of truth claims' Belief is not a universal or natural category, but a statement that is appropriate in a specific situation. In many historical and contemporary religious conflicts the category of belief has functioned to obscure more material and political interests. (Donald Lopez Jr., "Belief," in *Critical Terms for Religious Studies*, ed. Mark C. Taylor, Chicago and London: The University of Chicago Press, 1998, 28-31).

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29 Kristina Stoeckl, "The Theology Blind Spot", *The Immanent Frame* (blog), February 13, 2014, http://blogs.ssrc.org/tif/2014/02/13/the-theology-blind-spot/.

30 Anne Norton, *On The Muslim Question* (Princeton: Princeton University Press, 2013), 96-100; John Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited"* (Cambridge: Harvard University Press, 2001).

31 Liberal peoples, according to Rawls, are those societies that respect their citizens' comprehensive doctrines, while illiberal societies do not. Provided the institutions of illiberal societies meet certain conditions of political right and justice, and provided they accept general principles regulating their behavior towards other states, these peoples are described as 'decent'. Rawls, *Law of Peoples*, 59-60; 62-78.

For example, when Rawls states that 'unlike most Muslim rulers, the rulers of Kazanistan have not sought empire and territory' and that this 'is the result of 'its theologians' interpreting jihad in a spiritual and moral sense, and not in military terms', he implies that regular Muslim leaders are 'violent, warlike and imperialistic'[32]. The same could be said about his statement that Kazanistan is marked by its 'enlightened treatment of the various non-Islamic religions and other minorities'[33]. This statement could be interpreted saying that "normal" Islamic people are not enlightened in this sense. He is, after all, describing an 'idealized' Islamic people. This leaves us, says Norton, with a very problematic description of Muslims as violent and discriminatory towards women and minority religions[34].

Even though it is debatable that Rawls intended to sketch such a clear relationship between Islamic religion and the policies of his imaginary people, it is significant that his description of Kazanistan contains several representations of Islam that are reminiscent of historical, Orientalist thinking which has been rigorously criticized[35]. In particular, the ideas that Islam and despotism are closely linked and that Islam does not separate religion and politics are both present in this body of thought.

CONCLUSION

Cécile Laborde rightly argues that analogizing or comparing religion with 'core convictions' or 'comprehensive doctrines' betrays a Protestant bias. Rawls and Taylor and Maclure tend to overlook the communal, habitual, embodied aspects of religion and neglect those parts of religious experience that cannot be reinterpreted as stemming from individual conscience.

Contestable assumptions about the nature of religion, however, cannot be found only in the theorists' chosen analogies. I have tried to show that by emphasizing the ways in which religions are coherent and complete value systems which contain an impenetrable transcendent core, these authors minimize the room for conflict within religions and over-emphasize the irreconcilability of 'competing' religions. By discussing the focus on the Reformation and its aftermath of religious warfare, I have tried to demonstrate that the authors' accounts of religious and moral pluralism are modeled on a historically-specific construction of religious conflict.

These assumptions merit critical analysis and should at least be made explicit in debates on the relationship between politics and religion. Moreover, to completely open the black box of religion, it is necessary to further examine representations of specific religions and believers: Rawls' description of Kazanistan shows that historically-charged notions can find their way into contemporary political theory.

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32 Norton, *Muslim Question*, 98.

33 Rawls, *Law of Peoples*, 76.

34 Norton, *Muslim Question*, 96-100.

35 Tomoko *Masuzawa*. *The Invention of World Religions* (Chicago and London: The University of Chicago Press, 2005).

REFERENCES

Cavanaugh, William. *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict.* Oxford: Oxford University Press, 2009.

Domingo, Rafael "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom". *Oxford Journal of Law and Religion* 1:1-22, 2012.

Dworkin, Ronald. *Religion without God.* Cambridge: Harvard University Press, 2013.

Laborde, Cécile. "Equal Liberty, Nonestablishment, and Religious Freedom". *Legal Theory*, 20(1): 52-77, March 2014.

Laborde, Cécile. "The Politics of Religious Freedom: Protecting Freedom of Religion in the Secular Age", *The Immanent Frame* (blog), April 23, 2012.

http://blogs.ssrc.org/tif/2012/04/23/protecting-freedom-of-religion-inthe-secular-age/.

Leiter, Brian. *Why Tolerate Religion?* Princeton: Princeton University Press, 2012

Lopez, Donald S. "Belief". In *Critical Terms for Religious Studies,* edited by Mark C. Taylor, 21-35. Chicago and London: The University of Chicago Press, 1998.

Maclure, Jocelyn and Charles Taylor *Secularism and Freedom of Conscience.* Cambridge, MA and London: Harvard University Press, 2011.

Masuzawa, Tomoko. *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism.* Chicago and London: The University of Chicago Press, 2005.

McConnell, Michael W. "Why Protect Religious Freedom?" *Yale Law Journal* 123(3):770-792, 2013.

Norton, Anne. *On The Muslim Question.* Princeton: Princeton University Press, 2013.

Rawls, John. *Political Liberalism.* New York: Columbia University Press, 2nd edition, 2005.

Rawls, John. *The Law of Peoples with "The Idea of Public Reason Revisited".* Cambridge: Harvard University Press, 2001.

Schwartzman, Micah "What If Religion Is Not Special?", *University of Chicago Law Review,* 1351: 1354-1427, 2012.

Stoeckl, Kristina. "The Theology Blind Spot", *The Immanent Frame* (blog),

http://blogs.ssrc.org/tif/2014/02/13/the-theology-blind-spot/

Taylor, Charles. *Philosophy and the Human Sciences*: *Philosophical Papers Two.* Cambridge: Cambridge University Press, 1985.

Taylor, Charles. *Sources of the Self: The Making of the Modern Identity.* Cambridge: Cambridge University Press, 1989.

RELIGIOUS EXEMPTIONS AND FREEDOM OF CONSCIENCE

DARA SALAM

In this chapter, I discuss the question of religious exemption as an inescapable implication of religious pluralism. It is discussed from the point of view of political philosophy and the debate it has created surrounding the issue of religious freedom and freedom of conscience; namely, whether religious claims and, more generally, claims of conscience in pluralistic societies should be granted exemptions from generally applicable laws.

As ethical pluralism – that is, the plurality of moral and religious convictions – is an essential feature and the foundation of liberal societies, it becomes then an important point to scrutinize how to accommodate this plurality, provided that the rights of all are equally protected. Religious pluralism, as part of a broader pluralism in liberal societies, poses the following question: how can this plurality of different religious practices and beliefs coexist in a way so as to generate political consensus and uphold the law? There are at least two responses that can be identified with regard to this question. Some political and legal theorists have argued that constitutional and conventional texts guaranteeing freedom of religion would make room for this plurality by way of granting these practices and beliefs certain exemptions from the law[1]. Others have argued that it is not only religion – with its beliefs and practices – that exceptionally requires special consideration and exemption from otherwise valid laws. There are other non-religious claims of conscience, that is, secular moral and ethical claims that also require exemption from generally applicable laws[2]. This latter argument has led to the introduction of the language of the right to freedom of conscience in order to capture non-religious claims and respond to the unfairness that follows the singling out of religion for special consideration.

I focus here on what has become the dominant argument in recent liberal political theory, i.e., egalitarian theories of religious freedom[3]. The ambition of the chapter is to clarify the egalitarian argument and identify some important points of disagreement between some of the main proponents of this argument. Egalitarian theories deal with exemption claims based on freedom of religion and conscience and the main arguments regarding the specialness of religion. In the first section, I discuss the egalitarian theories of religious freedom and the main arguments surrounding it. In the second, I will discuss some of these theories and their different reasoning, for exemption of claims of conscience.

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1 See Michael McConnell, "The Problem of Singling Out Religion", 50 *DePaul Law Review* 1(3), 2000; and Abner S. Greene, "The Political Balance of the Religion Clauses", 102 *Yale Law Journal*, 1611, 1613 (1993).

2 Most liberal egalitarian theorists would be willing to grant exemptions to religious and nonreligious claims of conscience. See, Christopher L. Eisgruber and Lawrence G. Sager, *Religious Freedom and the Constitution* (Cambridge, Massachusetts: Harvard University Press, 2007); Micah Schwartzman, "What if Religion is not Special?", *University of Chicago Law Review* 1351 (2012) and "Religion as a Legal Proxy", *San Diego Law Review*, 51, (2014), 1085-1104; Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, Massachusetts: Harvard University Press, 2001); Jocelyn MacLure and Charles Taylor, *Secularism and Freedom of Conscience* (Cambridge, Mass: Harvard University Press, 2011); Brian Leiter, *Why Tolerate Religion*? (Princeton: Princeton University Press, 2013); Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (New York, New York: Basic Books, 2008); Ronald Dworkin, *Religion without God* (Cambridge, Mass: Harvard University Press, 2013).

3 By egalitarians we mean those who give weight to the value of equality and start from the premise that citizens are free and equal in their moral standing.

I - If an individual is persecuted or imprisoned for her moral and political views, she is said to be a prisoner of conscience. The demand she, and many others who hold the same view, would most likely and strongly raise in this case is the right of individuals to the right to freedom of conscience. That is, individuals must be free to express their thoughts without fear of discrimination and persecution. Here, it seems that freedom of conscience is a subset of a more general category of freedom, such as freedom of expression or thought or speech[4].

However, suppose another individual is persecuted or imprisoned because of her religious beliefs and practices. The first demand, even though she is called a prisoner of (religious) conscience, raised by her and others who hold the same belief is somehow different from the first example. The demand of her campaigners would be the right of individuals to have religious freedom. That is, their religious conscience must be protected by the state.

So it seems that in the above example, freedom of conscience encompasses religious and non-religious claims of conscience that are expressed and sincerely held by individuals; they represent their substantive commitments and are the basis for the beliefs and practices necessary for them to lead an authentic life. In fact, some egalitarians have analogized religion with conscience and held that the latter is more encompassing of individuals' deep commitments than the former[5]. Thus, in a liberal state, religious and nonreligious claims

of conscience are both protected by freedom of conscience. Religious freedom, as egalitarians would like to contend, is just a subcategory of freedom of conscience and this constitutes the archetypical right in any just liberal state which the state has an obligation to secure.

The religious commitments of individuals and their beliefs and practices must, in a liberal state, be protected by freedom of conscience. Protecting religious conscience, however, seems to entail that religious beliefs and practices should be freely practiced and, therefore, that the liberal state must accommodate these beliefs and practices and grant them exemptions as and when the application of general laws might lead to an unfair discrimination against religious adherents. Egalitarians also emphasize that this discrimination could follow against other non-religious claimants.

Liberal egalitarian philosophers have argued that freedom of conscience is designed, in pluralistic democratic societies, to protect minority religions from burdensome laws that are designed by the majority and ensure that their beliefs and practices are accommodated. Martha Nussbaum, for example, argues that liberal democratic states should ensure that individuals with strong religious commitments and those who search for the ultimate meaning and purpose of life are not placed into a dilemma, such as that of Antigone. Nation states should not throw people into a religious dilemma, that is, between obeying the general rules and going against their religious commitments[6]. However, all liberal egalitarians stress the point that the plurality embedded in modern democratic societies requires that the

4   For a clear formulation and discussion of this, see Cecile Laborde, "Equal Liberty, Non-Establishment and Religious Freedom", *Legal Theory*, Volume 20, Issue. 1 (2014): 52-77.

5   See Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience* (Cambridge, Mass: Harvard University Press, 2011). For a critique of this analogizing approach and its problematic implications, see Cecile Laborde, "Politics of religious freedom", *The Immanent Frame*, http://blogs.ssrc.org/tif/2012/04/23/protecting-freedom-of-religion-in-the-secular-age/

6   Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (New York, New York: Basic Books, 2008), 116-7. Sophocles's Antigone is placed in a moral dilemma when her strong commitment to her religion demanded her to bury her brother who is killed as a traitor in a city whose laws do not allow the burial of traitors. The burden of the law leads her to kill herself.

law should not only accommodate religious conviction but also non-religious, secular convictions that express the individual claim of conscience[7]. Following this fact of moral and religious pluralism, egalitarians consider that freedom of conscience gives everyone the right to pursue a good and meaningful life according to their beliefs and, more importantly, freedom of conscience will be equally applicable to all claims of conscience.

John Rawls has stressed that "equal liberty of conscience" is the first principle that individuals in a social contract would acknowledge, because they "cannot take chances with their liberty by permitting the dominant religious or moral doctrine to persecute or to suppress others if it wishes"[8]. Nussbaum also, following Rawls, views "equal respect for all citizens' consciences" as one of the fundamental principles that should constitute any law on the free exercise of religious and non-religious commitments. She arrives at this conclusion by arguing that what religion is concerned with are the "ultimate questions", such as questions of life and death, the meaning of life, life's ethical foundation, and so forth. Thus, what is worthy of respect and legal protection is "the faculty with which each person searches for the ultimate meaning of life… except when that search violates the rights of others or comes up against some compelling state interest"[9].

There are disagreements among liberal egalitarian theorists of religious freedom about what should and should not count as claims of conscience. While Nussbaum defends an account of "questions of ultimate meaning" to be the best candidate for an account of religious and non-religious claims of conscience, Maclure and Taylor criticize this and argue for a more inclusive range of questions that are not centered on only such questions. In their argument against the above account, they find two defects. First, concentrating on "ultimate questions" will exclude from the individual's conscientious claims those questions and commitments that are not focused on existential or metaphysical concerns, but on more ordinary attachments that a person may have, for example, the care given to loved ones. That is, the individual may believe that life has no meaning if it is not possible to care for loved ones, for example, a terminally ill wife or child[10]. However, this may not involve reflection on existential and metaphysical questions. According to Maclure and Taylor, the side effect of this view is that any commitment or conviction not grounded in the human cognitive faculty to contemplate on, and search for, the meaning of life will be excluded from the realm of claims of conscience and, therefore, will not be considered for conscientious exemptions. Second, the difficulty created by Nussbaum's account of the primacy or priority of the contemplative search for the ultimate meaning of life is that the neutrality of the state will be compromised. That is, the state must favor those conceptions of the good that are linked to the individual's quest for the meaning of life over those not linked to a systematic doctrine but more to "ordinary life" attachments[11].

7 The egalitarian argument for the inclusion of secular claims of conscience alongside religious claims as being worthy of likewise legal exemptions has been reflected in court decisions which led to successful legal exemption cases as, for example, in the case of Daniel Seeger's conscientious objection to military conscription. The U.S. Supreme Court granted exemption to Seeger based on his secular moral beliefs; *U.S. v. Seeger* (1965), 380 U.S. 163.

8 John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, revised ed. 1999), 181.

9 Nussbaum, *Liberty of Conscience*, 168-9.

10 Maclure and Taylor, *Secularism and Freedom of Conscience,* 96.

11 *Ibid.*, 97.

II - Liberal egalitarians generally agree that religion should be protected, but object to the idea that religion should be *uniquely* protected. This claim has two consequences. First, it is intended to argue that religion is not special, that is, religious belief and practice should not be treated as deserving of special consideration. Religious freedom, thus, is not *sui generis*. This view is defended by Ronald Dworkin and others. He argues that religious freedom is just a right that individuals seek to have and is the result of the more general right to "ethical independence"[12]. Second, it also is intended to argue that it is not only religious claims that demand exemption from generally applicable laws. There are other non-religious ethical claims and commitments that equally demand special treatment and legal exemptions, such as conscientious objection to military service which is based on ethical objections to the killing of others[13].

Brian Leiter also refuses to see religious claims of conscience as unique and worthy of special protection compared to other non-religious claims[14]. He gives the example of the Sikh boy who was allowed by the Canadian Supreme Court in 2006 to wear the kirpan, a ceremonial knife, for religious reasons. He criticizes this move, arguing that a rural boy would not be allowed in any Western democracy to carry a knife in school for either cultural or traditional reasons[15].

Leiter argues that the moral ideal of religious freedom in Western democracies is based on the principle of toleration, more specifically, on principled toleration. Principled toleration refers to the idea that the dominant religions put up with the other (dis-favored or minority) faiths and groups based on moral, not instrumental, reasons. This means there are moral reasons to accept their beliefs and practices even though these are disapproved of by the dominant religions. He, nonetheless, does not reject religious and non-religious exemptions across the board[16]. He argues that the only test that can be conducted to decide whether a religious or nonreligious claim of conscience should be exempt from generally applicable laws is the principle of shifting burdens. It is only with this principle that religious exemptions can be justified. He argues that the exemption, for instance, to wear a hijab in public schools and offices can be justified, precisely because it shifts no burdens or risks onto others. However, exempting religious organizations from taxes is not justified because it requires channeling income and tax from others for the welfare of these organizations and, therefore, shifting burdens onto others. A possible objection to Leiter's principle as grounds for his exemptionist approach towards the exhibition of religious identities and symbols in public can be seen in relation to the hijab in schools. The claim could be made that it could have proselytizing effects on other girls whose families might be burdened (psychologically and socially) by the consequences of this proselytization.

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12 Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, Mass: Harvard University Press, 2011), 376. See also Dworkin, *Religion without God* (Cambridge, Mass: Harvard University Press, 2013).

13 See Micah Schwartzman, "What if Religion is not Special?", *University of Chicago Law Review,* 1351 (2012). He argues "[I]nstead of disabling or protecting only religious beliefs and practices, the law ought to provide similar treatment for comparable secular ethical, moral, and philosophical views". 1355

14 Brian Leiter, *Why Tolerate Religion*? (Princeton: Princeton University Press, 2012).

15 *Ibid.,* 1-3.

16 Leiter argues that the No Exemption approach is problematic and cannot be applied universally because of the abuses that can follow from its application, for example, the state's anti-religious motivation to discriminate against certain faiths under the name of neutrality. (Leiter, 104. See also Nussbaum, *Liberty of Conscience,* for arguing against the no-exemption approach.

Christopher Eisgruber and Lawrence Sager would agree with Leiter that religion is not morally or legally special. However, they offer a different reason as to why certain religious claims of conscience should be exempt from generally applicable laws[17]. They argue that in a religiously plural society, religious exemptions reflect the equal treatment shown by the state and its constitution towards its religious citizens compared to others. Freedom of religion and conscience, they argue, require the liberal state to adopt the principle of "equal liberty" which grants everyone, regardless of their convictions, equal treatment. In order to implement the equality of treatment in a pluralized society and to be fair to religious citizens, this liberal egalitarian principle requires the state to grant religious adherents exemptions that make them equal in comparison to other non-religious citizens, notwithstanding that they rule out the possibility of treating religion as special.

Their principle of equal liberty would ideally have it that every citizen is treated or regarded as free and equal in a just political order regulated by fair principles[18]. That is to say, the state should be neutral towards its citizens as to what kind of convictions they hold and should not favor or disfavor any conviction or faith group in its policy and institutional structure. This has been constitutionally reflected – and widely discussed - in the Establishment clause of the First Amendment of the US Constitution which states that "Congress shall make no law respecting an establishment of religion..." Insofar as this principle is concerned, every citizen is treated equally and fairly before the law, as the state has not enacted any discriminatory law against certain religious groups.

Freedom of religion, clearly, grants religious citizens the freedom to exercise their beliefs and practices and this requires, in certain cases, the withholding of the general law that is equally applicable to all citizens. This is one of the most influential interpretations of the highly debated constitutional clauses, i.e., the Free Exercise clause of the US Constitution[19]. It is clear that the main concern of Eisgruber and Sager's project of granting religious exemptions is fairness and equality in dealing with religious claims of conscience[20].

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17 Christopher L. Eisgruber and Lawrence G. Sager, *Religious Freedom and the Constitution* (Cambridge, Massachusetts: Harvard University Press, 2010).

18 See Rawls, *Theory of Justice,* xii and elsewhere.

19 No interpretation of this clause is offered here as to whether exemption is implicated in it, as it is already widely debated. Michael McConnell argues that the Free Exercise clause is about exemptions: "if there is a constitutional requirement for accommodation of religious conduct, it will most likely be found in the Free Exercise Clause. Some say, though, that it is a violation of the Establishment Clause for the government to give any special benefit or recognition of religion. In that case, we have a First Amendment in conflict with itself—the Establishment Clause forbidding what the Free Exercise Clause requires". Michael McConnell, *Religion and the Constitution* (Aspen Publishers, 2002), 105.

20 "Equal Liberty… sees concerns of fairness as lying at the very heart of free exercise exemption controversies. What is critical from the vantage of Equal Liberty is that no members of our political community be disadvantaged in the pursuit of their important commitments and projects on account of the spiritual foundations of those commitments and projects", Eisgruber and Sager, *Religious Freedom and the Constitution,* 15.

REFERENCES

Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism.* Cambridge, Massachusetts: Harvard University Press, 2001.

Dworkin, Ronald. *Religion without God.* Cambridge, Mass: Harvard University Press, 2013.

Dworkin, Ronald. *Justice for Hedgehogs.* Cambridge, Mass: Harvard University Press, 2011.

Eisgruber, Christopher L. and Sager, Lawrence G. *Religious Freedom and the Constitution.* Cambridge, Massachusetts: Harvard University Press, 2010.

Greene, Abner S. "The Political Balance of the Religion Clauses". *Yale Law Journal*, 102(1611), 1611-1644, 1993.

Laborde, Cécile. "Equal Liberty, Non-Establishment and Religious Freedom," *Legal Theory*, 20(1), 52-77, March 2014.

Laborde, Cécile. "Politics of religious freedom," *The Immanent Frame*, April 4, 2012 http://blogs.ssrc.org/tif/2012/04/23/protecting-freedom-of-religion-in-the-secular-age/

Leiter, Brian. *Why Tolerate Religion*? Princeton: Princeton University Press, 2012.

Maclure, Jocelyn and Charles Taylor. *Secularism and Freedom of Conscience.* Cambridge, Mass: Harvard University Press, 2011.

McConnell, Michael. *Religion and the Constitution.* Aspen Publishers, 2002.

McConnell, Michael. "The Problem of Singling Out Religion", 50(1) *DePaul Law Review* 3, 2000.

Nussbaum, Martha. *Liberty of Conscience: In Defense of America's Tradition of Religious Equality.* New York, New York: Basic Books, 2008.

Rawls, John. *A Theory of Justice.* Oxford: Oxford University Press, revised ed. 1999.

Schwartzman, Micah. "Religion as a Legal Proxy", *San Diego Law Review*, 51(4), 1085-1104, 2014.

Schwartzman, Micah. "What if Religion is not Special?", *University of Chicago Law Review* 1351:1354-1427, 2012.

US Supreme Court (1965) United States v. Seeger, 380 U.S. 163.

