Secularization, Desecularization, and Toleration

Cross-Disciplinary Challenges to a Modern Myth

Edited by
Vyacheslav Karpov · Manfred Svensson

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Secularization, Desecularization, and Toleration: Toward an Agency-Focused Reassessment

Vyacheslav Karpov and Manfred Svensson

1.1 The Intertwined Histories of Toleration and Secularization

While hiding after being branded a traitor for his criticism of the 1793 French Constitution, the Marquis de Condorcet wrote one of the most representative works of Enlightenment historical thought, the *Outlines of an Historical View of the Progress of the Human Mind*. Published posthumously in 1795, it not only argued for a discernable pattern of development in human history but also for specific links between individual

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freedom, secular science, and tolerance. Thus, Condorcet described the epoch of Crusades as a time when "theological reveries, superstitious delusions, are become the sole genius of man, religious intolerance his only morality."[1] The time from Descartes to the formation of the French Republic, in contrast, he depicted as a period in which "religious intolerance still survives," but merely "as a homage to the prejudices of the people." However somber this past may be, a more promising future could be expected thanks to the "general diffusion of the philosophical ideas of justice and equality."[2] The view so forthrightly expressed by Condorcet has outlived the Enlightenment era, morphed into the mainstream of Western humanities and social sciences, and has persisted well into the twenty-first century. A hundred and seventy years after the publication of Condorcet's *Outlines*, Harvey Cox used sociological arguments to herald the dawn of a "secular city" where secularization and urbanization bring about an age of "no religion at all." "Pluralism and tolerance," Cox wrote, "are the children of secularization. They represent a society's unwillingness to enforce any particular worldview in its citizens."[3] Lately, such sweeping and candid statements of this view have become less common, at least in academic literature. Yet, the view itself has persisted, albeit in more sophisticated versions. Thus, for instance, more recently, the sociologist Bryan Wilson has argued that toleration owes its origins exclusively to secularization and rationalization of society. By this he means neither the ideas of tolerationists, nor those of secularists (Condorcet's "philosophical ideas of justice"), who, Wilson says, can be as intolerant as religious proselytizers. He simply refers to the social and technological changes which did away with religion's influence over other dimensions of human existence. Once that process leads to a secular state, the conditions for the toleration of multiple religions would be ripe.[4]

Although separated by more than two centuries and by a growing sophistication, Condorcet's and Wilson's formulations reflect essentially the same persistent and influential view. Integrated into variable narratives of modernity and progress, the view inseparably links toleration to secularization. Thus, toleration's ideational sources have been mostly found within secular thought or within unorthodox religious currents,

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[1] Condorcet, *Outlines*, 137.
[2] Condorcet, 229.
[3] Cox, *The Secular City*, 3.
[4] Wilson, "Reflections on Toleration."

while its structural sources were found in institutions freed from religious influence. In contrast, religious orthodoxies have been typically presumed to serve as grounds for intolerance and persecution. The purportedly irreversible movement toward secularity was credited with bringing about greater religious tolerance and inclusion. Religious resurgences were not supposed to take place; and if they did, they were looked at as undermining tolerance and engendering persecution.

We encounter these ideas in a variety of forms. Sometimes it is a popular belief, a weapon in the ongoing culture wars. Sometimes it is a guiding thread in grand narratives of modernity, as in Jonathan Israel's massive history of Enlightenment thought.[5] But often the link between toleration and secularization has been more of an implicit assumption than an explicitly stated thesis. If we want to test this assumption, its logic must be made explicit.

The aforesaid logic builds, at least in large part, on a linear and, ultimately, teleological conception of history. In the case of the genesis of toleration, a classical example of such a conception has been the influential view that the Protestant Reformation inaugurated a future of freedom.[6] Here, the implicit telos of human history was, more or less, an "Enlightened" understanding of the Protestant faith. In other words, it was a privatized or internalized religion, a faith less concerned with right belief and obedience to church authority, which made toleration possible. A logical flipside of this thesis is that a more orthodox, traditional, and churchly faith is, inevitably, the source of intolerance. In his 1931 book *The Whig Interpretation of History*, Herbert Butterfield provided a powerful indictment of this view. After that rebuttal, the simplistic link between Reformation and toleration has been banished from serious studies of the period. Yet, for Butterfield, this narrative was only one example of a more general and persistent way of writing history, the tendency "to emphasise certain principles of progress in the past and to produce a story which is the ratification if not the glorification of the present."[7] The causal attribution of toleration to secularization that we address in the present book is a form that the aforesaid persistent view took after its Reformation version had vanished. As Benjamin Kaplan writes, "The secularization story was

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[5] Israel, *Radical Enlightenment*; Israel, *Enlightenment Contested*.

[6] For a classical example of this narrative, see W.K. Jordan's four-volume *The Development of Religious Toleration*.

[7] Butterfield, *The Whig Interpretation*, v.

heir and successor to the Whig interpretation, and so it remains."[8] But any version of this view of history must exclude a host of riots, wars, exclusions, and murders, which have taken place precisely during times conceived as of ascendant tolerance.[9] It is always possible to dismiss all these well-known events as exceptions (which might leave us with a surprisingly small number of non-exceptional cases). But if we do not indulge in such self-deception, any history of monocausal progress toward greater toleration becomes problematic.

Alongside the questionable assumptions and accounts about the history of toleration, the influential view that we reassess in this volume employs a simplistic notion of secularization itself. As long as secularization is understood as a single, monolithic, and universal process, it is relatively easy to make generalized claims about the effects it will have. As we will discuss in detail later, however, this changes dramatically once we become attentive to multiple types of secularization. Secularization can be approached as a process and as a project, and in the latter case, whether it brings about tolerance or persecution will significantly depend upon the secularizing actors, their motivations, and their interpretations of religion and secularity.

As contributions to this volume will show, different visions of the secular future have also gone hand in hand with quite different conceptions and policies of tolerance. When secularization is understood as the disestablishment of religion, as a secularization of the state, for instance, toleration of actual religious differences appears more likely. Yet, even then the norms and practices of toleration will differ drastically along the lines of different understandings of what disestablishment and a secular state mean; consider, for instance, the contrast between the non-establishment practices in the United States and laicism in France. Andrew Murphy's account of William Penn in this volume highlights the intricate nature of envisioning and constructing a secular space that accommodates religious pluralism. However, when secularizing actors envision a general secularization of culture and society, the outcomes for toleration are even less predictable. In many cases, such grandiose secularization projects unleashed ruthless persecution, decades-long repressions, and wars of resistance (consider, for instance, Jean Meyer's chapter on Mexico in this volume). Theoretically, one may also arrive at a more peaceful coexistence.

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[8] Kaplan, *Divided by Faith*, 357.
[9] For a list of such events see Kaplan, 5–6.

Yet, to the extent that secularization of culture and society succeeds, there will be no substantive religious claims opposing each other, and, thus, there will not be much to actually tolerate. Moreover, it is also possible that, under such conditions, substantive claims, should they arise, will regularly be read as per se intolerant. Bryan Wilson again provides a good example. In the piece we have already quoted, he rightly mentions that Martin Luther abandoned his early position in favor of toleration. However, to prove this turn to intolerance, Wilson does not cite any acts of intolerance; instead, he evokes Luther's description of the Mass as a blasphemy.[10] Here, tolerance is no longer understood as the patient putting up with things we find objectionable, but rather it is associated with the disappearance of objections themselves. The very ingredient of objection that is integral to the specific phenomenon of toleration is eliminated.[11] Once the very concept of toleration is thus changed, it is the raising of objections that is taken to be intolerant. Against this background, it is not surprising that resilient and resurgent religions are looked at not only as inexplicable failures to follow the irreversible movement toward secularity, but also as obviously undermining tolerance and engendering persecution.

These assumptions about toleration, secularity, and their conjoint historical progression have all been seriously challenged by more recent theoretical and empirical scholarship, including research on histories of religious toleration and persecution and more nuanced accounts of secularization and desecularization. More subtle and complex accounts have emerged within various disciplines. Students of secularization have come to question the assumptions about its irreversibility, universality, and social sources, and research on desecularization has picked up considerably. At the same time, students of toleration have engaged in serious reexaminations of its origins, nature, history, and limits. Thus, linear narratives of secularization and toleration have been undermined on both sides and independently from each other. But much is still to be done in terms of cross-fertilization between these lines of research. To our knowledge, this volume is the first cross-disciplinary attempt to bring together critical reconsiderations of the histories and present realities of the interplay

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[10] Wilson, "Reflections on Toleration," 43.

[11] For the centrality of this ingredient see, King, *Toleration*; and Horton, "Traditional Conception."

between secularization and toleration.[12] Moreover, this collective work surveys historical and current developments in a variety of world's regions and thus goes beyond the so-far prevalent North Atlantic focus of toleration and secularization studies. In the present introduction, we will first consider these changes as they have developed within secularization theory. Next, we will introduce the ways in which the concept of desecularization can serve as a tool in the analysis of religious resurgences. In a further step, we will consider the way in which the contemporary debate has been enriched by a revised evaluation of the history of toleration. We then will turn to the possibilities of cross-fertilization between these different fields of research, which this volume aims at promoting. Finally, we explain why the questions that we raise in this book matter far beyond purely academic concerns and involve issues of human coexistence in the world in which an overwhelming majority of inhabitants consists of the adherents of diverse faiths.

1.2   Secularization: A Paradigm in Crisis

The influential view that secularization engenders and expands toleration is usually expressed in one or both of the following versions. The first version is that secularization supplies ideational sources, or, to use a Weberian term, motives for the practice of toleration. Earlier in this introduction, we saw this approach epitomized in Condorcet's exaltation of secular reason as an antidote to prejudice and persecution. One could term this interpretation "culturalist" since it focuses on culturally shaped subjective meanings that inform tolerant practices. By the same logic, the second version could be termed "structuralist." It stipulates that secularization creates structural conditions for toleration through functional differentiation of religion from other institutions. This is believed to weaken religion's influence on society and alter the ways in which dissent and nonconformity are treated. Bryan Wilson's earlier cited work exemplifies this logic. To him, the rise of toleration has nothing to do with tolerant ideas and everything

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[12] An important previous study is Stepan and Taylor, *Boundaries of Toleration*. We incorporate its relevant findings in subsequent chapters. Yet, relevant as it is, Stepan and Taylor's collection has a markedly different focus. It deals predominantly with the relationship of toleration to multiple forms of secularism. Meanwhile, it largely leaves out the problematics of the interplay between the histories of toleration and secularization and desecularization (as projects and historical processes), which is the focus of this volume, and which engages considerably different bodies of theoretical and empirical scholarship.

to do with structural changes in modern societies. Classical interpretations of secularization include ideational changes (e.g., de-religionization of culture) alongside structural-functional ones, and thus the two versions are not mutually exclusive.[13] Furthermore, the versions are identical in their logic; both present secularity as toleration's foundation, be it cultural, structural, or both. In all the cases, secularization is the logical antecedent, and the rise of toleration, the consequent.

Yet, recent developments in the social-scientific study of religion have challenged this logic formidably. Secularization, toleration's presumed source, is no longer taken for granted and agreed upon as a universal and irreversible historical tendency, and its intrinsic link to modernity is in dispute. Once popular and forcefully expressed beliefs about the historically inevitable wane of religion's role in modern society gave way to profound skepticism and revisionist accounts concerning secularization's sources, scope, consequences, and sometimes, its very reality. Secularization theory has lost its dominant, paradigmatic status in the sociology of religion.[14] Its critiques range from outright refutations to empirical and conceptual qualifications so serious that it is no longer obvious how much descriptive and explanatory, let alone predictive power the theory still retains. Moreover, many studies have shown the vitality of religions and their ability to resurge in response to secularization, and a growing literature has focused on desecularizing trends and forces in modern societies. Thus, the very foundation of the argument that attributes toleration to secularization is undermined.

This paradigmatic crisis has expressed itself in lengthy and intense debates surrounding secularization. A detailed overview of the debates would lead us far beyond this introduction's limits. Thus, what follows is an outline of intellectual developments that inform this volume's reconsideration of the secularization-toleration nexus.

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[13] See Peter Berger's classical yet later abandoned treatment of secularization in *The Sacred Canopy: Elements of a Sociological Theory of Religion*, 105–71.

[14] We use "secularization theory" here as an umbrella term for a family of scholarly narratives that actually differ greatly in the extent to which they are empirically testable yet are united by their focus on various aspects of the purported decline of religion and/or its societal role in modern society.

1.2.1   The Origins and Nature of the Secularization Orthodoxy

Contemporary sociology has inherited its narrative of secularization from the discipline's canonized founders and classics, and ultimately, from Enlightenment philosophy, especially in its French version.[15] From Auguste Comte, Emile Durkheim, and Karl Marx[16] to modernization theorists of the second half of the past century, the idea of secularization evolved and solidified into a dominant, paradigmatic view of religion and social change. The idea of secularization has always been more than an ordinary theory purporting to account for empirical facts. As Rodney Stark pointed out, along with the sociological cannon itself, the idea of secularization was largely developed by atheists or agnostics,[17] for whom the waning of religion was not merely a theory, but also a normative principle and a desirable outcome. This approach has been reinforced by what Stark calls "ancestor worship,"[18] contemporary sociology's uncritical reception of its classics. In Philip Rieff's more forceful formulation, sociology began as a "deathwork against European Catholic social order," and the deathwork keeps being reenacted in "our institutions of higher illiteracy."[19]

Secularization theory was greatly informed by the evolutionary model of history and its progressivist hypostasis. The model entails a stadial perspective on social and cultural changes, which culminate in modernity. The perspective relegates religion's rise and domination to social evolution's pre-modern past and envisions a largely (if not completely, as in the

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[15] Gertrude Himmelfarb argues that British and American versions of Enlightenment philosophy focus on freedom for religion rather than from it, which was the paramount preoccupation of their French counterpart. See Himmelfarb, Roads to Modernity. Himmelfarb, *Roads to Modernity.*

[16] Max Weber is also routinely included in the list of "founding fathers" of secularization theory. Yet, his impact on the formation of the paradigm is of a different scope and nature. Weber's philosophy of history is drastically different from the evolutionary paradigm of Comte, Durkheim, and Marx (who combined his revolutionary views with an evolutionary philosophy of history) that gave rise to secularization theory's stadial thinking about religion's imminent demise. Furthermore, while recent theories have appropriated Weber's ideas of rationalization and disenchantment as vehicles of secularization, it is not obvious that he himself saw these tendencies as irreversible and predictive of things to come, as his concluding "no one knows…" remark about the future of rationalization so tellingly shows. See Weber, *Protestant Ethic*, 182; See also Hughey, "Idea Secularization."

[17] Stark and Finke, *Acts of Faith*, 1–21.

[18] Stark, "Putting an End to Ancestor Worship."

[19] Rieff, *My Life*, 16.

case of Marx) irreligious future. This, as if by definition, makes the present to be the time of transition from religion's domination of society to a secular social order in which faith will play at most a minimal role. As C. Wright Mills succinctly put it, secularization is modernization's "corollary historical process" in which "[t]he sacred shall disappear altogether, except, possibly, in the private realm."[20]

From this perspective, even though religion in some form (e.g., societally inconsequential private beliefs and practices) may persist in the present, it is essentially a remnant of the past. Furthermore, in this context, any tendency toward a reaffirmation of religion's role in society is inevitably seen as regressive and reactionary, and as going against the very logic of evolution and modernization. A corollary to this is a rather typical secularist view that religious adherents and their organizations in modern times are potential or actual reactionary holdovers from social evolution's previous stages, and that secular modernity needs to be guarded against intrinsically regressive religious impulses. Religious resurgences are generally not supposed to happen. Yet if they do, they can be explained away as disturbances[21] in and/or "fundamentalist"[22] reactions to modernization.

The stadial and directional view of social evolution has been secularization theory's prevalent meta-narrative. Even though the evolutionary perspective is often implied rather than declared, secularization theory makes most sense in its context and derives its credibility from it. It is logical, then, that secularization theory achieved a nearly unchallenged domination in the social-scientific mainstream when functionalist theory of social evolution and the derivative theories of modernization were all the rage. Alternative views of history, such as Oswald Spengler and Pitirim Sorokin's cyclical models, and even Weber's pluralistic and rather indeterministic approach were nearly completely abandoned. It was during that time, from the 1950s through the 1970s that the secularization perspective achieved the status of a social-scientific orthodoxy.[23]

[20] Wright Mills, *Sociological Imagination*, 32–33.
[21] We take the term "disturbances" from Neil Smelser's influential essay "Theory Modernization."
[22] We put the term "fundamentalist" in quotation marks because of its notoriously imprecise meaning and negative connotation. See Berger, *Between Relativism and Fundamentalism*, 6–7.
[23] Marxist and Neo-Marxist infusions into the social-scientific mainstream that intensified since the end of the 1960s only reinforced this orthodoxy. This is because alongside its emphasis on revolutionary change, Marxism also embraces a stadial view of history that cul-

1.2.2   Challenging the Orthodoxy

"The facts do not bear this theory out."[24] Just a few decades after Condorcet's *Outlines*, Tocqueville could utter this laconic judgment about the recalcitrance of Enlightenment versions of the secularization thesis. The twentieth-century orthodoxy did not go unchallenged either, yet proved remarkably resistant to theoretical and empirical subversions. Given the long history and seriousness of its critiques, it is not surprising that secularization theory ultimately lost its paradigmatic status. It is surprising how long it has taken the sociological mainstream to largely abandon the paradigm. Explaining why it has taken so long could be an interesting task for a sociologist of knowledge. Some of the most devastating critiques of the paradigm were published as early as in the 1960s and 1970s. Yet, it took roughly thirty more years for the paradigm to noticeably lose its grip on the sociological imagination. Moreover, as David Martin noted, "recent summaries of the secularization debate often place critique […] considerably later."[25] Let us add that such misplacements, even if unintentional, conveniently justify social scientists' belated collective awakening to the pitfalls of the paradigm.

Indeed, already in 1965,[26] David Martin suggested eliminating the concept of secularization as, on the one hand, a hotchpotch of contradictory ideas, and, on the other, "as an ideological and philosophical imposition *on* history rather than an inference *from* history."[27] Simultaneously, Charles Y. Glock and Rodney Stark concluded that studies had provided hardly any support for secularization theory.[28] In 1972, Andrew Greely's *Unsecular Man* targeted secularization theory's evolutionary logic. "If we admit that the historical evolutionary model is a tacit and frequently unconscious assumption," Greely wrote, "then the conventional wisdom about the crisis and decline in religion is obviously in deep trouble."[29] The challenge, he argued, is not to explain religion's persistence in the changing world, for it is to be taken for granted. The real challenge would be to

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minates in communism, at which point religion is supposed to disappear without a trace together with its social sources.

[24] Tocqueville, *Democracy in America*, 340; I, II, 9.

[25] Martin, *Religion and Power*, 15.

[26] Martin, "Eliminating Concept," 169–82.

[27] Martin, *Secularization*, 19.

[28] Stark and Charles, *Religion and Society*.

[29] Greeley, *Unsecular Man*, 28.

describe and explain the secularizing changes to the extent that they have occurred.[30] In other words, once the historical evolutionary model is abandoned, secularization can no longer be taken for granted as a "naturally" occurring process, and it is the cases of religious decline that need to be accounted for as unusual. Copernican for its time, Greeley's argument foreshadowed sociology of religion's later turn to understand secularization as a secular revolution rather than a self-propelled evolutionary trend.

Critiques of secularization theory's conceptual fuzziness, ideological bias, and rootedness in a questionable model of history continued throughout the debates of the 1980s and 1990s. Yet, the debates were also fueled by new empirical and theoretical inputs. Particularly impactful were rational choice theorists and proponents of the religious economies model. Rodney Stark, Roger Finke, William Sims Bainbridge, and others expanded the logic of cost-benefit analysis to include the rewards provided by religious interpretations of reality. From this perspective, and contrary to secularization theorists' stadial presumptions, people's search for religious meanings is by no means a historical rudiment or a sign of backwardness. Relegations of faith to pre-modern, and of irreligion, to modern times are mythical.[31] Moderns are not different from their pre-modern counterparts; they choose to follow or abandon a religion based on a fully rational calculation of costs and benefits. The rise and fall of faiths, be it early Christianity or contemporary Mormonism, is driven by these choices. Religious adherence grows in pluralistic, competitive markets, and declines where dominant faiths become "lazy," unchallenged monopolies. Thus, churches remain vibrant in pluralistic America, yet they wane in the religiously monopolistic European settings. Challenging the orthodox view of secularization as intrinsic to modernization, Finke and Stark[32] documented the process of the "churching" of America throughout its decidedly modern history. Furthermore, in competitive markets, stricter groups that demand greater investment from their adherents grow. In contrast, more accommodating churches secularize and decline. However, such secularizing trends are self-limiting because they are usually resisted and overturned by zealous sectarians who, in search of greater other-worldly benefits, reignite tensions with the mundane. Thus, the religious economies theory does not deny the reality of secularization processes, but

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[30] Greeley, 28.
[31] Stark, "Secularization, R.I.P.," 61.
[32] Finke and Stark, *The Churching*.

rather sees them as limited and ultimately countered by religious revitalizations.[33]

1.2.3   Revisions, Refinements, and Recantations

In 1987, Jeffrey K. Hadden summarized the aforesaid empirical and theoretical arguments against secularization theory and famously proposed to "desacralize" it as a "marginally useful" intellectual device.[34] "[I]f secularization is to be a useful construct for analyzing a historical process," he wrote, "it will have to be significantly refined."[35] In reality, serious revisions predated this appeal. In 1969, David Martin disposed of the deterministic model of an irreversible and universal secularization in favor of a probabilistic and pluralistic one. He saw religion's functional differentiation as conditioned by "crucial historical events" and complexes of cultural conditions unique to each specific society and branch of Christianity.[36] Subsequent revisions further narrowed the far-reaching claims of secularization theory. In Mark Chaves's view, the theory's useful core was not an all-encompassing decline of religion, but rather a decline of religious authority, and such that could be challenged by movements in the opposite direction.[37] Karl Dobbelaere[38] disaggregated secularization processes as developing at three distinct levels: macro (societal), meso (organizational), and micro (individual-level). A particularly consequential revision came from the work of José Casanova. He conceptualized secularization as inclusive of three *unintegrated* processes: differentiation of societal institutions from religious norms, decline of religious beliefs and practices, and privatization of religion (i.e., its marginalization from the public sphere).[39] These unintegrated changes may or may unfold simultaneously. Moreover, Casanova showed that against the backdrop of differentiation and declining religious adherence, religion's public role can, and in some contexts does grow.

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[33] See, however, a thorough assessment of evidence for and against these arguments overviewed Olson, "Quantitative Evidence Favoring and Opposing the Religious Economies Model," 95–114.

[34] Hadden, "Desacralizing Secularization."

[35] Hadden, 608.

[36] Martin, "General Theory."

[37] Chaves, "Secularization as Declining."

[38] Dobbelaere, "Integrated Perspective."

[39] Casanova, *Public Religions.*

These and other reformulations moved the idea of secularization farther and farther away from the original imagery of an unstoppable and triumphant modern juggernaut. Instead, as conceptual refinements and theoretical qualifications were introduced, secularization increasingly looked like a term denoting processes confined to specific historical and social circumstances. In a marked departure from the classical narrative of a sweeping social transformation, revisions portrayed secularization as a combination of loosely (if at all) interrelated trends that may (but not necessarily will) develop in various societal domains, and that may even be reversed in some cases.[40]

Yet another major revision dealt with the driving forces of secularization. Research has moved away from the view that secularization is driven, as if automatically, by the impersonal social forces of modernity, such as industrialization, mass education, or scientific growth.[41] Instead, as Chaves put it, "Secularization occurs, or not, as the result of social and political conflicts between those social actors who would enhance or maintain religion's social significance and those who would reduce it. The social significance of the religious sphere at a given time and place is the outcome of previous conflicts of this nature."[42] Building on ideas of the sociology of revolutions and social movements, Christian Smith wrote that previous secularization research had neglected the "issues of agency, interests, mobilization, alliances, resources, organizations, power, and strategy in social transformations."[43] Religion's marginalization in public institutions, he stated, amounted to a "secular revolution" that was accomplished by

[40] Even committed proponents of the theory have ultimately offered far more specific and empirically sensitive interpretation of the concept. See, for instance, Bruce, *God Is Dead*, 3.

[41] Not that such interpretations have been entirely abandoned, however. For instance, Ronald Inglehart and Pippa Norris in their influential *Sacred and Secular* attributed secularization to increases in existential security, which, in their view, results from higher levels of socioeconomic development. This was mostly based on negative associations between country-level indicators of socioeconomic development and religiosity. The limits of this chapter do not allow for a detailed critical analysis of this viewpoint. Therefore, let us just evoke the trite yet relevant remark that associations do not always mean causation and note the somewhat simplistic concept of "existential security" employed in Inglehart and Norris's interpretation. Other social scientists more convincingly point to the persistent relevance of religions' promise of salvation amidst the insecurities of modern life, even at the heights of economic development. See, for instance, Riesebrodt, *The Promise*.

[42] Chaves, "Secularization as Declining," 752.

[43] Smith, *Secular Revolution*, 29.

"secularizing activists" who had specific interests, grievances, and ideological orientations leading them to engage in secularizing efforts.[44]

None of these reformulations discarded the concept of secularization in its entirety, nor did they deny the existence of secularization processes. However, they took away the grandeur of the narrative of secularization as a presumably inevitable and irreversible modern trend. As Peter Berger acknowledged in his renunciation of the theory of which he once had been a leading proponent, the idea that modernity and secularization "go hand in hand" was basically wrong.[45] Gone was the determinism of the stages of evolution, and with it, the conviction in the inevitability of the decline of religion. Instead, sociologists focused on more modest tasks, analyzing secularizing tendencies and forces limited and attributable to specific social and historical circumstances. As a result, the sociology of religion could no longer claim to provide a general theoretical paradigm for interpreting histories of religions in modern societies. On the contrary, sociology stood to learn from historians who had long examined concrete processes and forces of secularization in specific times and places.

