The topic proposed for our discussion recalls a question that Ernst Wolfgang Böckenförde, in the mid-1960s, formulated quite precisely in the following manner: whether the liberal, secularized state is nourished by normative presuppositions which it itself cannot guarantee. This question expresses doubt about whether the democratic constitutional state can renew the normative presuppositions of its own existence from out of its own resources. It also expresses the presumption that this state is dependent upon autochthonous world views or religious traditions—in any case, collectively binding ethical traditions. While, in the face of the “fact of pluralism” (Rawls), this would indeed bring a state obligated to world-view neutrality into trouble, this conclusion does not yet speak against the presumption itself.

I would first like to render the problem more specific in two respects. (1) In the cognitive respect, the doubt refers to the question whether political rule is, in view of the complete positivization of law, at all open to a secular, that is, non-religious or postmetaphysical, justification. (2) Even if such a legitimation is granted, doubts remain with respect to motivation about the issue of whether a society with pluralist worldviews may be stabilized normatively, that is, beyond a mere modus vivendi, by way of the supposition of an, at best, formal background consensus that is limited to procedures and principles. (3) Even if this
doubt can be removed, a liberal state remains dependent upon the solidarity of its citizens. The sources of this solidarity, however, can peter out as a result of a “derailed” secularization of society as a whole. This diagnosis cannot be dismissed, but it must not be understood in such a way that the educated among the defenders of religion can, so to speak, “capitalize” on it. (4) Instead, I will propose to understand cultural and societal secularization as a double learning process which forces the Enlightenment traditions as well as religious doctrines to become reflexive about their respective limits. (5) With regard to postsecular societies, we finally come to the question as to which cognitive attitudes and normative expectations the liberal state must demand \( zumuten \) of citizens with and without faith in their interaction with one another.

1

Political liberalism—which I defend in the special version of a Kantian republicanism—understands itself as a non-religious and postmetaphysical justification of the normative foundations of a democratic constitutional state. This theory belongs to a tradition of the law of reason \( \text{Vernunftrecht} \) which dispenses with the strong cosmological or soteriological assumptions of classical and religious doctrines of natural law. Of course, the history of Christian theology in the Middle Ages, in particular late Spanish Scholasticism, belongs to the genealogy of human rights. But in the end, the legitimating foundation of a state power that is neutral between world views derive from the profane sources of 17th and 18th century philosophy. Theology and church come to terms with the intellectual \( \text{geistige} \) challenges of the revolutionary constitutional state only much later. However, if my understanding is correct, Catholicism, which maintains a relaxed attitude toward the \( \text{lumen naturale} \), is not fundamentally opposed to an autonomous justification of morality and law, a justification independent of the truths of revelation.

In the 20th century, a post-Kantian justification of liberal constitutional principles did not have to confront the after-effects of objective natural law (as in a material value ethics) so much as the historicist and empiricist forms of critique. In my view, weak assumptions regarding the normative content of the communicative condition of socio-cultural forms of life suffice to defend a non-defeatist concept of reason against contextualism and a non-decisionist concept of the validity of law against legal positivism. The central task is to explain:

- Why the democratic process is considered \( \text{gilt} \) a procedure of legitimate law-making: in so far as it meets the conditions of an inclusive and discursive opinion- and will-formation, the democratic process justifies the presumption of the rational acceptability of the results; and
Why democracy and human rights are equiprimordially conjoined in the process of constitution-making: the legal institutionalization of the procedure of democratic law-making requires the simultaneous guarantee of political as well as liberal basic rights.3

The reference point of this strategy of justification is the constitution which the associated citizens grant themselves, and not the domestication of an existing state power, for the latter is first of all to be generated by way of democratic constitution-making. A “constituted” (and not only constitutionally tamed) state power is legalized down to its innermost core, so that law penetrates political power without remainder. Whereas the positivism of the will of the state, rooted in Imperial Germany [Kaiserreich] and advanced by the German school of state law (from Paul Laband and Georg Jellinek to Carl Schmitt), left a loophole for the non-legal ethical [rechtssfreie sittliche] substance “of the state” or “of the political,” there is no ruling subject, nourished by a prelegal substance, in the constitutional state.4 Of the preconstitutional sovereignty of the prince, no vacant site [Leerstelle] remains which would now have to be filled out—in the form of an ethos of a more or less homogenous people—by an equally substantial popular sovereignty.

