

VU Research Portal

An introduction

Bader, V.M.; Saharso, S.

published in

Ethical Theory and Moral Practice
2004

DOI (link to publisher)

[10.1023/b:etta.0000032758.77152.0a](https://doi.org/10.1023/b:etta.0000032758.77152.0a)

document version

Publisher's PDF, also known as Version of record

[Link to publication in VU Research Portal](#)

citation for published version (APA)

Bader, V. M., & Saharso, S. (2004). An introduction. *Ethical Theory and Moral Practice*, 7(2), 107-115.
<https://doi.org/10.1023/b:etta.0000032758.77152.0a>

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

E-mail address:

vuresearchportal.ub@vu.nl

VEIT BADER

TAKING RELIGIOUS PLURALISM SERIOUSLY. ARGUING FOR
AN INSTITUTIONAL TURN.
INTRODUCTION

ABSTRACT. Discussions of the relations between religions, society, politics, and the state in recent political philosophy are characterized, firstly, by a strong US American bias focusing on limitations of religious arguments in public debate. Even if the restriction or radical exclusion of religious reasons from public debate has recently been extensively criticized, *secularist* interpretations of liberal-democratic constitutions still prevail. Here it is argued that both strong secularism and weak or “second order secularism” are counterproductive for many reasons. Secondly, *separationist* interpretations of state-church relations are predominant, even if the severe “wall of separation” is criticized more often nowadays. Here it is argued that there are more and more interesting options than either separationism or accommodationism, that we should not exclusively focus at the constitutional relations between state and churches but address the full reciprocal relationship between society, culture, politics, nation, state and (organized) religions, and that we need more historical and comparative perspectives for the required institutionalist turn in political theory in order to overcome the obstacles inherent in predominant American political philosophy. The articles included in this volume are first, modest steps in this new direction.

KEY WORDS: church –state relations, public reason, religious pluralism, secularism, separationism, state neutrality

In most ‘Western’ countries from the 1950s on, the relationship between religion and politics has not been at the center of political contestation. Since the 1990s this situation has rapidly changed due to increasing religious diversity, particularly as a result of immigration (see Crouch, 2000, pp. 255–282, for Europe) and to increasing internal and external threats from religious fundamentalists of all varieties, particularly Protestant, Islamist and Hinduist. Political theory and political philosophy have to address the relations between religions, society, politics, and the state in a new way but they seem not to be well prepared to do this appropriately. Discussions in political philosophy, not astonishingly, show a strong US American bias, because the US is among the least ‘secularized’ of all developed countries, because religion continued to have an enormous impact on politics even under conditions of non-establishment often interpreted as strict separation, and because of the legalist bias of predominant American political philosophy fed by a highly controversial and inconsistent Jurisdiction by the Supreme Court. Debates in American political philosophy, not



surprisingly, have been the most vivid and most influential ones, particularly between defenders of political liberalism like Rawls, Audi, and their critics. Recent American debates, however, are characterized by two features limiting our abilities to find adequate answers to the new challenges: (1) A focus on limitations of religious arguments in public debate and political decision making and, (2) a predominantly legal discourse focusing at the constitutional relationship between state and churches. In both regards, mainstream liberal theories have increasingly been subjected to withering attacks.

The more or less radical *exclusion of religious reasons and arguments from public debate and politics* has extensively been criticized as morally arbitrary, unfair, incompatible with freedoms of communication, and practically counterproductive.¹ In the course of this debate it has become clearer that moral principles often contradict each other (moral pluralism) and that they are inherently underdetermined (indeterminacy of principles). Moral pluralism – distinct from the ‘ethical’ pluralism of the Good – and indeterminacy imply acknowledging the fact that continuing and even deep moral disagreement among reasonable people is the normal state of affairs even with regard to constitutional essentials. Two consequences are increasingly recognized:

- (1) Moral judgment has to become more explicitly contextualized (Greenawalt, 1995, 2000; Spinner-Halev, 2000; Galston, 2002). For theories of contextualized morality numbers matter, history matters, constitutional and political contexts and consequences matter (Carens, 2000). The boundaries of free speech, for example, are drawn differently in the U.S., in Germany, and in India (Jacobsohn, 2000; Parekh, 2000) and such a differential evaluation may be morally permitted or even required. In interpreting and applying the right to free exercise of religion, to give a second example, the conflicting principles of individual, associational and corporate autonomy may be balanced differently in different cases, in different countries, with regard to different issues (Monsma and Soper, 1997; Robbers 2001; Bader, 2002).
- (2) The clear recognition of indeterminacy, moral pluralism and continuous moral disagreement has stimulated the post-Rawlsian shift towards reasonable public deliberation and democratic decision-making. In the

¹Waldron (1993), Greenawalt (1995), Fish (1997), Neal (1997), Eisenach (2000), Parekh (2000, p. 304ff.), Shah (2000, p. 132–135), Spinner-Halev, (2000, p. 142ff.), Murphy (2001), Rosenblum (2001) for many, see my earlier references in Bader (1999a, p. 617ff.).

course of discussions of deliberative democracy, however, public reason itself has been criticized: public reason does not result in consensus, and reasonable reasons are not reasons we all ‘share’ or we all can ‘agree’ with (they require a moderate threshold of accessibility: they should be understandable and intelligible); reasons should not be reduced to arguments; public reason should be freed from cognitivist, rationalist assumptions, allowing emotions as reasons; homogeneous views of public reason have to be rejected and the plurality or multiplicity of perspectives has to be explicitly recognized.² Public reason, thus, has lost a lot of the expected appealing features of purifying and homogenizing public debates steering reasonable democratic decisions. The consequences of a broadened and pluralized perspective on public reason for mutual understanding, decision making and democratic legitimacy have not been clearly spelled out yet, in my view, and the institutional requirements of public debate and democratic decision making under ‘non-ideal’ conditions of structural inequalities have not been adequately dealt with in general,³ nor with respect to religious minorities in particular.