1.2.4   *Historical Inputs*

Historians, in the meantime, did their fair share of reexamining the grand narrative, and their studies often paralleled the aforesaid sociological revisions. The very nature of their field makes historians attentive to multiple sequences of secularizing events that vary across contexts and are driven by concrete actors with specific interests and ideological agendas. Thus, Hugh McLeod explains how secularization occurred in England, France, and Germany in different times and for divergent reasons that involved intense struggles between multiple rival religious and secular forces battling each other on many fronts.[46] Similarly complex, pluralistic, and contextualized is McLeod's account of the secularizing impact of the "long 1960s'" on Western societies.[47]

Alongside such context-specific analyses, historians have reconsidered secularization's presumed relationship with modernity. J.C.D. Clark subjected the grand narrative linking secularization to modernization to a

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[44] Smith, 32–33.

[45] Berger, "Epistemological Modesty," 794.

[46] McLeod, *Secularization*, 286–89.

[47] McLeod, *Religious Crisis*.

particularly ruthless critique.[48] The narrative, he showed, got the stories of both modernization and secularization wrong. Functional specialization of the economy, for instance, predated Protestant Reformation. Attributions of "rationalization"' to Reformation involve a murky concept of rationality. Egalitarianism had been a religious principle long before it entered secular politics. Marked declines in church attendance in the twentieth century reflect the inner dynamic of ecclesiastical life rather than external "modern" pressures, and so on. Moreover, the very notion of secularization as an objectively occurring historical process is problematic. From a historian's perspective, Clark wrote, secularization can be seen "not as a process but as a project […] still pursued, sometimes with an evangelical zeal, by its apostles. But if secularization is not a process, historians can deal with the idea that 'it' is not a thing, instantiated overtime, but a variety of phenomena grouped under one label. That is, the idea of 'secularization' can be turned from the key which will open all locks into an important component of the history of ideas that can itself be explained historically."[49]

1.2.5   *Ideologies, Projects, and Processes*

Clark's interpretation entails two interrelated research strategies. The first one is to look at secularization as a project, or, in fact, a variety of projects that were previously subsumed by one name. The other strategy is to turn to the history of ideas that have animated the diverse projects of secularization. This, second, strategy has been lately embraced by historians of ideas and of religion.[50] Understanding specific ideologies, beliefs, and narratives that have informed a variety of secularizing (as well as counter-secularizing) projects is indispensable. Yet, approaching secularization as a project, or, rather, multiple projects, as Clark's pluralistic interpretation suggests, needs not to be limited to the exploration of ideas behind them. Projects involve social actors, their actions, and the actions' outcomes. Furthermore, projects are implemented in a sequence of actions and events that produce (or fail to produce) secularizing outcomes, such as new or transformed social institutions and structures. The sequences can be thought of as constituting secularizing *processes*. In other words, one

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[48] Clark, "Secularization and Modernization."

[49] Clark, 191.

[50] See Harrison, "Narratives of Secularization"; Nash, "Believing."

can see secularization as an umbrella term for many projects (secular revolutions, to use Christian Smith's term) that initiate the processes of secularizing institutional and social-structural change. Thus, a strict logical disjunction between secularization as a project and as a process is not necessarily warranted, especially if we are to understand a variety of projects informed by diverse ideas and resulting in the establishment of a variety of secular orders.[51] Moreover, for sociology which is perennially preoccupied with the question of how subjective meanings generate structural change through social action, the unfolding of secularizing projects into secularization processes and the resulting rise of a secular order are crucially important.

1.2.6   *Toward an Analytical Concept of Secularization*

We have seen how over the past six decades the idea of secularization has undergone a spectacular transformation. Secularization is no longer seen in a stadial, evolutionary fashion as a sweeping transformation intrinsic to modernity. The theory lost its appeal of a powerful explanatory and predictive device, and with it, its paradigmatic status in the social-scientific theory. What is left of the notion of secularization then?

Recent studies have altered the original notion of secularization in many ways, and disagreements in its interpretation persist. However, if we were to summarize the most consequential alterations, their outcome would look approximately as follows. To the extent it is analytically employed in contemporary studies, the concept of secularization has come to denote (a) a variety of contextually confined and typically contested projects through which specific social actors aim to limit religions' societal role (according to the actors' concrete understandings of what constitutes a religion and its desirable boundaries); and/or (b) multiple unintegrated, potentially self-limiting, and reversible processes of change that result, directly or indirectly, from the aforesaid projects and may lead to rescindable declines in religions' impact on social institutions and cultural subsystems, its status in public life, and its influence on people's beliefs and behavior.

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[51] The study of the variety of secularisms, secularizing trends, and social arrangements delineating the religious from the secular is an important multi-disciplinary field that has grown alongside the secularization debate. See, Warner et al. *Varieties of Secularism*, Calhoun et al., *Rethinking Secularism* and Gorski et al., *The Post-Secular in Question*.

Once the concept of secularization is broken out of the eponymous grand theory and turned into an analytical tool, it allows for huge variations in the specific meaning, character, and mode of secularizing projects and processes across religious, cultural, and historical contexts.[52] There are several parameters of this variation. First, in the aforementioned summary, we purposefully use the term "religions" (plural) instead of "religion." The inglorious fall of the grand narrative of secularization has shown the futility of theorizing a universal decline of "*religion*." However, that specific *religions* and their societal roles expand, decline, resurge, and/or are replaced by competition seems a rather non-controversial empirical observation, and these processes are routinely studied by historians and sociologists.[53] Secondly, our interpretation presumes variation across the types of secularizing actors, their ideological and cultural motivations, and interpretations of what constitutes religions, secularity, and their desirable boundaries. As James A. Beckford put it, a most important task of sociology is to investigate the contextual variations in the social construction of the religious and the secular and of the meanings of secularization.[54] Finally, there is a potentially great diversity in the kinds, magnitudes, and combinations of the unintegrated processes of social change induced by secularizing actors and their projects' implementation.

[52] Here our summary interpretation of the concept agrees with what once was proposed by Philip S. Gorsky and Ates Altinordu. They "define secularization in a particular way for a particular project, and […] use this definition in an ideal-typical fashion, as a means of identifying variation that is explained by other concepts or mechanisms, instead of invoking *secularization* as both explanans and explanandum." Philip Gorsky and Ates Altinordu, "After Secularization?," 55–85.

[53] We realize that even this flexible and pluralistic approach can face critiques originating from two influential and interrelated lines of thought. One is that religion, and therefore also religions in plural, is a modern Western, and colonialist discursive construct of questionable if any relevance to pre-modern and non-Western settings. The other one is that substantive general definitions of what constitutes "religion" are impossible and/or counter-productive. Given the limits of this introduction, let us briefly state that we share Martin Riesebrodt's critical view of the aforesaid arguments. In his *The Promise of Salvation*, Riesebrodt presents historical evidence demonstrating that Abrahamic and Asian faiths' adherents recognized each other's diverse practices and beliefs as belonging to the same class of religious phenomena (as distinct from other, non-religious practices) long before the imposition of modern Western concepts. Ultimately, we find useful Riesebrodt's theoretical interpretation of religion as a complex of institutionalized practices that acquire a certain degree of "interpetive systematicity" by meaningfully referencing superhuman powers, personal or impersonal (*The Promise,* 76–77).

[54] Beckford, *Social Theory and Religion*, 33.

Given these variations, it is logical to use the term *secularizations* while treating *secularization* (singular) as a general and inevitably abstract, albeit analytically useful, term that denotes multiple empirically observable phenomena. José Casanova was, to our knowledge, the first to use "secularizations" in plural in his discussion of the plurality of forms in which the "religious" and "the secular" are constituted in multiple contexts and conflicts around the world.[55] As we suggest below, the conceptual reorientation toward multiple secularizations and desecularizations is consequential for understanding the variety of religious and secular sources of toleration that is at the center of our volume.

1.3   SECULARIZATIONS AND DESECULARIZATIONS

1.3.1   *Unanticipated Resurgences*

While social scientists debated secularization, dramatic developments around the globe posed new challenges to the influential theory. It is enough to mention such events of the 1970s–1980s as Iran's Islamic revolution and the global call for jihad against the Soviet occupation of Afghanistan, Catholicism's role in Poland's rebellion against communism, the growth of *haredi* Judaism, and its political influence in Israel. Furthermore, since the end of the 1980s, religions' resurgences took place in Ukraine, Russia, and other post-Soviet states with long histories of forced secularization under communism. In China, whose government partly turned from attempts to eradicate all faiths to their selective cooptation, both officially recognized and clandestine groups have grown. In Turkey, the Kemalist *laiklik* (strict laicism) has been displaced, secularists ultimately pushed into opposition, and Islam's public and political role has noticeably increased. Preoccupied with secularization debates, sociology of religion was not theoretically equipped to predict or to explain such developments. Puzzlingly, they took place as global modernity expanded, and often in countries that had been considerably modernized (e.g., Israel, Turkey, Indonesia, and Russia), which, according to classical secularization arguments, would precipitate religions' demise.

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[55] See Casanova, "Secular, Secularizations…" However, a year earlier, Karpov introduced a symmetrical concept of multiple desecularizations that clash, overlap, and interact with the worlds many secularizing tendencies. Karpov, "Desecularization."

The social-scientific mainstream's predictable first response to these developments was to write them off as a "fundamentalist" reaction to global modernity. Peter Berger said that such an approach "was based on an upside-down perception of the world, according to which 'fundamentalism' (which […] refers to any sort of passionate religious movement) is a rare, hard-to-explain thing. But a look either at history or at the contemporary world reveals that what is rare is not the phenomenon itself but knowledge of it."[56] Moreover, the very concept of fundamentalism was extracted from its original, American religious and cultural context and applied to markedly different movements around the world. As Gilles Kepel remarked, the failure to understand religious resurgences occurring around the world, including the labeling of diverse movements as "fundamentalist" or "obscurantist" resulted from looking at them through outdated and ethnocentric theoretical lenses.[57] Years later, some of the original proponents acknowledged conceptual and methodological challenges arising from the global study of "fundamentalism," including the shortcomings of the umbrella term in its comparative applications.[58]

Kepel offered a simple yet insightful alternative to mislabeling the multiple and diverse religious resurgences as fundamentalist. Instead of looking at the resurgences from a Western, and originally Christian conceptual lens, he proposed using resurgent Islam as a point of departure. "Starting from the world of Islam enables us to look from an unusual angle on phenomena that form part of our cultural environment and that we thought were self-explanatory."[59] Foreshadowing postcolonialism's "provincializing" and "decentering" of Western experiences,[60] this methodological move shows resurgent religious movements within Christianity and Judaism as akin to those in Islam. Ultimately, Kepel argued for taking the movements and what they say and do, seriously, as a meaningful expression of the modern condition that "can no longer be interpreted in terms

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[56] Berger, "Desecularization of the World," 2. This comment referred to "The Fundamentalism Project" that the American Academy of Arts and Sciences had launched in 1998. Directed by Martin E. Marty and R. Scott Appleby, the massive project was generously funded by the MacArthur Foundation and produced six volumes published from 1994 to 2004.

[57] Kepel, *Revenge of God*, 3.

[58] Appleby, "Rethinking Fundamentalism."

[59] Kepel, *Revenge of God*, 3.

[60] Chakrabarty, *Provincializing Europe*.

of our traditional categories of thought."[61] Thus understood, the movements are not rebellions against reason and modernity per se, but against the preceding and ongoing attempts to organize or re-organize modern life on radically secular grounds.

1.3.2   *The Desecularization of the World?*

With all the debates, revisions and recantations, secularization studies generated concepts and theoretical hypotheses that could guide and be tested in empirical research. Even empirical refutations of secularization theory used its own concepts and hypotheses derived from it. Yet, how does one conceptualize and theorize tendencies that go in the direction opposite to what the dominant paradigm predicted, such as religious resurgences in modern societies? Since the late 1990s, studies of resurgent religions picked up considerably,[62] yet they lacked a clearly articulated and agreed upon conceptual framework. The absence of usable conceptual tools impeded comparative studies and theoretical generalization. In 1999, amid this conceptual indeterminacy and in the face of the secularization paradigm's failure to account for the vitality of religions, Peter Berger introduced the concept of "desecularization."[63] He used the term to denote a variety of manifestations of the resurgence of religion, such as counter-secularizing movements. The interplay of secularizing and counter-secularizing trends and forces, Berger wrote, is a most important focus of the sociology of religion.[64] These formulations provided important clues for research on religions' resurgences in the era of global modernity.

However, Berger did not define desecularization in a way that would make it into a useful analytical tool. In the absence of such a definition, desecularization remained a fuzzy concept, and, as Berger later admitted, his treatment of the idea was "a bit sloppy."[65] On the one hand, the

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[61] Kepel, *Revenge of God*, 11.

[62] See, for example, Hefner, *Civil Islam*; Greeley, *Religion Second Millennium*; Vertigans and Sutton, *Resurgent Islam*; Thomas, *Global Resurgence*; Garrard and Garrard, *Russian Orthodoxy*; Marsh, *Religion and the State in Russia*; Martin, *Pentecostalism*; Banchoff, Thomas, *Religion Pluralism*; Philpott, Shah, and Toft, *God's Century*; Walzer, *Paradox of Liberation*.

[63] Berger, "Desecularization of the World."

[64] Berger, 7.

[65] Berger, "Desecularization."

concept denoted resurgences of religions. Yet, on the other hand, it was also applied to mere survival of religion in secularized settings.[66] Furthermore, Berger mostly focused on counter-secularizing movements and largely bypassed de-secularizing social changes that the movements initiate. Meanwhile, the very word "desecularization" (de-secularization) implies a process of change that goes in the direction opposite to secularization. Finally, "the desecularization of the world" was an appealing yet unduly broad term considering the presence and escalation of secularizing tendencies in many places on the globe.

1.3.3   Desecularization as an Analytical Concept

Berger later acknowledged that the original concept was advanced and sharpened by Vyacheslav Karpov[67] who approached desecularization as *a process of counter-secularizing social change, through which religion reasserts its societal influence in response to previous and/or co-occurring secularizing processes*.[68] From this perspective (which we adopt in our volume), desecularization is not a grand narrative to replace that of secularization. Nor is it part of a zero-sum game; desecularizing trends unfold in response to secularization projects and processes and may coexist and interact with them. Crucial for this approach is the action-reaction sequencing between secularization and desecularization. This is what sets desecularization apart from other manifestations of religious vitality and growth that do not emerge in response to secularization. This is also the reason why desecularization may include yet is not synonymous with sacralization or re-sacralization, the processes that may take place without any connection to a previous or co-occurring secularization.[69]

Furthermore, like secularization, desecularization is also an essentially *unintegrated* process that involves a combination of *some or all* of the following: (a) a rapprochement between formerly secularized institutions and religious norms; (b) a resurgence of religious beliefs and practices; (c)

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[66] For instance, the persistence of non-institutionalized aspects of religion in Europe, which casts doubts about the portrayals of the region as exceptionally secular. See Grace Davie's important contribution to Berger's aforesaid volume *The Desecularization of the World*, 65–84.

[67] Berger, "Desecularization."

[68] Karpov, "Desecularization."

[69] See Demerath III, "Secularization and Sacralization"; Davie, "Resacralization."

a return of religion to the public sphere ("de-privatization"); (d) a revival of religious content in a variety of culture's sub-systems (arts, philosophy, literature, and others) and in a decline of the standing of science relative to a resurgent role of religion in world-construction and world-maintenance (but not necessarily a decline of science in absolute terms); (e) religion-related changes in society's substratum (e.g., religiously inspired demographic changes, redefinition of territories and populations along religious lines, [re]building of faith-related material structures, growing shares of religion-related goods in the economy, and so on).

Similarly to agency-focused secularization studies, we see desecularization as the work of *desecularizing activists* (individuals and groups immediately and actively involved in efforts to reestablish religion's role in society and culture) and *actors* (larger groups whose interests, grievances, and ideological orientations are congruent with activists' and who serve as a social and political support base of counter-secularizing activities, even if not participating in them directly). Depending on social actors involved, desecularization can be initiated and carried out "*from below*" (i.e., from the grassroots, by mass movements of religious adherents) and/or "*from above*" (by religious and/or secular elites who rely on the institutions of political and cultural power). Once counter-secularizing forces acquire a sufficient level of influence on society, there emerges and consolidates a *desecularizing regime*, which is a specific normative and politico-ideological mode in which desecularization is carried out, expanded, enforced, and legitimized. Thus, like secularization, desecularization is as project, a counter-secular revolution, which, if successful, unleashes social changes that limit or subvert secularity. From this perspective, visions, mythologies, and ideologies informing and motivating specific desecularization projects are crucial for understanding their trajectories and outcomes.

Diverse and clashing desecularizing projects and changes can originate from varying religious sources and societal environments. In addition, divergent counter-secularizing impulses can develop even within the same religious and national context.[70] Contestations among these multiple divergent projects shape the process of desecularization, and its trajectory is ultimately a vector sum of multiple religious and secular influences. With globalization, the overlaps, clashes, contestations, and mutual influences of diverse counter-secularizing currents increase unprecedentedly. Just as

[70] Karpov, "Desecularization."

the ideologies and practices of Western secularisms acquired global influence, counter-secular ideas and movements are globalized and cut across old civilizational and national boundaries, fusing the local and the global into phenomena previously unheard of. Religions of social solidarity and mobilization and those of personal self-actualization and authenticity, which Charles Taylor's account[71] allocates to different stages of the advent of a secular age, coexist and often clash in many places around the globe. These facts have huge implications for the way we understand toleration's relation to secularization and desecularization. We will return to these implications after reviewing the ways in which toleration itself has been the object of revisionist research.

1.4 The History and the Concept of Toleration in a New Light

1.4.1 *Omnipresent Toleration*

The demise of the grand narrative of secularization has an almost exact parallel in the historiography of toleration. The idea of its progressive expansion is increasingly met with skepticism.[72] But the loss of this presumed bright future has partly been compensated by the discovery of a past that is more humane than expected. Historians of the idea and practice of toleration have abandoned their narrow confinement to the modern western world or what two of them have called "the Locke obsession."[73] For at least three decades, significant work has been done on the history of toleration in the ancient, the medieval, and the Early Modern world.

One of the first things to bear in mind when considering more recent historiography of toleration is that the revisionist perspective can be found both among social historians and among historians of ideas. Among social historians, we have already mentioned the work of Benjamin Kaplan. For him, the distinctive originality of the Enlightenment was not the introduction of toleration, but rather the introduction of toleration as a creed.[74] But whatever their creeds, human beings have always counted on various resources to organize their life together. In this sense, tolerance can well

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71 Taylor, *A Secular Age*, 424–535.
72 Spini, "Secularization and Tolerance."
73 Laursen and Nederman, "General Introduction," 2.
74 Kaplan, *Divided by Faith*, 355.

be considered a relatively permanent feature of the human landscape. By our current standards, we can certainly claim that many past societies have drawn the limits of toleration too narrowly. Yet wherever human beings live together, conflicts arise, and toleration is one of the ways in which such conflicts have routinely been managed.[75] Paying attention to this past reminds us of many different types of accommodation, imperfect but real strategies (and which real strategies are perfect?) of coexistence that require not elimination but contention of conflict.

In a now famous contribution, Will Kymlicka argued that the identification between tolerance and modern liberty of conscience was less evident than mostly assumed. Though he argued for the superiority of the modern individualistic understanding, he discussed the millet system of the Ottoman Empire as a useful counterexample, in which the object of tolerance were rather the different religious groups.[76] Just as with the glorification of the Andalusian golden age, there is a serious risk of overstating the degree of tolerance that was actually achieved under such circumstances. But shifting the focus from the *degree* of tolerance that prevailed in particular periods, to the different *kinds* of tolerance that have existed, creates the conditions under which we can see both the advantages and the disadvantages of each model. While individuals enjoy less autonomy in a system of group-based toleration, under such a model, religious groups can build cohesive communities that shape the entirety of their lives according to their faith.[77]

The attention paid to premodern toleration is particularly relevant when it comes to the specific phenomenon of the wars of the early seventeenth century. The historical trauma of these wars played an enormous role in the political imagination of the following centuries. The architects of modern political philosophy unequivocally portrayed these conflicts as religious wars; in this way, they acquired the status of a founding myth of liberal society.[78] But historians have been less inclined to describe them as unequivocally religious. In the case of the Thirty Years War, the religious dimension became less and less decisive as the conflict advanced. In 1938 C.V. Wedgwood could write that by 1630, the "political aspect of the

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[75] For some representative studies, see Bowlin, "Tolerance Among the Fathers"; Barton, "Paul and the Limits of Tolerance."

[76] Kymlicka, "Two Models of Pluralism and Tolerance."

[77] Kaplan, *Divided by Faith*, 239–41.

[78] Michéa, *The Realm of Lesser Evil*, 9–16.

conflict had destroyed the spiritual."[79] A more recent comprehensive history of the conflict, by Peter H. Wilson, unequivocally states as one of its central arguments that "it was not primarily a religious war."[80] In the evaluation of these conflicts, and of the experiences of tolerance and intolerance in the confessional states, much will indeed depend on the specific place assigned to religion among the other dimensions of such complex processes. It is noted, for instance, that while both Spain and Poland took the route of a militant Catholicism, the Polish case managed to simultaneously be one of a remarkable religious tolerance. Not a different religious stance, but Poland's failure to develop a modern centralized state seems to account for this divergence.[81]

This approach implies no whitewashing of the confessional era. Kaplan rather considers the confessional nature of post-Reformation Christianity as one of the chief sources of religious strife. But the central point is that even "when Europe's churches preached intolerance most vehemently, they also taught countervailing values, like love for one's neighbor and respect for the law."[82] In other words, the resources that people counted on were not those of an emerging secular liberalism, but those of their own confessional traditions. Thus, while the Reformation has lost the pride of place it had in the Whig narrative, this has not led to a crude description of the period as a time of mere strife, as the prelude to "religious wars." On the contrary, as one historian puts it, "coexistence and inter-confessional co-operation are eclipsing ubiquitous conflict and fratricidal strife as the key agendas of historiographical discussion."[83] Both prudential/pragmatic and theological/philosophical reasons lie behind this capacity for coexistence. Indeed, our past not only reminds us of the persistence of the factual phenomenon of toleration; it also contains valuable thinking about this practice.

1.4.2   Past Resources for the Very Idea of Toleration

The ancient and medieval worlds, the world of the Reformation and the Early Modern tradition, have all been the object of careful research by

[79] Wedgwood, *The Thirty Years War*, 270.

[80] Wilson, *The Thirty Years War*, 9.

[81] Casanova, *Public Religions*, 92.

[82] Kaplan, *Divided by Faith*, 9.

[83] Walsham, *Charitable Hatred*, 12. For a summary of contemporary scholarship on this point see Dixon, *Contesting the Reformation*, 146–62.

historians of toleration. Toleration's history is full of dramatic ups and downs, but there are no complete epochs of human history where its nature is forgotten. Reflection about toleration is, however, a different issue. It is not controversial that intense discussion about its value and place is a rather modern phenomenon. But this does not make premodern theories of toleration inexistent. And though theorizing about toleration was a rather rare phenomenon, a consciously positive assessment of toleration has been the norm. Toleration has been a "dirty word,"[84] but the pejorative use of the term is found almost exclusively in the mid-decades of the seventeenth century. Cicero, Augustine, and Aquinas may have spoken of toleration less than we would like, but the concept had for them an unequivocally positive meaning. The results of the revisionist approach do not merely remind us of the persistence of the practice and of the calls for toleration; it also reminds us of the multiplicity of resources advocates of toleration have had at their disposal. This is particularly true for the Middle Ages, the typical example of a "persecuting society." Features of such a society were certainly present, but they prompted not universal allegiance but rather careful reflection about the necessity of tolerance; and in that reflection medieval authors appealed not only to what philosophy could describe as matters of natural justice, but also to revelation, custom, and religious tradition.[85]

To a large degree this is true of the Early Modern world as well. In *The Hebrew Republic*, for instance, Eric Nelson has considered the revival of the Hebrew language in the sixteenth and seventeenth century, and its cultural impact in political theory. Like the other scholars we have considered, Nelson arrives at conclusions that do not make tolerance dependent upon the advance of secularization. The authors involved in this fruitful reception of Hebrew thought typically produced arguments for toleration from a pious theocratic perspective. In other words, neither secularization nor separation of church and state were indispensable for the rise of toleration.[86]

Finally, some writers of the early American world have also been the object of illuminating studies, like those by Andrew Murphy and Teresa

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[84] According to Worden this was the case "more often than not" in Puritan England. Worden, "Toleration and the Cromwellian Protectorate," 200.

[85] Nederman, "Toleration in a New Key."

[86] Nelson, *Hebrew Republic*.

Bejan.[87] Both offer deep understanding of the Early Modern struggles they describe, and their respective heroes, William Penn and Roger Williams, are vital examples of religious defenses of toleration. In contrast with the political Hebraists considered by Eric Nelson, Penn and Williams put a high value on the separation between church and state (it is Williams, not Jefferson, who coined the phrase about the "wall of separation"). We should, moreover, stress that both Penn and Williams went beyond theory, shaping institutions and whole territories with their organizational genius. But their arguments for toleration drew from both common sense and from their specific religious beliefs. The recent discussion about Williams is particularly instructing in this regard. In *The New Religious Intolerance*, Martha Nussbaum appealed to his work as an example of an accommodationist approach to religious diversity that could counterweight the more neutralist tradition she illustrates with John Locke. However, Nussbaum's retrieval of Williams stressed the Stoic-Kantian cosmopolitanism that would make him palatable for a secularized age.[88] In contrast, Teresa Bejan has reminded us that his Christian commitments not only remained in place, but actually were foundational to the religiously plural project he founded in Rhode Island. His relation to the native Americans was shaped not by curiosity vis-à-vis difference, but by the duty to preach. Bejan calls his project one of "evangelical toleration."[89] It is not the likes of Condorcet who populate these new histories of toleration.