In light of this problematic heritage, Böckenförde’s question has been understood as implying that a fully positivized constitutional order necessitates religion or some other “sustaining power” for the cognitive assurance of its foundations of validity. According to this reading, the validity claim of positive law is dependent upon a foundation in the prepolitical ethical convictions of religious or national communities because such a legal order cannot be legitimized self-referentially on the basis of democratically generated legal procedures alone. By contrast, if one conceptualizes the democratic procedure not positivistically, as Hans Kelsen and Niklas Luhmann do, and instead as a method for the generation of legitimacy from legality, no validity deficit to be filled out by “ethicality” [Sittlichkeit] arises. As opposed to the understanding of the constitutional state advanced by right-wing Hegelians [rechtshegelianisches Verständnis], the proceduralist conception inspired by Kant insists upon an autonomous justification of basic constitutional principles, a justification that claims to be rationally acceptable to all citizens.

In what follows, I will assume that the constitution of a liberal state can provide for its legitimation needs self-sufficiently, that is, from the cognitive stock of argumentation that is independent of religious and metaphysical traditions. Even with this premise, however, a doubt regarding motivation remains. For the normative, existential presuppositions of the democratic constitutional state
are more demanding with respect to the role of citizens who understand themselves as authors of the law, than with respect to the role of societal citizens who are the addressees of the law. Of the latter, it is merely expected that they not transgress legal limits in the pursuit of their subjective freedoms (and claims). As opposed to obedience to coercive laws of freedom, the situation is different with regard to the motivations and attitudes expected of citizens in the role of democratic co-legislators.

They should pursue their rights of communication and participation actively, and indeed not only in their correctly understood personal interest, but in orientation to the common good. This demands a more costly motivational effort that cannot be legally enforced. A duty of electoral participation would be as alien to the democratic state of law as prescribed solidarity. The willingness, in case of need, to stand in for alien co-citizens who remain anonymous, and to accept sacrifices in favour of general interests can only be suggested to citizens of a liberal society. That is why political virtues are essential for the existence of a democracy, even if they are “charged” in small change only. They are a matter of socialization and habituation to the practices and mentalities of a liberal political culture. The status of a citizen is, so to speak, embedded in a civil society which lives on spontaneous, if you will, “pre-political” sources.

It does not yet follow from this that the liberal state is unable to reproduce its motivational presuppositions on the basis of its own, secular inventory. Certainly, the motives for citizens’ participation in political opinion- and will-formation are nourished by ethical [ethischen] life projects and cultural forms of life. But democratic practices unfold their own political dynamic. Only a state with the rule of law [Rechtsstaat] but without democracy, to which we were used in Germany long enough, would suggest a negative response to Böckenförde’s question: “To what extent can a people united by a state live merely on the basis of guaranteeing the freedom of the individual, without a unifying tie that is prior to this freedom?”5 For the democratically constituted state of the rule of law does not only guarantee the negative liberties of societal citizens concerned about their own well-being. By means of the release of communicative freedoms, it also mobilizes the participation of citizens in the public debate about topics that concern all equally. The “unifying tie” whose absence is regretted is a democratic process, in which ultimately the right understanding of the constitution is open to discussion.

For instance, in the current debates about reforming the welfare state, immigration politics, the war in Iraq, and the abolition of coercive conscription, what is at issue are not just individual policies, but also the controversial interpretation of constitutional principles—and implicitly, what is at issue is the question as to how we want to understand ourselves as citizens of the Federal Republic as well as Europeans in light of the diversity of our cultural ways of life, the
pluralism of world views and religious convictions. Certainly, in historical retrospect, a common religious background, a common language, and, above all, a newly awakened national consciousness were helpful for the emergence of a highly abstract civic solidarity. But in the meantime, republican convictions have largely freed themselves from these pre-political anchorings—that we are not prepared to die “for Nice” is precisely no longer an objection to a European constitution. Recall the politico-ethical discourses about the Holocaust and mass criminality: for the citizens of the Federal Republic, they brought to awareness the constitution as an achievement. The example of a self-critical “politics of memory”—which is no longer exceptional, but rather widespread in other countries, too—illustrates how constitutional-patriotic ties form and renew themselves in the medium of politics itself.

