1 | Secularism and religion in a multicultural age

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What should be the relation between religion and the state in liberal democracies today? The original liberal settlements of this question, forged against the background of protracted sectarian conflict in early modern Europe, devised a pragmatic solution of separation between the two domains. This move – generally subsumed under the rubric of secularism or a secular state – arguably has been a stunning achievement for the past few centuries. But liberal societies today are under serious strain and facing new challenges brought on by radically transformed conditions. Suddenly, questions are now being posed that previously were considered settled.[1]

Until recently, the prevailing view was that religiosity in western democracies would attenuate with each generation, reflecting the march of secularisation and the forces of modern consumer societies. This attenuation, it was believed, would parallel the expected eclipse of ethnic identities more generally. Such expectations have been roundly shaken. When Nathan Glazer and Daniel Patrick Moynihan (1963: 290) famously concluded – after surveying the scene in New York City in the early 1960s – that '[t]he point about the melting pot is that it did not happen', the signs were there for religious identity as well. By the 1980s, evangelical groups and the 'Moral Majority' had become significant players in American politics. It has taken another two decades, however, for the global resilience and significance of religious identity to be fully recognised. 'The belief that outbreaks of politicized religion are temporary detours on the road to secularization was plausible in 1976, 1986, or even 1996', observe Timothy Shah and Monica Toft (2006: 43). 'Today, the argument is untenable.' Even as traditional, institutional forms of religiosity, such as church

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[1] I thank Tariq Modood for his comments and an anonymous reader for his/her questions in relation to earlier versions of this chapter.

attendance, were dissipating across continental Europe, Britain and its offshoots such as Canada and Australia, new forms of religious expression and the intensification of religious sentiment were being observed. As Ronald Inglehart and Pippa Norris report, 'the world as a whole now has more people with traditional religious views than ever before – and they constitute a growing proportion of the world's population' (quoted in Shah and Toft 2006: 40).

Western democracies today are being challenged by religion along three intersecting 'fault-lines'. The first is the background context of all discussion of religion in the modern West – the aforementioned traditional liberal quest to separate religion and politics for the sake of peace and the mutual protection of both. While there is, of course, wide variation among liberal democracies in the way that it is institutionalised and practised, church–state separation remains a defining feature of all liberal societies. Part of the dispute at this level is the time-honoured one of sorting out the appropriate demarcation of the private and public domains as new cases present themselves. But the arguments also run much deeper as to how the separation between the two domains should be understood.

The second fault-line is much more recent. It emerges with the rise of identity politics in the United States and beyond in the 1960s, and the advent of multiculturalism as state policy in places such as Canada and Australia in the 1970s. On this newer, 'multicultural' model, the emphasis has been on publicly supporting, accommodating and even celebrating ethnic diversity. Again, there is wide variation among liberal democracies in this respect. Not all democracies have experimented with official policies of multiculturalism. Some, like the United States, allow for cultural diversity in a more decentralised, piecemeal fashion through different jurisdictions of public law and policy. Others, such as France, have generally discouraged the expression and accommodation of minority cultural differences. Nevertheless, it is fair to say that all liberal democracies have felt the tension between the old liberal 'separationist' model devised for religion and the increasing demands for cultural recognition and accommodation in the name of multiculturalism. A central question, here, has been whether multiculturalism violates or better realises fundamental liberal-democratic values like equality, autonomy and toleration.

The third fault-line has opened up more recently again. It is a product of significant Muslim immigration to the West – especially

Europe – and of the nature of Islam as a 'public religion'.[2] Cases such as Salman Rushdie's *Satanic Verses* in Britain, the slaying of Dutch filmmaker Theo Van Gogh, the Danish cartoons of Muhammad, and the wearing of headscarves at state schools in France, have left many people in these countries asking whether Muslims can be successfully integrated into their societies. These impressions have, of course, only been compounded by the actions of militant Islamists around the world. In Europe, but also in Canada and the antipodes, the view is increasingly put that the Muslim presence challenges the liberal secular state *and* condemns the liberal multicultural state. On this account, the 'Muslim question' requires an ever more resolute insistence on 'core' liberal values and the established liberal settlements governing religion and politics, while multiculturalism is blamed for encouraging cultural relativism and social segregation, and for sowing confusion about the appropriate boundaries of the tolerable.