> https://supreme.justia.com/cases/federal/us/380/163/case.html

IS RELIGIOUS PLURALISM SIMPLY A MATTER OF JUSTICE?[1]

VOLKER KAUL

There is a long lasting debate in political philosophy as to what extent pluralism and, more specifically, religious pluralism is a matter of justice. It is a discussion that goes back at least to Hobbes' *Leviathan*. According to the social contract tradition, religious pluralism and tolerance is neither natural nor spontaneous but occurs only in political circumstances that guarantee some form of justice, last but not least, social and economic justice. This thesis stands in clear contrast to the position that holds pluralism to depend upon the respective religious doctrines themselves and the degree to which they allow for differences. According to this theory, religions can be more or less tolerant - and this entirely independent from the social and political context. The most extreme formulation of this theory we can find in Samuel Huntington's *The Clash of Civilizations*.

My goal here is to defend a very light and moderate version of the latter, anti-reductionist thesis. Although I am not defending any form of religious essentialism, I do sketch out the argument that we cannot ignore the constitutive role that religious beliefs and norms play in the motivation of extremism and intolerance. Accordingly, religious pluralism is not solely the result of institutions. Reductive theories that emphasize the ideological character of religion or stress religious extremists' lack of self-knowledge run into a variety of problems that concern, in particular, agency, subjectivity and first-person authority.

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1   I would like to thank all participants of the workshop "Interdisciplinary Perspectives on Religious Pluralism" (European University Institute (EUI), Florence, January 19-20, 2015) for the engaged discussion and the editors of this volume for their very helpful comments.

A methodological point: I use the terms religious extremism and intolerance as more or less synonymous and the terms religious pluralism and moderatism as antonyms. Extremists believe that in one way or another religion may actually legitimate acts of discrimination and the use of violence. Moderates, on the other hand, do not commit acts of intolerance on religious grounds.

RELIGIOUS EXTREMISM AND AGENCY

It is a recurrent debate, in particular with regard to the emergence of Islamism, that religious extremism has its cause in poverty, frustration, repression, hatred, etc., rather than in God's law. There are good grounds to believe that radicalization has other origins than religion itself. Sociologists and economists show that correlations exist between certain social factors and extremism and violence[2]. Psychologists demonstrate that personality disorders rather than particular belief systems explain violence. In fact, certain studies can be interpreted, although with great caution and inconclusively, as indicating that extremists tend to have some common psychological and social features[3]. It is very plausible to think that psychological and social factors explain extremism rather than a religious doctrine that is moreover often shared by moderates too[4].

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2   See in particular Paul Collier and Anke Hoeffler, "On Economic Causes of Civil War". *Oxford Economic Papers* (50)4:563–573, 1998.

3   See Bundesamt für Verfassungsschutz, Bundeskriminalamt (KI11, ST33), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE), *Analyse der den deutschen Sicherheitsbehörden vorliegenden Informationen über die Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien ausgereist sind*, 01.12.2014, downloaded at http://www.pti-kassel.de/institut/download/praeventionsnetzwerk_salafismus_analyse.pdf.

4   This is the claim of Akeel Bilgrami in "What is a Muslim? Fundamental Commitment and Cultural Identity". *Critical Inquiry* 18(4):198-219, 1992.

It is not the place here to flesh out a causal theory of religious extremism in detail. As an empirical theory, it requires not only data but also rather complex theories of causation and a theory of the mind. Whereas Seyla Benhabib emphasizes the role of negative emotions such as anger and hatred in the emergence of fundamentalism[5], other analysts, such as Scott Atran, stress rather the attractive features of terrorist networks and the positive feelings they bring about[6]. The point I want, however, to analyze here is whether causal theories can really deny the foundational function that beliefs have in the motivation of an action. Despite the evidence that speaks in favor of causal theories, one crucial aspect is left out: namely that religious beliefs, though perhaps insufficient, are nevertheless necessary in the psychology of the extremist. For an Islamist to attack a bareheaded woman because she does not wear a head covering, for example, requires the belief that women should cover their heads.

I would like to discuss here one particularly hard objection to those causal theses that reject the relevance of religion in the explanation of extremism. The hard objection holds that causal theories depict extremists as a sort of victim of their psychology, family background and social and economic circumstances, thereby denying their agency as actors. Seen from their own perspective, however, extremists are absolutely not victims, they are just the contrary.

They consider themselves to be moral heroes that, unlike their moderate peers, have the courage to speak out and act in accordance with religious values and God's commandments. They are the epitome of integrity, refusing, contrary to moderates, any kind of compromise and utilitarian calculus. If anyone is a victim, the godless moderates are. Such strong convictions become manifest in their self-righteous and cruel action. Extremists present themselves as highly-stylized and display very elaborated aesthetics of their own in the way they dress, move and talk - a phenomenon that we can observe also in respect of other violent subaltern actors, such as mafia gangsters, guerilla fighters, child soldiers etc.[7] In fact, following the Charlie Hebdo massacre, the portrayal of the attackers as victims was muted in favor of condemnations that asserted their moral agency[8]. From the extremist point of view, their actions are clearly guided by convictions, values and commitments. In this regard, causal explanations that do not take into account religious beliefs are certainly incomplete. By rejecting the agency of extremists, we risk ignoring the subjective point of view and its importance in the motivation of action.

5 Seyla Benhabib, "Piety or Rage? On the Charlie Hebdo Massacres". In; *Reset DOC*, 11.01.2015, downloaded at http://www.resetdoc.org/story/00000022481.

6 Scott Atran with Lydia Wilson, Richard Davis, Hammad Sheikh, *The Devoted Actor, Sacred Values, and Willingness to Fight: Preliminary Studies with ISIL Volunteers and Kurdish Frontline Fighters*, Recent and ongoing research in conjunction with the U.S. Department of Defense MINERVA Initiative, November 2014, downloaded at http://artisresearch.com/wp-content/uploads/2014/11/Atran_Soccnet_MINERVA_ISIS.pdf.

7 Jean-François Bayart and Jean-Pierre Warnier (eds.), *Matière à politique. Le pouvoir, les corps et les choses*, (Paris: Karthala, 2004). See also Janet MacGaffey and Rémy Bazenguissa-Ganga, *Congo-Paris: Transnational Traders on the Margins of the Law* (Bloomington, Indiana: Indiana University Press, 2000).

8 Michaela Wiegel, "Eine Zäsur". *Frankfurter Allgemeine Zeitung*, 8.01.15, p. 1: "All those who provided a social explanation of the worst acts of violence disappeared astonishingly quickly from the public debate. The former managing editor of *Charlie Hebdo*, Philippe Val, exhorted that society is not to be blamed for young French people with a background of living out their Islamistic fantasies of violence. He demanded, in particular from the left, a new sincerity in the overly-cautious debate on Islam and immigration in society" (translation by the author).

RELIGIOUS EXTREMISM AND IDEOLOGY

We can find two arguments that defend the causal theory against the hard objection: the arguments concerning *ideology* and *self-knowledge*. Both these arguments try, in one way or another, to explain away the problem of beliefs. The first counter-thesis basically leaves intact the hard objection and its claim that beliefs motivate action. Yet, it argues that in the end, all that what we consider to be doctrines, values and subjective reasons are rather a form of ideology. People believe indeed that they are the authors of their proper beliefs, yet in reality their beliefs, at least in the Marxist tradition, are simply the results of the relations of production and, more generally, material conditions. Marx reduces and explains "the production of ideas, of conceptions, of consciousness […] with the material activity and the material intercourse of men"[9]. Therefore, he can say that "religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people"[10]. Religion is an illusion, a false consciousness. In this regard, beliefs, although existent and powerful, are no particular big problem. At the moment that the material conditions change, extremist beliefs will, over time, disappear.

....

9 Marx continues: "Conceiving, thinking, the mental intercourse of men, appear at this stage as the direct efflux of their material behaviour. The same applies to mental production as expressed in the language of politics, laws, morality, religion, metaphysics, etc., of a people. Men are the producers of their conceptions, ideas, etc. – real, active men, as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these, up to its furthest forms". (Karl Marx and Friedrich Engels, "Feuerbach. Gegensatz von materialistischer und idealistischer Anschauung". Karl Marx and Friedrich Engels, *Über Ludwig Feuerbach*, (Leipzig: Reclam, 1970), p. 15. Translation from the online edition of *The German Ideology*, downloaded at https://www.marxists.org/archive/marx/works/1845/german-ideology/).Perhaps check this quote, it doesn't seem to be all one block quotation as it is shown here. Ok, now it's a block quotation.

10 Karl Marx, *Critique of Hegel's 'Philosophy Of Right'*, Joseph O'Malley (ed., trans.), Annette Jolin (trans.), (Cambridge: Cambridge University Press, 1977), p. 1.

Leaving aside the complex difficulties in proving this theory, advocates of the hard objection could claim that all efforts to eliminate the first-person miss the point. The first-person perspective is irreducible. In short, the hard objection could point to the subjective nature of practical beliefs, in the sense that values and commitments are the result of our freedom and autonomy.

RELIGIOUS EXTREMISM AND SELF-KNOWLEDGE

The second counter-argument tends to dismiss the role played by beliefs and maintains that it need not necessarily be beliefs that give rise to religious intolerance, even though we tend to think they do. This theory is based upon the assumption that our mind lacks transparence: we do not always, and perhaps only rarely, have accurate access to our mind. For example, extremists who believe that non-Muslims are infidels must not automatically have this belief, despite believing that they do. Or, Islamists, claiming to act upon the obligations written in the Qur'an, might have quite different motivations for their actions, such as feelings of guilt, resentment etc. The motives or beliefs guiding their actions can in fact be hidden from them, without the need to deceive themselves. According to this theory, self-knowledge is not special with respect to other knowledge. Therefore, we do not have immediate, first-person access to our mental state nor special authority with regard to our beliefs and desires. Knowing oneself is not unlike knowing other minds. We must observe ourselves in order to know what we are really up to.

Many experiments in the cognitive sciences confirm the opacity of the mind[11]. And extremists may effectively be driven by motives other than they are aware of. It is a standard thesis in the psychology of religion that fundamentalism fulfills particular psychological needs and is an answer to the quest for meaning in an inhospitable environment[12]. Nevertheless, questioning first-person authority might again fail to refute the hard objection. Lack of self-knowledge does not necessarily compromise agency[13]. Perhaps extremists are not always particularly clear on their commitments and are confused about their motivations, but their integrity and credibility in the eyes of others - and also in their own eyes - stands and falls with the extent to which they actually live up to the self-proclaimed commitments. If commitments do not reflect themselves in action - if extremists are not perceived to be authentic and to,believe in their cause and reveal, on the contrary, only self-interest, insecurity and frustration - religious extremism may well disappear. The problem is, as the hard objection continues to insist, that beliefs and convictions are present and cannot be brushed aside.

CONCLUSION

Religious extremists are therefore agents rather than passive victims. Treating their beliefs as only residues of various injustices suffered, without taking such beliefs seriously, risks increasing incomprehension between groups, offensive behavior and social division. Still, the question remains as to how to engage with extremist beliefs. Since refuting their claims on a cognitive or theological level, as hermeneutical readings of the sacred texts propose[14], might nonetheless miss the point if we do not consider extremism to be about religious truth[15]. In order to address extremism effectively, it is impossible to avoid the arduous task of understanding the nature of religious commitments from the first-person perspective.

....

11 For the original epistemological account of self-knowledge, see Gilbert Ryle, *The Concept of Mind* (Chicago: The University of Chicago Press, 1949). For a recent study that denies privileged access to our own minds and is based upon studies and results from the cognitive sciences, see Peter Carruthers, *The Opacity of Mind: An Integrative Theory of Self-Knowledge* (Oxford: Oxford University Press, 2011).

12 Ralph W. Hood Jr., Peter C. Hill and W. Paul Williamson, *The Psychology of Religious Fundamentalism* (New York: Guilford Press, 2005).

13 This is the thesis of Akeel Bilgrami in *Resentment and Self-Knowledge* (Cambridge, Mass.: Harvard University Press, 2006).

....

14 See in particular Nasr Abu Zayd, *Rethinking the Qu'ran: Towards a Humanistic Hermeneutics* (Amsterdam, SWP Publishing, 2004).

15 This is my argument in "What Makes a Fundamentalist? Metaphysics, Morality and Psychology," in *Philosophy & Social Criticism* 41(4-5):, pp. 509-514, 2015. Not sure what you mean by 'Latter is my argument'

REFERENCES

Abu Zayd, Nasr. *Rethinking the Qu'ran: Towards a Humanistic Hermeneutics.* Amsterdam, SWP Publishing, 2004.

Atran, Scott with Lydia Wilson, Richard Davis, Hammad Sheikh. *The Devoted Actor, Sacred Values, and Willingness to Fight: Preliminary Studies with ISIL Volunteers and Kurdish Frontline Fighters.* Recent and ongoing research in conjunction with the U.S. Department of Defense MINERVA Initiative, November 2014, downloaded at http://artisresearch.com/wp-content/uploads/2014/11/Atran_Soccnet_MINERVA_ISIS.pdf.

Bayart, Jean-François and Jean-Pierre Warnier (eds.). *Matière à politique. Le pouvoir, les corps et les choses*, Paris: Karthala, 2004.

Benhabib, Seyla. "Piety or Rage? On the Charlie Hebdo Massacres". *Reset DOC*, 11 January 2015, downloaded at http://www.resetdoc.org/story/00000022481.

Bilgrami, Akeel. *Self-Knowledge and Resentment.* Cambridge, Mass.: Harvard University Press, 2006.

Bilgrami, Akeel. "What is a Muslim? Fundamental Commitment and Cultural Identity". *Critical Inquiry* 18(4):198-219, 1992.

Carruthers, Peter. *The Opacity of Mind: An Integrative Theory of Self-Knowledge.* Oxford: Oxford University Press, 2011.

Collier, Paul and Anke Hoeffler. "On Economic Causes of Civil War". *Oxford Economic Papers* (50)4:563–573, 1998.

Hood Jr., Ralph W., Peter C. Hill and W. Paul Williamson. *The Psychology of Religious Fundamentalism.* New York: Guilford Press, 2005.

Kaul, Volker. "What Makes a Fundamentalist? Metaphysics, Morality and Psychology". *Philosophy & Social Criticism* 41(4-5):509-515, 2015.

MacGaffey, Janet and Rémy Bazenguissa-Ganga. *Congo-Paris: Transnational Traders on the Margins of the Law.* Bloomington, Indiana: Indiana University Press, 2000.

Marx, Karl and Friedrich Engels. *Über Ludwig Feuerbach.* Leipzig: Reclam, 1970.

Marx, Karl. *Critique of Hegel's 'Philosophy Of Right'.* Joseph O'Malley (ed., trans.), Annette Jolin (trans.). Cambridge: Cambridge University Press, 1977.

Ryle, Gilbert. *The Concept of Mind.* Chicago: The University of Chicago Press, 1949.

Verfassungsschutz, Bundeskriminalamt (KI11, ST33), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE). *Analyse der den deutschen Sicherheitsbehörden vorliegenden Informationen über die Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien ausgereist sind*, 01.12.2014, downloaded at http://www.pti-kassel.de/institut/download/praeventionsnetzwerk_salafismus_analyse.pdf.

Wiegel, Michaela. "Eine Zäsur". *Frankfurter Allgemeine Zeitung*, p. 1, 8 January, 2015.

III–DISAGREEMENTS, DIFFERENCES AND PUBLIC JUSTIFICATION

HABERMAS'S TRANSLATION PROVISO AND CONSERVATIVE RELIGIOUS ACTORS IN THEPUBLIC SPHERE

ANJA HENNIG

This chapter discusses Jürgen Habermas's *institutional translation proviso*, which is central to his concept of post-secular societies[1] and consists of the claim that religious arguments should be translated into a secular language before entering the public sphere. Habermas's argument is not only normative but also relates the *translation proviso* to socio-political developments such as the religious pluralization of European societies, which goes hand in hand with a decreasing level of individual religiosity. Habermas's response to cultural plurality is that religious reasons can be publicly expressed but must be accessible to others once they enter the arena of political decision-making. This chapter focuses on the extent to which Habermas's concept is applicable to empirical cases; the difficulty in identifying religious arguments; and the problems arising from the observation that "translation" is often used as a strategy by conservative religious citizens to voice their claims.

For the past two decades, attempts in Europe to liberalize existing abortion regulations and recognize same-sex partnerships have provoked harsh criticism, especially from the Roman Catholic Church, national episcopates, and Catholic 'pro-life' organizations. For traditional Catholicism, moral liberalization is problematic because it prioritizes individual choice and contradicts Catholic moral teaching, for which saving the unborn child and preserving traditional family structures are fundamental responsibilities of a society[2]. Accordingly, the Vatican and other conservative religious communities are, as Habermas is all too aware, still reluctant to adapt to many liberal moral values[3]. Considering that religious communities have a vested interest in defending their moral principles and contributing to bio-ethical debates, the core normative element of Habermas's concept of the post-secular, the "institutional translation proviso", becomes central for understanding the status of their claims in public debate.

Following Rawls, Habermas provides a normative framework for the place of religious arguments in public reason. His proviso states that religious reasons can be introduced into the debate in the informal public sphere provided that, in the course of the debate, such religious reasons are adequately translated into secular ones. Only secular reasons would "push for mutual perspective-taking so that different communities can develop a more inclusive perspective by transcending their own universe of discourse"[4]. This process of translation must be completed before debate can enter formalized institutions of democratic decision-

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1 Jürgen Habermas, „Glaube, Wissen - Öffnung. Zum Friedenspreis Des Deutschen Buchhandels. Eine Dankrede," *Süddeutsche Zeitung; available at: http://ig.cs.tu-berlin.de/oldstatic/w2001/eu1/dokumente/Basistexte/Habermas2001-Buchhandel.pdf,* 10, 15 2001.

2 Aline H. Kalbian, *Sexing the Church. Gender, Power, and Ethics in Contemporary Catholicism* (Bloomington: Indiana University Press, 2005).

3 Jürgen Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism", *The Journal of Political Philosophy* 13, no. 1 (2005), 10.

4 "Dialogue. Jürgen Habermas and Charles Taylor", in *The Power of Religion in the Public Sphere*, ed. Judith Butler, Eduardo Mendieta and Jonathan VanAntwerpen (Columbia University Press, 2011), 66.

making, such as parliament and government. However, individual religious citizens who are not able to translate their arguments should also be allowed to contribute religious arguments to public discourses in the pre-parliamentary sphere.[5]

Central to Habermas's translation proviso are the distinctions he makes between a formal and informal public sphere; the dichotomy between religious and secular reasons as well as religious and secular citizens; and the acknowledgment of religious contributions to public reason as relevant to the liberal state. To begin with, the formal public sphere is, for Habermas, the space where democratic decision-making within political bodies occurs, where laws are written and the government rules. In this sphere of parliaments, courts, and administrations, only secular contributions are allowed. The formal proceedings within these institutions filter "the Babel of voices in the informal flows of public communication", divesting the formal public sphere of such "wild life"[6].

The distinction between the formal public sphere of democratic procedures and the informal as a place of "wild" democratic deliberation is essential for understanding how Habermas's translation requirement for the former is linked to his cautious endorsement of religious contributions to the latter. It is, however, difficult to locate the boundaries between both spheres, since Habermas states that "the translation of religious contributions into a secular language occurs already in the pre-parliamentarian domain, i.e., in the political public sphere itself"[7]. Against this apparently clear demarcation, I will argue here that the boundaries between informal civil societal and formal political sphere are fluid, and a clear-cut separation is difficult to maintain.

Religious Reasoning between the informal and formal Public Sphere

For Habermas, the translation demand derives from the principle of constitutional separation of religion and politics, or 'church and state'. This separation only allows "translated" – that is, secular - contributions "to penetrate from the Babylonian chaos of voices in the wider public to the agenda of state institutions"[8]. This process ensures that political authorities are able to exercise the liberal-democratic principle of state neutrality toward competing worldviews[9].

Under the conditions of post-secularity, however, the liberal state also has an interest in "unleashing religious voices in the political public sphere, and in the political participation of religious organizations as well". In this, Habermas differs clearly from Rawls in his Habermas esteem of religious reasoning and traditions because of their "special power to articulate moral intuitions, especially with regard to vulnerable forms of communal life"[10]. Secular citizens or those of other religious persuasions can, in his view, learn something from the religious contributions of others. Accordingly, Habermas invites religious communities to express and justify their convictions through religious language in public discourse, provided that they cannot find secular translation for them. At the same time, he asks religious citizens for an "epistemic ability" to consider their faith "reflexively from the outside and to relate it to secular views"[11].

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5 *Naturalismus Und Religion* (Frankfurt/Main: Suhrkamp, 2005), 125.(Author?)

6 "Religion in the Public Sphere", *European Journal of Philosophiy* 14, no. 1 (2006), 11.(Author?)

7 Habermas, *Public Sphere,* 11.

8 Habermas, *Naturalismus,* 124ff.

9 Habermas, *Public Sphere*, 6.

10 *Ibid.*, 9.

11 *Ibid.*, 10.

In sum, religious reasoning can[12] be part of deliberation in the informal public sphere; also because it may transport some "truth content" for the institutionalized democratic process. Yet, the precondition for this is that religious speech will be translated into a generally-accessible language before it enters the formal public sphere, and every citizen must accept it[13].

Normative Implications

Habermas views translation not merely as a vehicle for enabling religious citizens to contribute to political decision-making but rather, it will in a normative sense be conceived as "a cooperative task" in which the non-religious citizen must likewise participate. In this vein, translation reduces the "asymmetrical burden" for religious citizens when, for instance, arguing against abortion. That said, cooperative translation will enhance the "process of mutual learning and understanding" between religious and non-religious citizens[14] and help to overcome cultural differences as well as fixing the "controversial boundary" between secular and religious reasons[15].

Habermas's reasoning relies on two liberal principles which turn out to be essential for analyzing the translation praxis of conservative religious groups. First is the premise that constitutional democracy guarantees the same fundamental rights to all citizens. The second principle is the concept of state neutrality.

This does not merely include impartiality toward different faiths and a language "for all enforceable political decisions" that is "equally accessible to all citizens", but also guarantees equal ethical freedom for all citizens and is, as Habermas's translation proviso underlines, incompatible with "the political generalization of a secularist worldview"[16]. Finally, as Habermas replies to Wolterstorff, neutrality in a procedural sense must exclude the fact that "the majority deploys religious arguments in the process of political opinion and will formation"[17].

