Is European Secularism Secular Enough?

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European secularism, one of the many versions of secularism available in the world, was developed in the context of predominantly single-religion societies after a great deal of religious homogenization had already taken place. It was and remains a modest secularism. However, with the migration of workers from former colonies and the intensification of globalization, pre-Christian (Hindu, Buddhist, Jain) and post-Christian (Islam, Sikhism) faiths have been thrown together for the first time in modern Europe, creating an unprecedented diversity the like of which has not been witnessed in Europe under conditions of modernity. This has destabilized European secular states and the conception of secularism that underpins them. European secularism is in crisis, for as it now turns out, it is not quite secular enough. My main claim in this essay is that this crisis is due largely to the failure of Europe to make a conceptual shift from a secularism developed in and for single-religion societies to one that is far more sensitive and finely tuned to deep religious diversity. At its root, then, the crisis of European secularism is conceptual. Europe must reconceptualize its secularism and, in order to do so, possibly learn from the experience of non-European, non-Western societies such as India.

I begin by distinguishing three senses of the term “secularism.” First, it is used as shorthand for secular humanism and more particularly for a de-transcendentalized version of it, which Taylor calls exclusive humanism. This secularism describes a general view of the world and the place of humans within it but need not have an explicit normative content. In contrast, secularism in the second sense specifies the ideals, even ultimate ideals, which give meaning and worth to life and which its followers strive to realize. In an article published in 1994, I called it ethical secularism. Ethical secularism tells one how best to live in the only world and only life
we have, this one, here and now, and what the goals of human flourishing are conceived independently of God, gods, or some other world. I distinguished this ethic from political secularism, the third sense of the term. Here it stands for a certain kind of polity in which organized religious power or religious institutions are separated from organized political power or political institutions for specific ends. One idea behind this distinction was to argue that both those who believe in ethical secularism and those who believe in or practice various religions can come to agree on the constitutive principles that underlie political secularism. Political secularism neither entails nor presupposes ethical secularism. To believe that in order to be a political secularist one had to be an ethical secularist is simply false. I shall say no more about the first two senses of secularism and in what follows will focus only on political secularism.

What would the most expansive understanding of political secularism be? If we examine the animating principle of a more broadly understood secular perspective, we might discover that it is driven by an opposition to religious hegemony, religious tyranny, and religious and religion-based exclusions. The goal of secularism, defined most generally, is to ensure that the social and political order is free from institutionalized religious domination so that there is religious freedom, freedom to exit from religion, interreligious equality, equality between believers and nonbelievers, and solidarity, forged when people are freed from religious sectarianism. Thus, religion defines the scope of secularism. The very point of secularism is lost either when religion disappears or if it purges itself from its oppressive, tyrannical, inegalitarian, or exclusionary features. If religion is exhaustively defined in terms of these oppressive features, then the goal of secularism is to eliminate religion altogether. Because religion is a far more complex and ambivalent entity and is not necessarily tyrannical or oppressive, we might see the objective of secularism as the reform of religion but from a vantage point that is partly external and definitely nonpartisan. Secularism is not intrinsically opposed to religion and may even be seen as advocating critical respect toward it. Moreover, it invites reciprocal critical respect toward nonreligious perspectives.

Political secularism can be defined more narrowly, for it answers the question: What is
the appropriate relation between state and religious institutions, given the background purpose
that animates secularism more generally; that is, to end religious hegemony, oppression, and
exclusion and to foster principled coexistence between followers of religious and nonreligious
perspectives. The broadest and perhaps vaguest answer provided by political secularism is that
the two must be separated. Here, then, is the first, initial formulation: Political secularism is a
normative doctrine for which the state should be separated from religious institutions to check
religion’s tyranny, oppression, hierarchy, or sectarianism and to promote religious and
nonreligious freedoms, equalities, and solidarity among citizens. Put schematically, political
secularism advocates the separation of state and religious institutions for the sake of values, such
as the ones mentioned above.

Political secularism does not come in one unique form. It is open to many interpretations.
Thus, there are many conceptions of political secularism, depending on how the metaphor of
separation is unpacked, which values separation is meant to promote, how these values are
combined, and what weight is assigned to each of them. I shall return to this point about different
conceptions of secularism. However, to grasp its structure, it is first important to contrast
political secularism with doctrines to which it is in one sense related and opposed. Such
antisecular, religion-centric doctrines favor not separation, but a union or alliance between
religion and state. They advocate religion-centered states.

Religion-Centered and Secular States

To understand the distinction between religion-centered and secular states, a further set of
distinctions needs to be introduced. States may be strongly connected to religion or disconnected
from it. Such connection or disconnection may exist at three distinct levels: (1) the level of ends,
(2) the level of institutions and personnel, and (3) the level of public policy and, even more
relevantly, law. A state that has union with a particular religious order is a theocratic state,
governed by divine laws directly administered by a priestly order claiming divine commission.
A theocratic state is strongly connected to religion at each of the three levels. Hence the use of the term “union.” Historical examples of theocracies are ancient Israel, some Buddhist regimes of Japan and China, the Geneva of John Calvin, and the papal states. The Islamic republic of Iran as Khomeni aspired to run it is an obvious example. A theocratic state must be distinguished from a state that establishes religion. Here, religion is granted official, legal recognition by the state and while both benefit from a formal alliance with one another, the sacerdotal order does not govern a state where religion is established.

