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Habermas, Same-Sex Marriage and the Problem of Religion in Public Life

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Abstract
This article addresses the debate over religion in the public sphere by analysing the conception of 'religion' in the recent work of Habermas, who claims to mediate the divide between those who defend public appeals to religion without restriction and those who place limits on such appeals. I argue that Habermas' translation requirement and his restriction on religious reasons in the institutional public sphere rest on a conception of religion as essentially apolitical in its origin. This conception, I argue, remains embedded in a standard secularization framework, despite Habermas' claim to offer a new account of secularization. This approach betrays the complex reality of the political constitution of religion and the religious constitution of politics, as demonstrated by the current debate about marriage rights in the USA. In mischaracterizing the inherently public and political dimensions of religion, Habermas undermines the effectiveness of his normative framework.

Deliberative democracy has a religion problem. The shared perspective called for by deliberative approaches – whether articulated in terms of reciprocity, an overlapping consensus, or communicative rationality – coexists uneasily with the religious convictions, language and forms of activism that have marked democracy in the USA and elsewhere in recent decades. Political views framed and defended in religious terms seem incapable of being shared by others or serving as the grounds for agreement, as deliberative theories demand. As a result, the primary solution among deliberative

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theorists has been to argue that citizens, for the most part, should limit their appeals to religious reasons in the public sphere.

In this article, I explore whether deliberative democracy's religion problem is largely one of its own making, stemming from the way that it conceptualizes religion. In treating religion primarily in terms of inaccessible epistemological claims, theories of deliberative democracy end up conceptualizing religion as apolitical in its essence, an approach rooted in a classic secularization framework. On this view, religion is imagined as a more or less autonomous area of life that appears as an occasional interloper on democratic politics, rather than as something that is fundamentally constituted by and through politics. This approach means that theories of deliberative democracy create an irresolvable problem for themselves: their presumption that religion is essentially apolitical creates the possibility that democratic deliberation can be fundamentally areligious, which becomes an implicit or explicit standard for the legitimate outcomes of democratic deliberation. The re-emergence of religion in public life, then, gets articulated as the failure of religiously based political speech and action to fit deliberative standards of legitimacy.

I develop this case through an analysis of the work of Habermas, who has recently claimed to mediate the divide between, on the one hand, those who defend public appeals to religious reasons more or less without restriction and, on the other hand, those who place limits on such appeals (2008: 119). In particular, Habermas has criticized Rawls' approach to public reason and its restrictions on public appeals to religious beliefs, and he has offered an alternative account that takes seriously the insights of public reason critics like Nicholas Wolterstorff (Audi and Wolterstorff, 1997) and Paul Weithman (2002). In so doing, Habermas offers a new understanding of secularization as a mutual learning process, one he seeks to distinguish from traditional notions of secularization. Despite the appeal of Habermas' approach, I argue that it remains embedded in a standard secularization framework and that, as a result, he understands religion as essentially apolitical, something that exists outside of the political realm. This approach betrays the complex reality of the political constitution of religion and the religious constitution of politics, especially in the United States, as demonstrated by the current debate about marriage rights. In this way, Habermas' normative approach presumes an image of religion that, in mischaracterizing its inherently public and political dimensions, ends up undermining the effectiveness of his normative framework.

Habermas on religion and the public sphere

Habermas criticizes Rawls, in essence, for failing to take the religious liberty of religious citizens seriously enough in demanding that such citizens have a moral responsibility to justify their political convictions independently of their religious ones (Rawls, 1993: 224). Habermas acknowledges, following Wolterstorff, that religious citizens may not be able to find compelling non-religious reasons for their social and political views, given that their religiously grounded conceptions of justice tell them what is politically right and wrong (Audi and Wolterstorff, 1997: 105). A liberal approach cannot require these citizens to justify their political convictions independently of their religious ones, since this would violate the very rights that liberalism claims to protect. Moreover, since

under Habermas' theory the deliberative mode of democratic will-formation demands the equal participation of all citizens, requiring religious citizens to proffer secular reasons for their views would violate equality and lead to illegitimate outcomes (2008: 128). Thus his theory must somehow accommodate religious reasons in public.

Habermas, however, goes beyond merely accommodating religious citizens. He also argues that religious traditions potentially make unique and positive contributions to public discourse and secular philosophy. For example, in their articulations and embodiments of forms of goodness and exemplary lives, religious traditions potentially preserve things that philosophy does not currently provide. Habermas concedes that while western philosophy has historically assimilated Christian truths and concepts, it has not exhausted their meanings. He argues that these meanings can be cultural resources for solidarity against encroaching market and administrative power; in this way, religion can be an ally in resisting system domination (Habermas and Ratzinger, 2006: 45–6; Habermas, 2008: 111). In addition, Habermas claims, religious traditions have a unique ability to articulate moral intuitions, especially with regard to 'vulnerable forms of communal life'. To the extent that these insights have not yet been conceptualized by philosophy, religion can assist the struggle for justice by articulating these moral insights in the public sphere (2008: 131–2).[1]

