

Justification and Compromise in Contemporary Democratic Theory about Religion

Svenja Ahlhaus^a / Manon Westphal^b

^aUniversität Münster; ^bHochschule für Politik München an der Technischen Universität München

Contact: svenja.ahlhaus@uni-muenster.de / manon.westphal@hfp.tum.de

ORCID: [0000-0001-6028-5827](https://orcid.org/0000-0001-6028-5827) / [0000-0001-5481-2862](https://orcid.org/0000-0001-5481-2862)

submitted: 31.03.2025; revised: 12.08.2025; accepted: 25.09.2025

Abstract: Contemporary societies are characterized by religious diversity and regularly face disagreements about the proper place of religion in public life and duties of the state and public institutions. In our contribution, we turn to democratic theory and show how it can inform debates about religion and possibilities to deal with conflicts over religion. Our claim is that two democratic theory approaches are especially suitable starting points for this endeavor. One we call the 'justification' centered approach, the other the 'compromise' centered approach. Both approaches have evolved in democratic theory as responses to the more general question of how democracies should legitimately deal with a diversity of viewpoints and clashes between opposing political preferences. Our goal is to show that these two democratic theory approaches propose different ways of dealing with (religious) diversity, which should not be seen as mutually exclusive, but as opportunities to shape democracy's responses to conflicts about religion in a multi-modal way. Recognizing the diversity of democratic theory approaches is therefore of particular importance for systematic attempts to analyze the relation between democratic theory and religion.

Keywords: Democratic theory; religion; religious conflicts; compromise; justification; democratic legitimacy

Zusammenfassung: Heutige Gesellschaften sind durch religiöse Vielfalt geprägt und regelmäßig mit Meinungsverschiedenheiten über den angemessenen Platz von Religion im öffentlichen Leben und die Aufgaben des Staates und der öffentlichen Institutionen konfrontiert. Im Beitrag wenden wir uns der Demokratietheorie zu und zeigen, wie sie Debatten über Religion und Möglichkeiten zum Umgang mit Konflikten um Religion bereichern kann. Wir argumentieren, dass zwei Ansätze der Demokratietheorie besonders geeignete Ausgangspunkte für dieses Unterfangen sind. Den einen bezeichnen wir als den „rechtfertigungsorientierten“ Ansatz, den anderen als den „kompromissorientierten“ Ansatz. Beide Ansätze haben sich in der Demokratietheorie als Antworten auf die allgemeinere Frage entwickelt, wie Demokratien mit einer Vielfalt von Standpunkten und Konflikten zwischen gegensätzlichen politischen Präferenzen umgehen sollten. Unser Ziel ist es, zu zeigen, dass diese beiden Ansätze der Demokratietheorie unterschiedliche Wege im Umgang mit (religiöser) Vielfalt vorschlagen, die nicht als sich gegenseitig ausschließend betrachtet werden sollten, sondern als Möglichkeiten, demokratische Reaktionen auf Konflikte bezüglich Religion auf multimodale Weise zu gestalten. Die Anerkennung der Vielfalt demokratietheoretischer Ansätze ist daher von besonderer Bedeutung für systematische Versuche, die Beziehung zwischen Demokratietheorie und Religion zu analysieren.

Schlagwörter: Demokratietheorie; Religion; religiöse Konflikte; Kompromiss; Rechtfertigung; demokratische Legitimität

I. Introduction

Contemporary societies are characterized by religious diversity and regularly face disagreements about the proper place of religion in public life and duties of the state and public institutions to accommodate religious diversity. Controversies about the questions of whether religious symbols should be displayed publicly in schools or whether it should be mandatory for schools to offer Halal food in their canteens demonstrate that disagreements about these topics are not only issues of 'big politics', but are also relevant to the everyday practices of many people, including children and young people. In our contribution to the special issue, we turn to democratic theory and show how it can inform debates about religion and possibilities to deal with conflicts over religion.¹

Our claim is that two democratic theory approaches are especially suitable starting points for this endeavor. One we call the 'justification' centered approach, the other the 'compromise' centered approach. Both approaches have evolved in democratic theory as responses to the more general question of how democracies should legitimately deal with a diversity of viewpoints and clashes between opposing political preferences. Both are characterized by the desire to acknowledge pluralism and differences of opinion as permanent features of social and political life, but differ in terms of what they identify as the principles that should guide the political processing of conflicts resulting from pluralism and differences of opinion: while the 'justification' centered approach highlights the importance of mutual reason-giving, the 'compromise' centered approach highlights the importance of mutual concession-making.

We propose that these approaches can helpfully guide debates about religion and the challenges that it poses to democracies despite the fact that they were not developed with a specific focus on religion. The reason is that religion should not be understood as radically different from other, non-religious 'worldviews', that is, perspectives composed of premises and convictions that shape how people experience and judge the social world and political possibilities. We follow Cécile Laborde here and argue that although religion poses many special normative challenges – concerning the autonomy of religious associations, the legitimacy of religious symbols in government buildings, or the inaccessibility of religious convictions to non-religious co-citizens – the normative questions that these challenges involve are not unique because they are relevant for dealing with non-religious issues as well (Laborde, 2017; Brubaker 2015).