Because they do not unify church and state but install only an alliance between them, states with an established church are in some ways disconnected from it. They do so in different ways. For a start, these are political orders where there is a sufficient degree of institutional differentiation between the two. Both the church and the state have distinct identities. This difference in identity may be due partly to role differentiation. Each is to perform a role different from the other. The function of one is to maintain peace and order, a primarily temporal matter. The function of the other is to secure salvation, primarily a spiritual concern. In a theocracy, both roles are performed by the same personnel. In states with established religions, there may even be personnel differentiation. State functionaries and church functionaries are largely different from one another. Thus, disconnection between church and state at level 2 can go sufficiently deep. Yet, there is a more significant sense in which the state and the church are connected to one another: they share a common end largely defined by religion. By virtue of a more primary connection of ends, the two share a special relationship with each other. The states grant privileged recognition to religion. Religion even partially defines the identity of the state. The state declares that the source of its fundamental law lies in religion. It derives partial legitimacy from religion. Thus, both benefit from this mutual alliance. There is finally another level of connection between church and state at the level of policy and law. Such policies and laws flow from and are justified in terms of the union or alliance that exists between the state and the church. The institutional disconnection of church and state—at the level of roles, functions, and powers—goes hand in hand with the first- and third-level connection of ends with policies and
laws. So this is what differentiates a state with established church-based religion from a theocracy: the second-level disconnection of church and state. Table 6.1 clarifies these distinctions.

Just as a theocracy is not always distinguished from the establishment of religion, a distinction is not always drawn between the establishment of religion and the establishment of the church of a religion (a religious institution with its own distinct rules, function and social roles, personnel, jurisdiction, power, hierarchy [ecclesiastical levels], and a distinct and authoritative interpretation of a religion). But clearly not all religions have churches. Yet, a state may establish such a church-free religion; that is, grant it formal, legal recognition and privilege. Put differently, the establishment of a church is always the establishment of a particular religion, but the converse is not always true. The establishment of a particular religion does not always mean the establishment of a church. Some Muslims or Hindus may wish to establish Islam or Hinduism as a state religion, but they have no church to establish. Such an establishment may be expressed in the symbols of the state and in the form of state policies that support a particular religion.

Many American Protestants may have wanted to disestablish the church at the federal level without wishing the state to de-recognize Christianity as the favored religion. Alternatively, they tried to maintain the establishment of their preferred religion by the establishment of not one but two or even more churches. The establishment of a single religion is consistent therefore with the disestablishment or non-establishment of the church, with the establishment of a single church, or with the establishment of multiple churches. This issue is obscured because in church-based religions, the establishment of religion is the establishment of the church, and the establishment of Christianity is so much a part of background understanding of several Western societies that this fact does not even need to be foregrounded and discussed.

Finally, it is possible that there is establishment of multiple religions, with or without church. Arguably, the emperor Akbar in India came closest to it. Perhaps another example is the fourteenth-century Vijayanagar kingdom that granted official recognition not only to Shaivites and the Vaishnavites but even the Jains.
We can see, then, that there are five types of regimes in which a close relationship exists between state and religion. First, a theocracy where no institutional separation exists between church and state and the priestly order is also the direct political ruler. Second is states with the establishment of single religion. These are of three types: (a) without the establishment of a church, (b) with the establishment of a single church, and (c) with the establishment of multiple churches. Third is states with establishment of multiple religions.

Secular states are different from each of these five kinds of states. To understand this issue further and distinguish different forms of secular states, allow me to unfold the structure of the secular state. For a start, we must recognize first that a secular state is to be distinguished not only from a theocracy (feature [a]), but also from a state where religion is established. But a nontheocratic state is not automatically secular because it is entirely consistent for a state neither to be inspired by divine laws nor run by a priestly order, but instead to have a formal alliance with one religion. Second, because it is also a feature of states with established churches, the mere institutional separation of the two is not and cannot be the distinguishing mark of secular states. This second-level disconnection should not be conflated with the separation embedded in secular states because, though necessary, it is not a sufficient condition for their individuation. A secular state goes beyond church-state separation, refusing to establish religion or, if religion is already established, disestablishing it. It withdraws privileges that established religion had previously taken for granted. This it can do only when its primary ends or goals are defined independently of religion. Therefore, a secular state follows what can be called the principle of non-establishment. Thus, a crucial requirement of a secular state is that it has no constitutive links with religion, that the ends of any religion should not be installed as the ends of the state. For example, it cannot be the constitutive objective of the state to ensure salvation, nirvana, or moksha. Nor can it be a requirement of the state that it increases the membership of any religious community. The conversion of one individual or a group from one religion to another cannot be the goal of the state. Official privileged status is not given to religion. This is largely what is meant when it is said that in a secular state, a formal or legal union or alliance between state and
religion is impermissible. No religious community in such a state can say that the state belongs exclusively to it. The identity of the state is defined independently of religion. Furthermore, the non-establishment of religion means that the state is separated not merely from one but from all religions; even all of them together cannot say that it belongs collectively to them and them alone.