With regard to the second issue – the focus on the constitutional relationship between state and churches – *secularist interpretations* of liberal

²Bhikhu Parekh has drawn seven important lessons from a detailed discussion of the “logic of political discourse” (2000, pp. 304–313) resulting in a very concise and sharp criticism of both Rawls’ and Habermas’ versions of public reason: “Political deliberation, then, is contextual and culturally embedded, is never wholly cerebral or based on arguments alone, and no single model of it fits all societies. Rawls’s theory of public reason does not seem to appreciate these basic features of it. It has a rationalist bias, homogenizes and takes a one-dimensional view of public reason, assimilates the political to judicial reason, and, unwittingly, universalizes the American practice, and that too in its highly idealized version. In spite of all its strengths, even Habermas’s discourse ethic is vulnerable on all three counts. He sets up a single model of political discourse and fails to appreciate the depths of national diversity. Like Rawls, he too takes a narrowly rationalist view of it, stresses arguments and largely ignores other forms of reasons, takes a homogenous view of political arguments, postulates a culturally unmediated or ‘pure intersubjectivity’ and a language ‘purified’ of history, concentrates on ‘what’ is said and ignores ‘who’ said it, and often comes close to assimilating political discourse to an idealized model of philosophical discourse.” (p. 312f.). See for similar criticisms: Tully (1999, 2002, p. 3f), agonistic + negotiated, Valadez (1999), Williams (2000), Archard (2001), vd Brinck (2002), Ferrara (2002).

³See for similar criticism: Parekh (2000, p. 306f.), Bader (2001a), Rosenblum (2001). The available answers range from Parekh’s intercultural multi-logue to the astonishing revival of Schmittian decisionism by Fish or Neal.

democratic constitutions (see McConnell, 1992, p. 738ff.; Bader, 1999a, pp. 609–612; Keane, 2000) and strict or formal neutrality as a guiding meta-legal principle have been criticized (Smith, 1995; Bader, 1999) and proposals have been made to replace them by “priority for democracy” (Bader, 1999a, pp. 612–619) and “relational neutrality”⁴ or “substantive neutrality” (Laycock, 1990; McConnell, 1992, pp. 689, 719; Monsma, 1993; Smith, 1995; W.L. Miller, 1998; Bader, 1999).

What is wrong with *strict or formal neutrality*? Critics have convincingly demonstrated that state-institutions and policies have not been neutral with regard to religions both in a justificatory sense and in their direct and indirect effects, and that attempts to present existing liberal states as ‘religion-blind’ only serve to hide religious majority bias from view. In addition to such descriptive criticism they also have tried to show, much more contested, that states cannot and that they need not be neutral in a normative perspective: Religion-blindness is not only an unachievable but also an undesirable ideal. To treat people fairly does not mean that we have to abstract from all their cultural and religious particularities but to take them into account in an evenhanded manner (Carens, 1997, 2000; Bader, 2002b).

What is wrong and misleading with *secularist interpretations* of liberal democratic constitutions and the implicit or explicit conceptual identification of public with secular morality still predominant in political theory? Three main clusters of arguments, in my view, are decisive:

- (i) Secularist concepts seduce as to conceptualize “the justificatory non-neutrality of liberal democracy in terms of secular versus religious arguments or foundations. The main question is not, however, whether arguments are secular or religious but whether they are compatible with and/or support liberal democracy” (Bader, 1999, p. 612). If one believes in the possibility and desirability of full justificatory neutrality of principles of political justice, constitutional essentials and public morality, it should be obvious that such “political, not metaphysical” arguments should be beyond any secular versus religious split. In this regard, Rawls has already been careful to avoid the con-

⁴See similar approaches like Selznick (1992), Williams (2001) versus reproductions of the old dichotomy between abstract universalism versus particularist relativism or historicism by Alexander (1993), Fish (1997), Neal (1997) and Eisenach (2000): ‘all is’ politics, discretion, adhocery, rhetoric, prudence, partisan, partial, relative, contingent, unpredictable.

ceptual identification of public with secular in his “Political Liberalism” and this has been spelled out in much more detail in “The Idea of Public Reason Revisited” (1997, 1999, p. 147ff.). If one recognizes more clearly than Rawls himself, that a political conception of justice cannot be strictly anti-perfectionist and neutral with regard to competing conceptions of the good life and comprehensive moral or religious theories (see Gutmann and Thompson, 1995, Tomasi, 2001 for many), that it is – and should be – incompatible with anti-liberal, anti-democratic practices and fundamentalist theories, it becomes even more important to spell out the precise character of these exclusions. Liberal democratic principles and constitutions rest on liberal-democratic culture and virtues,⁵ and theories and philosophies compatible with them have to accept priority of democracy over contested and competing truth-claims. Many ‘modern’ religions and theologies do, and many secularist theories don’t. This minimally required ‘liberal-democratic perfectionism’ should be explicitly defended by criticizing “moral, civic, and foundational integralism” to use Nancy Rosenblum’s phrase. Bhikhu Parekh’s perfectionist defense of the ‘public’ or “political function” of religions (2000, p. 329) is much stronger and, for this reason alone, much more contested than more minimalist defenses and justice-based theories (see Bauböck’s critique, 2001, p. 110, 112). Let me explain a bit:

(1) Arguing that strong secularism is unfair is one thing, but saying that strong secularism would include that “secular citizens are able to lead *whole and integrated lives*” is clearly another thing. This claim is untenable because secular citizens themselves also may hold more comprehensive ‘secular’ moral theories, conceptions of a good life, etc. The whole idea that citizens could lead whole and integrated lives in modern societies, and that public or political debate would be conducive to something like this is, in my view, at odds with any conceivable version of political deliberation in modern, differentiated and culturally deeply diverse state-societies.

(2) Parekh repeats earlier claims⁶ that *religion* “provides a valuable counterweight to the state, nurturing sensibilities and values the latter ignores or suppresses”, “it provides an alternative source of *mo-*

⁵See Rosenblum (1998) and Bader (2002) for a fairly minimalist interpretation of this requirement.