Contrary to a widespread misunderstanding, “constitutional patriotism” means that citizens appropriate the principles of a constitution not solely in their abstract content, but rather from within the historical context of their own national history in its concrete meaning. If the moral contents of basic rights are supposed to gain a foothold in convictions, cognitive primacy does not suffice. Only for the integration of a constitutional society of world citizens [einer verfassten Weltbürgergesellschaft]—if it is to come about one day—would moral insight and the global agreement on moral indignation about massive violations of human rights suffice. Among members of a political community, solidarity—however abstract and legally mediated it may be—emerges only when principles of justice enter into the thicker web of cultural value orientations.

According to the foregoing considerations, the secular nature of the democratic constitutional state does not expose a weakness internal to the political system as such, which would jeopardize its self-stabilization in cognitive or motivational respects. This does not exclude external reasons. A derailing modernization of society as a whole could very well wear down the democratic tie and deplete the kind of solidarity on which the democratic state remains dependent without being able to legally enforce it. In such a case, precisely the constellation Böckenförde had in mind would obtain: the transformation of the citizens of affluent and peaceful liberal societies into solitary, self-interestedly acting monads who merely turn their subjective rights like weapons against one another. Evidence for such a crumbling of civic solidarity shows itself in the larger context of a politically uncontrolled global economy and global society.

Markets—which, as is well-known, cannot be democratized as state administrations can—increasingly assume steering functions in domains of life that
had previously been held together normatively, that is, either politically or by way of prepolitical forms of communication. Thereby, not only private spheres are increasingly switched over to mechanisms of success-oriented action that are oriented toward individual preferences: the area subject to the needs of public legitimation also shrinks. Civic privatism is reinforced by the discouraging loss of the function of a democratic opinion- and will-formation, which, until now, functions half-way only in national arenas, and hence, does not extend to the decision-making processes that have been displaced onto the supranational level. The dwindling hope for the political and formative power of the international community promotes the tendency to the depoliticization of citizens. In the face of conflicts and the crying social injustices of a highly fragmented global society, disappointment grows with every further failure on the path toward the constitutionalization of international law [Völkerrechts], a path that had initially been pursued after 1945.

Postmodern theories conceptualize the crises through a critique of reason, as the logical result of the program of a self-destructive intellectual [geistige] and societal rationalization, and not as a result of the selective utilization of the rational potential which is at least latent [angelegt] in Western modernity. To be sure, radical skepticism with regard to reason is foreign to the Catholic tradition from the beginning. But until the 1960s, Catholicism had a hard time with the secular thought of humanism, Enlightenment, and political liberalism. Thus, the theorem that a contrite modernity can only be helped out of its cul-de-sac through the religious orientation to a transcendent reference point, resonates well today again. In Teheran, a colleague asked me whether, from the viewpoint of a comparison of cultures and a sociology of religion, European secularization was the real Sonderweg in need of correction. The question recalls the mood of the Weimar Republic; it recalls Carl Schmitt, Heidegger, or Leo Strauss.

I think it is better not to dramatically heighten, in the manner of a critique of reason, the question as to whether an ambivalent modernity will stabilize itself from out of the secular powers of a communicative reason. Instead, the question should be treated undramatically as an open empirical question. I do not wish here to bring into play the phenomenon of the continued existence of religion in an environment of continuing secularization as a mere social fact. Philosophy has to take this phenomenon seriously, from the inside, as it were, as a cognitive challenge. Before I follow this path of the discussion, however, I want to mention a path of the dialogue that also suggests itself, but that takes us in a different direction. By way of the pull toward the radicalization of the critique of reason, philosophy has allowed itself to be moved to a self-reflection upon its own religious-metaphysical origins, and to get involved in conversations with a theology that itself looked for a connection with philosophical attempts at the post-Hegelian self-reflection of reason.6
Excursus

