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Habermas, Religion, and Citizenship

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Abstract: What is the appropriate place for religious argument in the public realm of a liberal-democratic polity? The primary competing positions have been a "liberal" account and a "revisionist" response arguing for a greater role for religious argument in liberal democracy than the liberal position is ordinarily understood to allow. Liberals and their revisionist critics disagree about whether restraints on religious arguments and justifications are justified and desirable. Jürgen Habermas has intervened in this debate with a provocative account of the place of religion in the public sphere. Habermas presents his account as an alternative to both the liberal and the revisionist perspectives, and purports to do justice to the legitimate claims of each without falling prey to the failings of either. This article critically analyzes Habermas's interesting proposal and argues that it does not succeed.

1. INTRODUCTION

What is the appropriate place for religious argument in the public realm of a liberal-democratic polity? Various aspects of this question have been at the forefront of debate in political theory for over two decades now. The primary competing positions have been a "liberal" account, elaborated most fully in the work of John Rawls and Robert Audi, and a "revisionist" response arguing for a greater role for religious argument in liberal democracy, elaborated notably by Nicholas Wolterstorff and many others (Audi 2000; Audi and Wolterstorff 1997; Rawls 2005). The liberal position is widely understood as constraining the religious voice in political life in particular ways; liberals and their revisionist critics disagree about whether such restraints are justified and desirable or not (Eberle 2002). Jürgen Habermas (2008) has intervened in this debate with a provocative and novel account of the place of religion in the public sphere. Habermas presents his account as an alternative to both the liberal and the revisionist

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perspectives, and purports to do justice to the legitimate claims of each without falling prey to their respective failings. This article situates and critically analyzes Habermas's interesting proposal.

2. HABERMAS BETWEEN LIBERALISM AND REVISIONISM

In order to understand Habermas's position on the scope of public reason, it is first necessary to briefly sketch the basic outline of Rawls's ("liberal") position and the ("revisionist") criticism of it advanced by Wolterstorff. Rawls's position is that fundamental political questions in a constitutional democracy should be decided on the basis of "public" reasons, that is, reasons capable of being shared by all reasonable citizens in the polity. Reasonable citizens are those who are willing to propose and abide by terms of political cooperation that show respect for their fellow citizens as free and equal persons. Such citizens will hold a diverse and potentially conflicting set of "comprehensive moral views" about ethical, religious and philosophical questions generally, and Rawls's position is that in a free polity it is unreasonable to expect that there will be consensual agreement about these questions. If stable political order presupposed such consensus, it would be unattainable, except at the unacceptable cost of state coercion designed to generate the "consensus." Fortunately, however, another path to political stability is possible. This Rawlsian path proposes that citizens, for purposes of political determination of basic constitutional questions, avoid using reasons drawn from their (conflicting) comprehensive views and instead restrain themselves to use only the set of shared, public, reasons, that could be accepted by all. This is a bare sketch of the Rawlsian idea, and even it almost immediately provokes a set of further questions. An excellent overview of Rawls's position is Freeman (2007). It is sufficient for our purposes however, and we need not go into the further specification of the idea or into the critical discussion of its components. The important thing to note is that political legitimacy is understood to *require* that basic political institutions and practices be *justified* through appeal to public reasons. After originally framing the theory in a way that would have excluded non-public reasons from justification, Rawls later revised the theory to allow appeal to non-public reasons by citizens arguing on basic political questions. Still, it is the public reasons that do the work of legitimation. One may, as it were, supplement them with non-public reasons if one so desires, but only public reasons generate legitimacy. From the point of view of legitimacy, then,

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public reasons are *potent* and non-public reasons, while permissible in political discourse, are *impotent*. They cannot spawn legitimacy.

One way to redescribe this conception is in terms of a metaphorical "split" between different components of a person's identity. As a *person*, I have a "comprehensive view" about the nature of reality, the purpose of life, the good to be pursued in life, and so on. As a *citizen*, however, I leave these matters aside in deliberating and judging in regard to the basic *political* principles that will structure my interaction with my fellow citizens. So my perspective as a citizen is, in a way, "detached" or "split" from my full ethical perspective as a person. The Rawlsian idea is that while it would be hopeless to look for agreement at the full ethical level, it is possible to achieve consensual agreement at the partial, political level.

Wolterstorff's challenge to Rawls is directed at this split, from the point of view of the religious citizen. His critical view is expressed in the following passage:

> It belongs to the religious convictions of a good many religious people in our society that they *ought to base* their decisions concerning fundamental issues of justice *on* their religious convictions. They do not view it as an option whether or not to do it. It is their conviction that they ought to strive for wholeness, integrity, integration in their lives: that they ought to allow the Word of God, the teachings of the Torah, the command and example of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. Their religion is not, for them, about *something other* than their social and political existence" (Audi and Wolterstorff 1997, 105).

