MAKING A CRITIQUE OF THE JUSTIFICATIONS OF SECULARISM

Laikliğin Gerekliliği Argümanlarının Eleştirisi

Hakan KÖNİ

Asst. Prof. Political Science and
Public Administration

İstanbul Rumeli University
hakan.koni.@rumeli.edu.tr

Çalışmanın Türü: Araştırma

Öz

Laikliğin gerekçeleri halkın genelliliğine hitap eden yasa ve icraatların kamu aklı, pratik bilgelik, bilimsel bulgular ve bu tarz objektif yöntem ve sonuçlar doğrultusunda şekillenen bir fikir birliğinin ürünü olması gerektiği ve dinin bu yöntem ve sonuçlar arasında yer almadığı çünkü dinin öznel, doğrulanamaz ve otoriter olduğu argümanlarına dayanır. Bu makalede bu tarz görüşler modern demokratik rejimlerin yasa ve icraatların benimsenmesinde fikir birliği gibi bir şart aramadığı, son birkaç yılda yaşanan insani felaketlerin dinden değil bilakis rasyonalist ve materyalist düşünce akımlarından beslenen olay ve hareketlerin sonucu olduğu, laiklik kavramının Protestan eğilimli bir dünya görüşünün ürünü olduğu, dinin tarihi bir perspektifle oldukça hümanist ve demokratik bir kurum olduğu ve dinin kamusal alandan çıkarılmasının temel bir insan hakkı olarak inanç özgürlüğüne aykırı olduğu argümanlarıyla eleştirilmektedir.

Anahtar kelimeler: Laiklik, kamusal akıl, fikir birliği, mutabakat, çoğulculuk, çekişme, inanç özgürlüğü

Abstract

Justifications of secularism rely on the arguments that the laws and the policies addressing to the generality of the public must be the product of consensus among the people that develop through public reason, practical wisdom, conclusions of science and such objective methods and results, and that the religion does not qualify like any of these because the religion is subjective, unverifiable and authoritarian. Such views are criticized in this article with the arguments that the modern democratic regimes don't oblige public consensus in the production of laws and policies, that it wasn't religion but rationalism and materialism that fed the most horrible human catastrophes of the last few centuries, that secularism suffers from an explicit Protestant bias, that religion has historically been a highly humanist and democratic institution, and that removal of religion from the public space violates the freedom of belief as a basic human right.

Keywords: Secularism, public reason, consensus, pluralism, confrontation, freedom of religion

Introduction

This article is devoted to make a critique of secularism with regard to the justifications offered to its necessity in public life. The place and extent of secularism in democracies is one of the most controversial subjects of debate in political science on which the scholarly opinions differ substantially and the democratic countries vary that much in their practices. Scholars like John Locke, Robert Audi, John Rawls and Kent Greenawalt, who are examined here as representative of the class of scholars supportive of secularism, have offered various pieces of intellectual works to explain the necessity of the regulation of public life according to secularist principles. Such scholars argue almost in a common fashion that the laws and the policies developed to regulate the public life must be the product of public consensus agreed or agreeable by all the members of the society and that the religion does not represent a proper ground for such a consensus. Accordingly, religion cannot be a source of consensus building because religious arguments are not based on rational and empirical principles of decision-making and their truth claims are often based on some unverifiable sources and experiences. Religions thus not only differ substantially in their views to the proper way of regulating the public life, but they are also very authoritarian and oppressive in practice. But such scholars maintain that climates of public consensus, agreement and harmony could be established with resort to public reason, practical wisdom, conclusions of science, common sense, generally accepted truths and such rational and empirical methods of decision-making.

In this article, the justifications of secularism are criticized with reference to several points, which include, first, the importance and inevitability of conflicts, contestation and bargaining in modern political societies; second, the functioning of political and administrative processes in democracies according to the majority or plurality principle rather than consensus; third, the links of the most horrible human catastrophe of the last few centuries with rationalist and materialist currencies of thought; fourth, apparent Protestant bias in the formulation of secularist arguments; fifth, the democratic and humanist struggle of religion against monarchic and colonial authoritarianism and oppressiveness in history; and finally the freedom of belief and religion as a basic human right that guarantees to believe, manifest and organize around religion socially and politically.