However, since he is not satisfied with a mere modus vivendi approach to democracy, Habermas cannot simply side altogether with Wolterstorff, who argues that all liberal democracy needs to succeed is the 'fairly gained and fairly executed agreement of the majority' on particular policies (Audi and Wolterstorff, 1997: 114). Habermas' normative vision of deliberative democracy instead links civic solidarity with the rational acceptability of democratic decisions, in which citizens understand themselves as the authors of laws under which they live. Thus, only policies that can be accepted by all those affected as participants in rational discourse are legitimate (ibid.: 107). Habermas, then, is in a difficult spot: he wants a robust notion of religious liberty that accords religious citizens full equality and does not cut public discourse off from the resources religious traditions may have to offer, but he also wants the policy and law outcomes of democratic decision-making to be grounded in public reasons that are accessible to all, a standard that religious reasons, in his view, generally fail to meet. His solution is to distinguish between the informal public sphere of democratic opinion-formation, on the one hand, and the institutional decision-making public sphere (legislatures and courts, for example), on the other. Habermas claims that religious citizens should be free to express and justify their political views in religious language in the informal sphere. However, 'those who hold a public office or are candidates for such', and thus operate within the institutional public sphere, 'have a duty to remain neutral among competing worldviews' (2008: 128). In other words, coercive policies must be based solely on secular reasons, not on religious reasons or language, even though religious language can contribute to democratic opinion-formation. This division of the public sphere, in Habermas' view, solves the dilemma of protecting the equality and liberty of religious citizens and remaining open to the resources religious traditions offer, while also grounding the legitimacy of law in public reasons accessible to all.

One of Habermas' concerns is that Rawlsian public reason imposes unequal burdens of citizenship on religious and non-religious citizens. Habermas attempts to mitigate this problem by specifying mutual burdens for religious and non-religious citizens as part of secularization, which he characterizes in terms of a complementary learning process.

Under this approach, religious citizens must abide by what he calls the 'institutional translation proviso': they can use religious language and reasons in the informal public sphere as long as they accept that only secular reasons count in the institutions of government and, thus, their religious reasons are subject to translation.[2] Habermas does not require that believers themselves provide the translation, only that they make a good faith effort to recognize themselves as authors of laws by connecting their own religious convictions to the secular reasons used to justify the laws. For the religious citizen, as Habermas puts it, 'this only calls for the epistemic ability to consider one's own religious convictions reflexively from the outside and to connect them with secular views'. Secular citizens, as their part of the bargain, must 'cooperate in producing a translation' (2008: 130). In other words, both religious and non-religious citizens are called upon to work jointly on the task of translation and to maintain the threshold separating the informal public sphere from the institutional public sphere.

Habermas also makes broader epistemic demands of both religious and non-religious citizens. Given the fact of pluralism, Habermas argues, religious communities must engage in hermeneutical self-reflection in order to develop an epistemic stance toward the claims of other religions and worldviews, toward secular knowledge, especially scientific expertise, and toward the priority of secular reasons in the political arena. As part of this, religious citizens must distinguish their role as citizens from their role as religious adherents, in part by eschewing dogmatism and respecting freedom of conscience. Non-religious citizens also bear a cognitive burden. They must work to overcome a 'rigid and exclusive secularist self-understanding of modernity' and may not question the right of religious citizens to contribute to public arguments in religious language (2008: 137–9). Moreover, non-religious citizens can be expected to help 'translate relevant contributions from religious language into a publicly intelligible language' (ibid.: 113). This entails viewing their political disagreements with religious citizens as reasonable and expected, not merely the result of irrationality on the part of the religious believer. This 'agnostic, but non-reductionist form of postmetaphysical thinking' refrains from passing judgment on religious truth and rejects a narrow conception of reason that excludes religious doctrines from reason's genealogy, even while it continues to insist on a strict demarcation between faith and knowledge. In other words, postmetaphysical thinking of this sort must adopt a self-reflexive, critical stance toward the limits of enlightenment, similar to the self-reflexive, critical stance that religious citizens must take toward the limits of the truth-claims of their religious traditions (ibid.: 140).

Habermas acknowledges that under this approach the burdens of citizenship may still remain somewhat unequal for believer and unbeliever. He argues that for the religious citizen, the good is prior to the right, where the divine perspective from which one claims to operate deems other ways of life not just different but mistaken. For a non-religious citizen with 'light metaphysical baggage', however, the right has priority over the good. These citizens see democracy and the protection of human rights as paramount; beyond that, plural ways of life generate no cognitive dissonance for them (2008: 262–4). In this way, the worldview of the non-religious citizen substantially overlaps with the tenets of liberalism itself. As a result, unequal burdens are unavoidable, though Habermas believes that his approach reduces the imbalance relative to other public reason approaches because of the demands he makes of non-religious citizens. In a postmetaphysical democracy, *both*

religious and non-religious citizens must adopt reflexive and critical stances toward their own convictions, and each must maintain an openness toward the other.

Religious and secular reasons in the marriage debate

Habermas tries to solve the problem that religion poses for deliberative democracy by allowing religious reasons as part of the opinion-forming public sphere but allowing only generally accessible or secular reasons in decision-making institutions and as the basis of policy.[3] At the heart of this scheme is his translation requirement. In his view, translation allows for robust religious liberty in a way that also continues to meet his standard of having citizens understand themselves as the authors of laws under which they live. This is, in some respects, an appealing vision, based on a welcome recognition that merely circumscribing religious reasons in the public sphere fails to account for the reality of the public presence of religion in democratic politics. And yet, as others have argued, it is not clear that it actually solves the problem of exclusion for religious citizens. Cristina Lafont argues that Habermas' notion of translation assumes that it is possible to come to the same conclusions through different epistemic means – that is, that there is an equivalence between particular religiously based political reasons and particular non-religiously based political reasons. This fails to account for genuine conflicts between religious and secular reasons, situations where no translation can be made. Lafont thinks such situations do occur in politics, and, when they do, Habermas' translation proviso leaves religious citizens in more or less the same position as Rawls' approach does: they would be excluded from understanding themselves as co-authors of the policies that emerge (2009: 135). Similarly, Melissa Yates argues that, while Habermas asks both religious and non-religious citizens to maintain cognitive openness, only religious citizens on his account must also somehow split their religious identities from their public identities, just as Rawls demands (2007: 888).

