

# **Religion and the State Today**

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## [Introduction]

We find ourselves, in Europe and in America, after centuries of separation between religion and the state: religion is regarded as a matter of freedom of conscience, concerning the private life of a person, while the state deals with the administration, neutral in relation to the private convictions of citizens, in the public interest. The modern state is built on the premise of a separation: public interest actions originate in secular reasons and people have the unrestricted freedom to promote their religious beliefs, in their private life and in worship places.

Constitutions have judicially confirmed the separation. For example, in the *Bill of Rights* (1791), the well-known part of the *Constitution of the United States*, the First Amendment states that: “Congress shall make no law respecting an establishment of religion, of prohibiting the free exercise hereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”. At the same time, the *Constitution of France* (1958), in Article 1, stipulates that: “La France est une République indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances”, after, in the *Declaration des droits de l'homme et du citoyen* it was already stated that: “Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la loi”<sup>1</sup>, the public force (la force publique) being “instituée pour l'avantage de tous, et non pour l'utilité particulière de ceux auxquels elle est confiée”<sup>2</sup>. The examples may, of course, continue.

Meanwhile, a new activism in favour of the separation from religion was added to the classical separation between the state and religion. For instance, Paul Kurtz recently published a sort of manifesto, entitled *What Is Secular Humanism* (2007), going beyond the already established separation: the well-known editor of pragmatic writing argues in favour of removing religion not only from the public life of the state, but also from the people's individual life projects, which are, by their nature, private. He proposes the vision of a “secular humanism”, which “rejects supernatural accounts of reality; but it seeks to optimise the fullness of human life in a naturalistic universe”<sup>3</sup> and “holds that ethical values are relative to human experience and need not be derived from theological or metaphysical foundations”<sup>4</sup>.

I consider this activism to be on a wrong path, and that the classical separation between religion and the state must be questioned. *Not only did religion induce a positive moral sense in the actions of the overwhelming majority of people, by operating with the Divinity that divides justice, but, moreover, it can motivate some of the most democratic behaviours, probably the most democratic one.* Therefore, after considering the relationship between religion and the state from a historical point of view, I will indicate that the separation thesis is already encountering many difficulties, so much so that if, especially in religiously pluralistic societies, the abandonment of secularisation is not realistic, a new solution to the relationship between religion and the state must be found, however. I will try to take the road towards such a solution. I would like to say, from the

outset, that I take up the distinction between the politics-religion relation and the state-church relation<sup>5</sup>, but I argue that the latter relationship can no longer be understood without considering the former. Religion is not apolitical, and the state cannot remain indifferent to the beliefs of its citizens anymore if it takes itself seriously as an organisation based on the recognition of citizens.

## [The First Section]

I will not dwell upon the history of the separation between “secular (political)” and “religious”, between the Church and the state, this being well-known. In Dante’s *De Monarchia* (1311) we find the beginning of the idea of this separation: “the church and the empire have different «fondamenti»” and are the terms of a relation, the first “nell’ambito della paternità”, the second “in quello del dominio”. It is, however, rightfully said that the Peace of Westphalia ended the Thirty Years’ War, after a series of conflicts of a confessional nature, and it opened the historical cycle of the separation between the Pope’s auctoritas and the king’s potestas. “The Church is losing its role as major supporter of the political power, the latter feeling released from the responsibilities directly related to the religious ambit”<sup>6</sup>.

I will not insist either on the paradoxical interaction between the state and the Church, which determined royal power to try to legitimise itself through the Church’s control over what is holy, and the two, the Church and the state, to organise themselves through “mutual mirroring (gegenseitigen Bespiegelung)”<sup>7</sup>. One may say that “seit dem Ende des 18. Jahrhunderts hat die Säkularisierung die Grenzen von Kirchen - und Staatsrecht überschritten und ist zu einer allgemeinen Kategorie geworden, die unauflöslich mit der neuen einheitlichen Vorstellung einer geschichtlichen Zeit verflochten ist. Aus dieser Verflechtung (bei der die Säkularisierung mit anderen Symbol-Koordinaten der modernen Befindlichkeit zusammenhängt: mit Emanzipation und Fortschritt, Befreiung und Revolution) ergeben sich radikale Neudefinitionen und Sinnverschiebungen des Begriffspaars geistlich/weltlich”<sup>8</sup>. Today, however, possessing a wider historical knowledge, we must question the history of secularisation.