These three intersecting 'fault-lines' – religion–politics, religion–multiculturalism, and Islam–Muslims/multiculturalism – raise a number of pressing questions. How should liberal democracies respond to their growing Muslim communities? What is the appropriate liberal response to a girl wearing a headscarf to a French school, or to an Islamic organisation's request for public funding in the UK, or to a request that images of the Prophet Muhammad not be published in newspapers? Should these cases be seen as instances of 'multiculturalism' and 'diversity', which contemporary liberalism should defend and celebrate? Or are they rather examples of a dangerously theocratic impulse, which threatens the social peace and the liberal separation of religion and the state? Should places like France, Germany and the UK adjust their legal codes in order to accommodate a religious tradition that was not a party to the original peace compacts, and that may not accept some of the limiting terms of modern liberalism?

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[2] Substantial Muslim populations have lived in the Balkans and Eastern Europe for centuries, a fact underscored by the long Ottoman rule in those regions. There also has been a Muslim presence in western Europe for centuries. For example, the first sizeable group of Muslims arrived in Britain from India in the eighteenth century (Foreign and Commonwealth Office 2006: 4). However, the large Muslim populations in western Europe today are chiefly a product of post-World War II immigration (Fetzer and Soper 2005: 2). For figures on the Muslim communities in Europe and the United States, see the chapters by Casanova (Chapter 6) and Saeed (Chapter 9) in this volume.

This book tackles these and related questions. The first part of the book seeks to clarify the history, terms and limits of western secularism. The second part explores the Muslim experience in relation to western secularism today and the ramifications of this relationship for both. For the remainder of this chapter, I want to connect the historical picture of western secularism to contemporary developments by suggesting where problems lie and where, perhaps, they do not. I shall proceed by pursuing three further questions. Is religious identity different from other forms of cultural identity? Does the Islamic experience differ significantly from that of other religions in the West? And have the original liberal settlements regarding religion outlived their usefulness in light of contemporary developments?

Is religious identity different?

Secularism denotes the idea that the state or political authority should not be in the business of imposing or advancing or privileging any particular religion or religious belief or religion in general.[3] The initial aim was to create a space in which different faith communities might coexist amicably. This elementary idea of state neutrality has been variously practised or advanced on the basis of prudence, toleration, indifference and respect for persons. Whatever the underlying principle or posture, there are at least two senses in which religious identity must be credited as being different or special in the context of any liberal society.

One is that religion is integral to the history of liberalism. It was out of the bloody religious wars and persecutions of the sixteenth and early seventeenth centuries that liberal ideas and institutions evolved. While some have traced the idea of religious toleration back to medieval political thinkers (e.g. Nederman and Laursen 1996; Laursen and Nederman 1998), the prevailing view continues to link it to the changing attitudes to heresy and heretics – chiefly, the acceptance of

[3] A distinction is sometimes drawn between secular, secularism and secularisation, where 'secular' refers to a delimitation or principled exclusion of religion, 'secularism' to an ideological opposition to religion, and 'secularisation' to the waning of religious belief and observance among a group or in society. In this book, we do not attach such a narrow or negative meaning to 'secularism', but rather employ the term to denote the various understandings of what the secular state was, is and should be.

religious coexistence over persecution – that took hold in the wake of the religious conflicts and Protestant Reformation in the sixteenth century (Zagorin 2003). The attempt to avoid religious conflict was one of the main motivations behind the idea of separating a 'public' sphere of activity appropriate for political concern and intervention from a 'private' sphere where the state ought not to concern itself. Moreover, as Jonathan Israel (2006: 65) notes, early Enlightenment thinkers (1650–1740s) drew on and reinterpreted scripture to fashion their arguments for toleration, since religion was then all-dominant and its vocabulary was the only language everyone understood. This formative relationship has bestowed on religion a special significance and sensitivity in liberal thought and in the affairs of liberal societies, and likely always will.