The position here outlined has come to be called that of the religious "integralist" (Herzberg 2010; Jensen 2005; Vallier forthcoming). From the integralist's point of view, the Rawlsian idea of separating the political from the fully comprehensive is understood not as the necessary means to political stability and justice, but rather as the temptation to betray his most fundamental human duties. He thinks it would be *wrong* to approach fundamental political questions separate and apart from what his religious views teach him about fundamental political questions. Note that nothing rules out the possibility that the *substance* of the integralist citizen's views on fundamental political questions might be the same as those of the Rawlsian. For example, the religious integralist and the Rawlsian political liberal might share a substantive position on the desirability of, say, gay marriage. The disagreement is not fundamentally

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substantive, but rather is about the deeper structural question of how to rightly understand and approach the question of political justice.

Habermas enters the discussion at this point. He begins by expressing considerable sympathy with the revisionist criticism advanced by Wolterstorff. He does not go on, however, to follow Wolterstorff to the point of rejecting the liberal quest for a set of suitably public reasons that transcend the terms of particular and diverse comprehensive moral views. Instead, he argues that "every citizen must know and accept that only secular reasons count beyond the institutional threshold separating the informal public sphere from parliaments, courts, ministries and administrations" (Habermas 2008, 130). This *institutional threshold* is thus the line of demarcation when it comes to the permissibility of advancing religious reasons in political discourse. Outside this threshold, Habermas presents his approach as being more permissive than that of Rawls. He would allow unrestricted religious argument in that area. Now, contrary to popular misconception, Rawls does not go so far as to banish religious speech and argument from the public realm, but he does require that it be accompanied by a secular or public chaperone to be potent. Habermas requires no chaperone, arguing instead that religious citizens "should be allowed to express and justify their convictions in a religious language even when they cannot find secular 'translations' for them" (Habermas 2008, 130). In taking this position, he sides with critics like Wolterstorff against Rawls's view.

Inside the institutional threshold, however, and thus within the governmental/administrative realm, religious reasons are altogether inappropriate for Habermas. On this point, Habermas disagrees with Wolterstorff just as strongly as he had agreed with him on the issue of regulating religious speech outside the threshold. In essence, then, his overall position is fundamentally similar to that of Rawls and Audi insofar as it endorses the idea of a common set of political reasons for use in policy-making and implementation that is independent of the comprehensive moral and religious views characteristic of the society governed by this state.

It is worth tracing the path of Habermas's argument in more detail here. Within the institutional threshold, Habermas requires what he calls the "institutional translation proviso" (ITP). ITP admits only secular reasons, and religious material advanced by citizens from outside the threshold must undergo "translation" into secular terms if it is to pass the legitimating "filter" and serve as the basis of law backed by the coercive power of the liberal state. Wolterstorff requires no such filtering device. Habermas' objection to that is the familiar one of the danger of

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majority tyranny: "by opening parliaments to conflicts over religious certainties, governmental authority can become the agent of a religious majority that imposes its will in violation of the democratic procedure" (Habermas 2008, 134). Interestingly, however, he says that the problem resides not in the majority vote itself, but in "the violation of the other essential components of the procedure, namely, the discursive character of the preceding deliberations." He specifies this component as the requirement that "all coercively political decisions must be *formulated* and *justifiable* in a language that is equally intelligible to all citizens. Majority rule mutates into repression if the majority deploys religious arguments in the process of political opinion — and will — formation and refuses to offer publicly accessible justifications that the outvoted minority, be it secular or of a different faith, can follow and evaluate in the light of shared standards" (Habermas 2008, 134).

Somewhat surprisingly, Habermas does not undertake to directly defend the principle invoked here. He rather treats it as simply definitive of the right understanding of the liberal constitutional state, and so Wolterstorff is "criticized" indirectly in the sense that he is described as proposing, in effect, a (pseudo) theory of liberal democracy that falls outside this understanding. Wolterstorff, as Habermas describes him, is not someone offering a mistaken theory of liberal-democratic legitimacy, but someone who denies the very possibility of legitimacy rightly understood. According to Habermas, "Wolterstorff can conceive of coexistence in an ideologically divided society based on majority decisions only as a reluctant adaptation to a kind of *modus vivendi* … It remains unclear on this premise why the political community should not be in constant danger of disintegrating into religious conflicts" (Habermas 2008, 135).

From Habermas' point of view, the salient feature of Wolterstorff's view is that he "rejects" the authority of a political consensus formed around a conception of public reason which all (reasonable) citizens could endorse. This is true, but in a strained and indirect sense; the reason is that Wolterstorff does not believe such a consensual conception is *available* for endorsement. He considers and rejects the idea that the liberal idea of an "independent source" is available for ordering the competing political claims of various moral and religious views (Audi and Wolterstorff 1997). It is not, then, that he rejects it *even though* he grants its existential possibility — it is rather that its existential impossibility *is* a key reason for "rejecting" it. Habermas says that on Wolterstorff's view, "it remains unclear why the political community

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should not be in constant danger of disintegrating into religious conflicts." The criticism implied here, that Wolterstorff's view may underwrite such an unfortunate development, is effective only on the assumption that the consensual realm of public reason is an existentially possible alternative. If not, Wolterstorff is not advocating or underwriting anything, but simply describing political reality, at least as he envisions it. Moreover, Habermas makes the assumption not only that the realm of public reason is possible, but the even stronger claim that it is the *only* means of avoiding the dangers of political conflict over moral and religious fundamentals. He writes:

> Conflicts over existential values between communities of faith cannot be resolved by compromise. They can only be alleviated by being depoliticized against the background of a jointly assumed consensus on constitutional principles (135).