⁶See 1996 PSI, 1998. See my critical remarks in 1999, p. 615f.

rality and allegiance” against the state that “has traditionally claimed to monopolize morality”; and that religion can correct the tendency of modern social and political life “to encourage a quasi-utilitarian attitude to morality” (p. 328). These claims are more moderate now but still too strong: (a) modern states need not, and obviously should not, ‘monopolize’ morality, and “modern social and political life” does not – in itself – encourage utilitarianism or cynicism; (b) vice versa, ‘religion’ does not indiscriminately all the good and beneficial things Parekh claims (e.g. 1998, p. 80 “religion is society’s conscience and moral sentinel”). (c) It should be spelled out more explicitly that there are good ‘secular’ foundations of morality in general, and of public, liberal-democratic morality in particular, which are as objective as we can have it and surely not weaker than religious foundations. In a personal communication – responding to my critical remarks in 1999, p. 614ff. – Parekh explained that it is not his considered view that secularism (and as I take it, the modern state and modern life) would lead to cynicism, to subjectivism and relativism, to “privatization and relativization of morality to which liberal societies are particularly prone”, to “haughty self-assurance of the rationalist modernity” (p. 330), to weak morality etc. but this is still not explicitly rejected.

(3) Religion also is supposed to provide a “valuable counterweight” in another regard as “powerful *non-statal institutions* to check the state” (p. 328) and against the fact that “the *modern state* is abstracted from society and tends to become *bureaucratic and remote*. While this has enabled it to rise above social, ethnic, religious and other divisions and institutionalize such great values as equality before the law, liberty and common citizenship, it has also been the source of many of its weaknesses” (p. 329). The state is ‘shallower’, external to society, “incapable of nurturing the moral life of the community”. This challenge, compared with earlier versions, is again more moderate (any link to discussions of ‘establishment’ are cut), and much nearer to Associative Democracy. Still, it raises three concerns: (a) I agree with Paul Hirst and others, that this thin state and this thin public morality need not be as weak as is supposed by so many critics; (b) If one applies my concepts of “relational neutrality” and “fairness as evenhandedness”, the social, democratic, constitutional state and public morality need not be as thin as strong liberal anti-perfectionists hold. (c) Most importantly: too much “liberal-democratic expectancy” is implied in these hopeful assumptions. Nancy Rosenblum has

made quite clear, that we always have to spell out: Which religions? Which associations? instead of claiming that “along with the family, schools, voluntary associations and other social institutions religion plays an important part in sustaining the deeper springs of morality” (p. 329).

(4) Religion “stresses the *unity of the human species* and challenges the tendency to limit morality to the territorial boundaries of the state” (p. 330, see earlier 1998, p. 69 for “global civil society”). Again, this may be true of some universalist salvation religions sometimes.⁷ But in my view it is urgent (a) to stop talking about religion in general, because Parekh himself clearly recognizes “that religion has often supported aggressive *nationalism* and horrendous wars” (p. 328), and (b) to recognize that the tension between universalism (of the few universalist religions) and particularist civil religions is deeper and less easily resolvable than Parekh seems to assume.

(5) Religion “rejects the claims of the state and the economy to be governed by their own narrow values and *subordinates them to wider moral concerns*” (p. 329). Depending upon how strong such ‘rejection’ and ‘subordination’ is thought to be, this is clearly a very mixed blessing. I would agree that some versions of the praise of “functional differentiation” of modern societies may go too far,⁸ but any idea of religion or morality as the center of modern societies is clearly incompatible with the most minimal version of ‘separationism’ and the most minimal version of ‘secularization’.

- (ii) Secularist interpretations “neglect the possibility and existence of principled religious or theological foundations of liberal democracy” (Bader 1999, p. 612). Focusing at the Christian tradition only, from the Reformation onwards churches, denominations and the respective theologians had to come to terms with internal religious diversity, with the modern state and with developing liberal-democratic constitutions in a new way. In a first step, they learned to see peace, stability and public order not only as strategic or purely prudential values but as moral ones. In order to make religion peaceable authors like Hugo Grotius, Manfred Frank, and Coornhert started to replace “dogma and creed with a morality oriented to social peace” (Shah,

⁷See my hesitations (1999), note 52 versus Jose Casanova.

⁸See my criticism of Luhmann in this regard (Bader, 2001).

2000, p. 125ff.; Galston, 2002, p. 24ff.). Learning the priority of toleration and a minimal, universalist notion of respect started to tame fundamentalist theological doctrines and also opened up a way to reformulate parochialist, dogmatic and sectarian conceptions of Christianity as a more universalist Christian ethics, but it did not include priority for liberal-democracy. This only happened in a second step: different protestant denominations (Quakers, Baptists, Separatists and so on, but also *Remonstranten*, *Rekkelijken*, *Unitarians* (see Handy, 1976, p. 199ff.; Israel, 1995) started to develop conceptions of religion in which liberal democracy explicitly gains priority over denominational truths when it comes to political decision-making. Protestant religions are made compatible with liberal democracy from the inside by Madison and many others (see Miller, 1985; Thieman, 1996; Eisenach, 2000). Much later – and still shakier – Catholicism learned the same lesson (Murray, 2. Vatican Concilium, see also Casanova, 1994; Kalyvas, 1996). This may be interpreted as a “flattening of genuine pluralism” (Shah, 2000, p. 129), it has been heavily contested by earnest Calvinist reformers from the 17th Century on and by Jesuits. It surely means a “liberalization of religion”, may be even a “Protestantization of Catholicism”, and of Lutheranism (Handy, 1976, p. 211; Herberg and Miller, 1985, p. 274) from the inside, but it is certainly mis-described as “secularization of religion” (as Kalyvas amongst many others contents: pp. 241–264). From then on, it is clearly misleading and unfair to neglect or exclude these principled ‘foundations’ of liberal democracy,⁹ as the secularism terminology inevitably does.

⁹McConnell’s *four theoretical responses amongst political theorists* to the problem of citizenship ambiguity are instructive here: (1) Religion is seen as disruptive (Rousseau): state has to crush religions not reinforcing the dogmas of the state, replacing them by civil religion; (2) Madison “maintained that religious obligation takes precedence” (2000, p. 93, 95f.): liberal anti-majoritarianism; (3) Locke, Jefferson and others “assume that civil society is unaffected by the moral and even the theological teachings of its major religions” (p. 96): separationism. (4) Washington, de Tocqueville and others assume a ‘salutory’ or “happy accommodationism” (p. 97ff., see Miller, 1985, p. 244 for Washington, see also Spinner-Halev, 2000, p. 87ff.): neither separationist nor majoritarian, but “seedbed of virtues”. Clearly position (2) assumes liberalized religions and position (4) assumes internally democratized religions.