Translation Proviso under Critique

Within the broader debate among liberal thinkers over the permissiveness of religious reasons in the public sphere, Habermas uses the institutional translation proviso to adopt a "middle-ground position" between exclusionists like Robert Audi[18] on the one hand, and inclusionists like Nicholas Wolterstorff[19] and Paul Weithman[20] on the other[21]. His translation proviso is criticized from both sides. For inclusionists, it is built on problematic theoretical assumptions. In particular, the clear-cut distinction between religious and secular arguments/citizens is considered to be misleading, as this dichotomy implies that the religious would be clearly irrational and the secular rational, and

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12 3 Harrington criticizes Habermas for having apparently "retreated from the force of this "must" in favor of a more ambiguous "should", although this sometimes only sounds like a "can". Austin Harrington, 'Habermas and the "Post-Secular Society"'. *European Journal of Social Theory* 10, no. 4 (2007), 552.

13 Habermas, *Public Sphere*, 9.

14 Habermas, *Glaube und Wissen*; *Public Sphere, 12*

15 Habermas, *Glaube und Wissen*

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16 Habermas, *Naturalismus,* 118.

17 Habermas, *Public Sphere*, 13.

18 Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000).

19 Nicholas Wolterstorff, "Habermas on Religion and Postmetaphysicalphilosophy in Political Discourse", in *Understanding Liberal Democracy. Essays in Political Philosophy*, ed. Terrence Cuneo (Oxford: Oxford University Press, 2012).

20 Paul J. Weithman, *Religion and The Obligations of Citizenship* (Cambridge: Cambridge University Press, 2002).

21 Patrick Loobuyck and Stefan Rummens, "Religious Arguments in the Public Sphere: Comparing Habermas with Rawls", *Ars disputandi: the online journal for philosophy of religion* http://hdl.handle.net/10067/92032015 1162165141(2011), 239.

that citizens argue always either religiously or in a secular vein. The "real world" appears different. Some authors have even expressed doubt that religious citizens wish to use religious language in the public sphere.[22]

On the other hand, strict exclusionists strongly oppose Habermas's accommodationist shift. Accordingly, Paolo Flores D'Arcais, the Italian leftist philosopher, criticizes Habermas's openness toward religious contributions. He sees in the "cooperative" translation demand a burden particularly for non-believers since they would have to accept illiberal religious arguments. Flores D'Arcais offers the example of Joseph Cardinal Ratzinger, the former president of the Catholic Church's Congregation for the Doctrine of the Faith (CDF), who "wants to impose criminally

sanctioned prohibition on women who are not believers, or who follow other faiths"[23].

Habermas's theory that religious voices should be heard in the informal public sphere is valuable. However, this is also true for Flores D'Arcais' critique that Habermas ignores the consequences of the public engagement of conservative religious citizens, such as the former Cardinal Ratzinger (later Pope Benedict XVI.), whose illiberal moral political position represents contemporary conservative Catholic thought. In a similar vein, Dillon expresses her concerns about the "discursive strategy" of the Catholic Church when arguing against abortion or same-sex-partnerships[24].

The Problem of Identifying Religious Arguments

A central problem encountered when applying the translation proviso to empirical cases is that Habermas defines religious and secular reasons or arguments in a purely normative way. In one dialogue with Charles Taylor, he defends secular reasons as those that "do not expand the perspective of one's own community, but push for mutual perspective taking so that different communities can develop a more inclusive perspective by transcending their own universe of discourse"[25]. Religious reasons, instead, would involve a reference to God and, thus, a particular set of beliefs. In this vein, religious reasons are, unlike secular ones, unable to create a common source for reason. Common sources, as the constitution provides, are supposed to be shared by all, that is, by different religious communities, believers, and non-believers alike. "Secular" implies for Habermas a non-Christian sense of

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22 See: Michelle Dillon, "Can Post-Secular Society Tolerate Religious Difference?" *Sociology of Religion* 71 (2010); Veit Bader, "Post-Secularism or Liberal-Democratic Constitutionalism," *Erasmus Law Review* 5, no. 5 (2012); Justin Beaumont, "Transcending the Particular in Post-secular Cities", in *Exploring the Post-Secular. The Religious, the Political and the Urban*, ed. Arie L. Molendijk, Justin Beaumont, and Christoph Jedan (Leiden, Boston: Brill, 2010); Darren R. Walhof, "Habermas, Same-Sex Marriage and the Problem of Religion in Public Life", *Philosophy and Social Criticism* 39, no. 3 (2013); José Casanova, "The Problem of Religion and the Anxieties of European Secular Democracy", in *Religion and Democracy in Contemporary Europe* (London: Alliance Publishing Trust, 2008); John H. Evans, "An Empirical Perspective on Religious and Secular Reasons", *The Immanent Frame Web site: http://blogs.ssrc.org/tif/2010/10/01/an-empirical-perspective/* (2010).

Among others, Harrington criticizes that Habermas's translation demand does not overcome his previous secularist liberal approach and continues the narrow narrative of a linear, modernist European development, considering secular reasoning mandatory (Harrington, *Habermas and the Post-Secular*); a perspective, which is criticized as ethno- and Euro-centric (Michiel Leezenberg, "How Ethnocentric Is the Concept of the Post-secular?" in *Exploring the Post-Secular. The Religious, the Political and the Urban*, ed. Arie L. Molendijk, Justin Beaumont, and Christoph Jedan (Leiden, Boston: Brill, 2010).

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23 Paolo Flores d'Arcais, "Eleven Theses against Habermas", *The Utopian* (2009) http://www.the-utopian.org/d'Arcais_1

24 Dillon, *Can post-secular*, 148.

25 Habermas, *Dialogue,* 66

secularization[26] and reflects his interpretation of state impartiality toward different faiths[27].

If religious arguments enter the formal public sphere, they must be translated into a secular language accessible to all. Habermas offers the example of "in the image of God" which could be translated into "human dignity"[28]. Although this example lacks empirical criteria, it demonstrates that "translation" is more than a semantic transformation of an argument. For Habermas, it implies the translation of a thought from religious to secular language which, however, "must entail a loss of connotations". To "render the idea that human beings were made 'in the image of God' as 'human dignity' is to lose the original connotation of man having been 'created'". Yet the core of its semantic content need not be lost[29].

According to Robert Audi, it is almost impossible to clearly identify a religious argument (reason), since it is often expressed in secular terms[30]. Audi, a liberal thinker who defends strict church-state separation but advocates religious arguments in the public sphere[31], had proposed a typology of religious arguments two decades ago, and only the first type – an argument with theistic content, such as the mentioned reference to a holy scripture – is clearly identifiable as religious. The other three types of religious argument – the epistemic, the motivational, and the historical type – also contain secular vocabulary which makes identifying them as religious very difficult.

Following Audi, an epistemically-religious argument requires that (a) its premises, (b) its conclusion, (c) both, or (d) its premises warranting conclusion cannot be known, or at least justifiably accepted, apart from reliance on religious considerations, for example scripture or revelation[32]. Considering the motivational criterion, an argument is religious because what motivates the individual to formulate and defend it is a religious objective. An example would be the aim to live life according to God's will. This criterion does not focus on the content of the argument, which can be religious or not. It "applies primarily to reasoning processes and only derivatively to arguments as the abstract structures realized in those processes"[33].

Most importantly, some arguments exchanged within a political debate may be religious in this motivational sense, "except if the person offering the argument acknowledges his [sic] religious motivation, we have no legitimate ground to apply this criterion", and thus, to identify a secular argument as a translated religious argument. A religious argument in the historical sense, finally, "genetically traces explicitly or implicitly, by some mainly cognitive chain, such as a chain of beliefs, to one or more arguments that are religious in one of the above senses, or to one or more propositions that are either religious in content or epistemically dependent on a proposition that is religious in content."[34]

To place this criterion into the context of conservative religious thought, we can contend with Dillon that "the appropriation of religion into civic discourse is not a straightforward matter of simply retrieving from some historical vault a set of traditionally pure principles"[35]. As cases in point, Dillon refers to the history of theological debate about abortion, women's ordination, or same-sex

26 Habermas, *Dialogue,* 65.

27 Habermas, *Equal Treatment*, 15.

28 Habermas, *Dialogue*, 64.

29 Jürgen Habermas, "Religion and the Public Sphere: A Response to Paolo Flores D'Arcais", *The Utopian*, February, 2 (2009). http://www.the-utopian.org/Habermas/,

30 Robert Audi, "The Place of Religious Argument in a Free and Democratic Society", *San Diego Law Review* 30, no. 4 (1993).

31 Audi, *Religious Commitment,* 75-78

32 Audi, *The Place of Religious Arguments*, 680-681.

33 *Ibid.*, 683.

34 *Ibid.*

35 Dillon, *Can post-secular*, 148.

relationships in the Catholic Church. Comparative studies of Catholic countries reveal that, in such moral-political debates, the motivational and historical types of religious argument prevail[36].

Thus, religious groups have not merely been participating in public policy debates for some time[37], they have also applied a "discursive strategy" which somehow falls outside of the range of arguments considered by Habermas – a strategy according to which the Catholic Church addressed its normative views on various issues to the public at large, to "fellow-citizens", and not only fellow believers"[38]. With Flores D'Arcais, cases in point include the Vatican's opposition against laws permitting abortion, assisted fertilization or gay marriage. A central element of this discursive strategy – and this leads back to the "translation proviso" – is the intentional use of secular language for public communication[39]. The Catholic Church has, since the 1970s, objected abortion on behalf of a "person's right to life"[40]. A more recent example of applying secular rights language to religious-moral argument is a petition launched by Italian Catholics against sexual education. This refers merely to legal rights acts such as Art. 26 of the *Universal Declaration of Human Rights* respecting the parent's role in emotional and sexual education, and Art. 30 of the Italian constitution protecting the rights and duties of parents to educate their children.[41]

To conclude, while the normative underpinnings of Habermas`s translation proviso are well intended, it is difficult to identify religious arguments empirically. Moreover, scholars should particularly question which conditions, and for which aims, conservative religious actors express their moral-political concerns in a secular language and whether it occurs within a cooperative process of mutual understanding.

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36 Anja Hennig, *Moralpolitik und Religion. Bedingungen Politisch-Religiöser Kooperation in Polen, Italien und Spanien* (Würzburg: Ergon-Verlag, 2012).

37 Beaumont, *Transcending,* 7.

38 Dillon, *Can post-secular*, 148.

39 Hennig, *Moralpolitik*, 404.

40 For the evolution of this argumentation see Ronald Dworkin, *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (New York: Vintage Books 1993).

41 http://www.citizengo.org/it/14837-una-sana-educazione-alla-sessualita

REFERENCES

Audi, Robert. "The Place of Religious Argument in a Free and Democratic Society." *San Diego Law Review* 30(4), 1993.

Audi, Robert *Religious Commitment and Secular Reason*. Cambridge: Cambridge University Press, 2000.

Bader, Veit. "Post-Secularism or Liberal-Democratic Constitutionalism." *Erasmus Law Review* 5(5):5-26, 2012.

Beaumont, Justin. "Transcending the Particular in Postsecular Cities." In *Exploring the Post-Secular. The Religious, the Political and the Urban*, edited by Arie L. Molendijk, Justin Beaumont and Christoph Jedan, 3-18. Leiden, Boston: Brill, 2010.

Casanova, José. "The Problem of Religion and the Anxieties of European Secular Democracy." In *Religion and Democracy in Contemporary Europe*, 63-74. London: Alliance Publishing Trust, 2008.

Dillon, Michelle. "Can Post-Secular Society Tolerate Religious Difference?". *Sociology of Religion* 71:139-56, 2010.

Evans, John H. "An Empirical Perspective on Religious and Secular Reasons". *The Immanent Frame Website,* 2010: http://blogs.ssrc.org/tif/2010/10/01/an-empirical-perspective/ .

Flores d'Arcais, Paolo. "Eleven Theses against Habermas". *The Utopian*, 2009. http://www.the-utopian.org/d'Arcais_1 .

Habermas, Jürgen. „Dialogue. Jürgen Habermas and Charles Taylor." In *The Power of Religion in the Public Sphere*, edited by Judith Butler, Eduardo Mendieta and Jonathan VanAntwerpen, 60-69: Columbia University Press, 2011.

Habermas, Jürgen. "Religion and the Public Sphere: A Response to Paolo Flores D'Arcais". *The Utopian* http://www.the-utopian.org/Habermas/, no. February, 2, 2009.

Habermas, Jürgen. "Religion in the Public Sphere." *European Journal of Philosophy* 14(1):1-25, 2006.

Habermas, Jürgen. "Equal Treatment of Cultures and the Limits of Postmodern Liberalism." *The Journal of Political Philosophy* 13(1):1-28, 2005.

Habermas, Jürgen. *Naturalismus Und Religion*. Frankfurt/Main: Suhrkamp, 2005.

Habermas, Jürgen. Glaube, Wissen - Öffnung. Zum Friedenspreis Des Deutschen Buchhandels. Eine Dankrede."*Süddeutsche Zeitung*, 10.15.2001*; available at:* http://ig.cs.tu-berlin.de/oldstatic/w2001/eu1/dokumente/Basistexte/Habermas2001-Buchhandel.pdf.

Harrington, Austin. "Habermas and the "Post-Secular Society"." *European Journal of Social Theory* 10(4):543-60, 2007.

Hennig, Anja. *Moralpolitik Und Religion. Bedingungen Politisch-Religiöser Kooperation in Polen, Italien Und Spanien*. Würzburg: Ergon-Verlag, 2012.

Kalbian, Aline H. *Sexing the Church. Gender, Power, and Ethics in Contemporary Catholicism*. Bloomington: Indiana University Press, 2005.

Leezenberg, Michiel. "How Ethnocentric Is the Concept of the Postsecular?" In *Exploring the Post-Secular. The Religious, the Political and the Urban*, edited by Arie L. Molendijk, Justin Beaumont and Christoph Jedan, 91-112. Leiden, Boston: Brill, 2010.

Loobuyck, Patrick and Stefan Rummens. "Religious Arguments in the Public Sphere: Comparing Habermas with Rawls." *Ars disputandi: the online journal for philosophy of religion*, 237-49, 2011 http://hdl.handle.net/10067/920320151162165141.

Walhof, Darren R. "Habermas, Same-Sex Marriage and the Problem of Religion in Public Life." *Philosophy and Social Criticism* 39(3):225-42, 2013.

Weithman, Paul J. *Religion and The Obligations of Citizenship.* Cambridge: Cambridge University Press, 2002.

Wolterstorff, Nicholas. "Habermas on Religion and Postmetaphysicalphilosophy in Political Discourse" In *Understanding Liberal Democracy. Essays in Political Philosophy*, edited by Terrence Cuneo, 353-76. Oxford: Oxford University Press, 2012.

LOST IN TRANSLATION; A CRITIQUE ON HABERMAS' "TRANSLATION PROVISO"

MARTHE KERKWIJK

Jürgen Habermas contends that only secular reasons can justify state coercion in a democracy where the democratic principle - that all those who are subject to a law should be able to see themselves as co-authors of that law – counts [1]. However, he recognises our society as being post-secular: religious plurality is here to stay. Furthermore, he takes on board Nicholas Wolterstorff's insight that religious citizens ought to base their political decisions on their religious beliefs[2]. Therefore, Habermas proposes his translation proviso: religious citizens can use their religious reasons in the public arena, but beyond the institutional threshold they ought to be translated into secular reasons if they are to justify coercion[3]. This process of translation from religious to secular language is the cooperative task of society as a whole, in Habermas' view. This process of translation "salvages" the relevant content from religious reasons and results in secular reasons which are neutral, that is, "equally accessible to all"[4]. Thus, religious and secular citizens can accept this requirement, Habermas argues.

But can religious reasons be translated into secular ones? Are secular reasons neutral in the sense that Habermas suggests? I will argue that translation is not possible without inviting Wolterstorff's objection again.

According to Habermas, "freedom of conscience and religion is the appropriate political response to the challenges of religious pluralism"[5]. This freedom, he continues, contains two corresponding liberties: "the positive liberty to practice a religion of one's own and the negative liberty to remain unencumbered by the religious practices of others"[6]. In a deliberative democracy, this means that religious citizens should be free to express their religious views in public discussion, but at the same time all citizens should be free from coercion by laws for which the only justification is the religious view of others.

The balance between these two liberties is "precarious"[7], as Habermas warns us. If we assume that for many religious citizens their political views are informed by religion, how can they freely express these views in public deliberation without thereby imposing their religious views on those who don't share their beliefs? To protect negative liberty – the right to be free from religious coercion – Habermas contends that a law is only justified if the support given for it is "equally accessible to all"[8], which means for Habermas that it must be phrased in secular language.

Like Habermas, John Rawls supports the view that although citizens are free to express their religious views in public, religious justifications alone are not sufficient to justify a binding law. Rawls's *proviso* holds that as democratic citizens we can "introduce into political discussion at any time our comprehensive doctrine, religious or

1 Jürgen Habermas, "Religion in the Public Sphere: Cognitive Presuppositions for the Public Use of Reason by Religious and Secular Citizens" in *Between Naturalism and Religion: Philosophical Essays*, (Cambridge: Polity Press, 2008), 120-122. For an in-depth discussion of the democratic principle, see: Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (MIT Press, 1998), particularly pp. 97-103.

2 Nicholas Wolterstorff, 'The Role of Religion in Decision and Discussion of Political Issues', in *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, by Robert Audi and Nicholas Wolterstorff (Rowman & Littlefield Publishers, 1997), 105.

3 Habermas, "Religion in the Public Sphere", 130.

4 Ibid., 120.

5 Ibid., 120.

6 Ibid., 120.

7 Ibid., 120.

8 Ibid., 120.

nonreligious, provided that, in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support"[9].

Rawls's proviso has raised the following objection by Wolterstorff who suggests that it puts an undesirable psychological burden, a breach of political integrity, on the shoulders of religious citizens: "It belongs to the *religious convictions* of a good many religious people in our society that *they ought to base* their decisions concerning fundamental issues of justice *on* their religious convictions. They do not view it as an option whether or not to do so"[10]. In other words: if a religious citizen truly believes policy X should be implemented, and her reasons for believing so are based on her religious convictions only, then to ask of her not to support the policy *unless* she can also offer a justification that does not depend on her religious conviction would demand a kind of dishonesty of her that is not only undesirable for that reason alone, but also violates the positive liberty of the freedom of consciousness and religion. I will call Wolterstorff's objection, henceforth, the Integrity Objection.

Habermas takes on board the integrity objection but is not content with Wolterstorff's solution - to allow unrestrained access of religious justification in the institutional sphere where laws are made – since that endangers the negative liberty discussed above, and introduces the danger of tyranny of the majority in societies where one religion is dominant[11]. Instead, he offers his "institutional translation proviso"[12]: religious citizens can justify their political convictions in public discourse using religious language, but they must accept

that "beyond the institutional threshold"[13] only secular reasons count. This means that religious reasons must be translated to secular reasons. To avoid placing the burden of translation on religious citizens only, "this requirement of translation must be conceived as a cooperative task in which the nonreligious citizens must likewise participate"[14]. See fig. 1 for a representation of this two-tier model.

PUBLIC SPHERE

(Where citizens discuss public matters. Religious and secular language)

TRANSLATION

INSTITUTIONAL SPHERE

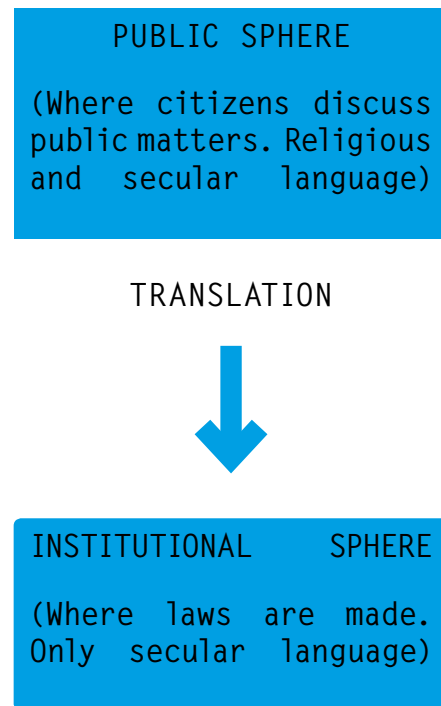(Where laws are made. Only secular language)

Fig. 1

Some authors have argued that placing the filter on the institutional threshold instead of within the public sphere does nothing to counter the integrity objection. After all, why would a religious citizen contribute to a public discussion if she must accept that her religious reasons will not count in the institutional sphere or be used to justify the laws they are meant to support[15]?

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9   John Rawls, "The Idea of Public Reason Revisited", *University of Chicago Law Review* 64.3 (1997) 776.

10 Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues", 105.

11 Habermas, "Religion in the Public Sphere", 134.

12 Ibid., 130.

13 Ibid., 130.

14 Ibid., 131.

15 See, for instance, Alessandro Ferrara, "The Separation of Religion and Politics in a Post-Secular Society"; and Lafont, "Religion and the Public Sphere What Are the Deliberative Obligations of Democratic Citizenship?" both in *Philosophy and Social Criticism* 35:1-2 (2009).

This is where the metaphor of translation comes in. Habermas uses this metaphor throughout. He talks of "religious language" and "secular language", maintaining that the former can be "translated" into the latter[16]. The translation proviso, therefore, does not function as a filter that simply prevents religious reasons from entering the institutional sphere whilst letting secular ones through. Instead, it functions as a filter in which a *transformation* takes place: religious reasons are translated, that is, reformulated in secular terms. For this to work, Habermas must show that what comes out of that filter is in some recognisable way the same reason as the religious one stated. He must show that what makes the religious reason relevant to the discussion does not get lost in translation. If it does become lost, and translation into secular language does not enable the full force of the religious reason to enter the institutional sphere, the integrity objection applies all the same.

Habermas is aware of this but is optimistic for two reasons: firstly he points out that his translation model depends on a mutual learning process facilitated by the premise of a deliberative democracy to which he takes all citizens to be committed, such as the principle of reciprocity and respect for each other's autonomy and co-authorship of the law - meaning that there is an understanding that they owe each other good reasons[17]. Therefore, he contends, religious citizens can understand and accept that the religious formulation of the reasons they put forward cannot be enough to convince nonreligious individuals and so reformulation in secular language is needed to make these reasons equally accessible to all. At the same time, secular citizens can understand and accept that religion remains a source of political motivation for many and a vehicle for politically relevant meaning from which they might learn. Therefore, Habermas contends, in a post-secular society, nonreligious citizens can understand that religious reasons are

to be taken seriously in public deliberation and not to be dismissed as belonging to the private sphere. Hence, Habermas speaks of a mutual learning process[18].