But how precise is the understanding of toleration one finds in these studies? Sometimes it is admittedly vague. Nederman's selection of medieval "discourses of toleration" includes all kinds of philosophies of coexistence, also those which believe that some ultimate harmony is hidden behind our diversity of rites.[90] It is to István Bejczy that we owe the clearest effort at defending a precise conception of *tolerantia* among the medievals. According to Bejczy, it was here that *tolerantia* ceased to be considered merely as an individual virtue and began to be developed as a political concept, as the forbearance vis-à-vis objectionable difference by those who had the power to do otherwise.[91] In contexts of personal

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[87] Murphy, *Conscience and Community.*

[88] Nussbaum, *The New Religious Intolerance.*

[89] See the contrast with Hobbes and Locke throughout her book, and the specific discussion in Bejan, *Mere Civility*, 50–81.

[90] Nederman, *Worlds of Difference.*

[91] Bejczy, "Tolerantia."

morality, *tolerantia* was thus equivalent to *patientia*, while in political contexts the more frequent synonym was *permissio*.[92] Few would take medieval society as a model regarding the limits of toleration; but when it comes to the development of a precise concept of toleration, things change. The Early Modern world could partly be described by the opposite situation: it is a world full of pleas for toleration, but with an increasingly vague understanding of the concept. Indeed, though the confusions between toleration, recognition, acceptance, and indifference are often discussed as a contemporary problem, they are not difficult to trace to the Early Modern period. During the sixteenth and seventeenth century, pleas for toleration were often pleas for less (as can be seen in the whole line of authors connecting toleration with *adiaphora*) or for more (in pleas for charity as a form of toleration).[93] The growing identification of toleration and religious liberty is a further example of the way in which the specific relation of toleration to things objectionable was forgotten amid passionate pleas in its favor. This is, however, not the whole of the Early Modern discourse of toleration. Roger Williams, again, is a good example of a project of well-defined toleration of objected actions, beliefs, and customs. There is a strong line of continuity between this project and medieval *tolerantia*, but Bejan rightly notes that the "emphasis on ongoing evangelical converse and conversation among the tolerated demanded an ethic of inclusion and engagement that went well beyond sufferance or forbearance."[94] This obviously means that too sharp contrasts between a "permission-conception" and a "respect-conception" of toleration are unnecessary.[95] And if Bejan is right in her interpretation of Williams, we may come to the surprising conclusion that in the Early Modern world, theoretical and practical work for toleration was not only compatible with robust religious beliefs, but that a precise understanding of the concept of toleration was sometimes best preserved in such contexts.

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[92] Svensson, "Toleration in Aquinas"; Tierney, *Liberty and Law*.

[93] For both these phenomena see Bejan's discussion of the Erasmian tradition and of Locke in Bejan, *Mere Civility*.

[94] Bejan, 69.

[95] This kind of contrast can be found in Forst, *Toleration Conflict*, 26–31.

1.5   Toward a General Reconsideration

1.5.1   Secularization and Desecularization's Links to Toleration

How do the foregoing conceptual, theoretical, and cross-disciplinary analyses clarify secularization and desecularization's relationships with toleration? There are three interrelated aspects of our reassessment of secularization and desecularization that are helpful in this regard. They include (1) the idea of multiple secularizations and desecularizations; (2) the agency-focused approach to secularizations and desecularizations as projects motivated (in a Weberian sense) by a variety of irreligious or religious ideations; and (3) the view of the projects as secular and counter-secular revolutions, which inevitably involve the issues of power, resistance, and suppression of resistance. Let us briefly explain how these ideas further the understanding of toleration's nexuses to secularization and desecularization.

Thinking of multiple secularizations and desecularizations is a straightforward yet effective way to abandon simplistic presumptions about the origins of toleration. Simply put, if there is not one secularization, if that megatrend, once taken for granted as universal, was in fact a mirage, then theorizing its uniform impact on toleration is useless at best. And it becomes doubly useless once we take into consideration the multiple models of toleration that we alluded to earlier in this chapter. To make this clear, let us use the following simple analogy. Suppose we were to answer a general question as to how toleration is related to revolution. A reasonable reaction to the question would be "which revolution?" The Iranian Revolution of 1979 and the "Velvet Revolution" that took place in Czechoslovakia ten years later were revolutions. Yet, the former was a radical Islamic revolution, and the latter, an anti-communist and pro-democratic. For obvious reasons, it would be absurd to theorize a common pattern of their impact on toleration. Understandably, then, there are no general theories linking revolution to toleration. In contrast, a universal secularization-toleration link has been presumed and theorized since the Enlightenment era. Yet, as our conceptualization suggests, and the volume's contributions show, secularizations and desecularizations differ in their underlying cultural and ideological motivations, methods of implementations, and societal consequences no less than the Iranian revolution differed from the one in Czechoslovakia. If so, the question of their impact on toleration is an empirical one. Comparative empirical studies may

detect general patterns that work across cases, but it is impossible to pre-judge a priori what the patterns are. We see the present volume as a step toward detecting such patterns by focusing on multiple ways in which toleration is related to the shifting boundaries between the religious and the secular.

Next, we described secularizations and desecularizations as projects carried out by specific social activists and actors. The projects deal with changing specific religions' (rather than religion's) place in societies. Their design and implementation are informed and motivated by varying ideas concerning what constitutes religion, non-religion, the religious and the secular, and the desirable boundaries between them. We use the word "idea" with its ancient connotation of "seeing," as akin to "vision." Indeed, secularizing and counter-secularizing movements are usually motivated by broad, mythologized visions of the past, present, and future of religions and societies rather than by purely logical, discursive programs. Importantly to our study of toleration's sources, these visions usually include prescriptive ideas about those who differ in religion and about proper ways of treating them. These ideas, furthermore, are articulated by secularizing or counter-secularizing intellectuals who employ and interpret the theological and ideological resources of their respective traditions. Exploring these varying articulations and their intellectual resources is crucial for understanding the variability of secularization and desecularization's impacts on toleration. Thus, the entire first part of this volume is dedicated to the study of ideational sources of toleration and persecution across religious and secular intellectual traditions.

Toleration makes sense only within the context of power relations. Yet, with the important exception of recent studies on "secular revolutions," there has been remarkably little work focusing on the issues of power, resistance, and repression involved in secularization. Perhaps this is because secularization was too often believed to be a "naturally" occurring evolutionary trend that does not even require the use of power and repression. Moreover, secularization was supposed to end persecution and bring about an open-minded acceptance of differences, and thus discussion of power, coercion, and resistance must have seemed irrelevant to the narrative. The neglect of the issues of power, resistance, and repression has been convenient to the ideological advocacy of secularization. This also might explain why obvious cases of forcefully and violently imposed secular regimes (e.g., in the Soviet Union, China, Turkey, and elsewhere) have long been marginal to the secularization debate in the West.

Against this background, our agency-focused concepts of secular and counter-secular revolutions make power, resistance, and suppression crucial to the understanding of the dynamics of secularization and desecularization. Furthermore, building on the ideas of William T. Cavanaugh[96] and David Martin,[97] we see secular nation-states themselves as built on the mythos about the religious others and sustained through marginalization or outright suppression of religion. Furthermore, by adopting a broad comparative perspective we, in the second part of this volume, decenter the experience of liberal Western democracies (although the American and European cases are covered here as well) and shift our focus to the modern histories of China, Russia, Ukraine, Mexico, Israel, and multiple majority-Islamic countries. From this, broader perspective, the place of power, resistance, and suppression in the processes of both secularization and desecularization becomes much clearer. It is in these multiple contexts that we explore the varying patterns of toleration and persecution. However, before we delve into the specific studies of secularization and toleration, let us emphasize the urgency of the questions our volume poses and their relevance to broad humanitarian concerns.

1.5.2   Seeking Solid Grounds for Coexistence

In American television game shows, questions are often prefaced by announcements of their "value," that is, the amounts of money that will reward correct answers. Thus, virtually everybody knows the phrase "the million-dollar question," which usually marks the culmination of such shows. Research questions also have value, typically unannounced, but real. And in some cases, the value of a question can be measured in the number of human lives that finding a correct answer, or even pursuing the answer, can save. Thus, there may be thousands-of-lives or even millions-of-lives questions. The questions that we ask in this volume are of this category. Indeed, in practical terms, history and theory aside, the questions that this book reexamines can be stated as follows. Is secularization, that is, the waning of religion's role in culture and society, the only reliable path to tolerating religious differences in the modern world? Or, can toleration build on religious foundations? Conversely, do vibrant and resurgent religions inevitably engender intolerance and persecution? Or, can

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[96] Cavanaugh, *Myth Religious Violence*.
[97] Martin, *Religion and Power*.

they bring about modes of lasting coexistence and toleration, albeit different from what is known to secularized Western democracies? These questions deal with finding solid grounds for human coexistence in a world where an overwhelming majority of inhabitants are adherents of various religions. And once we consider the scale of suffering and bloodshed that is regularly caused around the world by state or communal persecution of those religiously other, the human value of these questions becomes obvious. Moreover, these questions recur in passionate debates around the world about the future of countries, nations, religions and states. Thus, by asking them, we are not setting an artificial agenda, but rather seeking to further inform the ongoing debates by reassessing the assumptions that they often involve.

A brief consideration of a debate in India will illustrate this idea. What follows is not a stand-alone case study, but an illustrational vignette that shows how our volume's agenda resonates with consequential debates in the world's largest democracy. India is not only a religiously plural state, but one in which the process of decolonization has led to a vivid debate about the sources for tolerance. Do these lie in the universalizing ideals of modern European secularisms? Or is there something to learn from the religious sources of India's own local traditions? These abstract questions take a more specific form once we attend to the concrete ways in which secularization and tolerance intersect with the history of colonial rule and decolonization. Uniform codes of civil and criminal law were an early goal of the English rule; much of personal law was, however, left out to be ruled by the respective religious laws. The move toward new religious legislation, in contrast, came shortly after Independence, leading to the establishment of a single code of personal law for Hindu citizens. Under such conditions secular officials acquired unusual authority over religion (and over the definition of what is essential to a given religion).[98] The fact that a sometimes violent interventionism arose out of a desire to secularize has led to a significant discussion about the validity of the normative Western political discourse for contexts like these.

In 1988, Ashis Nandy published an influential article on the politics of secularism and the recovery of religious tolerance. Writing not only with India, but the whole of South Asia in mind, he considered the difficulties the modern nation-state has in identifying the moment when secularism, nationalism, or development act as intolerant faiths. Religious violence of

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[98] For this process, see Chatterjee, "Secularism and Tolerance," 351–58.

course still arises in such contexts, but often flowing from the sense of defeat and impotency of believers in an increasingly secularized world. And while that kind of violence is one we have the tools for detecting, Nandy's question was whether we are equally competent when it comes to identifying the destructive potential of objectification and bureaucratic rationalization. Behind religious violence, he argued, we can still find the internal principles of tolerance that the traditional ways of the continent developed over the centuries, and these resources are uniquely suited for facing the kinds of intolerance to which old-style secularism is blind.[99] Five years later, Partha Chaterjee raised similar questions while trying to respond to the challenge of Hindu majoritarianism. His concern was the capacity of this movement for mobilizing the modern state "in order to erase the presence of religious or ethnic particularism from the domains of law or public life."[100] According to Chatterjee, an "interventionist secularization" thus became the tool of one ethno-religious perspective in its search for homogeneity. Many still frame these discussions as a contest between secular liberalism and religious nationalism. As Chaterjee sees it, however, the postcolonial nationalist project was from its very beginning implicated in ways which put secularization and religious toleration at cross-purposes. These scholars thus raise serious doubts about secularism as a safe ground to meet the challenges of religious heterogeneity.

The studies collected in this volume will hopefully make cases like this accessible to a wider public. Taken together, they also suggest that we are dealing with issues and cases that are less idiosyncratic than we often imagine. Philosophies of history die hard, and often survive by neglecting contravening cases as mere "exceptions" or "outliers." Against this tendency, the contributions to this volume suggest that we need more than recognizing exceptions and making adjustments to the existing story of secularization and toleration. Almost a century ago, Butterfield warned against the "tendency to patch the new research into the old story even when the research in detail has altered the bearings of the whole subject."[101]

While our project questions one-sided accounts of toleration's rootedness in secularization, we do not seek to replace one simplistic narrative with another. Thus, papers in the volume question the customary assumption about the overwhelmingly secular ideational foundations of

[99] Nandy, "The Politics of Secularism."
[100] Chatterjee, "Secularism and Tolerance," 347.
[101] Butterfield, *The Whig Interpretation*, 6.

toleration and point to some of its sources within religious orthodoxies. Similarly, while we explore cases when secular regimes unleashed religious persecution, our point is not that secularization uniformly results in intolerance rather than toleration. Furthermore, we explore cases when desecularization results in the establishment of tolerant regimes in some countries and intolerant ones in others. Thus, our goal is to achieve a sober and evidence-based view of the actual relationships between secularization, desecularization, and toleration in the history of ideas, social arrangements, and transformations.

The volume is multi- and cross-disciplinary in its approach. It is organized around two axes. One deals with ideational sources, and the other with practices of toleration and persecution. Thus, the book includes a section dedicated to the history of ideas, and one centered on comparative analysis of social arrangements, practices, and transformations. Jointly, the two parts of the book expand the historical and geographic horizons of the debate on secularization and toleration thus helping, we hope, to elucidate patterns previously undetected, neglected, or underestimated.

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Religion, Secularization, and Toleration in the History of Ideas

A Dirty Word? The Christian Development of the Traditional Conception of Toleration in Augustine, Aquinas, and John Owen

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2.1 INTRODUCTION

In one of his many learned contributions to seventeenth-century debates on religion and politics, Blair Worden wrote that "more often than not in puritan England, toleration was a dirty word."[1] True enough, and we could add that in some corners of contemporary Christian thought, the concept of toleration has continued to be a dirty word. But as this chapter will argue, such misgivings regarding toleration are in no way representative of the greatest minds in Christian history. Augustine, Aquinas, and John Owen, some of the greatest theologians of the West, consistently singled it out as a virtue, one that was deeply connected to their understanding of the Christian life.

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[1] Worden, "Toleration and the Cromwellian Protectorate," 200.

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This affirmation may seem to be counterintuitive. Was not Augustine the first Christian to argue for the persecution of Christian schismatics? Was not Aquinas part of the Dominican order that was so closely related to the Inquisition? Was not John Owen the chaplain of Oliver Cromwell, whose devastation of Drogheda could count as a rather archetypical religious genocide? Needless to say, one could offer a more nuanced description of all of these events. But my argument does not rest on making a case for anyone's innocence. My starting point is rather that errors regarding the limits of tolerance do not disqualify a conception of tolerance. Most would today agree that these theologians of the past were not tolerant enough. But if we focus on their understanding of tolerance instead of the degree of their tolerance, we may discover that after rebuking them, we still have something to learn.

My main contention is this. Starting with Augustine, theologians in the Christian West developed a concept of toleration that was closely linked to their understanding of temporal life (*saeculum*) and its imperfections. Gradually, this concept came to encompass both the moral virtue and the political practice of tolerance. Finally, this concept of tolerance was deployable both under the circumstances of a religiously homogeneous and a religiously more plural society.

2.2   Augustine and *patientia* in the *saeculum*

Research into pre-modern discussions of toleration has now been going on for several decades. The practice itself is, of course, as old as humanity. Human flourishing requires cooperation, but the grouping together needed for such cooperation also brings with it the realities of discord and conflict. Whatever contact one has with rival ways of life, toleration is one of the requirements for maintaining the internal life of any community. But reflection on toleration is a different matter. At least in the West, toleration as an object of inquiry begins to take shape with the Stoics. Among them, *tolerantia* appears as one dimension of the constancy and virtue of the wise. Several conditions of toleration make a substantive appearance in Stoic writings: it must be rooted in justice, it implies control of our emotions, and it requires a trained judgment.[2] Given this understanding of tolerance, it is not surprising that both Stoics and early Christians would

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[2] Fiala, *Tolerance and the Ethical Life*.

frequently count it as synonymous with patience. And no other virtue was as thoroughly discussed by the early Christians as was patience.[3]

It is within this philosophical and Christian background that Augustine's views on toleration must be considered. And his work offers particularly vivid examples of the equivalence between toleration, patience, and endurance. Commenting on Psalm 31, he writes that toleration, patience, endurance, and forbearance exist only in the face of evil (*in malis*).[4] In his sermon 359A, he similarly writes of *patientia*, *sustinentia*, and *tolerantia* as needed "not in conditions of prosperity, but in adversity [...], not in happiness but in unhappiness."[5] Two things stand out in these words. On the one hand, we have an obvious contrast between the conception of tolerance as patience and the various equivalences that are more common today. With indifference or coexistence on one side, respect and recognition on the other, contemporary alternatives all seem to involve either more or less than patience.[6] On the other hand, this sermon supplies an obvious explanation for this changing list of synonyms: for Augustine, as much as for his predecessors, toleration unequivocally has evil as its object. "Nobody would say that he tolerates things that delight him; it is hard and bitter things that are tolerated or patiently endured."[7] One common misunderstanding describes this position as if toleration were a lesser evil. "The old position settled for toleration as a lesser evil. Now, religious freedom is seen as positive in itself," one author writes.[8] But the Augustinian tradition quite obviously sees toleration as a good, namely as the kind of good that we need in a world in which we necessarily will encounter evil. Seen in this light, we are called "to tolerate not only calmly (*aequo animo*), but even exultantly."[9]

Augustine himself is a particularly rich source for thinking through these issues, and the reason for this richness lies at least partly in the fact that he made evil such a constant object of his attention. By contrast, our culture often lacks such reflection, and its absence is the source of some of

[3] Kreider, *Patient Ferment*.

[4] *Enarrationes in Psalmos* 31, 2. My translations throughout for both Augustine and Aquinas.

[5] *Sermo* 359a, 2.

[6] For the place of tolerance between these dispositions, see Fletcher, "The Case for Tolerance."

[7] *Sermo* 359a, 2. See also *Enarrationes in Psalmos* 52, 1.

[8] Rico, *Legacy of Dignitatis Humanae*, 85.

[9] *De sermone Domini in monte* I, 5, 13.

the apparent paradoxes of toleration that continue to puzzle us. Consider, for instance, Bernard Williams' idea that toleration seems to be "required only for the intolerable" a puzzle that he described as "toleration's basic problem."[10] We must agree that it would indeed be a major problem if toleration were only needed for the intolerable. But this proposition only sounds plausible due to the pervasive influence of a view of evil that sharply contrast with Augustine's. How can we describe that prevailing view of evil and its relation to toleration? For one thing, we pretend to be non-judgmental. And inasmuch as we are, the circumstances for toleration do not even present themselves (our "alleged tolerance," in the words of Tocqueville, only amounts to "good old indifference."[11]) But at the same time, we are forced to confront the ubiquitous existence of evil. Deprived of the judgment that would allow us to discuss evil in its various forms, we tend to conceive it as concentrated in a single subject. The personal or institutional realities that we imagine embodying evil cannot be the object of toleration, precisely because they embody evil in such a unique manner. They can only be the object of our radical denunciation (and if a few decades ago only Hitler played this role of embodiment of evil, "callout culture" has significantly expanded the list of candidates). We recognize the existence of evil, but it has nothing to do with us; in the forms that we recognize it, it already is of an intolerable nature.

In a way, for this paradox to dissolve, we need a quite simple alternative view of evil: we must recognize that evil comes in many different degrees, that we can judge about it, and that instead of subsisting in itself it is related to each of us. There may, however, be some metaphysical and religious underpinning to this idea of evil, and the successive controversies in which Augustine was involved—with the Manichaeans, Donatists, and Pelagians—shed abundant light on this issue. Discussing the persistent value of the traditional concept of toleration as endurance of evils, John Horton has written about the "surprisingly Manichean perspective" one finds in our contemporary approach to evil.[12] At the core of Manicheanism (and of other Gnostic movements) lies the idea that the world is a battlefield in the war between good and evil, and that this, in turn, reflects the existence of an eternal and subsistent evil in contest with the good. Augustine's anti-Manichaean understanding of evil as privation, on the

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[10] Williams, "Toleration: An Impossible Virtue?," 18.
[11] Tocqueville, *Letters from America*, 89.
[12] Horton, "Traditional Conception," 295.

contrary, basically implies that there are as many evils as goods, since only something good can be evil. Augustine's unsubstantiality of evil—like Arendt's banality of evil—in no way implies its denial or belittling.[13] It rather implies that evil is understood as parasitical, and only goodness as ultimate. The practical result of this view is that in one sense the range of evils grows, since every single good can be perverted; but since its ultimate condition is removed, evil simultaneously becomes more tolerable.

In one of his most significant anti-Manichaean works, *Contra Faustum*, Augustine writes that everyone should be hated insofar as he is wicked but loved insofar as he is a man.[14] Such a simultaneous affirmation and negation is the characteristic tension of toleration. Since only goodness is ultimate, one can also argue that an anti-Manichaean account of evil helps us to see evil for what it is, without being overwhelmed by its presence. It is more difficult to tolerate if we are overwhelmed by evil, incapable of seeing the goods that underlie the evils that we suffer. It is against this background of anti-Manichaean reflection on evil that Augustine started to develop his "secular ambivalence," as Frederick Russell has called it, his idea of the *saeculum* as the place and time of intermingling of good and evil.[15] But it was above all in disputing with the Donatists that Augustine developed his conception of the mixed nature of human associations. Throughout this controversy, he affirmed that the Church would remain a mixed body of the good and the evil, and that awareness of this mixture should lead us to tolerance, to resist taking the final reaping into our own hands. While in support of coercion Augustine inaugurated an infamous tradition of interpretation of Luke 14:23 (*compelle intrare*), in support of toleration, he inaugurated a tradition of interpretation of the parable of the wheat and tares in Matthew 13:24–30. In this parable, Jesus illustrates the Kingdom of God with the image of a field in which an enemy mixes bad seed with the originally healthy grain, with both seeds thereafter growing alongside each other. The parable thus calls for a patience that is not grounded in relativism—there is a meaningful distinction between wheat and tares—but in the risk of pulling out wheat when weeding out tares. This task must be left to the reaping angels, who will separate them

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[13] Mathewes, *Evil and the Augustinian Tradition.*
[14] *Contra Faustum* XIX, 24.
[15] Russell, "Augustine's Secular Ambivalence."

in due time. This parable is central for Augustine's controversy with the Donatists and for the later history of toleration.[16]

The understanding of the Church as a mixed body, which Augustine developed in this controversy, was furthermore transferred to his vision of all human societies, as reflected in his monumental *City of God*. In this work, Augustine is keenly aware of how human associations that profoundly contrast with each other nonetheless go through this life "entangled and intermixed."[17] The "cities" of which he writes are primarily two opposed loves; more than cities, it is citizenships that he is concerned about. People of different citizenships share the empirical cities that they inhabit. Though eschatologically these citizenships are sealed, in the *saeculum* individuals make decisions that imply change of citizenship or identity. We often do not know what the identity of someone ultimately will be. The citizenships in the cities of God and of man cannot be identified within the concrete cities and institutions that we inhabit in history. Neither can the city of God be strictly identified with the Church as we know it, nor the city of man with any historical and political unity like Rome. Resisting that kind of identification can quite legitimately be described as an Augustinian secularization of these realities, a secularization of Rome and a secularization of the Church. The empire is divested of religious significance, earthly perfection is denied for the Church; history itself is secularized, in the sense that present events, be they good or bad, are considered by Augustine as too opaque to indicate anything of the divine plan.[18] In this specific sense, Augustinian toleration is certainly tied to some desacralization.

But if the anti-Donatist discourse leaves us with the idea that within every mixed community, there are some good persons tolerating others that are evil, that would be a very half-hearted sort of Augustinianism. Though Augustine believes that we all live under the impulse of one of the two fundamental intentions—love of God or love of self—he is aware of the mixed nature of each individual human heart as well. It is particularly his confrontation with the Pelagians that led him to affirm that the root of evil is within us, that no political program will uproot the disordered love that taints all human endeavors. But Pelagianism, as John Gray has

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[16] Bainton, "The Parable of the Tares."

[17] *De civitate Dei* I, 35.

[18] Markus, *Saeculum: History and Society in the Age of St. Augustine*.

written, lies at the root of the contemporary rejection of tolerance.[19] This contemporary rejection is not a rejection in the name of intolerance but in the expectation that we can leave the grudging, gray, and compromising nature of toleration behind and aim instead at positive dispositions like recognition. It is a rejection that is not only optimistic about individual moral progress but also about the general course of human history. If the cause of our problems lies not in our finite and fallen condition but in our ignorant and recalcitrant entanglement in external sources of evil (the past, "society," etc.), enlightenment can bring about definitive change. But then the risk is that those still entangled will be considered intolerable. In the light of this contemporary background, a dose of anti-Pelagian "pessimism" can help us to become aware that evil cannot be simply eradicated. It can also turn our gaze toward the internal sources of evil, thus encouraging the humility that is a fundamental prerequisite for tolerance. We may need to strip away many of the practical conclusions Augustine reached in his own discussions of toleration, but as an "apostle of imperfection"[20] we still need his voice when thinking about the visions of man and history in which tolerance can be kept alive.