To grasp this point at a more general theoretical level, let me distinguish three levels of disconnection to correspond with the already identified three levels of connection. A state may be disconnected from religion at the level of ends (first level), at the level of institutions (second level), and at the level of law and public policy (third level).

A secular state is distinguished from theocracies and states with established states by a primary, first-level disconnection. A secular state has freestanding ends, substantially, if not always completely, disconnected from the ends of religion or conceivable without a connection with them. At the second level, disconnection ensues so that there is no mandatory or presumed presence of religious personnel in the structures of a state. No part of state power is automatically available to members of religious institutions. Finally, a secular state may be disconnected from religion even at the level of law and public policy. Table 6.2 clarifies these distinctions.

For many proponents or opponents of political secularism, all three levels of separation matter equally. In short, separation must be strict or perfect if states are to be fully secular. I believe the identification of this third level is important, but not because separation at this level is constitutive of political secularism; rather, differences at this level generate a variety of political secularisms.

Until recently, however, the existence of multiple secularisms remained unacknowledged. Wittgenstein’s warning that the hold of a particular picture is sometimes so strong that it prevents, even occludes, the awareness of other models of reality is probably more apt about secularism than about other related social and political doctrines. We have failed to recognize multiple secularisms because our imagination is severely controlled by particular conceptions of secularism developed in parts of the Western world.
Allow me to amplify this point. A common mistake among those who think and write about contemporary secularism is that they unwittingly assume that it is a doctrine with a fixed content. It is also believed to be timeless, as if it has always existed in the same form. But all living doctrines evolve and therefore have a history. Secularism, too, has a history made at one time largely by Europeans, then a little later by North Americans, and much later by non-Western countries. Non-Western societies inherited from their Western counterparts specific versions of secularism, but they did not always preserve them in the form in which they were received. They often added something of enduring value to them and, therefore, developed the idea further. Western theorists of secularism do not always recognize this non-Western contribution. It may have been adequate earlier for Western scholars to focus exclusively on that part of the history of secularism that was made in and by the West. But today it would be a gross mistake to identify any single Western variant of secularism with the entire doctrine, if the part was viewed as the whole. For a rich, complex, and complete understanding of secularism, one must examine how the secular ideal has developed over time transnationally. In short, we must acknowledge that several Western and non-Western societies have developed their own variants of secular states and imagined multiple secularisms.

In what follows, I identify five such models of political secularism, though this list may not be exhaustive. Two of these, one originating in the United States of America that I call the idealized American or the mutual exclusion model and the other developed in France called the idealized French or the one-sided exclusion model, have been hegemonic. Two other models developed in India, one that might be called the idealized Indian or the communal harmony model and the other the model of principled distance embodied in the Indian Constitution. A fifth has developed in large parts of Western Europe and has been recently theorized by Tariq Modood, who calls it moderate secularism. Identifying these different models is the primary task of the first part of this chapter. In the second part of this chapter, I evaluate both European secularism and practices of European states. Judged by the standards of the principled distance model, in my view the best available conception of political secularism for societies marked by
deep religious diversity, both moderate European secularism and the practices of European states, are found wanting. In short, my main claim in the second part is that European states are not secular enough.

I recall that given political secularism is a normative perspective, its broadest formulation is that political institutions or the state should be separated from religious institutions or religion for the sake of some values. The two models that I discuss first interpret this narrowly to mean the separation of state and church and church-based religions.

The Idealized French Model

The idealized French conception holds that the church and church-based religions must be excluded from the state at each of the three levels, that there must be “freedom of the state from religion,” but the state retains the power to interfere in church-based religions at level 3. In short, at least at level 3, separation means one-sided exclusion. The state may interfere to hinder and suppress or even to help religion, but in all cases this must be done only to ensure its control over religion. Religion becomes an object of law and public policy but only according to terms specified by the state. Recall that in France, the Catholic Church was an intrinsic part of the pre-Revolutionary regime—the Catholic establishment offered strong support to the monarchy—and continued to play a powerful role in the anti-Republican coalition of the Third Republic. In this long struggle between religious elites bent upon preserving the establishment of Catholicism and secular Republicans who found the church to be both politically meddlesome and socially oppressive, and who therefore increasingly became profoundly anticlerical, the anti-establishment advocates of laïcité finally emerged victorious. It is not surprising then that this conception that arose in response to the excessive domination of the church encourages an active disrespect for religion and is concerned solely with preventing the religious order from dominating the secular. It hopes to deal with institutionalized religious domination by taming and marginalizing religion, by removing organized religion, or what the French call cultes, from
public space more generally and in particular from the official public space of the state. In short, in this conception, organized religion must be privatized. Citizens may enter the public and political domain but only if they leave behind their religious identity or communal belonging. They must enter as “abstract citizens.” Rights accrue to them directly as individual citizens unmediated by membership in any community. Thus, the principle value underlying separation is our common identity as citizens (and therefore a common, undifferentiated public culture presupposed by it) and a form of equality that springs from such uniformity.

