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Political liberalism and religious claims: Four blind spots

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Abstract

This article gives an overview of 4 important lacunae in political liberalism and identifies, in a preliminary fashion, some trends in the literature that can come in for support in filling these blind spots, which prevent political liberalism from a correct assessment of the diverse nature of religious claims. Political liberalism operates with implicit assumptions about religious actors being either 'liberal' or 'fundamentalist' and ignores a third, in-between group, namely traditionalist religious actors and their claims. After having explained what makes traditionalist religious actors different from liberal and fundamentalist religious actors, the author develops 4 areas in which political liberalism should be pushed further theoretically in order to correctly theorize the challenge which traditional religious actors pose to liberal democracy. These 4 areas (blind spots) are: (1) the context of translation; (2) the politics of exemptions; (3) the multivocality of theology; and (4) the transnational nature of norm-contestation.

Keywords

Jürgen Habermas, morality politics, political liberalism, religion, transnational politics

Introduction

For the last three decades or so there has been an increased focus in social and political theory on the relationship between religion and politics and on the attitude which religious actors hold vis-à-vis liberal democracy. Besides identifying 'liberal' religious actors who, in the words of Jürgen Habermas, adopt 'a reflexive religious consciousness' towards the challenges of modernity (Habermas, 2006: 9; see also March, 2009), social and political scientists have focused on the phenomenon of Protestant-evangelical or

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Islamic 'fundamentalism', which resists modernization (Marty and Appleby, 1991–3; Roy, 2009). Alongside liberal and fundamentalist representatives of a religious tradition, however, one finds in the empirical study of religious actors a third, in-between group. I have done extensive work to document this group, which I call 'traditionalists', for Russian Orthodox Christianity (Stoeckl, 2014a), but also other authors have drawn attention to the emergence of a middle camp between liberal and fundamentalist representatives of religious traditions (for a general theory, see Eisenstadt, 1999; for Russian Orthodoxy, see also Papkova, 2011 and Kostjuk, 2005). Present-day traditionalist religious actors advance religious claims in liberal democracies and in international regimes of governance, for instance, through referenda (for example, the Slovak, Slovenian and Croatian referenda against gay marriage), through civic mobilization (for example, the *Manif Pour Tous* in France) and through filing claims in international courts (for example, the case of *Eweida and Others* v *UK* at the European Court of Human Rights). They thereby challenge political liberalism in important ways. Notwithstanding their centrality in everyday politics, political liberal theory has so far been remarkably slow in responding to the phenomenon. The reason for this is, I would argue, that political liberalism operates with implicit assumptions about religious actors being either 'liberal' (and therefore 'reasonable', see Rasor, 2008) or 'fundamentalist' (and therefore 'unreasonable', see Clayton and Stevens, 2014). For Julien Winandy, political liberalism sees in a religious citizen either a 'highly self-reflective theologian' or a person 'wholly incapable of such self-reflection' (2015: 837). In this article I want to demonstrate that political liberalism suffers from 4 'blind spots' with regard to the third, in-between group, namely traditionalist religious actors and their claims, and I will argue that a reassessment of the habitual ways in which political liberalism has thought about religious claims is necessary in order to take full account of the challenge which conservative, traditionalist religious politics poses to liberal democracy.[1]

I Traditionalist religious actors

What sets religious traditionalists apart from religious liberals and religious fundamentalists is their strategy of dealing with the plurality characteristic of modern secular societies.[2] Political liberalism in its classical Rawlsian formulation (Rawls, 1993, 1997) holds that every free society has to reckon with plurality, that is, with the existence of conflicting doctrines held by free citizens. Taken by themselves all these different doctrines can be reasonable while being incompatible. For Rawls, religious doctrines fall within the bounds of reasonableness, at least most of the time. He excludes unreasonable doctrines a priori. In the religious sphere, an unreasonable doctrine would be, for example, the idea that Russian Orthodoxy is the universal redeemer in an apocalyptic struggle in which the West is the agent of the Anti-Christ, which is why Russia has actively to fight the liberal West and its instrument of universal hegemony, human rights. Also violent Islamic jihadism that preaches the fight against non-believers and a unique pathway to salvation according to strictest rules of observance must be considered an unreasonable religious doctrine. Such positions are characteristic of the fundamentalist religious spectrum (on 'unreasonable' religious actors, see Clayton and Stevens, 2014).