2.3   AQUINAS AND TOLERATION AS PERMISSION

The Stoics, as we have seen, had a conception of toleration as the patient bearing of evils that befall us. Only some of them made this central to their reflection about our mutual understanding. John Lombardini has argued that while the earlier Stoics tie tolerance primarily to the endurance of physical pain, in the work of Marcus Aurelius, it becomes a more clearly political virtue, one needed not to deal with any misfortune whatsoever, but particularly with the objections that arise in our dealing with other persons.[21] This use of the concept, as we also have seen, was significantly expanded by Augustine. The fact that throughout human history societies have been mixed bodies, with opposed inclinations in their members, obviously made tolerance a more central social virtue. But I deliberately describe it as a *social* virtue, since the conceptualization of tolerance as a *political* practice was still to be accomplished. The weak can be patient, but tolerance (just like intolerance) implies power. But the tolerance of the

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[19] Gray, *Enlightenment's Wake*, 27.
[20] Kaufman, *Incorrectly Political*, 98.
[21] Lombardini, "Stoicism and the Virtue of Toleration."

powerful is of course ambivalent, as it can be a manifestation of self-restraint or a manipulative form of domination. This is, indeed, a common source of contemporary critiques of toleration: if the powerful grant toleration, it must be because it is an effective tool of imperialism.[22] As a matter of fact, this critique of a prideful power that only gains in legitimacy through its concessions can already be found in Augustine. The *City of God* opens with a rejection of Rome's pretense to "spare the vanquished and to crush the proud."[23] This toleration is simply a feature of the earthly city's *libido dominandi*, and Augustine denounced it as the usurpation of a divine attribute.[24] It is God's prerogative to resist the proud and give grace to the humble (1 Peter 5:5–6).

There is no reason, then, to deny that tolerance can be an arrogant source of domination or, in Augustinian terms, a perverse imitation of God. But there is nothing in the essence of concessions or of permission, of toleration as a political practice, that makes it subject to this critique. Whatever their motives, it is often a good thing if the powerful permit what they dislike. As István Bejczy has argued, medieval canonists played a significant role in the development of toleration as more than a moral virtue. It was, in the words of Bejczy, "not an imperative of love but a restraint on one's hatred."[25] Since it is a restraint that not only individuals but above all the Church and the state must practice, a new synonym emerged alongside *patientia*. To tolerate is to permit. Only those who have power can reasonably say that they give permission. But this development came with a sophisticated view of the nature of permission. In addition to the simple permission (*permissio simplex*), medieval juridical literature also possessed the construct of a permission that actively removes obstacles (*permissio tollens impedimentum*). It is not only the duty of authorities to passively grant permission for some things; sometimes they must be actively involved in removing the obstacles put in place by third parties on those evils which those in power allow.[26]

But it was not only the canonists that started thinking along these lines. A similar development can be found among this period's greatest theologians.[27] This fact can easily be illustrated by the case of Aquinas. Toleration

[22] For a representative version of this critique, see Brown, *Regulating Aversion*.
[23] Virgil, *Aeneid*, VI, 853.
[24] *De civitate Dei*, prologue (quoting Virgil).
[25] Bejczy, "Tolerantia: A Medieval Concept," 372.
[26] Bejczy, 370–71.
[27] The argument that follows is taken from Svensson, "Toleration in Aquinas?"

as patience continued to be a constant theme in his work. The synonymous use of *tolerantia*, *sustinentia*, and *patientia* is particularly frequent in his Biblical commentaries.[28] But he also wrote on toleration as permission, as a distinctively political practice, the practice whereby those in power permit certain evils. God's tolerance is the prime example of such a practice. "God, although omnipotent and extremely good, nevertheless allows (*permittit*) some bad things to happen in the universe, because otherwise greater evils would follow."[29] Imperialist toleration may be a perverse imitation of God, but here God's permission of our sin emerges positively as a model for tolerant earthly rulers. Following the divine example, "it is fair for those who preside over human governments to tolerate certain evils."[30]

But why should the powerful tolerate evil? One answer comes from what we moderns describe as the separation or distinction between morality and politics. Strictly speaking, only morally indifferent acts are described by Aquinas as objects of permission, while good actions are commanded and evil ones prohibited. But when he writes from the perspective of legal instead of moral philosophy, he explicitly includes those acts as indifferent, which are neither very good nor very evil.[31] Addressing the question as to whether secular law should punish all vices, Aquinas hence concludes that it only should punish grievous sins that are harmful to others and that put in danger the subsistence of the community itself.[32] Some have understood this to be akin to Mill's harm principle.[33] But the position of Aquinas does not imply that sort of ethical minimalism, nor does it renounce the pedagogical function of the law. Aquinas believes that the magistrate should be concerned for the virtue of the citizens and, as long as certain conditions are fulfilled, he believes that this concern is compatible with the avoidance of harm. What conditions? Above all, one must consider the fact that most men are far from virtuous and can only be led to virtue in a gradual way (*gradatim*). Quoting Isidore of Seville, Aquinas writes that

[28] *In Matt.,* cap. 13 l. 2. In his commentary on Colossians, Aquinas writes that virtue "cannot exist without patience and tolerance of evils," *In Col.*, cap. 1 l. 3. See also In *II Thes.*, cap. 3 l. 1. In his systematic works, this approach can be found in places like *S. Th.* II–II, q. 128 ad 6.

[29] *S. Th.* II-II, q. 10, a. 11.

[30] *S. Th.* II-II, q. 10, a. 11.

[31] *S. Th.* I-II, q. 92, a.2.

[32] *S. Th.* I-II, q. 96, a.2.

[33] For an influential version of this argument see Finnis, *Aquinas: Moral, Political and Legal Theory*, 228.

the law must be possible to fulfill both according to nature and according to the "custom of the country" (*consuetudo patriae*). With these considerations in mind, he writes that "many things that would not be tolerable in virtuous men" must in fact be tolerated in political life as we know it.[34] This is not a design for a neutral state. It is rather the program of a moderate ethico-political perfectionism that remains deeply aware of its limits. As with so many aspects of his thought, a complex combination of Aristotle's practical philosophy and Augustine's view of fallen man underlies Aquinas' view of toleration.

Let me close this section with a brief discussion of the relationship between toleration, justice, and the need for spaces into which the power of the magistrate does not reach. In *Summa Theologiae* II-II, q. 10, a. 12, Aquinas asks whether the children of Jews should be baptized against their will. Though previous Catholic rulers were extremely powerful (*potentissimi*), Aquinas answers, they never proposed anything like this.[35] It is an innovation that he squarely rejects. Forced baptism would go against "natural justice," but it would also violate a protected space. The home, Aquinas writes, is a "spiritual womb" for the child until it comes to the use of reason, in a way analogous to the womb in which the child is before being born. Four centuries later, Roger Williams would describe coerced belief as a spiritual rape or a rape of the soul.[36] Aquinas' analogy, though less explicit, is equally strong in presenting coerced baptism as a sort of spiritual abortion. The main lesson we should draw from this text, however, is the fact that a "permission-conception" of toleration can perfectly include recognition of inherent rights and of protected spaces. Toleration as forbearance can sometimes run the risk of being the arbitrary concession of a boundless power. But it can also be an essential ingredient in a political vision that recognizes both the inherent rights of citizens and protected spaces into which political authority cannot intrude. This conclusion had already been reached in medieval Christianity. In the words of John Owen, to whom I turn next, "toleration is the alms of authority, yet men who beg for it think so much at least their due."[37]

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[34] *S. Th.* I-II, q. 96, a. 2.

[35] *S. Th.* II-II, q. 10, a. 12. It is important to underline that in contrast with the frequently quoted questions regarding the toleration of heretics (*S. Th.* II-II, q.10, a.11), the question regarding the baptism of Jewish children represented a new challenge. The question had only begun to be raised in the 1260s, and it is only in 1269 that Aquinas discussed it for the first time (*in quodl.* II, q. 4, a. 2). On this, see Turner, "Duns Scotus on Jews and Judaism," 214.

[36] Williams, *The Bloody Tenent yet More Bloody*, 325 and 327.

[37] *Works* 8:55.

2.4 John Owen and Confessional Toleration in Early Modern Religious Strife

Scholars of medieval approaches to toleration sometimes mention the mystical approach to the divine as one deep religious source for coexistence. If primacy is given to negative theology, contending interpretations of a given religion become secondary if not indifferent.[38] With a strong presence of this language of indifference (*adiaphora*), this would also become a standard approach to toleration among Renaissance humanists.[39] But this approach stands in rather pronounced tension with the views I have hitherto discussed. Erasmian *concordia*, writes Bejczy in the study quoted earlier, "teaches us to accept some variation within the range of the civilized; *tolerantia*, on the other hand, teaches us to live with real differences."[40] Where the tradition of *tolerantia* calls us to bear with heretics, the tradition of *concordia* teaches us to renounce the use of that label or to completely redefine the nature of heresy (as was done from Castellio to Locke). The main focus of the mystical and Erasmian project is not to tolerate actions or beliefs perceived as evil, but to create what one can call a more generous orthodoxy. The tension between these two approaches is worth keeping in mind when we consider the discussions around toleration in the aftermath of the Protestant Reformation. At least to some extent, the drama of the sixteenth century is that toleration was largely refused by the parties holding to substantive doctrinal and churchly commitments, while calls for toleration were made by authors like Sebastian Castellio, who were rooted in the Erasmian or anticonfessional tradition.[41]

But once we turn to the seventeenth century, it is possible to find arguments for toleration not only of the mystical and Erasmian variety, but also

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[38] Nederman, "Historical and Global Perspectives."

[39] Remer, *Humanism and the Rhetoric of Toleration.*

[40] Bejczy, "Tolerantia: A Medieval Concept," 383.

[41] In much recent literature—like Zagorin's general history of toleration—Castellio is celebrated as "the first champion of religious toleration" circumventing this problem. Zagorin, *How the Idea of Religious Toleration Came to the West*, 93; for a more reflective approach, see Curley, "Sebastian Castellio's Erasmian Liberalism."

in authors that are formed in a more distinctively confessional tradition.[42] I consider John Owen (1616–1683) as a distinctive example of this "confessional toleration."[43] Owen was a central figure of early Protestant nonconformity and a theologian deeply steeped in the Protestant scholastic tradition, but he is writing in a context that is significantly different from that of both the Reformers and medieval Christianity.[44] Not only had Europe been confessionally torn apart. Also within a single political community, Owen's England, religious homogeneity had been lost. As an enthusiastic and central figure of the Puritan revolution, Owen at times thought that a different religious unity would be achieved.[45] But his central contributions come from his insight into the long-term reality of confessional pluralism, his acceptance of the fact that the "variety of opinions about things religious […] is like to be continued in the world."[46] As he writes in his *Answer to Stillingfleet*, "After the trial and experience of a *hundred and fifty years*, it is altogether in vain to be expected that any farther reconciliation or union should be effected between these protestant churches."[47] If we look back at Aquinas or Calvin, their approaches obviously assumed a religiously more homogeneous society. In that context, *tolerantia* was a practice that would mostly be needed in the face of aberrant insiders. Under the conditions in which Owen is writing, toleration has new functions, becoming a practice that relates to insiders and outsiders: it is a "mutual forbearance in communion" or "a toleration out of communion."[48] Such a "a toleration out of communion" of course only makes sense if we are members of more than one relevant community at the same time: outside our respective churches (within which toleration is also necessary), we are still members of another community in which our confessional differences are forborne. Not surprisingly, a significant part of Owen's arguments is directed against those who would only extend the benefits of government to those "whom the church compriseth in its

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[42] For a contrast between Owen and Locke along these lines, see Svensson, "John Owen and John Locke."

[43] For his biography see Gribben, *John Owen and English Puritanism*.

[44] For his stature as a scholastic theologian, see Trueman, *John Owen*; for his place in nonconformity, see Cooper, *Formation of Nonconformity*.

[45] For the ups and downs of his writings on toleration see Coffey, "John Owen and the Puritan Toleration Controversy, 1649–59."

[46] *Indulgence and Toleration Considered*, in *Works* 13:532.

[47] *An Answer to Dr Stillingfleets Book of the Unreasonableness of Separation*, in *Works* 15:406.

[48] *A Country Essay*, in *Works* 8:57.

uniformity."[49] In *Indulgence and Toleration Considered* (1667), Owen describes such views as "evident mistakes in policy."[50] Writing as one of those expelled from the established church, he wishes that the "principle itself for the future be cast out of the minds of men."[51]

If these texts point to a state that makes space for at least some range of divergent beliefs (Owen was always writing with a broadly Christian society in mind), it is worth pondering that Owen does so while holding on to the classical concept of toleration. The titles of his works—*Indulgence and Toleration Considered* and *A Peace-Offering, in an Apology and Humble Plea for Indulgence and Liberty of Conscience*—eloquently illustrate this fact. "Liberty of conscience" is part of his program, but there is no suggestion that the course of history moves on from toleration to a freedom of religion that does not require toleration or "indulgence." In fact, Owen not only continued to adhere to this traditional understanding; in contrast to Augustine and Aquinas, he had to confront conceptual confusion regarding toleration explicitly. As he explains in *A Country Essay*, when rival understandings of the concept are present in the same culture, "a man may profess to oppose both toleration and non-toleration without any contradiction at all, because in their several senses they do not always intend the same."[52] There is nothing resembling this concern in the earlier Christian tradition. Owen understands toleration in largely the same terms as his predecessors, but he perceived a need for conceptual clarification that was absent in former times. After listing several questions about the nature of toleration, he writes that these "must clearly be distinguished and determined by him that would handle his matter at large and exactly, that we may know what he means by those ambiguous words."[53]

Owen's writings on toleration aptly illustrate the multiple fronts against which this kind of conceptual clarification must set itself. Then as now, some critics of toleration could only see toleration as relativism. "If errors must be tolerated, say some, then men may do what they please," thus Owen describes this "most frequent paralogism."[54] Owen straightforwardly rejects this association. "Error is offensive, and must be proceeded

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[49] *Works* 13:530.
[50] *Works* 13:531.
[51] *Works* 13:532.
[52] *Works* 8:57.
[53] *Works* 8:57.
[54] *Of Toleration; and the Duty of the Magistrate About Religion*, in *Works* 8:170.

against."[55] He describes "opposition unto every error" as a duty for all "who have any interest and share in truth." But the means called for in this opposition are "gospel mediums and spiritual weapons,"[56] means that obviously are compatible with simultaneous toleration. In *Indulgence and Toleration*, Owen approaches the same idea from another angle. There he writes that there are some who think that they must persecute error, since "what is forborne they suppose must needs be approved."[57] Here his adversaries are those who understand toleration as a kind of approbation and who hence conclude that toleration is an impossible demand. Today that identification is more likely to come from those believe that tolerance is a form of bigotry and that we should move toward recognition in its place. Then as now, there is good reason to believe that any reasonably open society, however religious or secular it may be, will have to make place both for various forms of political respect and for mere toleration.

2.5   Conclusion

Voices of very different provenance today tend to argue for an enriched understanding of religious tolerance, one based not simply on the grudging acceptance of positions one rejects, but on positive dispositions like respect toward such realities as autonomy or the inner sanctuary of conscience. The point can be raised in terms of an exclusive alternative (toleration vs. respect) or in terms of a radical reinterpretation (toleration *as* recognition), but also in terms of a more integrative approach (toleration *with* hospitality).[58] The two former alternatives consider toleration in its traditional form superfluous. They reflect the expectation of a world free from deep conflicts, an expectation that may have persuaded some in the decades of "the end of history" but which now can count few signs of the times on its behalf. But the third alternative grounds toleration in a positive view of community without removing its "offensive" side. In different variations, and with gradual developments, this chapter has argued that some of the most significant voices in the Western Christian tradition can be claimed for this latter approach.

[55] *Works* 8:170.
[56] *Works* 8:170.
[57] *Works* 13:538.
[58] For texts representative of these three approaches, see Ivanhoe, "Ethical Promiscuity"; Galeotti, *Toleration as Recognition*; Bretherton, "Toleration with Hospitality."

The theologians I have considered obviously appealed to all sorts of arguments—arguments we might describe as religious or secular—in their writings on toleration. But there was an underlying ontology to each of these arguments. Only if there are underlying goods (like persons) or future possible goods (like peace or conversions), will we find reasons for permitting evil. Many will wonder whether this is a good way to ground tolerance. However, in one of the finest contributions to the contemporary debate on toleration, Andrew Sabl has argued precisely for the need of a "toleration of tolerations." We need to get along not only with actions we dislike or reject, but also with reasons for toleration that we believe to be fundamentally wrong. Sabl himself offers an illuminating account of various such conflicting reasons for toleration, but his account can certainly be expanded to include more religious reasons.[59] It is indeed reasonable to wonder whether tolerance is possible if it is not grounded in some kind of hope, and conversion of those tolerated can likely be described as the highest of hopes.

The understanding of toleration as bearing of evils, in other words, is capable of substantive precisions and expansions, none of which imply putting judgment aside or adopting a revisionist disposition with regard to central Christian beliefs. Toleration is a virtue for bearing with evils, but like the other virtues it is in itself a good. It is a virtue, but it is also a policy that can be practiced by those who do not themselves have the corresponding virtue. The tolerant policy implies not only the permission of evils, but sometimes also the removal of obstacles. This permission can be conceived of not only as the arbitrary concession of rulers, but as compatible with the affirmation of rights and protected spaces. Finally, if tolerance is embedded in the view of good and evil discussed in this chapter, it is possible to preserve the grudging side of toleration while at the same time seeing tolerance as a practice that can be loved. As Augustine writes in his *Confessions*, "nobody loves that which he tolerates, but he loves to tolerate it."[60]

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[59] Sabl acknowledges that his list of 12 conflicting frameworks for toleration is by no means comprehensive, but in the context of the present volume it makes sense to stress how markedly secular most of them are. See Sabl, "'Virtuous to Himself': Pluralistic Democracy and the Toleration of Tolerations," 225–27.

[60] *Confessiones* X, 28, 39.

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CHAPTER 3

Human Dignity and Divine Chivalry: Rights, Respect, and Toleration According to Ibn 'Arabi

Stephen Hirtenstein

> *The Prophet, may God bless him and give him peace, was asked: "Which religion does God love the most?" He replied: "The faith that is primordially pure and generously tolerant (*al-ḥanīfiyya al-samḥa*)."*
> —Al-Bukhārī, *Al-Adab al-mufrad*, 1/287

3.1 Introduction

While Islam was regarded by its founder as following in the footsteps of the other Abrahamic traditions and restoring a monotheistic perspective that is fundamentally tolerant and inclusive, it hardly needs saying that this is not the picture of Islam that has been presented to the world by the mass media since the events of September 11, 2001. As unsurprising as such distortions of the original message may be, there is also a tendency to settle for a rather superficial understanding of inclusivity and toleration based on cultural and historical accretions, so that fundamental ideas such

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as "rights" and "respect" are viewed from a particular perspective, such as the modern world, alone. In this chapter, we will explore the less well-known teachings of medieval Islamic authors, such as Muhyiddin Ibn ʿArabi (d. 1240), known throughout the Islamic world simply as "the greatest spiritual master" (*al-shaykh al-akbar*).

As Bernard Lewis has pointed out, "Islam, from the beginning, recognized that it had predecessors, and that some, having survived the advent of Islam, were also contemporaries. This meant that in Muslim scripture and in the oldest traditional theological and legal texts, certain principles were laid down, certain rules were established, on the treatment of those who follow other religions. This pluralism is part of the holy law of Islam, and these rules are on many points detailed and specific. Unlike Judaism and Christianity, Islam squarely confronts the problem of religious tolerance, and lays down the extent and the limits of the tolerance to be accorded to the other faiths. For Muslims, the treatment of the religious other is not a matter of opinion or choice, of changing interpretations and judgments according to circumstances. It rests on scriptural and legal texts, that is to say, for Muslims, on holy writ and sacred law."[1]

One of the primary scriptural texts for the perception of the religious other is: "To each one of you We have assigned a path and a way of coming. Had God wished, He could have made you one community" (Q 5:48), explicitly affirming that all human beings have received divine guidance and that it is a sacred duty to "vie with one another in good works." This verse confirms both the validity of all previous divine revelations and the healthy devotional striving that such pluralism should engender. The Quran also famously proclaims: "there is no compulsion in religion" (2:256) and reiterates several times that "had God wished, He would have made all humankind one community" (11:118, 16:93; 42:8). Since people clearly do not belong to one tribe, group or community, and pluralism and diversity is found in every domain, the Prophet Muhammad was keen to emphasize that which binds all human beings together as equal in dignity, regardless of race, color, gender, language, religious persuasion or ethnicity. All-encompassing mercy (*raḥma*) was the most central feature of the way of Islam, as evidenced in the often-mentioned Quranic phrase "My Mercy embraces all things" (7:156) and the constantly reiterated linking of God with the two Names of compassion in the *basmalah* ("In

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[1] Lewis, *The Multiple Identities of the Middle East*, 120.

the Name of God the Compassionate the Merciful").[2] The enormously rapid expansion of Islam in the early period owed far more to its essential inclusivity and championing of what we might today understand as fundamental human rights than to any coercive conquest through physical force.

This was evident in all kinds of ways in the daily behavior of Muhammad, whose "mighty nature" (*khuluq ʿaẓīm*) is attested to in one of the early Meccan suras of the Quran (68:4): for example, when a funeral procession in Medina crossed in front of Muhammad, he stood up out of respect, and when one of his companions who had remained sitting said dismissively that the dead man was merely a Jew, not a Muslim, he responded: "But is he not a human soul?"[3] It can also be argued that historically respect and toleration was the norm that Islam, with its doctrine of the *dhimmī* ("protected minorities"), brought to different cultures, as evidenced in Umayyad Cordoba, Fatimid Egypt and the Ottoman and Mughal empires. As Reza Shah-Kazemi has argued in his wide-ranging study of toleration in Islam with regard to the medieval era, "in fact, it was the Christian world which learnt about the meaning of tolerance from the Muslims: the trajectory of tolerance was from East to West."[4] However, this is not to suggest that historically Muslims have always lived up to such ideals—far from it— merely that in broad terms, Islamic civilization is founded on principles of toleration, and it is these principles, as developed in the writings of some of Islam's most profound spiritual masters, that I would like to concentrate on here.

3.2 The Perfect Human Being

The "mighty nature" of the Prophet Muhammad, whose nature was identical to the Qur'an according to his wife A'isha, became the model for the truly human being, something to contemplate and inculcate for anyone who desired to seriously follow Muhammad's example. While the

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[2] This sacred formula not only heads every sura in the Quran bar one, but was the initial phrase used by Muhammad in his famous letters to other leaders of his time. The two Names of Mercy, *al-Raḥmān* and *al-Raḥīm*, have been variously translated, but broadly speaking, they are understood to point to two different aspects of Mercy: one absolute and all-embracing ("All-Compassionate"), and one specific to kindness and forgiveness and the grace that leads to eternal happiness ("Most Merciful"). The linking of *al-Raḥmān* with the Divine seems to have been perplexing to many at the time of the revelation (see Q 25:60).

[3] Al-Bukhārī, *Ṣaḥīḥ,* 1250; Muslim, *Ṣaḥīḥ,* 961.

[4] Shah-Kazemi, *The Spirit of Tolerance in Islam*, 4.

founders of all the great religions may be viewed as models for their communities, the major difference for Muslims is that the figure of Muhammad, as the last of the prophets, represents something unique, the summation of all previous prophetic exemplars. As the great Andalusian master Ibn ʿArabi (1165–1240) puts it, "This unique nature had to combine all the noble virtues. God depicts this nature as being 'mighty' just as He characterizes the Quran in His Words 'the mighty Quran' (15:87)."[5] This grandeur lies in Muhammad's uniting of all virtues, without exception, and is founded on the principle that the human being is created in the image of God: according to Ibn ʿArabi, this means that everything which is contained in the divine original is included in the human image, and therefore the human being can be described as embracing all the Divine Names and attributes, that is, those qualities by which God can be known and described, whether negatively (as the One who has no likeness) or positively (as the Generous One). Since "God taught Adam the Names, all of them" (Q 2:31), and Adam stands not simply for the first human being, but the human prototype, then by extension each and every human being, whatever their gender, has been "taught the Names, all of them." The perfect or complete human (*al-insān al-kāmil*) is one who recognizes and realizes these Divine Names within their own being and as the basis of all being. As the "eye-pupil" through which God sees His creation, the human being is the divine representative or vicegerent (*khalīfa*) on earth—a unique position which is shared by no other created being, and depends on the human being realizing the full meaning of servanthood (*ʿubūdiyya*).

In relative terms, every human being acts as a vicegerent by being responsible for whatever has been placed under their control: "every one of you is a shepherd, and is responsible for their flock,"[6] as Muhammad expressed it. While all things are "servant" to the divine Lord, some are closer than others, some greater than others, some more knowing than others, some more gracious than others and so on. This individual variation equates to being servant to or under the prevailing property of a particular Name or Names—for example, Generosity, Beauty, or Majesty—which means actualizing the characteristics of such qualities. The Adamic human being, however, possesses the supreme dignity of being capable of

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[5] Ibn ʿArabi, *al-Futūḥāt al-Makkiyya*, 4/60. The word *ʿaẓīm*, translated here as "mighty" following Alan Jones' translation of the Quran, can also be rendered as "tremendous," "highly esteemed" and "grand."

[6] Al-Bukhārī, *Ṣaḥīḥ,* 6719; Muslim, *Ṣaḥīḥ,* 1829.

realizing and actualizing all the Names, and thereby becoming "servant of God" (*ʿabd Allāh*), servant of the unlimited Name that includes all other Names. On the other side, in relation to that which is "other than God," this unlimited servanthood involves being responsible for the whole cosmos as the "place" of God's action and vision.

