

Paper proposal for the Third ICLARS Conference on 'Religion, Democracy, and Equality', Virginia, USA, 21-23 August 2013

Religious pluralism, Eastern ethical monism and Western 'civic totalism'

Allen Hertzke, the editor of a recent volume on *The Future of Religious Freedom. Global Challenges* speaks about 'a profound paradox of our age': at the very time that the value of religious freedom is mounting, the international consensus behind it is weakening, assaulted by authoritarian regimes, attacked by theocratic movements, violated by aggressive secular policies, and undermined by growing elite hostility or ignorance.' The proposed paper will look at two of these challenges to international religious freedom in particular, at least in part building on the results of a conference on 'Religious freedom and the moral foundations of the rule of law with Chinese characteristics from comparative perspectives' organized by the Centre for Chinese and Comparative Law, City University of Hong Kong, that the author will be attending this June. In a recent article, entitled 'A pluralist reconstruction of Confucian democracy', Kim Sungmoon attempts 'to revamp Confucian democracy, which is originally presented as the communitarian corrective and cultural alternative to liberal democracy, into a robust democratic political theory and practice that is plausible in the societal context of pluralism'. The proposed paper will use the same source of inspiration that Sungmoon uses to reconstruct Confucian democracy, i.e. William Galston's notion of liberal pluralism, in order to critically appraise the current state of Western liberal democracy as well. To what extent does Western liberal democracy, more specifically, still manage to realize the principle of expressive liberty as defined by Galston? Sungmoon rightly points out that, paradoxically, often religious freedom is 'in practice grounded in the radical unavailability of freedom of choice for a person who is radically situated in a particular religious and/or cultural community as a member'. Just as by the ethically monistic character of certain theoretizations of Confucian democracy, expressive liberty is threatened by a Western 'civic totalism' that insists that 'politics enjoys general authority over subordinate activities and institutions because it aims at the highest and most comprehensive good for human beings' (Galston). According to *Intelligent Governance for the 21st Century: A Middle Way Between West and East* (2013), China needs more transparency, among other things. In the West itself transparency is also widely regarded as the key to increasing trust of citizens in government. It may well have to come to terms with the fact, however, that its ideal of liberal democracy will remain fundamentally flawed, as long as the sovereignty of the people on which its political legitimacy is ultimately based (cf. *A Confucian Constitutional Order. How China's Ancient Past Can Shape Its Political Future*, 2013) hinders instead of advances a true sort of value pluralism.

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As of 1 May 2013, Hans-Martien ten Napel has been appointed Associate Professor at Leiden University in the Netherlands, where he is also Research Fellow of the Leiden Law School. Since 2008, he has also been a senior researcher at the School of Human Rights Research. Before his transfer to the Law Faculty, he taught at the Department of Political Science, and was a Post-Doctoral Fellow at the Minda de Gunzburg Center for European Studies at Harvard University (Cambridge, MA). His current fields of expertise include Dutch government and politics, political rights, freedom of religion, comparative constitutional law, and church and state. He is the author of a book on Dutch Christian Democracy and co-editor and co-author of twenty other books, edited volumes and special issues. In addition, he has published some 70 chapters in books, 50+ articles in journals, as well as book reviews, case notes, and other articles in these fields. His work has recently appeared in *European Constitutional Law Review*, *European Public Law*, *Journal of Inter-Religious Dialogue*, *Muslim World Journal of Human Rights* and *Oxford Journal of Law and Religion*.