In order to acknowledge the complexity of the issue we are faced with today, I would like to discuss the matter of emancipation. Few have approached it as convincingly as Moses Mendelssohn. In *Jerusalem* (1783), the renowned Rabbi of Berlin considered the “state” and “religion” to be “piliers de la vie sociale”, which must reach a “balance”. His intention was to clarify their “areas” and the “limits” separating them by starting from “the liberty of conscience”: „Le droit à nos propres convictions est inaliénable, il ne peut transiter d’une personne à une autre, car il ne donne et ne prend aucun droit à la richesse, au bien et à la liberté”<sup>9</sup>. Mendelssohn’s predominating argument was that no institution is entitled to compel people’s “convictions”. “Car un contrat sur des choses qui, selon leur nature, sont inaliénables, n’est pas valable en soi et s’annule de lui-même”<sup>10</sup>. “The state and religion” refer to areas that are different from the outset. “Les principes conduisant les hommes à des actions et à des convictions raisonnables reposent en partie sur les rapports des hommes entre eux, en partie, sur les rapports des hommes avec leur Créateur et celui qui les fait exister. Ceux-là appartiennent à l’État, ceux-ci à la religion. Dans la mesure où les actions et convictions des hommes peuvent être rendues d’intérêt commun par raisons découlant de leurs rapports entre eux, ils sont l’objet de la constitution civile; mais dans la mesure où les rapports des hommes envers Dieu sont pris comme source de ceux-ci, ils appartiennent à

l'Église, à la Synagogue ou à la Mosquée"<sup>11</sup>. Mendelssohn was, however, rather astute in observing that on the very basis of the separation, religion motivates people's behaviours.

Meanwhile, within European culture, there has been a long debate on the issue of emancipation, with precise distinctions between "political emancipation", "civil emancipation", "social emancipation", "religious emancipation", distinctions that have marked the approaches to the relation between religion and the state to our days<sup>12</sup>. One cannot, however, help wondering how things stand today. We may notice that, on the one hand, we are presented with apologies for the established separation and with reconstructions of the separation thesis, while on the other hand, we are taking part in the "religious resurgence" in modern society.

There are tenacious defences of the established separation between religion and the state, with the conviction that a better solution would not be possible. The most eloquent example was given recently by Herbert Schnädelbach, in his volume *Religion in der modernen Welt* (2009). The author keeps repeating the obsolete argument that a person's rights and liberties, established after 1789, represent not so much a Christian inspiration, as "the enactment of a world of civil, enlightened life (*die Verrechtlichung einer bürgerlichen, aufgeklärten Lebenswelt*)"<sup>13</sup>, and sees in the "return of religion (*Wiederkehr der Religion*)", which we are witnessing, only "the return of a need for religion (*Wiederkehr eines religiösen Bedürfnisses*)"<sup>14</sup>. This being said, the Berlin philosopher continues to build the thesis according to which "only devised sovereignty, through the exclusion of all religious reminiscences, makes it possible for a constitution of liberty to exist"<sup>15</sup>, and he defends the equivalence of the possibilities of liberties with the cultivation of "critical reason". He attributes only to the Enlightenment the reflexivity which, in time, has put cultures in motion. "As such, it is convenient to understand the Enlightenment (*Aufklärung*) and its engine, criticism, both from a historical perspective and a structural one, as an intellectual side of cultural modernisation in the sense of a reflexive progressive becoming of the cultures"<sup>16</sup>. Herbert Schnädelbach claims that "the idea of critical reason", which is of Kantian origin, was not taken over by "the reason of faith" (*Vernunft des Glaubens*)"<sup>17</sup> and he holds, obviously incorrectly, that "obedience (*Gehorsam*)" is nothing more than "giving up the examining criticism of what is heard"<sup>18</sup>.

The contemporary offensive philosopher from Berlin wishes to re-establish, in its entirety, the Kantian criticism of cognitive reason and keeps proposing the examination of expressions and concepts before their being used. Only that his analysis of the religious state in modern world sticks to this kind of conceptual examination without it being capable, for methodological reasons, of capturing the importance of religion in democracy and the role of religion representatives in the defence and renewal of democracy. Most importantly, there is the wise observation made by Peter L. Berger that "there is a great risk of neglecting religion in today's analysis"<sup>19</sup>, even though the impacts of religion and of politics are complex, the philosopher from Berlin has left them aside.