- (iii) Secularist interpretations direct “our criticism of fundamentalism in politics in a one-sided and myopic manner against religious fundamentalism and thus tend to neglect all secular fundamentalisms even if they pose much more dangerous threats to tolerance and liberal democracy” (Bader 1999, p. 612, Miller 1985, p. 347f., McConnell 1992, p. 741; Wolterstorff 1997).

If all this would be clearly recognized, it should also be seen that it is not enough to criticize “strong secularism”, as most political theorists, thinking seriously about this issue, do. It would also be necessary to explicitly criticize “second order secularism” (Phillips, 1996, p. 27f.; Keane, 2000; Rosenblum, 2000, pp. 15, 18), ‘weak’ or “inclusive and religiously sensitive secularism” (Parekh, 2000, p. 335), “moderate secularism” (Modood, 2001) or “political secularism” (Bielefeld, 2001). Even if it would turn out to be only a terminological question, which I myself very much doubt – behind second order secularism a lot of aggressive liberal and humanist first order secularism tends to hide –, continuing ‘secularism-talk’ involves two serious disadvantages: a lack of conceptual and theoretical clarity and, more important, serious strategic disadvantages. In countries like India or Turkey, the presentation of liberal-democratic constitutions and public morality as ‘secular’ actually turned out to be completely counterproductive reinforcing the fundamentalization of both Hinduism and Islam. In predominantly Christian countries, aggressive liberal secularism, particularly in education, has produced religious counter-mobilization in the 19th Century (see Kalyvas), and promoting public as ‘secular’ education nowadays looks very similar, particularly from the perspective of Muslim immigrants.¹⁰ The Protestant or Catholic Christian Parties in many European countries, emerging as a response to aggressive liberal secularism have been confronted with a strategic “confessional dilemma” (Kalyvas, p. 241). In describing this dilemma, however, and in analyzing whether it has not been self-defeating, secularism-terminology is misleading. Christian Democratic parties had to accept the rules of the game, and such liberalization and democratization (a distinct and much later process!) surely meant ‘declericalization’ (p. 242) and also ‘desacralization’ (p. 245) of religion but this is – contrary to Ross, Kalyvas and many others – dif-

¹⁰See for England (Nielsen, 1986) (see Grillo, 1998, p. 207–212; Bader, 2000, p. 18f.; Rath et al., p. 226ff.). See for the Protestant character of American Public schools (Handy, 1976, p. 179ff. 218; Miller, 1985, p. 261ff.; Eisenach).

ferent from ‘secularization’. They need not “choose between secularism and sectarianism”, they could retain a confessional character by relaxing or breaking their dependence on the churches and by developing less doctrinal, sectarian, more universalist conceptions of Christian or, eventually, even humanist or ‘Western’ civilization and values.

In *response to such criticism*, the hard core of a liberal understanding of the *church-state relationship* is getting ever more minimalist: something like ‘voluntarism’ and “separationism minimally understood” (Eisenach, 2000, p. 135; Rosenblum, 2000, pp. 179–183; Shah, 2000, p. 137). *Voluntarism*, then, should not be identified “with the ‘protestant’ formula that prescribes how people come to have ‘beliefs that save’” (Rosenblum, 2000, p. 9). Also, entering and remaining in religious associations are only rarely ‘free’ and voluntary. Most people are either born into or raised in religious communities, and this ‘involuntary’ membership may be constitutive for their practices and self-definitions (Eisenberg, 1995; Warren, 2000; Weinstock, 2002; Bader, 2003). “Membership in religious groups may not be best described as consensual and a matter of unfettered individual choice ... it may be ascriptive or characterized as an imperative. Voluntarism means, instead, that membership is not determined by public law, and that religious associations are constrained from exercising coercive political authority over their members and outsiders.” (Rosenblum, 2000, p. 9) In discussing the “*minimum of separationism*” it is increasingly acknowledged that ‘separation’ has never been absolute, that the ‘wall’ is permeable and moveable, that it shifts all the time, and that separationism in the United States – and certainly in the predominant ideology in the United States – is “severe” (Rosenblum, p. 10) compared with other constitutions in liberal democratic countries which “do not all aim at privatization. Democratic states may extend legal recognition and public support to a plurality of religions. They may subsidize religious activities in areas such as education and cede jurisdiction to religious authorities in the domain of personal law” (p. 11). If voluntarism and separationism are still to be conceived as “standard elements of liberal democratic theory”, as Rosenblum thinks, it has to be assessed where they provide “a sure guide, where they are taxed, and what alternative resources are available” (p. 11).

The recognition that things are done differently in other liberal democratic countries almost inevitably implies that the exclusively legal discourse, particularly the focus on the contested jurisprudence of the two Religion Clauses by the American Supreme Court, is weakening and that a plea for a more multi-disciplinary approach in a more comparative perspective can be heard (Marquand and Nettler, 2000; Rosenblum, 2000).¹¹

This, however, is not acknowledged by predominant liberal political philosophers as is shown, for instance, by their complete neglect of the seminal study “The Challenge of Pluralism. Church and State in Five Democracies” by Monsma and Soper (1997). In their comparison of the U.S., the Netherlands, Australia, England, and Germany, they demonstrate that (a) religious freedoms are interpreted differently: predominant strict separationism in the U.S. - particularly in primary and secondary education – stresses negative freedoms and non-intervention, whereas most other countries – constitutionally most outspoken the Netherlands (p. 64f., 81) and Germany (p. 165ff.) – try to find more sensible balances between negative and positive freedoms. (b) Contrary to widespread expectations, the actual guarantee of free exercise by constitutional provision does not always protect religious minorities (p. 202 for Australia and the U.S.) when popular sentiment and the elected branches of government fail to do so. (c) Again contrary to widespread expectations, strict separationism in primary and secondary education has a secularist bias tending to violate relational state-neutrality (p. 32ff.). All other countries – particularly the Netherlands (p. 67ff.) and Germany (p. 178) – have recognized this and provide subsidies on a more or less equal footing to private schools (e.g. Australia: p. 102ff.). (d) Regarding welfare services in the U.S. one sees – compared to education – an “almost complete about-face, finding many forms of cooperation and support to be constitutional” (p. 36). Cooperation and support are characteristic, in a much more consistent way, for the Netherlands and Germany, and also, in a more pragmatic way, for Australia.