Lafont and Yates are right to be concerned about the translation requirement; nonetheless, their criticisms share with Habermas the assumption that religious reasons are readily distinguishable from secular reasons employed in the public sphere. There are causes to question this assumption, however, based on the inherently public and political nature of religious and theological claims themselves. As Wolterstorff argues, theological claims refer not only to a restricted set of 'religious' issues important for the individual believer in his or her personal life, such as the nature of God and the soul, how to please God, and how to attain eternal life. Rather, they also have to do with this-worldly social and political concerns like the nature of justice, equality and freedom in particular contexts. Theology, then, is public in the sense that it addresses issues of common concern. It is an ongoing attempt to speak from a religious community and to bring the resources of its tradition to bear on collective matters, not just for those who identify with the religious community, though this may be its primary audience, but for broader communities as well, depending on the issue. This means that theology can potentially contribute to civic discourse, as Weithman contends (2002: 50). To define religious discourse in advance as *not* part of the public sphere ignores this contribution, as Habermas recognizes.

Theological claims are also public in a second sense, one that Habermas enacts in his engagement with theologians but draws little attention to in his theory. Theology not only addresses public concerns but also takes place, in various ways, in public. Like any other discipline, academic theology is not confined to seminaries and religious universities but is carried out through conferences, journals, books, speeches, online discussions, professional associations, and so forth. Though the language and practices of a specific religious tradition might limit the reach of theological debates, they are not exclusively 'in-house', restricted activities. In addition, priests, clerics, rabbis, preachers and other religious leaders reproduce and refract theological insights in their pronouncements to, and conversations with, lay members. Although here, too, the primary audience may be the members of a religious community, other 'publics' are also often addressed. As Weithman argues, this becomes clear when we reconceptualize the 'public' not in terms of a particular space but as a particular kind of occasion, one in which a statement, first, is intended to be known and actually made available to others and, second, involves a commitment to certain outcomes, creating legitimate expectations of one's behavior (2002: 95–101).[4]

Moreover, theological arguments do not remain confined to the occasion of their pronouncement, since political leaders and activists associated with particular religious traditions frequently take them up and reproduce them in other contexts as well. In these contexts, the theological claims under discussion are open to questioning, contestation and revision, not just by those who identify with the tradition, but by those outside of the tradition as well. As religious communities have adopted new mass communication technologies – radio, television and, especially, the internet – their theological conversations are increasingly available to anyone who wants to pay attention, and they can be taken up by anyone who cares about the issues to which they speak. Religious and theological views, then, are not forged in isolation. Instead, they are made and remade in connection with, and in opposition to, others, both those who identify with the tradition in question and those outside of it. These views, then, are partly a product of their social and political contexts, and as such they are generally accessible to citizens who may not share them. This is an obvious point, but one that is often forgotten in discussions among political theorists about whether religious reasons belong in democratic deliberation. The presumption seems to be that religious reasons arise from a distinct area of human life and then are directed toward political matters, rather than taking shape as part of the social and political world.

This is illustrated by the issue of marriage rights for same-sex couples, an issue currently or recently on the political agenda in many democracies and one that is particularly divisive in the US context.[5] In the US debate, it is common to see activists for marriage equality take up theological claims about sexuality or marriage made by religious leaders and activists who oppose marriage rights for same-sex couples. Though sometimes the activists supporting same-sex marriage will dismiss any theological claims outright, in other cases they will address the claims on the tradition's own terms. They might, for example, contest the interpretation of a passage from a sacred text, offer other texts as counter-evidence, or argue that the stated view violates another of the tradition's core commitments. The reverse also happens, as religious thinkers and activists who oppose same-sex marriage take up the arguments of pro-gay thinkers and activists.[6]

These exchanges are not always a model of reasoned discourse, to be sure, but this does not negate the fact that religious and theological reflections are often articulated and applied in the context of broader debates with those outside the religious tradition in question.

In fact, as the debate over marriage in the USA highlights, religious communities would not articulate certain theological claims at all in the absence of particular cultural, social, or political developments. Though one can find condemnations of sexual practices between members of the same sex far back in the history of Christian theology (McNeill, 1976), these doctrines and the biblical texts they draw on necessarily get reinterpreted in the face of a more or less new demand, state recognition of same-sex relationships. American Christians opposed to marriage rights for same-sex couples find themselves having to defend heterosexual marriage in ways that were, for the most part, unnecessary just a decade ago. This development, in turn, opens up the possibility of calling into question, say, whether present-day heterosexual marriage in fact reflects a 'Christian' or 'biblical' approach to marriage. Theological claims are revisited and revised, and in the process the identities of religious traditions are themselves renarrated. As a result, for some conservative American Christian denominations and churches, opposition to gay marriage has in a very short time become a defining feature of their collective identities and an orthodoxy standard against which other Christian groups are measured.[7] Within other traditions, like the worldwide Anglican communion, issues surrounding same-sex relationships remain at the core of a struggle to construct and claim the tradition's identity.