Secondly, he is optimistic that translation of religious language to the secular is possible. Translation, he notes, can "salvage" the relevant cognitive content from religious reasons and make them equally accessible to all. He gives several examples of the sort of translation he has in mind, for instance: the idea that human dignity deserves equal and unconditional respect can be seen as a translation of the idea that humans are made in the image of God[19], as well as Marx's idea of the emancipated society as a translation of the idea of the kingdom of God[20].

But a few examples don't merit the optimistic view that all relevant religious reasons have good secular translations. For that, we have to look deeper at the process of translation, and what it means to "salvage" the relevant content from religious reasons. Habermas is somewhat vague on this account, so Maeve Cooke offers one answer. According to Cooke, "[successful] translations retain the power of the original to inspire thought and action insofar as they succeed in making truth appear anew"[21]. She claims that translations in this respect fulfil two functions: (1) "they enable critical engagement with these truth contents" and (2) "serve motivational purposes, for example, inspiring collective action"[22]. She argues that translation of inspirational religious stories

16 Habermas, "Religion in the Public Sphere", 131.

17 Ibid., 136.

18 Ibid., 136–144.

19 Ratzinger and Habermas, *The Dialectics of Secularization*, (San Francisco: Ignatius Press, 2007) 45.

20 Habermas, "The Boundary between Faith and Knowledge: On the Reception and Contemporary Importance of Kant's Philosophy of Religion", in *Between Naturalism and Religion: Philosophical Essays,* (Cambridge: Polity Press, 2008) 231.

21 Cooke, "Translating Truth", *Philosophy & Social Criticism* 37(4):481, May 1, 2011.

22 Ibid., 483.

can fulfil the first function, but whether it fulfils the second depends on subjective characteristics of the target audience.

So, for both Habermas and Cooke it is important that justifications for laws are not only logically valid and cognitively comprehensible, but also carry a motivational force. If this is important, then it is also imperative that translation preserves this force. Why is this significant? Firstly, it is important for Habermas, given his commitment to a mutual learning process whereby secular citizens might learn from the meaning and motivational force embedded into religious language. This characteristic makes Habermas' account *post-secularist* rather than secularist. Secondly, let us remember the democratic principle that those who are subject to the law should be able to see themselves as co-authors of that law. For Habermas, co-authorship means co-ownership. He would like citizens to be coerced by only those laws whose justifications they could come to *accept as their own*. For this to happen, citizens must not only be able to *critically engage* with the justifications for laws, but be able to understand themselves as *addressed* by these justifications. This in turn is only possible if they are receptive to the *motivational force* of such justifications. Only when a citizen is grasped by this motivational force, can she truly call the justification *her own*. It is characteristic of Habermas' work that he stresses that democratic deliberation and law-making is not an armchair exercise. Active engagement of those potentially affected by binding decisions is essential.

Cooke focuses in her article on exemplary figures and acts. Take, for example, the story of an exemplary figure or act which inspires those who have access to the cultural religious tradition to which the story belongs; how can that story be translated to those who have no access to this tradition? Her argument is that a good translator can indeed "represent" truth in new ways, to new audiences. However, whether the motivational force of an exemplary figure or act can be transposed by translation is not so easy to predict. I will discuss one of her examples here.

Central to Orhan Pamuk's novel, *My Name is Red*[23] which is set in Istanbul, is the practice of manuscript illumination. Master Osman, the master illuminator, is inspired by a tradition of great illuminators in the past, many of whom produced their best work when blind. One of the legendary illuminators is Master Bihzad. The story goes that Master Bihzad blinded himself voluntarily when he reached a state so close to the divine that he no longer needed physical eyesight to do his work. When Master Osman finds the needle with which Master Bihzad reputedly used to blind himself, he proceeds to do exactly the same[24]. The story of Master Bihzad has an exemplary validity for Master Osman. "But", Cooke rightly asks, "does it have it for *us*?"[25] I doubt many of Pamuk's readers have blinded themselves with a needle. Yet, Pamuk, as a gifted intercultural translator, succeeds in opening up the premise of this story to his readers in such a way that the act of self-blinding is no longer utterly bizarre, but – seen from Master Osman's perspective – rather plausible. Pamuk opens up truths such as this which states that there is more to seeing than physical eyesight, and that great sacrifices are sometimes worth it.

This example shows that the first function of translation can be fulfilled: Pamuk's readers can critically engage with the truth contents implicit in the story of Master Osman. But for this story to have any motivational force, the second function, more is needed. It is one thing to understand that certain circumstances can call for a sacrifice – like self-blinding – but it is quite another to see oneself

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23 Pamuk, *My Name Is Red*, translated by Erdag Goknar (London: Faber & Faber, 2011).

24 Cooke, "Translating Truth", 485–487.

25 *Ibid*., 485.

as being called to make such a sacrifice. And this, I take it, is beyond the scope of translation. Not because stories like the one Pamuk tells us have no effect on our motivations – they do! - but because the effect they have is highly subjective. It depends on the vast network of other connections - not least that which binds us to the exemplary figures in the story - that determine our motivations. Therefore, I doubt there is any secular language available that is neutral in the sense of "equally accessible to all", as Habermas hopes. Truths can be "salvaged" from a story like Pamuk's; his readers can recognise that a truth like "great sacrifices are sometimes worth it" is universally applicable. Yet, they need the story of Master Osman to be able to *critically engage* with such a truth. However, the story does not execute the motivational on them as it does on Master Osman, since he stands in a particular relation to Master Bihzad. Pamuk's readers do not. Likewise, religious citizens stand in a particular relation to the exemplary figures in their respective traditions which those of another religion, or no religion, don't share. Translation cannot bridge that gap.

Finally, back to the integrity objection; if the motivational force of religious reason is lost in translation between the public and institutional sphere, the integrity objection still applies. Firstly, because without the motivational force it is no longer clear how the reason in question can be taken seriously in the institutional sphere such that it has an effect on decision-making, and secondly because without the motivational force it is doubtful that the religious citizens to whom these reasons matter can still truly call them *their* reasons.

Habermas hopes that translation from religious to secular language can render religious reasons accessible to all. "Accessible" is thereby not merely to be understood as "comprehensible", but indeed as "acceptable" in a stronger sense. Cooke has shown that whilst translation can enable critical

engagement beyond the boundaries of a religious or cultural group, it cannot achieve the universal acceptability hoped for by Habermas. Whether a reason can be accepted as one's own depends to a large degree on subjective characteristics of the kind that gave rise to the integrity objection in the first place. This conclusion can say very little about the question asking to which extent religious reasons may indeed justify laws; that question is beyond the scope of this chapter. What I do hope to show is this: if the integrity objection is indeed a problem, as Habermas admits, the translation proviso is an unsatisfactory solution.

REFERENCES:

Benjamin, Walter. "The Task of the Translator." In *Walter Benjamin: Selected Writings Volume 1 1913-1926*, edited by Marcus Bullock and Michael W. Jennings, 5th edition., 253–63. Cambridge MA and London: Belknap Press of Harvard University Press, 2002.

Calhoun, Craig, Eduardo Mendieta and Jonathan VanAntwerpen. *Habermas and Religion*. Polity Press, 2013.Cooke, Maeve. "Violating Neutrality? Religious Validity Claims and Democratic Legitimacy." In *Habermas and Religion*, edited by Craig Calhoun, Eduardo Mendieta and Jonathan VanAntwerpen, 249–74. Cambridge: Polity Press, 2013.

"Translating Truth." *Philosophy & Social Criticism* 37, 4 (May 1, 2011):479–92.

"Salvaging and Secularizing the Semantic Contents of Religion: The Limitations of Habermas's Postmetaphysical Proposal." *International Journal of Philosophy of Religion* 60, 1/3 (2006):187–20.

Cooke, Maeve. "Five Arguments for Deliberative Democracy." *Political Studies* 48, no. 5 (2000):947–69.

Eberle, Chris and Terence Cuneo. "Religion and Political Theory." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter 2012.. http://plato.stanford.edu/archives/win2012/entries/religion-politics/.

Eberle, Christopher J. "Basic Human Worth and Religious Restraint." *Philosophy & Social Criticism* 35, no. 1–2 (January 1, 2009):151–81.

Ferrara, Alessandro. "The Separation of Religion and Politics in a Post-Secular Society." *Philosophy & Social Criticism* 35, no. 1–2 (January 1, 2009):77–91.

Gaus, Gerald F. and Kevin Vallier. "The Roles of Religious Conviction in a Publicly Justified Polity The Implications of Convergence, Asymmetry and Political Institutions." *Philosophy & Social Criticism* 35, no. 1–2 (January 1, 2009):51–76.

Habermas, Jürgen. "Reply to My Critics." In *Habermas and Religion*, Craig Calhoun, Eduardo Mendieta, and Jonathan VanAntwerpen (eds.), 347–90. Polity Press, 2013.

Nachmetaphysisches Denken II: Aufsaetze Und Repliken. Berlin: Suhrkamp Verlag, 2012.

"Religion in the Public Sphere: Cognitive Presuppositions for the Public Use of Reason by Religious and Secular Citizens." In *Between Naturalism and Religion: Philosophical Essays*, by Jürgen Habermas, 114–48. Cambridge: Polity Press, 2008.

"The Boundary between Faith and Knowledge: On the Reception and Contemporary Importance of Kant's Philosophy of Religion." In *Between Naturalism and Religion: Philosophical Essays*, by Jürgen Habermas, 209–48. Cambridge: Polity Press, 2008.

Religion and Rationality: Essays on Reason, God and Modernity. Edited by Eduardo Mendieta. Polity Press, 2002.

Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy. MIT Press, 1998.

Postmetaphysical Thinking: Philosophical Essays. MIT Press, 1994.

Texte und Kontexte. Suhrkamp, 1991.

Theorie Des Kommunikativen Handelns, Band 1. Vol. 1. Frankfurt am Main: Suhrkampf Verlag, 1981.

Lafont, Cristina. "Religion and the Public Sphere What Are the Deliberative Obligations of Democratic Citizenship?" *Philosophy & Social Criticism* 35, no. 1–2 (January 1, 2009):127–50.

McCarthy, Thomas. "Legitimacy and Diversity: Dialectical Reflections on Analytic Distinctions." In *Habermas on Law and Democracy*, edited by Michel Rosenfeld and Andrew Arato, 6:115–153. Berkeley and Los Angeles: University of California Press, 1998.

"Kantian Constructivism and Reconstructivism: Rawls and Habermas in Dialogue." *Ethics* 105 (1994):44–63.

Nussbaum, Martha C. *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*. Belknap Press of Harvard University Press, 2012.

Pamuk, Orhan. *My Name Is Red*. Translated by Erdag Goknar. London: Faber & Faber, 2011.

Ratzinger, Joseph and Jürgen Habermas. *The Dialectics of Secularization: On Reason and Religion*. San Francisco: Ignatius Press, 2007.

Rawls, John. "The Idea of Public Reason Revisited." *University of Chicago Law Review* 64, no. 3 (1997):765–807.

Ricoeur, Paul. *On Translation*. Translated by Eileen Brennan. London and New York: Routledge, 2006.

Figuring the Sacred: Religion, Narrative, and Imagination. Edited by Mark I. Wallace. Translated by David Pellauer. Fortress Press, 1995.

Riordan, Patrick. "Permission to Speak: Religious Arguments in Public Reason." *Heythrop Journal* XLV,(2004):178–196.

Weithman, Paul J. *Religion and the Obligations of Citizenship*. Cambridge, UK; New York: Cambridge University Press, 2006.

Wolterstorff, Nicholas. "An Engagement with Jurgen Habermas on Postmetaphysical Philosophy, Religion and Public Dialogue." In *Habermas and Religion*, edited by Craig Calhoun, Eduardo Mendieta, and Jonathan VanAntwerpen, 92–111. Cambridge: Polity Press, 2013.

"The Role of Religion in Decision and Discussion of Political Issues." In *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, Nicholas Wolterstorff and Robert Audi. Rowman & Littlefield Publishers, 1997.

LIBERAL JUSTIFICATORY NEUTRALITY AND MANDATORY VACCINATION SCHEMES

BOUKE DE VRIES

It is not uncommon for parents within liberal societies to refuse to have their children vaccinated against infectious diseases such as the measles, mumps, smallpox, polio, and whooping cough. Whilst some parents object to vaccinations on religious grounds (e.g. certain groups of orthodox Calvinists in The Netherlands believe that preventive health measures interfere with God's will[1]), others hold the view that vaccinations are not just ineffective but positively harmful for children (e.g. certain groups of vaccine-sceptics in the US and other countries believe that vaccinations cause autism[2]).

These kinds of objections cause some liberals to feel conflicted about mandatory vaccination schemes [henceforth MVS]. On the one hand, they desire that the state be neutral towards the reasonable comprehensive doctrines of citizens which requires that state policies are not based on sectarian metaphysical, epistemological, or moral views. On the other, they want to protect children from severe bodily harm. However, since the decision to make vaccinations compulsory seems to rely on a controversial set of secular, scientific beliefs about the (relative) harm of infectious diseases and the best prevention, it appears that these liberals must choose between these desiderata or balance them.

Against this view, I will argue that implementing MVS against the wishes of religiously-motivated anti-vaccinators and vaccine-sceptics does not violate the principle of liberal justificatory neutrality. If sound, my argument suggests that the putative tension between liberal commitments to state neutrality and children's well-being need not exist in the case of MVS.

I - State policies may be neutral in different ways: in terms of their impact on people's well-being, the opportunities they offer for living self-directed lives, the intentions of policy-makers and so on. In this chapter, I will focus on a particular kind of neutrality, namely liberal justificatory neutrality. As I understand it, policies are neutrally justified from a liberal viewpoint if, and only if, the state's motivations for implementing them are impartial in the right way (but more on this below). The reason for focusing on liberal justificatory neutrality is that, at least within the Dutch context, MVS are usually criticised for having *non-neutral justifications*, and, by virtue of this, of being *illiberal.* According to this line of criticism, MVS are only acceptable to citizens with mainstream, secular worldviews and not to those with alternative comprehensive doctrines, i.e. with alternative sets of moral, metaphysical and epistemological beliefs, such as the aforementioned orthodox Calvinists and vaccine-sceptics. Accordingly, it seems that if I can show that MVS respect the principle of liberal justificatory neutrality, this will help challenge the idea that such schemes are (unduly) sectarian or non-neutral.

A side-note: even if sound, this chapter's argument may not convince opponents of MVS that MVS are justified *all-things-considered*. Not only may they

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1   The refusal of these groups to have their children vaccinated allowed the measles to make a return in 2013 which led to the hospitalisation of approximately 200 children. See Pierik, Roland. 2013. "Dan toch maar een vaccinatieplicht?". Nederlands Juristenblad 88 (40):2798-2807; and Pierik, Roland. 2014. "The Return of the Measles to the Low Countries: A Legal-Philosophical Exploration". Netherlands Journal of Legal Philosophy 43(2):103-107.

2   This belief has become fairly widespread since medical researcher Andrew Wakefield suggested a link between MMR vaccinations and autism in a 1998 article, which was later retracted for fraud.

oppose MVS on grounds other than these schemes' putative violation of liberal justificatory neutrality (e.g. by arguing that MVS undermine religious liberty or certain communitarian goods), some opponents may hold that for MVS to be neutral *simpliciter*, it is not sufficient that they be neutrally justified. Rather than try to convince such critics that MVS are justified, all things considered, my aim here is merely to raise the argumentative bar for those maintaining that MVS violate liberal neutrality by showing that such schemes can be neutrally justified.

In order to show that MVS respect the principle of liberal justificatory neutrality, a definition is necessary. As I understand it, liberal justificatory neutrality is obtained when a state's (in)actions are justified on grounds that are acceptable to all citizens who are "reasonable" in that they accept that all citizens should have equal liberal rights and freedoms, such as rights to bodily integrity, shelter, freedom of speech, freedom of association, and the right to vote[3]. Whilst political theorists disagree profoundly about what such acceptability involves, they seem to agree that liberal justificatory neutrality bars states from justifying policies on the basis of moral, metaphysical or epistemological beliefs to which only some reasonable citizens subscribe. On this understanding, a justificatory neutral state is precluded from, for example subsidising opera on the basis of opera's (putative) intrinsic value, raising the price of NASCAR tickets on the basis of NASCAR's (putative) lack of value, or revoking the Catholic church's tax-exempt status on the basis of its (putative) false religious creeds, as not all reasonable citizens within contemporary liberal-democracies can accept the beliefs on which those justifications are predicated. That is, at least some reasonable citizens seem to believe that opera is worthless, NASCAR is valuable, and Catholicism is true, which is why none of these policy justifications qualify as neutral within those societies.

There are two influential schools of thought as to what render policies acceptable in the manner required by liberal justificatory neutrality. According to the *convergence model* developed by Gerald Gaus and Kevin Vallier[4], a policy is neutrally justified (or, as they might prefer to say, 'publicly justified') if and only if all citizens who are committed to treating one another as free and equal would decide that they have sufficient reason to accept it they were to carefully weigh all considerations that they believe bear on the decision. Put differently, all must be able to conclude that they have sufficient reason to accept the policy if they were to consult and carefully evaluate their beliefs and values[5]. Important for our purposes is that the reasons on which citizens accept (or reject) policies need not be shared or shareable. To illustrate this, suppose that groups of Orthodox Jews and feminists both supported a ban on pornography; on the convergence model, banning pornography may be neutrally justified here even if neither party could accept the the other's reasons for supporting the ban as being strong or good (suppose that the Orthodox Jew supported a ban on the basis of their faith and feminists did so out of concern for women's autonomy)[6].

By contrast, the *consensus model* defended by Jonathan Quong[7] (amongst others) requires that policies be justified by reasons that are "public" in that they can be shared by citizens with different

3 See John Rawls, *Political Liberalism.* (New York: Columbia University Press, 2005)

4 See e.g. Gerald Gaus, *The Order of Public Reason A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2012); Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (New York: Routledge, 2014).

5 Gaus, Gerald and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions". *Philosophy and Social Criticism* (35): 51-76, 2009.

6 That said, the convergence model does require that citizens' reasons be intelligible according to their own evaluative standards; I will not go into this requirement here due to space constraints. See Gaus and Vallier, "Religious Conviction", 56-8.

7 Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2010)

reasonable comprehensive doctrines. When are policies backed by public reasons? Most defenders of the consensus model consider it to be necessary and sufficient that policies pursue important common interests with due concern for citizens' rights. For example, modest subsidies for football clubs may be publicly justified if such subsidies help to promote children's health and teach them about cooperation; in that case, weighty common interests are served in a way that respects people's rights

Important here is that these subsidies would be publicly justified on the consensus model *even if* some Orthodox believers would oppose (after careful reflection) subsidising competitive sports on the basis of their conviction that competitive sports are sinful (a non-public reason). In this respect, the model differs from Gaus and Vallier's convergence model which allows for the possibility that non-public reasons may delegitimate policy proposals, including reasons derived from "reasonable religious values [...] without supporting secular rationales"[8].

Though a lot more may be said about the convergence and consensus models, what is pertinent for our purposes is this: Gaus and Vallier's convergence model can be understood as providing a more *demanding* standard of public or neutral justification. Given how diverse contemporary liberal-democracies are, it seems that for any given policy, there are likely to be reasonable citizens who are civic-minded such that they will only be able to accept the policy in question from within their comprehensive doctrine if it is supported by public reason. If correct, this suggests that for policies to be publicly or neutrally justified on Gaus and Vallier's convergence model, it will almost always

be necessary that they be supported by *both* public reasons and various non-public ones[9].

Why does this matter? The answer is that if I can show MVS to be neutrally justified on Gaus and Vallier's convergence model, then it seems that such schemes are *a fortiori* neutrally justified on the consensus model. This would then suggest that MVS respect liberal justificatory neutrality *irrespective* of which model is adopted. For the rest of this chapter, I shall therefore accept *arguendo* Gaus and Vallier's convergence model.

II - It may initially seem that MVS cannot be neutrally justified on Gaus and Vallier's convergence model. Whilst such schemes serve an important public interest, namely protecting children from severe bodily harm, some citizens in contemporary liberal-democracies are likely to oppose them upon reflection. That is, at least some citizens within those societies are likely to believe, after careful consideration, that they have *insufficient reason* to accept MVS from within their comprehensive doctrine – just think of the Dutch orthodox Calvinists who regard vaccinations as interfering with divine predestination.

The problem with this view is this: it leaves out the fact that even in the convergence model, the principle of liberal justificatory neutrality only requires that policies be acceptable to citizens with *reasonable* comprehensive doctrines, i.e. with doctrines that respect the free and equal status of all citizens.[10] To see why this is so, note that for liberal states to be neutral towards unreasonable comprehensive doctrines would defeat their most fundamental aim, namely protecting citizens'

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8 Gaus and Vallier, "Religious Conviction", 65.

9 Gaus and Vallier recognize this; see "Religious Conviction", 61.

10 Gaus and Vallier thus note that the individuals to whom policies ought to be justified should "conceive of each other as free and equal persons"; see "Religious Conviction," 54.

freedom and equality. What this suggests is that *liberal* (justificatory) neutrality cannot coherently require states to be neutral towards unreasonable comprehensive doctrines.

This observation is important, since if liberal justificatory neutrality is not violated when citizens oppose a policy on unreasonable grounds - *regardless* of whether the consensus or convergence model is used as our standard - then insofar as it is unreasonable to oppose MVS, such schemes would be compatible with liberal justificatory neutrality.

I believe that this is indeed the case. Consider again the case of the Dutch orthodox Calvinists; even if many members of this group reject MVS in order to save their children from (possibly far greater) harm in the afterlife, the fact is that they are willing to endanger their children's future freedom by denying them easily available protection against potentially disabling and lethal diseases. Regardless of the strand of liberalism one accepts, I take it that this willingness fails to show the minimum respect for the liberty of other citizens that is owed from a liberal perspective. Whilst many liberals allow adults of sound mind to freely expose themselves to health risks (e.g. smoking) that may severely undermine their future freedom, almost none seem willing – and quite rightly, I want to suggest - to extend this liberty to children. The reason is, of course, that we want people to make competent decisions about such important matters, something most children cannot do. (Notice further that the possibility that children may retrospectively endorse their parents' decision not to vaccinate them seems irrelevant here; even if retrospective endorsement could in principle justify non-vaccination - which is dubious to say the least - there is no guarantee that children will later endorse their parents' decision not to vaccinate them). If correct, this suggests that opposing MVS on purely religious (or other non-public) grounds is unreasonable, and therefore does not violate liberal justificatory neutrality.