Our goal in this article is to show that the two democratic theory approaches propose different ways of dealing with (religious) diversity, which should not be seen as mutually exclusive, but as opportunities to shape democracy's responses to conflicts about religion in a multi-modal way. Recognizing the diversity of democratic theory approaches is therefore of particular importance for systematic attempts to analyze the relation between democratic theory and religion. Instead of focusing on one approach in democratic theory, we highlight the complementarity of justification- and compromise-based approaches when dealing with conflicts about religion. This attempt to bridge longstanding divides in democratic theory is in line with the so-called systemic turn in democratic theory (Dean et al. 2019).

We proceed as follows. In the second part, we present the two democratic theory approaches, which we

¹ In general, we follow a broad understanding of *conflicts over religion* as conflicts that either include "religiously identified parties or claimants" or "religiously defined stakes" (Brubaker, 2015, 4). While this Special Issue discusses examples of conflicts over religion arising in the context of education, the debate in political theory often addresses a more general conflict concerning religion's role in a state that claims democratic legitimacy. We acknowledge that this means that the two democratic theory approaches we introduce in this article cannot be easily applied to school contexts. It is important to make this tension transparent. Nevertheless, the discussion of the democratic theory approaches provides fundamental insights that can enrich the debate on how to deal with controversies in schools, as we tentatively explain at the end.

briefly described above, in more detail. In the third part, we specify our understanding of religion and what we mean by calling it special, but not fundamentally unique. In the fourth part, we apply the two democratic theory approaches to religion and explain why it is recommendable to include both of them in the analysis of religion and its challenges, instead of relying on one of them alone. The conclusion summarizes the argument and outlines possible avenues for future research.

2. Democratic Theory: Justification and Compromise

We distinguish two approaches that have received much attention in the debate about possibilities to deal with disagreement and conflict in democratic politics. While there are key differences, which we will highlight to show why it is required to speak of two distinct approaches, we do not believe that the answers that proponents of these approaches give to the question of how disagreements and conflicts should be dealt with are incompatible.

The first approach focuses on the idea of public justification. The core idea is that citizens should be considered as free and equal, and this means that they should not be coerced by decisions or laws that they could not agree with. According to justification-based approaches, the main question then is how decisions can be justified to all citizens. Simply put, there are those justification approaches that focus more on the potential justifiability (Rawls, 1993) and those focusing more on political procedures of self-government (Habermas, 2005; Lafont, 2017). In the following, we focus on the latter as they emphasize disagreement and conflict in democratic politics. The goal of public deliberation is avoiding a “permanent disconnect between the interests, reasons, and ideas of citizens and the actual laws and policies that they are bound to obey” (Lafont, 2020, p. 19). This does not mean that we should think of democracy as an “idealized academic discourse” (Geuss, 2008, p. 26) but rather finding procedures “engaging and transforming hearts and minds so that citizens can endorse the policies” (Lafont, 2020, p. 30). The public exchange of reasons is not only supposed to identify better solutions to political problems – but the process of justification itself is important because it is an expression of citizens’ political equality and self-government. Decisions have to be justified to citizens but citizens also have to be able to identify these decisions as their own – this sense of alignment is important because otherwise citizens would be alienated. As Chambers summarizes this idea: “For mutual justification democrats, citizens need to see their equal status affirmed by fellow citizens in a process of public justification – or in the sorts of reasons that are used to justify public policy” (Chambers, 2024, p. 49).

The second approach centers on the concept of compromise. ‘Compromise’ is an often-used term both in politics and everyday practices and is usually associated with a less than ideal way of dealing with political issues. Democratic theorists who argue that the concept of compromise deserves a central place in theoretical reflections on possible ways of processing disagreements and conflicts in democratic politics reject generally pejorative uses of the term and instead emphasize that compromise has a significant potential to enable collective decision-making under circumstances of disagreement. Even if the capacity of compromise to pacify conflict is not limited to democratic societies, political theorists tend to focus on democracies in their reflections on the extent to which compromise is an important political technique of dealing with disagreements and conflicts (de Boer and Westphal, 2023).

A compromise differs from a consensus in the sense that compromise arrangements are practical solutions to conflicts that are based on mutual concessions rather than agreements on what the right course of action in a given situation is (Willems, 2016, pp. 248–249; Zanetti, 2022, p. 22). Compromisers continue to hold different views regarding the disputed issue, which means that all parties think that a different solution to the problem at hand would actually be better than the compromise arrangement reached. It is therefore sometimes emphasized that a compromise is merely a “second-best” from the perspective of those who are involved in the conflict in question (Zanetti, 2022, p. 23). To the extent that a compromise requires conflict parties to accept that the viewpoint of the other is at least partly

accommodated in the arrangement, acting as a compromiser means to ‘sacrifice’ something that one considers to be right or valuable (Gutmann & Thompson, 2014, p. 10). The key reason why proponents of the compromise centered approach argue that compromises have a considerable potential to settle conflicts peacefully under circumstances of deep disagreements is that they do not need substantive agreement and realize all parties’ concerns to some extent. Mutual concessions require everyone involved to sacrifice something, but not to fully submit to the views of the other.

