

Unit D 17: The modern liberal and secular State

1. Summary

The question arises whether the criterion of democracy is necessary in order to speak of a modern state. In this context, it is necessary to define what is actually meant by democracy. Does it require a conflict between different political poles or not? If it is true that the liberal state is a secular state, the question must also be answered as to what "secular" or "secularism" actually means.

2. The Liberal State

In contrast to theocratic understandings of the state, which focus on a social order revealed by God and a reference to the divine, the liberal state sees itself as a state order that focuses on man as an individual subject. "Liberalism understands human beings as individuals and relationships" (Aregay 2014:13), seeing human beings dialogically, that is, as a human communication community of individuals. In doing so, in the eyes of liberalism, all authority must be questioned and legitimized before the individual. For the moment, it is irrelevant that the liberal, secular state is built on values that it did not generate or develop itself, as, for example, the former German constitutional judge Böckenförde said (for a detailed discussion of the so-called Böckenförde dictum, cf. ► Unit D 18: "State and Religion Today," chapter 2.4.1).

This raises the question of whether democracy can and should be considered a criterion for statehood. In the "Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union" of 16.12.1991 of the (then) European Community, democracy, rule of law, guarantee of human rights and protection of minorities, among other things, were demanded as criteria for the recognition of new states (cf. Leidenmühler 2011:128). However, this understanding of the state and statehood goes much further than the legal understanding of the state that has prevailed in most places. One reason for this may be that the "Guidelines" had a strongly normative character, which from an ideological and political

perspective could also be understood as an unjustified intervention in the internal organization of a state.

But other institutions also made more far-reaching and in part normative demands on states. For example, only "peace-loving states" can be admitted to the United Nations according to Art. 4 para. 1 UNC (cf. Leidenmühler 2011:141).

But what does "democracy" actually mean?

2.1 Democracy

In his Gettysburg Address, a short speech on American democracy, Abraham Lincoln described democracy in 1863 as "government of the people, by the people and for the people" (cf. Salzborn 2012:9). The people form the basis of legitimacy ("government of..."), exercise rule themselves ("government by...") and use representative democracy ("government for...").

Because "democracy" can mean many things, Giovanni Sartori (2006:210) has defined democracy negatively: According to this, democracy is a "system in which no one can choose himself, no one can confer on himself the power to govern, and therefore no one can arrogate to himself unconditional and unrestricted power" (Sartori 206:210, see also Salzborn 2012:8).

Even in modern, liberal states, the question arises as to what is meant by "democracy."

According to Gamper (2010:190/191), "democracy is that form of government which characterizes the substantive constitutional state and which is closely linked to the other constitutional achievements - separation of powers, rule of law, and fundamental rights." In this context, popular sovereignty - i.e., the rule of the people - is not exercised in the streets by the mob, but transformed into a constituent, i.e., a basic constitutional order (cf. Gamper 2010:191).

In this context, Anna Gamper (2010:193) distinguishes three types or categories of democracy: first, direct (plebiscitary) democracy, second, semi-direct (semi-direct) democracy, and indirect (representative) democracy. The latter is also referred to as parliamentary democracy. Direct democratic decisions can be made at the ballot box (referendums) or at meetings of the citizenry (e.g., municipal assemblies) (for a detailed discussion of the different forms of democracy, cf. ► Unit D 15: "Human Rights, Fundamental Rights, and the Constitutional State").

Otfried Höffe (2004:98-102) has listed six counterarguments to direct democracy, which I briefly reproduce below. Höffe (2004:98) rightly notes, however, that some pro-arguments can also be derived from them: First, direct democracy is an "assembly democracy," which is why it is not suitable for large states, if only because of the number of people involved. However, it should be pointed out that there are also direct democratic methods - such as the ballot box vote on substantive issues - which function independently of the number of people involved. Second - rather a consequence of corresponding historical experiences, such as Germany's before World War II - there would be a "premium for demagogy" in direct democracy. Unfortunately, this has to be taken seriously in view of some recent votes in Switzerland - e.g. the minaret initiative in 2009 or the mass immigration initiative in 2014. This can only be avoided if the voting population is sufficiently informed and can also reflect on complex contexts. Third, direct democracy tends to be hostile to reform. Historically, this has certainly often been true, as shown, for example, by the many attempts in Switzerland to introduce women's suffrage. However, once reforms have been introduced, they are usually more sustainable and more broadly supported than if they were decided only by a government or a parliament. Fourth, direct democracy is unsuitable for complex contexts. The same applies here as to the second argument: Good information and education can significantly improve the ability to reflect in a differentiated manner. Fifth, the advantage of representative democracy, according to which the responsibility of elected officials can be demanded, is lost in direct democracy. The fact is, however, that in a direct democracy this responsibility can be demanded in exactly the same way, in that certain representatives are no longer elected or are even voted out of office - which has already been the case several times even in Switzerland's national government, the Federal Council. Sixthly, democracy represents a "structural irregularity". It is certainly true that direct democracy tends to

relativize the power of the administration and the courts. But this can also be seen as positive. However, the real problem - in Switzerland, for example - is that there is no administrative jurisdiction at the federal level, which is why populist parties can introduce the most nonsensical provisions into the constitution - even if they are contrary to fundamental rights. However, this is not an objection to the direct democratic system per se, but rather a criticism of the poorly developed constitutional jurisdiction.