Justifications of Secularism

Enlightenment thinkers, and also their followers in later ages, viewed religion as one of the leading causes of the miseries of the medieval

Europe together with the aristocracy and the monarchy. They defended the idea that religion had to be removed from the parts of the public life with all its institutional and normative existence in favor of a rationally organized public life. In a series of essays he pens, John Locke presents a thorough discussion of this subject representative of the line of thinking supported by the Enlightenment thinkers generally. Locke (2011, 8-10, 20) argues in the essays that religion is a useful social institution with its functions to prepare the men for the life after this and to save their souls, but maintains that religion does not have much to do with the government of this world. For Locke, this is not only what the religion is about theologically, but also what the practical concerns dictate on us. Locke (2011, 6-9, 12-6; Fish 1997. 2259-62) goes on to argue that the Bible specifies the duty of the church as dealing with the internal life of the believers exhorting them to charity, meekness and good-will, and commands the people to leave the issues regarding politics and government to the civil magistrate (prince). The superb spiritual function of the religion in this conception is to help people overcome their passions and not those of others certainly, which he places satirically. And secondly, for Locke, every religion views itself as the right and the orthodox religion while the others are viewed as erroneous and heretical that much, and the domination of the public life by a particular religion is therefore very much likely to lead to the persecution of the people who don't belong to that religion. And practically, Locke (2011, 6-7, 14) maintains, in times when the religion historically found the opportunity to rule and legislate in the example of medieval Europe, the men of religion were seen to be unrivaled in violating the authority and the laws they defended as known well with the church-led and sponsored wars, slaughters, tortures, expropriations, rapines, nepotism and other types of corruption all through the medieval and later ages. For these reasons, it is highly necessary to separate the domains of the religion and state for Locke, and the authority to design and control the public sphere has to be transferred to the state in its entirety (2011, 8, 28-34). Religion has to be excluded from the public sphere not only in organizational terms, but also from public debates organized to make laws and public policies. The laws and policies rather have to be formulated with resort to reason and civility.

Locke's view to religion as a seminal but limited social and spiritual institution is maintained by the contemporary secularist thinker Robert Audi yet with a remarkable degree of rigidity at the end. Audi (1993, 696) regards religion as a useful social institution that helps the personal improvement and integrity of the people and as such he calls for the state to promote services for religious practices. But he maintains that religion must be held

back from political activism particularly in the processes of the making and implementation of the laws that regulate the relations among the men and the state. People must be free with their religion as a private and personal matter, but religion must be put aside on issues regarding the responsibilities of the people towards their exterior. For Audi (1993, 691-92), the laws and obligations that the citizens must observe towards their exterior in a democratic country must be formulated along two prerogatives: First, “one has a *prima facie* obligation not to advocate or support any law or public policy that restricts human conducts unless one has, and is willing to offer, adequate secular reason.” Such a reason is the one that does not characteristically rely on the existence of the God, theological considerations or religious authorities, but rather on public reason, practical wisdom, public good and welfare. For Audi, this principle is warranted by the condition that in almost all societies people belong to different belief systems and if one or some of them dominate the public life, the freedoms of the others will be violated vastly. And second, one is also obliged to abstain from such advocacy or support unless he is “motivated” sufficiently with adequate secular reason. This principle calls for one to be “motivated” secularly in addition to presenting secular reasons particularly to address to the concerns that the public is not deceived with hidden religious agendas. Audi recognizes that sometimes religious and secular proposals could converge like in case of abortion, drugs, guns etc. but even in these cases, he maintains, religious reasons must be contained by secular reason. Behind all of these, Audi (1993, 697-700) relies on a deterministic view to the role of the God in human life according to which the nature functions on some general principles issued by the God, but the people are left free on earth to make their own ways with the necessary intellectual capabilities provided for this purpose. Therefore, the primacy of reason and trivialization of religion in public life has its moral grounds as well for Audi.

John Rawls is cited among the leading supporters of this secularist tradition, but not going so far as to argue for the necessity of a motivational criteria like Audi, however. Rawls (2001, 58-9) tries to locate the proper place of religion in public life by starting with a hypothetical question about the moral foundations of public life which goes as “what are the characteristics of a good life?” Rawls (1987, 4; Hollenbach 1993, 879-80) states that the answers given to this basic question could differ substantially across different groups of people who belong to different religious, moral and philosophical traditions which could lead their members to follow different convictions about the meaning and the purpose of the life. Rawls recognizes intellectual pluralism as a permanent feature of the contemporary