Compromises do not necessarily require mutual respect among the parties involved – for example, the willingness to make concessions may simply result from the fact that all other alternatives (e.g., the continuation of conflict or other ways of dealing with the conflict) are seen as less desirable than a compromise arrangement (Schneider & Willems 2023, p. 4). However, some political theorists who emphasize the positive role of compromise in democratic politics argue that compromise is a way of realizing key democratic principles. For example, Daniel Weinstock (Weinstock, 2013, 2017) and Christian Rostbøll (Rostbøll, 2017) argue that compromise realizes democratic inclusion and respect for other citizens under circumstances of disagreement. The key idea here is that by making concessions to the other side, political actors recognize the right of the other to have a say in the making of collective decisions. This line of argumentation resembles the one that is central to the justification approach presented above, but it also differs from it in an important respect. It does not assume that respect for other citizens is shown through mutual reason-giving and an orientation towards reasons that the other side may find persuasive. Instead, it assumes that respect is shown through substantive concession-making and the willingness to accept that the other party’s perspective is somehow included in the solution to the problem at hand.

3. Religion as a Challenge for Contemporary Democracies

Religion, the authority of religious institutions and beliefs, has been a defining topic of political theory for centuries. Core ideas such as freedom and justice were developed in reference to religious plurality and conflicts about the status of religion (see Habermas 2023). Take Thomas Hobbes’s discussion of sovereignty or John Locke’s idea of toleration. In recent years, debates in political theory about religion are more specialized and focus on different dimensions of religion (Eberle & Cuneo, 2015) from a variety of different theoretical traditions, such as liberalism, republicanism, or pragmatism (see the overview in Ungureanu & Monti, 2017; Cohen & Laborde, 2016; Laborde & Bardon, 2017; Seglow & Shorten, 2019b). Religion also plays a role as part of a larger debate about multiculturalism and diversity (Kymlicka, 1995; Shorten, 2022).

What religion is and how it should be defined is highly contested (Lægaard, 2023). Religion is a complex phenomenon that defies clear-cut definitions and simple normative evaluation: “Religion can demand cruel human sacrifices on a mass scale or unconditional love towards the other; it can inspire imperialist adventures and the Inquisition, as well as ethical transformations driven by infinite compassion, charity, and forgiveness, or sublime artistic creations” (Ungureanu & Monti, 2017, p. 4). Many scholars have criticized debates about religion that build on unacknowledged distinctions between Christian conceptions of religion and religiosity and religions such as Islam that do not conform to an understanding of religion as primarily belief-based (Asad, 2018; Amir-Moazami, 2022). While some scholars try to define religion as a distinctive phenomenon (Audi, 2011), others refrain from identifying essential features of religion. Instead, many scholars now take an “interpretive” perspective. An interpretive approach assumes that religion is a complex phenomenon that raises different normative issues that have to be “disaggregated” (Laborde, 2015, 2017). ‘Disaggregation’ means that this approach calls for a disentanglement of religion’s diverse normative challenges. The core idea is that there is not one specific normative challenge that we have to address but that religion has a plurality of dimensions that are important to consider.

Many of these normative challenges that are particularly important for political theorists are connected to the relationship between religion and democracy. As Robert Audi puts it: “The present age is seeing much discussion of just how far religious liberty should extend in democratic societies and just what role religion should play in the conduct of citizens” (Audi, 2020, p. 5). The overarching question for democratic theory is: “What is the place of religion in a constitutional democracy?” (Ungureanu & Monti, 2017, p. 3, emphasis removed).

Two debates have received particular attention in recent years (Seglow & Shorten, 2019a). First, there is the question of “religious establishment”. This raises the question of the adequate relation between a state and religion. Are states allowed to “establish” one religion as a state-religion? Do legitimate states require secular constitutions? Normative debates about secularism and *laïcité* but also debates about religious symbols in public spaces revolve around this question. Second, there is the question of freedom of religion. This pertains to citizens’ rights to exercise their religion freely. Many contemporary debates about religion ask whether individuals can be “exempted” from generally applicable laws based on their religious identity – cases such as the Sikh’s request to be exempted from road safety regulations of wearing a helmet on a motorcycle come to mind. While the debate about religious establishment asks whether religion needs special containment because of the ways in which it might challenge democratic constitutionalism, the debate about religious exemptions asks whether religion needs special protection because of the ways in which it can be threatened in democratic constitutional states (Laborde 2017, p. 4).