Reasonable religious doctrines, on the contrary, are considered to be those views that are compatible with political liberalism inasmuch as they are conducive to an overlapping consensus. The nature of this overlapping consensus has been revised considerably in the last 10 to 15 years following Rawls' special consideration of religious doctrines (Rawls, 1997) and Habermas' notion of post-secular inclusion of religious argument in the informal public sphere (Habermas, 2006). In particular Habermas has postulated a series of 'criteria' according to which religious comprehensive doctrines count as reasonable. Religious consciousness, according to Habermas, in order to be compatible with political liberalism, has to undergo a process of 'modernization' in response to the challenges of religious pluralism, modern science, and positive law and profane morality. This modernization, according to Habermas, consists of three steps, namely the development of an 'epistemic stance' by religious citizens

(1) toward other religions and world views that they encounter within a universe of discourse hitherto occupied only by their own religion ...

(2) toward the independence of secular from sacred knowledge and the institutionalized monopoly of modern scientific experts ...

(3) toward the priority that secular reasons enjoy in the political arena.... (Habermas, 2006: 14)

Habermas believes that, in order for the modernization of religious consciousness to be considered 'successful', religious citizens must develop the three 'epistemic stances' as follows:

(1) ... They succeed to the degree that they self-reflectively relate their religious beliefs to the statements of competing doctrines of salvation in such a way that they do not endanger their own exclusive claim to truth ...

(2) they can only succeed if from their religious viewpoint they conceive the relationship of dogmatic and secular beliefs in such a way that the autonomous progress in secular knowledge cannot come to contradict their faith ...

(3) this can succeed only to the extent that they convincingly connect the egalitarian individualism and universalism of modern law and morality with the premises of their comprehensive doctrines. (Habermas, 2006: 14)

I argue that, while Habermas correctly identifies the three crucial thresholds for religious consciousness in modern society, his way of conceptualizing their 'successful passage' is problematic for two reasons: first, it sets too high a threshold for the inclusion of religious arguments in the formal public sphere, and second, it makes political liberalism unable to appreciate the particular phenomenon and challenge of religious traditionalism. Traditionalists, I will argue, respond to all three of Habermas' steps of religious modernization, but they self-consciously revise Habermas' understanding of how these three steps should be taken. This, I will argue, does not disqualify them from the public sphere as 'unreasonable' or 'fundamentalist', but it creates special problems for political liberalism which need to be addressed.[3]

Let us consider the traditionalist position with regard to Habermas' three steps of modernization of religious consciousness.

1. In debates on religious freedom and the visibility of religion in the public sphere, traditionalist actors often defend the privileged role and visibility of their religion at the expense of rights for minority religions or non-believers. They do so, however, not by publicly arguing that their belief is superior over the other, but by claiming that their belief is that of the majority.
2. Most traditionalists do not dispute the independence of secular knowledge directly, but they advance claims that they borrow from the pluralism within scientific discourse, from a postmodern type of relativism, and even a postcolonial subaltern discourse, which questions the independence of knowledge and describes it as the product of power-structures.
3. The third step is about reconciling religious doctrine 'with the egalitarian individualism and universalism of modern law and morality'; i.e. it is about connecting religious doctrine and individual human rights in modern secular societies.

Re the third step: religious traditionalists often argue that the egalitarian individualism and universalism of modern law and morality render a society amoral and doomed. In this point they differ from liberal religious actors (who recognize the priority of human rights and accept that their religious viewpoint represents a minority position in a larger, pluralistic society) and they agree with fundamentalist religious actors. Traditionalists differ from fundamentalists, however, in their strategic engagement in politics that they derive from this conviction. Traditionalists do not retreat from society, nor do they endorse violent means of reversal; they rely on the conservative religious and political establishment in their respective countries, coopt political and civil society actors and forge transnational alliances, where fundamentalists generally remain at a distance from organized politics and clerical hierarchies (see Eisenstadt, 1999: 98).

As political actors, traditionalists enter into public debates with their religious arguments. Often these arguments are presented in a non-religious language, adapting to a secular legalistic human rights terminology or using the language of natural law. For example, anti-abortion positions are justified through a reference to the right to life of the unborn, anti-free-speech positions are justified through reference to the right to no harm of religious believers, and gay marriages are rejected as 'unnatural' (on gay marriage, see Walhof, 2013: 232). In domestic politics, these actors use democratic means to push their case by lobbying parliamentarians, organizing demonstrations or recurring to referenda (for the American case, see the classical Hunter [1991], for Europe, see Engeli, Green-Pedersen and Larsen [2012]).[4] They also take controversies to court (see Gedicks and Annicchino, 2014). Finally, traditionalists take their struggle beyond the nation-state (see Bob, 2012).[5] They try to influence international institutions in their favour, in order to weaken the domestic impact of the international human rights regime (for the case of Russian Orthodox actors, see Stoeckl, 2016; Rimestad, 2015; Annicchino, 2011).