In my view, vaccine-sceptics who oppose MVS on the basis of supposed health risks raise a more formidable challenge to this chapter's claim.[11] Members of this group may well accept that liberal states should look after children's future capacity for individual self-direction and protect citizens' freedom and equality more generally. Unlike the orthodox Calvinists, such vaccine-sceptics consequently need not hold less than fully reasonable comprehensive doctrines. Insofar as liberal justificatory neutrality requires that policies be neutrally justified towards *all* citizens with reasonable comprehensive doctrines (as I have argued it does), this may then suggest that MVS are non-neutral in societies where they face opposition from these individuals..

I do not think this follows. To see why not, notice that insofar as these vaccine-sceptics are reasonable, they would want the state to take measures to protect children from severe bodily harm if this can be done at moderate costs *even if* they falsely believed that those measures are not just ineffective but counterproductive. The assumption here is that one is not seriously committed to protecting citizens' freedom and equality if one does not want the state to protect children's future capacity for self-direction in case one falsely believed that the state's measures had the contrary effect. Yet if this is so, then insofar as there is abundant evidence that vaccinations protect children from dangerous diseases and are likely to have negligible side-effects – as I assume there is - MVS seem neutrally justifiable on the convergence model despite the opposition of reasonable vaccine-sceptics.

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11 For an overview of anti-vaccination groups in various Western countries, see Stuart Blume, "Anti-vaccination movements and their interpretations" *Social science & medicine, 62*:628-664, 2006.

By implementing such schemes, the state would be acting on these individuals' beliefs about what the state should do in case they were mistaken about the health benefits of vaccinations; i.e. it would be implementing a policy that reasonable vaccine-sceptics believe they have sufficient reason to accept under those circumstances. As far as I can tell, this meets the principal requirement of Gaus and Vallier's convergence model, namely that MVS be all-things-considered justified from within each reasonable citizen's comprehensive doctrine.

If this is correct, we can conclude that, given that Gaus and Vallier's convergence model is more demanding than its consensus-based counterpart (see above), MVS respect the principle of liberal justificatory neutrality.

REFERENCES

Blume, S. "Anti-vaccination movements and their interpretations". *Social science & medicine,* 62(3):628-664.

Gaus, Gerald. *The Order of Public Reason A Theory of Freedom and Morality in a Diverse and Bounded World.* Cambridge: Cambridge University Press, 2012.

Gaus, Gerald and Kevin Vallier. "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions". *Philosophy and Social Criticism* 35(1-2):51–76, 2009.

Pierik, Roland. "The Return of the Measles to the Low Countries: A Legal-Philosophical Exploration". *Netherlands Journal of Legal Philosophy* 43(2):103-107, 2014.

Pierik, Roland. "Dan toch maar een vaccinatieplicht?" *Nederlands Juristenblad* 88(40):2798-2807, 2013.

Quong, Jonathan. *Liberalism without Perfection.* Oxford: Oxford University Press, 2010.

Rawls, John. *Political Liberalism.* New York: Columbia University Press, 2nd edition, 2005.

Vallier, Kevin. *Liberal Politics and Public Faith: Beyond Separation.* New York: Routledge, 2014.Wakefield, Dr A.J., S.H. Murch, A. Anthony, J. Linnell, D.M. Casson, M. Malik, M. Berelowitz, A.P. Dhillon, M.A. Thomson, P. Harvey, A. Valentine, S.E. Davies, and J.A. Walker-Smith. "RETRACTED: Ileal-lymphoid-nodular hyperplasia, non-specific colitis, and pervasive developmental disorder in children". *The Lancet,* 351(9103):637–641, 28 February 1998. Available: http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(97)11096-0/abstract

RESPECT FOR PERSONS AND THE RESTRICTED USE OF RELIGIOUS REASONS IN PUBLIC JUSTIFICATION

NEMANJA TODOROVIĆ

Arguably the dominant paradigm in contemporary political theory, political liberalism[1] (PL) asserts that exercise of political power solely on the basis of religious reasons[2] is morally tainted.

According to PL theorists, for a policy proposal to be publicly justified, its underlying rationale must be spelled out in terms that reasonable citizens can be expected to accept[3]. While the proponents of PL differ in their construal of the reasonable acceptability criterion, most agree that religious reasons are particularly ill suited to satisfy it. They (1) invite metaphysical and normative commitments that other citizens might reasonably reject, and (2) appreciation of their validity depends on the kinds of experiences that many non-religious citizens cannot be expected to have. Consequently, in so far as they act in their political capacity, religious citizens ought to exercise restraint and justify their decisions on the grounds of secular rea-sons, or, on the grounds of religious reasons that admit a secular analogue.

Probably the most familiar argument for restraint is the argument of 'respect for persons[4]'. This will be the focus of the paper. First, I will briefly unpack the structure of PL, providing the normative tools for interpreting and evaluating the concept of respect for persons. Second, I will offer two possible interpretations of the concept of respect, arguing that they either do not provide unequivocal support for restraint or demand more comprehensive foundations than PL is able to provide[5]. In the end, due to space constraints, I only gesture toward a possible strategy for reinforcing the respect argument by supplementing it with auxiliary premises.

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1 For more familiar statements of Political Liberalism, see: John Rawls, Political Liberalism (New York: Columbia University Press, 1993); Robert Audi, Religious Commitment and Secular Reason (Cambridge: Cambridge University Press, 2000); Charles Larmore, The Morals of Modernity, (Cambridge: Cambridge University Press, 1996); David Estlund, Democratic Authority: A Philosophical Framework (Princeton, NJ, Princeton University Press, 2009).See reference section

2 Robert Audi draws a distinction between religious and secular reasons in reference to their different epistemic grounds. Religious reason for action (or belief) is a reason whose status as a justifier of an action (or belief) evidentially depends on the existence of God, or on the pronouncements of the individual or institution as a religious authority. Secular reason would then simply be a reason whose epistemic status is independent of the existence of God. See Audi, Religious Commitment, 67.

3 John Rawls Political Liberalism, (New York, Columbia University Press, 1996), p. xlvi

4 For more familiar statements of the argument, see Charles Larmore, "The Moral Basis of Political Liberalism", The Journal of Philosophy, 12 (1999), pp. 599-625; Joshua Cohen, "Moral Pluralism and Political Consensus in The Idea of Democracy, edited by David Copp, Jean Hampton, and John E. Roemer (Cambridge, Cambridge University Press, 1993) pp. 270-291; James Boettcher, "Respect, Recognition, and Public Reason", Social Theory and Practice, 33 (2007): 223-249.

5 The argument comes with two important caveats: while my main concern is the structure of the respect argument as it applies to all political actors, I recognize (a) that breach of respect by public officials might be more onerous, and (b) that there might be some subsidiary considerations that would impose the restraint on public officials, even if the argument for respect doesn't succeed. For discussion of these points, see: Kent Greenawalt, Private Consciences and Public Reasons (Oxford: Oxford University Press, 1995), János Kis, "State Neutrality" in The Oxford Handbook of Comparative Constitutional Law; edited by Michel Rosenfeld and András Sajó (Oxford: Oxford University Press, 2012), pp.318-335, Second, I also assume that a variant of the respect argument can resist paternalistic (as well as perfectionist) state action more generally, rendering a number of religious rationales for public action illegitimate (i.e. policies aiming at curtailing 'sinful' behavior that doesn't harm others). For a variant of this argument, see Jonathan Quong, Liberalism without perfection (Oxford: Oxford University Press, 2010), chapter 3. See reference section

I - PROJECT OF POLITICAL LIBERALISM

While the dominant narrative traces origins of liberalism to European wars of religion and a principled defense of freedom of conscience[6], it is a more robust instantiation of the idea of moral equality, commitment to a range of political and individual rights and liberties, and focus on the reflective capacities that we tend to associate with present-day liberalism[7]. The way that these substantive commitments 'fit' into an overarching and systematic theoretical picture is, of course, a matter of intense controversy within the liberal scholarship[8].

One particularly influential strand of liberal theory[9] ties liberalism closely to the ideal of personal autonomy[10]. One problem with this brand of liberalism is that many might regard the underlying ideal of autonomously-conducted life as unduly controversial[11]. The failure of comprehensive anti-perfectionism points to an inseparable aspect of liberal democratic societies – intransigent disagreements on what is a good and successful life, on the nature and content of moral prescripts, existence of God and other metaphysical questions, nature of truth etc. These considerations, that determine one's stance on most aspects of life, add up to what John Rawls calls a comprehensive doctrine[12](CD). What accounts for this diversity of agonistic comprehensive doctrines is the existence of a number of obstacles to human reasoning, so-called 'burdens of judgment'(BOJ)[13].

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6   John Rawls, Political Liberalism, xxiv.

7   Jeremy Waldron, Liberal rights: Collected papers 1981-1991 (Cambridge: Cambridge University Press, 1993), p. 37.

8   Scholars strongly disagree on the exact content and scope of those rights and liberties, as well as on the kinds of considerations that should be employed in justifying rights and their restrictions. Political liberals suggest a reasonable consensus on the content of appropriate public reasons, but they allow for significant disagreements on what policies these might support. Still, any political project that licenses forced religious conversion, radical restriction of free speech in peacetime and/or criminalizes consensual sexual behavior in the privacy of one's home is certainly illiberal. For a taxonomy of contemporary conceptions of liberalism see Jonathan Quong, Liberalism without Perfection, Chapter 1.

9   We can call this conception comprehensive anti-perfectionism (Quong, Liberalism Without Perfection, p. 21). This conception is comprehensive insofar as it claims that referring to a particular ideal of what constitutes a valuable and worthwhile human life (here, the ideal of personal autonomy) is the only way to adequately justify liberal principles or institutions. It is anti-perfectionist since it asserts that it is impermissible for a liberal state to promote or discourage activities on the grounds that they are worthwhile or worthless. For more familiar statements of comprehensive anti-perfectionism, see John Rawls, A Theory of Justice (Oxford: Oxford University Press, 1971), Ronald Dworkin, Sovereign Virtue: The Theory and Practice of Equality (Cambridge: Harvard University Press, 2002); Will Kymlicka, Liberalism, Community and Culture (Oxford, Clarendon Press, 1989);

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10 It is precisely because we value and/or pay due respect to the fact that "human beings … are capable of forming and acting on intelligent conceptions of how their lives should be lived" that we think that (1) individuals should enjoy wide discretion in their life choices (constrained only by considerations of justice), and (2) that government shouldn't ground its activity on controversial judgments about comparative value of such life choices. Ronald Dworkin, Taking Rights Seriously (London: Duckworth, 1991) p. 272.

11 What matters, they might argue, is that life is lived in accordance with divine law – life conducted in contemplation and glorification of God. Whether this life has been achieved via self-reflection or not is of no interest. Furthermore, some might think that induced critical-reflection might even effectively compromise religious devotion by inducing doubt and confusion.

12 John Rawls, Political Liberalism, p.58

13 These are: (a) empirical and scientific evidence is conflicting and complex, (b) even when we agree about the kinds of considerations that are relevant, we may disagree about their relative weight, (c) all concepts are to some extent vague and subject to hard cases, (d) the way we assess evidence and weigh values is shaped by our total life experience, (e) there are different kinds of normative considerations on both sides of any issue, and (f) any system of social institutions is limited in the values it can admit, so that some selection must be made. Many hard decisions may seem to have no clear answer. Rawls, Political Liberalism, pp. 56-57.

In circumstances of such deep disagreement, liberalism "…entails focusing on what reasonable people can still share, despite their differences…. This commitment forms the moral core of liberal thought, and it embodies a principle of *respect* for persons"[14]. This 'sharable' justificatory currency, theorists of PL find in the *political culture* of liberal democracies, where ongoing disagreements *seem* often couched in terms of reasons that adherents of all sides to the debate can appreciate[15]. Political culture offers a conception of a *citizen* as being free and equal in virtue of their possession of two moral powers: capacity to have an effective sense of justice, and capacity to form, revise and rationally pursue a conception of the good[16].

Political culture also nurtures a relatively robust set of over-determined secular values - political values, which do not prejudge the truth of any comprehensive account[17].

Needless to say, not all disagreements are normatively relevant[18], it is disagreements among reasonable people that matter[19].

Reasonable persons are those who recognize others as free and equal, regard society as a fair system of cooperation, and accept the existence of BOJ[20]. Of course, a proper justificatory endeavor also involves converging on a set of epistemic

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14 Larmore, "The Moral Basis of Political Liberalism", p. 602. The concept of respect for persons doesn't seem to involve commitment to the truth of any particular worldview. Of course, as I argue below, it does not matter whether all comprehensive doctrines recognize it as a central norm, only whether all reasonable comprehensive doctrines do. A variety of religious and non-religious doctrines seem to recognize it as such.

15 While it might be said that many citizens with religious affiliation might have strategic reasons for voicing their concerns in a manner that can be appreciated by those who don't subscribe to a religious worldview, it wouldn't be far-fetched to argue that the constant framing of public debates on matters of common concern in mutually-acceptable terminology indicates that this type of public discourse is (a) already sufficiently internalized even by religious participants, and that (b) it offers a viable avenue for voicing their genuine moral concerns. For a particular example of how the Muslim community in the UK has advocated its appeal for censorship in the so-called 'Rushdie affair' almost exclusively on genuinely public reasons, see John Horton, "Rawls, Public Reason and the Limits of Liberal Justification", Contemporary Political Theory 2 (2003), 17-18

16 That citizens are capable of exercising these powers above a certain threshold is what renders them free and equal. Rawls, Political Liberalism, 19.

17 Imagine A and B discussing whether to support a ban on the sale of alcohol in shops after 10pm. A defends the ban by claiming that the sale of alcohol at night heavily contributes to the sinful activity of the constituency. →

B defends the ban as well, but by claiming that statistics show that imposing this ban not only bolsters the local economy (more people will be inclined to visit pubs and nightclubs), but also reduces alcohol consumption among underage population. There is a sense that A can not only asses the validity of B's reasons but also accept them as valid, while B's acceptance of A's reasons seems conditional on his or her religious affiliation.

18 Those who advocate racist or other extremist world views that either reject the presumption of moral equality of citizens, or actively oppose liberal-democratic institutions, have no claim on theoretical accommodation. Likewise, due to the fact that disagreements among people populating current liberal democracies often reflect no more than selfishness, laziness or misinformation on their part, PL doesn't develop its conception of public justification and public reason from the value-belief sets of actual citizens – it idealizes them. While there is some disagreement on the exact level of the prescribed idealization, we can safely say that PL idealizes the value-belief sets of actual citizens across several dimensions: (1) moral dimension – it assumes that they are reasonable, (2) it holds that they are rational and capable of addressing manifest inconsistencies, and (3) that they have much of the information relevant for matters of policy-making.

19 On the concept of reasonableness, see James Boettcher, "What is Reasonableness?" in Philosophy and Social Criticism, 30 (2004) pp.597-621; For an argument on why BOJ should be included in the commitments of reasonableness see Quong, Liberalism Without Perfection, pp. 294-298.

20 Now, to be sure, the content of reasonable disagreement is orthogonal to a secular/religious divide, meaning that it is possible to dispute many claims that chime with a secularist outlook. The claim can (and does) have some relevance for assessing the distribution of justificatory burden across society but is not directly relevant to the points brought up in this paper.

practices – i.e. what counts as an appropriate mode of reasoning, what counts as an adequate way to acquire and assess evidence etc[21].

II - ARGUMENT FROM RESPECT FOR PERSONS

While the idea of respect for the individual might not seem too controversial when pitched at a fairly abstract level, the attempt to interpret and operationalize it is fraught with difficulties[22].

We might start with the distinction between two kinds of respect introduced by Stephen Darwall[23]. Appraisal respect is what we show to particular individuals by virtue of their exhibited degree of excellence. Recognition respect, on the other hand, is shown to people in general, out of recognition of their equal status as persons. It is

the latter unconditional respect that PL theorists are interested in. And the property that grounds it is best understood by virtue of the aforementioned capacity for reflective endorsement[24] that all reasonable agents are capable of exercising above a certain threshold. Perhaps the most obvious instance of failure to accord this basic kind of respect is when we make others conform to our directives by sheer threat of force rather than moral argument[25]

There seem to be (at least) two renditions[26] of the respect argument that we can elicit from the existing literature on PL. We can understand respect for persons either as (1) a respect for their reflective capacity in abstract, or (2) respect for the 'products of one's moral powers', the contingent normative and theoretical commitments that people 'actually' uphold. I will argue that both readings either end up being too weak to restrict

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21 Still, Rawls (and those supportive of his brand of PL) has been reluctant to offer any stringent criteria for judging the epistemic viability of either relevant modes of reasoning or findings of science. What they argued for – namely, that the appropriate epistemic practices are those that (morally) reasonable people will converge on, seems like a standard that can hardly be satisfactorily operationalized. For Rawls, it seems that comprehensive doctrines can be counted as reasonable even if they exhibit nothing but moderate coherence among their beliefs and values (John Rawls, "The Idea of Public Reason Revisited", The University of Chicago Law Review, 64 (1997), pp. 765-807; This criterion, however, seems compatible with antiscientific comprehensive doctrines. If this is so, then most scientific claims - even those that command consensus among the scientific community - will be claims that not everyone can reasonably accept. In conclusion, the prospective list of epistemic practice on which all reasonable citizens converge might be empty, or fairly minimal. I treat this implication as a reduction, and strong support for what I later call a strict reading of the 'burdens of judgment'.

22 These difficulties concern (i) what morally-relevant feature grounds respect, (ii) how stringent is the duty of respect, and (iii) does discharging the duty of respect come in a particular currency (a specific course of action) or can it be discharged via different means.

23 Stephen Darwall, "Two Kinds of Respect", Ethics 88 (1977), 36-49;

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24 The capacity, as already mentioned, is best understood not just as a capacity to respond to reasons, but to reflect on and revise them, and engage in responsive action. While there can be disagreement on the exact specification of the notion of respect, we can treat as uncontroversial that, at the very least, respect requires providing some opportunities for others to exercise their moral powers (on this, see also note 27). However, since the moral capacity in question includes a conception of autonomy, PL theorist should be wary of conflating the respect for persons argument with the respect for autonomy argument of comprehensive liberals. There is nothing in Rawls' specification of reasonableness that warrants such conflation. For a start, the capacity for reflective endorsement appears much wider and more general than the account of autonomy promoted by comprehensive liberals. Bearing in mind the scope of possible reasonable disagreement, a viable strategy would be to pursue as non-controversial (and as general) a reading of this capacity as possible.

25 'If we attempt to make others to conform to our directives solely by the threat of force we shall be treating persons merely as means... and not also as ends, engaging directly their capacity as persons' Larmore, "The Moral Basis of Political Liberalism", p. 602.

26 Steven Wall, "Perfectionism, Reasonableness and Respect", Political Theory, 42 (2014), pp. 468-489.

religious reasons from public debate, or too controversial[27].

We might say that as an interpretation of a commitment to recognize the capacity of others, the first interpretation of the respect argument carries considerable plausibility[28]. But how is it that it constrains the use of religious reasons? Some argue that showing respect to others requires offering them what we take to be our best reasons for acting as we do[29]. The rationale behind this argument is: if what we are concerned

with is the capacity to reflect and possibly revise comprehensive commitments, we honor this capacity by offering the reasons we think merit such revision[30]. However, this argument makes a strong assumption that we might (plausibly) think does not hold in the case of religious reasons – namely, it assumes that the epistemic status of what we take to be the best reasons is readily available to others[31]. But, the validity of religious reasons seems conditional on a kind of 'private experience' that many non-religious citizens cannot be expected to have[32]. Is this fact sufficient to motivate the restraint in question?

Not necessarily. One might argue that religious reasons can be accorded public status through an indirect route – through 'Natural Theology' which purports to prove God's existence by using secular reasons alone, without recourse to divine revelation[33]. Provided a plausible secular claim along these lines can be conjured and provided, we add auxiliary premises pertaining more closely

27 The argument comes with a strong caveat. Due to space constraints, I will assume that a variant of the argument from respect for the second moral power offers a strong injunction against enacting paternalistic (and by extension, perfectionist) policies more generally (Quong, Liberalism Without Perfection, chapter 3). Focusing on the nature of paternalistic state acts, Quong argues that they seem to be motivated either by a negative judgment about citizens' ability to make effective choices about the good, or to rationally pursue their conception of the good, or both. Therefore, paternalistic policies seem to treat citizens as if they (at least temporarily) lack the second moral power, effectively undermining their moral status. If this is so, all religious reasons that aim to further religious devotion or deter citizens from engaging in 'sinful' activities (i.e. consumption of drug and alcohol, prostitution, etc.) might be deemed prima facie objectionable. Still, a number of distinctively religious arguments are not covered by this restriction – those abortion, stem-cell research or gay marriage. For a criticism of Quong's argument, see David Birks, "Moral Status and the Wrongness of Paternalism", Social Theory and Practice, 40 (2014), pp.483-498;

28 Also, bear in mind that while some conception of autonomy seems implicit in the second moral power, PL attempts to remain as non-committal as possible in ascribing value to its exercise, at least in non-political circumstances. This means (roughly) that there is no special concern regarding how individuals came to endorse their CDs or whether they reflectively endorsed them at all. Since PL doesn't ascribe (much) value to one's actual exercise of the second moral power, it gives no special (autonomy-based) reason for respecting people's actual moral commitments. This seems to further support the first reading of the respect argument. After all, it would be odd to say that we should respect the products of reflective capacity when we have never reflected on our choices.

29 William A. Galston, Liberal Purposes: Goods, Virtues, and Diversity in The Liberal State (Cambridge: Cambridge University Press, 1991), p. 109.

30 There is no talk of circumventing reflective capacities as in the case of sheer threat of force.

31 That there are common evaluative standards according to which members of the public might be able to assess their epistemic pedigree.

32 'It must be possible to present to others the basis of your own beliefs, so that once you have done so, they have what you have, and can arrive at the judgment on the same basis. That isn't possible if part of the source of your conviction is personal faith of revelation – because to report your faith or revelation to someone else is not to give him what you have, as you do when you show him your evidence or give him your arguments', Thomas Nagel, "Moral Conflict and Political Legitimacy", Philosophy and Public Affairs, 16 (1987), p. 232.

33 Of course, in order to make a distinctively religious argument it is not enough to merely draw from secular sources. Seemingly, all substantive claims of religious morality are acquired via divine revelation. Still, in so far as natural theology is capable of providing an argument for why (a) God exists, and that (b) one of his attributes is Omni-benevolence, one can conjure up an argument in which, supposedly, such good would be inclined to communicate with human beings and reveal his moral prescripts to them. Vallier pursues this strategy in Kevin Vallier, "Against Public Reason Liberalism's Accessibility Requirement", Journal of Moral Philosophy 8 (2011), pp. 366-389.

to the connection between God's existence and validity of the moral prescripts found in revered religious texts[34] - the aforementioned accessibility constraint might be suitably addressed.