Any discussion about religion and democratic theory has to take seriously the co-existence of plural religions, of believers and non-believers, and of critics and advocates of a political role of religion. This means that conflict and disagreement are fundamental conditions of political decision-making on religion. Democratic institutions and beliefs and their relation to religion vary considerably – over time and between states (Fox, 2018). The debate about the role of “non-establishment” and “free exercise” in the United States (Greenawalt, 2020) differs in many important respects from the debate about the regulation of religion in Germany (Ley, 2023).

In the following, we do not aim to provide an exhaustive overview of how democratic theory relates to all the different dimensions of religion. Instead, we illustrate how two approaches in democratic theory understand and tackle contemporary conflicts about legitimate decision-making on religion. In doing so, we presume the ideas of the “interpretative” approach introduced above. We apply the two democratic theory approaches to conflicts over religion assuming that even if religion means a particular combination of normative challenges, conflicts over religion do not pose fundamentally different kinds of challenges than other forms of deep disagreements. It is important to note that democratic theory usually engages with more general questions of the legitimate place of religion in democratic states or with legitimate decision-making on conflicts related to religion. It does not usually turn to specific organizations or institutions (such as schools) to discuss how particular conflicts might be addressed there. While democratic theories are used in the burgeoning literature on religion-related controversies in schools (cf. Kindlinger/Hahn-Laudenberg 2023) the current debate among democratic theorists still revolves around the question of how a state can legitimately decide on matters of religion.

4. Religion & Democratic Theory

In this section, we aim to show how the two democratic theory approaches understand and address contemporary challenges of religion. Both approaches emphasize the need to accommodate diversity and focus on institutional requirements, but there are clear differences in how justification and compromise scholars address these challenges.

4.1 Justification & Mutual Reason-giving

For justification theorists, religion deserves attention because it is connected to deep disagreement. If citizens are subjected to laws and decisions they cannot consider as self-given, these laws and decisions cannot be considered as democratically legitimate. This is why justification theorists focus on the role of “religious reasons” in public deliberation and on institutional requirements for legitimate decision-making on religion. In this section, we introduce both debates to show how justification theorists address conflicts about religion.

If many members of parliament are religious, is it permissible in a democratic state that they justify their political decisions on contentious issues such as gay marriage, abortion or voluntary euthanasia with religious reasons, such as stating that they consider life as God-given and that assisted suicide or abortion are incompatible with this belief? If this decision is justified with such a religious reason that is not comprehensible by all citizens, this policy seems to lack public justification. But justification theorists disagree about the role of religious reasons in public deliberation. We can broadly distinguish three perspectives: inclusivists argue that all reasons should be allowed in public discourse by citizens and politicians, exclusivists argue that religious reasons should be excluded from public deliberation. A third group defends a middle ground, for example that religious reasons can be part of public deliberation by citizens but that politicians who take binding decisions should refrain from defending their decisions based on religious reasons alone (Lafont 2020). In recent years, scholars have debated what exactly counts as a “religious reason” and what makes them problematic for justification theorists (Bardon 2021; March 2013;). This debate refines the normative problem. Is it the “religious origin” of a claim or its “religious content” (Bardon 2021, p. 141) that makes religious reason-giving problematic for justification theorists?

Justification theorists agree that consensual decisions are the exception and that majority decisions have to be taken on many issues. This means that they focus increasingly on institutional requirements for decision-making in contexts of deep disagreement and less on optimizing the process of reason-giving before a decision is taken. From this institutional perspective, we ask whether citizens have plural avenues for challenging political decisions that might not have met the standards of mutual reason-giving.

Let us highlight two recent cases that have reinvigorated debates about the interplay between different institutions that – taken together – might realize the ideal of mutual reason-giving. There is growing interest in institutional innovations for decision-making on religion. Take the cases of sortition-based innovations in Ireland and Iceland.

In Iceland, the constitution-making process that took place between 2010 and 2013 included a number of participatory innovations for discussing the status of religious minority rights (Landemore 2017; Landemore 2020). State-church relations were a controversial topic in the constitution-making process. Landemore, interested in processes of mutual justification and their effects, has analyzed the differences between a draft proposal presented by an elected constitutional assembly with a crowd-sourced version of the articles on religious rights. She argues that the crowdsourced article, which was redrafted twelve times in an online procedure open to all citizens, proposed a more liberal and more sophisticated solution to the problem of the status of religion in Iceland. As Landemore summarizes, the new constitution, among other things, “substantially expands the protection allowed by the article on religious freedom to a much wider range of personal beliefs and rejects limitations of freedom of religion in the name of “public order” or “good morals,” preferring instead limitations required in the name of democratic principles and necessities” (Landemore, 2017, p. 777).

Another case is the recent policy change concerning abortion and blasphemy in Ireland (Calkin et al., 2020). In Ireland, an assembly of randomly-selected citizens recommended repealing the 8th amendment to the Irish Constitution that banned abortion. In 2018, a referendum took place that accepted the Citizens' Assembly's recommendation. Empirical research shows that citizens who knew about the deliberative innovation of the Citizens' Assembly, especially the fact that ordinary citizens selected by lot had debated these issues and jointly prepared the recommendation, were more likely to follow their proposal (Elkink et al., 2020).