The same is true, of course, with respect to abortion. Here, too, theology, politics and the identity of a religious community are all tied up with each other, as religious leaders and citizens apply and reformulate their theologies in new political contexts. During the 2004 US presidential campaign, for example, certain members of the Roman Catholic clergy announced that they would refuse to administer the Eucharist to John Kerry and other pro-choice, Roman Catholic politicians.[8] Now, in one sense this may have been simply an exercise of proper ecclesiastical authority,[9] since as a basic matter of religious liberty in the USA the Roman Catholic Church has the right to make doctrinal decisions about who may and may not partake of the sacrament, what steps are necessary before partaking, and what the consequences are for those who do not meet these requirements. However, in focusing on the issue of abortion, the bishops were also participating in an effort to define what it means to be (a good) Roman Catholic, one necessitated in their view by particular political and social developments. Moreover, announcing this stand in the midst of a presidential campaign represented a public effort to define what it means to be a *citizen* of a certain sort – a Roman Catholic citizen, at minimum, but perhaps more broadly, a citizen of faith, or even just a morally upright citizen. Others, like Catholics for Free Choice, resisted this effort, arguing that (good) Catholics could vote for pro-choice politicians (Wakin, 2004). The bishops, activist groups and other lay Roman Catholics are all in this case engaged in the struggle to define the nature of Roman Catholicism and to claim the mantles of good believer and good citizen, a struggle that is unavoidably public and political.[10]

This complex intertwining of theology, religious identity and politics makes it difficult, I would argue, to disentangle 'religious' from 'secular' reasons, especially in

a way that correlates to an inaccessible versus accessible divide. This is especially clear in the marriage debate. Certainly, sophisticated faith-based interest groups and advocates can present public arguments that make few direct references to God, sacred texts, a Church's teaching, or anything else that is prima facie 'religious'. In fact, some have become quite adept at it. For example, the National Organization for Marriage, one of the leading groups opposing same-sex marriage, publishes a pamphlet entitled 'Why Marriage Matters'. Though it opens with quotes from the biblical books of Genesis and Mark, the pamphlet quickly moves to a set of arguments for marriage drawn from what it claims is 'a large body of social science research'. These include the fact that marriage is correlated with lower poverty rates, with longer, happier and healthier lives of spouses, and with children who are happier and have higher educational achievements. The pamphlet then offers a set of reasons against same-sex marriage, including the following: it will lead to polygamy, it will lead to violations of religious liberty and it will lead to teaching about gay sex in public schools (National Organization for Marriage, 2009b). None of these, on their face, are obviously 'religious' reasons. Aside from the introductory paragraph, there are no references to God, sacred texts, or the teachings of a Church. Their 'Talking Points' webpage is similarly devoid of religious references and appears designed, in fact, to discourage its member activists from employing explicitly religious claims in public discourse; the document urges them, instead, to argue that maintaining exclusively heterosexual marriage is just 'common sense' (National Organization for Marriage, 2009a).

Likewise, arguments against same-sex marriage from the op-ed pages of major newspapers and magazines rarely draw on explicitly theological reasons. In a *Wall Street Journal* op-ed piece, for example, Robert George argues that marriage is a distinctive form of union by virtue of its being 'founded, unlike other friendships, on bodily unity of the kind that sometimes generates new life'. Thus, redefining marriage to include same-sex unions will, according to George, undermine 'its connection to organic bodily union – and thus to procreation', even though not all heterosexual unions are 'generative in effect' (2009: A11). Though George's Roman Catholic theological commitments are well known, the argument directly invokes no theological doctrines or reasons. Similarly, a piece in the conservative magazine *The Weekly Standard* argues that, because heterosexual marriages play a unique role in the 'kinship system' that cannot be replicated by same-sex marriages, the latter will inevitably fail and should, therefore, not be allowed (Schulman, 2009). The legitimacy or illegitimacy of its anthropological claims notwithstanding, the argument is not on its face a religious one.

On Habermas' terms, it is difficult to know what to make of these arguments. Perhaps he would simply regard them as translations of religious reasons into secular reasons. Certainly, claims from social science research about the social and psychological effects of heterosexual marriage, or allegations about what would or would not have to be taught to public school students, could more easily be shared by non-religious citizens than narrow theological claims along the lines of 'God forbids same-sex marriage'. To the extent that religious citizens can recognize the former as some of their own reasons, even if not their only ones, we could regard this as a kind of translation. Moreover, in Habermas' view, we need not worry about whether these are their *actual* reasons or merely reasons they choose to offer. According to him, while the motivations of citizens 'may be relevant for a moral judgment of the citizen', it is only the manifest reasons that have

to do with 'maintaining a liberal political culture' and have implications for democratic opinion-formation (2008: 126).[11]

At the same time, 'translation' does not seem like the right concept for describing these contributions to the public debate about same-sex marriage. Translation implies an equivalence of some sort. When we attempt to translate a statement from one language into another, for example, the task is oriented toward conveying the same meaning in the second language, even though there is, of course, an interpretive dimension to any translation. But the above arguments are not really religious arguments restated in non-religious terms. There is not an equivalent meaning simply expressed in two different ways. Instead, the given arguments are facially non-religious reasons that are *situated within* broader theological-cum-political visions. In fact, the stated reasons make the most sense, and are most compelling, when one also knows these broader visions. Moreover, such contextualized arguments would in many respects be *more* accessible to one who does not share these visions than the stripped-down versions offered. For example, a non-religious citizen likely could more easily understand and even be sympathetic to George's argument about the potentially generative effects of heterosexual marriage if the theological context of this argument were made explicit.