The point of contact for the philosophical discourse about reason and revelation is a perpetually recurring figure of thought: the reason that reflects upon its deepest ground discovers its origin in an alterity, whose fate-like power it has to recognize if it is not to lose its rational orientation in the cul-de-sac of hybrid self-possession. The exercise of a conversion of reason through reason, a turning-around accomplished, or at least initiated, through its own power, serves as the model here—no matter whether reflection, as in Schleiermacher, starts with the knowing and acting subject, or, as in Kierkegaard, with the historicity of an always individual existential self-assurance, or, as in Hegel, Feuerbach, and Marx, with the provocative fragmentation of ethical relations. Without an initially theological goal, a reason that becomes aware of its limits transcends itself toward some alterity: be it toward the mystical fusion with a cosmically comprehensive consciousness, the despairing hope for the historical event of the redeeming message, or in the form of progressive solidarity with the downtrodden and offended, a solidarity that wishes to accelerate messianic salvation. These anonymous gods of post-Hegelian metaphysics—a comprehensive consciousness, an event that could not be anticipated \( \text{[das unvordenkliche Ereignis]} \), a non-alienated society—are easy prey for theology. They offer themselves to be deciphered as pseudonyms for the trinity of a personal God imparting himself.

These attempts at a renewal of philosophical theology after Hegel are still more attractive than the Nietzscheanism which merely borrows the Christian connotations of hearing and listening, devotion and the expectation of grace, arrival and event in order to recall a propositionally denucleated \( \text{[entkerntes]} \) thinking back beyond Christ and Socrates into the indeterminately archaic. By contrast, a philosophy conscious of its fallibility and its fragile position in the differentiated framework of modern society insists upon the generic but not pejoratively intended distinction between secular speech, which claims to be publicly accessible, and religious speech, which is dependent upon the truths of revelation. As opposed to Kant and Hegel, this drawing of a grammatical limit is not connected with the philosophical claim to determine by itself which contents of religious traditions—beyond the societally institutionalized mundane knowledge \( \text{[Weltwissen]} \)—are true or false. The respect that goes along with this restraint in cognitive judgment is based upon the respect for persons and ways of life which openly draw their integrity and authenticity from religious convictions. But respect is not all: philosophy has reason to display a willingness to learn from religious traditions.

In contrast to the ethical abstinence of postmetaphysical thinking, which cannot be committed to any generally obligatory concept of the good and exemplary
life, holy scriptures and religious traditions articulate—as well as spelling out in subtle ways and hermeneutically keeping awake over thousand of years—intuitions about misconduct or failure [Verfehlung] and redemption, about the saving exit from a life experienced as being without salvation [heillos]. That is why, in the life of a religious congregation or community—as long as it avoids dogmatism and an enforced conscience—something may stay alive which has been lost elsewhere, and which cannot be reconstituted through the professional knowledge of experts alone: what I mean are sufficiently differentiated powers of expression and sensibilities for a failed life [verfehltes Leben], for societal pathologies, for the failure of individual projects of life and the deformation of disfigured life contexts. Philosophy’s willingness to learn from religion may be justified on the basis of the asymmetry of epistemic claims; to be sure, not for functional reasons, but—reminiscent of successful “Hegelian” learning processes—for reasons of content.

The reciprocal interpenetration of Christianity and Greek metaphysics not only generated the intellectual form [geistige Gestalt] of theological dogmatism and a Hellenization of Christianity, which is not beneficial in every respect. It also promoted philosophy’s appropriation of genuinely Christian content. This work of appropriation crystallized in strongly charged, normative conceptual networks, such as responsibility, autonomy and justification, history and memory, beginning anew, innovation and return, emancipation and fulfillment, externalization, internalization and incorporation, individuality and community. This work indeed transformed the originally religious meaning, but it did not deflate and expend in such a way as to empty it out. The translation of the human likeness to God [Gottesebenbildlichkeit] into the equal dignity of all humans, a dignity to be respected unconditionally, is such a saving translation. It captures the content of biblical concepts for the general public of non-believers and people of a different faith, beyond the boundaries of a religious community. Benjamin was one of those who at times succeeded in such translations.

