Religion in the Public Sphere

(1) Religious traditions and communities of faith gained a new, hitherto unexpected political importance. Needless to say, what initially spring to mind are the variants of religious fundamentalism that we face not only in the Middle East, but also in Africa, Southeast Asia, and on the Indian subcontinent. They often lock into national and ethnical conflicts, and today also form the seedbed for the decentralized networks of a form of terrorism that operates globally and is directed against the perceived insults inflicted by a superior Western civilization.

Religious conflicts are squeezing their way also into the international arena. The hopes associated with the political agenda of multiple modernities are fueled by the cultural self-confidence of those world religions that to this very day shape the physiognomy of the major civilizations. And on the Western side of the fence, the perception of international relations has changed in light of the fears of a "clash of civilizations" - "the axis of evil" is merely one prominent example of this. Even Western intellectuals, to date self-critical in this regard, are starting to go on the offence in their response to the image of Occidentalism that the others have of the West.²

Peter L. Berger (ed.): <u>The Desecularization of the World</u>, (Washington, 1999).

² I. Buruma & A. Margalit: Occidentalism. The West in the Eyes of its Enemies, (Penguin, Harmondsworth, 2004)

What is more surprising is the political revitalization of religion at the heart of Western society. Though there is statistical evidence of a wave of secularization in almost all European countries since the end of World War II - going hand in hand with social modernization, in the United States all data show that the comparatively large proportion of the population made up of devout and religiously active citizens has remained the same over the last six decades. More importantly: the religious Right is not traditionalist. Precisely because it unleashes spontaneous energy for religious revivalism, it causes such irritation among its secular opponents.

The movements for religious renewal at the heart of Western civilization are strengthening, at the cultural level, the political division of the West that was prompted by the Iraq War. With the abolition of the death penalty, with liberal regulations on abortion, with setting homosexual partnerships on a par with heterosexual marriages, with an unconditional rejection of torture, and generally with the privileging of individual rights versus collective goods, e.g., national security, the European states seem to be moving forward alone down the path they had trodden side by side with the United States. By now, the significance of religions used for political ends has grown the world over. Against this background, the division of the West is rather perceived as if

³ P. Norris & R. Inglehart: <u>Sacred and Secular, Religion and Politics Worldwide</u>, (Cambridge, Cambridge UP, 2004), Ch 4

⁴ J. Habermas, <u>Der gespaltene Westen</u>, (Suhrkamp, Frankfurt/Main, 2004).

Europe were isolating itself from the rest of the world. Seen in terms of world history, Max Weber's Occidental Rationalism appears to be the actual deviation.

The Occident's own image of modernity seems, as in a psychological experiment, to undergo a switchover: what has been the supposedly "normal" model for the future of all other cultures suddenly changes into a special-case scenario. Even if this suggestive Gestalt-switch does not quite bear up to sociological scrutiny and if the contrasting evidence can be brought into line with more conventional explanations of secularization, there is no doubting the evidence itself and above all the symptomatic fact of divisive political moods crystallizing around it. The New York Times published two days after the last Presidential elections an article, written by a historian, and entitled "The Day the Enlightenment went out".

Irrespective of how one evaluates the facts, the election analyses confirm that the cultural division of the West runs right through the American nation itself: conflicting value orientations - God, gays and guns - have manifestly covered over more tangibly contrasting interests. The shift in power indicates a mental shift in civil society that here in the United States forms the background to the academic debates on the political role of religion in the public sphere.

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⁵ Norris and Inglehart (2004) Ch. 10: Conclusions

In what follows I shall address the debate that has arisen in the wake of John Rawls' political theory, in particular his concept of the "public use of reason". 6 How does the constitutional separation of state and church influence the role which religious traditions, communities and organizations are allowed to play in the political public sphere and in the state in general, but above all in the political opinion and will formation of citizens themselves? Where should the dividing line be in the opinion of the revisionists?

