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# *The Separation of Religion and Politics in a Post-Secular Society*

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# *The Separation of Religion and Politics in a Post-Secular Society*

Alessandro Ferrara*

Religion, once thought to be on its way to withering away or at least withdrawing into the private sphere, is now contending for a more prominent place in the public arena and demanding that at least the received wisdom surrounding the implementation of the separation from politics, if not the principle of separation itself, be reconsidered.

My purpose tonight is to highlight what the main problematic areas are in this respect and the range of solutions that are currently on offer. Let me start with a brief restatement of the three most important narratives that currently are available for making sense of what has changed in the relation of religion to politics recently. These three narratives all concern the meaning of secularism. The first is a narrative of the rise of political secularism, the second is a narrative that concerns the rise of social secularism and the third is a narrative that concerns the phenomenological transformation of the experience of believing.

A first meaning of secularism refers to the fact that the exercise of legitimate state power - what we might call the coercive dimension of law - takes place in secular terms, the fact that all citizens can freely exercise their religious freedom and worship one God, another God or no God at all, and the fact that the Churches and the State are neatly separated. In the classical version

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of the separation between the State and the Church religious faiths are protected in their freedom to articulate revealed knowledge and paths to salvation, to administer the interpretation of what is holy, to regulate rituals, to infuse transcendence in daily life, to celebrate the bond shared by the faithful, as long as they never invoke support from the State's coercive power, never pretend to turn sin into crime, and always allow their believers to change their mind and turn to another religion or no religion. It is secularism in this sense which is captured by the French term laicité, the Italian laicità, the Spanish laicidad and which in English must be somewhat tortuously translated as "religious neutrality" and is captured by the two clauses of the First Amendment of the US Constitution. We could call secularism in this first meaning "political secularism".

A second meaning of secularism refers instead to social, rather than political, phenomena. In this second sense secularism concerns the fact that religious communities in modern societies cease influencing law, politics, education and public life in general and become functionally specialized sub-groups, just communities of like-minded believers, that people less and less frequently use religious rituals and symbols to mark significant moments of their lives, that religious boundaries of faith become of marginal importance in defining one's social networks, that religious categories shape people's thoughts, commitments and loyalties less and less frequently relative to other considerations, that religiously motivated action retreats into special areas of lesser and lesser importance for social life.

This distinction between political and social secularism is useful for a number of purposes. First, it allows us to pinpoint asymmetries and unbalances in complex processes of secularization. In some countries at a certain time, political secularization may proceed at a faster pace than societal secularization. Such is the case of Italy, where the secular character of State institutions has been defined a "supreme constitutional principle" by the Constitutional Court in 1989, yet the ongoing exhibition of religious symbols like the crucifix in State-owned buildings continues to be upheld by civil and administrative courts which evidently are more receptive to the pressure of a less secularized civil society, and the teaching of religion in public schools continues to be centered around one confession alone. Second, the distinction is useful because it allows us to see through a certain "ideology of secularization" that

has dominated Western social and political thought for a while. There is no doubt that religion has forcefully returned to the political scene within the new scenario that has emerged since 1989. Sociologists as Peter Berger, José Casanova and Adam Seligman have warned us about de-secularisation processes under way, about the "re-emergence" of a need for the sacred that has in fact never really vanished, about the increasing importance assumed by religious symbols and themes for a constantly growing number of individuals and groups. In the course of time, the idea that secularism in its first sense – the institutional separation of religion and politics and the bracketing away of controversial religious issues from the public arena – would inevitably result in a prevailing of secularism in the second sense, namely as the waning away of religion from the motivations, commitments and allegiances of more and more people turned out to be yet another philosophy of history driven by an ideological thrust. Empirical research in the sociology of religion reminds us that even the fact that people attend religious services less frequently does not mean that their lives are less shaped by religious ideas.