Political scientist Chantal Mouffe (2007:20) has distinguished two main liberal "paradigms": an "aggregative" model of liberalism that attempts to reach a compromise between the various, conflicting forces in society. The other model of liberalism, Mouffe (2007:20) calls it "deliberative paradigm," whose main representative is Jürgen Habermas.

Against liberal theorists and against Habermas, Mouffe (2007:22) takes the position that "the specificity of democratic politics lies not in overcoming the we-they opposition, but in the specific way in which it is established. Democracy requires a form of we-they distinction that is compatible with the recognition of the pluralism that is constitutive of modern democracy" (Mouffe 2007:22). Somewhat casually put, then, Mouffe is not concerned with a consensus across opposites but with regulatory mechanisms for generating and preserving political oppositions. Mouffe (2007:24) argues that in order to create political "we-identities," "they-identities" or, in other words, "friend-enemy" or "-relationships" are necessarily needed. Mouffe (2007:25) calls the "we-they distinction" a "conditio sine qua non of the formation of political identities" (Mouffe 2007:25).

Or, in the words of Carl Schmitt, "The concepts of friend and foe are to be taken in their concrete, existential sense, not as metaphors or symbols, not mixed and attenuated by economic, moral, and other conceptions... They are not normative and not 'purely intellectual' opposites" (Schmitt 1932:15). Thus, Schmitt (1932:17) already considered political antagonisms and antagonisms-what he called the "most intense and extreme" antagonisms-within a state to be constitutive of the concept of the political. Drawing on this, Mouffe (2014:12) formulated the "core thesis of 'agonistic pluralism'" according to which "a central task of democratic politics ... [was] to provide for institutions that open up the possibility of conflicts taking on an 'agonistic' form, in which the opponents are not

opponents but opponents between whom there is a conflictual consensus." In this way, she had wanted to show specifically "that a democratic order is conceivable even if one starts from the thesis of the ineradicability of antagonism" (Mouffe 2014:12). However, it should be countered that antagonism usually consists precisely in the fact that totalitarian movements reject the democratic order as such, which prevents them from being integrated into the democratic system. If this happens, these movements are no longer antagonistic to the democratic system - and their integration into this system is unnecessary, because it has already taken place.

Just as Mouffe does today (e.g., 2007:17ff.), Schmitt (1932:55ff.) already held that the liberalism of the 19th and 20th centuries "denatured all political conceptions in a peculiar and systematic way ..." (Schmitt 1932:55). Any consistent individualism, he argues, inevitably leads to a negation of the political, but never to a positive theory of the state and politics of its own (cf. Schmitt 1932:56). A kind of liberalism had prevailed that turned people into a mass of consumers, controlled them culturally and economically, and "subjected state and politics partly to an individualistic and therefore private-legal morality, partly to economic categories ... [and] deprived them of their specific meaning ... [of]" (Schmitt 1932:58/59). Although this description seems astonishingly topical from today's perspective, Schmitt, too, cannot answer the question - or does not even pose it - why political actors within the state should need specific, opposing enemy images in each case. However, it must be kept in mind that Schmitt was very close to National Socialism, as the following quotation shows: "In view of the fundamental importance of the idea of the Führer, it becomes all the more necessary to clearly distinguish the core concept of National Socialist constitutional law, the concept of leadership, from a theoretical point of view as well, and to safeguard its specific nature. ... It is well known that it belongs to consistent liberal democracy to see the ideal in political leaderlessness" (Schmitt 1933:36). Schmitt accuses the jurists of "liberal democracy" "that for a century an entire system of specific conceptualizations has been working on this eradication of the idea of the leader, and that the levers of such concepts are applied above all there, so that they must have a politically destructive and downright annihilating effect" (Schmitt 1933:36). At the same time - according to Schmitt (1933:43) - "Artgleichheit des in sich einigen deutschen Volkes ... für den Begriff der politischen Führung des deutschen Volkes die unumgänglichste Voraussetzung und Grundlage" (Schmitt 1933:42), whereby

Schmitt explicitly refers to the "ravishing speeches" and to the "tremendous final speech of the Führer" at the German Jurists' Day in Leipzig in 1933, in which "the thought of race" had stood. While Mouffe (2007:18) cites Carl Schmitt's "questioning of liberalism" as the most radical, she nonetheless draws on his concept of the political as the basis for her critique of liberalism.