This lies behind Ibn ʿArabi's view of the diversity of prophetic religions and communities. As he states in the opening line of his *Bezels of Wisdom* (*Fuṣūṣ al-ḥikam*), "all praise belongs to God who brings down the wisdoms to the hearts of the words by the uniqueness of the closest way from the most ancient station, even though faiths and religions vary due to the different communities."[7] At the level of the wisdom revealed to prophets ("words"), there is only "the closest way," which is the way of pure servanthood. The variety of faiths and religions reflects the predominant properties of particular Divine Names among particular peoples and eras, but ultimately, for those who are prophets and saints, all religious perspectives are embraced within "the religion in the sight of God,"[8] just as all Names are included in the Name Allāh. This reflects what Ibn ʿArabi sees as the ontological reality of the Divine Names: in respect of the One that they name, the Divine Names are the same and non-hierarchical, but in respect of their own particularity they are different and arranged in degrees.[9]

As Ibn ʿArabi expressed it in a famous poem in his *Tarjumān al-ashwāq*,

> My heart has become capable of every form:
> it is a shelter for gazelles and a convent for Christian monks,
> And a temple for idols and the pilgrim's Kaʿba
> and the tables of the Torah and the book of the Koran.
> I follow the religion of Love; whatever way Love's camels take,
> that is my religion and my faith.[10]

[7] *Fuṣūṣ al-ḥikam*, 25–26.

[8] This expression (*al-dīn ʿinda Allāh*) is described in the Quran (3:19) as "submission" (*islām*), not in the sense of an outward religious form, but in its original meaning as "allowing oneself to be led" (*inqiyād*). As Ibn ʿArabi makes clear in the chapter of Jacob in the *Fuṣūṣ*, "religion is an expression denoting your acceptance of being led" (*Fuṣūṣ*, p. 78).

[9] "The divine relationship between Allāh and the whole of creation is one relationship, within which there is no hierarchy, since ranking in degrees requires multiplicity" (*Fut.* II.580). See also William Chittick, *Sufi Path*, 36–37 et passim.

[10] *The Tarjumān al-ashwāq*, 67, poem XI, vv. 13–15. The six "forms" found in this poem are not simply random allusions to a pluralistic perspective, but are related to the "cubic"

At the level of the Names, there is complementarity and opposition (e.g., Beauty and Majesty, monotheism and idolatry), but the perfect or complete human being goes beyond apparent conflicts by seeing each manifestation as a theophany of the Real in a particular degree.[11] At the same time, the perfect human understands the bewilderment inherent in facing the Real Unlimited (since even to call God unlimited is a limitation of speech and thought), and affirms both transcendence and immanence simultaneously. As Ibn ʿArabi states in the chapter on Noah in the *Fuṣūṣ al-ḥikam*, "Someone who [only] maintains that God is beyond comparison is either ignorant or tactless […] someone who declares His similarity[12] without affirming His incomparability restricts and limits Him, and does not recognize Him. Someone who recognizes Him as both incomparable and comparable, and describes Him with both qualities in a global way … truly knows Him."[13]

Only such a fully realized human being deserves to actually be called "human" (*insān*), in contrast to one whose humanity is only skin-deep (*bashar*) or who is simply "an animal human" (*ḥayawān*):[14] according to Ibn ʿArabi, "the most complete constitution which manifested among existent beings is the human—which is agreed upon by everyone—since the complete human being came into existence in accordance with the divine Image. This did not happen for the animal human, as perfection [only] belongs to the Image."[15] The title ʿAbd Allāh ("servant of God") is specifically accorded by the Quran to Muhammad (72:19) and Jesus

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nature of the heart and its variability according to Ibn ʿArabi—see Hirtenstein, "The Mystic's Kaʿba," 41–42.

[11] For example, God's manifestation as fire to Moses in the episode of the Burning Bush (Q 20.10–14) is qualitatively different to His manifestation to the mountain which crumbled into dust (Q 7.143). For a fuller discussion of the way in which religions were viewed by followers of Ibn ʿArabi as well as debates on Sufism as the tolerant face of Islam, see Morrissey, "ʿAbd al-Karīm al-Jīlī's Sufi View of Other Religions," 175–197.

[12] Ar: *tashbīh*, the counterpart to *tanzīh*. While the latter indicates God's farness and incomparability (through apophatic Names such as the One or the Independent) and is established by the intellect, *tashbīh* indicates God's closeness and comparability to the world (through kataphatic Names such as the All-Compassionate or Forgiving), and is established by the imagination. For a fuller discussion, see Izutsu, *Sufism and Taoism*, 48–65.

[13] *Fuṣūṣ*, p. 46.

[14] These Arabic terms describing the two states of humanity are primarily understood through their linguistic roots: *insān* suggests "intimacy" and "familiarity" with God and the cosmos (*uns*), while *bashar* is related to "skin" or "surface" (*bashara*).

[15] *Fut*.I.163. See also *Fut*.III.266, and Chittick, *Sufi Path*, 276–277.

(19:30), and while it may be regarded as being the birthright of every human, it is not a given. It requires a substantial change in a person's whole attitude, demeanor, and action—in fact one can say that it requires an act of divine grace since it goes beyond the limitation of individual capacity. It is this complete servanthood that is the most praiseworthy human condition, and it underlies the supra-personal dignity of being the *khalīfa* of God. As Sachiko Murata and William Chittick have observed, "before they [people] become God's servants, they represent their own personal interests. Without the guidance of divine wisdom, they cannot see the interests of the whole cosmos, and whatever they do will work to the detriment of the subjects over whom they are supposed to exercise vicegerency…. This explains why humans cannot solve social and ecological problems by following their own lights."[16]

The dignity of the true or complete human being as expounded by Ibn ʿArabi cannot be overemphasized: the human is regarded as the very aim and purpose of creation, by virtue of recognizing the divine Reality or "Face" in every manifestation, whether in unity and in plurality. This lies behind Ibn ʿArabi's reading of one of the more problematic verses in the Quran (2:179): "For you in retaliation there is a life, oh people of the heart, that you may be aware [of God]": while most commentators take this as justification for the taking of a life in retribution for murder, Ibn ʿArabi sees it as pointing to why the killing of another human being is generally abhorred. As he notes in his discussion of retaliation (*qiṣāṣ*), it removes the possibility of that person realizing their own perfection: "when you come to know that God takes care of this [human] constitution and its development, then you should be even more solicitous of looking after it, since thereby you [yourself] will have true happiness. While a human being remains alive [in this world], they have the opportunity to reach the quality of completion, for which they were created. Whoever works for a person's destruction works against them reaching what they were created for."[17] This suggests that looking after the welfare of oneself and others is primarily linked to knowing that God is constantly taking care of His creation, especially the human being. Each created thing (*khalq*) has a right or truth (*ḥaqq*) which demands respect, and goes

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[16] Murata and Chittick, *The Vision of Islam*, 126.
[17] *Fuṣūṣ*, p. 156.

alongside the injunction of not associating anything with God.[18] According to Ibn ʿArabi, one of the hallmarks of the Perfect Human is recognizing the right of each person or thing to be what he/she/it truly is: thus *ḥaqq*, in the sense of "right" or "justice" (*ʿadl*), is an attribute of the true human being "who gives to each one what justly corresponds to it, just as Allāh "has given to every thing its creation" (Q 20:50)."[19]

3.3   Learning Good Behavior Toward Others

While the theory of the Perfect Human might be relatively straightforward to understand, the actual practice of realization is far less so. The transformation from mere human to perfect human lies behind one of the basic practices in all the Sufi *ṭarīqa*s, whose aim is to go beyond doctrinal lip-service and to act virtuously according to the model of the Prophet: to overlook the faults of others and concentrate on recognizing and removing one's own. As Abu Saʿid b. Abi al-Khayr (d. 1049) puts it in the final story in Fariduddin ʿAttar's famous *Conference of the Birds* (*Manṭiq al-ṭayr*), true manly or chivalrous behavior (*jawānmardī*, the Persian equivalent of *futuwwa*) is "concealing the dirt and not displaying it before people."[20] Selflessness and devotion to the rights that are due to God and what He has created find expression in what is regarded as an essential everyday practice, to refrain from judging oneself and others or exposing their weakness. This kind of training seeks to develop the fullest sense of "good behavior" (*adab*)[21] toward others, other people, other creatures, other things, as well as toward one's own self and toward God.

As part of this Sufi training, a story is sometimes recounted about a man going into a *madrasa* (teaching college), and finding four students engaged in reading: one after another, the man slaps each person on the

[18] See Q. 25:68–70. These verses are reported to have been revealed in response to disbelievers who wished to accept Islam but were worried that God would find their previous behavior (killing, adultery, etc.) too unforgivable. Emphasis is placed on sincere repentance and God's infinite forgiveness and mercy.

[19] *Fut*.III.398, a typical play on the apparent opposition of *ḥaqq* (truth, God, right) and *khalq* (created being, created nature).

[20] *Manṭiq al-ṭayr*, l. 4718. The following verse emphasizes that this is how God behaves toward human beings, so this behavior is viewed as an imitation of the divine. For more on the concept of *jawānmardī* in Sufi thought, see Ridgeon, *Jawanmardi: a Sufi Code of Honour*.

[21] According to a modern Sufi explanation, *adab* "is a station that transforms an ordinary human being into a Perfected Human […], it means to attribute no being whatsoever to yourself and to see no existence in yourself" (Sargut, *Beauty and Light*, 32, 64 et passim).

neck.[22] The first person responds by jumping up and angrily slaps him back, berating him for interrupting his studies; the second also jumps up in some consternation and astonishment, but then manages to control himself and goes back to his books; the third pays no attention at all, and simply continues studying; the fourth gets up, smiles, and kisses the hand that hit him. When the man returns to tell his master what has happened, the master explains these four responses as four levels of spiritual life—the Law (*sharīʿa*), the Way (*ṭarīqa*), Knowledge (*maʿrifa*) and Realization (*ḥaqīqa*).[23] If the first reacts in a hot-blooded, uncontrolled way and only restrains himself at the last minute, the second acts with more measure and self-control, but is still perplexed by being "badly" treated even though they believe that everything is from God; the third already knows that all actions are God's actions, and does not let apparent "bad" deflect them; the fourth realizes that while all actions are God's, the goodness or badness of them accrues to the servant, and so they kiss the hand that was ordered to injure in order to take away any ill-effects of the "bad" action of hitting upon the one who committed it—at this level, there is both complete detachment and complete engagement with the world. These four degrees point to the practical framework within which Sufi teaching seeks to completely transform human behavior, knowledge and state, and they are founded on the principle of "affirming unity" (*tawḥīd*).[24] This means moving from the skin-deep monotheistic attestation that "there is no god but God" to the profound realization that in fact there is no existent apart from God, from a self-imposed idea of "good behavior" to one that is in complete accord with the very nature of things.

This vision of the world as the theatre of God's manifestation and the place of the human in it has profound implications in terms of respect for

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[22] This well-known story is popularly believed to be about Jalaluddin Rumi and one of his disciples, but I have not been able to find any textual evidence for this. In addition, what appear to be the oldest versions speak only of three students (leaving out the level of *maʿrifa*, which some see as a later addition). In some versions, the episode takes place in a mosque and affects people praying, and it is a slap on the face, something which is universally condemned in Islamic culture, since the person's "face" is equated with their "reality."

[23] These correspond to four types of "good behavior" which Ibn ʿArabi calls: (1) the *adab* of the Law (*sharīʿa*); (2) the *adab* of Service (*khidma*); (3) the *adab* of Right (*ḥaqq*); and (4) the *adab* of Essential Reality (*ḥaqīqa*). See *Fut*.II.274–275, and the analysis by Gril, "Adab and Revelation," 228–263. It is likely that this fourfold division has influenced the later renditions of the story.

[24] For more on the four stages of spiritual realization, see the introduction by Ballanfat to his translation of Üftade's *Divan*, *The Nightingale in the Garden of Love*.

others. According to Toshihiko Izutsu, the most fundamental social virtue in pre-Islamic Arabia was "gentle forbearance" (*ḥilm*), denoting the foremost quality of a ruler or chief, who "possesses power to go to all kinds of violence when provoked and yet possesses, at the same time, the power to restrain himself from doing violence."[25] If this forbearance manifested in the dignified bearing (*waqār*) of someone in charge, it contrasted with the hot-blooded impetuosity and lack of self-control (*jahl*) of someone who did not know how to control themselves. With the coming of Islam and its emphasis on affirming Unity and the complete submission of the servant to the real governor, God, the term *ḥilm* could no longer be simply a human virtue—it became seen as a divine quality, first and foremost. Only God Himself can be truly *Ḥalīm*, a Name particularly associated with His being All-Forgiving (*ʿafūw*) in the Quran (e.g., 2:225, 235; 3:155 etc): "God forgives sins committed by men and is gentle, but it is not a simple gentleness; it is a gentleness based on power, forbearance based on calm wisdom, which is possible only because it is coupled with infinite power. It suggests therefore that there is always in the background the possibility of a dreadful and drastic punishment."[26] This is why Ibn ʿArabi explains this Name as God abstaining from meting out punishment for an evil deed, "especially if it is committed when the servant has enough self-control and power [to have avoided it]."[27] This Divine Name, which comes into force through the self-control of a person in relation to others, can be seen in play in the four responses to the slap: it characterizes human beings according to their understanding of the true nature and origin of actions. Likewise, this forbearance is linked to the capacity to act justly, in accordance with the right established by law or imposed by wisdom. According to Ibn ʿArabi, this is a particular "inclination" or favorable disposition toward "right" or "truth," and entails "giving everyone that has a right what rightfully belongs to them, subsequent to a request made by whoever asks for and requires such a right."[28] He specifies that such a "request" goes far beyond words, and includes requests made through one's particular internal state or circumstances. Acting justly, then, comes to mean weighing the different aspects of a situation in the balance of Truth.

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[25] Izutsu, *God and Man*, 207.

[26] Ibid., 208.

[27] *Kashf al-maʿnā*, no: 33 (*al-ḥalīm*).

[28] *Kashf al-maʿnā*, no: 30 (*al-ʿadl*).

One of the more startling aspects of the world as divine theophany lies in the fact of one's own physical embodiment, as Ibn ʿArabi describes in the following remarkably explicit passage:

Everything other than the totality of the human being is created inherently disposed towards knowing God. Only the human and the jinn in their wholeness are not [like this], for in respect of their differentiated parts they are also inherently disposed towards knowledge of God, like all other created beings, whether angel, plant, animal or mineral. Everything that makes up the whole human person, such as hair, skin, flesh, nerves, blood, spirit, soul, nails and teeth, is in fact inherently knowing God the Exalted by virtue of the inspiration through which He reveals Himself to it. It is only in respect of the human totality itself, and whatever properties belong to this wholeness, that the human being is ignorant of God, such that the person mentally observes, reflects and refers everything back to their own 'self'[29]— yet [each component part] knows that they have a Designer who designed them and a Creator that created them. If God enabled this person to hear the speech of their own skin, his hand, his tongue or his foot, they would hear it speaking of its direct knowledge of its Lord, glorifying His majesty and declaring Him holy […]. Thus in terms of the differentiated parts that make you up, the human being [always] knows God, while in terms of being a whole person you are ignorant of God, until you are taught—that is, until you come to know what is [already present] in your component parts.[30]

This clearly opens up a different perspective on the way in which people treat each other as well as themselves. This is no longer ethical in any intellectual sense, but a deep appreciation of what might be called "the ethics of being and becoming." For Ibn ʿArabi, it involves being brought to witness an already existing fact in oneself, in others and in the natural world: all things have an unfathomable dignity by virtue of being in direct praise of their Creator, and no one comprehends the dignity of being human except those who have discovered how to contemplate God perfectly. This inner contemplation of the human "parts" can also be understood as one of the many meanings contained in the Quranic verse cited earlier: "to each one of you We have assigned a path and a way of coming. Had God

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[29] It is interesting to compare this description of "self" with the definition given in a modern scientific textbook: "[…] the immediate, pervasive, automatic feeling of being a whole person, different from others, constant over time, with a physical boundary, the centre of all our experience." See Kircher and David, *The Self in Neuroscience and Psychiatry*, 2.

[30] *Fut*.II.78.

wished, He could have made you one community" (5:48). When Ibn ʿArabi tries to explain to his own soul the grandeur of the true human being, he contrasts two spiritual tendencies as exemplified by al-Hallaj (d. 922), famous for his scandalously antinomian declaration that "I am the Truth!" (*anā l-ḥaqq*), and ʿUways al-Qaranī (d. post-657), a Yemeni shepherd who was contemporary with the Prophet but never met him: after completing a 40-day retreat, al-Hallaj is said to have preferred to give his fast-breaking meal to someone else in need, as his way of understanding Muhammad's words "give to the first Muslim you meet"; ʿUways, on the other hand, is reported to have interpreted this as meaning "give to yourself first before others," since he was so identified with the divine that he was able to treat his own self as if it were a stranger.[31]

Evidently this involves a very intimate and detailed knowledge of the self, a knowledge based on personal experience and direct observation in life rather than theory. This point is made very specifically and emphatically when Ibn ʿArabi is discussing the nature of self-knowledge or truth-recognition (*maʿrifa*):[32] "According to the people of God (*qawm*), all knowledge that is obtained only through devotional practice (*ʿamal*), awareness of God (*taqwā*) and spiritual travelling (*sulūk*) is a self-knowledge (*maʿrifa*). This is because it derives from an insight or unveiling that is verified as definitively true [by the person]: no doubt can enter into it, unlike the knowledge (*ʿilm*) obtained from intellectual thought and observation, which is never safe from the intrusion of doubt into it, confusion concerning it and finding fault with what has come to it. So know that knowledge is only valid for someone when they recognize (*ʿarafa*) things through their own self-nature."[33] This recognizing, according to Ibn ʿArabi, involves seven degrees or ways of self-knowledge, one of which is the knowledge of the various sicknesses of the soul and how to remedy them. These illnesses affect all three areas of a person's life (what they say, how they behave, and their internal attitude or state), and Ibn ʿArabi gives a highly practical discussion of the best remedies—for example, giving good advice to someone in private rather than exposing their faults in public—and often has recourse to the Prophet Muhammad as the

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[31] Ibn ʿArabi, *Rūḥ al-quds*, 170–176. See Elmore, "The Uwaysi Spirit," 35–56.

[32] This word has many associated meanings: it indicates a knowing that is uniquely personal, a recognizing of what already is the case. This is derived from the famous prophetic saying: "whoever knows their self, knows their Lord" (*man ʿarafa nafsahu ʿarafa rabbahu*).

[33] *Fut.*II.297–298, from chapter 177 on knowing the station of self-knowledge (*maʿrifa maqām al-maʿrifa*).

human exemplar of all the virtues, especially respect for others and tolera-
tion. He twice cites a saying of the Prophet: "it is part of the beauty of a
person's Islam to leave alone what does not concern them."[34] For exam-
ple, bestowing favors in order to get something in return and then
reproaching the person for non-reciprocation can only be remedied by
recognizing a deeper truth, that everything that is in our power to give has
only come to us as a sacred trust (*amāna*) from God, who is the real
owner and giver.

There is no space here to analyze the details of his advice, except to
note an important general principle that he reiterates: one's actions toward
others, including speaking, should be done with the intention of pleasing
or satisfying God, and pleasing Him requires being charitable and bring-
ing about peace and reconciliation between people. However, a good
intention alone is not enough: "it cannot happen except when someone
knows what pleases God, and they only know what pleases God by know-
ing what He has ordained in His Book and on the tongue of His
messenger."[35] At the heart of this discussion is a lengthy passage[36] in which
Ibn ʿArabi describes the many attributes of those who are fully developed
in self-knowledge, in particular their witnessing of the praises of all created
beings in all their variety and their universal compassion toward the ser-
vants of God, including their own soul.

For Ibn ʿArabi, such unlimited altruism toward oneself and others mir-
rors the original divine gift of Being. To recognize and cater for the needs
of others is not simply an ethical human ideal, but has its root in the very
substance of creation itself. Acting generously and compassionately is first
and foremost a divine quality: "God is absolutely independent [of cre-
ation]. The One who possesses such independence and then brought the
universe into existence did not create the universe because of needing in
any way to do so. Rather, He brought the universe into being for the sake
of the universe, preferring that to His being alone [in Himself]."[37] This is
one of the meanings implicit in the famous divine saying (*ḥadīth qudsī*),
much cited by Ibn ʿArabi, in which God says: "I was an unknown treasure,
but I loved to be known, so I created all beings and made Myself known

[34] *Fut*.II.314.
[35] *Fut*.II.315.
[36] *Fut*.II. 316–318.
[37] *Fut*.II.232.

to them, so that they would recognize Me."[38] As he observes, it only seems that the process of creation is done for a divine purpose—in fact this is a way of concealing the mystery that it is actually for the sake of the human being. The divine Generosity finds its counterpart in a human characteristic known as "chivalry" (*futuwwa*), which in reality means "making blessings and favors appear, and veiling [any sense of] obligation and feeling obliged [to be grateful on the part of the recipient]."[39] God is chivalrous and charitable toward us by giving us existence and knowledge of Him, without forcing anyone into a sense of obligation. In other words, we are not obliged to be grateful for blessings, however desirable such thankfulness may be and however much gratitude leads to further blessing. Gratitude is not a necessary concomitant of life in this world, as that would impair the sheer blessing of being given existence.

The one who acts with generous chivalry (*futuwwa*) is called a *fatā*. This word is often translated quite literally as a "youth," but really means someone who actualizes the virtue of being a true human being, magnanimous, honorable, giving each thing its due. According to Ibn ʿArabi, the *fatā* "is always in the place of subservience, just as [the Prophet], upon him be peace, said: 'the servant of the people is their master.' One whose service becomes mastery is a pure, devoted servant."[40] The subservience (*taskhīr*) of the human being before God mirrors that which is spoken of in the Quran as the characteristic of the natural world in relation to the human being: for example, "He has made the sun and moon subservient to/for you (to run their appointed courses)."[41]

In this context of service Ibn ʿArabi draws an interesting inference from Q 51:56 ("I created the jinn and human beings only to worship and adore Me"): God made it appear that He had created all beings for His own sake, not for theirs, so that there would be no sense of feeling that one must be grateful, no feeling of indebtedness. We may bear in mind here that the original pre-Islamic Arabic term for being ungrateful is "*kafara*," which in Islamic terms came to mean a lack of gratitude toward God as the Giver of all good. Hence *kafara* means to cover up His infinite goodness and favor, the divine chivalry, and therefore to manifest "unbelief." In

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[38] This is the form of the hadith as Ibn ʿArabi gives it, rather than the more commonly known "I was a hidden treasure…" See *Fut*.II.112, 232, 310, 331, 399 etc.

[39] *Fut*.II.232.

[40] *Fut*.I.244.

[41] Q 14:37.

Islamic terms, gratitude entails recognizing that all phenomena are manifestations of God's goodness and mercy, and becomes almost synonymous with "faith" (*īmān*).[42]

3.4 The Dynamic of *Futuwwa*

When storytelling is employed to demonstrate the meaning of acting compassionately toward others, we often find ants as personalizations of the principle that size means nothing. For example, the Quran relates a curious story of Solomon and his army entering the "valley of the ants," causing an ant to warn his fellows to flee in order to avoid being crushed. Solomon, who can understand the ants' conversation, laughs and then expresses his profound gratitude for the divine favors which have been bestowed on him.[43] The Persian poet Fariduddin ʿAttar tells a short anecdote of a conversation between the prophet-king Solomon and a lame ant, "who knows the earth better than any," to illustrate the unlimited compassion of God and human sinfulness.[44] Elsewhere ʿAttar tells a story about the famous Sufi master Abu Yazid al-Bistami buying some saffron seeds in Hamadan and bringing them back to his hometown of Bistam. When he emptied out his pockets, he discovered he had also brought an ant with him, so he returned to Hamadan with the ant, a distance of nearly 500 miles, and deposited it in the same place he had bought the seeds.[45] In these and other cases, ants symbolize the small and apparently insignificant, which in the eyes of those who know reality is just as and often more deserving of respect than the apparently large and important. A similar motif can be found in Rumi, who with a hint of irony depicts human beings as "ants" in relation to the infinite mercy of God.[46]

In the context of *futuwwa*, Ibn ʿArabi relates a famous ant story[47] to show some of the complexities of spiritual chivalry and the right attitude and behavior toward others. Some [chivalrous] young men come to the house of a particular master (*shaykh*) who was famous for his chivalry: the master instructs his servant to bring a tray-table of food for the guests.

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[42] See Izutsu, *God and Man*, 21–23; idem, *Sufism and Taoism*, 73.

[43] Q 27:18–19.

[44] *Manṭiq al-ṭayr*, ll. 4706–4714.

[45] *Tadhkirat al-awliyāʾ*, 164.

[46] *Mathnawī*, 2/2313; see also 4/3721 ff.

[47] The story is told by al-Qushayri in the section on *futuwwa* in his famous *Epistle on Sufism*, 240–241.

Time passes and nothing happens. Eventually after much delay the servant brings the tray, and the master asks him why he has taken so long. The servant explains that he found ants on the table and couldn't work out how to get rid of them in a proper chivalrous manner, so he waited until the ants left of their own accord. The master's comment is: "You have acted most meticulously."[48]

This story throws an interesting light on the whole notion of being chivalrous to others: as one of God's creatures, ants deserve kindness and good treatment; to accommodate them the servant has to disobey his master in a certain way, preferring to show respect for one of the smallest creatures on earth. Although the servant's consideration and tactful behavior goes against the norms of social convention, it may be considered "chivalrous" by looking after the weak. However, there is at the same time a lack of consideration for the honored guests—who should have priority? Ibn ʿArabi's comments on this story are instructive in that they go beyond the common understanding of the natural world in relation to the human:

> the guests were pained by the delay and the wait, and [surely] being attentive to [human] guests is more of a priority than looking after ants. If the shaykh were to object that ants are closer to God than a human being in terms of obedience to Him, because in the human there is opposition and dislike of things that are not pleasurable, [and therefore deserve priority treatment,] we would reply: the skin of a human being, his limbs, hair and skin, are speaking in praise and glorification of God, just like the ant …. So the priority should be to attend to the guests, those whom the Lawgiver [Muhammad] has ordered us to hasten to, getting food to them first. If the servant had behaved with proper chivalry, left the tray to the ants, told his master of the situation and looked for a way to provide something else to their guests, that would have been better and more observant in terms of chivalry.[49]

As can be seen in this example, chivalry for Ibn ʿArabi is a dynamic, even paradoxical, situation, where competing factors or interests have to be taken into consideration. To act justly means having proper regard for all these interests and acting according to the needs of the whole situation:

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[48] Ar: *daqqaqta*, a word which could also be translated as: "You have investigated the problem properly and found a most subtle solution."