From the perspective of institutional accounts of justification, the focus is less on individual agents and their reasons and justifications, but rather on the interplay between different institutions and whether citizens – over time and across different institutions – can consider themselves as self-governing. The justification-based approach asks how decisions on religious matters (be they minority accommodation or religious establishment) might be taken without undermining the differently positioned citizens' equality and autonomy. This general perspective can be applied to controversies in schools but it does not provide clear-cut guidelines on how to deal with contentious issues concerning religion. What matters from a justification perspective is that the modes of conflict management respect all those who are bound by new rules and norms.

4.2 Compromise and Mutual Concession-making

Compromise centered approaches deal with the challenge of deep disagreements and conflicts more generally and most of them do not focus specifically on religion. However, one topic that receives special attention in the debate is at least closely linked with religion, namely the conflict about abortion (Willems, 2016; Zanetti, 2022). Even if this conflict is not a conflict about religion as such, 'pro life' arguments are often based on religious reasons such as the sanctity of life. The abortion example is an especially interesting starting point for the attempt to develop more general considerations on what it means to analyze conflicts about religion through the lens of the compromise centered approach. Because the example shows that value conflicts can be dealt with through compromise, it helps us to make a clarification which is of fundamental importance to this attempt: the fact that values do not embody quantities that can be divided and distributed among parties does not mean that it is impossible to solve political conflicts based on disagreement about values through compromise.

If it were true that such conflicts are impossible objects of compromise, this would pose a fundamental problem for attempts to apply the compromise centered approach to the debate on democratic ways of dealing with conflicts over religion. Although not all value conflicts are conflicts over religion, conflicts over religion usually involve value conflicts given that they relate to religious values (e.g. the sanctity of life) or the values that should guide political or legal responses to religious claims (e.g. toleration). Analyses of the conflict about abortion show why it is possible, at least in principle, to solve value conflicts through compromise, even if parties may find it very hard to do so: those who are parties to a conflict need not make concessions about the values that they consider to be relevant, but about the extent to which their preferred values are translated into practical responses to the conflict in question. To act as compromisers, parties must accept that the political and/or legal provisions that shape the practical responses to the conflict in question include concessions to the views and preferred values of the other side, but they do not have to take the view that their own position is only partly right or legitimate. Compromisers can remain fully convinced of the truth of their own position.

To illustrate this, we will first describe the legal provisions on abortion in Germany, which combine concessions to the 'pro-life' point of view as well as concessions to the 'pro-choice' point of view. We will then present a second example that not only strengthens the argument about the possibility to make compromises in cases of value conflicts more generally and in cases of conflicts about religion more specifically, but also shows that compromises about conflicts related to religion can be solved through

different kinds of compromise. The second example is the conflict on whether religious people who object to same-sex marriages and therefore refuse to provide wedding services to gay couples should be exempted from antidiscrimination laws. Andrew Koppelman's (2020) proposed solution to the conflict about this question can be read as a different type of compromise than is embodied by the legal provisions about abortion in Germany. While the latter represents a complex bundle of provisions, Koppelman's proposal seeks conflict mitigation through separation.

Consider first the example of abortion. Ulrich Willems (2016) calls the German Federal Constitutional Court's judgment on abortion in 1993 a prime example of an "inclusive compromise" (Willems 2016, p. 265). The law determines that abortion is illegal but makes abortion exempt from legal prosecution in the first 12 weeks of a pregnancy provided that the pregnant person has attended a compulsory counselling at a state-approved counselling centre. Willems argues that this law represents an inclusive compromise because its components recognize the value-based positions of both sides in the conflict about abortion to some extent. While the position of the advocates of the right to life of the fetus is recognized by the fact that abortion is declared illegal and counseling is mandatory, the position of the advocates of women's reproductive autonomy is recognized by the fact that pregnant persons can decide for themselves whether or not they want to end the pregnancy after they have attended the mandatory counseling (Willems 2016, p. 266). Each component of this 'bundle' of provisions that expresses a recognition of one position means a concession for the other side, but neither side is required to abandon their own value conviction or concede that the value that they prioritize is only partly true or relevant. Each side may still believe that it is right to desire a solution that gives full expression to the value they think is central. Accepting the compromise arrangement may be painful given that it includes concessions to the other side, but these are concessions only in terms of practical provisions, not in terms of values.