The Idealized American Mutual Exclusion Model

At least one highly influential political self-understanding in the United States interprets separation to mean mutual exclusion. According to this idealized model, neither state nor church is meant to interfere in the domain of the other. Each is meant to have its own area of jurisdiction. Thus, to use Thomas Jefferson’s famous description, “a wall of separation” must be erected between church and state. This strict or “perfect separation,” as James Madison has termed it, must take place at each of the three distinct levels of ends, institutions and personnel, and law and public policy. The first two levels make the state nontheocratic and disestablish religion. The third level ensures that the state has neither a positive nor a negative relationship with religion. On the positive side, for example, there should be no policy of granting aid, even non-preferentially, to religious institutions. On the negative side, it is not within the scope of state activity to interfere in religious matters even when some of the values professed by the state, such as equality, are violated within the religious domain. This noninterference is justified on the grounds that religion is a privileged, private (i.e., non-state) matter, and if something is amiss within this private domain, it can be mended only by those who have a right to do so within this sphere. This view, according to its proponents, is what religious freedom means. Thus, the freedom that justifies mutual exclusion is negative liberty and is closely enmeshed with the privatization of religion. Of course, privatization in this context means not exclusion of
religion from the public domain but rather its exclusion from the official domain of the state. The model encourages the state passively to respect religion. Any intervention is tantamount to control. The only way to respect religion is to leave it alone. The two religion clauses of the First Amendment may be seen to sum up the meaning of idealized American secularism, "Congress shall make no law respecting an establishment of religion, or prohibiting . . . the free exercise thereof." Thus church-state separation exists for the sake of religious liberty plus denominational pluralism.

To understand the main point underlying the idealization of mutual exclusion, it may be pertinent briefly to examine the historical context of its emergence. To begin with the experience of persecution by the early immigrants, mainly Puritans, to the newly discovered continent meant a greater potential understanding of the general value of religious liberty. Second, Protestant churches of different hues proliferated and coexisted in different parts of America. To this extent, a limited form of religious diversity was simply a fact. Third, because these newly formed churches were not associated with the ancien régime, there was no active hostility to them. On the contrary, they were voluntarily created and therefore expressions of religious freedom not religious oppression. None of this ruled out a strong motivation within members of one church not only to view their own church as more valuable and true but also to seek its establishment. Indeed, different parts of the country saw the establishment of one of the many churches in the land. This monopolistic privileging of one over another and the relegation of others to a secondary status continued to be a source of latent or manifest conflict between different churches. Thus mutual exclusion of church and state, at least at the federal level, was deemed necessary to resolve conflicts between different Protestant denominations, to grant some measure of equality between them, and—most crucially—to provide individuals the freedom to set up new religious associations. Religious liberty is deeply valued, and so the state must not negatively intervene (interfere) in religion, but potential denominational conflict also compelled the federal state to withdraw substantial support to religion.

It would be a useful exercise to judge contemporary American or French practice by the
standards of these two models of political secularism, but I do not undertake it here. I have set myself a different task: to evaluate West European secular states and the model of secularism they embody.

**The European Model (Modest Secularism)**

There are several reasons why European states might be judged to be secular. First, (a) the historical pattern of hostility to church and church-based religions on the ground that they were politically meddlesome and socially oppressive—a pattern that appeared militantly and robustly in the unchurching struggles in France is also to be found to a significant degree in most West European countries. As a result, the social and political power of churches has been largely restricted. (b) Second, there has over time been a decline not only in church belonging but also in belief in Christianity. If there is one place where secular humanism or what Charles Taylor calls exclusive humanism is strong, even naively taken for granted as the only ontological and epistemological game in town, it is surely Western Europe. Both (a) and (b) have had an impact on Europe’s constitutional regimes. A fair degree of disconnection exists at level 2. More importantly, the ends of state are delinked from religion to a significant degree (level 1 disconnection), and so the same basket of formal rights (to different kinds of liberty, and forms of equality, etc.) are offered to all individuals regardless of their church affiliation and regardless of whether they are or are not religious. In the dominant political discourse, the self-definition of these states is that they are not religious (Christian) but (purely) liberal democratic.