This consensus on constitutional principles need not, however, proceed from a conception of public reason. Another possibility is substantial *substantive* overlap among differing religious and ethical views. To be sure, there may well be greater contingency here than in the posited case of a doctrine of public reason; the consensus, to the degree that it exists, is underwritten by the fortunate substantive overlap available from the given doctrines and views. Nothing insures that this overlap will be wide and deep. But in Wolterstorff's view as I understand it, this is simply the best we could do in the nature of things. If we find ourselves committed to constitutional democracy given our full ethical or religious view, then we hope that other views will, from within their own terms, reach the same judgment — that provides the basis for a possible constitutional consensus. It derives from substantive overlap among doctrines, not from the transcendence of those doctrines in the form of an account of public reason. Habermas seems to reject this possibility, seeing it as simply a license for sustained fundamental moral conflict in politics. Now it is true that Wolterstorff does posit fundamental moral conflict as a permanent possibility of politics, incapable of being pacified by a doctrine of public reason. However, it is not true that the revisionist must in any way condone or recommend this conflict. Wolterstorff clearly does not. He is not an agonistic political theorist bemoaning the fact that liberalism is apolitical (and repressive, as it is said) in failing to celebrate the deep conflicts that are the life-blood of politics, but is rather a friend of constitutional democracy who would happily see it

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flourish, but who thinks that it cannot possibly do so on the model of public reason.

Thus from Wolterstorff's perspective, there is a sense in which the political community just is, by its nature, "in constant danger of disintegrating into religious conflict," given the irreconcilability of plural perspectives. Not, of course, in the sense of necessarily impending practical danger (that will depend on many other factors[1]), but at least in the sense that the sort of transcendent reasonable consensus sought by Habermas (and Rawls, for that matter) is unavailable. Thus Habermas's criticism of Wolterstorff in essence begs the question between them, by assuming the possibility of a consensus that Wolterstorff denies.

Still, let us suppose for argument's sake that Habermas's position on this issue is the correct one, even if I am right in maintaining that he does not adequately defend it. Is it superior to the alternatives it purports to stand between as an account of the right relation between religious reasons and political justification? As a means of answering this question, I propose to examine it from the two points of view that it purports to mediate between, those of the religious citizen and the secular citizen.

3. ITP FROM THE POINT OF VIEW OF THE RELIGIOUS CITIZEN

In order to assess Habermas's theory from the point of view of the religious citizen, we need to examine more closely his rationale for extending *carte blanche* to the religious citizen who wishes to advance religious arguments for political positions. He provides two lines of argument, one a normative argument of fairness, the other a functional argument of practice.

The Fairness Argument

The normative argument trades on the idea of a possible kind of unfairness involved in requiring a certain type of religious citizen to adhere to ITP. As I hope to show, there are deep ambiguities in the manner in which Habermas formulates the issue, ambiguities which complicate the assessment of his proposal. Begin by recalling that Habermas's concern is with the integralist's objection to liberal public reason, the claim that it requires the religious citizen to "split" his or her identity in a way that is alleged in some sense to be objectionable. But why is it objectionable? Habermas states that "…a state cannot encumber its citizens, to whom it guarantees

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freedom of religion, with duties that are incompatible with pursuing a devout life — it cannot expect something impossible of them" (Habermas 2008, 126). Later, he rephrases this point, writing "…that many religious citizens would not be able to undertake such an artificial division within their own minds without jeopardizing the pious conduct of their lives" (Habermas 2008, 127). Both formulations hit a note of literal impossibility, but it would seem that this could not actually be part of the objection. The "other" note in the formulations is the (alleged) wrongness of requiring religious citizens to engage in the dualistic self-perspective enjoined by liberal public reason, and this must be the core of the objection. After all, if it really were genuinely impossible for the activity to be carried out, it would make no sense to object that people are being treated wrongly in being required to carry it out. The demand would be misguided and foolhardy, perhaps, rather than normatively objectionable. Of course, the sense here could be that it is painful and difficult for the activity to be carried out, rather than impossible. But that an activity is painful and difficult does not make it normatively objectionable; if there is something wrong with requiring religious citizens to engage in the activity required by liberal public reason, it will need cashing out in normative, not physical terms. However, when we turn to the normative terms employed here by Habermas, things remain ambiguous. His formulations above imply that the state is limited by the criteria of "a devout life" and "pious conduct" in terms of what it can demand of its citizens. These formulations raise more questions than they answer. One doubts that the state (any state), even if it were to acknowledge such criteria, could allow the definition of "devotion" and "piety" to be set by the citizen, or by the religious body with which the citizen might corporately identify. These will, however, be the authoritative sources of the criteria from the point of view of the religious citizen concerned with "devotion" and "piety" (which are, after all, presumably directed at God, not the state). Habermas does not delve into the can of worms that he may be said to have opened up through these formulations. He does say, recklessly it seems to me, that "the liberal state, which expressly protects such forms of existence as a basic right, cannot at the same time expect *all* citizens in addition to justify their political positions independently of their religious convictions or worldviews" (Habermas 2008, 128). But surely this is too strong. Why would a state, democratic or otherwise, grant a basic right to citizens to "live a pious life," in the absence of a judgment about the acceptable and unacceptable forms of piety? After all, there are those who have believed that "piety" required them to