The picture is not yet complete, however. I would like now to address a third notion of secularism, which has just been introduced less than a year ago by Charles Taylor in his monumental and path-breaking volume A Secular Age. The greatest advantage of Taylor's approach lies in the "experience-near" or phenomenologically thick quality of his reformulation of the concept of secularism. Taylor characterizes secularism neither in terms of the questions "What do institutions look like in a secularized polity? What role does religion play in their perceived legitimacy?" nor in terms of questions such as "Has the importance of religion in the shaping of people's intentions, commitments, loyalties, social networks diminished over time?" or "has the numbers of people who believe in God diminished?", but rather in terms of a question asked entirely from within lived experience. The key questions for grasping this third meaning of secularism are: "What does it feel to believe? What is it like to live as a believer or an unbeliever?"

To sum up a long argument, secularism in this third sense "consists, among other things, of a move from a society where belief in God is unchallenged and indeed unproblematic to one in which it is understood to be one option among others, and frequently not the easiest to embrace" (3). From the perspective of secularism 2 the US may be a less secular society than France or

Germany, but certainly is no less secular from this phenomenological point of view. Equally church attendance in the US may come close to mosque attendance in Pakistan or Jordan, but the experience of what it means to believe remains very different. From the standpoint of this third notion of secularism belief and non-belief, theism and atheism are not to be seen as rival theories, in cognitive terms, but rather as different ways of being in the world, of living one's life. The world which has not yet been secularized is a place – according to Taylor's notion of secularism – in which everybody, not just me, takes for granted that the source of value and meaning and fullness lies outside human reach in something transcendent. So the experience of believing gets transformed completely in the world we inhabit. It isn't just a matter of whether a larger percentage of people believed in God in 1500 relative to the percentage of believers in 2000. What matters is that the subjective experience of believing has entirely changed. That experience has undergone a transformation from being the unquestioned framework shared by everybody in a natural, unreflective way, to the experience of being one among many options available, none of which can be sees as having a privileged status within society. The believer is condemned to see his own faith as one among several choices. He may continue to believe, but no longer in the unreflective and naïve way which characterized societies that are not secularized. He may continue to believe, but his faith is experienced from within what Taylor calls the prevailing "immanent frame", namely a whole cultural horizon that identifies the good life with human flourishing, accepts no final goals beyond human flourishing and no allegiance or obligation to anything beyond this flourishing.

## The challenge of rethinking the relation of religion to politics

The facts of the matter are clear enough: no tendency to the decline of religiosity can be conclusively detected, the proselytizing activity of the major world religions is as active as ever, and within each religious community the most conservative, if not fundamentalist, tendencies are on the rise, everywhere we can see a growing demand for a public recognition of religion, even in hypersecularist states such as Turkey. But the question I intend to address is instead a normative one. If our perception of the relationship be-

tween modernisation and the religious phenomenon has changed, should we also reconsider the relationship between politics and religion as we have come to understand it in the modern Western world? Do concepts such as the religious neutrality of the institutions or the separation between Church and State need to be reassessed in view of the new scenarios that have emerged? Is the understanding of the "separation" developed when secularisation was considered the destiny of modern societies still compelling when instead we come to consider the religious phenomenon as one which is here to stay and also possesses intrinsic value?[1]

An important signal that something has changed at a deeper level than just "political climate" comes from the fact that it is not only anti-liberal, neo-con or communitarian authors who urge the rethinking of religious neutrality. Authors such as Jürgen Habermas and John Rawls wonder whether the interpretation of these concepts provided by liberal political theory was not excessively restrictive. Their most important thoughts on the subject can be found in "The Idea of Public Reason Revisited" and in "Religion in the Public Sphere".[2]

What I will do in the rest of this lecture is to outline my sense of what these challenges are and some possible ways of addressing them. I will discuss three problems, all related to a new understanding of the separation of religion and politics in the "post-secular" context predicated on the assumption of an autonomy and positive value of the religious experience. The first challenge concerns the fine-tuning of the demands placed on us by the unquestioned principle of equality. The second concerns the implications of a cer-