Political philosophy, then, has to confront the fact that liberal principles like religious freedom are interpreted differently in different historical periods and countries (under-determinacy of principles), that the inevitable balancing with conflicting principles like equal treatment, non-discrimination is done differently (moral pluralism), and that the institutional regulation and practice of the relationship between state and (organized)

¹¹Sociological approaches do not restrict the analysis to church - state relations (see Demerath and Williams, 1987; Robertson, 1987; Rooden, 1996) and criticize the parochialism of mainstream political philosophy by pointing out a double bias implicit in church-state debates: (i) the notion of “the church” – a hierarchically organized institution claiming jurisdiction as a special variety of “structural distinctiveness” is absent in the Islamic, Hinduist and also in the Buddhist tradition; (ii) it presupposes some version of a ‘modern’, ‘Western’ state. Consequently, the specific variety of tensions between (organized) religions and politics, the church-state tensions, are absent from these other traditions (see short: Robertson, 1987, pp. 153–160).

religions shows a huge variety of competing institutional models (see Robbers, 1995, 2001).

All these developments in response to criticism of political liberalism should, in my view, be applauded. Still, I see the following *obstacles* blocking the elaboration of an empirically more adequate and morally more satisfying political theory of the complex relationship between religions and societies, cultures, politics, nations, states.

- (i) In political philosophy, it still looks as if there would be only two options really making a difference: ‘accommodationism’ or “structural pluralism” on the one hand, and ‘separationism’ or “civil libertarian liberalism” on the other hand (McConnell, 2000, p. 100ff.; Rosenblum, 2000, pp. 179–183). And it looks as if these two camps could be easily associated with traditional political dichotomies of Right/Left or Conservative/Progressive. There are more, and more interesting options, a fact already indicated by Monsma and Soper (1997). And clearly not only liberal Protestant believers like Steven Smith, Thiemann, Wolterstorff, Greenawalt, or liberal Catholics like Perry, Glendon, Novak, Neuhaus, Weigel (following Murray), not only orthodox Protestants or Catholics (like Schindler), conservationists or perfectionists, not only the religious Right or traditionalist leaders of ethno-religious minorities are defending varieties of religious accommodation but also egalitarian defenders of democratic institutional pluralism like myself. It is “no accident that pragmatists, civic republicans, anti-foundationalists, historicists and post-modernists in academia” substantially agree with “religious evangelicals, liberal nationalists, and pluralist communitarians in attacking prevailing church-state jurisprudence” (Eisenach, 2000, pp. 111, 115). The common critical core of this unholy coalition of strange bedfellows directly evaporates, however, if one looks more closely. Their critical diagnosis is not the same (e.g. nostalgic neo-conservative diagnosis of ‘modernity’ versus justice-based criticism) and their institutional and policy alternatives differ widely, ranging from neo-Hobbesian or Schmittian decisionism (Stanley Fish, Neal Alexander, and others) via Rortian ironic tribalism to Benjamin Barber’s and Hilary Putnam’s non-ironic democratic pragmatism to my own minimalist defense of Priority for Democracy.¹²

¹²Bader (1999), note 70, Bader (1997) for modest conceptions of intercultural dialogue, of learning in history, of minimalist universalism etc. See similar Tully (1995), Shah (2000).

- (ii) The debate is still too much focused on the state-church relationship instead of addressing the full, reciprocal relationships between *society – culture – politics – nation – state and (organized) religions*.
- (iii) The “conceptual and theoretical resources” available in liberal democratic theory (Rosenblum, 2000, p. 11) are still not differentiated enough to adequately describe, explain and normatively evaluate the complexity of the empirical relationships or to design institutional alternatives more adequate for religiously deeply diverse societies.
- (iv) Contextualized morality stimulates a historical and comparative perspective and the required institutionalist turn in political theory demands to analyze not only principles, but also rights, institutions, cultures and practices of judgment and action, to pay more attention to practical knowledge and common sense (McConnell, 1992, p. 694) instead of an exclusive focus on abstract, generalizable theoretical knowledge so typical for mainstream liberal political philosophy (see Bader and Engelen, 2001i).¹³

As already indicated, such a shift towards a more contextualized political philosophy is argued for – with regard to state-religion issues – by Greenawalt, Spinner-Halev, Rosenblum, Parekh, Galston and others. It is part of a broader contextualizing shift in moral and political philosophy in which the consequences of moral pluralism and of under-determinacy of principles are really taken seriously, and consequent attempts have been made to overcome the “terrible lack of institutional concreteness” (Unger, 1983) so characteristic of mainstream political philosophy. Contextualized theories of responsive law (Selznick, Unger), of complex equality and affirmative action (Williams, Bader), of just wars (Walzer), of fair immigration and incorporation (Carens, Kymlicka, Bauböck) are not only called for but also elaborated during the last decade. Contextualized theories of morality and a new political philosophy “in the vernacular” (Kymlicka, 2001) are promising to overcome the misleading choice between insensitive universalism and ruthless particularism. Contextualized theories explicitly open the space for discussions of divergent, but morally equally legitimate institutions and policies. They have to avoid two obvious dan-

¹³Compared with the U.S., debates in England (PSI, 1996), in the Netherlands or in Australia are less focused on principles only, and less caught in legalist constraints. They show the virtues of more pragmatic, practical political debates which do not drastically reduce the complexities and contingencies of the ‘muddy’ real world and thus stimulate that abstract ‘ideal theory’ gets tested in real cases.

gers: the danger of “anything goes” eroding any meaningful conception of moral constraints (morality would become toothless, unable to exclude morally illegitimate practices), and the danger of insensitive, culturally imperialist, secularist individualism masking as universalism.