I would like first of all to bring to mind the liberal premises of the constitutional state and the consequences which John Rawl's conception of the public use of reason has on what we might call "the ethics of citizenship" (2). I shall then go on to treat the most important objections to this somewhat restrictive idea of the political role of religion (3). Through a critical discussion of these revisionist proposals that do touch on the foundations of the liberal self-understanding I will then introduce my own conception of what religious and secular citizens should mutually expect from one another (4). These demanding civic duties draw our attention to those epistemic attitudes and mentalities that secular and religious citizens in a liberal community must tacitly attribute to another another. There is, on one side, the change in the form of religious consciousness that can be understood as a

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⁶ I shall not address the "radical orthodox" camp's fundamental rejection of political liberalism: see J. Milbank, <u>Theology and Social Theory: Beyond Secular Reason</u>, (Oxford, 1990); for a critique Th. M. Schmidt, "Postsäkulare Theologie des Rechts," in: M. Frühauf & W. Löser (eds.), <u>Biblische Aufklärung – die Entdeckung einer Tradition</u>, (Frankfurt/Main, 2005), pp. 91-108.

response to the challenges of modernity (5). On the other side it is a kind of postmetaphysical thought in which the secular awareness of living in a post-secular society gains a sophisticated articulation. Yet the liberal state faces in both regards the problem that religious and secular citizens can only acquire these self-reflective attitudes through a complementary learning process which the state cannot influence by its own means of law and politics (6).

(2) Let me first describe the liberal conception of democratic citizenship. The self-understanding of the constitutional state has developed within the framework of a contractualist tradition that relies on "natural reason", in other words solely on public arguments to which all persons are supposed to have equal access. The assumption of a common human reason is the epistemic base for the justification of a secular state which no longer depends on religious legitimation. And this allows in turn for a separation of state and church at the institutional level. The historical backdrop against which this liberal conception emerged were the religious wars and confessional disputes in early Modern times, to which the constitutional state responded first by the secularization and then by the democratization of state power.

The introduction of the freedom of religion is the appropriate political answer to the challenges of religious pluralism. But the secular character of the state is a necessary but not yet a suffi-

cient condition for guaranteeing equal religious freedom for everybody. It is not enough to rely on the mere benevolence of a secularized authority that now tolerates minorities hitherto discriminated against. The parties concerned must themselves reach agreement on the precarious delimitations between a positive liberty to practice one's own religion and the negative liberty to remain spared of the religious practices of the others. If the principle of tolerance is to be above any suspicion of oppression in view of the limits of tolerance, then compelling reasons must be found for the definition of what can just about be tolerated and what cannot, reasons that all sides can equally accept. Fair arrangements can only be found if the parties involved learn to take also the perspective of the other. And the very procedure that fits this purpose best is the deliberative mode of democratic will formation.

In the secular state, government has to be placed on a non-religious footing anyway. And the democratic procedure is able to generate such a secular legitimation by virtue of two components - first the equal political participation of all citizens, which guarantees that the addresses of the laws can also understand themselves as the authors of these laws; - and second the epistemic dimension of a deliberation that grounds the presumption of rationally acceptable outcomes.

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⁷ see John Rawls, "The Idea of Public Reason Revisited," in: <u>The University of Chicago Law Review</u>, vol. 64, Summer 1997, no. 3, pp. 765-807, here p. 769: "Ideally citizens are to think of themselves as if they were legislators and ask

It is precisely the conditions for the successful participation in this practice of democratic self-determination that define the ethics of citizenship: for all their ongoing dissent on questions of world views and religious doctrines, citizens are meant to respect one another as free and equal members of their political community - this is the core of civic solidarity. And on that basis of mutual respect when it comes to contentious political issues citizens owe one another good reasons for their political statements. Rawls speaks in this context of the 'duty of civility' and 'the public use of reason'. In a secular state only those political decisions are taken to be legitimate as can be justified, in light of generally accessible reasons, vis-à-vis religious and non-religious citizens, and citizens of different religious confessions alike. This constraint explains the controversial reservation, the so called "proviso" for the use of non-public, that is religious reasons.

The principle of separation of state and church obliges politicians and officials within political institutions to formulate and justify laws, court rulings, decrees and measures only in a language which is equally accessible to all citizens. Yet the proviso to which citizens, political parties and their candidates, social organizations, churches and other religious associations are sub-

ject is not quite so strict in the political public sphere. Rawls writes: "The first is that reasonable comprehensive doctrines, religious or non-religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons — and not reasons given solely by comprehensive doctrines — are presented that are sufficient to support whatever the comprehensive doctrines are said to support." Robert Audi clads that duty in a special "principle of secular justifications" when he writes "one has a prima facie obligation not to advocate or support any law or public policy... unless one has, and is willing to offer, adequate secular reasons for this advocacy or support."