[49] *Fut.*II.235.

People of chivalry (*fityān*, pl. of *fatā*) are superior one to another in terms of how generously they act in respect of [a person's] standing with God, on the one hand, and in respect of weakness, on the other. The highest of them is the one who acts generously towards the weakest, in the [second] respect, and the highest of them is also the one who acts generously towards the greatest in the eyes of God, in the [first] respect.

He then explains that the story of the servant and the ants on the table demonstrates the first kind of chivalry, being chivalrous toward the weakest, especially since a chivalrous human being has the strength to act but refrains from forcing anything, except their own soul. In fact, he remarks, it is impossible to be chivalrous in a state of weakness. The servant acted chivalrously out of respect for the weak, but he did not act generously to the guests, as he held back from hastening to show them hospitality. He adds a general guideline that "it is not possible to deliver virtuousness (*makārim*) universally because of the different goals and interests [that people/things have]. The *fatā* will look at the right of the two individuals who have such different objectives that if he satisfies one of them, the other will be dissatisfied. The method he uses to consider the rights of the two is based on which of them is closer to the determining property of the moment and the context in the sacred Law. The one who is closer to the determining property of the moment and the context in the Law is the one to act generously to."[50]

Toleration for Ibn ʿArabi, therefore, is far from being a passive acceptance of other people's rights or taking a situation at face value. It entails a very deep and penetrating understanding of all the different interests at stake and an active respect for each and every stakeholder in the light of Truth. The ant story exemplifies these competing interests very well: at one level, the servant acted properly and selflessly in respecting the rights of the ants, and for this, the master praised him. However, by concentrating on the ants and overlooking the rights of the guests, the servant was omitting something important in the situation—that as Ibn ʿArabi points out, the human body is in constant praise of God, which puts a human being on the same level as the ant. This non-recognition is compounded by the fact that there is a prophetic precedent in terms of the Prophet's injunction to give hospitality to visitors with all speed and not to put one's own interests before theirs. This is why Ibn ʿArabi emphasizes that "the

[50] *Fut.*I.244.

fatā's action and impact flows through minerals, plants, animals and all [other] beings, *but in accordance with the scale of revealed knowledge.*"[51]

For Ibn ʿArabi, all life in this world, including human bodies, is an act of constant praise, even if only some human beings are aware of it: "according to us, those things which are called minerals and plants possess spirits which are hidden from the perception of those who do not have unveiling (*kashf*), and are not normally perceptible […] According to the people of unveiling, everything is a speaking animal, or rather, living and speaking."[52] As the world is the result and manifestation of divine generosity, it is incumbent on those human beings who realize this to show appreciation for such unlimited divine giving. This implies acting according to the needs of the moment and the requirements of sacred law and prophetic precedent. This is not a matter of a certain number of prayers or ritual practices, nor an intellectual acknowledgment that passes no further than the lips and ordinary mind—in its fullest sense proper appreciation implies an unlimited generosity of spirit toward others, toward all beings including oneself, acknowledging and respecting the right of each one to be what it truly is, and measuring it in the scale of human perfection as exemplified by the Prophet. This gives some indication of how Ibn ʿArabi and other masters have interpreted "the faith that is primordially pure and generously tolerant."

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[51] *Fut*.II.233. My italics.
[52] *Fut*.I.147.

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"Politics," "Religion," and the Theory and Practice of Toleration: The Case of William Penn

Andrew R. Murphy

4.1 Introduction

I open this chapter with reference to an intriguing set of claims advanced by Timothy Fitzgerald in his book *Discourse on Civility and Barbarity*, claims that William Cavanaugh took up and repeated in a collection of essays on Charles Taylor's *A Secular Age*. Both Fitzgerald and Cavanaugh link William Penn and John Locke to the origins of secular modernity, and as key exponents of the emerging distinction between "religion" and "politics" in early modern debate, one that has continued to inform analyses of secularism and secularization ever since. Fitzgerald traces Penn's "binary" discourse, articulated in "a series of inward-outward oppositions as the metaphor for the distinction between religion and politics." Following Fitzgerald, Cavanaugh claims that Penn offered "the earliest

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recognizably modern uses of the religion-politics distinction in English," and identifies the two thinkers as closely aligned expositors of "modern dichotomies of religion and government policymaking, which follow soul-body, inward-outward, and this/otherworldly dichotomies."[1] Such dichotomies form a constitutive part of the story Cavanaugh tells about a distinctly modern "separation of church and state," or "separation of religion and politics," or "secularization," or "secularism," or any one of a number of related concepts that grow out of early modern political thought and that continue to reverberate in our own contexts.

In what follows, I take no position on claims about Penn's status as "earliest" deployer of the religion-politics distinction. Nor am I convinced that, despite the power of his name and the colony that he founded, he had much influence on the U.S. Constitution and Bill of Rights, as both Cavanaugh and Fitzgerald claim.[2] Such claims have a certain surface plausibility, due to the similar placement of Penn and Locke with regard to the tolerationist movement and the emerging British imperial project, but their empirical status is dubious.

That said, some important nuances drop out of Penn's thinking in the brief treatment that Fitzgerald and Cavanaugh offer, nuances that I hope to reinsert in this chapter. Penn and Locke were leading exponents of a tolerationist discourse that generated substantive principles of political and religious liberty that in turn gave rise to the idea that individuals and groups ought to be free to follow the dictates of their conscience, not only in the narrow sphere of worship, but across the broader intersections of conscience and public life. Penn's political theory provides a window into the increasingly sophisticated (if not increasingly successful) tolerationist movement that gained strength in England over the second half of the seventeenth century. But notwithstanding the conceptual importance of distinguishing between religion and civil magistracy (or, in Locke's formulation, church and commonwealth), Penn's understanding of the political realm remained deeply structured by moralistic politics grounded in his Quaker faith and, more generally, a deep cultural aversion to anything that might strike us a "negative" liberty or libertarian understandings of individual right.[3]

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[1] Fitzgerald, *Discourse.*

[2] Cavanaugh, "Invention," 116; Fitzgerald, *Discourse*, 22, 267, 280.

[3] Fitzgerald's account of Penn, due to its more extensive nature in a book-length monograph, does more justice than Cavanaugh's briefer treatment: he acknowledges that

Penn's placement at the center of English and American political life from the late 1660s through the early 1700s—a crucial period for both the theory of religious liberty and the maturation of the British colonial system—grants his thought a signal importance in the emergence of religious toleration as both a philosophical principle and a political reality. Not only did Penn attempt to articulate principles of religious liberty as a Quaker in England; he actually governed an American polity and experienced the complex relationship between theory and practice firsthand. Penn wielded political authority, and his political thought thus represents a marriage of tolerationist political theory with the concrete experience of colonization unlike anything in Locke's career. Furthermore, since most of Penn's political theorizing was done in England, while he exercised political power in colonial North America, his career sheds a great deal of light on the transatlantic context of early modern political thought, and especially on the complex interplay of ideas, personalities, institutions, relationships, and practices known as the "British Atlantic." That said, it bears noting that Penn's theory of liberty of conscience predates his colonizing interests by nearly a decade, and thus the relationship between the two remains complex and multidirectional.[4]

In what follows, I shall briefly lay out Penn's definition of liberty of conscience and his broader theory of toleration; and then complicate this account of Penn's tolerationism by showing how, although he aimed to restrict government's role in enforcing the affirmation of religious doctrine by its citizens, he endorsed government enforcing moral behavior and punishing vice. After discussing these two aspects of Penn's theory of toleration—the protection of liberty conscience and the punishment of moral vice—as he articulated them in England and Pennsylvania, I conclude with a few remarks about the relationship between toleration and secularization.

Dissenters like Penn were always talking about more than just inward belief, "they were talking about the presentation of self in everyday life, and the way that dress codes, forms of language, and shared public performances can determine a vision of the good life [...] about disciplines of civility, and how they should be reformed" Fitzgerald, *Discourse*, 50.

[4] Fitzgerald, 46, 269.

4.2   Penn's Theory of Toleration

I have elsewhere argued that William Penn's 1670 work *The great case of liberty of conscience*—first published in Dublin in spring 1670, then revised and expanded the next year while Penn was confined in London's Newgate prison—represented his first attempt at, and the closest thing he ever produced to, a systematic treatise on liberty of conscience.[5] Its six substantive chapters synthesize the major extant arguments against persecution, denouncing it as impious as well as contrary to the spirit of Christianity, nature and reason, the principles of good government, and the testimony of dozens of political and church leaders since antiquity. *The Great Case* laid out, for the first time, Penn's definition of liberty of conscience, a definition that would remain more or less constant over his career:

> the free and uninterrupted exercise of our consciences, in that way of worship, we are most clearly persuaded, God requires us to serve Him […] which being matter of faith; we sin if we omit.

He then expanded on this rather brief definition.

> By *liberty of conscience,* we understand not only a meer *liberty of the mind,* in believing or disbelieving this or that principle or doctrine, *but the exercise of ourselves in a visible way of worship, upon our believing it to be indispensibly* [sic] *required at our hands* […]. Yet we […] justify the lawfulness of our so meeting to worship God, as not to contrive, or abet any contrivance destructive of the government and laws of the land, tending to matters of an external nature […] but so far only, as it may refer to religious matters, and a life to come, and consequently wholly independent of […] secular affairs.

An expanded understanding of conscience requires an expanded understanding of persecution.

> [not only] requiring of us to believe this to be true, or that to be false; and upon refusal, to incur […] penalties […] but […] any coercive let or hindrance to us, from meeting together to perform those religious exercises which are according to our faith and persuasion.[6]

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[5] This section draws on chapter 2 of Murphy, *Liberty, Conscience, and Toleration.*

[6] Quotations from Penn, *The Great Case*, 4, 11–12.

All of the ingredients of a robust theory of religious liberty are present in this passage:

1. An expansive notion of conscience itself: Liberty of conscience includes not only the freedom of individual belief, but also of action (religious exercise). Even opponents of religious toleration agreed that anyone could believe anything they wanted to, so long as they kept controversial beliefs safely to themselves.[7] The political question in Penn's time had to do with religiously inspired behaviors, and the increasing refusal of tolerationists to countenance such a belief-action dichotomy.
2. This right of religious exercise was not merely an individual right, but a collective one, insisting on securing the right to "the exercise of ourselves in a visible way of worship." Thus, the campaign for toleration was as much a collective as an individual one, and the "meeting together" represented a crucial element of the liberty sought.
3. Other rights follow logically from liberty of conscience, namely assembly (since meeting with others was essential to the exercise of individual conscience) and speech (since religious exercise involved preaching, offering testimonies and, for Dissenters of various stripes, defending their principles against their critics).
4. Penn also advanced a more expansive category of persecution, including not merely legal sanctions for the exercise of conscience, but any "coercive let or hindrance" to meeting for religious worship. Persecution thus consisted not only in the large-scale and graphic punishments like whipping, imprisonment, fining and seizure of goods, but also in the myriad ways that early modern ecclesiastical and political authorities interfered with Dissenters' religious exercise.
5. Most relevant to the development of what would later become known as secularism, the liberty Penn is seeking depends on a sharp distinction between what he calls "religious matters," which pertain to the "life to come," and those "matters of an external nature" or "secular affairs," which are properly the province of political rulers. This is one of the few times in all his political writings where he uses the term "secular," and the distinction between external and secular political authorities and internal religion, concerned primarily about the life to come, gets us to the questions about toleration and secularity that lie at the heart of this volume. In what follows, I hope to show that Penn's theory is

[7] The most notable criticisms were found in Parker, *A Discourse Of...*

far more nuanced than the view presented by Fitzgerald and Cavanaugh, so let me move on and lay out the foundations on which Penn built his theory of toleration.

Penn's advocacy of liberty of conscience built upon a series of arguments that drew on a much broader seventeenth-century discourse.[8] Most fundamentally, for Penn, persecution represented human interference with God's sovereignty. To decree how God is and is not to be worshipped "directly invade[s] divine prerogative, and divest[s] the almighty of a due, proper to none besides himself." John Owen, the leading Nonconformist whom Penn knew from his student days at Christ Church College, Oxford, called conscience "God's great vice-regent" and insisted that God "hath reserved the sovereignty of [our minds and consciences] unto himself, to him we must give account … at the great day." The Christian nature of this argument is also evident in its reliance on Scripture and the example of Christ and the early church, from Jesus's parables and the Golden Rule to Paul's exhortations to bear meekly with others.[9]

But the religious argument for toleration in England was never simply about Christianity; it was always closely allied, more particularly, with Protestant identity, and intertwined with long-standing English anti-Catholicism. Nearly all English Protestants agreed that Catholicism presented not only theological error but also a fatal confluence of superstition, clerical lust for power, and political disloyalty. Penn was no exception: one of his first published works offered, in the words of its title, *A Seasonable Caveat Against Popery*.[10] In *The Great Case*, Penn lamented that Protestants persecuting Protestants "overturns the very ground of [their] retreat from Rome" and puts them in the place formerly occupied by Catholic persecutors, while Quakers play the role of conscientious Dissenters. "[F]or doubtless the papists said the same to you, and all that you can say to us: Your best plea was, Conscience upon principles, the most evident and rational to you: Do we not the like?"[11]

Not only was persecution an affront to Christian principles; it was also, due to the structures of human understanding and the way the human

[8] For this broader discourse, see Murphy, *Conscience and Community* as well as; Coffey, *Persecution and Toleration* and; Walsham, *Charitable Hatred*.

[9] Penn, *The Great Case*, 12, 13; Owen, *Indulgence and Toleration*, 14; Penn, *The Great Case*, chap. 3.

[10] Penn, *A Seasonable Caveat*.

[11] Penn, *The Great Case*, 26, 32.

mind operates, bound *not to work*. As Penn put it, "The understanding can never be convinced, nor properly submit, but by such arguments, as are rational, persuasive, and suitable to its own nature." In other words, belief and judgment are faculties of the understanding and not the will. In one sense, this sort of argument might be considered "secular": it neither draws on sacred texts nor invokes ecclesiastical authorities, but rather presents a naturalistic understanding of the functioning of human belief. In Penn's hands, however, the interpretation of human psychology appeared in the service of religious truth: not only can belief not be forced but also true religion is voluntary and lies within. "Force may make an hypocrite, 'tis faith grounded upon knowledge, and consent, that makes a Christian." The physical punishments delivered by punitive measures are powerless to effect the real inner conviction that constitutes the essence of true religion.[12]

Furthermore, since God created humans, the very structure of human nature constitutes significant evidence of God's intentions for human conduct. God created humans and "has given them both senses corporeal and intellectual, to discern things and their differences, so as to assert or deny from evidences and reasons proper to each." Moreover, this process of judging involves religious judgments as well:

> As he that acts doubtfully is damned, so faith in all acts of religion is necessary […] in order to believe, we must first will; to will, we must first judge; to judge any thing, we must first understand; if […] we cannot be said to understand anything against our understanding; no more can we judge, will, and believe against our understanding […] that man cannot be said to have any religion, that takes it by another man's choice, not his own.[13]

For religion to be efficacious and salvific, it must be the product of a mature understanding and deliberate consideration. Thus, Penn's "religious" arguments are hardly distinct from his arguments about human nature, since Scripture is the source of Christian understandings of the nature of God and of God's creatures. This emphasis on understanding and judgment, and the necessity of each for true belief, represents an ongoing commitment of advocates for religious liberty down through the seventeenth century.

[12] Penn, 22.
[13] Penn, 20.

For a society that had, by the time Penn wrote in the 1670s, endured decades of religiously driven political conflict, practical and pragmatic arguments also provided powerful resources. Punishing people because they differed from their neighbors, or from government elites, on religious matters was, on this argument, simply bad policy. Such arguments often pointed to the example of the Netherlands—tolerant country and economic powerhouse—and made the sociological point that Dissenters in England were not only numerous but also "industrious" participants in the British economy, whose persecution would wreak havoc on the nation's economic health. If government is charged with promoting the common good, persecution undermines that goal, especially when considering how crucial Dissenters are to the nation's trade. Most basically, granting liberty of conscience offered rulers a win-win proposition, as rulers would gain a loyal populace and the people would prosper under their peaceful superintendence.[14] Penn provided further evidence of the happy coincidence between the interest of magistrates and their people by including an extensive list of historical figures (including many Christian saints, but also non-Christian rulers from the ancient and medieval worlds) who practiced toleration and reaped the benefits.[15]

Hand in hand with, and as a consequence of, this rethinking of true Christianity, the tolerationist movement also sought a transformed understanding of politics and political authority. In other words, the campaign for toleration was simultaneously a campaign against persecution: a vision of what government *ought to be* doing was always framed by an opposition to what government was *actually* doing. So considerations of true Christianity and human nature led inexorably to thinking about the proper role of government, a subject that occupied Penn's attention from his earliest works until, later in life, he would actually wield political power.

Penn grounded his political argument for liberty of conscience squarely in his English heritage. To find clear and compelling arguments against persecution, he insisted, we need only recommit ourselves to the "good, old, and admirable laws of England." In one of Penn's earliest publications, written while he was in his mid-twenties, he gave a glimpse of this view of civil government, insisting that magistrates should remember

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[14] Penn, 41.
[15] Penn, chap. 6.

that their authority cannot reasonably extend beyond the end for which it was appointed […] not to enthrone themselves sovereign moderators in causes purely conscientious […] but only to maintain the impartial execution of justice, in regulating civil matters with most advantage to the tranquility, enrichment and reputation of their territories, they should not […] employ their strength, to gratify the self-seeking spirit of the priests, or any private interest whatsoever.

Penn's drawing of a clear distinction here between "matters conscientious" on the one hand and "civil matters" on the other evokes the distinction between secular affairs and inner religion noted by Fitzgerald and Cavanaugh. Further reinforcing this "external" understanding of government is his identification of the "impartial execution of justice," identifying peace and prosperity as the goal of political authority. Here too we find a threat to proper exercise of governmental authority in what he calls "the self-seeking spirit of the priests," who represent a "private interest."[16]

This understanding of proper government relates to Penn's broader notion of the centrality of fundamental law in English life. In their pursuit of these limited, but vital, functions, governments ought to acknowledge the crucial distinction between *fundamental* laws—which form the bedrock of society and must be maintained at all times—and *superficial* ones, which may be adjusted due to specific contingencies and circumstances. In the English case, fundamental law, most clearly stated in Magna Carta, secured rights of liberty and property from the exercise of arbitrary power and ought never to be abrogated, like "stars or compass for [rulers] to steer the vessel of this kingdom by."[17] Laws passed by Parliament for the everyday ordering of life, by contrast, were of a different sort; such "superficial" laws might (indeed, must) vary with the times. But simply passing legislation through Parliament was no guarantee of that legislation's legitimacy; certainly Catholics had passed anti-Protestant legislation in the past.

Beyond these narrow (though vital) questions of worship and conscience, Penn and other Quakers sought a more radical transformation of social life and mores. A number of the distinctive features of Quaker social morality—the refusal to swear oaths, the insistence on plain speech, the denunciation of "worldly pleasures and recreations"—brings home the fact that Quakers, and many other Dissenters, sought not merely political

[16] Penn, 3; Penn, *The Guide Mistaken*, 62–63.
[17] Penn, *England's Present*, 42.

liberty but to rethink the traditional hierarchies and expectations of deference that bolstered English society. Penn's 1669 *No Cross, No Crown*, composed (at least in part) while Penn languished in the Tower of London, amassed dozens of arguments in support of this Quaker frontal assault on established institutions.[18]

4.3   "Secular" Government, the Promotion of Virtue, and the Suppression of Vice

Penn's stark distinction between inner religion and the external affairs that were government's proper scope of legitimate activity aligns quite well with Locke's later theory, particularly his distinction between the church and the commonwealth. Locke too distilled religion to an internal essence. It is essential, however, in filling out the brief sketch of Penn's theory of toleration, to look at several other pieces he published during the 1670s, which called for the government to take an active role in the promotion of "general and practical religion" as well as the suppression of moral vice. Looking more carefully at these two aspects of Penn's theory complicates the notion of him aiming for a purely "secular" public sphere.

Penn opened his 1675 *England's present interest* with a question:

What is most […] easy and safe, at this juncture of affairs, to be done, for […] quieting differences; for allaying the heat of contrary interests, and making them subservient to the interest of the government, and consistent with the prosperity of the kingdom?[19]

(The "interests" he has in mind are the kingdom's three primary ecclesiastical groups: Church of England, Catholics, and Protestant Dissenters.) He gives three answers. First, he says, rulers should recommit themselves to the ancient English rights of liberty, property, representation, and juries, and the principle of popular consent that undergirded them all. Second, the government should balance the religious interests of the kingdom, rather than privileging the Church of England at the expense of sincere and conscientious Dissenters.[20]

[18] Penn, *No Cross* passim.
[19] Penn, *England's Present* title pg.
[20] Penn, chaps. 1, 2.

Penn's third and final piece of advice for the government takes a somewhat different tack, given his earlier insistence that government's proper role lies solely in the management of external affairs. Civil magistrates, Penn argues, should promote a general, practical religion that rewards works of charity and mercy rather than enforcing contentious matters of doctrine. Such an approach would emphasize what all English Christians agreed upon—"Every man owns the text; tis the comment that's disputed"—rather than dwell on the details that divided them.[21] If the government promoted this sort of public religion, it would foster social and neighborly behavior, good works and care for those in need, and not enforce contested points of doctrine.

This encouragement of general, practical religion went hand in hand with Penn's broader view that government had a role to play in the promotion of moral virtue and the suppression of vice. His 1679 *Address to Protestants* attempted to balance liberty of conscience with the role of civil government in policing immoral behavior. Sin and impiety were rampant in the kingdom, he argued. Such "sins of the kingdom" could take one of two forms: those connected with the state, and those connected with the church. Impieties particularly relating to the state, Penn wrote, include "drunkenness, whoredoms and fornication; excess, in apparel, in furniture, and in living; profuse gaming; and finally oaths, prophaneness, and blasphemy." Such practices threatened to bring God's judgment upon the land, and Penn called on the civil magistrate to act swiftly to rein them in and punish offenders.[22]

Penn considered these moral vices to be problematic in two specific ways: their effect on the individuals who exhibit them, and the broader social effects that such sins leave in their wake as they spread throughout society. For example, drunkenness "is not only a violation of God's law, but of our own natures; it doth […] rob us of our reason, deface the impressions of virtue, and extinguish the remembrance of God's mercies and our own duty: It fits men for that, which they would abhor, if sober […]. [I]t spoils health, weakens the human race, and above all provokes the just God to anger." It is not only these moral consequences for the drunkard, however, that Penn found so deeply problematic: It was the wasted resources that drunkenness represents, the way its prevalence betrayed a more fundamental callousness at the heart of English society.

[21] Penn, 72.
[22] Penn, *An Address To…*, 7.

He lamented "that such excesses [as drunkenness and luxurious apparel] should be, while the backs of the poor are almost naked, and their bellies pinched with hunger." The resources expended on excessive and luxurious furnishings, Penn observed, "might probably maintain the poor of a numerous parish," while excess in feasting "destroys hospitality and wrongs the poor." Penn also denounced sexual immorality and gambling as undermining people's willingness to labor honestly.[23] As he had done in *England's Present Interest*, Penn also emphasized a broadly based and charitable morality, including meekness, humility, and the love of God and neighbor.

Thus, liberty of conscience, in Penn's view, remained focused on ensuring that individuals and religious communities could discharge their obligations to God as they best saw fit, and a social environment conducive to such conscientious exercise. Attacking moral vice was in both the government's and the people's own interest, for vice saps national health and prosperity and hastens nations' decline. Taking actions against vice is a reflection of our concern for our own posterity, since all people want the best for their children; and it redounds to the greater glory of both the king and God.

In other words, even as Penn sought to expand the scope of protection for conscientious religious exercise, in another sense, his understanding of conscience remained wholly orthodox. Theologically speaking, Penn adhered to the conventional notion of conscience, in which conscience could err; in 1681, he wrote that "I do not intend, that any person or persons should be in the least harmed for the external exercise of their Dissenting consciences in worship to God, though *erroneous*; for though their consciences be blind, yet they are not to be forced; such compulsion giveth no sight, neither do corporal punishments produce conviction."[24] As Ethan Shagan has pointed out, Penn's toleration eschews doctrinal niceties but just as surely turns the full force of state power on those who do not conform to conventional forms of moral behavior. Shagan says of Penn's *An address*: "When we look more deeply at Penn's discussion of state sins [...] we see how thoroughly his vision of toleration was dependent on a coequal prosecution of vice."[25] Though tolerant in matters of religion, Penn was conventional, even austere, in matters of personal

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[23] Penn, 7, 9, 17, 18.
[24] Penn, *A Brief Examination*, 10.
[25] Shagan, *The Rule of Moderation*, 308.

morality and in his enthusiastic support of the civil government's duty to police morality. Indeed, religious liberty and repressive moralism were connected, theoretically speaking, with the latter making the former possible. Laws against drunkenness, Penn insisted, do not violate conscience:

> There can be no pretense of conscience to be drunk, to whore, to be voluptuous, to game, swear, curse, blaspheme, and profane […]. These are sins against nature; and against government, as well as against the written laws of God. They lay the ax to the root of human society, and are the common enemies of mankind.[26]

That enjoyment of such practices—frivolous merriment, card games, stage plays—might be morally harmless seems to have been alien to Penn's moral universe.