In short, if we look into the empirical reality of religious actors in democratic deliberation, we see that, indeed, the crux of post-secular inclusion of religious arguments into the informal public sphere are the three 'steps' identified by Habermas, but his way of

conceptualizing their 'successful passage' is too narrow. If we follow Habermas closely, do we have to conclude that political liberalism is only about liberal 'reflexive' religious actors and that the theory does not speak to all other cases of religious claims that are, from such a perspective, lumped together as 'unreasonable' and 'fundamentalist'? I would find such a conclusion intellectually unsatisfying because it avoids what I believe are the 'real' issues, and I would also find such a conclusion practically unsatisfying, because it leaves the wide field of non-liberal religious actors undifferentiated and underexplored. What I therefore want to do in the remainder of this article is to point out where, in my view, political liberalism suffers from 4 'blind spots' with regard to traditionalist religious actors.[6]

II Blind spot no. 1: Translation

A central feature of post-secular political liberalism according to Habermas is the 'institutional translation proviso'. It holds that religious citizens can use religious language and reasons in the informal public sphere as long as they accept that only secular reasons count in the institutions of government. In other words, religious citizens have to recognize that their religious reasons are subject to translation when they become the basis for laws and regulations in the state. As Walhof points out, Habermas does not require that believers themselves provide the translation, only that they make a good faith effort to recognize themselves as authors of laws by connecting their own religious convictions to the secular reasons used to justify the laws (2013: 228). For the religious citizen, 'this only calls for the epistemic ability to consider one's own religious convictions reflexively from the outside and to connect them with secular views' (Habermas, 2008: 130). Secular citizens, in turn, must 'cooperate in producing a translation' (ibid.).

Habermas insists on translation between the informal and the formal public sphere out of his concern for the neutrality of the state and the separation of religion and state-power. On these grounds he defends the translation proviso against critics like Paul Weithman or Nicholas Wolterstorff, who think that religious reasons should be admissible also in the formal public sphere (Habermas, 2008; Weithman, 2002; Audi and Wolterstorff, 1997). The neutrality of state-power can no longer be guaranteed, according to Habermas, if on the way to forge majorities in democratic decision-making some reasons take the upper hand because they invoke divine sources of justification. By relying on such reasons alone, actors in the formal public sphere would fail to comply with Habermas' rule of mutual perspective-taking (for this argument in political liberalism more generally, see Bardon, 2016). If, on the other hand, religious actors 'comply' with the translation, then we should expect that the range of arguments in public justification is enriched and the quality of the democratic consensus is improved.

The translation proviso carries an implicit assumption: that translation itself already helps reduce conflicts. Habermas gives one example for a successful translation from a comprehensive religious doctrine to neutral, secular language: the belief that humans are created in the image of God can translate into the idea that human dignity deserves equal and unconditional respect (Habermas and Ratzinger, 2004). However, as Marthe Kerkwijk rightly has pointed out, one example does not merit the optimistic view that all relevant religious reasons have good secular translations (Kerkwijk, 2015). Furthermore

we have no reason to assume that secular translations will necessarily reduce conflict. Let us consider the following example: Christians believe in the truth of the fourth of the 10 commandments ('Thou shalt not take the name of the Lord thy God in vain'), which is generally interpreted as a prohibition of blasphemy. Until not long ago, blasphemy laws were part of most western European penal codes, but in recent years blasphemy articles have undergone a reinterpretation. This reinterpretation is the fruit of translation of the intention of the command to the secular language of human rights laws. In a society where not the divine but the rights of the individual are the generally accepted source of normativity, religious people have shifted their argumentation against blasphemy to an argument for the integrity of religious believers ('no-harm principle'). The outcome of this effort of translation, notwithstanding their compatibility with secular language, has been far from respecting liberal political normativity (Hicks, 2015). This example teaches us that political liberalism is overly optimistic in its assumption that 'translation' as such generates consensus (for a similar argument, see Walshe and De Wijze, 2015). Anja Hennig speaks about 'strategic translation' in this context, the strategic use of a secular political vocabulary to push forward a thoroughly anti-liberal agenda (Hennig, 2015).

