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DEMOCRATIC NEGOTIATIONS OF RELIGION AND POLITICS

In the recent revival of religion in the public sphere of liberal democracies, it has become common to conceive of secularism as a contested concept. Secularism not only refers to principles of strict separation of religion and politics justified by the use of secular or public ethical reasoning; it also implies various concrete institutions and policies regulating the relationship between religion and politics reiterating various contextual political traditions and cultures. In other words, the meaning of secularism is ambiguous. It is subject to democratic negotiations drawing the line between religion and politics and creating conceptions of legitimate and illegitimate points of view in democratic governance rather than the necessary presupposition of democracy. Such a multidimensional understanding of secularism and the religion-politics relationship also appears to be the point of departure in Veit Bader's book, *Secularism or Democracy? Associational Governance of Religious Diversity* (2007). His aim is to formulate an 'alternative to secularism' by granting priority to democracy over secularism rather than developing an 'alternative secularism' (Bhargava 2006).

Writing within the horizon of the contextual turn in political theory, Bader emphasises the importance of the concrete democratic processes and practices; the agents involved herein together with their various perspectives and horizons of meaning; and the concrete contextual factors conditioning these processes and practices, i.e. traditions, institutions, discourses, policies and cultures. Mostespecially the articulation of a *minimal morality* within a contextual frame and an *associative democracy* as institutional device for governing religious diversity constitutes the platform for Bader's approach to the current puzzles of religion and politics. Those ideas that Bader ambitiously and convincingly writes about include interdisciplinary insights from political philosophy and the social sciences, pointing towards the complex relationship of levels between principled moral reflection, on the one hand, and institutional designs and policy recommendations, on the other . The following comments are made about these ideas. The overall question in this essay concerns the conception of *the political* associated with a minimal morality and an associative democracy. How is the political understood as a theoretical concept and analytical perspective? How are the political processes in decision-making conceived? How is the meaning of political decisions contested, negotiated and settled from Bader's point of view? The reason for this focus on the political is twofold: on the one hand, the contextual turn in political theory and the implied emphasis on concrete political processes and practices, institutions, and cultures, enhances a strong sense of the political; they constitute and are constituted by the political. On the other hand, this sense of the political could be more articulate than it seems to be in *Secularism or Democracy?* What are the specific characteristics of the political and the political modes of operation? This question remains unanswered.

Such questions concerning the political, its modes of operation and the use of power in democratic politics highlight where Bader disagrees with another influential strand in the contextual and multidimensional understanding of secularism; a strand that focuses on the constitution of subjectivities and identities in the political processes of secularism rather than the reconceptualisation of a value-based point of view for the democratic governance of the religion-politics relationship, *in casu* a minimal morality and a notion of an associative democracy (Cf. e.g. Anidjar 2006; Asad 2003, 2006; Hurd 2008; Mahmood 2006). In other words, various positions

in social and political theory and studies acknowledge the contextual and multidimensional character of secularism, but they disagree on how secularism and democratic politics operate and how these modes of operation can be criticised or justified. Thus, the contestability of secularism not only concerns the level of abstraction and the normative ambition, but also the crucial characteristics emphasised in the various understandings of context and the multiple contextual dimensions of politics. This disagreement frames the present comments on Bader's *Secularism or Democracy?*

Bader describes this disagreement as a difference between 'strong' and 'moderate' contextual approaches. He takes the stance of a moderate contextual position, which is able to balance between concrete contextual factors and abstract liberal-democratic principles, e.g. liberty and equality, claiming that from a strong contextual point of view there is a 'distrust of general, abstract principles even within given contexts in particular, and [an] exaggeration of the problem of under-determinacy'. In opposition to the 'strong' contextual approach, 'moderate contextualists allow for context-transcending principles but insist we relate principles to different contexts and cases to explain and develop their meaning. Principles like liberty or equality, though abstract and in need of specification are not indeterminate but under-determined: they may not exactly state what is positively required but clearly exclude any serious lack of freedom [...] or serious inequality in whatever context' (2007: 91).