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destroy some of their fellows. It may be objected here that it would be absurd to think that Habermas intended to underwrite any such claim, and I agree that he did not. But that is why the formulations he employs are reckless. They make the problem of the conflict between political and religious authorities seem more sedate than it actually is. And this bears directly upon his claim that his account of political legitimacy is superior to the liberal and revisionist accounts. Habermas is presenting his proposal as more sensitive to the point of view of the religious integralist concerned with piety than is the Rawlsian proposal, but this cannot be so. Rawls would say that the limits of the claims of religious freedom are set by the right standards of justice of the liberal-democratic state (not by the claims of individual or corporate religious persons), and Habermas is no different. His particular account of those "right standards" may differ somewhat in substance from those articulated by Rawls, but he no more recognizes self-defined claims of piety or devotion than Rawls does.

For all that, his conclusion is clear: he takes the demands of ITP upon the devout religious citizen to constitute a normative deficit that must be made good from the point of view of the liberal-democratic state. The pious citizen is permitted to advance "untranslated" religious reasons in the political arena, though if these are to cross the ITP threshold they have to be translated into secular reasons. I use the awkward term "normative deficit" to describe this view because of the awkwardness of the view itself. We can't say simply that the pious citizens are being normatively wronged in being required to adhere to ITP; after all, it is Habermas himself who thinks ITP is the right normative view of political justification! But then it would seem that perhaps one should say that there is simply nothing wrong being done to the pious citizens in requiring them to adhere to what is, after all, the right normative standard. But Habermas doesn't say this either, leaving the matter ambiguous.

The Function Argument

Habermas also claims that the liberal-democratic polity benefits *on its own terms* from allowing religious expression in the political arena, short of the ITP threshold. His claim is that "religious traditions have a special power to articulate moral intuitions, especially with regard to vulnerable forms of communal life." The political benefits of this special power of religion can be reaped only if the area outside the ITP

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is left in its "wild" condition where the strictures of secular reasons are not applied. Habermas writes:

> "The liberal state has an interest in the free expression of religious voices in the public arena and in the political participation of religious organizations. It must not discourage religious persons and communities from also expressing themselves *as such* in the political arena, for it cannot be sure that the secular society would not otherwise cut itself off from key resources for the creation of meaning and identity. Secular citizens or those of other religious persuasions can also learn something from religious contributions under certain circumstances, for example, when they recognize buried intuitions of their own in the normative truth contents of a religious utterance" (Habermas 2008, 131).

Habermas's functionalist argument provides (if one accepts its empirical validity) a rationale for allowing untranslated religious argument outside the institutional threshold. This line of argument is the one most deeply stressed in his recent writings on religion and politics, all of which strike a note of receptivity to religion as a source of dissent against the instrumentalization of the public world. (Habermas and Cronin 2010) This note does distinguish Habermas rather sharply in rhetorical profile from the "New Atheists" who in some other respects might seem to be his partners in defending a politics of enlightenment (Dawkins 2006; Harris 2006).

What shall we make of these arguments from the perspective of the religious citizen?

From her point of view, the functionalist argument presented as receptive to "religion" may be received as a mixed blessing, for it also implicitly sets the boundaries to the types of religion and religious claims that are within the scope of the democratic state's solicitation. What, she may ask, about the status of those religions and religious claims that are uncivil insofar as they attack and threaten, or are simply indifferent to, the "preconstitutional foundations" of the liberal-democratic regime? Since they, presumably, do not serve the function of supporting it through the provision of "meaning and identity," are they covered under the terms of the functional argument?

Similarly, the religious citizen will have questions in regard to the fairness argument before being assured that it is worth embracing. At first glance, the permissiveness of the "no restraint" view outside the ITP threshold may make it seem preferable to the theories of Rawls and Audi. On the other hand, that permissiveness closes sharply and

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absolutely at the point of the institutional threshold. So a great deal hinges upon the rationale behind this abrupt change.

One of the complicating factors in trying to assess this matter is Habermas's treatment of the definition of the Institutional Threshold and the rationale for employing it. Remarkably, he actually has very little to say about the type of reasons that successfully constitute the consensual realm of political reason that is available to "depoliticize" conflict over fundamentals. Unlike Rawls, who defines the realm in terms of "public" reasons (as opposed to reasons that are part of one's reasonably rejectable comprehensive moral view), Habermas chooses to define the realm in terms of "secular" reasons. This decision has enormous consequences for the contours of his overall view. It is because the political realm utilizes only secular reasons that Habermas believes an unjustifiable asymmetrical burden is being placed on religious citizens. Their "secular" counterparts are facing no such burden, on Habermas's view. The "secular" reasons they appeal to *anyway* in their non-political capacity are the coin of the (public) realm, and this stroke of good fortune means they do not bear the burden of translation borne by their religious counterparts.