On the basis of this experience of the secularizing releasement of religiously encapsulated meaning potentials, we can give Böckenförde’s theorem an innocuous meaning. I mentioned the diagnosis according to which modernity’s balance between the three big media of societal integration becomes endangered, because markets and administrative power drive out societal solidarity—that is, action coordination by way of values, norms, and the use of language oriented toward understanding—from more and more areas of life. Thus, it is also in the ownmost interest of the constitutional state to treat sparingly all those sources from which the normative consciousness and the solidarity of citizens springs. This consciousness which has become conservative is reflected in talk of a “postsecular society.”

The phrase does not only refer to the fact that religion maintains itself in an increasingly secular environment, and that society for now expects the
continuing survival of religious communities. The expression “postsecular” also
does not only express to religious communities public recognition for the func-
tional contribution they accomplish for the reproduction of desired motives
and attitudes. Rather, the public consciousness of a postsecular society reflects
a normative insight which has consequences for the political relation between
believing and non-believing citizens. In postsecular societies, the insight prevails
that the “modernization of public consciousness” captures religious and secular
[weltliche] mentalities in different phases and reflexively alters them. If they
conceive of the secularization of society in common as a complementary learn-
ing process, both sides can then reciprocally take seriously, for cognitive reasons,
their contributions to controversial topics in the public sphere.

On the one hand, religious consciousness was forced to adapt itself. Every reli-
gion is originally a “world view” or a “comprehensive doctrine,” in the sense
that it claims authority to structure a form of life as a whole. Religion had to
surrender this claim on the monopoly of interpretation and comprehensive
formation of life under conditions of the secularization of knowledge, the neu-
tralization of state power, and the generalized freedom of religion. Along with
the functional differentiation of societal subsystems, the life of a religious com-
community also separates itself from its social environment. The role of the member
of a congregation differentiates itself from the role of a societal citizen. And
since the liberal state depends on a political integration of citizens that goes
beyond a mere modus vivendi, this differentiation of memberships may not be
exhausted by a cognitively unsophisticated adaptation of the religious ethos to
imposed laws of secular society. Rather, the universalist order of law and the
egalitarian morality of society must connect from within with the congrega-
tional ethos in such a way that one emerges consistently from the other. For
this “embedding,” John Rawls chose the image of a module: this module of
secular justice is supposed to fit into the different orthodox contexts of justifi-
cation, despite the fact that the former is constructed on the basis of reasons
neutral between world views.

This normative expectation with which the liberal state confronts religious
congregations meets with their own interest in so far as, for them, the possibility
opens up in this way to exert their own influence via the political public sphere
on society as a whole. To be sure, the resulting costs of tolerance, as the more or
less liberal regulation of abortion shows, are not divided symmetrically among
believers and non-believers; but secular consciousness as well does not enjoy
without cost the negative freedom of religion. It is expected to practice self-
reflexive interaction with the limits of the Enlightenment. The understanding
of tolerance in pluralistic societies with liberal constitutions does not only
demand of believers, in their interaction with non-believers and those who hold a different faith, the insight that they have to reasonably count with the continuing existence of dissension. On the other side, the same insight is demanded of non-believers in interaction with believers within the context of a liberal political culture.

For religiously uninspired citizens, this implies the task, by no means trivial, to define the relationship between knowledge and belief from the perspective of mundane knowledge in a self-critical way. For the expectation of a continuing non-agreement of belief and knowledge in fact only earns the predicate “rational” when religious convictions are granted, even from the perspective of secular knowledge, an epistemic status that is not irrational as such. In the political public sphere, naturalistic world views, which owe themselves to a speculative processing of scientific information and are relevant to the ethical self-understanding of citizens, thus in no way enjoy a prima facie priority over competing world-view or religious conceptions.

The world-view neutrality of state power, which guarantees equal ethical liberties for every citizen, is incompatible with the political generalization of a secularist world view. Secularized citizens, insofar as they are acting in their role as citizens of a state, should neither deny a truth potential to religious world views as a matter of principle, nor dispute the right of believing fellow citizens to make contributions to public discussions in religious language. A liberal political culture can even expect of its secularized citizens that they participate in efforts to translate contributions from the religious language into the publicly accessible one.

Notes