However, it is equally true that at both levels 1 and 2, some connection exists between state and religion. Several states continue to grant monopolistic privileges to one or the other branch of Christianity. Examples include the Presbyterian Church in Scotland, the Lutheran Church in all Nordic countries (except Sweden where it was recently disestablished), the Orthodox Church in Greece, and the Anglican Church in England where twenty-four bishops sit in the House of Lords with full voting rights and where the monarch is also the head of the
church. Moreover, at level 3, at the level of law and public policy, state intervention exists in the form of support either for the dominant church or of Christian churches (table 6.3).

Thus, most European states remain connected to religion (the dominant religion or church) at all three levels. The connection at levels 1 and 2 means that they still have some form of establishment, perhaps elements of theocracy. At level 3, there is neither mutual nor one-sided exclusion of religion, but positive entanglement with it. None of this entails that such states are confessional or have strong establishment. Rather, such state-religion connections combined with a significant degree of disconnection mean that these states are at best modestly secular by the standards set by the idealized American model or the French model. Indeed, Tariq Modood has called the secularism underpinning these states “moderate secularism” (model 3). He has argued that this secularism is compatible with a more than symbolic but weak establishment. The moderateness comes largely from the rejection of exclusion and the adoption of some distance instead. The secularity comes largely from the ends for which states have distanced themselves from and which are largely defined independently of religion.

Indian Secularisms

Mutual exclusion, one-sided exclusion, and moderate secularism are not the only models of political secularism. Other conceptions have emerged outside the West that have transformed the meaning of political secularism. Two of these have developed in the subcontinent, and at least one of these is enshrined in the Constitution of India. Allow me to explicate them and then evaluate European secularism by the norms of one of these, in my view a richer, transcultural variant of secularism. Perhaps the best way to begin articulating it is by sketching two broad and contrasting pictures of the socio-religious world. In the first, a persistent, deep, and pervasive anxiety exists about the other, both the other outside one’s religion and the other within. The other is viewed and felt as an existential threat. So doctrinal differences are felt not as mere intellectual disagreements but are cast in a way that undermines basic trust in one another. The
other cannot be lived with but simply has to be expelled or exterminated. This results in major
wars and a consequent religious homogenization. Though admittedly skewed, this picture
approximates what happened in Europe in the sixteenth century. One might then add that this
constitutes the hidden background condition of European ideas of toleration and even its political
secularism.

Consider now an entirely different situation. Here different faiths, modes of worship,
philosophical outlooks, and ways of practicing exist customarily. Deep diversity is accepted as
part of the natural landscape: Syrian Christians, Zoroastrians, Jews, Muslims (Arab traders or
Turks and Afghans who came initially as conquerors but settled down) not to speak of a variety
of South Asian faiths—all are at home. To feel and be secure is a basic psychosocial condition.
All groups exhibit basic collective self-confidence, possible only when there is trust between
communities. In short, the presence of the other is never questioned. There is no deep anxiety;
instead a basic level of comfort exists. The other does not present an existential threat. This is not
to say that there are no deep intellectual disagreements and conflicts, some of which even lead to
violent skirmishes, but these do not issue in major wars or religious persecution. There is no
collective physical assault on the other on a major scale. This approximates the socio-religious
world of the Indian subcontinent, at least until the advent of colonial modernity, and constitutes
the background condition of civility and coexistence, perhaps even a different form of
“toleration” in India. Indeed, it is not entirely mistaken to say it was not until the advent of
colonial modernity and the formation of Hindus and Muslims as national communities that this
background condition was unsettled. Religious coexistence could now no longer be taken for
granted, doubts about coexistence forced themselves upon the public arena, and religious
coexistence became a problematic issue to be spoken about and publically articulated. An
explicit invocation and defense of the idea became necessary that all religions must be at peace
with one another, that there should be trust, a basic level of comfort among them, and if
undermined, mutual confidence must be restored. This was put sometimes normatively and
sometimes merely affirmed. The term used by Gandhi for this was “communal harmony.”
Soon after Independence, this idea found articulation in public discourse as secularism, strictly speaking, political secularism. The state must show *sarvadharma sambhāv* (be equally well disposed to all paths, god, or gods, all religions, even all philosophical conceptions of the ultimate good). But this should not be confused with what is called multiple establishment, where the state has formal ties with all religions, endorses all of them, and helps all of them, and where it allows each to flourish in the direction in which it found them, to let them grow with all their excrescences, as, for example, in the Millet system and the imperial British rule. Rather, the task of the state as an entity separate from all religions was to ensure trust between religious communities and to restore basic confidence if and when it was undermined. This happens under conditions when there is a threat of interreligious domination, when a majority religion threatens to marginalize minority religions. So here, secularism is pitted against what in India is pejoratively called communalism—a sensibility or ideology where a community’s identity, its core beliefs, practices, and interests are constitutively opposed to the identity and interests of another community.

To generalize even more, secularism came to be used for a certain comportment of the state, whereby it must distance itself from all religious and philosophical conceptions in order to perform its primary function; that is, to promote a certain quality of sociability, to foster a certain quality of relations among religious communities, perhaps even interreligious equality under conditions of deep religious diversity (model 4).