Mouffe (2014:24) writes of the dimension of the political: "The denial of the 'political' in its antagonistic dimension, I argue, is what makes it impossible for liberal theory to develop an adequate political model. One cannot make the political in its antagonistic dimension disappear by simply denying it or wishing it away. This is the typical liberal gesture, but this denial merely results in that impotence that characterizes liberal thought when confronted with antagonisms and demands for violence" (Mouffe 2014:24). Therein lies liberalism's inability "to grasp the nature and cause of the new antagonisms..." (Mouffe 2014:24). It should be noted, however, that on the one hand Mouffe's critique only applies to certain - apolitical or non-political - forms of liberalism, and on the other hand Mouffe's "agonistic" model propagated by Mouffe ultimately does exactly the same thing that she accuses liberalism of doing, namely that it transforms the antagonistic - i.e., incompatible with democracy - positions of these movements into positions that can be compromised and thus conform to democracy, ultimately "depoliticizing" these movements. Mouffe (2014:29) writes in this regard that "from an agonistic perspective ... the central category of democratic politics [is] the category of the 'adversary,' the opponent, with whom one shares fundamental democratic principles such as the ideal of 'universal freedom and equality,' but on whose interpretation one disagrees." But the real problem of democratic states is not such opponents who share basic democratic values, but those opponents who do not accept these basic values, such as jihadists or other radical movements.

Furthermore, Chantal Mouffe polemicizes against "cosmopolitan" approaches, which she accuses of overlooking the agonistic character of the political. She speaks of a "dream of a cosmopolitan future" that consists in the "negation of the 'political'" (Mouffe 2007:118). According to Mouffe, "the central problem with the various versions of cosmopolitanism is that they all take for granted the possibility of consensual governance that would leave

behind the political as well as conflict and negativity. The cosmopolitan project must therefore deny the hegemonic dimension of politics."

As this passage clearly shows, Mouffe's basic problem is that she reduces "the political" to an ideological conflictology. The contrast between "cosmopolitics" and Mouffe's "agonistics" is not that Mouffe (2007:118) recognizes "the profoundly pluralistic character of the world" and "argues for the creation of a multipolar world order" (Mouffe 2007: 119) - as Mouffe thinks - but in the fact that, in contrast to Mouffe's understanding of the political, politics consists of conflicts as well as consensus - or, in other words, that politics represents the constant attempt to find factual consensus decisions without thereby negating ideological, religious, economic, or political conflicts. This is also what liberalism does, which is why Mouffe's attack on liberalism misses the point. The problem with liberalism is not its apolitical attitude, but its one-sided fixation on market-political and economic aspects - a criticism that Mouffe also makes. The underlying problem is the fact that (post-)modern liberalism has given up questioning and rethinking the economic system as such - in contrast to the ordoliberalism of the 1950s (see, e.g., Eucken 2004). In contrast, many liberals today limit themselves to calling for the dismantling of state regulatory mechanisms-and in some, but vanishingly few, cases, for their expansion.

Benward Gesang (2016:104) has pointed out that democracy may be compelled, or at least induced, to make wrong decisions by its obligation to its constituents: "Strictly speaking, democracy is even immoral if it is defined by its obligation to a demos, the people of the state" (Gesang 2016:104). Although it is disputed in democratic theory whether democracy is defined in this way, the obligation to the "good of the people" at least leaves open the question whether only the people living right now, but not future generations, belong to the "people", whether democracy has no responsibility towards other living beings and towards nature. In addition, the nation-state democracies are only obliged to "their" citizens - not even to all the people living on their territories. Globally, there is still a glaring inequality between poor and rich countries, and both hegemonic world politics and the "systematic fading out of the 'Third World'" (Gesang 2016:104) are also extremely problematic in terms of (world) democracy. Conclusion: "Actually, one needed a world government that impartially considers all interests of the present and future world population of humans and

animals in order to do justice to the postulates of morality" (Gesang 2016:105. For a detailed discussion of the world state, cf. ► Unit D43: "The Missing World State").