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[1] The thesis according to which within American law, all the way up to Supreme Court jurisprudence, a transition has occurred from a customary defense of religious freedom based only on the principle of equality to a new kind of defense of religious freedom which includes a positive assessment of the value of religion, both as a practice contributing to social cohesion, as a source of meaning nourishing and strengthening identity, and as a source of motivation for solidarity. See the insightful essay by Steven H. Shiffrin, "The Pluralistic Foundations of the Religion Clauses", *Cornell Law Review*, 90, 1 (2004), 9-96.

[2] John Rawls, "The Idea of Public Reason Revisited", in *The Law of Peoples and The Idea of Public Reason Revisited,* 129-80 and Jürgen Habermas, "Religion in the Public Sphere", *European Journal of Philosophy*, 14, 1 (2006), 1-25. See also Jürgen Habermas, *Faith and Knowledge,* Speech on the occasion of the Award of the Peace Prize, in http://socialpolicy.ucc.ie/Habermas_Faith_and_knowledge_ev07-4_en.htm

tain difference in the evolutionary pace of religious and political-juridical consciousness. The third problem concerns the determination of the correct threshold past which religious reasons are no longer admitted in public discourse. Should that threshold run at the doorway of Parliaments or inside their hallways? If we manage to address these three challenges we can claim to have made some progress toward a reformulation of the principle of separation that measures up to our critical appraisal of the ideology of secularization.

## Taking the equality of citizens seriously: the "asymmetrical burden"

Let me address the first challenge and outline some response to it. To the extent that in the liberal political arena only non-religious, secular reasons constitute a legitimate basis for binding decisions (statutory laws, court and jury findings, supreme or constitutional court opinions) an "additional burden" can be argued to be imposed on those citizens who experience their faith in an authentic and deep way. If the only currency used in the public arena of politics is constituted by "penultimate" (as opposed to "ultimate") reasons, namely by the reasonable "secular" reasons shareable by believers and non-believers alike, then due to the religious nature of their most profound beliefs, citizens who are believers are required to go an extra hermeneutic mile, compared to those embracing secular beliefs, in order to formulate reasons that can be legitimately used in the political arena. A form of redressing this imbalance is necessary, not as a tribute to a changed Zeitgeist but in the name of the principle of equality. Rawls and Habermas independently offer two mainly converging, but in some interesting ways differing, ideas for re-establishing the egalitarian equation that forms the normative keystone of the liberal polity.

Both offer us a bipartite picture of the public space: on the one hand the strictly public realm, in which regulations and proposals must be free from all links with religion and, on the other hand, an equally public – in the sense that it is not restricted to the domestic walls – but not equally structured environment, in which believers instead enjoy a total freedom to ex-

press ideas based on their religious credo. Rawls calls these two parts of the public space the "public forum" and the "background culture", while Habermas instead identifies them as the space inhabited by the "strong publics" (i.e., the formal contexts such as parliaments, courts, ministries and administrations) and a more informal "political public sphere".[3] Furthermore, Rawls explicitly distances himself from a restrictive interpretation of his concept of public reason and of "reasonableness": on the basis of the so-called "wide view" of public political culture, citizens may at any time legitimately bring their most profound beliefs, inspired by religion, to the public arena on condition that when and if what they propose is formalized in a law, these initially religious grounds should be accompanied by other, secular reasons, fully shareable by citizens who are non-believers.[4] Finally, Rawls warns us against confusing "public reason" and "secular reason".[5] When the time comes to draft a law, also the citizens who embrace secular beliefs, ranging from Enlightenment rationalism to Marxism – beliefs that in the past have generated forms of fundamentalism no less ruinous and oppressive than those based on religion – are asked to transform their ultimate reasons into "penultimate" ones, shareable also by those who do not share their ideologies. Being religiously neutral but not militantly secularist, public reason therefore appears as equidistant from all forms of reasoning that start from controversial comprehensive assumptions, be these religious or secular. Its internal standard is "reasonableness", as distinct from rationality, and understood as the capacity to acknowledge the fact of pluralism, the partiality of one's own position and as the readiness to join in fair cooperation with others, a cooperation based on principles that can be shared by all.