In his discussion of so-called wedding vendor cases in the United States, Koppelman (2020) deals with conflicts arising from the tension between gay rights and religious liberty in the field of wedding service providers. In these cases, religious wedding business owners refuse services to gay couples on the basis of their religious conviction that marriage is an institution that should be reserved for the unity between man and woman. The conflict that arises here is between the view that business owners should have the liberty to follow their conviction and refuse the service and the view that such a refusal is intolerable discrimination and gay couples must be able to receive the same services as heterosexual couples. Koppelman questions that this conflict "concerns a matter of deep principle" and instead argues that "[e]ach invokes interests of a kind that can and should be balanced against others" (Koppelman 2020, pp. 1–2). The practical solution to the conflict that Koppelman proposes is that wedding vendors should be exempt from antidiscrimination law and allowed to withhold their service on the condition that they give prior notice of their objections against same sex marriage. Such a "disclosure requirement" (Koppelman 2020, p. 138) could prevent what Koppelman identifies as the most important injury of discrimination that gay couples experience when they contact a wedding vendor and are rejected due to their sexual orientation, namely the "uncertainty about when one will next encounter discrimination—an exhausting source of stress that poisons all one's commercial interactions" (Koppelman 2020, p. 138).

For Koppelman, this solution would represent a compromise that recognizes the right of gay couples to be protected against discrimination as well as the right of wedding vendors to act in line with their religious convictions. Each side would have to make concessions of some kind. Advocates of the 'antidiscrimination' view in the conflict would have to accept that gay couples are not guaranteed the same treatment in all parts of the wedding vendor market like heterosexual couples. Advocates of the 'religious liberty' view would have to accept that wedding vendors are not allowed to withhold their service without providing information that allows gay couples to avoid situations in which they would

experience refusal. Wedding vendors would have to make their view public and do so in a way that makes it easily accessible to customers.

Whether or not the compromise solution that Koppelman describes is a legitimate solution to the conflict in question is likely to be disputed. For example, it is questionable if it is practically possible that wedding vendors make their rejection of gay marriage public in such a way that uncertainty for gay couples about whether or not vendors will reject their request is reduced to a satisfactory extent. It may also be argued that the degree of discrimination that the described compromise solution would allow involves too heavy normative costs for liberal democracies committed to the principle of equal treatment of citizens. We do not want to make a final assessment of the legitimacy of the compromise solution that Koppelman proposes. Instead, we want to highlight that the proposed solution represents a different kind of compromise than the one on abortion discussed above and therefore helps us nuance, in conceptual terms, our argument about possibilities to apply the compromise centered approach to conflicts about religion. While the German law on abortion embodies a bundle of provisions, which express recognition of the involved views in different ways, Koppelman's proposed solution seeks to mitigate the conflict through separation: the main idea here is that the activities of gay couples and wedding vendors who oppose same sex marriage can be separated in a way that allows each side to realize the activities they wish to realize, i.e., receive or withhold wedding services, without having to engage with each other.

The two examples discussed in this section illustrate both the distinctive nature of a compromise-oriented approach to conflicts on religion and the possible range of practical solutions that may emerge from this perspective. Compromise can be more geared towards separation, enabling religious and non-religious groups of citizens to act according to their own decisions and values, or it can represent complex solutions that accommodate concerns of each position. Which form of compromise is most suitable will probably depend on the specific topic and context in question. Regardless of their differences, the examples show what it means in practice for the compromise centered approach to focus on mutual concessions rather than on mutual justifications. The aim is to find solutions that can pacify the conflict and create a situation that all parties can live with. To achieve this, it is important that no position is fully realized and that each position is recognized to some extent. From this perspective, it is of secondary importance whether the parties can provide reasons for their positions that are convincing to the other side. What makes it necessary, from the perspective of the compromise centered approach, to address the concerns of religious citizens is not the assumption that their religious reasons might be generalizable or compatible with non-religious reasons, but the fact that religious citizens are part of a conflict over moral, political, and legal questions that require solutions binding to all. The question of what the right, best-justified decision is for dealing with such tensions is deferred in favor of the question of what an accommodating solution might look like.

5. Conclusion

In this article, we have distinguished two different democratic theory approaches, the justification centered approach and the compromise centered approach, and showed what it means to apply these approaches to questions of democratic legitimacy concerning decisions on religion. We highlighted the differences between these approaches and how they suggest dealing with political conflicts about religion. However, we also want to stress that we do not consider these two approaches as incompatible and, in addition, do not assess one approach as generally superior to the other. Investigating both approaches is preferable over dealing with just one of them because self-government among free and equal citizens and peaceful forms of political conflict management are best realized in complex modern states if a plurality of modes of interaction, debate, and decision-making is available (Goodin 2005). Mutual reason-giving and mutual concession-making are crucial modes of taking each other seriously

in the face of deep disagreement and contentious conflicts. While there may be situations in which one mode of interaction works better than the other, in other situations it may be advisable to combine the modes or to let them follow one another. For example, there may be situations in which phases of mutual reason-giving are no longer productive after a certain point in time and the parties involved must switch to the mode of compromise-building in order to arrive at a collective solution despite continuing disagreements. Our article therefore does not aim to re-instate the longstanding debate between deliberative and agonistic democratic theorists but rather argues for the interaction and sequencing of justification and compromise in contemporary democracies.

What are the implications of our argument for the debate on controversies about religion in schools? While a fuller discussion of this question would require a careful analysis of the differences between procedures of political decision-making in democratic political systems on the one hand and the institutional and pedagogical contexts of schools, we at least want to indicate possible conclusions about the relevance of our argument rooted in democratic theory for reflections on the role of schools.