Most conclusive in reconstructing the separation thesis was John Rawls. The American philosopher sets out by explaining “public reason”, which conditions a “well-ordered constitutional democratic society”. In *Political Liberalism* (1996), he shows that, in democracy, the citizen has the duty to appeal to “public reason”. “The ideal of citizenship imposes a moral, not a legal, duty - the duty of civility - to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason. The duty also involves a willingness to listen to others and a fairmindedness in deciding when accommodations to their view should reasonably be made”<sup>20</sup>. The citizen has the duty of reporting to what, together, the citizens of that state decide for the common good. It involves a content of rules and neutral decisions in relation to the various individual convictions, including religious ones. Each citizen can publicly promote his or her points of view and arguments which may be shared by the other citizens as well, leaving rooted in their private life liberties of the person which no one can take away. The citizens act according to this order, because they know that „they cannot reach agreement or even approach mutual understanding on the basis of their irreconcilable comprehensive doctrines. In view of this, they need to consider what kinds of reasons they may reasonably give one another when fundamental political questions are at stake”<sup>21</sup>.

Thus being connected, the private views of the citizens - be they religious, philosophical or of other nature - and “public reason”, several questions arise. In John Rawls’ aprioristic approach one such question is considered: how does the one who shares his religious views make his vision compatible with the demands of that “public reason”? In *The Idea of Public Reason Revisited* (1997), the answer determines the questioning of the way in which “public reason” comes to legitimise democratic society. Two solutions are possible: the first one, historically, too, was the acceptance of “tolerance” as a *modus vivendi* (such as at the end of confessional confrontations in the 17th century), and the second one consisted of the acceptance of democracy because it allows for a better promotion of one’s own views.

There are, however, other open questions, which have been tackled head-on by Jürgen Habermas, among our contemporaries. In *Religion in der Öffentlichkeit. Kognitive Voraussetzungen für den «öffentlichen Vernunftgebrauch» religiöser und säkularer Bürger* (2005), the renowned thinker of Frankfurt shows that “the liberty of conscience and religious liberty” are, of course, the solution capable of dissolving “the potential for conflict” which may result from situations of religious pluralism. But “für eine gleichmäßige Gewährleistung der Religionsfreiheit ist nun der säkulare Charakter des Staates zwar eine notwendige, aber keine zureichende Bedingung”<sup>22</sup>. The situation when the state declares itself neutral does not, however, eliminate the possibility that religious liberty may be affected. John Rawls acknowledged the circumstance, but emphasized not the state’s neutrality, but “the normative implications of the role of the citizen”. Therefore „nach liberaler Auffassung gewährleistet der Staat Religionsfreiheit nur unter der Bedingung, dass sich die

*Religionsgemeinschaften aus der Perspektive ihrer eigenen Überlieferungen nicht nur auf die weltanschauliche Neutralität der staatlichen Vernunftgebrauchs der Bürger*<sup>23</sup>. Nonetheless, when one wants to realistically conceive the relation religion-state, one must consider, as arguments, not only the exhausted historical fact that there have been, throughout history, times of repression caused by religious institutions, and fundamentalisms are dangerous, but also equally significant facts, such as the movements, in favour of democracy and human rights, which have been led by religious personalities; also, in the existing democratic state, churches and religious communities guarantee human liberties and rights and democratic order. Therefore, the rigid separation of religion and the state must be overcome by acknowledging the beneficial role of religion in, at least, inducing a favourable morality regarding human rights and democracy.

Habermas made crucial observations towards a new understanding of the relation religion-state: the “liberal state”, actually, claims a “self-censure (*Selbstzensur*)” on behalf of the citizens and of the religious communities<sup>24</sup>; this state promises its citizens, who are given the freedom of conscience, that it will not claim anything against their own belief<sup>25</sup>; the state cannot ask of its citizens to split their conscience by obsessively limiting what is valid according to their belief from that which is valid according to the state’s character; the state cannot expect its citizens to manifest themselves politically, independently of their convictions, be they religious<sup>26</sup>. Habermas shows that the established separation between religion and the state is, actually, a “secularist over-generalization (*säkularistische Überverallgemeinerung*)”, and the philosopher’s conclusion, in his own words, is that: “the liberal state has, therefore, an interest in delivering religious voices into the public political life, and an interest in the political participation of religious organisations. The state cannot allow itself to discourage religious believers and communities of faith from expressing themselves as such, including politically, because the state can’t know whether the secular society dissociates itself from the important resources of the foundation of meaning. Secular citizens, or of other belief, too, can learn something from religious contributions, in certain circumstances, which is the case when, for instance, in the normative contents on the truth of a religious expression one may recognise one’s own intuitions, sometimes shaken”<sup>27</sup>.