Mouffe (2007:139) insinuates to the idea of a democratic world state - wrongly, in my opinion - that such a politics "overlooks the fact that any order is **necessarily** a hegemonic order, since power relations are constitutive of the social. To believe in the possibility of a cosmopolitan democracy with cosmopolitan citizens having the same rights and duties, in an electorate that would coincide with 'humanity,' is a dangerous illusion" (Mouffe 2007:139/140). If this were to be the case, however, Mouffe would also have to consider centrally organized, large nation-states such as the United States or France as illusionary, because the same problematic exists there as well. For these too are hegemonic, and doubly so: internally vis-à-vis domestic minorities and externally vis-à-vis other, smaller states. It is precisely the task and the goal of democratic state organization to control this hegemony, to limit it to what is necessary and, if necessary, to counteract it.

Two aspects are crucial in the liberal understanding of the state: first, each individual person contributes his or her personal, socio-cultural, ideological, and political identity, and second, each liberal state represents a palette of multiplicity, "because the choice of genuine alternatives is what makes the person a person in the first place and what gives persons genuine alternatives to choose from" (Aregey 2014:21).

Thus, the liberal state is not a monolithic but a pluralistic state-which is both its strength and its weakness. The liberal state often appears weak because, seen from the outside, it lacks unity and uniformity; in contrast, the liberal state is strong precisely in its diversity because it does not need to rely on minority oppression (that it sometimes does so nonetheless is another story). In contrast, ethnically or ideologically uniform, one-dimensional or homomorphic [= "uniform", i.e. not pluralistic] states are dependent on fighting deviating ethnicities, worldviews, religions or ways of life, because otherwise these states lose their basis and raison d'être, and deviating ethnicities, worldviews, religions or ways of life appear as possible alternatives to the state ideology.

Thus, while tolerance optimization is inherent in liberalism, ethnically or ideologically homomorphic states have tolerance minimization or even tolerance prohibition. To put it somewhat exaggeratedly, ethnically or ideologically homomorphic - i.e. ultimately totalitarian - states cause their own downfall themselves by driving their opponents into opposition through repression and making them strong in the long run. This can be demonstrated by thousands of examples. Oppressed ethnic groups or ideological as well as political groups have in the vast majority of cases turned against their oppressors at a later stage - which often led to civil wars, social or political conflicts or to the reversal of totalitarianism fascist states became communist after World War II, formerly communist states became more or less conservative-authoritarian after the fall of communism (e.g. Hungary) etc.

For the liberal state, on the other hand, the problem arises that the common idea of the state always remains vague and even threatens to dissolve at certain times. To deal with multiplicity, the liberal state needs concepts that it finds in human dignity, in the human rights to which all people are entitled, in personal, individual freedoms, and in individual autonomy.

Not without reason, Aregey (2014:39) writes: "The main characteristic of the liberal order is discontinuity, which puts all parties concerned in the state in which they themselves become creative. The liberal order is purpose-driven and exists only as long as people can identify with it." In this process, upheavals and discontinuities occur again and again, even in liberal state orders. The difference to totalitarian states, however, is that the liberal state is usually much more adaptable and open to change than totalitarian states, whose governments are often overthrown in such cases.

Recently, it has become fashionable - for example in Turkey or Russia - to suspend basic democratic rights in the name of democracy. Martin Booms (in *Neue Zürcher Zeitung*, 29.8.2016:8) writes: "New and at the same time disturbing is ... the fact that the well-known struggle of the autocratic spirit against the democratic one is now itself being waged in the name of democracy, indeed wants to be understood as a crusade for the preservation of democracy, while conversely precisely the representatives of the established democracies

are denounced as 'traitors to the people', as system-immanent putschists and autocrats, and collectively placed under the verdict of hostility to democracy." There is only one solution against such tendencies: clarity about the fact that democracy can only function under the preservation and guarantee of all fundamental rights - and can only be legitimized from the assurance of the same fundamental rights for all.

Aregay (2014:39) sees the unifying force that holds a liberal order together as the "ongoing consensus of all participants on common values and principles." This requires a common will ("will principle"). However, this would have to be countered by the fact that every state and every understanding of the state is based on common values - for example, on religious values ("Islamic state"), on socialist ("socialist" or "communist" state) or conservative values. However, unlike other value concepts, liberal values are based on the idea of (individual) equality, (individual) freedom and the ideological neutrality of the state.

It is true that every state lives on the trust of its citizens - or, as Max Weber once put it, rule is only possible with the consent of the ruled to rule by the rulers. However, the liberal state refrains from using (excessive) means of repression, which is why it is even more dependent on the trust of its citizens than other state models (cf. also Aregay 2014:42). Or, in the words of Aregay (2014:45), "The liberal state must thus manage the balancing act between guaranteeing security and protection with a view to the functioning of public order and ensuring individual and social upheavals as a consequence of individual autonomy."

Udo di Fabio (2015:15/16) formulated the following principles for a democratic view of Western states in his essay "Wavering West."