(3) This demand is countered by several objections. The most serious one is that many religious citizens would not be able to undertake such an artificial division within their own minds without destabilzing their existence as pious persons. This objection is to be distinguished from the empirical observation that many citizens who take a stance on political issues from a religious viewpoint, do not have enough knowledge or imagination to find secular justifications for them that are independent of their authentic beliefs. This fact is compelling enough given that any "ought" presuppes a "can". Yet we can go one step further. There is a normative edge to the central objection, as it relates to the integral role that religion plays in the life of a person of faith, in

⁸ Rawls (1997), p. 783f. (my italics). This amounts to a revision of the more narrowly formulated principle in John Rawls, Political Liberalism (Clumbia UP), New York 1994, p. 224f.

⁹ R. Audi &N. Wolterstorff, Religion in the Public Sphere (Rowman &Littlefield), Lanham 1997, p. 25

other words to religion's "seat" in everyday life. A devout person pursues her daily rounds by drawing on belief. Put differently, true belief is not only a doctrine, believed content, but a source of energy that the person who has a faith taps performatively and thus nurtures his or her entire life. 10

This totalizing trait of a mode of believing that infuses the very pores of daily life runs counter to any flimsy switchover of religiously rooted political convictions onto a different cognitive basis: "It belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions concerning fundamental issues of justice on their religious convictions. They do not view it as an option whether or not to do it"11. Their religiously grounded concept of justice tells them what is politically correct or incorrect, meaning that they are incapable of discerning "any 'pull' from any secular reasons." 12

If we accept this rather compelling objection, then the liberal state, which expressly protects such forms of living cannot at the same time expect of all citizens that they justify their political statements also independent of their religious convictions or world views. This stringent demand can only be laid at the door of politicians, who within state institutions are subject to the obligation to remain neutral in the face of competing world views;

¹⁰ On the Augustine distinction of fides quae creditur and fides qua creditur see R. Bultmann, Theologische Enzyk-<u>lopädie</u>, (Tübingen, 1984), Annex 3: <u>Wahrheit und Gewissheit</u>, p. 183ff. ¹¹ Wolterstorff in: Audi & Wolterstorff, (1997), p. 105

¹² P. Weithmann, Religion an the Obligations of Citizenship, Cambridge UP, Cambridge UK, 2002, p. 157

in other words it can only be made of anyone who holds a public office or is a candidate for such. 13

(4) We cannot derive from the secular character of the state an obligation for all citizens to supplement their public religious contributions by equivalents in a generally accessible language. The liberal state must not transform the requisite institutional separation of religion and politics into an undue mental and psychological burden for all of those of its citizens who follow a faith. It must albeit expect of them that they recognize the principle that an impartial rule is exercised with neutrality toward competing world views, but it must not expect them to split their identity in public and private components as soon as they participate in public debates. I would therefore suggest the following interpretation: Every citizen must know that only secular reasons count beyond the institutional threshold that divides the informal public sphere from parliaments, courts, ministries and administrations. This awareness need not deter religious citizens from publicly expressing and justifying their convictions by resorting to religious language. For under certain circumstances secular citizens or citizens of a different faith may be able to learn some-

¹³ This brings us to the interesting question of the extent to which during an election campaign candidates may confess or indicate that they are religious persons. The principle of separation of church and state certainly extends to the platform, the manifesto, or the "line", which political parties and their candidates promise to realize. Seen normatively, electoral decisions that boil down to a question of personality instead of programmatic issues are problematic anyway. And it is all the more problematic if the voters take their cue from candidates' religious self-presentations. See on this point the ideas elaborated by Paul Weithman (2002), pp. 117-20: "It would be good to have principles saying what role religion can play when candidates are assessed for what we might call their 'expressive value' – their fittingness to express the values of their constituencies....What is most important to remember about these cases, however, is that elections should not be decided nor votes cast entirely or primarily on the basis of various candidates' expressive value." p. 120.

thing from these contributions and discern in the normative truth content of a religious expression intuitions of their own that have possibly been repressed or distorted and obscured. The force of religious traditions to articulate moral intuitions with regard to communal forms of a dignified human life makes religious presentations on relevant political issues a serious candidate for possible truth contents that can then be translated from the vocabulary of a specific religious community into a generally accessible language.