Habermas too emphasises how within the public sphere there cannot be restrictions placed on the kind of reasons invoked in order to justify or criticize a proposal.[6] The idea of neutrality in the strictest sense is applied only to formal decision-making in the political sphere: in parliamentary records or in court rulings controversial religious references are not permitted. And

[3] See Habermas, *Between Facts and Norms*, Chapter 7, where he adopts a distinction suggested by Nancy Fraser in her "Rethinking the Public Sphere", in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, Mass: MIT Press, 1992).

[4] See Rawls, "The Idea of Public Reason Revisited", 152.

[5] See ibid., 143-44.

[6] See Habermas, "Religion in the Public Sphere", 8-9.

Habermas too makes a distinction – fully parallel to Rawls's distinction between "public reason" and "secular reason" – between secular reason, often with a scientistic basis, and so called "post-secular" reason, which results from a learning process internal to the Enlightenment tradition and is ready to accept all that religious faith can teach.[7] But he expresses greater concern than Rawls with regard to what he defines as an "undue mental and psychological burden",[8] an asymmetrically distributed burden of translation, that aggravates the believer citizen given the fact that the currency used by democratic politics can only be that of religiously-neutral reason. It is a burden that elicits pragmatic concerns – for example, the increasing alienation of large masses of religiously oriented citizens or the cultural system's lowered integrating capability when facing a split between institutionalized secular values and widespread religious ones – but also raises a genuine normative concern: Whatever happened to the principle of equality?

This concern leads Habermas to formulate a proposal not to be found in Rawls's work: the additional burden of translation should be shared among citizens who are believers and those who are non-believers. This is to ensure that the believer citizens, who for reasons independent of their will should find it impossible to "translate" reasons linked to their faith into religiously neutral reasons, not be deprived of political influence. The same should apply to citizens embracing secular beliefs and unable to translate their claims into a "post-secular" form – I'm thinking here not only of scientistic secularism, but also of those constitutional cultures, in which the secular conscience of the socialist and communist movements played a role just as important as that of the Catholic conscience. But here Habermas hesitates: almost as if the citizen who believes in a secular utopia is in some way more in line with the "post-secular" reason that undergirds public speech than the religious citizen is.

Even a superficial inspection of the secular ideologies that raged throughout the 20th Century raises some doubts as to the superior alignment that the secular citizen would enjoy with respect to the requirement of neutrality. The providentialism of the proletarian revolution, the Party's messianism, the distrustful regards to "merely formal" democracy, one-way pacifism, ro-

[7] Ibid, 16.
[8] Ibid., 9.

mantic third-worldism, distance from "bourgeois justice", resistance to the "system's" oppression, the idea of a world revolution and many other of the socialist movement's classical themes for decades formed a cultural humus in which generations of citizens grew up, coming to take them for granted. The hermeneutic task required of them in order to participate in the discourse of public reason is no less demanding than that required of the most devote Christians.