We can assert that John Rawls rebuilt the relation religion-state within the established terms, by emphasizing individual behaviours as the ground for solving the tensions resulted between the one living his religious convictions and the inevitably formalizing order of the state. Habermas made a step forward by valuing the liberality of the liberal state, which, regardless of what is being said, does not stay liberal unless it allows for people’s free manifestations. The distinguished German philosopher renewed the argumentation by showing that the almost ritual invocation of the repressions made by religious institutions throughout history explains only part of the truth, which is irrelevant. The other part, much more significant today, resides in the strong commitment of believers and



religious institutions, on a large scale, to human rights, to people's liberties and to democracy.

Meanwhile, the culture of the times we are living has seen a "religious resurgence" and a "religious turn". We are talking about simultaneous changes in at least three fields. There are changes in the state of religion, in the sense that, as the "values surveys" of the last decades show, "the future of Europe doesn't seem to reside in the lack of religiosity"<sup>28</sup>, and the "over-politicization in society"<sup>29</sup> and, especially, globalisation, "enhances, at least in the relatively short term, religion and religiosity"<sup>30</sup>. There are changes in democratic conscience, in the sense that contemporary societies suffer from a "crisis of motivation"<sup>31</sup>, which cannot be overcome without questioning secularisation and without re-evaluating cultural resources; actually, without acknowledging religion's power of motivation in democratic behaviours and without reflecting upon a "post-secular society"<sup>32</sup>. There are changes in the knowledge of the Holy Scriptures which lay the foundation of monotheist religions, so that the path on which Jesus of Nazareth went on to become Jesus Christ is, for us, who were born later, much clearer than for any previous Christian generation<sup>33</sup>.

It can be said that these changes, made in the three fields, are not transitory, but truly historical, and they compel us to re-think topics with far-reaching implications, such as the cultural foundation of Europe, the functioning of the democratic state, the relation between science and philosophy, on the one hand, and religion on the other; they also help us take up new challenges, such as defending firm values against the wave of relativism and defending human identity against the naturalism connected to biotechnologies.

## [The Second Section]

Today, at least three series of historical facts make us question the relation between religion and the state, established with the separation theory. I am considering: a) the circumstance in which a state, which proclaims itself to be neutral regarding citizens' beliefs (including the religious ones), cannot constrain them to act outside their convictions and does not remain liberal unless it allows them to act as citizens with certain convictions (religious included); b) the circumstance in which democracies are not sustainable unless they possess cultural resources which are generated, however, by means of morals, by religious traditions; c) the circumstance in which, in the name of certain religions, political actions take place, some of which are positive (such as democratic growth), others are negative (terrorism). All these series of facts obscure the established thesis of the separation between religion and state. Let us elaborate.

With regard to a): when in a society, several conceptions, including the religious ones, co-exist, the citizens usually appeal to two "strategies" - the "outsourcing" of a conception, by the citizen, to the detriment of another's conception, or the "internalizing", in other words, considering the other's conception as one that can be absorbed by one's own conception. But, religious attitudes are articulated in relation to reality as a whole<sup>34</sup>. Whilst scientific attitude is promoted in the third person, religious attitude is promoted in the first. "Religious beliefs and practices are, on the one hand, *expressive* and *individualizing*: they foster man's deepest and most powerful individual valorisations, those formative attitudes which serve self-understanding, that are intimately connected to man's specific access to the world. On the other hand, they are *propositional* and *universalistic*: their content transcends the individual, they claim to express something about reality in its entirety and they want - at least when most great religions are concerned - to be valid for all people"<sup>35</sup>. This being said, the pluralism of views, including the religious ones, must be taken seriously: the pluralism of views is approached as "expressivity" and "individualisation", and it claims the taking into consideration as such of all religious symbols.

Thus, no citizen - neither the secularised, nor the religious one, neither the citizen who shares a religion, nor the one sharing a different one - is absolved of the duty to justify his statements and actions, in reasonable terms accepted by cohabitation in society, as the state based on individual liberties cannot legitimately stop the reasonable manifestation of any citizen, including under religious aspects. Habermas was right to draw attention to the fact that a state's expectations of its citizens "is in vain (*laufen ins Leere*)" if the "reciprocity of expectations" is not ensured<sup>36</sup>. Any disregard for the rule of reciprocity is counterproductive. "As long as the secularised citizen is convinced that religious traditions and religious communities are somewhat archaic, a relic which was transmitted from modern societies until the present day, they understand religious liberty only as a natural cultural protection pertaining to dying species. From their perspective, religion no longer has an inner righteousness. At this point, the principle of separating religion from the state can only have the secular meaning of a satisfied lack of interest (*schonenden*)"<sup>37</sup>. To get back to the rule of reciprocity, which is,

explicitly or tacitly, contained in the very principles of the democratic construction of the liberal state as such, is today more necessary than ever.