Of course, these arguments against same-sex marriage are part of the informal public sphere. Based on Habermas' approach, such arguments may be expressed in explicitly religious terms – indeed, we may even lose something if they are not sometimes expressed in this way – as long as these reasons are translated before entry into the institutional public sphere. But a look at actual arguments in the institutional public sphere suggests that similar problems arise here as well.

In the USA, it is only within the last few years that same-sex marriage rights have been explicitly considered in legislative bodies, rather than only in the courts.[12] Given the chance to express their views and their reasons for these views on this issue, state legislators frequently employed explicitly religious language and reasons. In fact, it is rather surprising how much religious language and reasons permeated these debates. In the Maine legislature, for example, the statements of legislators opposing same-sex marriage invoked, among others: 'traditional marriage' as rooted in 'established religion' and dictated by specific passages from the Bible (Rep. Burns); the fact that God created gender diversity, which is perfectly reflected in heterosexual marriage (Rep. Thibodeau); and that same-sex marriage is known to be wrong based on the 'good book' and knowledge drawn from 'the deepest part of my soul' (Rep. Briggs).[13] These claims were intermixed with other, less obviously religious claims that homosexuality is 'innately aberrant' and against 'natural law' (Rep. Ayotte), that procreation is the purpose of marriage (Rep. Bickford), that heterosexual marriage is the foundation of society and changing it will result in decline (Rep. Chase, Sen. Weston), that no civilization in history has endorsed same-sex marriage, and that most Maine residents oppose it (Rep. Celli).

But facially religious arguments were not monopolized by opponents of same-sex marriage. In addition to arguments on the grounds of equality and non-discrimination, proponents also invoked claims, among others, that 'God is a God of love' (Rep. Carey), that the Bible commands one to 'do justice' and 'love mercy' (Sen. Mitchell), that one's church supports the bill (Sen. Rector), and that 'God loves those who love others' (Sen. Nutting). Beyond giving specific reasons, moreover, legislators on both sides of the issue

frequently provided context for their remarks by citing current and past church memberships and leadership positions, and by offering personal narratives that included references to religious and non-religious family histories, rejection or acceptance of gay children, parents and friends by religious bodies, and, frequently, their own marriages, especially inter-faith and inter-racial ones. The back-and-forth of deliberation suggests that no one has trouble understanding, responding to, or even sharing the arguments given. Moreover, removing the 'religious' reasons from this debate would remove much of its substance. It would require excising much of the personal narratives, and perhaps nearly everything that Iris Marion Young defended as the rhetorical dimension of deliberation (2000: 65–6). In the Maine case, we would be left with a small handful of appeals to non-discrimination, equality and majority opinion. These may more closely fit a deliberative standard of grounds that all can reasonably be expected to share, but it is unlikely that the end result would be greater legitimacy of the policy outcome, or a greater sense among those involved in the decision and those represented by them that their voices had been heard and taken seriously.

Habermas' translation requirement depends on a distinction between 'religious' and 'secular' language and reasons that he presumes would be at least somewhat straightforward. However, arguments about same-sex marriage in the USA suggest that the distinction not only is not necessarily easy to make, but also is likely to be not that useful when it comes to questions of legitimacy. In this case, the views and identities of religious citizens are produced not just in the context of, but also *because of* and *by means of*, political debate and action. As such, they are inherently and thoroughly political viewpoints and reasons, both in origin and in object. But they are also religious viewpoints and reasons, both in origin and in object, in that the responses to political developments are drawn in part from the resources of a religious community, are meant to inform and enable members of that community, and simultaneously transform both the theological reasons and the identity of the community itself. In this way, the translation requirement largely fails to do justice to the religious dimensions of politics and the political dimensions of religious beliefs, identities and practices.

Secularizations old and new

Part of the problem with Habermas' approach is that he gives few details as to what translation as part of democratic deliberation would look like. Rather than address the specific question of how religious reasons and language can be translated into grounds that can be recognized as legitimate by all, including religious believers themselves, Habermas' discussion of translation primarily focuses on how insights can be gleaned from religion and theology, which seems to be his primary concern. In fact, Habermas tends to equate the mining of religion's resources with the 'translation' of religious reasons into secular reasons. In a conversation with Eduardo Mendieta, for example, Habermas says that there remain religious meanings 'that philosophy has not yet fully exhausted, has not yet translated into the language of the public, that is of presumptively generally convincing, reasons' (Habermas, 2002: 162). 'Translation' is here equated with 'exhaust[ing]' the meanings and resources religion has to offer, a process that involves conversion into the 'language of the public'. This formulation implies that

religious language is not already part of the language of the public, and it also suggests that its translation into public language is not an outcome of political discourse itself but a task carried out by philosophy. Philosophers mine religion for its resources and make them available for public use. Elsewhere, Habermas suggests that philosophy and theology jointly enable the translation of religious reasons into public reasons (ibid.: 74–6).[14]

The purpose of Habermas' translation requirement appears to be less about ensuring that religious citizens have full religious liberty and can recognize themselves as authors of the laws under which they live, and more about the mining of theological resources for public benefit. This helps explain why Habermas focuses so much on the *kind* of religion appropriate for postsecular democracy rather than on the political practices and institutions that would enable the translation he calls for. Habermas' requirements for acceptable postmetaphysical religion, I suggest, reveal the extent to which his account remains tied to a traditional secularization framework that sees religion as apolitical in its essence.