I think we have to invite here once again the objection which Maeve Cooke made against the translation proviso in an article published in *Constellations* in 2007. There she says that Habermas' translation proviso is out of step with his own emphasis on the transformative power of deliberation. As she rightly points out, the idea of deliberation is that 'participants engage in discussion with one another with a view to finding the single right answer', which means that

> . . . they must be prepared for the possibility that they will have to modify or give up their existing perceptions, interpretations, and evaluations, if the reasons on which they rest no longer prove sustainable. Without a readiness to undergo cognitive change – change in the ways they see, interpret, and evaluate things – participation in argumentation would be pointless. (Cooke, 2007: 228)

Now, I think that in cases which Hennig calls 'strategic translation', this readiness to undergo cognitive change is missing. The mutual perspective-taking implied in the translation proviso fails, even though on the level of language there is compliance.

This observation is not trivial, for example, in the context of human rights: I agree with Seyla Benhabib that 'human rights norms require interpretation, saturation, and vernacularization; they cannot just be imposed by legal elites and judges on recalcitrant peoples. Rather, they must become elements in the public culture of democratic peoples through their own processes of interpretation, articulation and iteration' (Benhabib, 2009: 696). But how do we distinguish between vernacularization and strategic translation? My guess, based on my own research on the human rights debate in the Russian Orthodox milieu, is that vernacularization and strategic translation can sometimes develop within one and the same debate, the outcome being contingent on individual actors and context. For our theoretical assessment of the translation proviso this insight means that the focus on language alone is not enough. *The exclusive focus on language in terms of the translation proviso represents the first of political liberalism's blind spots.*

What is needed, I argue, is an approach that takes into account additional indicators of reflexive consciousness, beyond language, in order to complete the picture, things such as context of communication, range of interlocutors, practices. Such a broad understanding of translation and its context can help to zoom in on the group of religious traditionalists, who comply with rules of translation but not with cognitive self-reflectivity.

III Blind spot no. 2: Exemptions

Political liberalism in the formulation of Rawls and Habermas rejects the modus vivendi as a viable approach to democracy. This is where they differ from other liberals like Audi or Wolterstorff, who would argue that 'all liberal democracy needs to succeed is the "fairly gained and fairly executed agreement of the majority" on particular policies' (cited in Walhof, 2013: 227). Both Habermas and Rawls insist, instead, that in a liberal democracy, *all* citizens should understand themselves as the authors of the laws under which they live. But both are undoubtedly aware of the fact of how difficult it is to achieve such a civic consensus and solidarity. In reflecting on the stability of his political conception of justice as fairness, Rawls writes:

> Views that would suppress altogether the basic rights and liberties affirmed in the political conception, or suppress them in part ... may indeed exist, as there will always be such views. But they may not be strong enough to undermine the substantive justice of the regime. That is the hope; there can be no guarantee. (Rawls, 1993: 65)

Habermas is also not convinced that the approach advocated by Wolterstorff would not lead to the segmentation of a political community into warring factions, or to a tyranny of the majority (Habermas, 2005: 140–1). How to deal, then, from the point of view of political liberalism, with religiously motivated non-compliance?

The standard solution in political liberalism for such a situation is to grant legal exemptions. There are many examples of exemptions on grounds of freedom of conscience: conscientious objection to military service, to conducting abortions (in the case of medical personnel), to celebrating same-sex marriages (in the case of marriage registrars) (Smet, 2015), to mandatory vaccination schemes (de Vries, 2015), etc. Prima facie exemptions appear as a valid solution in cases of religious (or non-religious) non-compliance. Martha Nussbaum, for example, in *Liberty of Conscience* argues that religious convictions affirm intrinsic values and are thus worthy of special legal treatment (Nussbaum, 2007). But no matter whether one thinks of religious views as having or not having intrinsic value, the function of exemptions is always to contain the disruptive potential of the non-compliant views: 'Rawls suggests that when faced with non-compliant religious doctrines the practical task is to "contain" them, "like war or disease", as he puts it, "so they do not overturn political justice"' (Rawls, *Political Liberalism* [1996 edn: 64, n. 19], cited in Clayton and Stevens, 2014: 72). The idea is that in the absence of consensus on a certain law or norm, the legislator can create 'pockets' of a modus vivendi regime, where non-compliant individuals are exempted from the general law.