political life and he does not view any legitimate reason for its removal because it is very natural and sometimes desirable too. But he (1996, 289-371) maintains that the prospects of the people enjoying their own conceptions of good life in this public environment of intellectual pluralism depend on them respecting the conceptions of the others and putting limits on theirs when theirs tend to clash with those of the others. The rights and freedoms are not without any limits and they have to end where those of others start. For Rawls, what is clearly reduced from this situation is that the people must reach a consensus on the general principles and norms of the public life that they must follow towards one another at a framework that could not be further narrowed or expanded. In contemporary political life, for Rawls, examples of such consensus are present in the production of constitutions, laws and such legal documents describing generally the limits of action among the citizens. Achievement of consensus in these cases depends largely on the employment of “the method of avoidance” which Rawls (1987, 12-3) describes as the act of refraining from asserting or denying any religious, philosophical or moral view or claims of truth in public debates organized for such purposes. Shunning from such views and claims, Rawls maintains (1996, 224-25; Hollenbach 1993, 890), the reference for the development of public norms and principles must be “the public reason” that functions on the operationalization of common sense, natural truths of simple character, and the well-established and noncontroversial conclusions of science.¹ For Rawls (1996, 151), eventually, the need to attain consensus on general terms of a good life necessitates to “take the truths of the religion off the political agenda.”²

Kent Greenawalt draws attention as another prominent defender of this line of thinking with a new set of conceptualization but similar contents. Greenawalt (1995, 39-40) classifies arguments voiced in public debates as accessible and non-accessible, the former referring to those that could be

¹ It is necessary to emphasize an important point in Rawlsian thinking here. Rawls believes in a Kantian fashion that the man is designed with all the sufficient intellectual capabilities to comprehend the world around himself and to give it a meaning with a proper evaluation with common sense.

² Ronald Thiemann argues in similar terms with Rawls by acknowledging the state of pluralism and the ensuing moral disagreement among the people yet stresses that the pluralities could reach to consensus on issues of common good at a very general level without any limitation of appealing to pure reason (Fish 1997, 2282). Thiemann views the religious fundamentalists as the problem particularly and argues that if the fundamentalists are dismissed, it is possible to agree on the common goods.

comprehended by all the people with reason and evidence and the latter referring to those that could not be comprehended with such means. He puts religious arguments in the category of non-accessible arguments and contends that as their truth and validity cannot be accessed by all, they must be excluded from public debates regarding the formulation of the rules and principles that must be followed in public life. Religious arguments are often built on convictions about the existence of the God; or miracles, prophecies, revelation, messengers etc.; or pragmatist views along the practice of religion leading to peace and order, but their truths cannot be proved to all (Greenawalt 1995, 40). Such arguments are either not convincing enough in intellectual terms, or rely on the personal experience of the believers or products of wishful thinking, and therefore cannot offer sufficient grounds to shape the binding rules of the public life. Regarding the personal accounts of supernatural events, Greenawalt draws attention to psychological studies explaining such experiences as products of acute physical conditions or extreme emotional stress. Greenawalt also reminds like Locke the association of religious institutions with deadly wars, exploitations, errors and superstitions in history to maintain that their past political records are highly discredited (1995, 46). Yet he (1995, 86-9) also underscores a possibility that religious arguments could sometimes be accessible and used in the formation of the elements of public policy for such arguments are not always irrational or unverifiable and that sometimes public life is shaped according to pragmatist principles supported by religion as well. Religious advocacies for thick social policy programs to provide the fellow citizens with various services with a cheap price could be an example to such an exchange. Such political gestures to religion are viewed to be useful to facilitate dialogue and mutual understanding among different groups in the society. But apart from that, Greenawalt (1995, 94) concludes, religious arguments shaped along dogmatic and doctrinarian lines are not certainly proper as reference for public political life.³

The Critique of the Justifications of Secularism

The arguments above by Locke, Audi, Rawls and Greenawalt presented to justify the necessity of secularism in public life are subject to criticism on various grounds by a multiplicity of scholars, practical cases and

³ For a comprehensive account of the arguments for the minimization of the religion in the making and implementation of the public order and the propositions thereto with a review of the ideas of John Locke, Thomas Nagel, Daniel O. Conkle, Ronald Thiemann, Amy Gutmann, Dennis Thompson, Kent Greenawalt and some others see Fish 1997.

political norms. To start with, firstly, Alfred Stephan (2000, 44) suggests that the search for public harmony and agreement on the formulation of the basic political frameworks like the constitution is not a precondition of democracy. "Politics is about conflict, and democratic politics involves the creation of procedures to manage major conflicts." The above secularists recognize differences of opinion as a fact of social life, but they continue with a non-democratic attempt to remove this pluralism from the public sphere. How it is traditionally done in democratic societies is that groups with differing ideas and prerogatives mobilize their resources for bargaining their priorities without rejecting those of the others just in the outset. Disagreement of opinions is a rule in the public life and people cannot be proscribed from non-rationalist reasoning as long as they respect the advocacies of the others. In Netherlands, for instance, this democratic prerogative is materialized in the signing of a consociational agreement between various political, ideological and religious groups that allocates representation, offices, authority, funds and veto powers to the groups in a proportional fashion.