It is, however, a later historical development that has increasingly distinguished religion from other forms of cultural identity in liberal societies. The rise of the nation-state from the late eighteenth century witnessed the conjuncture of political authority and the consolidation of particular language and cultural identities (Taylor 1997). The religion model and the nation-state model thus have different logics and press in opposite directions: whereas secularism aims to preclude government from discriminating on the basis of a particular religion, the nation-state aims to produce and reproduce a particular language and culture. To be sure, both models witness many variations. Some liberal democracies continue to have state or established churches, though protecting the religious freedom of other faith communities (e.g. England, Greece and Denmark); some have official ties to a particular faith, such as the Catholic concordat in Spain, Portugal and Italy; while others honour religious neutrality by supporting or accommodating many religions (e.g. Germany, Sweden and India) or by privatising all religion (France, the United States). At the same time, liberal nation-states are limited in how far they can impose a particular national identity courtesy of their commitment to individual and democratic rights, although, here again, there is considerable variation among actual cases. The point nevertheless remains: the nation-state model aligns the state with a particular cultural identity in a way that the religion model generally seeks to preclude regarding religious identity.

So religion is uniquely situated in relation to the liberal state. At the same time, religious identity is also *akin* to other cultural identities in

many respects. For one thing, many ostensible religious practices and traditions are observed by members of faith communities for broadly cultural or even social rather than religious reasons. For example, many Christians who baptise their children, many Jews who attend synagogue on the High Holidays and many Muslims who have their infant sons circumcised do these things – and sometimes little else – in order to 'identify' with their group rather than out of religious belief or observance. Second, some putatively 'religious' groups embrace other dimensions of membership, such as ethno-national criteria in the case of the Jews, and political communal criteria in the case of Muslims, as S. Sayyid notes in Chapter 8. Third, religion and ethnicity or national background also often overlap and mutually shape each other in particular communities: for example Turkish Muslims in Germany, North African Muslims in France, Pakistani Muslims in Britain, and German and Scandinavian Lutherans and Irish and Italian Catholics in the United States. Finally, religious groups, like other cultural groups, wish to observe and reproduce their traditions.

In many ways, the debate surrounding religion in democracies turns on the implications of this tension in religion being both different from and similar to other forms of identity. Most contemporary liberals readily grant the special *historical* relationship between religion and liberalism. However, the question of whether or in what sense religious identity should be treated differently has proven more contentious and, indeed, vexatious. This is true even – or perhaps especially – with liberals who are sympathetic to the claims of culture.

Consider, for example, the approach of Will Kymlicka, the influential philosopher of multiculturalism. Kymlicka accepts that the 'religion model is altogether misleading as an account of the relationship between the liberal-democratic state and ethnocultural groups' (Kymlicka 2002: 345). However, he understands the religion model to involve a very strict and complete separation between church and state. As he puts it, liberal neutrality actually allows the state to promote a particular religion on the same terms that it does a particular language – namely, as long as it is done for some 'neutral reason' such as facilitating social harmony or communication, and not for any claim of intrinsic worth or truth value. But liberals, he says, have adopted a stronger principle when it comes to religion – 'benign neglect'. On this principle, the state 'should avoid promoting [religion] *at all*, even for neutral reasons of efficiency or harmony. There should be a firm

'separation of church and state' (Kymlicka 2002: 344, emphasis quoted).