- A comprehensive normative, fundamental view of humanity and the world based on the dignity and self-determined freedom of the individual;
- Openness and plasticity of social conditions as an ideal orientation;
- Faith in progress;
- Trust in self-organizing and expansive forces of individuals and associations;
- Existence of interlocking social subsystems such as economy/market, science, law, politics and education) with a high degree of autonomy;

- Mobile, achievement-motivated lifestyle, combined with consumer orientation and libertarian freedom of movement and corresponding behavioral structures.

In this context, today's - Western and beyond - social reality is divided into autonomous functional spheres organized according to the principle of functional differentiation. This requires - according to Di Fabio (2015:37) - a "reasonable (for politics and the market mutually compatible) regulatory framework", whereby property-based market on the one hand and political, democratically legitimized power on the other hand are in a constant flow equilibrium, but also in a permanent mutual balancing process. This tension is always confronted with the possible loss of personal freedom, which is - or should be - protected by fundamental rights. This is not least against institutional autonomy and the restrictions on individual freedoms it imposes. Examples include (limited) collective bargaining autonomy, freedom of profession and trade and corresponding professional and commercial regulatory mechanisms, property rights and expropriation claims by the state, labor law standards, etc. In this context, Di Fabio (2015:39) draws the following conclusion: "Democracy and the market belong structurally coupled together - that is, at a defined distance from each other. In their fundamental operations, they must remain separate despite all their proximity, otherwise there is a risk of politically induced bureaucratization of the economy or, conversely, of bought politics. Time and again, there have been attempts to organize the market economy in a politically authoritarian manner, and there are attempts to do so again today. But anyone who wants to avoid performance losses must make concessions to the autonomy of the market and thus relativizes his claim to political power. And - one would have to add - an authoritarian market economy lacks the political corrective in the long run to correct undesirable developments or social polarization through the free behavior of consumers and citizens.

Thus, democratic societies go far beyond liberal understandings of the state and state structures. However, the question arises whether the liberal state actually "penetrate[s] public space in such a way ... that social upheavals can be tolerated," as Aregay (2014:45) suggests: on the one hand, social upheavals can be directed precisely against the state itself - for example, when it is appropriated by a certain group - and on the other hand, a "penetration of public space" of any kind can never manage that at all: It is enough if the

state manages to ensure confidence in its presence and in its monopoly of power, and thus in its reliability. Repression of any kind should only ever be a state of exception - otherwise something is fundamentally wrong.

Aregay's (2014:50) argument becomes completely problematic when he sees "homogeneity" as the "hallmark of public space and the associated influence of the state on society." Public space should precisely not be homogeneous, but diverse - otherwise it amounts to ethnic, cultural or ideological appropriation of public space, which is always a hallmark of totalitarian states. It is not the public space that should be homogeneous, but the rules that apply to all actors who are active in the public space - and also in the private sphere! - must be equal, transparent and comprehensible, with the ever-present possibility of changing these rules. If anything, it is about a "communicative equality" rather than a "homogeneity of public space." Indeed, Aregay (2014:50) himself writes: "The more homogeneous the public space, the stronger the state." And the goal of liberalism is an optimization of individual freedom and autonomy, and precisely not the construction of a strong state. It is not true-as Aregay (2014:51) suggests-that "liberalism ... does not [oppose] a strong state." After all, all liberties were originally - whether in the form of human rights or the fundamental rights in constitutions - defensive rights of the individual against state encroachment.

At the same time, every liberal state must beware - as Jörg Paul Müller (in Neue Luzerner Zeitung of 27.9.2014) opined - of sliding into absolutism if elementary achievements such as the separation of powers, fundamental rights and proportionality are disregarded.

2.2 On the Terms "Secular," "Secularism," and "Secular State"

Communitarian Charles Taylor (2010:8) described secularism not so much as the separation of state and religion, but - almost euphorically - as "the democratic state's (proper) response to diversity." According to Taylor (2010:8), secularism is about "1) protecting people in their attitudes toward the world they have chosen or grown up with, whatever those attitudes may be, 2) giving people equal treatment independent of their attitudes, and 3) giving them all a voice" (Taylor 2010:8).

Taylor (2010:6) suggests that there are no "timeless" secularist principles or tenets-Taylor (2010:14) even speaks of a "fetishization of outmoded secular orders" with regard to modern democracies. In doing so, the secular state is "frequently confronted with difficult conflicts and dilemmas between our fundamental objectives" (Taylor 2010:6/7).