Secondly, as a continuation of the first critique, the proposition that public debates must run on the base of consensus is found too abstract. It sounds good in theory, but practically almost impossible for there are probably very few debates that the people can all agree with consensus. If the parliaments, various executive bodies, courts etc. were to produce decisions based on unanimity of votes, democratic political processes would be deadlocked. For such practical concerns, decisions are usually taken with a simple majority principle in democracies and only in a few cases like constitutional amendment, declaration of amnesty, declaration of war, removal of the president etc. a qualified majority is required. Rawls, and in an implicit manner the others, argue that such consensus could be established with resort to common sense, evidence, conclusions of science or such things that could be proved with facts; but there are probably very few things in the human sociological environment that could be agreed on by this way. Parts of the sociopolitical life are too complex to be comprehended in the same way by all with common sense and they are never like the objects of the natural sciences that could be examined with experimental methods in controlled settings. The rule in human social life is rather legitimate pluralism and differences of opinion, and attempts to make people agree on various issues cannot be ensured with anything except authoritarianism (Bader 2003, 4-5; Waldron 1993, 842-47).

Thirdly, the rationalist secularist accusation that the religion has historically been in the background of major human catastrophes is a gross

exaggeration that disregards a sizable volume of such cases committed by rationalist currencies of thought and action. A review of the most horrible massacres and human tragedies of the last two hundred years exhibits us that none of them were committed by religious institutions: The Jacobin reign of terror,⁴ the Napoleonic campaign against and devastation of Europe, the First World War and its millions of casualties, millions of victims of the communist and Bolshevik revolutions, the Russian civil war, collectivization, the Great Famine in Europe, Second World War and its millions of casualties and the Nazi Holocaust were not committed by the religion, but rather by the modern states inspired by rationalist and materialist currencies of thought and action antithetical to religion (Cassanova 2008, 67).

Fourthly, the concepts, the processes and the debates narrated by the rationalist secularists suffer from an explicit protestant bias that propagates an individualized privatized conception of religion trying to create a subservient citizenry to the state. This bias is very apparent in Locke (2011: 6), for instance, who argues that the Bible instructs the church to deal with the internal life of the believers and to leave the politics to the civil magistrate. Audi (1993, 696) similarly appreciates the benefits of religion for various social and psychological reasons, but maintains that politics must be isolated from religious engagement to be guided by secular reason and motivations only. While such a marginalized conception of religion makes justice to Protestant concerns, it substantially neglects those of Catholicism,

⁴ One must remind here that the guillotine as an instrument of execution by head-cutting was invented by the Jacobins who used it as a practical and speedy machine of execution to execute innumerable number of people who were found guilty of fighting against the Revolutionary values.

Orthodoxy, Islam and many other religions which have undertaken various political, legal and administrative functions together with the state in a historical perspective. This bias is accompanied by a parallel bias towards the state, portraying it as the supreme social institution that awaits citizens primary loyalty against an equally important set of other socio-political institutions and norms like religion, civil society, tradition and various other rights and freedoms which are not so less important for those people who appreciate them or for the functioning and the continuity of the broader political society (Bader 2011, 10).

Fifthly, the rationalist secularist narrative scapegoating the religion as a major source of authoritarianism, arbitrariness and cruelty is supported by some examples maybe but rejected by a lot many others in history. Religion was the most effective political and social institution to stand against the absolutism of the empires and the monarchies all through the Middle Ages. It was often the only barrier against the arbitrariness of the rulers holding a legitimate power to remove and replace them in Europe as well as the rest of the world. In Europe, the first and most effective formation which opposed the divine rights of the kings as a justification for their arbitrariness were the Italian and Spanish catholic theologians who were followed by the Jesuits with their calls for the limitation of the powers of the state. And the idea of inalienable human rights was first put forward by the Spanish Catholics like Erasmus in the face of absolutists pressures on the people and also because of the miserable condition of the natives of the New World invaded by the European powers (Collins 1992, 175-7; Bielefeld 2000, 93). It is very ironic that particularly the Islamic world met with extreme cases of authoritarianism with the appearance of secular states broadly after the Second World War in its countries like Egypt, Iraq, Iran, Tunisia, Algeria, Morocco, Turkey, Jordon, Kuwait, Yemen and Indonesia. And it was again this secularist authoritarianism which produced multiple waves of religious fundamentalism in the Islamic world. It was when the secularist policies were mitigated that the region has started to make its moderate religious engagements in politics like the examples of the Muslim Brothers in the Arab world, Nahdatu'l Ulama in Indonesia, and Jamaat Islamiyyah in Pakistan (Phillpott 2007, 515-6; Schwarzschild 1993, 911-4).