Can the state remain neutral in relation to the citizens' conceptions? It has been rightfully observed that the state has never been neutral towards the conceptions citizens have and cannot stay as such in any condition. Sometimes, the democratic state intended to be detached, it tolerated conceptions which destroyed it and it paid a high price for that "detachment". Generally, the state cannot stay democratic unless it cares for every citizen, including minorities of any kind (political, ethnic etc.). The state remains an advocate of tolerance, but it must tie that tolerance to the truth<sup>38</sup>. It would be advisable, on the other hand, to go back to the originary acceptance of "secularism" attributed to the state by the advocates of the separation between the state and religion. It should be said that "secularism" did not originally mean an a priori opposition to any religious conception, rather, at least at the dawn of modern age, the prejudice-free search for the "truth". As it was recently put, "«secularism» shows a way of reflecting, of analysing and generating ideas and contents"<sup>39</sup>. Secularism means independence from trends of faith, but not necessarily an opposition to the belief.

With regard to b): in many historical circumstances the democratisation and the well-functioning of democracies have depended a lot on cultural resources. In one of my books, I spoke about the "cultural turn" of societies in late modernity and I drew attention to the dependence on the culture of politics and economy<sup>40</sup>. There is one aspect I wish to emphasize here: democracy becomes democratura (a false democracy) when the cultural resources which nurture self-respect, the trust in the rule of reciprocity, the respect for others and the solidarity on behalf of a common destiny are deficient.

The problem was signalled under other truly deep aspects. Habermas, for instance, showed once more (most recently in *Ein Bewusstsein von dem, was fehlt*, 2007) that "reason", as it was understood in the modern age, as one particularly following procedures, has an "immanent defeatist tendency"<sup>41</sup>. The philosopher draws attention to the fact that, along with the separation of the state from the church, of politics from religion, we are left in confusion regarding the relation between "secular reason" and "religion", even if, in fact, "there is a specific dialectic" between "modernity's enlightened self-understanding and the theological understanding of the self of universal religions"<sup>42</sup>. Today, Habermas brings forth solid arguments when talking about the "complementarity (*Komplementarität*)" of the two forms of conscience and the need for both to have "learning processes (*Lernprozesse*)", after the traditional "syntheses" of faith and conscience, put in motion from Augustine to Toma, the connection between Jerusalem and Athens was destroyed. Today, "the immanent defeatism of secular reason is a major problem that specialisations encounter in social sciences and in the philosophy of the moments of "Enlightenment dialectics", as well as in the naturalism spreading in environmental sciences. "However, if we set in motion similar learning processes in the contexts of religious and metaphysical world, then both ways, faith and knowledge, with their

traditions originating in Jerusalem and Athens, belong to the history of building secular reason, where the sons and daughters of modernity understand each other and their place in the world today. This modern reason will begin to understand itself only if it clarifies its position regarding contemporary religious conscience become reflexive...<sup>43</sup>. Religion must accept the cognitive authority of science, but science must grasp the fact that in its own construction religion has played a part. Moreover, from the theology become reflexive, secular reason receives even today fertile impulses<sup>44</sup>.

“Universal politics”, which is able to ensure equal rights and liberties for all members of a society, remains indispensable. It presupposes the convergence of interests to rules that have yet to become universal. What has become clear in the meanwhile is the fact that “it’s not possible to put up an adequate model of universal politics by “neutralizing” the substantial visions, especially religious ones”<sup>45</sup>. Thus, there is a need for a state which ensures “in an adequate form a civil plural society” instead of a “distanced” state, anonymous and alien to traditions of human interaction. We are not talking about a new “confessional state”, but about a “new secularism (*nuova laicità*)” - a new search for convergences, instead of the separation which, in time, has become anachronic and rigid.