In fact, the liberal state has an interest of its own in unleashing religious voices in the political public sphere, for it cannot know whether secular society would not otherwise cut itself off from key resources for the creation of meaning and identity. Nor is there a good normative reason for an overhasty reduction of any polyphonous complexity. However, the institutional thresholds between the "wild life" of the political public sphere and the formal proceedings within political bodies are also a filter that from the Babel of voices in the informal flows of public communication allow only secular contributions to pass through. In parliament, for example, the standing rules of procedure of the house must empower the president to have religious statements or justifications expunged from the minutes. The truth content of religious contributions can enter into the institutionalized practice of deliberation and decision-making only if the necessary transla-

tion already occurs in the pre-parliamentarian domain, i.e., in the political public sphere itself.

This requirement of translation is even a cooperative task in which the non-religious citizens must likewise participate, if their religious fellow citizens are not to be encumbered with an asymmetrical burden. Whereas citizens of faith may make public contributions in their own religious language only subject to the proviso that these get translated, the secular citizens must open their minds to the possible truth content of those presentations and even enter into dialogues from which religious reasons then might well emerge in the transformed guise of generally accessible arguments.¹⁴

Let me summarize the interpretation of democratic citizenship that we have reached so far. The citizens of a democratic community owe one another good reasons for their public political interventions. Contrary to the restrictive view of Rawls and Audi, this civic duty can be specified in such a tolerant way that contributions are permitted in a religious as well as in a secular language. They are not subject to constraints on thze mode of expression in the political public sphere, but they rely on joint ventures of translation to receive the chance to be taken up in the agendas

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¹⁴ Jürgen Habermas, "Glauben und Wissen," in: my <u>Zeitdiagnosen</u>, (Suhrkamp, Frankfurt/Main, 2003), pp. 249-263, here pp. 256ff.

and negotiations within political bodies. Otherwise they will not "count" in any further political process.

Coming backt to the arguments of the critics, Nicholas Wolterstorff drops even this important limitation. Thus, contrary to his own claim to remain in line with the premises of the liberal argument, he violates the principle that the powers of the state shall remain neutral in the face of competing world views.

Without the requirement of any institutional filter between the state and the public domain, there remains always the possibility that policies and legal programs will be implemented solely on the basis of the religious beliefs of a ruling majority. This is a conclusion explicitly drawn by Wolterstorff, who does not wish to subject the political use of religious reasons to any restraints whatsoever. As a consequence, he allows for a political legislature making use of religious arguments. 15 If one thus opens the parliaments to religious strife, governmental authority can evidently become the agent of a religious majority that asserts its will while violating the democratic procedure. What is illegitimate is of course not the majority vote, assuming it has been correctly carried out, but the violation of the other, the second core component of the democratic procedure, a fair deliberation preceding the vote. Remember, the content of political decisions that can be enforced by the state must be formulated in a language

¹⁵ Audi and Wolterstorff, (1997), p. 117f.

that is equally accessible to all citizens and it must be possible to justify them in this language. Therefore, majority rule turns into repression if the majority, in the course of democratic opinion and will formation, refuses to offer those publicly accessible justification which the losing minority, be it secular or of a different faith, is able to follow and to evaluate by its own standards.

(5) There remains one more objection, that deserves closer inspection. The translation requirement for religious reasons and the subsequent institutional precedence of secular reasons demand of the religious citizens an effort to learn and adapt that secular citizens are spared having to make. The deeper reason for the ongoing flickering resentment of the state's neutrality toward competing world views stems from the fact that the duty to make public use of reason can only be discharged under certain cognitive presuppositions.