Note that Rawls's position does not generate the same kind of asymmetry. His category of public reasons excludes not only religious comprehensive views, but secular moral comprehensive views as well. Utilitarians are no different from Baptists in this respect. The "burden" that is borne by citizens in a Rawlsian constitutional democracy is conceptualized as equal and symmetrical. There are, of course, many critics of Rawls who doubt that this is in fact the case, and instead see his account of political liberalism as a Trojan horse for secular liberalism. Whatever one thinks of such charges, the point here is about the original conceptualization itself, which is clearly intended as symmetrical.

Habermas never directly explains why secular reasons are the appropriate choice for political legitimacy. Here is a representative statement where the criterion is invoked.

> "In a secular state, only those political decisions can count as legitimate that can be impartially justified in the light of *generally accessible reasons*, in other words, that can be justified equally toward religious and nonreligious citizens, and citizens of different confessions. The exercise of power that cannot be justified in an impartial manner is illegitimate because it reflects the fact that one party is forcing its will on another. Citizens of a democratic polity are obliged to provide each other with reasons, because

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> only in this way can political power shed its repressive character" (Habermas 2008, 122).

The final section of the quote provides a succinct statement of the rationale for the general idea of a political, or "public," reason in a liberal democratic state. It is a rationale that unites Habermas with Rawls, Audi and many other liberals. That general rationale, however, provides no guidance as to which of the competing accounts of public reason should be accepted. Habermas' account identifies "secular" reasons as fulfilling the rationale, but the significant aspect of the passage is the "in other words" clause that glosses the appeal to "impartial" reasons that are "generally accessible." Therein, Habermas identifies the *point* of the appeal to secular reasons — they can "be justified equally toward religious and nonreligious citizens." I think there is a clue here about a way of understanding the category of public reason that may be illuminating. Let me sketch two contrasting models of understanding before returning to Habermas.

On one model, we think of the category of public reasons as encompassing a set of reasons that possess a distinctive positive characteristic — they have the ability to successfully justify coercively backed public policies to citizens of different ethical and religious views. The theoretical task is thus one of defining the content of this category; what are the particular features of reasons that render them potent for this task of securing legitimacy? Habermas seems to pursue this model when he occasionally speaks of the characteristics that, as he sees it, make secular reasons appropriate for this task. In the passage above, they are said to be "generally accessible," and at other points he speaks of them as being "equally intelligible" to all citizens. (Habermas 2008, 134).

The second model of understanding is suggested by his parenthetical statement of the function of public reason: "in other words, they can be justified equally toward religious and nonreligious citizens." On this model, we would not try to identify the positive characteristics of reasons that would make them potent public justifiers; instead, we *disqualify* reasons that we judge to be non-starters for the task of general justification, and *then* define the category of public reasons as, in effect, what is left over. The emphasis is not on what is so special about public reasons, but upon what is wrong with non-public ones.

If you look at Habermas's theory on the first model, it has some odd characteristics. Most significantly, he utilizes concepts like "accessibility" and "intelligibility" as if they were beyond controversy themselves. Of course, they are not. One obvious problem is this. There is the issue of

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whether accessibility and intelligibility are to be defined normatively or empirically. Many reasons that would seem strong candidates for a normatively defined category of accessibility or intelligibility (say, chains of economic or scientific reasoning), will not, in fact, be accessible and intelligible to citizens generally, while many reasons that are, in fact, generally accessible and intelligible in an empirical sense, will be more dubious candidates for normatively defined criteria. Indeed (at least some) religious reasons themselves will surely in some cases pass an empirical test of general accessibility and intelligibility. Writers commonly stipulate that religious reasons are not intelligible or accessible to all, but these claims are false unless one is inserting a normative element into the definition. For example, some citizens believe that gay marriage should be outlawed because of passages in the Biblical Book of Leviticus. Some of their fellow citizens do not. The latter think the former wrong, but I doubt that most of the latter have any trouble *understanding* what the former are claiming, however unfortunate and misguided they may think it.

On the other hand, if you look at Habermas's comments according to the second, negative, model, they don't seem nearly as odd. In effect, "intelligibility" and "accessibility" are just serving as placeholders for "not religious" (or, more generally, "not unfair to use"), and on this assumption it is not particularly odd that Habermas should simply ignore the issue of trying to define their positive characteristics.

Of course, there is plenty of controversy to be found even over determining the right list of candidates for the negative category, and I don't claim that it is straightforward or simple. Still, I think it does help to clarify what is at stake, and it can also (rightly, in my view) orient our attention toward the normative features and away from the epistemic features of the idea of public reason. On the "negative" account of public reason, the salient feature of the category is that reasons therein do not invoke ethical or religious considerations that one is normatively entitled to reject. (Note that this category does not necessarily include all ethical or religious reasons.) Whether these reasons are epistemically impressive or not is beside the point. A crackpot economic theory, for example, may be just as "public" in this sense as the reigning orthodoxy of economic science. On this view, the good thing about public reasons, if there are any and whatever they turn out to be, is that they satisfy the normative demand that we respect one another as free and equal citizens. Whether they lead to sound policy or true judgment is another, epistemic, question. I think these aspects should be kept more separate than they often are in accounts of public reason.