Still, one might argue that this strategy fails to pay proper heed to the main source of disagreement - the existence of BOJ. Even if I am able to grasp the epistemic character of a religious reason, in so far as I adhere to a reasonable secular doctrine, the prospect of regarding it as anything but a particularly bad reason seems unlikely[35]. However, we should be clear about the role BOJ play in this reading of the respect argument. Standard, or what I will call 'loose' reading of BOJ maintains that accepting their existence merely *explains* how different citizens end up disagreeing with each other, even if they don't reason in bad faith or exhibit manifest inconsistencies[36]. Naturally, what explains judgment might not in any way contribute to its justification[37].

But, now imagine those whose CDs include a commitment to astrology as a reliable source of prediction of future events, or homeopathic medicine as a reliable procedure for treating a variety of illnesses. Would we say that a policy whose content explicitly rebuts the validity of these claims in any way disrespects the reflective

capacities of persons holding these beliefs? It seems not[38].

Now, while the 'loose' reading seems to be dominant in the literature, we can also read BOJ in a more committal manner. Let us propose a 'strict' reading of BOJ according to which acceptance[39] confers positive epistemic status on the CD in question, making the resulting reasonable disagreement one between epistemically-justified worldviews.

We can argue that justifying a policy proposal by anything but 'good reasons' fails to accord proper respect to our reflective capacity[40]. However, provided some religious doctrines do enjoy epistemic support of this kind, why should the respect argument restrict their use in the political context?

An intriguing suggestion might be found in Larmore's claim that in cases of disagreement, citizens "should respond to the point of disagreement, by retreating to neutral ground, to the beliefs they still share"[41]. There might be several ways to understand the rationale for such

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34 At least in those instances where their moral prescripts unequivocally converge.

35 As we saw, this is explained by a variety of considerations starting from how our personal history shapes our existing worldview, to the fact that proper assessment of all considerations might be too difficult.

36 Quong, Liberalism Without Perfection, pp. 294-298.

37 Think how A's poor eyesight might explain why she thought she saw her friend, B, but doesn't in any way justify her perceptual judgment that she saw her friend B.

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38 What we might say is that they are simply epistemically-faultless in holding these beliefs. But in so far as (a) we think that there are no cognitive impediments which might prevent them from realizing the validity of the policy in question, and (b) the policy is clearly justified by evaluative standards that enjoy wide inter-subjective recognition in the community, promotion of this policy could actually be deemed as an instance of genuine respect for the reflective capacities of these citizens. The alternative course of action (exercise of restriction) would seemingly be motivated by a negative judgment about the cognitive capacities of others – their inability to grasp the validity of the claim. That would be an instance of disrespect.

39 And their accommodation in the individual's comprehensive doctrine.

40 Commitment to a certain account of epistemic justifiability might still maintain comprehensive robustness and need not involve controversial truth claims (that might compromise the project of PL), see Gerald Gaus, Justificatory Liberalism: an essay on epistemology and political theory (New York: Oxford University Press, 1996), introductory chapter.

41 Charles Larmore, "Political Liberalism", Political Theory, 18 (1990), pp. 339-360.

departure, but they all seem to point away from the respect argument. We are either inclined to 'retreat' due to considerations of prudence[42] or because we are both equally likely to be right about the matter in question. The former option is certainly not what PL theorists have in mind, while the latter is a theme familiar from the literature on epistemology of peer disagreement. Notwithstanding the controversial[43] character of this latter position, it is clear that the reason for pursuing the neutral ground it prescribes is of epistemic rather than moral character.

So, it seems that we are left with the second reading of the respect argument – where respecting the reflective capacities of others means respecting the products of their reason, i.e. comprehensive commitments[44].

There are several problems with this reading. For a start, it seems to provide a rather inadequate account of moral power as the ability to *reflect on*, *revise* and pursue commitments. Consequently, it could be suggested that this rendition only makes sense in light of the comprehensive liberal project.

Furthermore, the second reading of the respect argument (within the PL framework), seems to chime better with the 'loose reading of BOJ'. If respect is granted through the fact that the individual's comprehensive commitments figure prominently in their evaluative sets, then the motivation to pursue an epistemically-inflated conception of BOJ seems unwarranted. This is, however, an unwelcome result. Since the loose reading of BOJ says nothing about the epistemic pedigree of reasonable beliefs, the account may end up hosting a variety of idiosyncratic beliefs. However, since political justification cannot make reference to considerations that cannot be endorsed by other citizens[45], we seemingly end up with an account of policy-making that caters to an infinite variety of prospective fringe beliefs.

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42 i.e. cooperation is only possible if we meet halfway

43 Many people will be inclined to reject the idea that they are equally as likely as others 'to be in the right' regarding the truth of their CD. Furthermore, many people will have good grounds to claim that their CD is better justified than those of others. While it is possible that a plausible argument along these lines can be pursued, I think that grounding it on 'equal epistemic status' is misguided. To be clear, what I have provided is merely a possible interpretation of Larmore's argument. There is no further evidence that he intended for this claim to be interpreted in this manner.

44 Accepting the second reading doesn't necessitate that we treat all individual commitments as being of equal importance. As Steven Wall observes, individuals might treat some of their evaluative commitments as identity-constituting – closely tied to their sense of who they are. So, they may be able (or willing) to reflect on and revise their peripheral commitments, but not those that figure prominently in their worldviews. Wall, "Perfectionism, Reasonableness and Respect", p. 484.

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45 Or, in this case, cannot make reference to any scientific claims or modes of reasoning that compromise these epistemically-unsound beliefs.

CONCLUSION

This paper has criticized the familiar argument that respect for the individual generates a restraint on the public use of religious reasons. Such restraint, however, might be reinforced by adding auxiliary premises to the respect argument. Due to space constraints, I will only gesture toward such strategy. Firstly, I argue, exercise of political authority begs for appropriate justification, as a matter of respect for persons. This justification ought to be indexed to those points of view that are deemed reasonable. Naturally, we should opt for the 'strict' reading of BOJ – maintaining that reasonable disagreement is a disagreement between epistemically-justified views. Secondly, we should pay sufficient heed to the fact of disagreement conjoined with evidence that points to systematic problems in human reasoning and our general susceptibility to cognitive bias[46]. These, I argue, give individuals reasons to reduce the credence with which they hold their CDs.

These reasons become especially pertinent in the circumstances in which one's actions might expose others to great harm. Exercise of political power threatens to do just that.

Public reasons[47] are capable of both capturing widespread intuitions about matters of justice[48] and are widely shared across the constituencies of liberal democracies[49]. Since the aforementioned epistemic component mandates risk-averseness in the exercise of political power, the 'retreat' to public reasons and exercise of restraint appears the most suitable outcome.

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46 By 'paying 'sufficient heed', I mean that the fact of somewhat idealized disagreement (and our general proneness to systematic errors in reasoning) gives those who disagree a second order reason (as a matter of epistemic normativity) to be less certain about the view they hold. This is a controversial point in the epistemology of disagreement which mostly focuses on disagreements between cognitive and informational peers. I have doubts about whether the concept of disagreement among 'full' peers is of any practical significance at all. There are insurmountable difficulties in tracking the nuances of one's epistemic situation, so the best we can do is assume 'roughly' equal peers. In this situation, however, the disagreement doesn't mandate that we suspend judgment, nor does it allow that we completely disregard it – what it does is give some reason to reduce the credence. For an argument that defends this position, see Jenifer Lackey, "What Should We Do When We Disagree?" in Tamar S. Gendler & John Hawthorne, Oxford Studies in Epistemology, Volume 3 (Oxford: Oxford University Press, 2008), pp.274-93. For an extensive treatment of common reasoning errors and cognitive biases, see Daniel Kahneman, Amos Tversky ed. Choices, Values, and Frames (New York: Russell Sage Foundation, Cambridge University Press, 2000).

47 Political values, conjoined with a more robust epistemic criteria.

48 And responsible policy-making.

49 This claim is an empirical one. For empirical evidence supporting it, see Jonathan Haidt, The Righteous Mind: Why Good People are Divided by Politics and Religion (New York: Pantheon, 2012), pp.153-185;

REFERENCES:

Audi, Robert. *Religious Commitment and Secular Reason*. Cambridge: Cambridge University Press, 2000.

Birks, David. „"Moral Status and the Wrongness of Paternalism", *Social Theory and Practice*, 40(3):483-498, 2014.

Boettcher, James. "Respect, Recognition, and Public Reason", *Social Theory and Practice*, 33:223-249, 2007. Boettcher, James. "What is Reasonableness". *Philosophy and Social Criticism*, 30(5-6): 597-621, 2004.

Christiano, Thomas. *Constitution of Equality: Democratic Authority and its Limits*, Oxford, Oxford University Press, 2008.

Cohen, Joshua. "Moral Pluralism and Political Consensus". In: *The Idea of Democracy*, David Copp, Jean Hampton, and John E. Roemer (eds.), Cambridge, Cambridge University Press, 270-291, 1993. Darwall, Stephen. "Two Kinds of Respect", *Ethics*, 88(1):36-49, 1977.

Dworkin, Ronald. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge: Harvard University Press, 2002.

Dworkin, Ronald. *Taking Rights Seriously*. London: Duckworth, 1978.

Estlund, David. *Democratic Authority: A Philosophical Framework*, Princeton, NJ, Princeton University Press, 2009.

Galston, William, A. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. Cambridge: Cambridge University Press, 1991.

Gaus, Gerald. *Justificatory Liberalism: An essay on epistemology and political theory*. New York: Oxford University Press, 1996.

Greenawalt, Kent. *Private Consciences and Public Reasons*, Oxford: Oxford University Press, 1995. Haidt, Jonathan. *The Righteous Mind: Why Good People are Divided by Politics and Religion,* New York: Pantheon, 2012.

Horton, John. "Rawls, Public Reason and the Limits of Liberal Justification", *Contemporary Political Theory*, 2:5-23, 2003.

Kahneman, Daniel and Amos Tversky (eds.). *Choices, Values, and Frames*. New York: Russell Sage Foundation, Cambridge University Press, 2000. Kis, Janos. "State Neutrality". In: *The Oxford Handbook of Comparative Constitutional Law*, Michel Rosenfeld and András Sajó (eds.), Oxford: Oxford University Press, 318-335, 2012.

Kymlicka, Will. *Liberalism, Community and Culture*, Oxford, Clarendon Press, 1989. Lackey, Jennifer. "What Should We Do When We Disagree?" In: *Oxford Studies in Epistemology,* Tamar Szabó Gendler and John Hawthorne (eds.), *Volume 3, Oxford: Oxford University Press:274-93, 2008.*

Larmore, Charles. "The Moral Basis of Political Liberalism". *The Journal of Philosophy* 12:599-625, 1999. Larmore, Charles. *The Morals of Modernity*, Cambridge: Cambridge University Press, 1996. Larmore, Charles. "Political Liberalism". *Political Theory*, 18(3):339-360, 1990.

Nagel, Thomas. "Moral Conflict and Political Legitimacy", *Philosophy and Public Affairs*, 16(3):215-240, 1987.

Quong, Jonathan. *Liberalism without perfection*. Oxford: Oxford University Press, 2010.

Rawls, John. "The Idea of Public Reason Revisited". In: *The University of Chicago Law Review*, 64(3):765-807, 1997.

Rawls, John, *Political Liberalism* New York: Columbia University Press, 1993.Rawls, John, *A Theory of Justice,* Oxford: Oxford University Press, 1971.

Vallier, Kevin. "Against Public Reason Liberalism's Accessibility Requirement". *Journal of Moral Philosophy*, 8(3):366-389, 2011.

Wall, Steven. "Perfectionism, Reasonableness and Respect", *Political Theory, 42(4)*:468-489, 2014.

Waldron, Jeremy. *Liberal rights: Collected papers 1981-1991.* Cambridge: Cambridge University Press, 1993.

CHALLENGING THE TOPOS OF "RELIGION AND VIOLENCE" IN LIBERAL POLITICAL THEORY

ULRIKE SPOHN

In Western Europe, persistent religious pluralism constitutes a relatively recent phenomenon. In European history, the usual pattern of interaction with religious "Others", such as Muslims and Jews, took the form of confrontation and persecution and was aimed at preserving or restoring a homogenous Christian society. The Reformation and its consequences was a major blow to the idea of a unitary Christian societal cosmos because it introduced an irreducible element of pluralism into that cosmos from within. One answer to this drew on homogenization strategies, of which the ruling principle *cuius regio, eius religio* constitutes the most prominent example. But this new experience of religious – or rather, confessional – pluralism also caused European political thinkers to acknowledge and reflect on the phenomenon of pluralism as a problem of state governance. Contemporary liberal political thinkers, like John Rawls, refer to this historical situation as the origin of liberalism as a tradition of political thought:

> "Thus, the historical origin of political liberalism (and of liberalism more generally) is the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries. Something like the modern understanding of liberty of conscience and freedom of thought began then"[1].

Since the late 20th century, which saw processes of secularization on the one hand and waves of immigration, especially from Muslim countries on the other, religious pluralism has become an established fact in European society. At the same time, liberalism has become the dominant paradigm in Western political thought, and the liberal position, for which "[t]he overcoming of the early modern wars of religion and confessional disputes provided the historical backdrop against which... [it] emerged"[2], has become the major reference point for contemporary normative debates in political theory about how to meet the challenge of religious pluralism in modern Western society. The particular strand of liberal theory that dominates these debates is political liberalism, and the central point of its answer to the challenge of religious pluralism is to establish special restrictions to the presence of religion in the public sphere. Such solutions include restricting the use of religious reasons in public deliberation. Political liberalism can be summed up as

> "that now-familiar version of political theory, articulating and defending the liberal democratic polity, which holds that it belongs to the role of citizen in such a polity to appeal to 'public' or 'secular' reason for conducting debates in public on political matters and for making political decisions" [3].

This can be captured in the Rawlsian term of citizens' "duty of civility"[4] or duty of public reason[5]. In the writings of political liberals, we find two

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2 Jürgen Habermas, "Religion in the Public Sphere: Cognitive Presuppositions for the 'Public Use of Reason' by Religious and Secular Citizens," in Between Naturalism and Religion. Philosophical Essays (Malden: Polity Press), 120.

3 Nicholas Wolterstorff, "Why Can't We All Just Get Along With Each Other?" in Understanding Liberal Democracy. Essays in Political Philosophy, ed. Terence Cuneo (Notre Dame: University of Notre Dame Press, 2012), 277.

4 Rawls, Political Liberalism, 217.

5 See Rawls, Political Liberalism, 212-254.

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1 John Rawls, Political Liberalism (New York: Columbia University Press, 2005), xxiv.

arguments that are supposed to justify this duty of public reason. The first is what we can call the *respect argument*. This is based on the claim that religious reasons lack general intelligibility and acceptability. Political liberals argue that individuals who have recourse to religious reasons in public debate violate the democratic principle of equal respect in denying their fellow citizens reasons that can be understood and accepted by all; they are not, we might say, attempting to live pluralistically. Habermas holds that the violation of the duty of public reason, under conditions of majority rule, paves the way for repression:

> "Majority rule mutates into repression if the majority deploys religious arguments in the process of political opinion- and will-formation and refuses to offer publicly accessible justifications that the outvoted minority, be it secular or of a different faith, can follow and evaluate in the light of shared standards" [6].

Besides the respect argument, there is a second, more implicit justification for the duty of public reason in political liberalism which is about public safety. *This public safety argument* suggests that special restrictions for religious reasons in public deliberation are needed also because religion bears a special potential for violence, thus posing a distinct threat to public safety. While the respect argument is tied to certain notions related to the European Enlightenment which assume the irrationality or lesser rationality of religious reasons as compared to secular ones, the public safety argument is tied to narrations about the European "wars of religion" that suggest an alleged special propensity of religion to spark violence. In this chapter, the focus will be on the public safety argument inscribed in the tradition of (political) liberalism. This argument, which helps to justify a duty of public reason, will be

elaborated on and critically scrutinized. The main point of this chapter's criticism is that the argumentation of political liberals operates on the basis of an essentialist understanding of religion. It is concluded that the justification of a duty of public reason on the grounds of public safety is unconvincing because it rests on flawed premises about religion[7].

II-THE PUBLIC SAFETY ARGUMENT

The justification for the duty of public reason on the grounds of public safety is based on the presumption that religion bears a special potential for violence and poses a special threat to peaceful political interaction if not properly restrained in the public sphere. This presumption about religion is conveyed indirectly by text passages such as the following. Audi, for example, writes: "Where religious convictions are a basis of a disagreement, it is, other things being equal, less likely that the disputants can achieve resolution or even peacefully agree to disagree" [8]. The statement suggests a special, intrinsic affinity of religion with violence. Such an assumption only makes sense, however, when referring to a particular *nature* or *essence* of religion. Indeed, this is where the argument of political liberals seems to originate. Habermas, too, despite having developed a more open and welcoming stance towards religion in more recent elaborations on "postsecular society" and "postmetaphysical thinking"[9], preserves the idea of religion as threat in that he presupposes an

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6 Habermas, "Religion in the Public Sphere," 134.

7 It is this author's contention that justifications of a duty of public reason on the grounds of the respect argument - which refers to a lesser rationality and acceptability of religious reasons - are also unconvincing because they rest on mistaken ideas regarding the extent of rationality and generalizability of secular reasons. Further elaboration of this claim, however, lies beyond the scope of this chapter.

8 Robert Audi, "The Place of Religious Argument in a Free and Democratic Society," San Diego Law Review 30 (1993): 691.

9 Habermas, "Religion in the Public Sphere," 140.

essence of religion which bears a special potential for violence. He often uses the term "core" when talking about religion. For example, he points to "the dogmatic authority of an inviolable core of infallible revealed truths," [10] the "discursive extraterritoriality of a core of existential certainties,"[11] or "the opaque core of religious experience"[12]. He concludes that "[c]onflicts over existential values between communities of faith cannot be resolved by compromise"[13].

These extracts point to a general theory of religion underlying political liberalism which grasps it as an essence related to characteristics like dogmatism, blind obedience and inability to compromise. This theory is at the root of the presumption of an intrinsic connection between religion and violence. The reasoning goes as follows: first of all, there is the notion of a discursively-impenetrable core of religion. This implies that religious convictions are unamenable to rational criticism and compromise. On these grounds, it is assumed that religious individuals have a special disposition for dogmatism and intolerance. This, in turn, it is suggested can make them prone to the use of violence in cases of moral/political disagreement.

The following sections will critically scrutinize the public safety argument and its underlying theory of religion from four different angles.

III-THE PUBLIC SAFETY ARGUMENT: IS IT COGENT?

a: History

The historical dimension plays a part in this discussion because the general theory about religion and violence that informs the reasoning of political liberals derives from the particular historical situation sketched above. Political liberals refer back to the horrors of the "religious wars" in Europe in the sixteenth and seventeenth centuries in order to illustrate and confirm the claim of a special connection between religion and violence[14]. These historical excursuses convey the impression of a clear-cut separation of roles between religion as the cause and motor for war on the one side, and the secular(ized) state as a neutral arbiter and force for peace on the other.

Any detailed analysis of the civil wars during the early modern period shows, however, that the roles cannot be defined so clearly. Historians point to a long-standing controversy over the causes of the so-called "religious wars": "As anybody familiar with the historiography of this period knows, the question of whether or not the wars of religion were truly motivated by religion is as old as the conflicts themselves"[15]. Benedict[16] emphasizes that "[f]or virtually every conflict for which the label of a war of religion is conventional, controversy exists among historians over whether or not it was truly a war of religion, or whether other motives were paramount". Other motives especially concern the ambition of the early modern states in Europe to gain strength and stability as political units.

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14 See Rawls, Political Liberalism, xxiiif., xxvi; Habermas, Jürgen, "Notes on Post-Secular Society," New Perspectives Quarterly 25, 4 (2008): 22.

15 Philip Benedict, "Religion and Politics in Europe, 1500 – 1700," in Religion und Gewalt. Konflikte, Rituale, Deutungen (1500 – 1800), eds. Kaspar von Greyerz and Kim Siebenhüner (Göttingen: Vandenhoeck & Ruprecht, 2006), 162.

16 Benedict, "Religion and Politics," 161.

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10 Ibid., 129.

11 Ibid., 130.

12 Ibid., 143.

13 Ibid., 135.

As Brady[17] points out, control over religion was an important means in the process of state-formation – and a source for violence: "The primary agents of religious violence in early modern Europe were not the religious communities but the rulers who tried to coerce their subjects into religious conformity". Casanova, too, lays stress on the process of state-formation. He suggests that "the so-called 'religious wars' could more appropriately be called the wars of early modern European state formation"[18].

It is not this chapter's intention to simply reverse the roles of religion and state in the "religious wars". The point is to see that the causes of violence in the early modern period were multiple and complex. They cannot be categorized conclusively: "Efforts to determine which motive was most important in the final analysis often quickly butt up against the limits of the available evidence"[19]. This means, however, that the "religious wars" of the early modern period cannot be so easily used as an illustration of, and support for, the idea of a religion-specific potential for violence as suggested by political liberals.

b: Methodology

Furthermore, there is a methodological problem in the arguments of political liberals that concerns the generalization of a particular historical situation into a universal principle. There are real questions about how plausible it is to draw general conclusions regarding the right or most reasonable ordering of the relation of religion and politics from one particular constellation in European history. Political liberals refer back to the early modern period, after all, not out of pure historical interest but because they view the "religious wars" as a paradigmatic conflict that can instruct contemporary Europeans – or even all nations – regarding their present predicament. However, it is not evident how exactly the course of events in that earlier societal setting, with all its differences from present-day Europe in political, economic, cultural and religious respects, is relevant to the problems faced by contemporary European society – or those faced by non-Western societies, for that matter. Political liberals largely fail to elaborate on this question. It is reasonable to suppose, therefore, that their essentialist understanding of religion prevents them from seeing the need for such elaboration, given that the idea of its having a fixed, unchanging essence suggests it will unleash the same dynamics and effects across different historical periods and cultural settings.

c: Empirical Research

Political liberals conceive of contemporary violent conflicts with a religious dimension according to the model of the European "religious wars" by interpreting such conflicts as disputes about the "true faith". Present conflicts are thought to illustrate anew the assumed special potential of religion to spark violence. However, findings from peace and conflict research suggest otherwise, revealing that things are much more complex.