What is puzzling about this account of the distinctiveness of the religion model is that the origins of so-called church–state separation were themselves largely rooted in a neutral or pragmatic response to the thorny problem of endemic religious conflict. Why would a model that is itself the product of pragmatic thinking rule out pragmatic reasons as a legitimate basis of political intervention? One might say the model inscribes a prediction, in this case, about the perils of political and religious entanglement based on past experience, which no one wishes to repeat. But meaningful predictions are open to empirical falsification. It is hard to see how various kinds of state recognition commonly extended to religious minorities – from conscientious objection to tax subsidies – compromise religious freedom or fan the flames of religious conflict.

Indeed, Kymlicka's own theory of minority cultural rights seems to violate his principle of 'benign neglect'. On his theory, members of cultural minorities are entitled to certain cultural rights wherever they are disadvantaged through no fault of their own in enjoying the good of membership in a societal culture. And he is alert to how religious minorities may be similarly disadvantaged to ethnic minorities. For example, he cites how Easter and Christmas public holidays symbolically and practically disadvantage Jewish and Muslim citizens, and suggests how the latter's festivals may also be publicly recognised (Kymlicka 1995: 114, 222 n. 9).[4] Similarly, he argues that while it would be better if Sunday closing laws were abolished altogether, Sabbatarians are entitled to exemptions where these laws apply

[4] Tariq Modood (2007: 26–7) observes how religious minorities tend to figure prominently in Kymlicka's discussion of isolationist groups (such as the Amish and Hutterites) and of exemptions from standing law, while scarcely rating a mention in his otherwise advocacy of group representation in the democratic process, public subsidisation and institutional inclusion for cultural minorities. The reluctance to address religious minorities in these latter respects may have something to do with Kymlicka's endorsement of strict church–state separation, as Modood suggests. That Kymlicka is willing to offer faith communities symbolic recognition and institutional representation in the case of public holidays is thus doubly interesting. For my own critique of Kymlicka's theory of cultural rights, see Levey (1997). I discuss the problem of symbolic recognition of public holidays in Levey (2006c).

(Kymlicka 2002: 374 n. 21). In particular cases, then, Kymlicka is compelled to override his strict account of benign neglect and church–state separation out of some sense both of justice and the force of circumstance. This is scarcely surprising. His account of benign neglect demands a near-impossible standard of separating religion and politics. It precludes a state from acting in the sphere of religion despite all manner of compelling state interests for so intervening.

Another approach to 'benign neglect' understands it contextually rather than as an abstract principle, yet is also problematic. Michael Walzer (2001: 150–3) believes that in immigrant societies like the United States benign neglect should apply equally to religious *and* ethnic minorities. Walzer grants that immigrant societies impose language and other nationalising cultural pressures on their citizens.[5] However, he argues that these national cultures are typically 'thin' and open to cultural difference. Under such conditions, state cultural provisions for religious and ethnic minorities are harder to justify. First, immigrants 'have to accept the cultural risks that immigration entails and sustain their own thick culture, if they can'. Second, because the national culture is thin, such minorities have less *need* of state support for their own ethnic or religious cultures, and so less entitlement.

'Thinness' is obviously a relative property. Walzer's main example of a thin national culture is the United States, with which he contrasts the much thicker and more imposing national cultures of Europe, and especially France. The other major immigrant democracies – Canada and Australia – arguably have thinner national cultures than the old nation-states of Europe, but also thicker ones than the United States. Walzer (1997) himself discusses Canada as a 'hard case'. And one of his proffered characteristics of a thin national culture – the openness to hyphenated or dual identities – doesn't much apply in Australia, where hyphenation is still frowned upon and cultural uniformity still championed, notwithstanding its thirty-year experiment with multiculturalism (Levey 2008b). The first limitation of Walzer's argument, then, is that it is unclear that it could apply to anywhere other than the United States.

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[5] Previously, Walzer (1992: 100–1) has gone further to suggest that *non*-nation-states like the United States are 'neutral with reference to the language, history, literature, calendar, or even the minor mores of the majority'.