First, schools can be understood as places where future citizens experience the skills needed to deal with political conflicts in different ways (Hess and McAvoy 2014). If, as we have argued, both practices of justification and practices of concession-making are important for democracies, it would be desirable if schools served as places where students can learn about these different ways of dealing with conflicts and become competent in participating in such ways of dealing with conflicts themselves.

Second, while the debate in education theory focuses on teaching or dealing with controversial issues in the classroom (Ho et al. 2017; Cooling 2012), the democratic theory approaches we have discussed mainly address taking collectively binding decisions, especially law-making. This makes it difficult to draw conclusions for the context of religious controversies in schools. In some cases, it may make more sense to adopt a justification-oriented approach, while in others it may be more appropriate to pursue a compromise-oriented approach. This means that educators and school boards are faced with the challenging task of deciding, based on the context, which approach is preferable in a specific case. It might be advisable to involve the students themselves in such processes. Not only are they the ones who will be affected by the outcomes. It might also be the case that young people's ability to find fair and inclusive ways of dealing with disagreements should not be underestimated.

Acknowledgements: We thank the anonymous reviewers for their helpful suggestions for improving this article. The research for this article was supported by the interdisciplinary research network "Cultures of Compromise" and the Cluster of Excellence "Religion and Politics", University of Münster.

References

- Amir-Moazami, S. (2022). *Interrogating Muslims: The liberal-secular matrix of integration*. Bloomsbury Academic.
- Asad, T. (2018). *Secular translations: Nation-state, modern self, and calculative reason*. Columbia University Press.
- Audi, R. (2011). *Democratic authority and the separation of church and state*. Oxford University Press.
- Audi, R. (2020). Religion and democracy: Interactions, tensions, possibilities. *Daedalus*, 149(3), 5–24. https://doi.org/10.1162/daed_a_01800
- Bardon, A. (2021). The Pope's Public Reason: A Religious yet Public Case for Welcoming Refugees. *Migration and Society*, 4(1), 137–148. <https://doi.org/10.3167/arms.2021.040113>

- Brubaker, R. (2015). Religious dimensions of political conflict and violence. *Sociological Theory*, 33(1), 1–19. <https://doi.org/10.1177/0735275115572153>
- Calkin, S., de Londras, F., & Heathcote, G. (2020). Abortion in Ireland: Introduction to the themed issue. *Feminist Review*, 124(1), 1–14. <https://doi.org/10.1177/0141778919897684>
- Chambers, S. (2024). *Contemporary democratic theory*. Polity Press.
- Cohen, J. L., & Laborde, C. (Eds.). (2016). *Religion, secularism, and constitutional democracy*. Columbia University Press.
- Cooling, T. (2012). What is a controversial issue? Implications for the treatment of religious beliefs in education. *Journal of Beliefs & Values*, 33(2), 169–181. <https://doi.org/10.1080/13617672.2012.694060>
- Dean, R., Rinne, J., & Geissel, B. (2019). Systematizing democratic systems approaches. *Democratic Theory*, 6(2), 41–57. <https://doi.org/10.3167/dt.2019.060205>
- de Boer, J. H., & Westphal, M. (2023). Der Kompromiss in Geschichte und Gegenwart: Politische und historische Perspektiven. *Neue Politische Literatur*, 68, 140–170.
- Eberle, C., & Cuneo, T. (2015). Religion and political theory. In E. N. Zalta & U. Nodelman (Eds.), *The Stanford encyclopedia of philosophy* (Winter 2023 ed.). <https://plato.stanford.edu/archives/win2023/entries/religion-politics/>
- Elkink, J. A., Farrell, D. M., Marien, S., Reidy, T., & Suiter, J. (2020). The death of conservative Ireland? The 2018 abortion referendum. *Electoral Studies*, 65, Article 102142. <https://doi.org/10.1016/j.electstud.2020.102142>
- Farrell, D. M., Suiter, J., Harris, C., & Cunningham, K. (2020). The effects of mixed membership in a deliberative forum: The Irish Constitutional Convention of 2012–2014. *Political Studies*, 68(1), 54–73. <https://doi.org/10.1177/0032321719830936>
- Fox, J. (2018). *An introduction to religion and politics: Theory and practice* (2nd ed.). Taylor & Francis.
- Geuss, R. (2008). *Philosophy and real politics*. Princeton University Press.
- Goodin, R. E. (2005). Sequencing deliberative moments. *Acta Politica*, 40, 182–196.
- Greenawalt, K. (2020). Democracy and religion: Some variations and hard questions. *Daedalus*, 149(3), 25–36. https://doi.org/10.1162/daed_a_01801
- Gutmann, A., & Thompson, D. F. (2014). *The spirit of compromise: Why governing demands it and campaigning undermines it*. Princeton University Press.
- Habermas, J. (2005). Religion in der Öffentlichkeit: Kognitive Voraussetzungen für den öffentlichen Vernunftgebrauch religiöser und säkularer Bürger. In J. Habermas, *Zwischen Naturalismus und Religion: Philosophische Aufsätze* (pp. 119–154). Suhrkamp.
- Habermas, J. (2023). *Also a history of philosophy*. Polity Press.
- Hess, D. E., & McAvoy, P. (2014). *The political classroom: Evidence and ethics in democratic education*. Routledge.
- Ho, L.-C., McAvoy, P., Hess, D., & Gibbs, B. (2017). Teaching and learning about controversial issues and topics in the social studies. In M. Manfra & C. Bolick (Eds.), *The Wiley handbook of social studies research* (pp. 319–335). Wiley.
- Kindlinger, M., & Hahn-Laudenberg, K. (2023). German preservice teachers' stances on criteria for discussing controversial issues in the classroom. *The Journal of Social Studies Research*, 47(3–4), 197–209. <https://doi.org/10.1177/23522798231206194>
- Koppelman, A. (2020). *Gay rights vs. religious liberty? The unnecessary conflict*. Oxford University Press.
- Kymlicka, W. (1995). *Multicultural citizenship: A liberal theory of minority rights*. Oxford University Press.
- Laborde, C. (2015). Religion in the law: The disaggregation approach. *Law and Philosophy*, 34(6), 581–600. <https://doi.org/10.1007/s10982-015-9236-y>
- Laborde, C. (2017). *Liberalism's religion*. Harvard University Press.
- Laborde, C., & Bardon, A. (Eds.). (2017). *Religion in liberal political philosophy*. Oxford University Press.
- Lægaard, S. (2023). Religion in 21st-century political philosophy. In *Oxford research encyclopedia of politics*. Oxford University Press. <https://doi.org/10.1093/acrefore/9780190228637.013.2016>