A second conception developed too, even more ambitious, that tried to combine the aim of fostering better quality of social relations with an emancipatory agenda, to not only respect all religions and philosophies but also protect individuals from the oppressive features of their own religions or religious communities—or to put it differently, to confront and fight both interreligious and intrareligious domination simultaneously. This is the constitutional secularism of India.

Several features of this model are worth mentioning. First, multiple religions are not optional extras added on as an afterthought but were present at Indian secularism’s starting point
as part of its foundation. Indian secularism is inextricably tied to deep religious diversity. Second, this form of secularism has a commitment to multiple values, namely liberty, equality and fraternity—not conceived narrowly as pertaining only to individuals but interpreted broadly also to cover the relative autonomy of religious communities and, in limited and specific domains, their equality of status in society—as well as other more basic values such as peace, toleration, and mutual respect between communities. It has a place not only for the right of individuals to profess their religious beliefs but also for the right of religious communities to establish and maintain educational institutions crucial for the survival and sustenance of their distinctive religious traditions.

The acceptance of community-specific rights brings me to the third feature of this model. Because it was born in a deeply multireligious society, it is concerned as much with interreligious domination as it is with intrareligious domination. Whereas the two Western conceptions of secularism have provided benefits to minority religious groups only incidentally (e.g., Jews benefited in some European countries such as France not because their special needs and demands were met via public recognition but because of a more general restructuring of society guided by an individual-based emancipatory agenda), under the Indian conception some community-specific sociocultural rights are granted. Common citizenship rights are not seen as incompatible with community-specific rights in limited domains such as education.

Fourth, this model does not erect a wall of separation between religion and state. There are boundaries, of course, but they are porous. This situation allows the state to intervene in religions in order to help or hinder them without the impulse to control or destroy them. This intervention can include granting aid to educational institutions of religious communities on a non-preferential basis and interfering in socio-religious institutions that deny equal dignity and status to members of their own religion or to those of others; for example, the ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples, as well as, potentially, other actions to correct gender inequalities. In short, Indian secularism interprets separation to mean not strict exclusion or strict neutrality, but what I call
principled distance, which is poles apart from one-sided exclusion or mutual exclusion. When I say that principled distance allows for both engagement with or disengagement from and does so by allowing differential treatment, what kind of treatment do I have in mind? First, religious groups have sought exemptions when states have intervened in religious practices by promulgating laws designed to apply neutrally across society. This demand for noninterference is made on the grounds either that the law requires them to do things not permitted by their religion or that it prevents them from doing things mandated by their religion. For example, Sikhs demand exemptions from mandatory helmet laws and from police dress codes to accommodate religiously required turbans. Muslim women and girls demand that the state not interfere in the religious requirement that they wear the chador. Rightly or wrongly, religiously grounded personal laws may be exempted. Elsewhere, Jews and Muslims seek exemptions from Sunday closing laws on the grounds that such closing is not required by their religion. Principled distance allows a practice that is banned or regulated in the majority culture to be permitted in the minority culture because of the distinctive status and meaning it has for the minority culture’s members. For other conceptions of secularism, this variability is a problem because of a simple and somewhat absolutist morality that attributes overwhelming importance to one value—particularly to equal treatment, equal liberty, or equality of individual citizenship. Religious groups may demand that the state refrain from interference in their practices, but they may equally demand that the state interfere in such a way as to give them special assistance so that they are able to secure what other groups are routinely able to acquire by virtue of their social dominance in the political community. The state may grant authority to religious officials to perform legally binding marriages or to have their own rules for or methods of obtaining a divorce. Principled distance allows the possibility of such policies on the grounds that holding people accountable to a law to which they have not consented might be unfair. Furthermore, it does not discourage public justification; that is, justification based on reasons endorsable by all. Indeed, it encourages people to pursue public justification. However, if the attempt to arrive at public justification fails, it enjoins religiously minded citizens to support coercive laws that,
although based purely on religious reasons, are consistent with freedom and equality.

Principled distance is not just a recipe for differential treatment in the form of special exemptions. It may even require state intervention and, moreover, in some religions more than in others, consideration of the historical and social condition of all relevant religions. To take the first examples of positive engagement, some holidays of all majority and minority religions are granted national status. Subsidies are provided to schools run by all religious communities. Minority religions are granted a constitutional right to establish and maintain their educational institutions. Limited funding is available to Muslims for Hajj. But state engagement can also take a negative interventionist form. For the promotion of a particular value constitutive of secularism, some religion, relative to other religions, may require more interference from the state. For example, suppose that the value to be advanced is social equality. This requires in part undermining caste and gender hierarchies. Thus, there is a constitutional ban on untouchability: Hindu temples were thrown open to all, particularly to former untouchables should they choose to enter them. Child marriage was banned among Hindus and a right to divorce was introduced. Likewise, constitutionally it is possible to undertake gender-based reforms in Muslim personal law.