Casanova[20] argues that instead of "seeing the common structural contexts of modern state formation, inter-state geopolitical conflicts, modern nationalism and the political mobilization of ethno-cultural and religious identities […] Europeans seem to prefer to attribute those conflicts to 'religion.'" Hasenclever states that the role of religion in contemporary violent conflict is generally overrated, pointing to the fact that there is no evidence from quantitative research that religious difference as such is linked to a

17 Thomas A. Brady Jr., "Limits of Religious Violence in Early Modern Europe," in Religion und Gewalt. Konflikte, Rituale, Deutungen (1500 – 1800), eds. Kaspar von Greyerz and Kim Siebenhüner (Göttingen: Vandenhoeck & Ruprecht, 2006), 141.

18 José Casanova, "The Problem of Religion and the Anxieties of European Secular Democracy," in Religion and Democracy in Contemporary Europe, eds. Gabriel Motzkin and Yochi Fischer (London: Alliance Publishing Trust, 2008), 65. Also Thomas M. Scott, "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society," in Millenium 29, 3 (2000), 819-824.

19 Benedict, "Religion and Politics," 161.

20 Casanova, "The Problem of Religion," 67.

heightened risk of civil war[21]. He highlights economic and political reasons as central causes of conflict[22].

d: Social Theory

The last critical point concerns general social theoretical insights regarding the conditions of human action and, thus, violent action. This chapter does not wish to suggest that religion cannot be a real motor for human action - as claimed by materialistic positions, such as Marxism. According to this view, religious justifications simply obfuscate the "real" motors of action seen in struggles over economic distribution and political power. Considering the findings from peace and conflict research discussed above, such factors should be taken seriously indeed. At the same time, it is not plausible to say that religious meaning is never a genuine motivation for human action, whether violent or pacifistic. Any link between religious meaning and (violent/pacifistic) human action is contingent, however. There is no direct, irresistible path from a particular religious belief to a particular action[23]. Empirically, we observe both religious groups who work for peaceful solutions of conflicts and others who call their adherents to arms. There is even evidence of different groups who share exactly the same religious convictions but differ with regard to their attitude towards the use of violence as a means to reach their goals[24].

On the basis of an essentialist, unitary understanding of religion, we cannot make sense of such differences. They become comprehensible only when religion is conceived discursively as a multi-layered, ambiguous system of meaning whose semantic resources can be interpreted in different ways and invoked to pursue different ends. What does not enter the picture in the essentialist view is how "religion" is constantly *constructed* by human actors in processes of interpretation and "iteration"[25]. By treating religion as an abstract, general category, the essentialist view has a homogenizing thrust.

A major problem of essentialism is that it works to level out the vast variety of religious traditions and "the different intellectual schools, theological struggles and internally contested teachings that make up a religion"[26].

Lastly, human beings can never be reduced to one single aspect of their identity. Their actions will hardly ever flow *purely* from their religious convictions but be the contingent result of a complex mixture of many different facets of their life and personality. These might include the individual's social, political and economic standing in society, cultural and familial background, education and personal temperament and life experiences[27].

21 Cf. Andreas Hasenclever, "Getting Religion Right – Zur Rolle von Religionen in politischen Konflikten," in Religion und globale Entwicklung. Der Einfluss der Religionen auf die soziale, politische und wirtschaftliche Entwicklung, eds. Jürgen Wilhelm and Hartmut Ihne (Berlin University Press, 2009), 170f.

22 Cf. Hasenclever, "Getting Religion Right", 180; see also Herfried Münkler, The New Wars (Cambridge: Polity Press, 2005), 90ff.

23 Cf. Hans G. Kippenberg, Gewalt als Gottesdienst. Religionskriege im Zeitalter der Globalisierung (München: C.H. Beck, 2008), 24f.; Hans G. Kippenberg, "Zur Kontingenz religiösen Gewalthandelns," in: Handlung und Erfahrung. Das Erbe von Historismus und Pragmatismus und die Zukunft der Sozialtheorie, eds. Bettina Hollstein et al. (Frankfurt/M.: Campus, 2011), 207; Hasenclever, "Getting Religion Right," 177.

24 Cf. "Getting Religion Right," 175, 184.

25 For this term, see Seyla Benhabib, "Democratic Iterations: The Local, the National, and the Global," in Another Cosmopolitanism, ed. Robert Post (Oxford: Oxford University Press, 2008); Michael Walzer, "Nation and Universe," in Thinking Politically. Essays in Political Theory (New Haven: Yale University Press, 2007).

26 Kristina Stoeckl, "The Theology Blind Spot," in The Immanent Frame, February 13, 2014, accessed February 26, 2015, http://blogs.ssrc.org/tif/2014/02/13/the-theology-blind-spot/, para. 3.

27 Cf. R. Scott Appleby, The Ambivalence of the Sacred. Religion, Violence, and Reconciliation (Lanham: Rowman & Littlefield, 2000), 55; Talal Asad, Formations of the Secular: Christianity, Islam, Modernity (Stanford: Stanford University Press, 2003), 10f.; Hans Joas, Glaube als Option. Zukunftsmöglichkeiten des Christentums (Freiburg: Herder, 2012), 166f.; Kippenberg, Gewalt als Gottesdienst, 23.

CONCLUSION

The analysis carried out in this chapter leads to the conclusion that the public safety argument as a justification for the duty of public reason is unconvincing because the underlying theory of religion and concomitant assumptions concerning a special relationship between religion and violence are flawed. Despite its rational weaknesses, the topos of "religion and violence" is unlikely to disappear any time soon, though. Old habits die hard, and the idea that religion breeds violence is one of the most deep-seated habits of thought in modern European consciousness[28]. Moreover, the assumed correlations between religion and violence have always served a vital function in the process of collective identity-building and seemingly continue to do so up to this day. The idea of a "premodern", irrational and violent religious past has long served as the "Other" against which a secular, rational and peaceful "modern" European identity could be demarcated. In the context of colonial imperialism, this identity construction has been directed towards a double demarcation: one against Europe's own past and the other against non-Western cultures. Today, identitarian self-assurance along the latter demarcation takes the form of anti-Islamic movements in many Western European countries. A diffuse notion of Islam is invoked as the "barbaric" religious "Other" that is believed to threaten "civilized" Western values[29].

As regards possible prospects for future research, one of the most important desiderata is to open up the debate about the role of religion in politics further to interdisciplinary dialogue. Political theorists should work together with scholars from the fields of history, sociology, cultural and religious studies in order to gain a more adequate and profound understanding of the phenomenon called "religion."

For this sake, political theory must also overcome its "theology blind spot"[30] and open up to theological perspectives. Only such interdisciplinary cooperation can create the conditions to prevent false premises about religion leading to flawed conclusions regarding its proper relationship with politics.

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28 Cf. Kippenberg, Gewalt als Gottesdienst, 16; Wolterstorff, "Why Can't We All," 281.

29 Cf. Casanova, "The Problem of Religion," 66.

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30 Stoeckl, "The Theology Blind Spot."

REFERENCES

Appleby, R. Scott. *The Ambivalence of the Sacred. Religion, Violence, and Reconciliation.* Lanham: Rowman & Littlefield, 2000.

Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity.* Stanford: Stanford University Press, 2003.

Audi, Robert. "The Place of Religious Argument in a Free and Democratic Society." *San Diego Law Review* 30 (1993):677–702.

Benedict, Philip. "Religion and Politics in Europe, 1500 – 1700." In *Religion und Gewalt. Konflikte, Rituale, Deutungen (1500 – 1800),* edited by Kaspar von Greyerz and Kim Siebenhüner, 155–173. Göttingen: Vandenhoeck & Ruprecht, 2006.

Benhabib, Seyla. "Democratic Iterations: The Local, the National, and the Global." In *Another Cosmopolitanism,* edited by Robert Post, 45-80. Oxford: Oxford University Press, 2008.

Brady, Thomas A., Jr. "Limits of Religious Violence in Early Modern Europe." *Religion und Gewalt. Konflikte, Rituale, Deutungen (1500 – 1800),* edited by Kaspar von Greyerz and Kim Siebenhüner, 125–151. Göttingen: Vandenhoeck & Ruprecht, 2006.

Casanova, José. "The Problem of Religion and the Anxieties of European Secular Democracy. " In *Religion and Democracy in Contemporary Europe,* edited by Gabriel Motzkin and Yochi Fischer, 63–74. London: Alliance Publishing Trust, 2008.

Habermas, Jürgen. "Religion in the Public Sphere: Cognitive Presuppositions for the 'Public Use of Reason' by Religious and Secular Citizens." In *Between Naturalism and Religion. Philosophical Essays,* 114–147. Malden: Polity Press, 2008.

Habermas, Jürgen. "Notes on Post-Secular Society." *New Perspectives Quarterly* 25, 4 (2008):17–29.

Hasenclever, Andreas. "Getting Religion Right – Zur Rolle von Religionen in politischen Konflikten." In *Religion und globale Entwicklung. Der Einfluss der Religionen auf die soziale, politische und wirtschaftliche Entwicklung,* edited by Jürgen Wilhelm and Hartmut Ihne, 170–186. Berlin: Berlin University Press, 2009.

Joas, Hans. *Glaube als Option. Zukunftsmöglichkeiten des Christentums.* Freiburg: Herder, 2012.

Kippenberg, Hans G. "Zur Kontingenz religiösen Gewalthandelns." In *Handlung und Erfahrung. Das Erbe von Historismus und Pragmatismus und die Zukunft der Sozialtheorie,* edited by Bettina Hollstein, Matthias Jung and Wolfgang Knöbl, 191–215. Frankfurt/M.: Campus, 2011.

Kippenberg, Hans G. *Gewalt als Gottesdienst. Religionskriege im Zeitalter der Globalisierung.* München: C.H. Beck, 2008.

Münkler, Herfried. *The New Wars.* Cambridge: Polity Press, 2005.

Rawls, John. *Political Liberalism.* New York: Columbia University Press, 2005.

Scott, Thomas. "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society." In *Millenium - Journal of International Studies* 29, 3 (2000):815-841.

Stoeckl, Kristina. "The Theology Blind Spot." *The Immanent Frame,* February 13, 2014, accessed February 26, 2015, http://blogs.ssrc.org/tif/2014/02/13/the-theology-blind-spot/.

Walzer, Michael. "Nation and Universe." In *Thinking Politically. Essays in Political Theory*, 183–218. New Haven: Yale University Press, 2007.

Wolterstorff, Nicholas. "Why Can't We All Just Get Along With Each Other?" In *Understanding Liberal Democracy. Essays in Political Philosophy*, edited by Terence Cuneo, 277–297. Notre Dame: University of Notre Dame Press, 2012.

Berger, Peter L. "The Many Altars of Modernity Toward a Paradigm for Religion in a Pluralist Age"

http://www.degruyter.com/view/product/284565

BIBLIOGRAPHY ON RELIGIOUS PLURALISM

Alexander, Lawrence. "Is There Logical Space on the Moral Map for Toleration? A Brief Comment on Smith, Morgan, and Frost." In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron. New York: New York University Press, 2008: 300-14.

Ališauskienė, Milda. "Freedom of Religion in the Baltic States: a Sociological and Legal Analysis." In *Spaces and Borders. Current Research on Religion in Central and Eastern Europe*, edited by Andras Mate-Toth and Cosima Rughinis. Berlin, New York: Walter De Gruyter, 2011: 133-151.

Anckar, Carsten. *Religion and Democracy: A Worldwide Comparison.* Abingdon: Routledge, 2011.

Anderson, Elizabeth and Richard Pildes. "Expressive Theories of Law: A General Restatement." *University of Pennsylvania Law Review* 148 (2000): 1503-75.

Appleby, R. Scott. *The Ambivalence of the Sacred. Religion, Violence, and Reconciliation.* Lanham: Rowman & Littlefield, 2000.

Arendt, Hannah. *On Revolution.* New York: Viking, 1965. *The Origins of Totalitarianism.* New York: Harcourt, Brace, 1951.

Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity.* Stanford: Stanford University Press, 2003.

Audi, Robert. *Religious Commitment and Secular Reason.* Cambridge: Cambridge University Press, 2000.

"The Place of Religious Argument in a Free and Democratic Society." *San Diego Law Review* 30, 4 (1993): 677-702.

Bader, Veit. "Post-Secularism or Liberal-Democratic Constitutionalism." *Erasmus Law Review* 5, 5 (2012): 5-26.

Banchoff, Thomas F. *Religious Pluralism, Globalization, and World Politics.* Oxford: Oxford University Press, 2008.

Democracy and the New Religious Pluralism. Oxford: Oxford University Press, 2007.

Barker, Eileen, ed. *The Centrality of Religion in Social Life: Essays in Honour of James A. Beckford.* Aldershot: Ashgate, 2008.

"But Who's Going to Win? National and Minority Religions in Post-Communist Society'." In *New Religious Phenomena in Central and Eastern Europe*, edited by Irena Borowik and Grzegorz Babinski. Kraków: Nomos, 1997: 25-62.

"But is it a Genuine Religion?" In *Between Sacred and Secular: Research and Theory on Quasi Religion*, edited by Arthur L. Greil and Thomas Robbins. Greenwich CT; London: JAI Press, 1994: 97-109

New Religious Movements: A Practical Introduction. London: HMSO, 1989.

Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism.* Cambridge, Massachusetts: Harvard University Press, 2001.

Baubérot, Jean-Paul and Micheline Milot. *Laïcités sans frontières.* Paris: Seuil, 2011.

Baubérot, Jean, Roberto Blancarte and Micheline Milot. "Déclaration universelle sur

la laïcité au XXIe siècle." *Le Monde*, September 12, 2005. http://www.lemonde.fr/idees/article_interactif/2005/12/09/declaration-universelle-sur-la-laicite-au-xxie-siecle_718769_3232.html.

Bayart, Jean-François and Jean-Pierre Warnier, eds. *Matière à politique. Le pouvoir, les corps et les choses*, Paris: Karthala, 2004.

Beaumont, Justin. "Transcending the Particular in Postsecular Cities." In *Exploring the Post-Secular. The Religious, the Political and the Urban*, edited by Arie L. Molendijk, Justin Beaumont and Christoph Jedan. Leiden, Boston: Brill, 2010: 3-18.

Beckford, James A. *Social Theory and Religion*. Cambridge, U.K.: Cambridge University Press, 2003.

Benhabib, Seyla. "Democratic Iterations: The Local, the National, and the Global." In *Another Cosmopolitanism*, edited by Robert Post. Oxford: Oxford University Press, 2008: 45-80.

Bender, Courtney and Pamela E. Klassen. *After Pluralism: Reimagining Religious Engagement*. New York: Columbia University Press, 2010.

Berger, Peter L. *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation*. Garden City, N.Y.: Anchor Press, 1979.

Berghe van den, Pierre L. "Pluralism." In *Handbook of social and cultural anthropology*, edited by J.J. Honigmann. Chicago, Ill.: Rand McNally, 1973: 959-978.

Berlin, Isaiah and Henry Hardy. *The Crooked Timber of Humanity: Chapters in the History of Ideas.* London: Murray, 1990.

Bilgrami, Akeel. *Self-Knowledge and Resentment*. Cambridge, Mass.: Harvard University Press, 2006.

Birks, David. "Moral Status and the Wrongness of Paternalism." *Social Theory and Practice*, 40, 3 (2014): 483-498.

Boettcher, James. "Respect, Recognition, and Public Reason." *Social Theory and Practice*, 33 (2007): 223-249.

"What is Reasonableness". *Philosophy and Social Criticism*, 30, 5-6 (2004): 597-621.

Boucher, François, and Cécile Laborde. "Why Tolerate Conscience," *Criminal Law and Philosophy* (2014): 1-21.

Brocker, Manfred and Mirjam Künkler. "Religious Parties: Revisiting the Inclusion-Moderation Hypothesis - Introduction." *Party Politics* 19, 2 (2013): 171-86.

Bruce, Steve. "Did Protestantism Create Democracy?" *Democratization* 11, 4 (2004): 3-20.

Calhoun, Craig, Eduardo Mendieta and Jonathan VanAntwerpen. *Habermas and Religion*. Polity Press, 2013.

Carruthers, Peter. *The Opacity of Mind: An Integrative Theory of Self-Knowledge*. Oxford: Oxford University Press, 2011.

Casanova, José. "The secular and secularisms." *Social compass* 76, 4 (2009): 1049-1066.

"The Problem of Religion and the Anxieties of European Secular Democracy." In *Religion and Democracy in Contemporary Europe*, edited by Gabriel Motzkin and Yochi Fischer. London: Alliance Publishing Trust, 2008: 63-74.

Public Religions in the Modern World. Chicago: University of Chicago Press, 1994.

Cavanaugh, William. *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict.* Oxford: Oxford University Press, 2009.

Chaves, Mark and Philip Gorski. "Religious Pluralism and Religious Participation." *Annual Review of Sociology* 27 (2001): 261-281.

Christiano, Thomas. *Constitution of Equality: Democratic Authority and its Limits*, Oxford, Oxford University Press, 2008.

Cohen, Joshua. "Moral Pluralism and Political Consensus". In *The Idea of Democracy*, edited by David Copp, Jean Hampton, and John E. Roemer. Cambridge, Cambridge University Press, 1993: 270-291.

Cooke, Maeve. "Violating Neutrality? Religious Validity Claims and Democratic Legitimacy." In *Habermas and Religion*, edited by Craig Calhoun, Eduardo Mendieta and Jonathan VanAntwerpen. Cambridge: Polity Press, 2013: 249-74. "Translating Truth." *Philosophy & Social Criticism* 37, 4 (May 1, 2011): 479-92.

"Salvaging and Secularizing the Semantic Contents of Religion: The Limitations of Habermas's Postmetaphysical Proposal." *International Journal of Philosophy of Religion* 60, 1/3 (2006): 187-207.

"Five Arguments for Deliberative Democracy." *Political Studies* 48, 5 (2000): 947-69.

Crowder, George. "Two Concepts of Liberal Pluralism." *Political Theory* 35 (2007): 121-146.

"Pluralism and Liberalism." *Political Studies* 42, 2 (1994): 293-305.

Darwall, Stephen. "Two Kinds of Respect." *Ethics*, 88, 1 (1977): 36-49.

Das, Veena. "Cohabiting an Interreligious Milieu: Reflections on Religious Diversity." In *A Companion to the Anthropology of Religion,* edited by Janice Boddy and Michael Lambek. Malden, MA: Wiley-Blackwell, 2013: 69-84.

Davie, Grace. *Religion in Britain since 1945: Believing Without Belonging.* Oxford: Blackwell, 1994.

D'Costa, Gavin. *Christian Uniqueness Reconsidered: The Myth of a Pluralistic Theology of Religions.* Maryknoll, N.Y.: Orbis Books, 1990.

de Vries, Hent. "Introduction: Before, Around, and Beyond the Theologico-Political." In *Political Theologies: Public Religions in a Post-Secular World*, edited by Hent de Vries and Lawrence E. Sullivan. New York: Fordham University Press, 2006: 1-88.

Dillon, Michelle. "Can Post-Secular Society Tolerate Religious Difference?" *Sociology of Religion* 71 (2010): 139-56.

Dobbelaere, Karel. *Secularization: an analysis at three levels.* Bruxelles: PIE Lang, 2002.

Domingo, Rafael. "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom." *Oxford Journal of Law and Religion* 1 (2012): 1-22.

Dworkin, Ronald. *Religion without God.* Cambridge, Mass: Harvard University Press, 2013.

Justice for Hedgehogs. Cambridge, Mass: Harvard University Press, 2011.

Sovereign Virtue: The Theory and Practice of Equality. Cambridge: Harvard University Press, 2002.

Taking Rights Seriously. London: Duckworth, 1978.

Eberle, Chris and Terence Cuneo. "Religion and Political Theory." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter, 2012. http://

plato.stanford.edu/archives/win2012/entries/religion-politics/.

Eberle, Christopher J. "Basic Human Worth and Religious Restraint." *Philosophy & Social Criticism* 35, 1-2 (2009): 151-81.

Eisgruber, Christopher L. and Lawrence G. Sager. *Religious Freedom and the Constitution.* Cambridge, Massachusetts: Harvard University Press, 2010.

Engeli Isabelle, Christoffer Green-Pedersen and Lars Thorup Larsen. *Morality Politics in Western Europe. Parties, Agendas, and Policy Choices.* Basingstoke: Palgrave MacMillan, 2012.

Estlund, David. *Democratic Authority: A Philosophical Framework.* Princeton, NJ, Princeton University Press, 2009.

Evans, John H. "An Empirical Perspective on Religious and Secular Reasons." *The Immanent Frame*, 2010. *Website:* http://blogs.ssrc.org/tif/2010/10/01/an-empirical-perspective/

Fabian, Johannes. "Religious pluralism: An ethnographic approach." In *Theoretical explorations in African religion,* edited by Wim van Binsbergen and Matthew Schoffeleers. London: KPI, 1985: 138-163.

Ferrara, Alessandro. *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism.* Cambridge: Cambridge University Press, 2014.

"The Separation of Religion and Politics in a Post-Secular Society." *Philosophy & Social Criticism* 35, 1-2 (2009): 77-91.

Fletcher, George. "The Instability of Tolerance." In *Toleration - An Elusive Virtue*, edited by David Heyd. Princeton: Princeton University Press, 1996: 158-72.

Flores d'Arcais, Paolo. "Eleven Theses against Habermas." *The Utopian,* 2009. http://www.the-utopian.org/d'Arcais_1

Forst, Rainer. "The Limits of Toleration." *Constellations* 11 (2004): 312-25.

Fox, Jonathan. "Integrating Religion into International Relations Theory." In *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes. Abingdon: Routledge, 2009: 273-92.

Fox, Jonathan and Shmuel Sandler. *Bringing Religion into International Relations.* New York: Palgrave MacMillan, 2006.

Fretwell Wilson, Robin. "Insubstantial Burdens: The Case for Government Employee Exemptions to Same-Sex Marriage Laws," *Northwestern Journal of Law & Social Policy* 5, 2 (2010): 318-68.

Galeotti, Anna. *Toleration as Recognition.* Cambridge: Cambridge University Press, 2002.

"Citizenship and Equality: The Place for Toleration." *Political Theory* 21, 4 (1993): 585-605.

Galston, William A. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice.* Cambridge, U.K.: Cambridge University Press, 2002.

Gaus, Gerald. *The Order of Public Reason. A Theory of Freedom and Morality in a Diverse and Bounded World.* Cambridge: Cambridge University Press, 2012.

Justificatory Liberalism: An essay on epistemology and political theory. New York: Oxford University Press, 1996.

Gaus, Gerald and Kevin Vallier. "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions."

Philosophy and Social Criticism 35, 1-2 (2009): 51-76.