Contextualized theories, obviously, are in urgent need to know as much as possible of contexts. For rich descriptions and explanations of contexts they have to learn from the social sciences, particularly from sociology, anthropology and history. Happily, recent developments in the social sciences are conducive for such a productive cooperation: strong structural and evolutionary ‘necessities’ typical for theories of modernization have been criticized and ‘contingency’, ‘path-dependency’, and ‘institutional diversity’ are the new catchwords of a rapidly developing neo-institutionalist strand. Rich comparative and historical studies of the institutional diversity of state-religion relations, of educational and welfare systems etc. directly relevant to our subject, are readily available now. And the seemingly insurmountable gap between descriptive and prescriptive arguments, between ‘is and ought’, has been bridged from the inside, particularly by rapidly growing policy-evaluation analysis and the evaluation of institutional settings. It seems as if political philosophy and the social sciences would be more open now for a productive cooperation urgently needed to overcome the institutional sterility of a historically and empirically badly informed political philosophy specialized in principles and ideal models.

The authors in this volume try to contribute to such an institutionalist turn in the political philosophy of the relationship between religions and politics. They acknowledge the fact of moral pluralism and the necessity for hard trade-offs and fair balances (Rosenblum, 2000, p. 7), the fact of under-determinacy of principles and “interpretive pluralism” (Rosenblum, 2000, p. 7f.), and the fact of the diversity of existing constitutional, legal and institutional arrangements which together require a new type of political theory combining sober thinking in the social sciences with normative theory trying to spell out the moral limits of legitimate variety of these arrangements (p. 4, 22; see also Parekh, 2000).

Nancy Rosenblum’s “Religious Parties, Religious Political Identity, and the Cold Shoulder of Liberal Democratic Thought” explores why political theorists have paid scant attention to religious parties, an astonishing fact in light of recent discussions of “value pluralism” and “identity politics” in culturally diverse societies. Drawing on historians and political scientists she shows that religious parties have played and continue to play an important role not just in expressing but also in constructing and mobilizing political identity. Contrary to widespread fears – shared by most

political theorists – religious parties are not always intransigently ideological, militant, extremist, authoritarian, anti-modernist, and a threat to political stability. Historically, they often contributed to integrate strong believers into liberal-democratic polities and, eventually, even to liberalize and democratize conservative churches. Liberal democratic theory neglects this “democratic acculturation” and reproduces a “radical disjuncture between social science and the working assumptions of political theory” also for normative reasons. Liberal universalists defend notions of “public reason” more or less severely excluding religious arguments. Liberal theorists of ‘difference’, ‘recognition’, and ‘identity politics’ rarely “attend to religious political identity, its representation and organization – much less parties and partisanship. The democratic context of the politics of difference falls from view”. And even deliberative democrats reproduce this “politics without parties”. Rosenblum’s whole article reminds us “of the normative and political reasons why liberal democratic theorists should reconsider their disinterest, indeed aversion to religious parties and religious political identity”.

Veit Bader’s “Religions and States” also aims at overcoming this radical disjuncture between social sciences and political philosophy. The huge institutional variety of relations between states and (organized) religions should be acknowledged in our practical evaluations of existing and alternative models instead of assuming that an idealized version of “strict separationism” would work best in all contexts. I try to show why democratic religious institutional pluralism in general, “non-constitutional pluralism” in particular, may help to achieve higher degrees of relational neutrality and more fairness, and I try to refute objections – shared by most liberals – that providing (organized) religions a fair amount of autonomy and of institutionalized participation in the political process would be incompatible with liberal democracy, would lead to stigmatization, strengthen undemocratic organizations and conservative or authoritarian leaders, and would undermine social cohesion, political stability and unity. Like Rosenblum I draw on historical and comparative studies of religious schools, religious care and social services etc. in order to show that these working assumptions of liberal democratic theory have to be reconsidered. Contrary to the assumption that institutionalizing religious pluralism inevitably leads to aggressive political fundamentalism, I try to make plausible that democratic religious pluralism, particularly its most flexible variety: associative democracy, provides the better institutional setting for fighting fundamentalism effectively.

Lucas Swaine’s “Institutions of Conscience: Politics and Principle in a Multicultural World” also tries to address the political dilemma’s in lib-

eral-democratic polities and the theoretical lacunae in liberal theory posed by religious extremists, particularly by theocrats “advocating a strict, religious mode of governance and rule by religious authorities sanctioned by doctrine”. He shows that liberal political philosophy did not succeed to provide acceptable reasons for theocrats to affirm liberal institutions, and he proposes an argument from liberty of conscience in order to redress such lacunae based on the “principles of rejection, affirmation, and distinction”. Spelling out the implications of this approach for law and institutions he offers tentative suggestions for a new international approach, for aid and endorsement of theocratic religions and, most elaborate, he proposes “Semisovereignty for Theocratic Communities”, a specific and far reaching version of institutional pluralism. Compared with legal models of religious accommodation, ‘semisovereignty’ is better able to properly protect the religious free exercise of theocratic communities from the corrosive effects of liberal legal systems. At the same time it avoids giving theocratic communities broad or unqualified legal sovereignty. His hope is that these proposals help to cultivate “a more favorable disposition between theocrats and more liberal-minded citizens, both within liberal democracies and in other regions of the globe”. Treating religions respectfully and fairly may “help to quell discordance from religious extremists.”

The three contributions in this volume share some crucial intuitions and arguments:

- (i) An institutionalist turn of political philosophy is urgent in this field;
- (ii) Political philosophers and theorists should overcome their generalized aversion against all forms and ways to institutionalize religious pluralism;
- (iii) Varieties of religious institutional pluralism compatible with moral and legal constraints in liberal democratic polities, however minimally understood, offer better chances to integrate religious extremists and to stem religiously motivated political fundamentalism in its more peaceful as well as in its violent forms.

Within the scope of this broad agreement, however, the authors disagree on many issues, e.g.: whether it is advisable to criticize the identification of ‘public’ with ‘secular’ reasons, as I have proposed, or to continue speaking of “secular reasons” (Swaine, 2002, pp. 6, 8) or of second order secularism (Rosenblum, 2000, pp. 15, 18); whether “strong separation of church and state should be maintained even with a quasi sovereign innovation” as Swaine thinks: “It is true that governments of many democratic coun-

tries around the world do not observe separationist principles, but that is a shortcoming of governance in those respective polities” (2002, p. 33), whether we should endorse a more minimalist interpretation of separationism, as Rosenblum (2000) does (see above), or whether we should drop the misleading language of separationism altogether, as I have suggested.