A fifth feature of this model is this: It is not entirely averse to the public character of religions. Although the state is not identified with a particular religion or with religion more generally (disconnection at level 1), official and, therefore, public recognition is granted to religious communities (at level 3). The model admits a distinction between de-publicization and de-politicization, as well as between different kinds of de-politicization. Because it is not hostile to the public presence of religion, it does not aim to de-publicize it. It accepts the importance of one form of de-politicization of religion. Sixth, this model shows that in responding to religion, we do not have to choose between active hostility and passive indifference or between disrespectful hostility and respectful indifference. We can combine the two, permitting the necessary hostility as long as there is also active respect. The state may intervene to inhibit some practices as long as it shows respect for other practices of the religious community and does so
by publicly lending support to them. This is a complex dialectical attitude to religion that I have called critical respect. So, on the one hand, the state protects all religions, makes them feel equally at home, especially vulnerable religious communities, by granting them community-specific rights. For instance, the right to establish and maintain their own educational institutions and the provision of subsidies to schools run by religious communities. But the state also hits hard at religion-based oppression, exclusion, and discrimination. Thus, the state is committed to actively abolishing the hierarchical caste order. It has banned untouchability and forcibly opened all Hindu temples to ex-untouchables, should they wish to enter them.

Seventh, by not fixing its commitment from the start exclusively to individual or community values and by not marking rigid boundaries between the public and the private, India’s constitutional secularism allows decisions on these matters (all matters pertaining to religion at level 3) to be made by contextual reasoning in the courts and sometimes even within the open dynamics of democratic politics. Finally, the commitment to multiple values and principled distance means that the state tries to balance different, ambiguous, but equally important values. This makes its secular ideal more like a contextual, ethically sensitive, politically negotiated arrangement—which it really is—rather than a scientific doctrine conjured by ideologues and merely implemented by political agents.

A somewhat forced, formulaic articulation of Indian secularism goes something like this. The state must keep a principled distance from all public or private and individual-oriented or community-oriented religious institutions for the sake of the equally significant—and sometimes conflicting—values of peace, worldly goods, dignity, liberty, equality, and fraternity in all of its complicated individualistic and nonindividualistic versions (model 5). I believe the norms of secularism have been fundamentally altered by this fifth conception.

**Evaluating European Secularism**

How then do European states fare when evaluated by these new norms? I think poorly. I had
earlier said that even by Western standards, European states are modestly secular. But by these new standards that require states to be sensitive to deep religious diversity and to both forms of institutionalized religious domination, European nation-states fail to be even modestly secular. Blind to the dimension of interreligious domination, they do not even see that in this dimension they are not secular. Several phenomena that are clearly seen to be antisecular in, say, India, are not seen to be so in Europe.

So, when judged by these new standards, all kinds of institutional biases begin to show up in European state-religion arrangements.\footnote{Despite all changes, European states have continued to privilege Christianity in one form or another. The liberal democratization and the consequent secularization of many European states have helped citizens with non-Christian faiths to acquire most formal rights. But such a scheme of rights neither embodies a regime of interreligious equality nor effectively prevents religion-based discrimination and exclusion. Indeed, it masks majoritarian, ethno-religious biases. Thus, to go back to the example of schools run by religious communities, one finds that only two to five schools run by Muslims are provided state funding.\footnote{In France there is at least one state-funded Muslim school (in Réunion), and about four or five new private Muslim schools that are in the process of signing “contrats d’association” with the state.\footnote{In Germany the situation is probably worse: There is not a single school run by Muslims that is funded by the state. This is one clear example of European states failing to be secular. There are many others. These biases are evident in different kinds of difficulties faced by Muslims. For example, it is also manifest in the failure of many Western European states to deal with the issue of headscarves (most notably France), in unheeded demands by Muslims to build mosques and therefore to practice their own faith properly (Germany and Italy), in discrimination against ritual slaughter (Germany), and in unheeded demands by Muslims for proper burial grounds of their own (Denmark, among others). Given that in recent times Islamophobia has gripped the imagination of several Western societies—as exemplified by the cartoon controversy in Denmark and by the minarets issue in Switzerland—it is very likely that their Muslim citizens will continue to face disadvantages due}}
only to membership in their religious community. All these are issued of interreligious inequalities and therefore are part of what I call interreligious domination.

So far I have spoken of the failure of European states to accommodate practices of Muslims. However, there may be some practices among Muslims that need reform but may not be possible without appropriate (noncoercive) state intervention. To take just one example, the wearing of bu niqaab. It is true of course that in such cases, European states may only be too happy to intervene. But my point is that such intervention would entail a massive change in moderate secularism, a major shift—from first separate from and then only support religion to first separate and then sometimes support, sometimes inhibit religion—in short, to what I call principled distance. They may have to set aside their moderate stance of accommodating and adopt instead a limited but hostile stance toward some aspects of religion. Currently, the practice of most European states is to offer little official support, to provide no accommodation, and, with few exceptions, to stay indifferent to massive societal intolerance. What might be required is more support of some religions or aspects of some religions, less support of others, and active interference in societal intolerance; that is, an attempt by the state to tackle both interreligious and intrareligious domination.