Gold, Ann Grodzins. "Sweetness and light: the bright side of pluralism in a Rajasthan town." In *Religious pluralism, state and society in Asia*, edited by Chiara Formichi. London: Routledge, 2002: 113-137.

Greenawalt, Kent. *Private Consciences and Public Reasons*, Oxford: Oxford University Press, 1995.

Greene, Abner S. "The Political Balance of the Religion Clauses." *Yale Law Journal*, 102, 1611 (1993): 1611-1644.

Gutmann, Amy and Charles Taylor, eds. *Multiculturalism*. Princeton: Princeton University Press, 1994.

Habermas, Jürgen. *Nachmetaphysisches Denken II: Aufsaetze und Repliken*. Berlin: Suhrkamp Verlag, 2012.

"Dialogue. Jürgen Habermas and Charles Taylor." In *The Power of Religion in the Public Sphere*, edited by Judith Butler, Eduardo Mendieta and Jonathan VanAntwerpen. New York: Columbia University Press, 2011: 60-69.

"Religion and the Public Sphere: A Response to Paolo Flores D'Arcais." *The Utopian*, volume 3, February 12, 2009. http://www.the-utopian.org/Habermas/

"The Boundary between Faith and Knowledge: On the Reception and Contemporary Importance of Kant's Philosophy of Religion." In *Between Naturalism and Religion: Political Essays*, by Jürgen Habermas. Cambridge: Polity Press, 2008: 209-48.

"Not es on Post-Secular Society." *New Perspectives Quarterly* 25, 4 (2008): 17-29.

"Religion in the Public Sphere." *European Journal of Philosophiy* 14, 1 (2006): 1-25.

"Equal Treatment of Cultures and the Limits of Postmodern Liberalism." *The Journal of Political Philosophy* 13, 1 (2005): 1-28.

Naturalismus und Religion. Frankfurt/Main: Suhrkamp, 2005.

"Intolerance and Discrimination." *International Journal of Constitutional Law* 1 (2003): 2-12.

Religion and Rationality: Essays on Reason, God and Modernity. Edited by Eduardo Mendieta. Polity Press, 2002.

Glauben und Wissen: Dankesrede zum Friedenspreis des Deutschen Buchhandels 2001. Frankfurt a. Main: Suhrkamp, 2001.

Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy. Boston: MIT Press, 1998.

Postmetaphysical Thinking: Philosophical Essays. Boston: MIT Press, 1994.

Texte und Kontexte. Frankfurt/Main: Suhrkamp, 1991.

Theorie des Kommunikativen Handelns, Band 1. Vol. 1. Frankfurt/Main: Suhrkamp, 1981.

Haidt, Jonathan. *The Righteous Mind: Why Good People are Divided by Politics and Religion*, New York: Pantheon, 2012.

Harrington, Austin. "Habermas and the 'Post-Secular Society'." *European Journal of Social Theory* 10, 4 (2007): 543-60.

Hart, H.L.A. "Are there Any Natural Rights?" *Philosophical Review* 64 (1955): 175 -191.

Hasenclever, Andreas. "Getting Religion Right - Zur Rolle von Religionen in politischen Konflikten." In *Religion und globale Entwicklung. Der Einfluss der Religionen auf die soziale, politische und wirtschaftliche Entwicklung*, edited by

Jürgen Wilhelm and Hartmut Ihne. Berlin: Berlin University Press, 2009: 170-186.

Haynes, Jeffrey and Anja Henning, eds. *Religious Actors in the Public Sphere. Means, Objectives, and Effects.* New York: Routledge, 2011.

Haynes, Jeffrey. *An Introduction to International Relations and Religion.* Harlow: Pearson, 2007.

"Transnational Religious Actors and International Politics." *Third World Quarterly* 22, 2 (2001): 143-158.

Hennig, Anja. *Moralpolitik und Religion. Bedingungen Politisch-Religiöser Kooperation in Polen, Italien und Spanien.* Würzburg: Ergon-Verlag, 2012.

Hervieu-Léger, Danièle. *Le Pélerin et le converti: la religion en mouvement.* Paris: Flammarion, 1999.

Heyd, David. "Is Toleration a Political Virtue?" In *Toleration and Its Limits*, edited by Melissa Williams and Jeremy Waldron. New York: New York University Press, 2008: 171-94.

Hick, John. *An Interpretation of Religion: Human Responses to the Transcendent.* New Haven: Yale University Press, 1989.

God Has Many Names. Philadelphia: Westminster Press, 1982.

Hick, John and Paul F. Knitter. *The Myth of Christian Uniqueness: Toward a Pluralistic Theology of Religions.* Maryknoll, N.Y.: Orbis Books, 1987.

Hood Jr., Ralph W., Peter C. Hill and W. Paul Williamson. *The Psychology of Religious Fundamentalism.* New York: Guilford Press, 2005.

Horton, John. "Rawls, Public Reason and the Limits of Liberal Justification." *Contemporary Political Theory*, 2 (2003): 5-23.

"Toleration as a Virtue." In *Toleration - An Elusive Virtue*, edited by David Heyd. Princeton: Princeton University Press, 1996: 28-43.

Htun, Mala. "Life, Liberty, and Family Values. Church and State in the Struggle over Latin America's Social Agenda." In *Religious Pluralism, Democracy, and the Catholic Church in Latin America*, edited by Frances Hagopian. Notre Dame: University of Notre Dame Press, 2009: 335-64.

Hutchison, William, R. *Religious Pluralism in America.* New Haven, London: Yale University Press, 2003.

Inglehart Ronald and Pippa Norris. *Sacred and Secular. Religion and Politics Worldwide.* Cambridge: Cambridge University Press, 2004.

Jinkins, Michael. *Christianity, Tolerance, and Pluralism: A Theological Engagement with Isaiah Berlin's Social Theory.* London: Routledge, 2004.

Joas, Hans. *Glaube als Option. Zukunftsmöglichkeiten des Christentums.* Freiburg: Herder, 2012.

Joint Public Issues Team. "Westminster Faith Debate: Religion in Public Life." (Accessed 21 February 2015) http://www.jointpublicissues.org.uk/westminster-faith-debate-religion-in-public-life/

Kahneman, Daniel and Amos Tversky, eds. *Choices, Values, and Frames***.** New York: Russell Sage Foundation, Cambridge University Press, 2000.

Kalbian, Aline H. *Sexing the Church. Gender, Power, and Ethics in Contemporary Catholicism.* Bloomington: Indiana University Press, 2005.

Kalyvas, Stathis N. "From Pulpit to Party: Party Formation and the Christian Democratic

Phenomenon." *Comparative Politics*, 30, 3 (1998): 293-312.

The Rise of Christian Democracy in Europe. Ithaca: Cornell University Press, 1996.

Kaplan, Benjamin J. *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe*. Cambridge, Mass: Belknap Press of Harvard University Press, 2007.

Kaul, Volker. "What Makes a Fundamentalist? Metaphysics, Morality and Psychology." *Philosophy & Social Criticism* 41, 4-5 (2015): 509-515.

Kepel, Gilles. *La Revanche de Dieu : chrétiens, juifs et musulmans à la reconquête du monde*. Paris: Seuil, 1991.

Kirkham, David M., ed. *State Responses to Minority Religions*. Aldershot: Ashgate, 2013.

Kis, Janos. "State Neutrality." In *The Oxford Handbook of Comparative Constitutional Law*, edited by Michel Rosenfeld and András Sajó. Oxford: Oxford University Press, 2012: 318-335.

Klassen, Pamela and Courtney Bender. "Habits of Pluralism." In *After Pluralism,* edited by Courtney Bender and Pamela Klassen. New York: Columbia University Press, 2010: , 1-28.

Knitter, Paul F. *No Other Name? A Critical Survey of Christian Attitudes toward the World Religions*. Maryknoll, N.Y.: Orbis Books, 1985.

Koopmans, Ruud and Paul Statham, eds. *The Making of a European Public Sphere. Media Discourse and Political Contention*. Cambridge: Cambridge University Press, 2010.

Künkler, Mirjam and Julia Leininger. "The Multi-Faceted Role of Religious Actors in Democratization Processes: Empirical Evidence from Five Young Democracies." *Democratization,* 16, 6 (2009): 1058-1092.

Kuper, Leo and Michael G. Smith. *Pluralism in Africa*. Berkeley: University of California Press, 1969.

Kymlicka, Will. *Liberalism, Community and Culture*, Oxford, Clarendon Press, 1989.

Laborde, Cécile. "Equal Liberty, Non-establishment, and Religious Freedom." *Legal Theory*, 20, 1 (2014): 52-77.

"Three Theses about Political Theology: Some Comments on Seyla Benhabib's 'Return of Political Theology'." *Critical Review of International Social and Political Philosophy* 17, 6 (2014): 689-696.

"The Politics of Religious Freedom: Protecting Freedom of Religion in the Secular Age." April 23, 2012. *The Immanent Frame* (blog). http://blogs.ssrc. org/tif/2012/04/23/protecting-freedom-of-religion-inthe-secular-age/

Lackey, Jennifer. "What Should We Do When We Disagree?" In *Oxford Studies in Epistemology, edited by* Tamar Szabó Gendler and John Hawthorne. *Volume 3. Oxford: Oxford University Press, 2008*: 274-93.

Lafont, Cristina. "Religion and the Public Sphere. What Are the Deliberative Obligations of Democratic Citizenship?" *Philosophy & Social Criticism* 35, 1-2 (2009): 127-50.

Lamine, Anne-Sophie. "Singular pluralities: a critical review of religious pluralism." *Religion and Society* 4 (2013): 150-166.

Larmore, Charles. "The Moral Basis of Political Liberalism". *The Journal of Philosophy* 12 (1999): 599-625.

The Morals of Modernity, Cambridge: Cambridge University Press, 1996.

"Political Liberalism." *Political Theory*, 18, 3 (1990): 339-360.

Leezenberg, Michiel. "How Ethnocentric Is the Concept of the Postsecular?" In *Exploring the Post-Secular. The Religious, the Political and the Urban*, edited by Arie L. Molendijk, Justin Beaumont and Christoph Jedan. Leiden, Boston: Brill, 2010: 91-112.

Leiter, Brian. *Why Tolerate Religion?* Princeton: Princeton University Press, 2012.

Lindholm, Tore, W. Cole Durham and Bahia G. Tahzib-Lie, eds. *Facilitating Freedom of Religion or Belief: A Deskbook*. Leiden, The Netherlands: Koninklijke Brill, 2004.

Loobuyck, Patrick and Stefan Rummens. "Religious Arguments in the Public Sphere: Comparing Habermas with Rawls." *Ars disputandi: the online journal for philosophy of religion* (2011), 237-49. http://hdl.handle.net/10067/920320151162165141

Lopez, Donald S. "Belief." In *Critical Terms for Religious Studies,* edited by Mark C. Taylor. Chicago and London: The University of Chicago Press, 1998: 21-35.

MacDougall, Bruce, Elsje Bonthuys, Kenneth McK. Norrie and Marjolein van den Brink. "Conscientious Objection to Creating Same-Sex Unions: An International Analysis." *Canadian Journal of Human Rights* 1 (2012): 127-164.

Maclure, Jocelyn and Charles Taylor. *Secularism and Freedom of Conscience*. Cambridge, MA and London: Harvard University Press, 2011.

Marty, Martin. "Pluralisms." *The ANNALS of the American Academy of Political and Social Science* 612 (2007): 13-25.

Masuzawa, Tomoko. *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism.*

Chicago and London: The University of Chicago Press, 2005.

McCarthy, Thomas. "Legitimacy and Diversity: Dialectical Reflections on Analytic Distinctions." In *Habermas on Law and Democracy*, edited by Michel Rosenfeld and Andrew Arato. Berkeley and Los Angeles: University of California Press, 1998: 115-153.

"Kantian Constructivism and Reconstructivism: Rawls and Habermas in Dialogue." *Ethics* 105 (1994): 44-63.

McConnell, Michael W. "Why Protect Religious Freedom?" *Yale Law Journal* 123, 2 (2013): 770-792.

Religion and the Constitution. Aspen Publishers, 2002.

"The Problem of Singling Out Religion." *DePaul Law Review* 50, 1 (2000).

Mill, John Stuart. *On Liberty and Other Essays.* Oxford: Oxford University Press, 1991.

Milot, Micheline. *Laïcité dans le nouveau monde: Le cas du Québec*. Brepols, 2002.

Minkenberg, Michael. "The Policy Impact of Church-State Relations: Family Policy and Abortion in Britain, France, and Germany." *West European Politics* 26, 1 (2003): 195-217.

"Religion and Public Policy. Institutional, Cultural, and Political Impact of Shaping Abortion Policies in Western Democracies." *Comparative Political Studies* 35, 2 (2002): 221-247.

Mohseni, Payam and Clyde Wilcox. "Religion and Political Parties." In *Routledge Handbook of Religion and Politics*, edited by Jeffrey Haynes. Abingdon: Routledge, 2009: 211-30.

Nagel, Thomas. "Moral Conflict and Political Legitimacy", *Philosophy and Public Affairs*, 16, 3 (1987): 215-240.

Nussbaum, Martha C. *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age.* Belknap Press of Harvard University Press, 2012.

Liberty of Conscience: In Defense of America's Tradition of Religious Equality. New York, New York: Basic Books, 2008.

Ozzano, Luca and Francesco Cavatorta, eds. *Religiously Oriented Parties and Democratization.* Abingdon; New York: Routledge, 2013.

Pace, Enzo. "Achilles and the Tortoise. A Society Monopolized by Catholicism Faced with an Unexpected Religious Pluralism." *Social Compass* 60, 3 (2013): 315-331.

Panikkar, Raimundo. *The Intrareligious Dialogue.* New York: Paulist Press, 1978.

Pasieka, Agnieszka. *Hierarchy and Pluralism. Living Religious Difference in Catholic Poland.* New York: Palgrave Macmillan, 2015.

Peletz, Michael. *Gender pluralism: Southeast Asia since early modern times.* London: Routledge, 2009.

Petito, Fabio and Pavlos Hatzopoulos, eds. *Religion in International Relations: The Return from Exile.* New York: Palgrave Macmillan, 2003.

Quong, Jonathan. *Liberalism without Perfection.* Oxford: Oxford University Press, 2010.

Rashkover, Randi and Martin Kavka, eds. *Judaism, Liberalism, and Political Theology.* Bloomington, IN: Indiana University Press, 2014.

Ratzinger, Joseph and Jürgen Habermas. *The Dialectics of Secularization: On Reason and Religion.* San Francisco: Ignatius Press, 2007.

Rawls, John. *Political Liberalism.* New York: Columbia University Press, 2005.

The Law of Peoples with "The Idea of Public Reason Revisited." Cambridge: Harvard University Press, 2001.

A Theory of Justice. Oxford: Oxford University Press, revised ed. 1999.

"The Idea of Public Reason Revisited." In *The University of Chicago Law Review*, 64, 3 (1997): 765-807.

Political Liberalism New York: Columbia University Press, 1993.

A Theory of Justice. Cambridge, Massachusetts: Harvard University Press, 1971.

Raz, Joseph. *The Morality of Freedom.* Oxford [Oxfordshire]: Clarendon Press, 1986.

Richardson, James T., ed. *Regulating Religion: Case Studies from Around the Globe.* New York & Dordrecht: Kluwer Academic/ Plenum, 1994.

Ricoeur, Paul. *Figuring the Sacred: Religion, Narrative, and Imagination.* Edited by Mark I. Wallace, translated by David Pellauer. Fortress Press, 1995.

Riordan, Patrick. "Permission to Speak: Religious Arguments in Public Reason." *Heythrop Journal* XLV, 2004: 178-196.

Rivera Castro, Fabiola. *Laicidad y Liberalismo.* Colección de Cuadernos Jorge Carpizo. Para Entender y Pensar la Laicidad 3. Mexico D.F.: IIJ - UNAM, 2013. "Laicidad y pluralismo." *Isonomía: Revista de teoría y filosofía del derecho*, 33 (2010): 35-64.

Rosenblum, Nancy L. "Religious Parties, Religious Political Identity, and the Cold Shoulder of Liberal Democratic Thought." *Ethical*

Theory and Moral Practice 6, 1 (2003): 23-53.

Roy, Olivier. *La laïcité face à l'Islam*. Paris: Stock, 2005.

Rusconi, Gian Enrico. *Come se Dio non ci fosse. I laici, i cattolici e la democrazia*. Torino: Einaudi, 2000.

Schmitt, Carl. "Der Begriff des Politischen." *Archiv für Sozialwissenschaft und Sozialpolitik* 58, 1 (1927): 1-33. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Cambridge, MA: The MIT Press, 1985.

Schwartzman, Micah. "Religion as a Legal Proxy." *San Diego Law Review*, 51, 4 (2014): 1085-1104.

"What If Religion Is Not Special?" *University of Chicago Law Review*, 1351 (2012): 1354-1427.

Scott, Thomas. "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society." In *Millenium - Journal of International Studies* 29, 3 (2000): 815-841.

Smith, Wilfred Cantwell. *The Meaning and End of Religion*. Minneapolis, Minn: Fortress Press, 1991.

Stark, Rodney. "Secularization, R.I.P." *Sociology of Religion* 60, 3 (1999): 249-73.

Stepan, Alfred C. "Religion, Democracy, and the 'Twin Tolerations'." *Journal of Democracy* 11, 4 (2000): 37-57.

Stoeckl, Kristina. "The Theology Blind Spot", *The Immanent Frame* (blog), February 13, 2014, http://blogs.ssrc.org/tif/2014/02/13/the-theology-blind-spot/

Swatos, William H. and Kevin J. Christiano. "Introduction — Secularization Theory:

The Course of a Concept." *Sociology of Religion* 60, 3 (1999): 209-28.

Sullivan, Winnifred F., Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin, eds. *Politics of Religious Freedom*. Princeton: Princeton University Press, 2015.

Taylor, Charles. "Why We Need a Radical Redefinition of Secularism." In *The Power of Religion in the Public Sphere*, edited by Eduardo Mendieta and Jonathan VanAntwerpen. New York: Columbia University Press, 2011: 34-59.

A Secular Age. Cambridge, Mass: Belknap Press of Harvard University Press, 2007.

Sources of the Self: The Making of the Modern Identity. Cambridge: Cambridge University Press, 1989.

Philosophy and the Human Sciences: *Philosophical Papers Two*. Cambridge: Cambridge University Press, 1985.

Tepe, Sultan. *Beyond Sacred and Secular: Politics of Religion in Israel and Turkey*. Stanford: Stanford University Press, 2008.

Triandafyllidou, Anna. "Religious Diversity and Multiculturalism in Southern Europe: The Italian Mosque Debate." In *Multiculturalism, Muslims and Citizenship. A European Approach*, edited by Tariq Modood, Anna Triandafyllidou and Ricard Zapata-Barrero. Abingdon: Routledge, 2006: 117-42.

Trotter, Geoffrey. "The Right to Decline Performance of Same-Sex Civil Marriages: The Duty to Accommodate Public Servants - A Response to Professor Bruce MacDougall." *Saskatchewan Law Review* 70 (2007): 365-92.

Vallentyne, Peter, Hillel Steiner and Michael Otsuka. 'Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant:

A Reply to Fried'. *Philosophy and Public Affairs* 33, 2 (2005): 201-215.

Vallier, Kevin. *Liberal Politics and Public Faith: Beyond Separation*. New York: Routledge, 2014.

"Against Public Reason Liberalism's Accessibility Requirement." *Journal of Moral Philosophy*, 8, 3 (2011): 366-389.

van Eck Duymaer van Twist, Amanda. *Perfect Children: Growing Up on the Religious Fringe*. New York: Oxford University Press, 2015.

Vatter, Miguel. "Introduction: Crediting God with Sovereignty." In *Crediting God: Sovereignty and Religion in the Age of Global Capitalism*, edited by Miguel Vatter. New York: Fordham University Press, 2011: 1-25.

Vertovec, Steven. "More multi, less culturalism: The anthropology of cultural complexity and the new politics of pluralism." *Revista d'Etnologia de Catalunya* 15 (1999): 8-21.

Walhof, Darren R. "Habermas, Same-Sex Marriage and the Problem of Religion in Public Life." *Philosophy and Social Criticism* 39, 3 (2013): 225-42.

Wall, Steven. "Perfectionism, Reasonableness and Respect." *Political Theory, 42, 4 (2014)*: 468-489.

Waldron, Jeremy. *Liberal rights: Collected papers 1981-1991*. Cambridge: Cambridge University Press, 1993.

Walshe, Garvan. "Green Libertarianism". *Ethical Theory and Moral Practice* 17 (2014): 955-970.

Walzer, Michael. "Nation and Universe." In *Thinking Politically. Essays in Political Theory*. New Haven: Yale University Press, 2007: 183-218.

On Toleration. New Haven: Yale University Press, 1997.

Weithman, Paul J. *Religion and The Obligations of Citizenship*. Cambridge: Cambridge University Press, 2002.

Williams, Bernard. "Toleration: An Impossible Virtue." In *Toleration - An Elusive Virtue*, edited by David Heyd. Princeton: Princeton University Press, 1996: 18-27.

Williams, Melissa and Jeremy Waldron, eds. *Toleration and Its Limits*. New York: New York University Press, 2008.

Wolterstorff, Nicholas. "In Engagement with Jurgen Habermas on Postmetaphysical Philosophy, Religion and Public Dialogue." In *Habermas and Religion*, edited by Craig Calhoun, Eduardo Mendieta and Jonathan VanAntwerpen. Cambridge: Polity Press, 2013: 92-111.

"Habermas on Religion and Postmetaphysicalphilosophy in Political Discourse." In *Understanding Liberal Democracy. Essays in Political Philosophy*, edited by Terrence Cuneo. Oxford: Oxford University Press, 2012: 353-76. "Why Can't We All Just Get Along With Each Other?" In *Understanding Liberal Democracy. Essays in Political Philosophy*, edited by Terence Cuneo. Notre Dame: University of Notre Dame Press, 2012: 277-297.

"The Role of Religion in Decision and Discussion of Political Issues." In *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, edited by Nicholas Wolterstorff and Robert Audi. Rowman & Littlefield Publishers, 1997: 67-93.

Woodhead, Linda. "Gendering secularization theory." *Social Compass* 55, 2 (2008): 187-193.

Wuthnow, Robert. *Rediscovering the Sacred: Perspectives on Religion in Contemporary Society*. Grand Rapids Mich: Wm. B. Eerdmans Publishing Co., 1992.

Yavuz, M. Hakan. *Secularism and Muslim Democracy in Turkey*. Cambridge: Cambridge University Press, 2009.

RELIGIOUS PLURALISM:
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