Following Charles Taylor (see Taylor 2007:1-22 as well as Taylor 2011:34/35), Nader Hashemi (2009:106) has formulated three types of secularism:

- Secularism 1 refers to the withdrawal of religion from the public sphere, which is manifested as a decreasing influence of religion(s) in people's everyday lives and an increasing separation of church and state in the public sphere;
- Secularity 2 refers to the decline of religious belief and practices, as evidenced in the West by, for example, less frequent attendance at religious services; and
- Secularity 3 refers to the (individual) self-understanding of each individual and the proliferation of alternative, competing belief and worldview systems.

Secularization from the perspective of the secularization thesis.

"Secularization is the process of losing the social significance of religion in modernizing societies."

Source: Pickel 2011:138.

From today's perspective, however, the secularization thesis must be countered by the fact that in many - even modern states - there has been a revival of traditional religious ideas that extend to militant and rigorist religious movements (e.g., jihadism). It is an open question whether these religious revivals are to be understood as a last rebellion against secularism or, conversely, as the end of the secularization process - for example, in Muslim countries in the Middle East.

The well-known religious scholar José Casanova is also known to have spoken out not only against the secularization theory - which he saw as being countered by the revival of religions (cf. Pickel 2011:264) - but also against the individualization and privatization thesis- that is, the assumption that religion is increasingly individualized and only practiced privately (cf. Casanova 2009:85-89). Casanova saw both as merely sub-theses of the secularization theory. Casanova (2009:30) reversed the line of vision, so to speak: In his view, "the return

of religion ... in the European public sphere ... is a contested issue ... [and] a challenge to European secularism and to European secular identities" (Casanova 2009:30).

According to Casanova (2009:18), "the separation of church and state ... became and becomes politically necessary for a democracy when an established religion claims a monopoly on the territory of the state, obstructing the free exercise of religion and undermining the equal rights of all citizens" (Casanova 2009:18). This is certainly true, except that the claim to a monopoly can also come from a small group or new religious movement, such as the Scientologists in individual cities in the United States or the jihadists in Iraq.

It should not be forgotten, however, that secularization was historically Europe's political response to decades of religious wars, so it was not just a question of a religious monopoly, but of the assertion of political hegemony by various religious or denominational groups. Casanova (2009:85) has pointed out the paradox that "the secular" first emerged as a theological category within Western Christianity, while the modern counter term "the religious" is a product of secular modernism discourse. This could mean that "the secular" represents a religious bogeyman and "the religious" in secular bogeyman - or at least the corresponding external view in each case.

However one defines secularism and however one stands on secularization, there is no doubt that secular developments are also an expression of increasingly complex societies and state institutions. However, this also applies to its opposite, namely religionist counter-movements. While secularist developments cover a very broad social sphere, the concept of the secular state focuses on the (political) distribution and sharing of power. Various social subsystems are involved in this power system, i.e., in the legitimacy and domination relations in bourgeois society - including religions.

2.3 Democracy without core values is not democracy

It is crucial that democracy not only be understood as the "dictates of the majority," i.e., a kind of numerical ratio of a majority against a minority, but also as the expression of central fundamental values. These consist essentially of the human rights guaranteed by the

constitution (i.e., the basic constitutional rights), the idea of mutual tolerance and respect of all groups and individuals, the will and commitment to the common good, and the autonomy and self-governance of the political order: "If democracy is detached from its value basis, from which it derives its substance in the first place, and if it is reduced to the majority principle, which is always only instrumental, it loses its value: A mere 'more' is not automatically better, even in a correctly understood democracy" (Booms in *Neue Zürcher Zeitung*, 29. 8.2016:8).

Maximilian Zech (in *Neue Zürcher Zeitung*, 12.9.2016:29) has pointed out a double dilemma of the democratic state: On the one hand, there have been and still are repeated attempts to abolish democracy itself by democratic means - such as referendums or elections. In 1933, for example, Hitler and the NSDAP managed within a few months to abolish the (democratic) Weimar Republic via enabling laws through a parliamentary vote - a completely power-conforming way for Hitler to come to power (cf. Zech in *Neue Zürcher Zeitung*, 12.9.2016:29). On the other hand - and this is the second dilemma - democracy in recent years in the U.S. and in Europe has increasingly moved to protect itself with undemocratic means - such as the restriction of civil rights through surveillance, massive collection of data on its own citizens, police repression, and so on. This may seem legitimate, but it does not change the fact that terrorists thereby achieve exactly what they want: an abolition of the democratic state.