With regard to c): in his encyclical, *Ecclesia in Europa* (2000), Pope John Paul II mentioned the commitment of the church to European values, in the most adequate terms possible: “Mit Freude stellen wir die zunehmende Öffnung der Völker aufeinander hin fest, die Versöhnung zwischen Nationen, die lange Zeit verfeindet waren, die fortschreitende Ausdehnung des Einigungsprozesses auf die Länder Osteuropas. Es wachsen Anerkennung, Zusammenarbeit und Austausch aller Art, so daß nach und nach eine europäische Kultur, ja ein europäisches Bewußtsein entsteht, das hoffentlich, besonders bei den Jugendlichen, das Gefühl der Brüderlichkeit und den Willen zum Teilen wachsen läßt”<sup>46</sup>. By this, no confusion should be made between religion and politics, between the state’s and the church’s role. This was emphasized as clearly as possible by Cardinal Ratzinger, when he showed “Überblickt man diese Zusammenhänge, so wird eine sehr nüchterne Sicht des Staates deutlich: Es kommt nicht auf die persönliche Gläubigkeit oder die subjektiven guten Intentionen der Staatsorgane an. Sofern sie Frieden und Recht garantieren, entsprechen sie einer göttlichen Verfügung; in heutiger Terminologie würden wir sagen: Sie stellen eine Schöpfungsordnung dar. Gerade in seiner Profanität ist der Staat zu achten; er ist vom Wesen des Menschen als animal sociale et politicum her notwendig, in diesem menschlichen Wesen und damit schöpfungsmäßig begründet. In alledem ist zugleich eine Begrenzung des Staates enthalten: Er hat seinen Bereich, den er nicht überschreiten darf; er muss das höhere Recht Gottes respektieren. Die Verweigerung der Anbetung des Kaisers und überhaupt die Verweigerung des Staatskultes ist im Grunde einfach die Ablehnung des totalitären Staates”<sup>47</sup>. Cardinal Grochowski has shown most convincingly the degree of the commitment of the Catholic Church to the doctrine of people’s natural rights<sup>48</sup>. On the other hand, politics remains an “area of reason”, but

of a reason which is not simply instrumental; rather, one that is infused with morals coming from different sources, including from religions.

It must be said that the ingression into politics by religions is inevitable, regardless of how clear the proclaimed separation between the state and religious institutions, politics and religion may be. After all, democracy would not have been possible without the cultural resources originating from the Judeo-Christian tradition, and European unification cannot even be conceived without the enormous resource of motivation which was American Christianity. We have many positive examples of the birth and support of democratisations, and of the application of human rights by the people acting on behalf of religious institutions and under the umbrella of religion.

Religion, however, has shown us a different aspect, too: that of “pathologies”. As there are “pathologies of the reason”, there are also “pathologies of religion”. “The terrorist attacks of 9/11 have only shocked many people, and have made them conscious of global terrorist networks, which see themselves as the result of a specific politisation of one of the greatest universal religions, that of the Islam”<sup>49</sup>. In fact, this is a turn to “religious justification for the political act” (religiöse Rechtfertigung politischen Handelns), so that we will have to accept the shift to “the end of Postmodernity (Ende der Postmoderne)”, in spite of the a-theoretical demands of Postmodernism. At the same time, the age of secularisation is over and we can talk about “the end of the secularisation theory (das Ende der Säkularisierungstheorie)”<sup>50</sup>.

But what connotation should we give secularisation? There are multiple understandings of it. Charles Taylor circumscribed three meanings of secularisation: setting free the state’s institutions from legitimation through “devotion to or faith in God”; the decession of religious faith and of corresponding practices; considering faith an option among others<sup>51</sup>. As I have shown elsewhere<sup>52</sup>, secularisation is a term derived from canonical law (the passing of a person or of goods from an order or church to civil, mundane statute), it gradually passes to constitutional law and, eventually, to the philosophy of history. In the current speech, however, I am more interested in secularisation as the alleged decrease in the weight of religion in social life and as its retreat into the private area, due to the increasing share of the state and politics in people’s lives. The situation and perspectives of this secularisation are what we have to focus on right now. In fact, the importance of religion in social life has not diminished and religion has not withdrawn into private life. If it does, the democracies will lose.

### [The Third Section]

If the established thesis of the separation of religion from the state is in difficulty, this does not mean that the state should revert to religious control. No important contemporary theologian supports the theory of disguising the state in religious cloth.

Whoever reads John Dewey's article, *The Ethics of Democracy* (1896), keeps in mind the distinction between conceiving democracy as a simple form of governing (narrowing down to the periodic election of representatives and leaders), and conceiving democracy as a "form of life". "Democracy is a form of moral and spiritual association". Only a democracy which is constantly nurtured by a social ideal and does not let itself be reduced to procedures will be sufficiently different from other forms of government and will avoid its own dissolution, caused by the corruption of power. John Dewey considered necessary a sort of "unity (to be one)" between "the church and the state, divine and human organisation of society"<sup>53</sup> (*The Early Works 1882-1998*, Illinois University Press, 1969, pp. 248-249). Certainly, in John Dewey, this does not mean a return to the old *republica christiana*, but simply the making of an ethical soul, nourished by religious beliefs, among democrats. And this has always been a weighty matter throughout history.