Recent exemptions case-law, recent political events and also the latest theoretical debate have put the instrument of exemptions under scrutiny. The first reason for this new stress on exemption regulations is, I would argue, the increased activism of traditionalist religious actors, who do not merely want to be accommodated by the legal system in their particularity but who want to give shape to the legal system as such; the second reason is an increased activism in view of the perfection of liberal equality. The result of these two contradictory moves is a stand-off in which exemptions are less and less a viable option. Same-sex marriage is a good example for this development.

In the United Kingdom, the court case of *Ladele* v *Islington* involved a marriage registrar who refused to register same-sex partnerships for religious reasons. The claimant lost the case, with the court sustaining the idea that granting the registrar the right to an exemption on religious grounds would violate the commitment to equality assumed by the state (and consequently by its officials) (Smet, 2015). *Ladele* was not a unique case, nor was the claimant an isolated individual. The case eventually reached the European Court of Human Rights (European Court of Human Rights, 2013), promoted by a group of conservative religious actors whose agenda appears to have been to push the ECHR into sharpening its position on same-sex marriage and to antagonize the court in terms of a conservative religious agenda versus liberal toleration.[7] The preclusion of a debate about exemptions was, in turn, the goal of referenda in Slovakia, Slovenia and Croatia, which aimed at a constitutional definition of marriage as heterosexual (and thus ruling out the future legalization of same-sex marriage all together). These referenda, even though only partially successful, have demonstrated that traditionalist actors do not merely claim the right to be exempted from conducting same-sex marriages, but out of their moral convictions they want to preclude same-sex marriage altogether; they want to give shape to the system as such. This conservative move runs into direct confrontation with the extension of principles of liberal equality to groups that historically have not enjoyed equal rights (for example, homosexuals). The claim for legal exemptions is, in such cases, a 'tool' for anti-liberal politics of antagonization on moral issues.

On the ground of such findings from the world of moral conservative political activism, I argue that *the politics of exemptions constitute the second blind spot in political liberalism*. The current trends in political liberal theory to deny religion a special legal status by 'disaggregating' claims on religious grounds (Laborde, 2015) or by subsuming religion under the right of freedom of conscience in liberal egalitarianism (for an overview, see Salam, 2015), however valid in themselves, somehow do not hit the mark in this confrontation, because the gist of their argument ('religion is not special') only confirms the antagonizing agenda of religious conservatives. I would argue that there are two ways in which political liberalism can go about overcoming the blind spot regarding the politics of exemptions: either by spelling out in much greater clarity the idea advanced by Habermas that religious ideas in public debate have an intrinsic value and ask which ideas they could be (see section IV), or by abandoning the rejection of the modus vivendi as a viable political regime and developing a more consistent theory of moral conflicts (see Ferrara, 2014; Bader, 2009).[8] In the first perspective exemptions would remain an important tool of political liberalism, in the second they would not.

IV Blind spot no. 3: Theology

From what has been said so far it has already become clear that I do not consider political liberalism as free-standing with regard to the religious field, but that it implicitly favors a liberal political theology. The reason for this implicit favoritism is related to the expectations which liberal authors tend to hold vis-à-vis religions.[9] The contributions by Habermas and Rawls, and by others who have defined the field of political theory and religion and have provided the vocabulary for its discussion, rely on subjective theological assumptions that are rarely made explicit. Habermas, for example, in *Religion in the Public Sphere* bases his argument about the three modern transformations of religious consciousness on two theological sources. He quotes the German Roman Catholic theologian Thomas M. Schmidt and the German Protestant theologian Friedrich Schleiermacher as evidence that the work of 'religious self-enlightenment' is in the hands of 'the non-agnostic philosopher of religion' (Habermas, 2005: 144, n. 46). His exchange with German Catholic theologians also shows Habermas' distinct religious philosophical position (Reder and Schmidt, 2008). It is evident that Habermas' far-reaching claim about the modern transformation of religion at the basis of the complementary learning process in post-secular society is informed by his knowledge about a specific trend in Catholic and Protestant theology. Also Rawls' approach to religion was informed by his very personal striving for 'reasonable faith' (Cohen and Nagel, 2009; Rawls, 2009).