Such conceptual, theoretical and empirical disagreements should be expected. They are productive if they stimulate clarifying discussions contributing to mutual understanding even if no agreement can be achieved, as has been clearly the case during the workshop “Should we institutionalize religious pluralism and, if so, how?” in Amsterdam, June 29, 2001. I like to thank all participants for their productive contributions and critical comments from which we all learned a lot. Even if we continue to disagree we now do so in a more informed, transparent and reflexive way. It is hoped that this volume also contributes to such discussions in a newly developing field of research in which our articles are only first, modest and limited steps.

REFERENCES

- Alexander, L., Liberalism, Religion, and the Unity of Epistemology, *San Diego Law Review* 30 (1993), pp. 763–797.
- Archard, D., Political Disagreement, Legitimacy, and Civility, in B. v.d. Brink (ed.), *Philosophical Explorations*, IV(3) (2001) Special Issue: Civic Virtue and Pluralism, pp. 207–223.
- Audi, R., The State, the Church, and the Citizen, in P. Weithman (ed.), *Religion and Contemporary Liberalism*. Notre Dame: University of Notre Dame Press, 1997, pp. 38–75.
- Bader, V.M., The Cultural Conditions of Trans-national Citizenship, *Political Theory*, 25(6) (December 1997), pp. 771–813.
- Bader, V.M., Dilemmas of ethnic affirmative action. Benign State-neutrality or Relational Ethnic Neutrality, *Citizenship Studies* 2(3) (1998), pp. 435–473.
- Bader, V.M., Religious Pluralism. Secularism or Priority for Democracy?, *Political Theory*, 27(5) (October 1999), pp. 597–633.
- Bader, V.M., How to Institutionalize Religious Pluralism? Conference Paper, Bremen, May 2000.
- Bader, V.M., Problems and Prospects of Associative Democracy, in P. Hirst and V. Bader (eds.), *Associative Democracy – the real third way?*. Special Volume of *Critical Review of International Social and Political Philosophy (CRISPP)* 4(1) (January 2001), pp. 31–70).
- Bader, V.M., Cohesion, Unity and Stability in Modern Societies, in A. v. Harskamp and A. Musschenga (eds.), *The Many Faces of Individualism*. Leuven: Peeters, 2001a, pp. 107–132.

- Bader, V.M., (2002) Religious Diversity and Democratic Institutional Pluralism, *Political Theory* (forthcoming, summer 2003).
- Bader, V.M., (2002a) Democratic Institutional Pluralism and Cultural Diversity, in Danielle Juteau and Chritiane Harzig (eds.), *Life in Diversity*. Berghan, 2003 (forthcoming).
- Bader, V.M., (2002b) Ethnic and Religious State-Neutrality: Utopia or Myth?, in Sicakkan Hakan and Yngve Lithman (eds.), *Modes of Belonging and Politics of Recognition*. Berg, 2003, (forthcoming).
- Bader, V.M., (2002c) Taking Pluralism Seriously. Arguing for an Institutional Turn in Political Philosophy, together with Ewald Engelen, *Philosophy and Social Criticism*, 2003, (forthcoming).
- Bauböck, R., *Transnational Citizenship*. Aldershot: Avebury, 1994.
- Bauböck, R., Cherishing Diversity and Promoting Political Community, *Ethnicities* 1(1) (2001), pp. 109–115.
- Baxter, M.J., Catholicism and Liberalism, *The Review of Politics* 60(40) (Fall 2001), pp. 743–785.
- Bielefeld, H., Positional Paper. Religious Pluralism Workshop Amsterdam, June 29, 2001.
- Brink, B. v.d., Politischer Liberalismus und ziviler Perfektionismus, *Deutsche Zeitschrift für Philosophie* 6/2002.
- Carens, J., Two Conceptions of Fairness, *Political Theory* 25(6) (1997), pp. 814–820.
- Carens, J., *Culture, Citizenship, and Community*. Oxford: Oxford University Press, 2000.
- Casanova, J., *Public Religions in the Modern World*. Chicago/London: University of Chicago Press, 1994.
- Crouch, C., *Social Change in Western Europe*. Oxford: Oxford University Press, 2000.
- Demerath, N.J., and Williams, R.H., A Mythical Past and an Uncertain Future, in T. Robbins and R. Robertson (eds.), *Church-State Relations*. New Brunswick: Transaction Inc., 1987, pp. 77–90.
- Eisenach, E.J., *The Next Religious Establishment*. Lanham etc.: Rowman & Littlefield, 2000.
- Eisenberg, A., *Reconstructing Political Pluralism*. Albany: State University of New York Press, 1995.
- Ferrara, A., Public Reason and the Normativity of the Reasonable, *Deutsche Zeitschrift fuer Philosophie* 6 (2000).
- Fish, S., Mission Impossible, *Columbia Law Review* 97(8) (1997), pp. 2255–2333.
- Galston, W., *Liberal Pluralism*. Cambridge: Cambridge University Press, 2002.
- Grillo, R.D., *Pluralism and the Politics of Difference*. Oxford: Calendon Press, 1998.
- Greenawalt, K., *Private Consciences and Public Reasons*. Oxford: Oxford University Press, 1995.
- Greenawalt, K., Five Questions about Religion Judges are Afraid to Ask, in N. Rosenblum (ed.), *Obligations of Citizenship and Demands of Faith*. Princeton: Princeton University Press, 2000 pp. 196–244.
- Gutmann, A., and Thompson, D., *Democracy and Disagreement*. Cambridge/London: Belknap Press of HUP, 1996.
- Handy, R.T., *A History of the Churches in the United States and Canada*. Oxford: Clarendon, 1976.
- Jacobsohn, R.J., By the Light of Reason, in N. Rosenblum (ed.), *Obligations of Citizenship and Demands of Faith*. Princeton: Princeton University Press, 2000, pp. 294–320.
- Israel, J.I., *The Dutch Republic*. Oxford: Clarendon, 1995.