This leads to two conclusions: First, it is essential that the majority of the population stand behind democracy and actively support it. Hans Kelsen wrote as early as 1932: "A democracy that tries to assert itself against the will of the majority, even tries to assert itself by force, has ceased to be a democracy. ... Anyone who is in favor of democracy must not allow himself to become entangled in the fatal contradiction and resort to dictatorship in order to save democracy" (quoted by Zech in *Neue Zürcher Zeitung*, 12.9.2016:29). On the other hand, there is a need for a broad social discourse on what is meant by democracy, fundamental and human rights and how these can be guaranteed in the long term - even against short-term, populist majority decisions - e.g. in the form of referendums or parliamentary resolutions that violate or even suspend precisely this democracy and fundamental rights.

Gesang (2016:105) has also suggested that "in order to reduce the latent immorality of de facto national democracy ... at least add the future generations of a state's people to the demos and include their perspective." The question, however, is how this would have to be done practically. Perhaps a separate (third) chamber of parliament could be created, in which representatives of the interests of future generations and, if need be, advocates of nature would be elected, who - like the rest of parliament - would also have to approve any political deal for it to be adopted. Gesang (2016:113) suggests electing scientists, artists, literary figures, and journalists to such "future councils." It would be important, however, that they are not primarily "well-known" personalities-as Gesang 2016:113 suggests-but innovative people, lateral thinkers, and responsible individuals, preferably free of ideological baggage or partisan interests.

3. Control Questions

1. What does the liberal state, in contrast to a theocracy, place at the center of its understanding of the state?
2. What criteria has the European Union defined for the recognition of new states?
3. How do states have to be - or see themselves - in order to be accepted into the UN?
4. How did Abraham Lincoln define democracy?
5. How did Giovanni Sartori describe democracy?
6. According to Gamper, what are the three achievements that distinguish democracy?
7. What three types of democracy does Gamper distinguish?
8. Which six objections against direct democracy does Höffe list and which counter-arguments are there against it?
9. What does Chantal Mouffe criticize about liberalism and why are political oppositions important to her?
10. What does Mouffe mean by "antagonism" and "agonism"?
11. Why is Mouffe's reference to Carl Schmitt's concept of the "political" problematic?
12. Why does Mouffe's critique of cosmopolitanism come to nothing?
13. Do you agree with Aregay that the state must "permeate" public space - or not? Give reasons for your position!
14. Do you agree that the strong state is not opposed to liberalism - or not? Give reasons!

15. How does the communitarian Taylor see the secular state?
16. What three dimensions of secularism did Hashemi describe?
17. What did José Casanova criticize about the secularization thesis?
18. Why could "the secular" be described as a religious enemy and "the religious" as a secular enemy?
19. Why is a "democracy" that has lost its value base problematic? 20.
20. What double dilemma does democracy face today?
21. How could the interests of future generations and nature be taken into account in the political decision-making process?

4. Links

Definition: liberaler Staat

<http://www.wissen.de/lexikon/liberaler-staat>

Sozialhilfe: „Der liberale Staat hilft“

<http://www.nzz.ch/aktuell/startseite/der-liberale-staat-hilft-1.18231832>

Für einen anderen Staat: Der Liberalismus ist aktuellen den je

<http://www.zeit.de/2010/09/Antwort-Liberalismus>

Staatsform in Deutschland: Säkularismus gegen Laizismus

<http://www.experto.de/b2c/bildung-karriere/sozialmanagement/saekularismus-und-laizismus.html>

Säkularismus in Frankreich: Wenn Weihnachtskrippen Unfrieden stiften

<http://www.nzz.ch/international/wenn-weihnachtskrippen-unfrieden-stiften-1.18446732>

1. Angeführte und weiterführende Literatur

Archibugi, Daniele / Held, David (Hrsg.)

1995: Cosmopolitan Democracy. An Agenda for a New World Order. Cambridge: Polity Press.

Aregay, Wossen

2014: Verwaltete Vielfalt. Ist der Nationalitätenstaat die Antwort auf den Pluralismus? Eine rechtstheoretische Analyse und ihre Veranschaulichung im äthiopischen Beispiel. Dissertation. Bern: Stämpfli Verlag.

Bellamy, Richard / Kennedy-Macfoy, Madeleine (Hrsg.)

2014: Citizenship. Critical Concepts in Political Science. 4 Bde. London: Routledge.

Casanova, José

2009: Europas Angst vor der Religion. Berlin: Berlin University Press.

Cohen, Jean L.

2012: Globalization and Sovereignty. Rethinking Legality, Legitimacy and Constitutionalism. Cambridge UK: Cambridge University Press.

Di Fabio, Udo

2015: Schwankender Westen. Wie sich ein Gesellschaftsmodell neu erfinden muss. München: C.H. Beck.

Eucken, Walter

2004: Grundsätze der Wirtschaftspolitik. Tübingen: Mohr Siebeck.

Gamper, Anna

2010²: Staat und Verfassung. Einführung in die Allgemeine Staatslehre. Wien: facultas.wuv.