Finally, Ronald Dworkin has recently joined the debate. Dworkin begins his argument by outlining two alternative models of the role that religion should play in the public space – the model of a tolerant religious nation "committed to the values of faith and worship, but with tolerance for religious minorities, including non-believers" and the model of a tolerant secular nation "committed to thoroughly secular government but with tolerance and accommodation for people of religious faith".[9] Whereas the religious tolerant model understands religious freedom as merely prohibiting the favoring of one confession over another but allowing for institutional upholding of (monotheistic) religion versus agnostic attitudes, and allows the use of religious symbols and references in public ceremonies, the secular tolerant model strives to be equidistant from both militant atheism and religion, refuses to acknowledge a special status of monotheistic creeds and any intrinsically positive value to religious experience as such, and bars religious (or anti-religious) references from public ceremonies.[10] Furthermore, whereas a religious tolerant society understands religious practices in a narrow sense and thus feels authorized to ban (even on religious grounds) such practices as homosexuality, abortion, genetic research on stem cells, a secular tolerant society takes a broader view of freedom of religion as aimed at protecting a non specifically religious capacity for autonomy and self-determination. Consequently, if freedom of religion matters to us qua instance of a more general capacity for autonomous choice – the capacity to choose one's own faith – then other practices, such as sexual conduct, marriage, procreation, scientific investigation, which also count as instances of autonomous self-direction, should also be considered as

[9] Ronald Dworkin, *Is Democracy Possible Here? Principles for a New Political Debate* (Princeton: Princeton University Press, 2006), 56.
[10] Ronald Dworkin, *Is Democracy Possible Here?,* 58-60.

under constitutional protection and could never be banned on religious or other grounds.[11]

Dworkin's objection to Rawls's is that the religious citizens of conservative orientation often cannot separate their religious convictions from their political principles: "their religious convictions are political principles" and "they do not accept private observance as a substitute for public religious endorsement".[12] Given their mindset, they are not likely to accept the precepts of public reason, because they do not respect the non-believers as people in deference to who they should abstain from pursuing their "profound religious ambitions". Religious conservatives think that secular citizens are deliberately in error, in that "they stubbornly refused to open their hearts to the truth", and that as long as they wield a majority it is pointless for them to give up the chance to shape society by law according to their beliefs. It might be objected, against Dworkin, that his argument merely starts from a different assumption than Rawls's thesis: namely, Dworkin just assumes that, at least in the conservative wing of the religious citizens, reasonableness is not the prevalent attitude and thus the appeal of public reason will be very weak. In this sense, Dworkin's point would not be a real counterargument, but only a more pessimistic assessment of the diffusion of reasonableness among the religiously minded citizens.

However, Dworkin's suggestion, interestingly, not only does not constitute a real challenge to political liberalism, but ends up unwittingly reaffirming it. For in the end, from his negative appraisal of the appeal of public reason among conservative believers Dworkin draws the suggestion that liberals should "try to show religious conservatives that their ambition to fuse religion and politics in the way they now propose is an error because it contradicts very basic principles that are also part of their faith".[13] Liberals should try to convince religiously minded conservatives that one of the constitutive ingredients of the idea of human dignity – namely, the requirement that we take personal responsibility for the choice of our own ethical convictions, including religious ones – is indeed common ground across the two sides and enjoins religious, no less than liberals and secular, citizens to abstain from

[11] Ibid., 60-62.

[12] Ibid., 64.

[13] Ibid., 65.

usurping, through statutory and judicial coercion,[14] the ability of people to exert responsibility for their lives through autonomously shaping their most significant practices. More generally, secular minded citizens should confront religious conservatives with the intrinsic inconsistency of their subscribing to the principle of personal responsibility for the values pursued in one's life and at the same time aspiring to bring the culture of a complex society in line with certain controversial moral guidelines through coercive law.

In the end, what Dworkin urges liberals and secular citizens to do is not far from the Rawlsian idea of wide public reason: they should engage the real beliefs of their opponents by calling them to task concerning the legal and institutional consequences of the notion – shared across the divide – of equal personal responsibility for shaping one's life.

These reflections on the "wide" concept of public discourse and reason, on the asymmetric and undue hermeneutic burden carried by believer citizens, on the selectivity of the principles of secularism somehow redefine the implications of the principle of equality for the separation of religion and politics in a post-secular society. Aside from the issue of equality among religious and secular citizens, however, two further problematic aspects of the separation between religion and politics as understood until now need to be considered.