But does it apply *even* to the United States? In its favour, the obvious vestiges of Anglo-American or WASP dominance – such as Sunday as the nominal day of rest, Christmas as a public holiday, the office of Chaplain and the daily prayer recitation in both houses of Congress[6] – may not amount to much. In the abstract, thinness and equality might demand that the inscription of 'In God We Trust' on US legal tender be removed or, in the interests of polytheistic and atheistic inclusion, that 'In Gods We Trust' and 'Who is this God, anyway?' be added. Or one might simply say – along the lines of the Chaplain's Office of the US Senate – that 'the United States ... has honored the historic separation of Church and State, but not the separation of God and State'.[7] Either way, few people seriously worry that the current legal tender in the 'One nation, under God' mean-ingfully violates the rights and opportunities of non-monotheistic Americans.

It is also the case that American national culture has thinned out, in important respects, over the course of its history. Walzer (2001: 151) cites his own experience as an American Jew in appreciating just how thin and open American national culture is. Yet, American Jews had to battle hard against the entrenched idea of America as a Christian nation in the nineteenth and early twentieth centuries. Their renowned support today for a 'high wall of separation' between state and religion took root during their campaigns against Sunday closing laws and denominational trappings in public schools in the decades before and after the Civil War (Cohen 1992). At first petitioning for exemption against the 'blue laws', they progressively adopted the position that the laws themselves were a slight against their religious equality and should be abolished. From the 1940s, the American Jewish Congress and other secular Jewish organisations were at the forefront of developing the separationist position across a slew of issues before the courts (Pfeffer 1967; Wood 1985; Ivers 1995). In one sense, the Jews thus helped to transform American public culture. Yet, Walzer is right in that they could do so only because the national culture furnished

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[6] However, guest chaplains from various faith communities are permitted to offer a customary prayer. This occasionally still provokes objection: when a Hindu recently led the Senate's morning prayer, members of a Christian group in the gallery shouted that 'this is an abomination' and had to be escorted out (*Guardian Weekly*, 20 July 2007).

[7] http://www.senate.gov/reference/office/chaplain.htm.

them the wherewithal to forge a separationist jurisprudence. It was the thickness of the First Amendment's Establishment clause, as it were, that enabled them to thin out the public space for themselves and others.

Walzer's account of benign neglect in the USA looks less compelling, I think, when one changes the angle and considers the plethora of exemptions allowed minority members from standing American law and policy. These bear on rules and regulations governing such things as dress codes, work time release, the preparation of food, medical and post-mortem procedures, and educational and employment provisions (US Commission on Civil Rights 1983; Curry 1989; Weisbrod 1989; Eisenberg 2002). Even if America's is the thinnest of all national cultures, it would appear to be not so thin – and minorities so un-needy of cultural consideration – that such adjustment of legal and other regulatory codes is deemed warranted. Neither, evidently, do immigrant minorities in the US entirely have to accept the cultural risks that immigration entails. Walzer's main concern is with public subsidies and group autonomy rather than exemptions for ethno-religious minorities, and so one could argue, I suppose, that American culture is thick enough to warrant various exemptions from general laws and regulations, but thin enough *not* to warrant public subsidies and autonomy for cultural minorities. Two points are worth making.

First, even if one judges that immigrant groups have little or no *just entitlement* to public subsidies or autonomous decision-making, there are other grounds upon which states may wish to extend such assistance or recognition. In an earlier essay, Walzer (1995 [1980]: 152–3) himself entertains the idea of 'ethnicity as a collective good'. Group membership often sustains a sense of identity and pride, yet there are many 'religious and cultural freeloaders', people who benefit from their group, but do not contribute their time or money to it. Hence, public subsidies to cultural minorities might help to sustain this kind of collective good. Another argument is that cultural diversity may be deemed a *public* good in the interests of *all* citizens and therefore deserving of some public support (Parekh 2000). This is a dominant theme, for example, in Australian multicultural policy (Levey 2008a). Thinness of a national culture, then, at best undercuts some, but not all, arguments for government support and recognition of cultural minorities. But secondly, Walzer's argument for benign neglect issues primarily from an assessment of need, and – as he