Though the specifics of traditional secularization theory have long been contested, most versions include some combination of the following: (1) the differentiation of society into separate spheres (the economy, education, the family, leisure, and so forth); (2) the privatization of religion, as its public authority recedes in the face of new authorities like science, reason and the market; and (3) the decline of individual religious belief and practice (Casanova, 1994). For much of the 20th century, these elements were taken to be inherently related as part of a single process that modernizing societies undergo, but this view has increasingly been called into question.[15] Societies have modernized in all sorts of ways, even while substantial percentages of their populations have continued their religious beliefs and practices. Moreover, the past few decades have shown that religious adherents in modern societies do not necessarily confine religious authority to private life. Increasingly, the broader theory has been abandoned, with the particular elements viewed as distinct phenomena that may or may not be manifested at particular times and places. In a 1991 essay, Habermas admits that, like others, his earlier work too easily accepted the premises of classic secularization theory, presuming that religion would be privatized and religious worldviews would disappear, leaving behind a secular ethics of responsibility. But now he realizes that these must remain open questions for social scientists and philosophers, and that the 'process of a critical appropriation of the essential contents of religious tradition is still underway and the outcome is difficult to predict' (2002: 79).

However, a closer look at his approach to religion suggests he has not moved substantially away from a classic secularization framework. On more than one occasion, Habermas describes religion as originally a 'worldview' or a 'comprehensive doctrine' in the sense that it 'claims the authority to structure a form of life *in its entirety*' (2008: 261, 111; original emphasis; see also Habermas and Ratzinger, 2006: 48). But, Habermas argues, it is precisely this comprehensive claim of authority that is problematic in a pluralist, democratic society, and so religion 'must renounce this claim to structure life in a comprehensive way'. Moreover, in order to avoid a situation of competing loyalties, the religious tradition must develop convincing reasons for supporting this renunciation 'from the perspective of the religion *itself*' (2008: 261; original emphasis). In other words, a religious tradition must accept differentiation and its limited authority not just as an unavoidable fact of modern life – one that, perhaps, it seeks to reverse in certain

respects – but as part of its own theology. The kind of religion suited for democratic participation in a postsecular society, in Habermas' view, is one that significantly renounces its own authority to provide a broader political and social vision. Only religious citizens who have internalized this limited role for their religious beliefs can appropriately participate in the public sphere.

Thus, despite his effort to distance himself from traditional secularization theory, Habermas' theory best fits those religious traditions that already accept as part of their collective self-image the role assigned to religion under classic secularization: religion as a personal belief system. This can be seen in the contrast Habermas draws between what he calls 'modern faith', the kind of reflexive religion suited to postsecular democracy, on the one hand, and fundamentalism, on the other. Fundamentalist groups, he argues, 'persist in practicing or promoting a return to the exclusivity of pre-modern religious attitudes', rather than accepting modern differentiation. But since such a return is impossible, fundamentalism will remain a 'false answer' to the problems posed by a pluralist society (2002: 151). Habermas casts fundamentalism as nostalgia for a traditional, pre-modern world and a refusal to accept the differentiated authorities of modern society. Such convictions, he argues elsewhere, cannot be reconciled with the mentality necessary 'if a democratic polity is not to disintegrate' (2008: 3). Habermas aligns 'modern faith', in contrast, with reflexivity, the recognition of its limited scope, and the embracing of pluralism. Fundamentalisms seemingly have little value for postsecular philosophy and politics, while modern faiths may still contain resources that can be mined.

Contrast this understanding of fundamentalism with that of Olivier Roy in his recent study of Islam and secularism. Roy argues that it is a mistake to view fundamentalism 'as the reactivation of the religious dimension of a traditional culture' (2007: 61). Rather than a desire to return to a pre-modern world where religion and culture are one, fundamentalism is instead an attempt to separate faith from its surrounding cultures and define it as 'pure religion' through a system of codes and rules. On these terms, religion is cast as a global essence, not something tied to or bound by particular cultural manifestations or historical contingencies (2004: 23–4; 2007: 9). Fundamentalism, then, is not just a reaction to, much less a rejection of, modernity, but is made possible by it and participates in its development, especially in its globalizing efforts. Roy thus draws a very different contrast than Habermas does, not between pre-modern and modern faiths but between fundamentalists and Islamists. Fundamentalists see personal piety as the means of true communal faith, whereas Islamists see communal transformation as coming by means of the state. For Islamists, Roy argues, mere fundamentalism is inadequate because the modern state dominates so much of life. Under these conditions, the state by its very existence threatens the community of the faithful unless the state is taken over by the faithful and transformed into an Islamic state. Both movements, in Roy's view, are thoroughly modern, but they differ in their stance toward political power.