The first concerns the difference in the evolutionary rhythms of the religious and the religiously neutral public conscience (the difference is greatly reduced if we compare religious and militantly secular forms of conscience) and the effects of such difference on the principle of toleration.

The second aspect concerns the need for properly locating the threshold between that variously named area of public life where religious utterances are

[14] Dworkin coins the distinction between "personally judgmental" and "impersonally judgmental" justifications for legal coercion. Personally judgmental are those instances of legal coercion that rest on (controversial) conceptions of what kind of life is acceptable and thus usurp the person's autonomy to choose her own values. Impersonally judgmental are instead those instances of legal coercion which appeal to the intrinsic value of some good for the flourishing of life. See ibid., 70-71. Only the second are for Dworkin legitimate forms of legal coercion, much in agreement with Rawls's principle of liberal legitimacy.

legitimate and those more institutional contexts from where they should be kept out.

Let me address these two aspects of the separation of religion and politics in the next two sections.

## The differential of evolutionary pace

What is to be tolerated, in a "religiously neutral" State, in matters of religiously motivated conduct? Religious behaviour involving mutilation of the body, ill treatment of animals, human sacrifices, compulsory "holy prostitution" or other forms of forced promiscuity would be intolerable. Where exactly is the line separating the tolerable from the intolerable? We nowadays find ourselves in a context in which the solution classically provided by the founders of the modern liberal State – and in particular John Locke – shows considerable limitations and calls for a reassessment.

Locke's answer to questions such as those mentioned above is incomparably clear. Every church is free to regulate as it thinks best all practices related to the cult – place, time, and modality of these practices – on condition that these practices are legal according to Civil Law. Instead, a church never has the right to establish cults including acts that are against the law. One of the great merits of Locke's concept of tolerance – a concept, one should remember, created to regulate only "intra-protestant" relations, excluding Catholics, atheists and the faithful of non-Christian religions – is certainly the extreme clarity and elegance of the criteria implied. Why does the need arise today to reassess it?

The need to rethink Locke's formula for tolerance, certainly not in order to thwart it but to adapt it to a new context, arises from the observation – after three centuries – that "secular" civil law evolves following a totally different and more accelerated pace than religious conscience. This differential in evolutionary pace is causally linked to a series of factors deserving more careful consideration at an empirical level. First of all, the religious conscience experiences a very intense relationship with its own tradition, a relationship that finds only a weak equivalent in the importance of "precedent" for legal

argumentation. This applies to highly institutionalised forms of religiosity, such as Catholicism, which envisages an explicit "Magisterium of the Church" on the subject of articles of faith, cult modalities, as well as an equally explicit principle of the "infallibility of the Pope", but also to those forms of religiosity that allow the believer greater autonomy. As far as the great historical religions are concerned, tradition is often the interpretative tradition of a Holy Text that by definition can never be corrected, let alone replaced, but only reinterpreted.

The internal structure of juridical conscience is different and even more different from this model is political consciousness. There are no texts placed beyond correction. The Constitution itself is open to revision, even on fundamental issues. Juridical interpretation too is in a sense oriented at the importance of a "precedent", but only because conformity with a precedent is functional to the objective of ensuring the legal system's overall coherence and the predictability of legal consequences – what Max Weber used to call the rational calculability of the legal consequences of one's actions.

Furthermore, in modern society the juridical conscience operates in a manner autonomous both from morals and politics, but nonetheless is always immersed within a political context characterized by the presence of a plurality of values, interests and options finding support within a plurality of more or less organised groups. Its binding force consists more in the coherence of its pronouncements and decisions with certain basic values – freedom and equality, but not only – than in the continuity with a tradition as such: fundamental values of the polity are often better fulfilled by institutional change (for example the abolition of forms of discrimination, the creation of new rights, of new institutions, etc.) rather than by preserving existing conditions.