All of these impieties properly fall under the scope of the civil government's authority. After all, government is meant to be "a terror to evil-doers," and those actions that undermine government itself properly fall under its purview. Drawing on the Christian distinction between things belonging to Caesar and things belonging to God, Penn described things belonging to God as "to love justice, do judgment, relieve the oppressed, right the fatherless, be a terror unto evil-doers, and a praise to them that do well; for this is the great end of magistracy." The problem, Penn insisted, lies in the inaccurate designation of Dissenters as "evil-doers" when in fact that label should be applied to "thieves, murderers, adulterers, traitors, plotters, drunkards, cheats, vagabonds, and the like mischievous and dissolute persons."[27]

In sum, then, William Penn articulated a coherent and multifaceted defense of religious liberty and the rights of religious dissenters to gather with like-minded believers and worship God as they saw fit. He extended this to other arenas of social life, justifying Quakers' refusal to swear oaths in legal proceedings or pay tithes to support the established church. He brought together a variety of arguments in favor of a new understanding of religion (internal, concerned with personal salvation, though nested in the context of faith communities) and politics (concerned with fundamental rights like liberty and property, not with policing adherence to religious doctrines). In this, Penn sounded all the major arguments that Locke

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[26] Penn, *An Address To…*, 33.
[27] Penn, 194–95.

would later make in his own tolerationist theory. What sets Penn apart from Locke, I mentioned earlier, is that Penn actually had the opportunity to construct a society more or less from the ground up. In addition, when we look at the kinds of constitutional protections he provided for the exercise of conscience, and the broad moral policing functions he granted to the Pennsylvania government, we see Penn's theory of toleration working its way into political practice.

4.4   Practice: Pennsylvania

Penn published his *Frame of Government* for Pennsylvania in spring 1682, as part of his efforts to encourage investors and settlers to join him in what he had called, in private correspondence, a "holy experiment" for toleration.[28] The *Frame* contains an elaborate theoretical preamble arguing that civil government is necessary due to the effects of human sin and the need for external compulsion to restrain selfish individuals. The Frame also distinguishes between religion and government as Penn had done previously in his career: "[religion] more free and mental, [government] more corporal and compulsive in its operations." That said, government was "a part of religion itself, a thing sacred in its institution and end," and he went on to describe it as "capable of kindness, goodness and charity," and to suggest that seeing government as simply repressive and controlling fails to understand the positive role it has to play in the promotion of human happiness.

> They weakly err, that think there is no other use of government, than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government.[29]

Liberty of conscience remained a fundamental value in Penn's plans for the government of Pennsylvania. In one of the laws appended to the *Frame of Government*, Penn guaranteed liberty to all who confessed a belief in God, and opened officeholding to all Christians.

Although these guarantees seem rather more restrained than Penn had called for in England, they remained more expansive than prevailing

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[28] Penn to James Harrison, 25 August 1681 Penn, *The Papers*, vols. II, 110.

[29] Penn, *The Frame of Government*, Preface, n.p.

practice there, where the Test Act prohibited non-Anglicans from holding office. In addition, the English government maintained veto power over all colonial legislation, and this made it nearly impossible for Penn to guarantee (in writing at least) more extensive rights than existed at the time in England. Such guarantees, of course, still represented a major advance on what was open to Quakers and other Dissenters in England during the early 1680s.

The Frame of Government included morals legislation evoking Penn's earlier notion that one of government's proper duties was the suppression of vice. Law 37 laid out these concerns in great detail:

> As a careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country: therefore, that all such offences against God, as swearing, cursing, lying, prophane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication, and other uncleanness (not to be repeated) all treasons, misprisions, murders, duels, felony, seditions, maims, forcible entries, and other violences, to the persons and estates of the inhabitants within this province; all prizes, stage-plays, cards, dice, May-games, gamesters, masques, revels, bull-battings, cock-fightings, bear-battings, and the like, which excite the people to rudeness, cruelty, looseness, and irreligion, shall be respectively discouraged, and severely punished.[30]

As in previous iterations of his thought, liberty of conscience sat alongside the punishment of vice (according to Penn and his fellow Quakers, at least). These draconian limitations placed by Penn on the character of public life in Pennsylvania are important to keep in mind; for although restrictions on worship and religious assembly remained proscribed, the society that Penn envisioned was anything but a secular one in which a minimal government eschewed all attempts to shape the moral character of its citizens.

Let me point to one final piece of Pennsylvania legislation, proposed not by Penn himself but by his first Assembly held in December 1682. After ensuring freedom of conscience to all who profess belief in God, and just prior to restricting officeholding to Christians, the law proclaimed that "if any person shall abuse or deride any other for his or her different persuasion and practice in matters of religion such shall be looked upon as

[30] Penn, 11.

a disturber of the peace and be punished accordingly."[31] It was this piece of legislation, which linked liberty of the regulation of speech and civil conduct, that so incensed John Locke, who would later call it a "Matter of perpetual prosecution and animosity."[32] Although restrictions on speech, to twenty-first-century audiences, may seem to sit uneasily alongside Penn's devotion to liberty of conscience, the legislation also recognized the pragmatic reality that Pennsylvanians would need to learn to coexist in new ways, which demanded a new approach on their own part to the difference in their midst.

4.5   CONCLUSION: SECULAR AFFAIRS AND INNER RELIGION

It's important to remember that no matter how persuasive twenty-first-century audiences might find Penn's or Locke's arguments in favor of religious toleration, that Pennsylvania only came into being because of its founder's (and his allies') lack of success in convincing his fellow Englishmen that this policy was worth embracing. Not all opponents of religious liberty were narrow-minded persecutors who just wanted to throw people in jail; the politics of religion had a history in England. For almost the entire decade of the 1640s—the decade in which Penn was born—the realm was mired in the throes of a civil war, in which forces loyal to Parliament took up arms against the King. Penn's father, forced to choose sides, chose Parliament, and luckily for Penn the King forgave him, probably because he saw how skilled a naval commander he was. Religious dissenters had been prominently represented among those who took up arms against the king. All this strife culminated in 1649, when the army executed the king for treason. This experience of war and violence associated with political and religious disputation cast a long shadow over not only William Penn's childhood and youth, but also over the nation into which he grew as a political figure. There were plenty of reasons for reasonable people to be deeply suspicious of calls for religious liberty during Penn's time. And it was only when prospects for such liberty seemed at their bleakest in England—in the aftermath of political and constitutional crises of late 1670s—that Penn turned his attention to America and envisioned his "holy experiment."

[31] "The Great Law | PHMC > Our Documentary Heritage."
[32] "Pennsylvania Laws," in Locke, *A Letter Concerning Toleration*, ed. Goldie, 182.

Whether we look at theory laid out in England or the practice of politics in Pennsylvania, we find Penn looking to use government to bolster the civic dimensions of religion—its fostering of charity, good works, and neighborliness—and suppress disruptive social behavior, while restraining it from meddling with the details of individual and group beliefs, gathered worship, and conscientious behavior more generally.[33] Penn's simultaneous insistence that government has no business enforcing religious doctrine and that government may, indeed must, uphold standards of general morality (and even "general and practical religion") complicates the standard story that the origins of secular modernity are to be found in a binary inner/outer dichotomy and the redefinition of "true religion." The definitions of religion and politics that Penn offered—and on which Cavanaugh builds a picture of him as the first to use recognizably modern terminology—was a polemical one, advanced in a time of political upheaval, aimed at convincing his audience to join a campaign to roll back the exercise of state violence on the bodies of Dissenters. He was, I would argue, less interested in offering a definition of religion as a "universal feature of all human societies" than in convincing a particular audience, at a particular time, of the superiority of a particular understanding of religion and the political corollaries that flowed from such an understanding.[34] In Cavanaugh's view, "To divide the church from the realm of worldly commerce and governance meant that members of dissenting churches could carry on business without the interference of clerics or theological ideas."[35] Such a view radically understates the amount of social control and discipline that the Quaker Meeting carried out upon its members, and that Penn embraced both in England and America. (Fitzgerald explicitly recognizes that Penn was not solely interested in restricting religion to an inner dimension, noting the Quaker objection to oaths, their peace testimony, and the many ways in which they upended social hierarchies.[36])

The road from the seventeenth-century world of William Penn and John Locke to the twenty-first-century one so elaborately sketched by Charles Taylor has taken a complex and circuitous route. The redefinition of religion and politics that Penn attempted to engineer was surely a part of the larger processes by which a modern social imaginary came into existence. Then again, Penn aspired not to a "naked public square," but to a

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[33] Maloyed, "A Liberal Civil Religion."
[34] Cavanaugh, "Invention," 118.
[35] Cavanaugh, 116.
[36] Fitzgerald, *Discourse*, 50.

Christian society typified by Christian liberty, in which individuals and gathered congregations of many sorts could freely pursue their own understandings of what God required of them.

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Religious Freedom and Toleration in Moses Mendelssohn's *Jerusalem*

Holger Zaborowski

5.1 Moses Mendelssohn: The Enlightenment Thinker and His Works

Although he is very often neglected or underrated in histories of modern German philosophy, Moses Mendelssohn is certainly not only one of the most important Jewish thinkers in modernity but also one of the most eminent Enlightenment philosophers in Germany.[1] In the context of discussions about the nature of the Enlightenment and its relation to secularization and religion, this intellectual mastermind is of particular interest. This is the case not only because the Enlightenment in Germany was, roughly speaking, less radical and anti-religious than in other countries due to the significant social and political changes brought about by the

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[1] For his thought and life, see the monumental biography of Moses Mendelssohn by Alexander Altmann, *Moses Mendelssohn* and also Feiner, *Mendelssohn. Ein Jüdischer Denke*; and Knobloch, *Herr Moses in Berlin*; for the history of his family, see Kleßmann, *Die Mendelssohns* and Lackmann, *Das Glück Der Mendelssohns. Geschichte Einer Deutschen Familie*; for editions of his works, see Mendelssohn, *Gesammelte Schriften*; and Mendelssohn, *Ausgewählte Werke*.

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Protestant Reformation, but also because of his perspective as a member of a religious minority that was still suppressed. Born in 1729 in Dessau, he was a gifted student of the Talmud and of the history of philosophy and has sometimes been called the "German Socrates" because of his famous and widely read *Phaedo, or on the Immortality of the Soul*[2] and also, more generally, because of his dialogical character. He worked as a private tutor and as an accountant, was a translator of the Pentateuch and the Psalms into German, was a well-known teacher and public intellectual, and authored several philosophical treatises that show the breadth of his erudition and the depth of his metaphysical speculation. One of his concerns was with political reform. He was also a friend of G. E. Lessing, with whom he exchanged many letters and who showed him respect in *Nathan the Wise* (Lessing 1779), his play about religious tolerance and the need to dialogue with one another, whose main character is clearly modeled on Mendelssohn.[3]

Mendelssohn discusses freedom of religion and of conscience most prominently in *Jerusalem or on Religious Power and Judaism*.[4] This book has become a significant contribution to the history of human rights. It was first published in 1783, three years before Mendelssohn's death in 1786. It did not take long before translations into several languages were published: two Italian translations were published in the eighteenth century, the first in 1790 and the second in 1799; the first English translation appeared in London in 1838, a second in the United States in 1852; a Hebrew translation came out in 1867, a second in 1876—not to mention more recent translations.[5] Since it was first published, it has remained a topic of controversial discussion. While Immanuel Kant thought very highly of it, other contemporary thinkers such as Johann Georg Hamann viewed the book very critically.[6]

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[2] Mendelssohn, *Phaedon oder über die Unsterblichkeit*; Mendelssohn, *Gesammelte Schriften*, vol. 3.1, 1–159.

[3] For the relation between Lessing und Mendelssohn, cf. Forester, *Lessing und Mendelssohn*.

[4] Mendelssohn, *Jerusalem*; Mendelssohn, *Gesammelte Schriften*, vol. 8, 99–204; Mendelssohn, *Jerusalem oder über religiöse Macht und Judentum*, 31–142; for an English translation, see Mendelssohn, *Jerusalem or on Religious Power*.

[5] cf. Mendelssohn, *Jerusalem Oder Über Religiöse Macht Und Judentum*, LVIII ff.

[6] cf. Mendelssohn, XXVIII ff.

Before I go on to focus on the content of this treatise, it is necessary to focus briefly on the context of its publication. Living as a Jew in the eighteenth century, freedom of religion was for Mendelssohn by no means an abstract topic. In a predominantly Christian society that was still influenced by severe anti-Judaism, he himself had encountered discrimination for religious reasons several times. In 1771, for example, he was invited to be an ordinary member of the philosophical class of the Royal Academy of Prussia. Frederick the Great, the Prussian king, however, otherwise known for his toleration and relatively modern attitudes, did not approve of Mendelssohn's admission into the Academy—for the mere reason that he was Jewish.[7] Some years before, in 1770, the Protestant theologian Johann Christian Lavater had put Mendelssohn into an extremely awkward position as he publicly, that is, in his translation of important parts of Charles Bonnet's *Idées sur l'état futur des êtres vivants, ou Palingénésie philosophique*[8] under the title *Philosophical Examination of the Proofs of Christianity*,[9] asked Mendelssohn to contradict these proofs or to convert to Christianity.[10] What followed was a public debate between Mendelssohn and Lavater, in which Mendelssohn experienced the limitations of religious freedom. He had decided not to take on the challenges of Bonnet's arguments and not to contradict Christianity in a public discourse. Therefore, he explained in a letter to Lavater why he did not want to get involved in this kind of controversy, thereby appealing for, and defending, freedom of religion.[11] There are other reasons why Mendelssohn focused on religious liberty, particularly in the 1780s: the decrees of toleration of the Jews by the Austrian Emperor Joseph II in 1781 and 1782 and the publication of Christian Wilhelm Dohm's *On the Civil Improvement of the Jews*.[12] Dohm's work is a milestone in the history of religious freedom, as well, with a focus on practical issues concerning particularly legislation. Mendelssohn's intention was to support Dohm's argument. He therefore asked Markus Herz to translate from English into German Manasseh ben Israel's *Vindiciae Judaeorum: or, a letter in answer to certain questions propounded by a noble and learned gentleman, touching the reproaches cast on*

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[7] cf. Altmann, *Moses Mendelssohn*, 264 f.

[8] Bonnet, *Idées sur l'état futur*.

[9] Bonnet, *Philosophische Untersuchung der Beweise für das Christenthum*.

[10] cf. Altmann, *Moses Mendelssohn*, 194–263.

[11] cf. Mendelssohn, *Schreiben an Den Herrn Diaconus Lavater*; Mendelssohn, *Gesammelte Schriften*, vol. 7, 5–17.

[12] Dohm, *Ueber die bürgerliche Verbesserung der Juden*.

the nation of the Jews; wherein all objections are candidly, and yet fully cleared,[13] a book that dealt, as the title suggests, critically with anti-Jewish prejudices and demanded the readmission of Jews to England.

This translation was published in 1782 "as a supplement to the treatise on the civil improvement of the Jews by Mr. Dohm, councillor of war."[14] Mendelssohn wrote a lengthy introduction to it.[15] In this text, he provided an outline of his thought about the "rights of humanity in their true extent,"[16] thus criticizing a limited understanding of toleration that had characterized the debates until then. A year later, Mendelssohn published *Jerusalem*, in which he not only further developed his argument concerning the individual's freedom of conscience and of religion but also a philosophy of Judaism that has greatly inspired the history of German Jewish thought. Since the book was written in German, not in Hebrew, it seems that he wanted to address particularly a non-Jewish audience. It was, he held, in need of a deeper understanding of the roles of the state and of the church on the one hand and of human liberty on the other.

5.2   Mendelssohn's *Jerusalem or on Religious Power and Judaism*

Mendelssohn's *Jerusalem or on Religious Power and Judaism* consists of two sections that are rather loosely connected. The first part concerns the relation between religion, or religious society, and state, the second section exhibits Mendelssohn's philosophy of Judaism. As to the title of this treatise, it shows that Mendelssohn considered himself belonging to Judaism. Alexander Altmann has persuasively argued that the "title Jerusalem may have been chosen in proud defiance of the New Testament passage quoted in the pamphlet, which dissociated the worship of God from both Samaria and Jerusalem and described it as one in spirit and truth."[17]

In the first section, Mendelssohn focuses on a crucial topic of modern political thought, that is, the relation between the religious and the

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[13] Manasseh ben Israel, *Vindiciae Judaeorum.*

[14] Manasseh ben Israel, *Rettung der Juden.*

[15] Mendelssohn, *Gesammelte Schriften*, vols. 8, 3–25; Mendelssohn, *Jerusalem oder über religiöse Macht und Judentum*, 3–27.

[16] Mendelssohn, *Gesammelte Schriften*, vol. 8.3; Mendelssohn, *Jerusalem oder über religiöse Macht und Judentum*, 3.

[17] Altmann, *Moses Mendelssohn*, 514.

political realm: "State and religion—civil and ecclesiastical constitution—secular and churchly authority—how to oppose these pillars of social life to one another so that they are in balance and do not, instead, become burdens on social life, or weigh down its foundations more than they help to uphold it—this is one of the most difficult tasks of politics."[18] Mendelssohn refers to the history of attempts at determining the relationship between religion, or church, and the state and also to the long history of conflicts between state and religion which lead to "immeasurable evils."[19] But he knows, too, that when religion and state are at peace with one another, this has often deeply problematic consequences, as well: "for they seldom agree but for the purpose of banishing from their realms a third moral entity, liberty of conscience, which knows how to derive some advantage from their disunity."[20]

Mendelssohn shows himself to be an ardent defender of the "liberty of conscience" or "civil liberty."[21] He does so against the background of modern political philosophy. In *Jerusalem*, he focuses on Thomas Hobbes and John Locke, leaving almost entirely unmentioned Spinoza and Rousseau, with whom he was also familiar. Hobbes, he argues persuasively, "believed […] that the public welfare would be best served if everything, even our judgement of right and wrong, were made subject to the supreme power of the civil authority."[22] Mendelssohn knows well that Hobbes had to confront the religious fanaticism of his time that was an extreme threat to the political realm. While Hobbes' solution leaves no room for individual, or inner, liberty in the public, or external, sphere, Locke's endeavor to separate sharply between the political and the religious by introducing two utterly different purposes of either does just that: "*A state is a society of men who unite for the purpose of collectively promoting their temporal welfare* […]," as Mendelssohn cites Locke's *A Letter Concerning Toleration* to explain that, according to the English philosopher, "[t]he state as such is not to take notice of differences of religion, for religion as such has no necessary influence on temporal matters, and is linked to them solely through the arbitrary measure of men."[23] This approach, however, seems equally problematic to Mendelssohn. For him,

[18] Mendelssohn, *Jerusalem or on Religious Power*, 33.
[19] Mendelssohn, 33.
[20] Mendelssohn, 33.
[21] Mendelssohn, 35.
[22] Mendelssohn, 35.
[23] Mendelssohn, 37.

Locke almost seems to be naive to think that he could solve a considerable problem simply by means of a "verbal definition."[24]

It is partly against the background of these two thinkers that Mendelssohn develops his own position. To be sure, he appreciates what they have achieved. Both exercised a considerable impact on his philosophical thinking.[25] Their positions, however, as Mendelssohn maintains, still lack a fundamental rationality that characterizes his own argument. Like Hobbes and Locke, Mendelssohn proposes a (hypothetical) state of nature that the human being leaves in order to join society "[a]s soon as man recognizes that outside of society he can fulfill his duties toward himself and toward the author of his existence as poorly as he can fulfill his duties toward his neighbor […]."[26] According to Mendelssohn, the coming into existence of society is, therefore, itself related to a moral command. The human being is "obliged" to leave the state of nature. "His own nature impels him to enter into associations of various kinds in order to transform his fluctuating rights and duties into something definite."[27]

There is no reason, Mendelssohn holds, to limit, as Locke did, the purpose or end of the state merely to temporal goods. "What reason," he wonders, "do we have to restrict the purpose of society solely to the *temporal*? If men can promote their eternal felicity by public measures, it should be their natural duty to *do* so, their rational obligation to join forces for this purpose and to enter into social relations."[28] For Mendelssohn, the good of society "includes the present as well as the future, the spiritual as well as the earthly. One is inseparable from one another."[29] But there is also an important difference between state and church for Mendelssohn.

In order to fulfill one's duties and therefore to reach one's perfection, he argues, both "action" and "conviction" are necessary. "Action," he holds, "accomplishes what duty demands, and conviction causes that action to proceed from the proper source, that is, from pure motives."[30] For Mendelssohn, society supports the individual to act well and to have the proper convictions: "it should direct the actions of its members

[24] Mendelssohn, 38.

[25] cf. Altmann, *Moses Mendelssohn*, 27 ff.; 519 ff.

[26] Mendelssohn, *Jerusalem or on Religious Power*, 40.

[27] Mendelssohn, 56.

[28] Mendelssohn, 38.

[29] Mendelssohn, 40.

[30] Mendelssohn, 40.

toward the common good, and cause convictions which lead to these actions."[31] While "government" directs human actions, "education" exercises an important influence on the convictions of human beings. In both cases, reason plays a crucial role: the human being is led "to actions by *reasons that motivate the will*, and to convictions by *reasons that persuade by truth*."[32] It is here that the differences between church and state come into play. For some motivating reasons, he argues, refer to the relation of human beings to other human beings and other motivating reasons are dependent on the relation of human beings to their creator. This is why some reasons belong to the realm of the state which focuses on the formation of the relation of human beings with one another, and others to the realm of religion or of the church which Mendelssohn defines rather broadly as "[p]ublic institutions for the formation [*Bildung*] of man that concern his relations with God."[33]

Mendelssohn knows about the challenges of this kind of moral education. This is why different kinds of government are necessary for different kinds of people, depending on their moral status or "culture." This does not mean, that Mendelssohn does not prefer a specific kind of situation: "Under all circumstances and conditions, however, I consider the infallible measure of excellence of a form of government to lie in the degree to which it achieves its purposes by morals and convictions; in the degree, therefore, to which government is by education itself."[34] It is here that religion can support the state so that even "the church should become a pillar of civil felicity."[35] For it is "the business of the church to convince people, in the most emphatic manner, of the truth of noble principles and convictions; to show them that duties toward men are also duties toward God, the violation of which is in itself the greatest misery; that serving the state is true service of God; that charity is his most sacred will; and that true knowledge of the Creator cannot leave behind in the soul any hatred for men."[36] Religion can, in other words, help the state to encourage people to act by conviction and not merely by means of external force such as the force of laws that do not presuppose that one has understood the reasons for their validity. True happiness, Mendelssohn further argues,

[31] Mendelssohn, 40.
[32] Mendelssohn, 40.
[33] Mendelssohn, 40.
[34] Mendelssohn, 42.
[35] Mendelssohn, 43.
[36] Mendelssohn, 43.

presupposes freedom and subsequently action because of inner convictions while acting according to external principles and force prevents one from achieving happiness. Even though Mendelssohn holds that the state also plays a formative and educational role, he now formulates the key difference between state and religion in the following manner: "The state gives orders and coerces, religion teaches and persuades. The state prescribes *laws*, religion *commandments*. The state has *physical* power and uses it when necessary; the power of religion is *love* and *beneficence*."[37]

In the following pages, Mendelssohn provides a natural law argument for this difference that he considers himself "speculative." He shows himself deeply influenced by natural law thinkers such as Samuel Pufendorf and Christian Wolff.[38] In the center of Mendelssohn's natural law theory stands the concept of "right" (*Recht*) as the "*authority [Befugnis]* (the moral capacity) to make use of a thing as a means for promoting one's felicity."[39] That is to say that the function of rights is to lead to happiness. It is a *moral* capacity, if it does not contradict the "laws of wisdom and goodness" (which cannot contradict one another and are, insofar as Mendelssohn calls the union of wisdom and goodness "justice," the laws of justice). There are for each right, as Mendelssohn points out, corresponding duties. There are two different kinds of rights, however, and two different kinds of corresponding duties. It can be "that all conditions under which the predicate belongs to the subject are invested in the holder of the right, or they are not."[40] In the former case, the right is a "perfect" right (and the duty is "perfect," as well); in the latter case, rights and duties are "imperfect," that is, the right is dependent upon the "knowledge and conscience of the person who bears the duty."[41] Mendelssohn concludes as follows: "There are *perfect* and *imperfect duties* as well as *rights*. The first are called compulsory rights and compulsory duties; the others, however, are called *claims* (*petitions*) and *duties of conscience*. The first are *external*, the others only *internal*. Compulsory rights may be *exacted* by force, but petitions may be *denied*."[42]

All duties and rights, except the duty not to damage anyone else and the right not to be damaged, are in the state of nature imperfect duties and

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[37] Mendelssohn, 45.

[38] cf. Altmann, "Moses Mendelssohn über Naturrecht."

[39] Mendelssohn, *Jerusalem or on Religious Power*, 45.

[40] Mendelssohn, 46.

[41] Mendelssohn, 46.