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So if we read Habermas on the second model, his invocation of "secular" reasons as the appropriate currency of political legitimacy is more or less innocuous. All "secular" really means here is "not religious." This is distinguishable from a notion of the secular that sees it as denoting not the absence of something (religion), but a positive content that defines an *alternative to* religion, perhaps in a hostile key. It is this second sense of secular that is necessarily *against* religion.

Interestingly enough, this kind of distinction is drawn almost exactly at another point in Habermas's theory. Nonreligious citizens, on his view, must come to "understand their non-agreement with religious conceptions as a *disagreement* that it is *reasonable* to expect." (Habermas 2008, 139) They are to understand their fellow religious citizens as engaged in "a cooperative search for truth," and they are to take religious claims as possible contributors to this cooperative enterprise. They cannot, then, be "radical naturalists" (Habermas 2008, 141) who treat religious tradition and communities as if they "were archaic relics of premodern societies persisting into the present, understand(ing) freedom of religion only as the cultural equivalent of the conservation of species threatened with extinction" (Habermas 2008, 138). This creates a distinction between two types of "non-religious" citizen, corresponding to the two senses of "secular" outlined above. The mild secularist citizen is, in effect, agnostic about religion. The extreme secularist citizen is more positively atheistic, denying the ontological claims of his fellow religious citizen. Habermas's view is that a successful constitutional democracy under contemporary, "postsecular" conditions, requires that nonreligious citizens undergo a "learning process" that leads from the extreme to the mild form of secularism. The distinction mirrors a corresponding division of religious citizens into two categories. The mild believers have digested the experience of modernity and accept "the principle that the exercise of political authority must be neutral toward competing world-views" (Habermas 2008, 130). They have developed the "epistemic ability" to consider their own religious convictions "reflexively from the outside and to connect them with secular views" (Habermas 2008, 130). Extreme believers, on the other hand, have failed to undergo this "learning process" and consequently have refused to accept the terms of "postsecular society." It is the mild believers and unbelievers who together form the political basis of a constitutional democracy in a post-secular society. The extreme believers and extreme secularists refuse to accept each other as fully free and equal citizens, and thus endanger the health of the constitutional state.

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The learning process through which extreme religious and non-religious citizens become mild ones is an important aspect of Habermas's more general idea of communicative rationality. The public sphere is conceived not as an arena of interaction amongst pre-constructed religious and non-religious subjects, but rather as a field of creative engagement where identities are (re)constructed through engagement with different perspectives. The preponderance of mild over extreme citizens is, then, for Habermas, not a fortuitous pre-political and unalterable fact about a given population, but a developmental consequence of a healthy public sphere of communication.

4. ITP FROM THE POINT OF VIEW OF THE NON-RELIGIOUS CITIZEN

Let us turn now to examine the matter from the point of view of the non-religious citizen. The insistence on ITP within the institutional threshold makes Habermas seem like a proponent of the standard liberal idea of public reason, one who ejects religion from the proscribed area. Non-religious citizens enthusiastic about this aspect of his approach may, however, be surprised by a number of other aspects that purposefully place considerable burdens on non-religious citizens. Indeed, the burdens may simply be too heavy to prove acceptable. (Lafont 2007) Let us consider these aspects of his theory.

First, Habermas requires that non-religious citizens participate in the process of translating the political claims advanced in a religious voice into a secular language suitable for law and administration within the institutional sphere. Hence the non-religious citizen must go quite a bit farther than simply showing civic respect and tolerance for the equal political rights of the religious citizen. Habermas writes:

> "…something more than a secularist attitude is called for by cooperation with religious fellow-citizens. This cognitive adaptation should not be confused with the political virtue of mere tolerance. What is at stake is not a respectful sensibility for the possible existential significance of religion for some other person, something also expected of secular citizens, but a self-reflexive overcoming of a rigid and exclusive secularist self-understanding of modernity" (Habermas 2008, 138).

As we saw above, Habermas works here with a distinction between the view of the "extreme secularist" citizen and that of the "moderate

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secularist" citizen. The first is characterized by a "narrow" view that he imagines as seeing religion as "…archaic relics of premodern societies persisting into the present." Such a view can understand freedom of religion "only as the cultural equivalent of the conservation of species threatened with extinction." From such a view, "even the principle of the separation of church and state can have only the laicist meaning of benign indifference" (Habermas 2008, 139). Extreme secularist citizens are unfit for participation in the translation process characteristic of democracy on the Habermasian model. Such citizens "…can no longer be expected to take religious contributions to contentious political issues seriously or to participate in a cooperative search for truth to determine whether they may contain elements that can be expressed in secular language and justified by rational arguments" (Habermas 2008, 139).