- Kalyvas, S., *The Rise of Christian Democracy in Europe*. Ithaca etc.: Cornell University Press, 1996.
- Keane, J., Secularism? in D. Marquand and R. Nettle (eds.), *Religion and Democracy*. Oxford: Blackwell, 2000, pp. 5–19.
- Kymlicka, W., *Multicultural Citizenship*. Oxford: Oxford University Press, 1995.
- Kymlicka, W., *Politics in the Vernacular*. Oxford University Press, 2001.
- Laycock, D., Formal, Substantive, and Disaggregated Neutrality Toward Religion, *DePaul Law Review* 39 (1990) pp. 1001–1006.
- Marquand, D., and Nettle, R. (eds.), *Religion and Democracy*. Oxford: Blackwell, 2000.
- McConnell, M., Accommodation of Religion, *George Washington Law Review* 60(3) (1992) pp. 685–742.
- McConnell, M., Believers as Equal Citizens, in N. Rosenblum (ed.), *Obligations of Citizenship and Demands of Faith*. Princeton: Princeton University Press, 2000, pp. 90–110.
- Miller, W.L., *The First Liberty*. New York: Alfred A. Knopf, Inc., 1985.
- Modood, T., Comment. Religious Pluralism Workshop. Amsterdam, June 29, 2001.
- Monsma, S., and Soper, C., *The Challenge of Pluralism. Church and State in Five Democracies*. Lanham, New York, etc.: Rowman & Littlefield, 1997.
- Murphy, A., *Conscience and Community*. Pennsylvania State University Press, 2001.
- Neal, P., *Liberalism and its Discontents*. Houndsmill etc.: MacMillan, 1997.
- Parekh, B., Religion in Public Life, *PSI* (1996) pp. 16–23.
- Parekh, B., *Rethinking Multiculturalism*. Houndsmill etc.: MacMillan, 2000.
- Parekh, B., Comment Religious Pluralism Workshop. Amsterdam, June 29, 2001.
- Phillips, A., in T. Modmood (ed.), *In Defense of Secularism. PSI* (1996) pp. 23–30.
- PSI: Modood, T. (ed.), *Church, State, and Religious Minorities*. London, 1996.
- Rath, J., Penninx, R., Groenendijk, K., and Meijer, A., *Nederland en zijn Islam*. Amsterdam, Spinhuis, 1996.
- Robbers, G. (ed.), *Staat und Kirche in der Europäischen Union*. Baden-Baden: Nomos, 1995.
- Robbers, G. (ed.), *Church Autonomy*. Frankfurt etc.: Peter Lang, 2001.
- Robbins, T., and Robertson, R. (eds.), *Church-State Relations*. New Brunswick etc.: Transaction Inc., 1987.
- Robertson, R., General Considerations in the Study of Contemporary Church-State Relationships, in T. Robbins and R. Robertson (eds.), *Church-State Relations*. New Brunswick: Transaction Inc., 1987, pp. 5–12.
- Robertson, R., Church-State Relations in Comparative Perspective, in T. Robbins and R. Robertson (eds.), *Church-State Relations*. New Brunswick: Transaction Inc., 1987a, pp. 153–160.
- Rooden, P.v., *Religieuze Regimes*. Amsterdam: Bakker, 1996.
- Rosenblum, N., *Membership and Morals*. Princeton etc.: Princeton University Press, 1998.
- Rosenblum, N. (ed.), Introduction: Pluralism, Integralism, and Political Theories of Religious Accommodation, in *Obligations of Citizenship and Demands of Faith*. Princeton: Princeton University Press, 2000, pp. 3–31.
- Rosenblum, N. (ed.), *Obligations of Citizenship and Demands of Faith*. Princeton etc.: Princeton University Press, 2000.
- Selznick, P., *The Moral Commonwealth*. University of California Press, 1992.
- Shah, T.S., Making the Christian World Safe for Liberalism: From Grotius to Rawls, in D. Marquand and R. Nettle (eds.), *Religion and Democracy*. Oxford: Blackwell, 2000, pp. 121–139.

- Smith, S.D., *Foreordained Failure*. New York: Oxford University Press, 1995.
- Spinner-Halev, J., *Surviving Diversity*. Baltimore etc.: John Hopkins University Press, 2000.
- Thieman, R.F., *Religion in public life*. Washington, D.C.: Georgetown University Press, 1996.
- Tomasi, J., *Liberalism Beyond Justice*. Princeton, Oxford: Princeton University Press, 2001.
- Tully, J., *Strange Multiplicity*. Cambridge: Cambridge University Press, 1995.
- Tully, J., The Agonic Freedom of Citizens, *Economy and Society* 28(2) (May 1999), pp. 161–182.
- Unger, R.M., *Critical Legal Studies Movement*. Cambridge Mass: Harvard University Press, 1983.
- Unger, R.M., *What Should Legal Analysis Become*. London: Verso, 1996.
- Valadez, J., *Deliberative Democracy, Political Legitimacy, and Selfdetermination in Multicultural Societies*. Boulder: Westview, 2001.
- Waldron, J., Religious Contributions in Public Deliberation, *San Diego Law Review* 30 (1993), pp. 817–848.
- Walzer, M., *On Toleration*. New Haven: Yale University Press, 1997.
- Walzer, M., *Just and Unjust Wars*, 3rd Ed. New York: Basic Books, 2000.
- Warren, M., *Democracy and Association*. Princeton, Oxford: Princeton University Press, 2000.
- Weinstock, D., Group Rights: Reframing the Debate. Paper, Minorities Within Minorities. Lincoln, Nebraska 2002.
- Williams, M., *Voice, Trust, and Memory*. New Haven etc.: Yale University Press, 1998.
- Williams, M., The Uneasy Alliance of Group Representation and Deliberative Democracy, in W. Kymlicka and Norman (eds.), *Citizenship in Diverse Societies*. Oxford: Oxford University Press, 2000, pp. 124–153.
- Wolterstorff, N., Why We Would Reject what Liberalism Tells Us etc.? in P. Weithman (ed.), *Religion and Contemporary Liberalism*. Notre Dame: University of Notre Dame Press, 1997, pp. 162–181.