It is neither surprising nor problematic that the persons at the intellectual forefront of political theoretical debates about religion and democracy are steeped in specific traditions of theological (or religious philosophical) thought; but what could be problematic is that this fact remains mostly implicit in their political theoretical 'operationalization' of religion. On a first level, it is simply a question of comprehensive accounts. Alfred Stepan has called the assumption of 'univocality' of religions one of the three great misinterpretations in the study of religion and politics (Stepan, 2011). He advocates instead the opening-up of the religious black box and the untangling of the multivocal phenomenon one gets confronted with. On a second level, the implicit bias towards liberal theological positions jeopardizes conceptual sharpness and normative pointedness of political theories of the secular–religious divide. There has been much discussion of whether Habermas' reciprocal translation-requirement for religious arguments in post-secular public discourse is ridden by a 'secularist bias' that puts a greater burden on the religious citizens than on secular citizens. In the light of my argument so far it should have become clear that I do not consider this the most urgent question. The 'burden of translation' is not equally distributed even among religious citizens, let alone between religious and secular citizens. Some ways of religious argumentation will find it easier to communicate with the secular world than others; liberal religious actors will have no problems interacting with secular actors on issues of common concern where conservative religious actors detect insurmountable problems. Among themselves, representatives of the same religion holding different outlooks on the modern world may experience rearguard battles that are far more fierce and difficult than the front-line struggles with the secular world. *Theology, therefore, is the third blind spot of political*

liberalism. A political theory that is blind to the multivocality of religious traditions runs the risk of reducing the religious spectrum to two categories – the 'highly self-reflective theologian' or the 'wholly incapable of such self-reflection', to quote Winandy again (2015) – and of overlooking that group which appears most vocal in present-day morality politics: the traditionalists. But how should political theory approach theology without repeating the 'mistake' made by Habermas and Rawls in adopting an implicit theological stance? In what follows I look at three authors who have asked how political liberalism can make distinctions between religious reasons.

Of these three, Andrew March most closely addresses the quandary that also informs this article: if a conservative religious actor like the American Conference of Catholic Bishops issues a document with political statements, he asks, how should a political liberalism that is in principle open to religious intervention (I would speak of 'post-secular' political liberalism, he calls it 'inclusivist'), react to the great variety of exhortations in such a religious statement, ranging from bans on abortion, euthanasia, stem cell research and same-sex marriage to prohibition of torture, capital punishment, cruel immigration policies, union-busting and cuts to social services. Can, March asks, 'a public-reason left liberal criticize some of these religious arguments as inappropriate . . . while at the same time welcoming other equally religious interventions?' (March, 2013: 523). March answers this question affirmatively, and he argues that by distinguishing between different kinds of religious arguments[10] and different kinds of religious problems it is possible to define which religious reasons qualify for inclusion and which do not. He offers a kind of fine-grained checklist for inclusivist political liberals who are asking which kind of religious reasons on which kind of issues should be included in or indeed excluded from public debate and on what grounds. What March leaves unexplored, but what appears as the logical complement of his argument, is the question how and why certain religious reasons are voiced in this or that way and in the area of this or that issue. He blames exclusivist and inclusivist political liberals for having a unitary understanding of religion, but he does not go far enough in that criticism. Religions are not only not unitary, they are also not static in their multivocality. The formation of religious reasons may sound more like a question for the sociology of religion, but it is relevant for political theory.

Through the study of theological debates from an external observer's point of view we can get a closer understanding of the multiplicity and indeed multidirectionality of religious reasons in public debates. Winandy has provided empirical evidence for this in his study of secular and religious justifications in conflicts over gay marriage (Winandy, 2014). The eligibility of arguments in public debate, he argues, does not depend on arguments being secular or religious, but on the degree of reflexivity which the individual speaker demonstrates vis-à-vis his or her convictions. A similar point has been made by Maeve Cooke, who has argued that political liberals have good reasons to reject arguments by religious citizens that are made in an 'authoritarian mode', by which she means a practical reasoning that starts from a claim of absolute authority and does not acknowledge the autonomy of individuals. However, also the opposite, that is the 'non-authoritarian' reasoning, can in principle be endorsed by religious people (Cooke, 2007). Cooke argues that 'in adopting a non-authoritarian view of practical knowledge,