Let me explain this by reminding you of the change in the form of religious consciousness that we observe in our culture since the periods of Reformation and Enlightenment. Sociologists have described this "modernization of religious consciousness" as a response to three challenges religious traditions have been facing in view of the fact of pluralism, the emergence of modern science, and the spread of positive law and a profane morality. In these

three respects, traditional communities of faith must process cognitive dissonances that do not equally arise for secular citizens:

- Religious citizens must develop an epistemic attitude toward other religions and world views that they encounter within a universe of discourse hitherto occupied only by their own religion. They succeed to the degree that they self-reflectively relate their religious beliefs to competing doctrines in such a way that their own exclusive claim to truth can be maintained.
- Secondly, religious citizens must develop an epistemic stance toward the independence of secular from sacred knowledge and the institutionalized monopoly of modern science on what we know and can know about states and events in the world. They will only succeed if from their religious viewpoint they conceive the relationship of dogmatic and scientific beliefs in such a way that the autonomous progress in secular knowledge cannot come to contradict their faith.
- Religious citizens must finally develop an epistemic stance toward the priority that secular reasons enjoy in the political arena. This can succeed only to the extent that they convincingly connect the egalitarian individualism and universalism of modern law and morality with the premises of their own comprehensive doctrines. For this operation Rawls has offered the image of a module fitting into different contexts.

This arduous work of hermeneutic self-reflection must be undertaken from within religious traditions. In our culture, it has essentially been performed by theology. Yet in the final instance it is the faith and practice of the religious community that decides whether a dogmatic processing of the cognitive challenges of modernity has been "successful" or not; only then will the true believer accept it as the result of a "learning process". The new epistemic attitudes are "acquired by learning" if they arise from a reconstruction of sacred truths that is compelling for people of faith in the light of modern living conditions for which no alternatives any longer exist.

We can now approach the question, whether the liberal ethics of citizenship in fact imposes an asymmetrical burden on religious traditions and communities. Religious citizens had to learn to adopt epistemic attitudes toward their secular environment, attitudes that secular citizens enjoy anyway, since they are not exposed to similar cognitive dissonances in the first place. However, the secular citizens are likewise not spared a cognitive burden, because a secularist consciousness does not suffice for the required cooperation with fellow citizens who are religious.

As long as the secular citizens perceive religious traditions and religious communities as archaic relics of pre-modern societies that continue to exist in the present, they will understand freedom of religion as the natural preservation of an endangered species. From their viewpoint, religion no longer has any intrinsic justifications to exist. And the principle of the separation

of state and church can for them only have the laicist meaning of sparing indifference. Citizens who adopt such an epistemic stance toward religion can obviously no longer be expected to take religious contributions to contentious political issues seriously or even to help to assess them for a substance that can possibly be expressed in a secular language and justified by secular arguments.

However, under the normative premises of the constitutional state, the admission of religious statements to the political public sphere makes only sense if all citizens can be expected not to deny from the outset the possible cognitive substance to these contributions - while at the same time respecting the precedence of secular reasons and the requirement for a translation of religious reasons. The secular citizens must grasp their conflict with religious opinions as a reasonably expected disagreement. In the absence of this cognitive presupposition, a public use of reason cannot be imputed to citizens, at least not in the sense that secular citizens should be willing to seriously enter and engage in a discussion on statements linked to religious truth claims. On this side a mindset is presupposed that would originate from a self-critical assessment of the limits of secular reason. 16 This cognitive precondition proves that the version of an ethics of citizenship I have proposed may only be expected from all citizens

¹⁶ In his masterful study of the history of the notion of tolerance, Rainer Forst termed Pierre Bayle the "greatest thinker on tolerance" because Bayle provides in exemplary fashion such a reflexive self-limitation of reason in relation to religion. On Bayle see R. Forst , Toleranz im Konfliklt (Suhrkamp), Frankfurt Main 2003) § 18 as well as §§ 29 and 33 on the systematic argument.

equally if both, religious and secular citizens already have undergone complementary learning processes.

(6) The secular awareness of living in a post-secular society finds its sophisticated expression in a kind of post-metaphysical thought that constitutes the secular counterpart to a religious consciousness that has become self-reflective. Post-metaphysical thought draws, with no polemical intention, a strict line between faith and knowledge. But it rejects a narrow scientistic concept of reason and the exclusion of religious doctrines from the genealogy of reason.