Moderate secular citizens, on the other hand, are characterized by "postmetaphysical" thinking.[2] Postmetaphysical thinking is "far from a matter of course in the secularized societies of the West" (Habermas 2008, 139). Citizens holding such a view are "*epistemically attuned* to the continued existence of religious communities," and "understand their nonagreement with religious conceptions as a *disagreement* that it *reasonable* to expect." Postmetaphysical thinking, then, is "prepared to learn from religion while at the same time remaining agnostic. It insists on the difference between the certainties of faith and publicly criticizable validity claims; but it eschews the rationalist presumption that it can itself decide which aspects of religious doctrines are rational and which irrational" (Habermas 2008, 143). This is a very demanding requirement. It would mean, for example, that a secularist utilitarian citizen would be committed to treating Catholic natural law discourse about the political good as a potential source of political knowledge equal to that of the writings of Bentham or Mill (and vice-versa, of course.)

The requirement that extreme secularist citizens become moderate ones constitutes a "burden" for them, but the extent of that burden is crucial in terms of Habermas's own understanding of the justifiability of his model of democracy. His claim is that the burden is equal to that which must be borne by religious citizens insofar as they must accept the institutional translation proviso. This equality is necessary to meet what he sees as the legitimate concern on the part of religious citizens that they will be unfairly required to bear an "asymmetrical" burden by the requirements of a doctrine of public reason, of which Habermas's institutional translation proviso is a specific example. The liberal state would "contradict itself if it demanded that all citizens conform to a political ethos that

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imposes unequal cognitive burdens on them" (Habermas 2008, 136). By Habermas's own account, his translation proviso and the "institutional precedence of secular over religious reasons demand that religious citizens make an effort to learn and adapt that secular citizens are spared" (Habermas 2008, 136). This "adaptation" is a "learning process" that has occurred for most religious communities in the west "since the Reformation and the Enlightenment." Analytically, there is thus a distinction within the category of religious citizens that corresponds to the distinction between extreme and moderate secular citizens. Extreme religious citizens would be those who reject the translation proviso, maintaining instead that the religious claims of a particular religious community *as such* are a (or perhaps "the") legitimate basis of coercively backed law. Such a view has rejected the basic liberal principle of the equal status of all citizens, on Habermas's view. Like extreme secularist citizens, they have refused the requirement to engage dialogically with their fellow citizens on sufficiently equal terms. Extreme citizens of each type may find their way to a *modus vivendi* arrangement with one another, but are outside the range of participating in the pursuit of full democratic legitimacy on equal terms.

Habermas treats the transition of extreme religious citizens into moderate religious citizens as a more or less accomplished fact in the liberal west. Perhaps surprisingly, his anxiety about the possibility of democratic legitimacy in "Religion in the Public Sphere" is directed not so much at possible religious challenges as it is at the challenge constituted by extreme secularism. What concerns him is a secularism linked to "radical naturalism." Radical naturalism goes beyond the legitimate aim of "natural scientific knowledge" that shows us how to understand ourselves and "our place in nature as a whole" (Habermas 2008, 141). It rather reduces our knowledge to "the sum total of statements that represent the current 'state of science.'" In doing so, it "devalues all types of statements that cannot be traced back to empirical observations, statements of laws or casual explanations" (Habermas 2008, 141). Such a view has failed to demonstrate a "self-critical awareness of its boundaries" and is, like the non-reflexive view of the extreme religious believer, a poor candidate for democratic citizenship.

As Habermas sees it, the adaptation of religious consciousness to the terms of liberal democracy must be counterbalanced by a similar adaptation on the part of secular citizens. The transition of extreme into moderate secular citizens is thus not, for Habermas, simply a desirable empirical development that would contribute to the stability and health

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of liberal democratic orders. Rather, it is *essential* to establishing the normative legitimacy of these regimes. This is a peculiar feature of his account, and one that is crucial to arriving at an overall assessment of it. Consider the institutional translation proviso, which is the heart of Habermas's theory of legitimacy here. He believes this proviso to be a necessary element of legitimacy, and hence one that religious citizens must acknowledge and accept. The proviso presumably presents no stumbling block to the secular citizen, for the public language is his "native" one, not one his discourse must be translated into. Now most accounts of public reason by justificatory liberals treat this element as the ground of justification, and then turn the discussion of what will be required of religious citizens in terms of bringing themselves onto conformity with it. They may be more or less generous and accommodating to such citizens in their particular accounts, but what is the same in all is the presumption that the public reason requirement, however defined, is conclusively justified by the terms of liberal democracy, and is thus the constant standard against which other possibilities are measured. (On various forms of public reason, see Solum 1993).

Habermas is interestingly different. He too takes the proviso to be justified, but he thinks the burden that this places on religious citizens creates, as it were, a legitimacy deficit that has to be made up. This is why he is so concerned to argue that secular citizens must undergo the "learning process" of limiting tendencies they might have toward "extreme secularism" and more modestly accept the limitations of postmetaphysical thinking. On his view, this is what balances out the self-limitation the religious citizen undertakes in committing himself to the use of public reason and the translation proviso. Thus non-religious citizens who hold "extreme" views as a matter of reflective conscience (rather than as a matter of a learning "failure") will wonder why they must modify these views to balance out the religious citizens who, in accepting the terms of the institutional translation proviso, were simply doing what they were supposed to in the first place.