citizens acknowledge the essential contestability of claims to truth and rightness and the ways in which these claims are subject to the influences of history and context' (ibid.: 234). In a religious context, the essential contestability of claims to truth and rightness can be spelled out in an apophatic theological key: in the essential unknowability of God and God's will. It is the open or *eschatological* nature of Christianity, which gives room for the ordinary believer to contest religious hierarchy. In the context of Islam this point is even clearer, if we consider that the shariah is a codification of rules that is constantly in need of interpretation and contextualization. Cooke also claims that 'in adopting non-authoritarian modes of reasoning, citizens regard only those laws, principles, and policies as valid for which reasons are available that they are able to see, or come to see, as their own reasons' (ibid.). In a religious context, such a non-authoritarian view of practical knowledge would translate into a believer's autonomous stance vis-à-vis religious doctrines. These two components of non-authoritarian reasoning are linked, for Cooke, by the idea of ethical autonomy. 'Ethical autonomy ... rests on the intuition that the freedom of human beings consists in important measure in the freedom to form and pursue their conceptions of the good on the basis of reasons that they are able to call their own' (ibid.: 235). From a religious viewpoint, this idea translates into religious freedom. We know from history that religions have found it very difficult to accept individual religious freedom, up until today. But we have plenty of examples (the Second Vatican Council being one of them) of theologies that have productively incorporated freedom of conscience.

In short, it is a question of *political theology* whether religious reasons are presented as reflective or not, to speak with Winandy, as authoritative or non-authoritative, to speak with Cooke, or as fitting March's checklist. Which takes us back to the theology blind spot: what kind of reasoning is at work in multivocal religious traditions, what makes it to the surface of official church policy and what remains hidden? I agree with Winandy that such distinctions cannot be drawn in an abstract way, but only in specific contexts and discourses. In particular with regard to the religious traditionalists and their role in politics today, I argue that a political sociology of religion should step in to support political liberalism in order to clarify the nature of the religious claims.

V Blind spot no. 4: Transnationality

Rawls tells us that conflict between comprehensive doctrines can be overcome when actors learn to support a given political order as reasonable, rather than as 'true' or 'good', and when they agree to support a general overlapping consensus. But we have to remember that Rawls, when describing the overlapping consensus, had in mind a well-ordered democratic society nested inside a nation-state. The overlapping consensus is thus envisioned by Rawls among people who already share an institutional structure and are, on the whole, fairly similar to each other. Today's conflicts over morality politics – for example, the question of same-sex marriage that I have already used in this article – are quite different. Recent contestations over same-sex marriage legislation in several European countries have not been bound by a nation-state but have involved transnational mobilization of civil society. The pattern of organizing referenda against same-sex

marriage was adopted across several European countries. Furthermore, in at least two of those referenda the activists did not take issue with existing laws of the state, but with human rights norms to which their country was bound by international treaties (EU membership), i.e. they took issue with potential future laws. The struggle over same-sex marriage in particular, but morality politics in general, therefore belongs to a considerable degree to the transnational sphere of international human rights law.

The transnational nature of large areas of modern politics is the fourth blind spot of political liberalism. It is relevant for political liberalism in two ways: first, because it can influence the political debate inside the nation-state, shifting the balances by forging transnational majorities with which individuals who would otherwise remain in a minority position in their country can identify (for example, in the struggle for LGBT rights, but also in the counter-movements for banning such rights); second, transnational norm-contestation is relevant in an international sphere that is nearing the patterns of a well-ordered democratic society through international institutions such as the European Union, the Council of Europe, the European Court of Human Rights, or the United Nations. A political liberalism that is committed to equal access of subjects bound by a law to the process of law-making must be concerned with the democratic credentials of these institutions; and it is not surprising that traditionalist religious actors have started to emulate patterns of norm-contestation from the 'global South' and post-colonial discourse, contesting the democracy deficit in the liberal normative framework that informs today's supranational regimes of governance (for example, in the United Nations Human Rights Council; see McCrudden, 2014).

Political liberalism is already a democratic theory beyond the nation-state. Benhabib has compared states to 'Swift's giant Gulliver … pinned down by hundreds of threads of international law, some of which they can free themselves from, while others, much like those that tie the giant, prevent them from escaping their bonds' (2009: 692). She concludes from this observation that 'the controversy over international law has become the site over the future viability of democracies in a world of growing interdependence' (ibid.). Habermas, too, embraces the idea of global constitutionalism; he does not actually hesitate to speak about world society. In his interview with Eduardo Mendieta he says:

> Intercultural discourses about the foundations of a more just international order can no longer be conducted one-sidedly, from the perspective of 'first-borns.' These discourses must become habitual under the symmetrical conditions of mutual perspective-taking … the West is one participant among others, and all participants must be willing to be enlightened by others about their respective blind spots. (Habermas and Mendieta, 2010 [online])

The case of transnational norm-contestation is maybe the most important argument for acknowledging that the traditionalist religious actors constitute indeed a third relevant group besides religious liberals and fundamentalists. At least for me the observation of this reality constituted the entry point into the rethinking of religious claims in political liberalism (Stoeckl, 2014a: ch. 4). It was in the light of examples from the field of transnational liberal norm-contestation that I came to the conclusion that the post-secular political liberalism of Habermas downplays conflicts inasmuch as he has too

benign assumptions about internal religious modernization and learning processes, whereas Rawls fails to give a convincing answer to the problem because he thinks of inclusion in the narrow context of a secular democracy, where religious actors are bound to be in the minority.

Conclusion

To conclude: the aim of this article was to give an overview over what I feel are 4 important lacunae in political liberalism and to identify, in a preliminary fashion, some trends in the literature that can come in for support in filling these blind spots. I have argued that political liberalism is afflicted by 4 blind spots with regard to religious claims in liberal democracies, which hinder it in a correct assessment of the diverse nature of these religious claims. Political liberalism, I argued, operates with implicit assumptions about religious actors being either 'liberal' or 'fundamentalist' and ignores a third, in-between group, namely traditionalist religious actors and their claims. After having explained what makes traditionalist religious actors different from liberal and fundamentalist religious actors, I have developed the 4 areas in which political liberalism should be pushed further theoretically in order to correctly theorize the challenge which traditional religious actors pose to liberal democracy. These 4 areas (blind spots) are: (1) the context of translation; (2) the politics of exemptions; (3) the multivocality of theology; and (4) the transnational nature of norm-contestation. Elaborating on principles of political liberalism in the light of these 4 challenges will, I believe, be helpful for addressing more adequately some of the burning issues of contemporary politics of religion and morality politics, and it can make a contribution to a more fine-grained political and sociological analysis of the field of non-liberal religious actors.

Notes

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1. I am not alone in my claim that post-secular political liberalism has to be reconceptualized beyond Habermas; see such works as Walhof (2013), Ferrara (2014), Bader (2012).
2. On the conceptual distinction between 'plurality' and 'pluralism', see Bardon, Lee, Birnbaum and Stoeckl (2015).
3. Also Walhof has noticed that for Habermas only two types of religious stances exist: 'fundamentalist' and 'reflexive' (2013).

4. Hunter calls 'fundamentalists' the conservatives in his book *Culture Wars* (1991). In this article I operate with a different definition of fundamentalism, according to which a considerable spectrum of Hunter's 'fundamentalists' (not all) are more correctly described as 'traditionalists'.

5. Clifford Bob speaks about 'the global right wing' (2012). I do not adopt the polito-logical terminology of 'right wing' and develop my terminology in line with sociology of religion, thus preferring 'traditionalists' or, from political sociology, 'conservatives'.

6. I consider fundamentalist religious claims as beyond the scope of political liberal consideration. My point here is that a lot of religious claims fall in between the liberal reflective position and the fundamentalist position, and that it is these claims that pose the greatest challenge to political liberalism.

7. The case *Eweida and Others* v *UK* was supported by the European Centre for Law and Justice, a conservative US-based law firm, as third party [*amicus curiae*].

8. March calls the first the 'wide or inclusivist democratic response' and the latter 'the agonistic democratic response' (2013: 529). Both positions are inclusive of religious reasons in public debate.

9. This and the following two paragraphs draw on my essay (Stoeckl, 2014b).

10. March distinguishes between 4 types of religious reasons: (1) reasons based on commands extracted from revealed text, religious authority, or personal mystical or revelatory experience; (2) reasons based on theological or moral doctrine that is not clearly attributed to a specific claim from a revealed text, but is derived from certain theistic claims and revealed knowledge; (3) reasons based on an appeal or reference to traditional religious commitments or practices; (4) reasons based on an appeal to practical wisdom or moral insight found in traditions of religious thought (2013: 527). In his view, religious reasons of type 1 are the most problematic in public deliberation. I disagree with him on this point, because my findings from debates on traditional values in morality politics in post-Soviet Russia demonstrate that the democratically most problematic reasons are of types (3) and (4), because their reduced theological rigor and conceptual vagueness invite political instrumentalization.

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