Post-metaphysical thought certainly refrains from passing ontological statements on the constitution of the whole of beings. Yet
at the same time it rejects a kind of scientism that reduces our
knowledge to what is, at each time, represented by the "state of
the art" in natural science. The borderline often becomes blurred
between proper scientific information and a naturalist world-view
that is only synthetized from various scientific sources. 17 A naturalist position of this kind devalues the validity of all categories of knowledge that is not based on experimental evidence,
natural laws, causal explanations etc., it devalues in other words
moral, legal und evaluative propositions no less than religious
statements. Such a kind of naturalizing the human mind casts into

¹⁷ Wolterstorff draws our attention in general to the distinction that often gets neglected in practice between secular reasons, that are meant to count, and secular world views, that like all comprehensive doctrines are not meant to count. See Audi & Wolterstorff (1997), p. 105: "Much if not most of the time we will be able to spot religious reasons from a mile area."

mile away... Typically, however, comprehensive secular perspectives will go undetected."

question our practical self-understanding as persons who can take responsibility for our actions. A naturalistic self-objectification of persons, invading the common-sense of every-day life, is incompatible with any idea of political integration through a normative background consensus supposedly shared by all citizens.

Post-metaphysical thought reflects on its own history. In so doing it refers, however, not only to the metaphysical heritage of Western philosophy. It discovers an internal relationship also to those world religions whose origins, like the origins of Classical Greek philosophy, date back to the middle of the first millennium before Christ - in other words to what Jaspers termed the "Axial Age". Those religions which have their roots in the Axial Age accomplished the cognitive leap from the structure of mythical narratives to a logos that differentiates between essence and appearance in a very similar way to Greek philosophy. And ever since the Council of Nicaea and throughout the course of a "Hellenization of Christianity", philosophy itself took on board and assimilated many religious motifs and concepts of redemption, specifically those from the history of salvation. Concepts of Greek origin such as "autonomy" and "individuality" or Roman concepts such as "emancipation" and "solidarity" have long since been shot through with meanings of a Judaeo-Christian origin. 18

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¹⁸ See for example Hauke Brunkhorst, Solidarität, (Frankfurt/Main, 2002), pp. 40-78.

Philosophy has recurrently found in its confrontation with religious traditions (and particularly with religious writers such as Kierkegaard, who think in a post-metaphysical, but not a post-Christian vein) that it receives innovative or world-disclosing stimuli. It would not be rational to reject out of hand the conjecture that religions - as the only surviving element among the constitutive building-blocks of the Ancient cultures - manage to continue and maintain a recognized place within in the differentiated edifice of Modernity because their cognitive substance has not yet been totally exhausted. There are at any rate no good reasons for denying the possibility that religions still bear a valuable semantic potential for inspiring other people beyond the limits of the particular community of faith, once that potential is delivered in terms of its profane truth content.

In short, post-metaphysical thought is prepared to learn from religion while remaining strictly agnostic. It insists on the difference between certainties of faith and validity claims that can be publicly criticized; but it refrains from the rationalist temptation that it can itself decide which part of the religious doctrines is rational and which part is not. Now, this ambivalent attitude to religion expresses a similar epistemic attitude which secular citizens must adopt, if they are to be able and willing to learn something from religious contributions to public debates provided it turns out to be something that can also be spelled out in a generally accessible language.

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The fact that the political virtue of civility (in my interpretation) can only be imputed to both secular and religious citizens by dint of cognitive preconditions that are pre-political in origin is interesting in several respects. First of all, it spotlights the fact that the constitutional state with its deliberative kind of politics is an epistemically demanding, even truthsensitive form of government. A 'post-truth democracy' would no longer be a democracy, as the latter depends on the improbable mind-sets that religious and secular citizens develop only through learning processes. We must, secondly, notice the complementary relation between them. Like the introduction of self-reflection into religious consciousness, there is also an epistemological side to the self-reflective overcoming of the secularist consciousness. But whether we may speak at all of "learning processes" is a question that political theory must leave undecided. From an outside perspective philosophers cannot decide whether the "modernized" faith is still the "real" faith. And today it is impossible to decide even from inside the philosophical perspective whether at the end of the day it is secularism embedded in a naturalist world-view that is right, and not the more generous postmetaphysical thought.

These considerations have disquieting implications for a situation in which a polarization of world views and of ideological camps endanger the political integration of a community. Let us assume

that we face a lack of learning on one or the other side of the religious/secular divide; in this case the proper means to force or foster the epistemic attitude that is presupposed by the expected public use of reason would not be at the disposal of the liberal state. If, however, only participants themselves can decide whether the polarization results at all from a lack of "learning", the issue of which obligations a liberal ethics of citizenship may impose would remain an essentially contested one.