Tariq Modood has argued in this volume that while I allow a great deal of flexibility at level 3, I take a more rigid view and work with dichotomous distinctions at levels 1 and 2. Modood makes a case that even at these two levels, a greater degree of elasticity is required, which is exactly what a number of European states continue to do, even in the absence of formal establishment. Such long-term state-religion alliances are more a part of the state structure and therefore cannot be seen simply as policies, for policies change from government to government.

For a start, my third level includes not only policies but also laws that are not easy to change with a change in government. Indeed, some of these laws may be part of written or unwritten constitutions and therefore may be even more difficult to amend. Given this, they can be legitimately seen as part of the state structure. Because I allow a great deal of interaction between religion and law, I can readily agree with Modood that even in states without a formal
establishment, religion can be a part of a durable state structure. My own version of political secularism allows for this. However, I maintain that at levels 1 and 2, separation between religion and state should be fairly sharp. Unlike states with establishment of religion and theocratic states, secular states must not have a constitutive connection with the ultimate goals of any religion or for that matter of any comprehensive nonreligious doctrine. To have a constitutive connection is to bring the ends of religions and comprehensive nonreligious doctrines definitionally into the state structure. In short, these religious or nonreligious ends become part of the identity of the state. They bend the state in the direction of this or that religion or nonreligious worldview, antecedently pushing the state in specific directions and thereby curtailing the much needed flexibility that might be required at level 3. A state that is politically secular must avoid it. Likewise, a stronger connection at level 2 makes it virtually mandatory for religious personal to be present as officials in this structure of the state. A state loses its secularity if it is bound in this manner. Of course, a constitutionally democratic state may require that a certain number of people from a particular religious group, including a few religious personnel, may by law be present in (say) the parliament. But this may happen on grounds of removing interreligious domination, which in my view is a more legitimate constitutive end of a secular state. Because the presence of members of a religious group, including religious clerics, is a result of a law and is done on grounds of interreligious domination, I see this as happening at level 3 and not at level 2. Thus, in my perspective the greater flexibility required at level 3 presupposes a certain rigidity at levels 1 and 2. Without this somewhat inflexible separation, a state loses its secular character. All European states that continue to have constitutive connections at levels 1 and 2 compromise on their secularity.

Modood has argued that the presence of state-religion connections is not normatively problematic in itself and that in principle they are integral to a reasonable version of secularism because they do not constitute an unwarranted privileging of religion. In my view, this privileging of religion is precisely what weak establishments do. It is one thing to give recognition to religion at level 3, and quite another to grant it privileged recognition at level 1
and even level 2. Modood does not see recognition at level 1 as qualitatively different from recognition at level 3. At level 1, it becomes a privilege and becomes constitutive of the identity of the state, thereby violating the fundamental principle of equality, particularly interreligious equality or equality between the religious and the nonreligious. He also argues that some versions of establishments as a subset of state-religion connections are compatible with some versions of political secularism, notably the moderate secularism that is found in Western Europe (with the exception of France). That may be so, but this is only because moderate secularism’s secularity does not go deep enough. Radical secularism is different from deep secularism. Radical secularism privileges secular humanism, atheism, or exclusive humanism over religions. Because this privileging is morally inappropriate, radical secularism must be rejected in favor of a moderate version. However, if a moderate secularism is moderate because it continues to be friendly to one religion and is indifferent or, worse, hostile to others, then this secularism must be abandoned in favor of a version that is equally hostile to interreligious and intrareligious domination and critically respects all religious and nonreligious perspectives.

Allow me to sum up: Extending moderate (i.e., accommodative) secularism to Muslims under existing conditions will not be sufficient because the modern (i.e., democratic) state must have the legitimacy to also negatively intervene in some socio-religious practices, if only to protect the interests of vulnerable internal minorities. This in part entails abandoning moderate secularism. It may even be very difficult because not appreciating deep religious and cultural diversity is one of the central failures of modern Europe. To my knowledge, overcoming this issue is a bigger challenge than any other. Even the conceptual resources for such change appear to be missing. To respond to the challenge of deep diversity, Europe might be better off with an altogether different conception of secularism.

While secularism continues to be a value everywhere in Europe, its transgression is not seen as a threat to it because the meaning of secularism has not shifted from the one developed in the nineteenth century to another more suited to conditions of deep religious diversity. That is also why European secularism is not that secular. As a result, it continues to see virtually all
versions of Islam as a threat to secularism, not recognizing that religious Muslims may be unsettling only one version of political secularism and providing in the process an opportunity to shift to the deeper, richer conception. Europe must seize this chance rather than repress its social and cultural problems or allow them to accumulate until they get out of control. It must make the conceptual shift necessitated by the pressing social needs of today. For as of now, European secularism is not secular enough.