Moreover, the juridical conscience in our times is naturally immersed in a democratic political context and this obviously contributes to the dynamism and fluidity of the legal fabric itself. After all, after centuries during which the democratic form of government has remained more or less the same, in the course of the last one hundred years innovations such as universal suffrage, social legislation, laws about the public administrations' transparency, the protection of privacy, cultural rights and the international protection of human rights have revolutionised democracy. No other form of political or-

der has proved to be so dynamic. The effects of this dynamism intrinsic to a democratic form of government, with its public sphere and the market as natural accelerators of the renewal of traditions, are obvious.[15]

While Locke's concept of tolerance identifies what can be tolerated in the religious sphere on the basis of what is allowed by civil law, it is clear that such pronounced evolutionary dynamism will soon unbalance the equation. Religious customs and ritual forms of conduct, once solidly within the area of civil legality, will soon end up outside it due to changes in the law following the democratic process; immediately obvious examples are the woman's inferior position in many ecclesial communities, the religious rejection of non-traditional forms of families, discrimination against homosexuals.

The more general point is that a democratic, pluralistic context, characterized by a host of intersecting and connected struggles for recognition and by a public sphere in which new expectations are constantly presented and discussed, will most likely lead to a greater probability of social and cultural change – and hence also of juridical-legal change – than it is the case with an ecclesial community bound to the continuity of one single tradition and integrated via one single source of authority. Is it fair to ask religious communities to keep pace with the democratic conscience, is it fair to move the border between the tolerable and the intolerable, strictly observing Locke's principle, at the promulgation of every new law? Is this "imperative of keeping pace" not another "additional burden", different than that of translation, imposed on religious traditions and not on those secular cultural traditions which share an elective affinity with the dynamism of democratic political culture? Which forms of compensation can we identify for the intrinsically disadvantaged predicament of the religious conscience?

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[15] For illuminating reflections on the relation of societal acceleration to democracy, see William E. Scheuerman, *Liberal Democracy and the Social Acceleration of Time* (Baltimore and London, Johns Hopkins University Press, 2004), 187-224. See also Hartmut Rosa, *Beschleunigung. Die Veränderung der Zeitstruktur in der Moderne* (Frankfurt, Suhrkamp, 2005) 161-198 and 396-427, and Matthias Eberling, *Beschleunigung und Politik* (Frankfurt, Peter Lang, 1996). For the groundbreaking idea of exploring the consequences of an accelerated tempo in social life, see Paul Virilio, *Speed and Politics* (New York, Semiotexte, 1986) and Reinhart Koselleck's "Gibt es eine Beschleunigung der Geschichte?", in his *Zeitschichten* (Frankfurt, Suhrkamp, 2000), 150-76.

## The correct threshold past which religious reasons are no longer admitted in public discourse

As we have seen, Habermas converges with Rawls in distinguishing a broad public sphere, where every contribution even if couched in religious terms is legitimate, and a more restricted institutional realm where binding decisions are made (parliaments, courts, governmental agencies, etc.). Between these two realms a filter is operative, which lets only secular contents and arguments pass through. Let's focus on this dividing line between the broader sphere where non-secular arguments are permissible and the institutional one where they are not admissible. Habermas illustrates how the line can be drawn by means of an example: "in parliament, for example, the standing rules of procedure of the house must empower the house leader to have religious statements expunged from the minutes". Thus a fortiori we should assume that such religious statements cannot be allowed in statutes and resolutions passed by the house. But are they to be banned also from the representatives' speeches in debates or in their voting declarations? Also from their questioning of government activities in parliamentary "governmental reports"? After all, not all the activities taking place officially in parliament are of a decision-making nature. And Rawls, certainly a champion of liberalism, explicitly counted as legitimate forms of public discourse, along with public reason, what he called "declarations", "conjectures" and "witnessing", namely forms of discourse in institutional settings where a) we express deep convictions of ours which we don't expect others to share, b) we conjecture from the comprehensive convictions of others, and c) we object to otherwise legitimate decisions of the basis again of deep convictions not expected to be shared by our interlocutors. Thus, unless we want to be more restrictive than a liberal like Rawls, it seems that we have to allow for the legitimacy of introducing religious arguments and reasons within certain kinds of communicative activity on the part of members of parliament. But if these occurrences are legitimate during debates, why should they then be excluded from minutes? To state my point more generally, it seems that the dividing line between legitimate reference to religious arguments and illegitimate religious interference with secular institutional activity is not to be drawn at the parliaments' entrance door, but well inside the in-house activities of parliaments and other institutions.