Talal Asad offers a similar analysis. His work historicizes the concepts of 'religion' and the 'secular' and uncovers how these concepts are tied up with power, nationalism and the state.[16] In his book *Formations of the Secular*, Asad presents the *secular* as a concept that brings together certain practices, knowledges and sensibilities, which in turn constitute and regulate social and political identities. The practices and knowledges that constitute the modern secular, however, are largely hidden by its representation as a

neutral or natural space left over after religion has receded from public life. In this way, the secular is presented not only as religion's successor and its opposite, but also as the ground that was really there all along, needing only to be revealed after the layers of religion, superstition and tradition have been peeled back.[17] The secular and the religious, thus, are part of a larger conceptual map according to which religion functions as mere private belief, and any engagement in public talk on its part must be trivial and make few demands (Asad, 2003: 16–17). Modern religion, in other words, is constituted as belief about those areas of life not absorbed by the secular, the real.

Like Roy, Asad argues that because the modern state structures and regulates so much of life – 'even the most intimate, such as birth and death' – it is impossible to avoid encountering its power. Law and administration define and regulate social spaces, practices, identities and relationships in such a way that these become inherently politicized. So, Asad claims, to the extent that religious communities also seek to regulate or alter these spaces, practices, identities and relationships, such communities unavoidably represent 'deprivatized' religion that violates the terms of modern secularism. 'Religion' in these cases is seen as entering a space already occupied by the secular. In the case of Islamists, Asad concludes: 'Islamism's preoccupation with state power is the result not of its commitment to nationalist ideas but of the modern nation-state's enforced claim to constitute legitimate social identities and arenas. No movement that aspires to more than mere belief or inconsequential talk in public can remain indifferent to state power in a secular world' (2003: 199–200).[18]

The analyses of Roy and Asad help us see the extent to which Habermas relies on an already depoliticized concept of 'religion' and a corresponding understanding of the public sphere as secular, both of which remain situated in the modern imaginary Asad spells out.[19] On Habermas' terms, fundamentalists are either confused about the nature of religion or refuse to accept its limits. By contrast, modern, reflexive religions accept their limited role, and, therefore, can properly participate in the (informal) public sphere, providing resources that can be mined by philosophy and made fitting for entry into the fully secular realm of the institutional public sphere. However, both of Habermas' types – modern and fundamentalist faiths – are already specified in terms of a conceptual framework that sees the secular as the real and religion as a distinct, less real, area of life, with the types differing only in the extent to which they claim authority to shape communal life. Unlike Roy and Asad, Habermas does not sufficiently consider the ways that state power and politics already constitute and contain religion. Rather, he imagines the varying claims to authority made by modern and fundamentalist faiths as arising from a distinct area of life.

When theorizing the place of religion in democracy, then, Habermas frames the question in terms of whether religious reasons and language should be allowed into the public sphere and, if so, to what extent and on what terms. Roy and Asad, by contrast, ask how what we call 'religion' is already politically constituted and reconstituted, a process that is tied up with the nature of the modern state and its effects in constructing and regulating social identities, practices and relationships. The limits of framing the question as Habermas does are shown by the example I discussed above. Since the debate over marriage in the USA has to do with defining and regulating identities and relationships, it is not surprising that religious communities and citizens would regard these as matters that touch on core principles and practices. In various ways, religious traditions

also define and regulate these same identities and relationships, so efforts to redefine these are seen, rightly or wrongly, as an encroachment. Their efforts to resist, or participate in, redefinition are to be expected. To attempt to separate secular from religious reasons in this context, and to attempt to restrict the latter in certain respects, as Habermas does, is to impose a framework that fails to capture the already intertwined nature of religion and politics.

This is not to argue that deliberative theories of democracy should be abandoned for a modus vivendi approach. Instead, I think that such theories, including Habermas', have the theoretical resources to fully incorporate religious discourse and language.[20] However, this would require conceptualizing religion in ways that incorporate its inherently public and political dimensions, rather than treating it primarily as private belief. The recent legislative debates over same-sex marriage in the USA suggest that the various, overlapping and sometimes competing claims to define and regulate social identities and relationships made by the state and by various religious traditions have to be worked out *through* deliberation, not just in the informal public sphere but at times in the institutional public sphere as well. An a priori prohibition on religious reasons in the institutional public sphere already decides these questions on the side of the state: it alone can regulate and define these identities and relationships. At least in democracies marked by high levels of religious belief and practice among citizens, where religious identities are made and remade publicly and politically, such issues will not be worked out in satisfying ways if religious reasons and language are deemed out of bounds from the outset. Rather than seeking to protect the public sphere from religious citizens and activists, deliberative theorists should encourage their engagement with others in the public realm itself. Only through such engagement can religious and non-religious citizens hope to produce deliberative outcomes that allow both groups to see themselves as authors of the policies and laws under which they live. Moreover, only such engagement would provide full access to whatever resources religious traditions and communities may have to offer postsecular democracies, as Habermas desires. His translation requirement and the threshold between the informal and institutional public sphere, premised on a flawed conception of religion, actually stand in the way of his goal of fully drawing on these resources.