5. THE DIFFICULT TASK OF PUBLIC REASON

The definitive feature of Habermas's entry into the "religion and public reason" debate is the attempt to articulate a view that the opposing liberal and revisionist positions might each affirm as a fair response to their claims. Each position is, from Habermas's point of view, offered something desirable by his proposal that is absent from either position

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itself. The religious citizen is freed of the strictures of public reason prohibitions in the public realm of political discussion and debate, while the non-religious citizen is nevertheless insured of the absolute prohibition on the use of religious reasons within the institutional threshold.

Neither attraction seems particularly attractive, especially when the related costs of each are highlighted. The religious citizen's excitement over the absence of restrictions on religious reasons outside the Institutional Threshold will have to be balanced against the recognition that the threshold is impregnable. The problem for Habermas here runs deeper than simply the contrast between the brute benefit and cost. The religious citizen will wonder why the *reasons* that lead Habermas to argue against restrictions on religious reasons outside the Institutional Threshold are not just as relevant within it. If the citizen's claims in the name of a "pious life" are serious enough to outweigh any claims of restriction on reasons outside the threshold, it is not obvious why they are not serious enough to outweigh claims of restriction within it. Habermas makes no attempt to grapple with this problem. To be fair, there are possible lines of argument to which he might appeal here, and perhaps this is reason to treat his proposal as incomplete rather than as fatally flawed. But the issue certainly isn't simply one of filling in the blanks in an obvious way. *Any* reasons capable of justifying the restrictions constitutive of ITP may, for all we know, have implications for the area beyond the threshold. There is no way to know until we hear what the reasons are. Moreover, until we hear those reasons, there is simply no way to judge whether the case made is superior to that made for the more restrictive position taken by liberals such as Rawls and Audi. Indeed, for the religious citizen, Rawls's doctrine of public reason is actually *more* permissive of religious reasons within the institutional threshold than Habermas's is, and from the point of view of a concern with piety and religious integrity (Habermas's chosen grounds of contention with the liberal position), this might be deemed more significant than the rules governing political argument outside the threshold. The religious citizen would thus seem to have a number of reasons for withholding assent to Habermas's proposal.

The same, it seems to me, is true of the non-religious citizen. The requirement to assist in the translation of religious reasons into secular ones is difficult to understand as a normative requirement, however much it might be pragmatically desirable as an expression of civic generosity. It is also a very demanding requirement, not a merely bothersome task. Habermas seems not to consider the fact that for many non-religious citizens, their highly

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critical view of religion and its undesirability is itself understood by them as a matter of great conscientious significance. It isn't clear why they could not make the same claim about integrity and "piety" (in a secular key) as does the integralist religious citizen with whose claims Habermas sympathizes. (See Lafont 2007, 253) To the degree such citizens agree with Habermas about the normative validity of the secular sanctity of the institutional threshold, they will wonder at the normative significance of the alleged "burden" borne by their fellow religious citizens in being required to abide by this requirement. It is unlikely that wonder will be assuaged when they further find that it is up to them to make up for that burden through assisting in the process of translation.

Habermas's proposal starts in an intuitively plausible way, by distinguishing sharply between the idea of rules governing political argument and rules governing legislative legitimacy. Much of the controversy over the idea of public reason relates to the first matter, and the way it intuitively seems to fly in the face of deeply held norms about both free speech and the moral importance of individuals speaking their minds and consciences honestly. Habermas's sharp distinction at first seems promising in separating this set of issues from that of legislative legitimacy in a manner more permissive and "liberal" than the standard liberal positions of Rawls and Audi. But as I hope to have shown, this promise is not fulfilled in the full elaboration of the idea.

If that is right, where, fundamentally, has Habermas gone wrong? I believe that it is in not adequately acknowledging the simple and irremediable intractability between claims of political and religious authority. There just is no way to square the difference between two sources of authority that each claims the ultimate right to define the legitimate scope and reach of the other. No account of political authority could make good on the idea of respecting claims to piety and/or conscience *as such* without undermining itself in the process; having authority here means defining the scope and limits of such claims. To put the same point inversely, and equally starkly from the opposite point of view: no religious citizen who maintains that her fundamental duty is to obey God can rest assured that martyrdom at the hands of political authority will not be expected of her. There are many possibilities of balance and accommodation between political and religious authority, but these are not the same as synthesis. In one of his last works, Rawls pointedly asked, "How is it possible for citizens of faith to be wholehearted members of a democratic society who endorse society's intrinsic political ideals and values and do not simply acquiesce in the balance of political and

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social forces?" Leaving aside the issue of whether "acquiescence" is the right description of the alternative(s) to wholehearted endorsement of society's intrinsic political ideals, it is exceedingly difficult to see how the love of God and the love of society's political ideals can be at once "wholehearted." Experience suggests that heartbreak, rather, is often the consequence of encounter with this tension. Habermas boldly attempts to provide terms of political consensus that, in overcoming the difference between liberals and revisionists, would avoid that dilemma and answer Rawls's question. I have attempted to show why he has not succeeded.

NOTES

1. For example, a society with homogeneity about religion might be characterized by a sociological consensus that yields peace and stability even as it remains "open" to conflict given the absence of transcendental consensus.
2. "Postmetaphysical thinking" has many connotations, but for our purposes it can simply be understood as the point of view about religion adopted by mild secularists and mild believers as discussed above.

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