The topic is not ignored today, but it is not decisively re-discussed either. The 2004 debate, between Habermas and Cardinal Ratzinger, rightfully began with the question asked in 1967 by Ernst Böckenförde: does the state based on individual liberties draw its vigour from normative presuppositions (cultural resources, we could say) which it cannot guarantee itself? Habermas himself asserted that the state needs "cultural resources" and that "it is in the constitutional state's own interest to adopt and conserve all cultural resources from which it nurtures the norms' conscience and the citizens' solidarity". Religion is not the only support for democracy, but, out of the resources which democracy does not highlight, religion remains by far the most profound, most long-standing and most ample. Habermas approaches it as such.

In today's Germany, the debate on religion, the Church and theology is ongoing. Here, not only the theological debate is, as always, at a high level, but also the current debate over religion, which is, undoubtedly, among the most advanced. In the context of the latter debate, at a reunion in Sibiu (Romania), Herbert Schnädelbach, considering my argumentation<sup>54</sup> in favour of the idea of looking at procedural democracy from the point of view of democracy as a form of life, drew my attention to two aspects: Ernst Böckenförde truly questioned the cultural resources of democracy, but would not have brought into debate religion as a source; some theologians would have rushed to "instrumentalise" the question asked until then. I, then, immediately read Ernst Böckenförde, finding at hand the "extended edition" (of 2006, from Suhrkamp, Frankfurt am Main) of his texts. What can be observed when reading his works?

In *Die Entstehung des Staates als Vorgang der Säkularisierung*, Böckenförde re-constituted with precision the genesis of modern states in Europe, between the 13th-18th centuries, not only as a "historical

constitutional” process, but also under the “spiritual-religious” aspect of breaking off from legitimation by appealing to transcendence. He observed that the state based on individual liberties always needs “a binding force (eine Bindungskraft)”<sup>55</sup>. This binding was at first ensured by religion, but “secularisation” changed the situation. Later on, the nation, energised by “the tradition of Christian morals”, ensured the tie, as “national state”. In the meantime, this tie, in its turn, eroded away under the pressure of “the individualism of human rights”. After World War II, in particular, there was an appeal for a re-binding by adhering to “values”, but the subjectivism and positivism of their understanding are always considered dangerous<sup>56</sup>. As such, we must ask ourselves: which will the “binding forces” be?

Böckenförde asserts that that “binding force” does not have to be searched for outside “the state based on individual liberties”, and will not be imposed by means of “coercions of the legislation and authoritarian commands”. The appeal to “state ideologies”, as well as “re-affirming the tradition of the Aristotelian polis” or “the proclamation of “systems of objective values” are not conclusive in this case. The state can try to balk at the need to find “binding forces” by stimulating “the citizens’ life expectations”, but this cannot last. Ernst Böckenförde’s solution is this: “We should ask ourselves again - along with Hegel - if the secularised mundane state shouldn’t, per chance, live out of those inner stimulations and binding forces which religious faith makes for its citizens”<sup>57</sup>. Obviously (many other quotes confirm it, as well), the eminent German jurist brought into the debate “religious faith” as a horizon for his puzzle. I was, therefore, right to dwell, in my turn, on the problem signalled by Ernst Böckenförde by bringing into discussion the importance of religion, since the binding is made in his very works, even if Herbert Schnädelbach does not want to admit it.



## [Conclusion]

Let us consider the topic of separation in the standardised statement of the French Constitution: the republic (the state) is “laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens, sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances”. This thesis has merits which cannot be challenged by rational reasons: any religious conception has the right to exist and its being shared by someone cannot be prevented, just as no one, no force in this world, can control people's opinions; as Charles S. Peirce would say, no state can affect people's religious convictions. Paul Kurtz' project of “secularised humanism” is just one of the errors made in the age of information, opinion and subjectivism, so that it has no objective support. Religion remains an indispensable part of the individual projects of life.

Not only individual life projects need religion, but also societies. Not even today do we have stronger and long-standing binding ties of society than religion. Young Hegel, or the sociologist Durkheim, like many others (later even Heidegger), observed the connection made by religion for a society worthy of man. In fact, the values of reciprocity and self respect and respect for the other, which are presupposed by democracy, are not possible without values originating in the Judeo-Christian religion, within which today's society was born. Because of this general reason, one cannot say that the state is separated from religion, but only that the state does not privilege a religion or another, rather, it allows for people's religious expression.