Finally, the rationalist secularist conception of public debate is against the freedom of belief as a basic human right. The freedom of belief covers the ability of the individuals and groups in public and private to manifest their religion in learning, teaching, expression, practice and worship; to change their religion; and to establish social and political

organizations to advance their views so long as they don't violate democracy, the law and the freedoms of the others (Stephan 2000, 39-40; Gill 2007, 9-10). The major human rights declarations don't compel the people to rely on strictly rational grounds when offering views in public debates designed for the formulation of basic public norms. This prerogative springs from the condition that there are no such rational grounds that the people could all agree; that human life is not so simple as to be reduced into simple forms of interactions; that there is a sizable volume of issues like social policy, welfare, public morality, public peace etc. not responsive to precise rational argumentations but rather have to be settled with negotiation and bargaining among different groups. On what rational grounds could the conservative advocacy for thick social policy and welfare schemes be rejected, for instance? And what could be said about the concept of "public morality" that finds its place in almost all the constitutions today?

Conclusion

To summarize, secularism is taken under scrutiny in this article with regards to the justifications offered for its necessity in public life and then a critique is offered in the following toward these justifications. The scholars like Locke, Audi, Rawls and Greenawalt, who are examined here as representative of those who support secularism, argue that the general principles that regulate the public life must be formulated on grounds agreeable by all the people with consensus and only the reason, science, common sense and such objective tools and methods could qualify for such grounds. According to them, religion is not only subjective with its claims of truth being improvable by conventional means, but its records of political activism in history is also beset with authoritarianism, arbitrariness, corruption, brutalism and such practices. However, it is argued in this article that, firstly, modern democratic societies don't operate on principles of public agreement and consensus, but rather on the institutionalization of contestation and bargaining because pluralism and disagreement is a fact and indeed a color of the political life. Secondly, the pursuit of rationalism and materialism in practical political life has produced innumerable human catastrophes to discredit its validity in practice. Thirdly, secularism suffers from an explicit Protestant bias that reflects a Protestant view of public life ignoring links of many other religions with the political life. Fourthly, religion has indeed been a highly liberating and humanist institution as it is seen in its historical opposition to the arbitrariness and oppressiveness of the monarchies. And finally, freedom of religion as a basic human right requires that the people could practice, propagate and organize around their religion

in social and political terms as long as they don't violate the rights and the freedoms of the others.

BIBLIOGRAPHY

- Audi, R. (1993). The place of religious arguments in a free and democratic society. *San Diego Law Review* 30: 677-702.
- Bader, V. (2003). Taking religious pluralism seriously, arguing for an institutional turn. *Ethical Theory and Moral Practice* 6: 3-22.
- Bader, V. (March 2011). Religion and the myths of secularization and separation. *Palgrave Working Paper* 8: 1-32.
- Cassanova, J. (2008). The problem of the religion and the anxieties of the European secular democracy. In *Religion and Democracy in Contemporary Europe*, eds. Gabriel Motzkin and Yocki Fischer. London: Alliance Publishing Trust, 63-74.
- Fish, S. (December 1997). Mission impossible: Settling the just bounds between church and state. *Columbia Law Review* 97(8): 2255-333.
- Gill, A. (2007). The political origins of religious liberty. New York: Cambridge University Press.
- Greenawalt, K. (1995). Private consciences and public reasons. New York, Oxford: Oxford University Press.
- Hollenbach, D. S. J. 1993). Contexts of the Political role of religion: Civil society and culture. *San Diego Law Review* 30: 887-901.
- Locke, J. (2011). John Locke, *The Works Vol.5 Four Letters Concerning Toleration*. Indianapolis: Liberty Funds. Inc.
- Philpott, D. (2007). Explaining the political ambivalence of religion. *American Political Science Review* 101(3): 505-25.
- Rawls, J. (1987). The idea of an overlapping consensus. *Oxford Journal of Legal Studies* 7(1): 1-25.
- Rawls, J. (1996). Political liberalism. New York: Columbia University Press.
- Rawls, J. (2001). *Justice as fairness: A Restatement*, ed. Eren Kelly. Cambridge. MA: Harvard University Press.
- Schwarzschild, M. (1993). Religion and public debate in a liberal society: Always oil and water or sometimes more like Rum and Coca-Cola?. *San Diego Law Review* 30: 903-15.
- Stephan, A. C. (2000). Religion, democracy and the twin tolerations. *Journal of Democracy* 11(4): 37-57.
- Waldron, J. (1993). Religious contributions in public deliberation. *San Diego Law Review* 30: 817-48.