Finally, I'd like to address the question of the limits that apply to religious communities or churches in exercising their right to freedom of expression in the public sphere. Habermas suggests that the limits of propriety are trespassed if a church addresses its members in the public sphere "in an instrumental way" and tries „to reach political goals by an immediate appeal to the faith-bound conscience of its members". For in this case a church would substitute its spiritual authority for those reasons that can be shared by all. An example of this „religious malpractice" are sermons designed to induce believers to vote for a certain party or candidate. In my country the examples of such practice are legion. Yet we should also reflect on a contextual element that compounds the distinction between legitimate and illegitimate exercises of the public voice of religion. Shouldn't we introduce a distinction between mono-confessional and multi-confessional contexts?

The specificity of Italy certainly does not lie in contradicting the basic idea of the religious neutrality of institutions. We are a "stato laico" to be sure. Its particularity consists rather in the fact that historically the line of what is tolerable has been drawn with respect to the one and only faith, embraced by the vast majority of Italians, and has been drawn jointly by two, not one, institutional actors. This particularity resulted in what I do not hesitate to define as the "concordat's distortion", namely the idea that the neutrality or secular character of public institutions is based on their fitting the terms of a "concordat" between two powers – one secular, the State, and the other religious, namely the Catholic Church, always rigorously used in the singular – each occupying a position on either side of the dividing line between the temporal and the spiritual realm and each reigning with full sovereignty within separate realms yet on the same geographical territory. Within this framework the religious neutrality of State's institutions is understood not as a function of the people's public autonomy – an autonomy neutral vis-à-vis the different religions – but as a function of the more or less stable "negotiating" balance achieved by two powers, "independent and sovereign" each with their own order. Obviously in other countries too there is a concordat, but the crucial difference is that these other countries do not host the "concordant power" on their domestic territory. Thus, to conclude: it seems to me that while to use spiritual influence for political ends is always a violation of the liberal idea of a free and neutral public space, this violation is more oppressive in a country with only one dominating confession, because in such

context controversial religious claims are less likely to be counterbalanced by other different religious cultures in the plural, and it is all the more disputable in a country where the organizational center of the religious community is located. In Italy, furthermore, the effect of this "use of spiritual authority for political ends" is compounded by the newly emerging bipolar division of the political space, which assigns great influence to citizens, movements and organizations located at the center of the bipolar division and susceptible of switching allegiance. These political forces are overwhelmingly Catholic and thus the spiritual authority of the Church can receive additional political leverage from the decisive influence of the addressees of its messages. So, when discussing the limits of the legitimate public role of religion, before assessing the seriousness of the illiberal use of spiritual authority in the light of cultural variables, we should perhaps assess the impact of structural variables like the mono-confessional or multi-confessional quality of the context and the presence or absence of a "concordat"-type relation between State and Church.

To conclude: something has changed in the manner in which we perceive the State's religious neutrality in the 21st Century. The limits within which religion is permitted to inspire and guide our lives are no longer imposed by a reason that in turn knows no other restrictions except those it provides for itself, as the Kantian reason, but in the 21st century should be, more modestly, the limits of a "post-secular" reasonableness – according to which legitimately binding and enforceable is only what is shared by everyone under conditions of freedom and equality – a "post-secular reasonableness" equally accessible to both believing post-secular citizens and non-believing post-secular citizens.

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