We cannot say that the state is separated from religion from any other point of view, either: the very changes within the state towards democracy are the effect of certain movements under the auspices of religious inspiration (like in 1980-1989 Poland and other countries). The established separation between state and religion has not yet been confirmed. This separation was not confirmed under any other aspect either: in the name of certain religions (see Islam), several states were attacked before and after 2001. I will not ignore the need for a detailed discussion on the implications of religions in supporting terrorism: Islam is not the only religion which supported terrorism and any religion has resources to distance itself from terrorism. Earlier on, Judaism and Christianity had passed through a process of enlightenment which made these two religions great forces of the democracy movement. Such processes are to be expected of any religion in the world if that religion wants to have a role in the act of democratisation. But the state can no longer remain indifferent to practised religion if this religion supports terrorism and it cannot separate itself from religion in the manner alleged by the separation thesis. In fact, the thesis of the separation of religion from politics can only function as an indicator of action if the secularised citizen and the religious citizen accept to ask from each other justifiable reasons for their actions and to produce them.

I now wish to draw the conclusion, in the simplest manner possible. José Casanova was right to say, in 1996, that “das Problem des Verhältnisses von Religion und Politik lässt sich nicht einfach auf die Frage der verfassungsmäßig klar abgegrenzten Trennung von Kirche und Staat



reduzieren. Gewiss ist diese Trennung unerlässlich, um sicherzustellen dass die Religion frei von staatlicher Einmischung, der Staat frei von religiöser Bevormundung und die persönliche Gewissensfreiheit gegenüber beiden, Staat wie organisierter Religion, frei ist. Doch folgt daraus nicht, daß die Religion notwendig zur Privatangelegenheit werden muß, um diese Freiheiten zu garantieren“<sup>58</sup>. But the renowned analyst is wrong in thinking that the liberal democratic state will not be able to function without forcing religion into privatization. That is why his conclusion - “Religion hat eine Privatsache zu bleiben”<sup>59</sup> - cannot be supported any longer in light of the arguments brought so far. In fact, Marc Lambert’s conclusion - that “l’adoption d’une silence pudique en la matière n’a pas semblé non plus satisfaisant à nombre des partenaires de la réflexion”. In a Europe that is in search of cultural foundations on the basis of appealing to its defining Judeo-Christian heritage - all of this should put into motion its current active spirits.

## Notes

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- 2 Ibidem, Art. XII.
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- 4 Ibidem, p. 26.
- 5 See Kenneth Canthem, Christians and Politics, 2001.
- 6 Giacomo Marramao, Die Säkularisierung der westlichen Welt, Insel, Frankfurt am Main und Leipzig, 1994, p. 25.
- 7 Marc Bloch, Les rois thaumaturges. Etudes sur le caractère surnaturel attribué à la puissance royale particulièrement en France et en Angleterre, Istra, Strasbourg, Paris, 1924, p. 19.
- 8 Giacomo Marramao, Die Säkularisierung der westlichen Welt, Insel, Frankfurt am Main und Leipzig, 1994, p. 28.
- 9 Moses Mendelssohn, Jérusalem ou Pouvoir religieux et judaïsme, Gallimard, Paris, 2007, p. 88.
- 10 Ibidem, p. 100.
- 11 Ibidem, p. 65.
- 12 See Andrei Andrei, Frații mai mari. Întâlniri cu iudaismul, Hasefer, București, 2009, pp. 116-140.
- 13 Herbert Schnädelbach, Religion in der modernen Welt, Fischer, Frankfurt am Main, 2009, p. 137.
- 14 Ibidem., p. 132.
- 15 Ibidem., p.120.
- 16 Ibidem., p. 28.
- 17 Ibidem., p. 42.
- 18 Ibidem., p. 51.
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- 24 Ibidem, p. 130.
- 25 Ibidem, p. 131.
- 26 Ibidem, p. 133.
- 27 Ibidem., p. 137.
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- 30 Roland Robertson, Joan Chirico, Humanity Globalisation and Worldwide Religious Resurgence, in Sociological Analysis no. 46, 1985, pp. 219-242.
- 31 Ernst Böckenförde, “Die Entstehung des Staates als Vorgang der Säkularisation“, in Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte, Suhrkamp, Frankfurt am Main, p. 112.

- 32 Jürgen Habermas, Joseph Ratzinger, *Dialektik der Säkularisierung. Über Vernunft und Religion*, Herder, Freiburg, Basel, Wien, 2005, pp. 33-36.
- 33 See Gaalyah Cornfeld, ed., *The Historical Jesus. A Scholarly View of the Man and His World*, MacMillan Publishing Co., New York. Colliers MacMillan Publishers, London, 1982.
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- 37 Ibidem, p. 145.
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