Notes

1. See Chambers for a summary of how Habermas envisions religion contributing to postmetaphysical philosophy and politics (2007: 214–18).
2. Habermas takes a hard line on the inadmissibility of untranslated religious reasons in the institutional public sphere, even to the point of claiming that, in parliament, 'the rules of procedure must empower the house leader to strike religious positions or justifications from the official transcript. The truth contents of religious contributions can enter into the institutionalized practice of deliberation and decision-making only when the necessary translation already occurs in the pre-parliamentarian domain, i.e. in the political public sphere itself' (2008: 131).
3. Habermas equates 'generally accessible' and 'secular' (Habermas, 2008: 132).

4. Weithman illustrates this with the example of a 1998 homily by Cardinal O'Connor that included criticisms of a Domestic Partnership Act under consideration by the New York City Council. The cardinal, Weithman notes, temporarily instantiated a public forum, even though his speech was from a pulpit and to a congregation of believers, generally considered part of the 'private' realm (2002: 111).

5. Since 2001, same-sex couples have gained marriage rights in Argentina, Belgium, Canada, Denmark, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden. In the USA, same-sex couples have marriage rights in Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, Washington and the District of Columbia, though such couples are not recognized as a matter of federal law.

6. See, for example, the July 2009 exchange between the sex columnist and gay rights activist Dan Savage (2009) and the Discovery Institute fellow and BeliefNet blogger David Klinghoffer (2009).

7. See, for example, the Manhattan Declaration (2009). Opposition to homosexuality has also become part of international evangelism work by some conservative American Christians, as the connection between American missionaries and Uganda's proposed anti-homosexuality bill demonstrates (Gettleman, 2010).

8. Among those who publicly took this stand were Archbishop Raymond Burke of Saint Louis, Bishop Joseph Galante of Camden, NJ, Bishop Michael Sheridan of Colorado Springs and Bishop Fabian Bruskewitz of Lincoln, NE (Wakin, 2004: A12). Archbishop Burke later said that even voting for a pro-choice candidate was a sin (Kirkpatrick and Goodstein, 2004), apparently with the support and encouragement of then-Cardinal Joseph Ratzinger (Toner, 2005). More recently, Bishop Thomas Tobin of Rhode Island asked US Rep. Patrick Kennedy to refrain from communion because of Kennedy's pro-choice political views (Urbina, 2009).

9. I say 'may have been' here only because I am not an expert on Roman Catholic ecclesiology and am not making a judgment as to whether their decisions were, on the Church's own terms, a legitimate exercise of church authority. Roman Catholic Church leaders themselves were divided on this question. Cardinal Roger Mahony of Los Angeles, for example, opposed denying communion to pro-choice politicians, arguing that church teaching 'places the duty on each Catholic to examine their consciences as to their worthiness to receive holy communion. That is not the role of the person distributing the body and blood of Christ' (Goodstein, 2004: A1).

10. Of course, such identity struggles occur not just with respect to hot-button issues of morality, like human sexuality and reproduction. In July 2009, for example, Pope Benedict XVI issued a new encyclical reinterpreting the Roman Catholic doctrine of love in light of new challenges presented by global capitalism (Benedict XVI, 2009).

11. Elster (1998) and Dryzek (2002) go further and argue that such 'hypocrisy' may even be useful, since publicity means that democratic actors can be held to their stated reasons, even if hypocritical. Hypocrisy thus potentially has a moderating effect.

12. The state legislatures of Vermont, New Hampshire, New York and Maine approved same-sex marriage, as did the DC City Council. In Massachusetts, Connecticut, Iowa and California, same-sex marriage rights were granted judicially. In California and Maine, these rights were later repealed via voter referenda. In 2012, voters in Maine, Maryland and Washington voted to legalize same-sex marriage in popular referenda.

13. References are from transcripts of debate, as recorded in the Maine Legislative Record (Maine House Legislative Record, 2009; Maine Senate Legislative Record, 2009).

14. As Chambers notes, Habermas is keen to maintain a 'healthy distance' between philosophy and theology (2007: 212). The most important difference is that philosophy must be committed to methodological atheism, whereas theology cannot avoid using religious language to explain faith (Habermas, 2002: 74–5).

15. This literature is extensive and diverse. For recent contributions see, among others, Berger (1999), Bruce (2002), Casanova (1994), Stark (1999) and Stark and Finke (2000).

16. Asad's writings are part of a growing body of scholarship on the political dimension of religion. In addition to Asad (1993, 2003), see Dipesh Chakrabarty (2000), Timothy Fitzgerald (2000, 2007), Russell McCutcheon (1997), Derek Peterson and Darren Walhof (2002), and Peter van der Veer (2001).

17. Charles Taylor's recent book similarly contests the 'subtraction account' of the uncovering of the secular through the removal of religion (2007).

18. See also Asad's analysis of the much-discussed 'scarf affair' in France, in which he asks: 'How does the secular state address the pain of people who are obliged to give up part of their religious heritage to show that they are acceptable? The simple answer is: by expecting them to take beliefs lightly' (2006: 103).

19. See also the historian Peter van der Veer's argument that Habermas fails to recognize that religion has been and remains crucial for the constitution of the public sphere (2001: 24–8).

20. As Maeve Cooke points out, it is odd for Habermas to restrict the acceptable reasons that can be offered in the institutional public sphere since it undermines his own long-standing emphasis on the transformative power of deliberation. In Cooke's view, his translation requirement underplays the complexity of transformative discourse and ignores the fact that transformation is more likely to happen with participants of different perspectives (2007: 228–9).

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