Gesang, Bernward

2016: Wirtschaftsethik und Menschenrechte. Tübingen: Mohr Siebeck.

Hashemi, Nader

2009: Islam, Secularism and Liberal Democracy. Toward a Democratic Theory for Muslim Societies. New York: Oxford University Press.

Höffe, Otfried

2004: Wirtschaftsbürger Staatsbürger Weltbürger im Zeitalter der Globalisierung. München: C.H. Beck.

Jäggi, Christian J.

2016: Doppelte Normativitäten zwischen staatlichen und religiösen Geltungsansprüchen – am Beispiel der katholischen Kirche, der muslimischen Gemeinschaften und der Bahá'í-Gemeinde in der Schweiz. Münster: Lit-Verlag.

2017: Hidden Agendas. Geopolitik, Terrorismus und Populismus. Zusammenhänge Erklärungsmodelle Lösungsansätze. Nordhausen: T. Bautz Verlag.

2018a: Frieden, politische Ordnung und Ethik. Fragestellungen - Erklärungsmodelle – Lösungsstrategien. Baden-Baden: Tectum Verlag.

2018b: Ökologische Ordnung, Nachhaltigkeit und Ethik. Problemfelder – Modelle – Lösungsansätze. Bausteine ökologischer Ordnungen Band 1. Marburg: Metropolis.

Jesse, Eckhard (Hrsg.)

2011: Renaissance des Staates? Baden-Baden: Nomos.

Leidenmühler, Franz

2011: Kollabierter Staat und Völkerrechtsordnung. Zur Aktualität der Westfälischen Ordnung, entwickelt an Fragen des Wegfalls effektiver Staatsgewalt. Wien/Graz: Neuer Wissenschaftlicher Verlag.

Mouffe, Chantal

2007: Über das Politische. Wider die kosmopolitische Illusion. Frankfurt/Main: Suhrkamp.

2014: Agonistik. Die Welt politisch denken. Frankfurt/Main: edition suhrkamp 2677.

Neue Luzerner Zeitung

27.9.2014: Müller, Jörg Paul: „Ich sehe die Gefahr des Absolutismus“. Interview. 10.

Neue Zürcher Zeitung

29.8.2016: Booms: Martin: Die halbierte Idee der Demokratie. 8.

12.9.2016: Zech, Maximilian: Demokratie und Freiheit: Kann der Rechtsstaat vor seinen Feinden geschützt werden? 29.

Pickel, Gert

2011: Religionssoziologie. Eine Einführung in zentrale Themenbereiche. Wiesbaden: VS Verlag für Sozialwissenschaften.

Salzborn, Samuel

2012: Demokratie. Theorien, Formen, Entwicklungen. Baden-Baden: Nomos.

Sartori, Giovanni

2006³: Demokratietheorie. Darmstadt: Wissenschaftliche Buchgesellschaft.

Schmitt, Carl

1932: Der Begriff des Politischen. München: Duncker & Humblot.

1933²: Staat, Bewegung, Volk. Hamburg: Hanseatische Verlagsanstalt.

Taylor, Charles

1997: Die Politik der Anerkennung. In: Taylor, Charles: Multikulturalismus und die Politik der Anerkennung. Frankfurt/Main: Fischer Taschenbuch Verlag. 13 – 78.

2007: A Secular Age. Cambridge, Mass.: Harvard University Press.

2009: Die Politik der Anerkennung. In: Taylor, Charles: Multikulturalismus und die Politik der Anerkennung. Frankfurt/Main: Suhrkamp Taschenbuch Wissenschaft.

2010: Für einen neuen Säkularismus. In: Taylor, Charles et al.: Den Säkularismus neu denken. Religion und Politik in Zeiten der Globalisierung. Frankfurt: Verlag Neue Kritik. 5 – 28.

2011: Why we Need a Radical Redefinition of Secularism. In: Butler, Judith / Habermas, Jürgen / Taylor, Charles / West, Cornel: The Power of Religion in the Public Sphere. New York / Chichester, West Sussex: Columbia University Press. 34 – 59.

Walter, Christian

2008: Religionsfreiheit in säkularen im Vergleich zu nicht-säkularen Staaten: Bausteine für ein integratives internationales Religionsrecht. In: Pluralistische Gesellschaften und Internationales Recht. Referate und Thesen von Georg Nolte, Helen Keller, Armin von Bogdandy, Heinz-Peter Mansel, Andrea Büchler, Christian Walter mit Diskussion. Berichte der Deutschen Gesellschaft für Völkerrecht. Band 43. 30. Tagung in Halle (Saale) vom 21. bis 24. März 2007. 253 – 292.