From his 'moderate' contextual approach, Bader develops the idea of a minimal morality constituted by principles sensitive to concrete differences and contextual circumstances. His point of departure is what he conceives to be a reasonable pluralism. By this he emphasises the complex character of practical reason and he refers to reasonable associations able to engage in democratic negotiations and deliberations as a kind of public reasoning on matters of religion and politics based on a minimal morality. The minimal morality is articulated in order to frame a platform for regu-

lating the relationship between religion and politics that is alternative to that of secularism in terms of strict separation. Rather than an *a priori* exclusion of religion in political matters, Bader aims at maximum accommodation based on minimal principled reflection. Thus, assuming a reasonable pluralism, Bader reconceptualises the normative ideals and liberal principles of a democratic regime in terms of a minimal morality consisting of principles of *moderate universalism, embedded impartiality, relational state neutrality* and *fairness as evenhandedness* in cultural matters. The latter, *fairness as evenhandedness*, is to be understood as a symbolic accommodation of the demands of religious people with the aim of fair treatment of religious minorities, while the three first principles, *moderate universalism, embedded impartiality* and *relational state neutrality*, aim at including all of the affected people in democratic negotiations and deliberation guided by sensitivity to religious people in concrete situations and contextual circumstances in decision-making, application and interpretation of principles, laws and rules. The four articulated principles of a minimal morality provide Bader with a normative point of reference for institutional and policy devices.

This reconceptualisation of the principles associated with a liberal-democratic regime is a contested task unto itself, and the principles constituting a minimal morality are contestable. However, Bader claims that 'without [a] moral backing, political and legal obligations would inevitably be weak' (2007: 80). In other words, without a minimal morality defining the obligatory constraints of the democratic negotiations and deliberations of the borders between religion and politics, this activity would be a mere exercise of power. Bader therefore gives priority to a moral constraint of democratic negotiations and deliberations encouraging 'argument and [...] good example [...] before using force' (2007: 82). Within this frame, the difference between the so-called 'strong' contextual approach to secularism and Bader's 'moderate' contextual approach is clearly stated: the former does not take a principled stance, while the latter articulates a morality sensitive to concrete situations and contextual cir-

cumstances, yet still backing political and legal regulation on principled grounds.

The question is, however, how contested and contestable this notion of a minimal morality is. On the one hand, the articulated minimal morality is context-sensitive; on the other hand, it is 'independent of context and groups' (2007: 291). What then are the limits for the democratic negotiations and deliberation in the decision-making, application and interpretation of principles, laws and rules given by a minimal morality? To what degree are the liberal principles of a democratic regime contestable as part of the democratic political process? And at what point will the argument and the good example become inadequate so the use of force is the only means left, as Bader mentions in the quote above? And what then is the difference between 'strong' and 'moderate' contextual approaches if the bottom line of establishing a political order with reference to liberal principles in a pluralist and democratic society is the use of power in order to sanction these principles? What is left of the value-based point of view for the democratic governance of religion and politics other than the hope that people will treat one another with mutual respect and fairness, but without any moral obligatory guarantees aside from 'the threat of legal violence' (2007: 81)?

The next step in Bader's reflections concerning the normative platform of the democratic governance of religious diversity is the emphasis on minimalist civil virtues to be cultivated within democratic institutions and practices. At this point Bader mentions another value-based – though in his terms 'strong' – contextual approach, namely that of William E. Connolly, with whom he shares the idea of not being a secularist from the point of view of agonistic democracy, although Connolly's ethics is too demanding and thus not minimalist enough to satisfy Bader (Cf. e.g. Connolly 1999, 2005). However, if a minimal morality does not have any other guarantees than what can be sanctioned by the legitimate violence exercised by contingent institutional arrangements in a democratic soci-

ety, what then is left other than a hope of ethical cultivation without guarantees? And what then is the difference to the ambition of ethical cultivation that Connolly articulates in terms of pluralist virtues such as 'an ethos of engagement', 'critical responsiveness' and 'agonistic respect'? Both are contestable and contested perspectives for ethical cultivation within concrete democratic institutions and practices, but neither of them have any authority other than the authority ascribed in the concrete processes and institutional sedimentation. So what is the difference between the implied morality of a so-called 'moderate' contextual approach to secularism *versus* the implied ethics of a 'strong' contextual approach to secularism if both emphasise the democratic potential of ethical sensitivity to difference? There might be a difference in the sense that a minimal morality is supposedly superior to the democratic politics going on and as such independent of the political, while an ethics of pluralist virtues is hoped to be cultivated in the (micro)-political processes and, thus, part of the political; though without any guarantees.