- Lafont, C. (2017). Citizens in robes: The place of religion in constitutional democracies. *Philosophy & Social Criticism*, 43(4–5), 453–464. <https://doi.org/10.1177/0191453717695366>
- Lafont, C. (2020). *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*. Oxford University Press.
- Landemore, H. (2017). Inclusive constitution making and religious rights: Lessons from the Icelandic experiment. *The Journal of Politics*, 79(3), 762–779. <https://doi.org/10.1086/690300>
- Landemore, H. (2020). When public participation matters: The 2010–2013 Icelandic constitutional process. *International Journal of Constitutional Law*, 18(1), 179–205. <https://doi.org/10.1093/icon/moaa004>
- Ley, I. (2023). Religionsverfassungsrecht auf dem Prüfstand: Zur Zukunft des Verhältnisses von Staat und Religionsgemeinschaften. *Kirche und Recht*, 29(2), 155–165. <https://doi.org/10.35998/kur-2023-0009>
- March, A. F. (2013). Rethinking Religious Reasons in Public Justification. *American Political Science Review*, 107(3), 523–539. <https://doi.org/10.1017/S0003055413000269>
- Pow, J., & Garry, J. (2023). What happens when mini-publics are held in a deeply divided place? Evidence from Northern Ireland. *PS: Political Science & Politics*, 56(4), 572–578. <https://doi.org/10.1017/S1049096523000409>
- Rawls, J. (1993). *Political liberalism*. Columbia University Press.
- Rostbøll, C. F. (2017). Democratic respect and compromise. *Critical Review of International Social and Political Philosophy*, 20(5), 619–635. <https://doi.org/10.1080/13698230.2017.1328092>
- Schneider, U., & Willems, U. (2023). Eine der größten Erfindungen der Menschheit. In U. Schneider, U. Willems, & M. Fischer (Eds.), *Kompromisse machen* (pp. 3–5). Bundeszentrale für politische Bildung.
- Seglow, J., & Shorten, A. (2019a). Introduction. In J. Seglow & A. Shorten (Eds.), *Religion and political theory: Secularism, accommodation and the new challenges of religious diversity* (pp. 1–19). Rowman & Littlefield International.
- Seglow, J., & Shorten, A. (Eds.). (2019b). *Religion and political theory: Secularism, accommodation and the new challenges of religious diversity*. Rowman & Littlefield International.
- Shorten, A. (2022). *Multiculturalism: The political theory of diversity today*. Polity.
- Ungureanu, C., & Monti, P. (2017). *Contemporary political philosophy and religion: Between public reason and pluralism*. Routledge.
- Weinstock, D. (2013). On the possibility of principled moral compromise. *Critical Review of International Social and Political Philosophy*, 16(4), 537–556. <https://doi.org/10.1080/13698230.2013.810392>
- Weinstock, D. (2017). Compromise, pluralism, and deliberation. *Critical Review of International Social and Political Philosophy*, 20(5), 636–655. <https://doi.org/10.1080/13698230.2017.1328093>
- Willems, U. (2016). *Wertkonflikte als Herausforderung der Demokratie*. Springer VS.
- Zanetti, V. (2022). *Spielarten des Kompromisses*. Suhrkamp.