In other words, beyond the questions above lies the question as to how the political is conceived in the concrete democratic processes of negotiating and deliberating the religion-politics relationship. Bader appears to have a strong sense of the political in his focus on concrete democratic institutions and practices, but the ambition of articulating a principled platform in terms of a minimal morality seems to weaken this sense. Therefore, one could have wished that the political was more articulate, e.g. in relation to the use of force involved in the *political* constitution of the borders between religion and politics as the 'bottom line' of democratic political order. These questions are also to be addressed to the second crucial element in Bader's priority of democracy over secularism, namely the idea of an associative democracy.

At this point, Bader's task is the setting up of institutional and policy devices for accommodating religious and cultural diversity within a liberal-democratic political regime. Bader points towards an associative democ-

racy being the most convincing idea of democracy and, thus, the best possible institutionalisation of liberal-democratic principles that fulfils the task of maximum accommodation of religious minorities constrained by the four principles constituting a minimal morality. In other words, he couples these two ideas, conceiving a minimal morality to be the only constraint on the flourishing of associative democracy and the associative governance of religious diversity:

> Associative democracy rejects constitutional establishment. It supports the legal, administrative and political recognition of organised religions. It balances strong guarantees for individual or 'inner' religious freedoms and strong guarantees for associational or 'outer' freedoms of religion and provides maximum accommodation to religious practices, constrained only by minimal morality and basic rights. […] It provides opportunities for these organisations to be even-handedly involved in standard setting and governance of these services. (2007: 20)

In other words, the conception of an associative democracy couples the abstract principled constraints with concrete political institutions and processes, practices and cultures in a more or less deductive system. The minimal morality works as criteria for evaluating institutional designs and policy recommendations.

According to the conception of associative democracy, the associations constitute the frame of moral learning and political empowerment for 'religious minorities and, particularly […] vulnerable minorities within minorities' (2007: 30), it creates 'more appropriate circumstances of choice' (2007: 209) and constitutes an egalitarian mode of democratic representation because of the basic rights and minimal morality and the focus on concrete associations as legitimate participants in democratic political processes in various arenas and levels and on various policy issues. In that sense, an associative democracy constitutes 'a realistic utopia developed by

democratic experimentalism' (2007: 31) in terms of the concrete political processes of deliberation and negotiations, trade-offs, balancing of reasons and perspectives, and the formation of religious peoples as active democratic citizens made possible by an associational political focus.

In terms of this idea of an associative democracy, Bader makes a plausible sketch of the concrete forms of the institutional pluralism framing the political processes in a democratic society, which he gives priority over secularism. In that sense, he formulates a concrete democratic form constrained by minimal moral principles adjustable to various contextual factors and circumstances as alternative to, on the one hand, liberal secularism understood as abstract principles of strict separation of religion and politics and, on the other hand, postmodern and communitarian contextual approaches giving priority to concrete contextual values and norms on behalf of the crucial liberal-democratic principles. However, Bader's concretisation and institutionalisation of multiple possible forms of regulating the religion-politics relationship from the point of view of a priority of democracy over secularism and the associated idea of a moderate agonistic democracy does not solve the problems implied in the notion of a minimal morality constraining democracy, as mentioned above. Rather, the articulation of a minimal morality within a more or less deductive system of principles, institutions and policies weakens the sense of the political and the implied use of power. In contrast, the focus on concrete democratic processes of negotiation and deliberation in the accommodation of religious minorities and the general regulation of the religion-politics relationship appears to extrapolate the continuous democratic challenges of religious and metaphysical pluralism in democratic societies as an inherent political matter unsolvable by the articulation of moral principles; be they minimal or not.

In other words, the Achilles heel of Bader's ambitious and convincing task of giving democracy priority over secularism is when the democratic pragmatism at which he aims is suspended by the articulation of a mini-

mal morality superior to the concrete democratic politics. One could question, then, why one should think in principles at all rather than merely focus on the political processes of producing political order and social cohesion with reference to the constitutive norms and principles of a liberal-democratic regime, especially when the articulated minimal morality that is claimed is so moderate, contestable and contested that it has the character of one of several possible subjective perspectives that could be put into the debate. The question is, then, whether it would be more plausible to simply allow the democratic negotiations and deliberation of religion and politics to continue to acknowledge the internal tensions and struggles of a pluralist society, informed by the insight into the role of democratic associations Bader provides, if the aim is to give democracy priority by emphasising the *political* constitution of secularism.

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