[42] Mendelssohn, 46 f.

rights.[43] In this state, the human being is independent. "But men may also think it proper," as Mendelssohn argues, "to renounce this independence by means of a *social contract* and to transform these imperfect duties into perfect ones by the enactment of *positive laws*, that is, men may agree upon these specifics and determine how much of his rights every member may be compelled to use for the benefit of society."[44] On the basis of this theory of justice, rights, and duties, Mendelssohn deepens the distinction between state and church. As soon as the state is established, the state "has rights and prerogatives with regard to the property and actions of men. It can give and take, prescribe and prohibit according to law; and since it is also concerned with action as such, it may *punish* and *reward*."[45] If the internal motivation of a person to act according to the laws of the state is not sufficient, the state can use external force so as to make sure that given duties are fulfilled and rights are preserved. As far as the church is concerned, the situation is entirely different. For the church—broadly understood, as we have seen, by Mendelssohn—does not concern itself with relationships between humans, but the relationship between the human being and God. While human beings are in need of a certain type of relationship among one another in order to be able to achieve their happiness, God "is not a being who needs our benevolence, requires our assistance, or claims any of our rights for his own use, or whose rights can ever clash or be confused with ours."[46] He goes as far as to argue that God's "rights can never come into conflict and confusion with ours. He wants only what is best for us, what is best for every single individual; and this must, evidently, be self-consistent and cannot contradict itself."[47]

Mendelssohn is aware of the fact that this has often been misunderstood. For the relationship between the human being and God has often been conceived as analogous to that between human beings so that external force was thought to be not only possible, but also to be required in religious affairs. In sharp contrast to this misunderstanding and its long history, Mendelssohn emphasizes the difference between state and church with respect to the use of external force and thus provides a strong foundation for the idea of religious freedom that is not merely based on a mere,

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[43] cf. Mendelssohn, 48.
[44] Mendelssohn, 57.
[45] Mendelssohn, 57.
[46] Mendelssohn, 57.
[47] Mendelssohn, 59.

and possibly arbitrary, definition of terms but on a detailed argument via natural law.

It has already been pointed out that the church, or religion, can help the state in forming its citizens and their convictions. Toward the end of the first part of *Jerusalem*, Mendelssohn repeats this argument and goes as far as to argue that the "state, to be sure, is to see to it from afar that no doctrines are propagated which are inconsistent with the public welfare; doctrines which, like atheism and Epicureanism, undermine the foundation on which the felicity of social life is based."[48] Thus, for Mendelssohn, religious freedom is not absolute. There are limits of religious toleration for him, for political, religious, and philosophical reasons. He excludes any position that does not presuppose "those fundamental principles on which all religions agree, and without which felicity is but a dream, and virtue itself ceases to be a virtue."[49] These principles are the existence of God, divine providence, and a future life all of which, Mendelssohn, the Enlightenment thinker, further explains in the second part of *Jerusalem*, can be understood and proven by reason.

The second part of *Jerusalem* is slightly longer and particularly important for the philosophy of Judaism that he proposes within its pages. Until now, there have been discussions as to what the relation between the two sections of *Jerusalem* is. Alexander Altmann raises the question at stake as follows: "was the plea for absolute freedom of conscience in the first section reconcilable with the upholding of religious authority in the second?"[50] Suffice it to say that, as Altmann points out, both Mendelssohn himself and Kant considered *Jerusalem* a consistent book. We can leave this question open and continue to follow Mendelssohn's argument for a very short moment.

Judaism, as understood and defined by Mendelssohn, holds no other doctrines than the ones of natural religion. It is thus a religion of reason (because of his perspective and interest, he does not discuss whether or not there are other religions of reason). This does not, however, imply that he denies revelation. But he limits revelation to "divine legislation— laws, commandments, ordinances, rules of life, instruction in the will of God as to how they [i. e., human beings] should conduct themselves in

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[48] Mendelssohn, 62 f.
[49] Mendelssohn, 63.
[50] Altmann, *Moses Mendelssohn*, 517.

order to attain temporal and eternal felicity."[51] While this was revealed "by Moses in a miraculous and supernatural manner," "no doctrinal opinions, no saving truths, no universal propositions of reason" were revealed by God.[52] "These," Mendelssohn argues, "the Eternal reveals to us and to all other men, at all times, through *nature* and *thing*, but never through *word* and *script*." According to his interpretation, Judaism is a "supernatural legislation," but not a "supernatural revelation of religion."[53] It is, therefore, not at all difficult to be an Enlightenment philosopher and a believing and practicing Jew at the same time. For Mendelssohn, Christianity raises significant problems. Although he is extremely careful in his criticism of Christianity, his statement that "I recognize no eternal truths other than those that are not merely comprehensible to human reason but can also be demonstrated and verified by human powers"[54] leaves little doubt about his concerns about Christianity and some of its key truth claims.

5.3   Mendelssohn's Legacy and Contemporary Significance

Why is Mendelssohn's short treatise a milestone in the history of human rights and still important in the context of contemporary debates about the relation between state, or the political, and church, or religion? Mendelssohn, to be sure, is a modern thinker who embraces, and lays the foundations for, the principles of individual liberty and rights and the secular nature of the modern liberal state. As a believing and practicing Jew, however, he does not defend this liberal view at the cost of denying or privatizing religion. Both reason and religion play a major role in his argument for toleration. As we have seen, the existence of God as well as providence and the future life are key elements of his philosophical theology and of a natural religion that finds, according to him, sound expression in Judaism. Thus, for Mendelssohn, freedom of religion is only possible on the basis of a specific kind of religion. He cannot, however, tolerate a decidedly anti-religious position, as it is for him not only a criticism of his own religious tradition and his personal belief; it is also for him irrational,

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[51] Mendelssohn, *Jerusalem or on Religious Power*, 90.
[52] Mendelssohn, 90.
[53] Mendelssohn, 90.
[54] Mendelssohn, 89.

violates natural law and the given character of the state, and makes true freedom—as well as true Enlightenment—impossible. It is, therefore, his interest to defend his religious beliefs over and against the challenges of his Christian contemporaries that led to a distinctly liberal political position—as vice versa his very liberalism made it possible for him to defend his religious beliefs. One can thus argue that in his case, the defense of secularity, that is, of what he conceives as the liberal secular state, is distinctly religious. For the state to be secular and tolerant and thus to allow religious freedom, there is no need for the individual nor for culture and society to be deprived of religion.

As a *Jewish* philosopher, living and working in eighteenth-century Prussia, Mendelssohn could not favor too narrow of a junction between religion and state and was thereby defending a Lockean secular state. But as a *political philosopher*, he knew well that a sharp separation in the Lockean manner or in an even more radical, anti-religious way, was also limited and deeply problematic. The secular, non-religious state needs support from the side of religion. One can call this the Hobbesian and Spinozistic legacy in Mendelssohn. "What Mendelssohn took over from Locke was the postulate of a completely free and uncontrolled worship," as Alexander Altmann argues, "and what he shared with Hobbes and Spinoza was the inclusion of religion in the state's sphere of interest."[55] In so combining Locke on the one hand and Hobbes and Spinoza on the other, Mendelssohn went a big step into the future—particularly because he focused on *individual* freedom of religion, as opposed to freedom of religions or religious communities, but also because he advocated a secular state in a way that would prove realistic with respect to the ongoing political, public, social, and individual significance of religion. He therefore proposes, from a religious position, secularism with respect to the state without ever turning into a secularistic and anti-religious thinker.

One can furthermore argue that the secular state, as characterized by Mendelssohn, is in need of religion as its other. Having said this, it is important to point out that Mendelssohn does not develop a functionalist understanding of religion. He does not subject religion to political or social purposes. Religion has its own logic and legitimacy independent of society and of the political realm. And it is because of its very nature, that it can serve a function for society and the state; its nature does not exhaust itself in its social and political dimensions.

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[55] Altmann, *Moses Mendelssohn*, 523.

It is not necessary, as it seems, to share his view of Judaism and, indeed, of Christianity in order to subscribe to his political philosophy and to his view of human rights and of individual freedom of conscience. For one could argue that a religion that is not simply a kind of Enlightenment religion of reason and does not limit divine revelation to moral commandments can also support the state in the way that Mendelssohn suggests. Problems seem to arise if a religion itself makes political claims and thus violates the difference between the political and the religious realms. It also does not seem necessary to share his view of atheism—a view that can similarly be found in Locke's *A Letter Concerning Toleration*, while at the same time acknowledging the significance of the overall structure of his argument. For atheists, it seems today, on the basis of a broader concept of religious freedom, are not generally morally unmotivated; they are in general differently motivated to act morally than religious believers and can therefore also, for other reasons than people who believe in God and together with them, be good citizens.

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Abraham Kuyper's Vision of a Plural Society as a Christian Answer to Secularization and Intolerance

George Harinck

This chapter explores the ideational sources and historical practice of a pluralistic yet non-secularizing model of toleration in the Netherlands. The model was informed by the neo-Calvinist tradition, and the theologian and politician Abraham Kuyper (1837–1920) was its main architect. The chapter lays out the specifics of Abraham Kuyper's vision for a society in which religious and non-religious citizens participate on an equal footing and shows how his model was put to work in the historical development of the Netherlands in the nineteenth and twentieth century. This will demonstrate that from the 1890s on, Kuyper, a Calvinist politician, political thinker, and journalist, succeeded in designing and implementing a societal structure that was non-secular yet religiously pluralistic at the same time. Kuyper's solution challenged the influential idea of his opponents that progress, toleration, and secularization were inseparable. Yet, at

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the same time, this solution generated new questions about Calvinism as a civil religion and the limits of the tolerance that it entails.

6.1   Rethinking Religion's Place in Modern Europe

Today, countries all over Western Europe struggle with issues related to religion and pluralism. In a way, the unease about religion's place in society is typical of the worldview and historical tradition of the modern West. Generally speaking, religion refers to "individuals and groups who base their identities and ethics at least in part on a tradition and set of beliefs about the creation of the world and the order within it that locates the source of this creation and order outside purely human or natural agency."[1] However, in the West, religion has come to be taken as a clearly delimited sphere that one could exclude from or include in the public domain, whereas in other cultural traditions it is not so easy to make a clear distinction between religion and other spheres of life.[2]

And it is in the West that the conviction emerged and gained strength that secularization was the road to modernity and progress. Certainly, this was not the only narrative. Himmelfarb argued for an Enlightenment originating in Great Britain (David Hume, Edmund Burke), promoting "Enlightenment within piety" instead of the freedom from religion promoted by the French *philosophes.* But on the Continent (the Netherlands included) the French version prevailed, and, consequently, religion had to be overcome as an outdated idea.[3] Or, if religion was not obsolete, then it could not serve modernity and progress in any way and therefore had to be sidelined and pushed outside of the public domain. This conviction became dominant in Western Europe after the 1960s and is still the prevailing opinion in most countries of the region. When the Second Vatican Council adopted the notion of democracy and stressed the need for tolerance, it seemed to many in Europe an answer to secularization that was too little, too late. And although in 2019 more than 70% of the citizens of the European Union called themselves Christian,[4] attempts to

[1] Mandeville, "How Do Religious…?," 98.

[2] Cf. Asad, *Formations of the Secular*; More recently, Holland, *Dominion* argued for the exceptionality of Christianity as compared to other religions in its acknowledgment of a secular domain.

[3] Himmelfarb, *Roads to Modernity*.

[4] According to a 2012 Eurobarometer survey about religiosity in the European Union, Christianity is the largest religion in the European Union, accounting for 72% of the EU population.

make explicit reference to the Christian God or Christianity in the unratified European Constitution (2004) or later in the Treaty of Lisbon (2007) failed. In 2003, the former president of France, Valéry Giscard d'Estaing, succeeded in excluding references to God or Christianity from his draft of the European Constitution. According to Giscard d'Estaing, "Europeans live in a purely secular-political system where religion does not play a role."[5] The general mood in Europe since the 1960s had been that religion and the secular were no longer compatible. Religion had once been culturally mainstream, but after the 1960s it became an object of tolerance.

However, since the beginning of the twenty-first century things have changed. European public opinion still assigns religion a mostly marginal role in society, and most historically dominant churches keep on losing members. Yet, religion is back in the public debate. This is, in large part, the result of assaults by Islamic terror cells in Western countries, especially in places like New York (2001), Madrid (2004), London (2005), Paris (2015), Nice (2016), Istanbul (2016), Brussels (2016) and Manchester (2017). Through these events, religion presented itself as a violent force in the heart of Europe.

Furthermore, the ongoing influx of immigrants from Africa, the Middle East, and Eastern Europe together with their salient religious identities brought God(s) back into the public square and made Europe ponder whether it was the world's frontrunner in the development of a secular culture or just a diverging continent in the persistently religious *oikumene*. All this happened as Europe lost its position as the center of world Christianity; today, most Christians live in the Southern Hemisphere.[6] All over the world, religion remained important throughout the modern period, and a rising number of close to 90% of the world's inhabitants call themselves religious. In this environment, Europe's prevailing perception of the relation between society and religion is no longer the rule, but rather the exception to the rule.

As a result of these developments, serious doubts have arisen about the truth of the assumption that modernity will make religion obsolete. Sociologist Peter L. Berger in 1999 criticized this assumption and introduced the term "desecularization" to describe religion's vitality in and

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[5] Giscard d'Estaing, Interview with Valéry Giscard d'Estaing.
[6] See Jenkins, *New Faces of Christianity*.

return to the world[7]—though it seems better to restrict the use of this term to the return of religion in secularized societies.[5] Desecularization raises questions about the place and function of religion in society. Will religion again play a role in public life, or is the return of religion in modern society a return only in the private life of citizens? And if religion is to play a greater public role, what consequences will this have for the tolerance of religious and cultural diversity? Does the contrast between the secular and religious still make sense, or is the sharp distinction between these two no longer helpful for understanding what is going on? And is not religion, especially the Christian religion, needed as a basic foundation for the values and institutions that characterize Western societies?[8] In the light of this growing hesitance about the validity of the a-religious concept of modernity, it is worthwhile to look back at an earlier phase of the modern European project of separating religion and the public square at the end of the nineteenth century and to pay attention to alternative counterforces, projects and movements that have kept on challenging this separation over the last two centuries. One of these movements is the neo-Calvinist tradition founded by the Dutch theologian and politician Abraham Kuyper (1837–1920). His contribution to rethinking the relationship between toleration and secularization is particularly worthwhile to consider in the context of this volume.

6.2   ABRAHAM KUYPER AND HIS PLURAL SOCIETY AS AN ALTERNATIVE PROJECT

Abraham Kuyper started his career as a pastor in the main Protestant Church in the Netherlands, a small European country with about 5 million inhabitants. More than half of the Dutch of his day were Protestant, and about 40% belonged to the Roman Catholic Church. The non-religious were then still a small minority. Kuyper's career is remarkable: although he was a prominent minister already in his thirties, he abandoned ministry in 1874 and turned to politics and public debate instead. He became a member of parliament and ended up as prime minister in the Netherlands (1901–1905). Alongside this impressive political career, he founded two newspapers in the early 1870s and became the foremost

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[7] Berger, *The Desecularization of the World.*

[8] In the Netherlands, the book of "culture Christian" Zonderop, *Ongelofelijk,* about the relevance of religion in modern society, went through eight editions within a single year.

Dutch journalist of his age. And in addition to all this, in 1880 Kuyper founded the Vrije Universiteit Amsterdam.[9]

Kuyper had been educated at the University of Leiden as a modernist theologian, believing that religion had to be modified in the light of the developments in history and science. "Modernism was in fact a *return* to the essence of Protestantism, indeed the core of Christianity itself. […] Doctrinally, the Reformers had had views that were still professed in orthodox Protestantism and rejected in modernist circles, but the 'canonization' of their dogmatic views, modernists contended, had never been the Reformers' own intention."[10]

A supernatural revelation could no longer be defended, nor could miracles. The world was a reasonable universe, and man had to live with a free conscience and according to reasonable norms. Institutional religion would make room for a merely humanitarian approach. This is the classic modernist, naturalistic intellectual position, exchanging religion for an immanent, reasonable moral code, a universal religion of mankind.[11] Its effects were not yet visible in society, but the trend was clearly in the direction of secularization, often presented by the modernist theologians as the next phase of Protestantism.

While serving his first congregation, Kuyper converted to Calvinism. Theologically, this meant that Kuyper exchanged his modernist worldview for an orthodox view of the world as created by God, fallen into sin through Adam and restored in Christ. Man, furthermore, was seen as guilty before God and requiring redemption by faith in Jesus Christ.

Kuyper's conversion to orthodoxy thus took place just after nineteenth-century Christian Europe had been confronted for the first time with a full-grown alternative to Christianity. The alternative's symbol was the French Revolution of 1789. Kuyper took the challenge seriously and argued that modern liberalism was not simply a new political *technique* or a new branch of the Christian tradition, but rather a new, alternative and "all-embracing *life-system*" alongside Christianity's branches, Roman Catholicism and Calvinism.[12] This new life-system made deep and far-reaching *religious* claims concerning the nature of humanity, community,

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[9] For an academic biography, see Bratt, *Abraham Kuyper*.

[10] Marinus Krijger, *Second Reformation*.

[11] Marinus Krijger, 406: "[…] its earliest adherents tended to see it as the only form of Christianity that could develop into the universal religion of mankind."

[12] Kuyper, *Six Lectures*, 4.

authority, and the contours of the good life. While the naturalistic life-system was immanent and opposed to the transcendental worldview of Christianity, it was also totalizing and as exclusive as Christianity, opposing other forms of knowledge.[13]

Many Christians took this naturalistic worldview as a threat, but Kuyper saw it as an opportunity. What Christianity stood for was no longer self-evident but had to be explained and accounted for. And since a vital part of this modern worldview was the separation of church and state, Christians now were made responsible for their public activities. The naturalistic worldview was revolutionary in its rejection of religion as constituent factor in life, but at the same time it liberated Christianity from its identification with the aims and status quo of state and society.

There were two important lessons that neo-Calvinism learned from Calvin. One was the rejection of the distinction between a natural and supernatural domain in life. As Herman Bavinck put it in 1909: "[…] marriage and family, profession and labor were all restored to honor in society. Calvin in particular poured the luster of godly glory over the whole of earthly life, and he placed all of natural life in the ideal light of eternity."[14] God was sovereign over both the natural and the supernatural and henceforth Calvinism stimulated an appreciation of the natural. Especially in the Netherlands, where the Calvinist influence was dominant, it was a driving force for doing science. This was not yet the experiment-based science in the sense of the nineteenth-century academic disciplines. It was mainly reading "the book of nature"—literally: reading about nature—in the light of the Bible.[15]

And secondly, there was a recognition of the freedom of conscience. "Nineteenth-century modernists considered freedom of conscience to be the core principle of Christianity 'as Jesus of Nazareth intended it'."[16] In general, academics in the nineteenth century were not very positive about Calvin in this respect, because in Geneva he had suppressed the right of individuals to express heterodox religious convictions.[17] Kuyper, however, had a different take on Calvin. Freedom of conscience was a core conviction he had learned at university. After his conversion, Kuyper started to

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[13] Kuyper's distinction between Christianity's transcendence and naturalism's immanence interestingly parallels Steven Smith's discussion of religion and secularism in this volume.

[14] Bavinck, Herman, "John Calvin," 84.

[15] Jorinck, *Boeck Der Natuere*, 57–58, 69–70.

[16] Marinus Krijger, *Second Reformation*, 406.

[17] Davis, "Images of Intolerance"; van den Ende, *Michaël Servet*.

defend Calvin as the champion of freedom of conscience. Calvin had indeed agreed with suppressing the rights of heterodox fellow citizens, Kuyper said, but that was the Calvin who followed traditional social patterns. "We are not interested in where Calvin copied and followed, but where he deviated from these patterns and introduced a new principle. This was his position, that on the points of the Christian faith no heresy was allowed, but that those should be tolerated who deviated on minor points, 'quoniam nemo est qui non aliqua ignorantiae nubecula obvolutus est'. This is a principle."[18] What was developed was the principle that religion could never be enforced, and that room should always be left for the heretic, as a creature willed by God.

To Kuyper, a core feature of Calvinism was this plea for the freedom of conscience. He illustrated with historical examples how this notion had developed by trial and error from the basic insight of Calvin to his view of a plural society. Take, for example, the case of French Calvinists or Huguenots. "It cannot be denied," Kuyper wrote, "that […] cruelties were also practiced by them." But Kuyper was not so much interested in what persons did as he was in their principles: "What was the desire and the design of those Calvinistic leaders in France?"[19] He found the answer in a state document issued by Huguenot leaders in 1573, shortly after the massacre of St. Bartholomew, and titled *Règlement de politic et de guerre.* It was a fundamental law which was to be the constitution of the Huguenot state in France. In this constitution, Article XXXIII deals with the attitude toward Romanists [the Roman Catholics], who were by far the minority in Reformed neighborhoods, and reads as follows: "Unarmed Catholics are to be treated in the gentlest possible manner. No outrage shall be committed upon them, nor shall violence be done against their conscience, honor, or property. They shall be allowed to dwell in the bonds of friendship and peace, as good citizens and beloved brethren."[20] The Huguenots thus extended the notion of toleration to unarmed Catholics. The Dutch Republic developed this principle farther and tolerated different forms of worship in the seventeenth century, at least behind closed doors. "Still further developed, it led in England to the 'Toleration Act,' until finally in the United States the last consequence is deduced in the emancipation of

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[18] Kuyper, *Het Calvinisme Oorsprong…*, 48. The Latin quotation is from Calvin, *Institutes* IV, 1, 12: "for there is no one whose mind is not darkened by some little cloud of ignorance."

[19] Kuyper, *Calvinism Safeguard*, 647.

[20] Kuyper, 647–48.

every form of worship and of everybody's conscience."[21] And this is the kind of toleration Kuyper wanted to practice in the Netherlands as well: not a limited presence of another religion, but an accommodation of all religions without a preference for one over the other.

Kuyper's ideas were called neo-Calvinism because he developed notions found in Calvin's works. Calvin's notion that there still were remnants discernable of the good creation was developed by Kuyper into a notion of common grace. This meant that Christians had not only to look forward for a new world to come, but ought also to appreciate this world as focus of God's activity, and that they should explore and develop the richness stowed in it. And the small seed of Calvin's idea of freedom of conscience was developed into a view of a plural, democratic society instead of the Christian society that Calvin and most of Kuyper's fellow-Protestants were after. In 1899, Kuyper described the democratic nature of Calvinism as follows: "Calvinism has derived from its fundamental relation to God a peculiar interpretation of man's relation to man […] If Calvinism places our entire human life immediately before God, then it follows that all men or women, rich or poor, weak or strong, dull or talented, as creatures of God, and as lost sinners, have no claim whatsoever to lord over one another, and that we stand as equals before God, and consequently equal as man to man. […] So Calvinism was bound to find its utterance in the democratic interpretation of life."[22]

Part of this positive approach to a plural society was the acknowledgment that the modernist, naturalistic worldview was as religious as the Christian one. Freedom of conscience implied for Kuyper the recognition that other worldviews were as all-encompassing as Christianity and in competition with Christianity. This sounded strange to modernists. They had labeled Catholics and Calvinists pejoratively as "dogmatic" and "sectarian" and claimed themselves to be beyond dogma. To modernists, Catholics and Calvinists were, in essence, a "religious" problem that demanded a "secular solution."[23]

Tom-Eric Krijger suggests that the modernist claim of championing the freedom of conscience or tolerance was problematic and has detected at least two reasons for this. One is that many others in Dutch society, including Kuyper, claimed to support the freedom of conscience. Another, that

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[21] Kuyper, 657–58.
[22] Kuyper, *Calvinism*, 26, 27.
[23] Kaemingk, *Mecca and Amsterdam*, 120.

modernists, who in general expected that orthodoxy would die out, were not really tolerant toward orthodox people.[24]

The modernists' presumption that they were beyond dogma was challenged by Kuyper. He flipped this rhetorical strategy back on liberalism by playfully exposing "doctrinaire revolutionaries"[25] and listing their taboos, superstitions, and dogmatic prejudices. Kuyper spoke of liberal's mystical devotion to "the Catechism of Rousseau and Darwin."[26] He labeled their academies the "sectarian schools of Modernism."[27] These were the "counter-churches"[28] of modern priesthood. Kuyper also pointed out the many ways in which the liberal nation-state had attempted to convert the nation to its own spiritual cause through its civilizing offensive.[29] The message was clear, according to Matthew Kaemingk: "Liberalism had not risen above the dogma, ritual, tradition, and allegiance of religion—it had simply developed a new one."[30]

Furthermore, Kuyper described liberalism or naturalism as a "tyrannical twin sister" of the Christian worldview.[31] Against this background, he invested a lot of energy in explaining why only his neo-Calvinism could inform and sustain a plural society, where divergent worldviews could tolerate each other on equal footing.

But how could Kuyper's model work? The Dutch constitution had been drafted by liberals and implemented in 1848. The constitution extended the already existing freedom of religion by abolishing the government approval of religious communities, and by granting freedom of expression, freedom of press, and freedom of education. Kuyper accepted this constitution fully when he entered the public debate in 1870, the same year in which he became the editor of a weekly newspaper, *De Heraut*. The paper's header read: a free church and a free school in a free state. In the Stone lectures Kuyper delivered in Princeton in 1898, he explained that neither Catholicism, nor Lutheranism, nor Islam, nor the modernist worldview could offer freedom. Kuyper sided with the liberals in their defense of freedom, but he rejected their revolutionary

[24] Marinus Krijger, *Second Reformation*, 122–23.

[25] Kuyper, *Ons Program*, 476.

[26] Kuyper, *Six Lectures*, 260.

[27] Kuyper, *Ons Program*, 563.

[28] Kuyper, 470, 530; cf. 573.

[29] Kaemingk, *Mecca and Amsterdam*, 120; Kuyper, *Gemeene Gratie*, 186–87.

[30] Kuyper, *Gemeene Gratie*, 186–87.

[31] Kuyper, *Six Lectures*, 183.

interpretation of freedom. The better liberal is the Christian liberal, Kuyper stated, for in the French Revolution there was "a civil liberty for every Christian to agree with the unbelieving majority, in Calvinism, a liberty of conscience, which enables every man to serve God, according to his own conviction and the dictates of his own heart."[32]

What Kuyper asked from the leading liberal majority in the Netherlands was that it live out its own principles more consequentially. The liberals defended the freedom of education, but in the public primary schools confessional teaching of Christianity was prohibited. Catholics were not allowed to teach about Mary as mediator, and Calvinists were not permitted to teach the total depravity of man. Only the liberal worldview was to be taught in the public school. The freedom of education meant to the liberals that Catholics and Calvinists, and Jews for that matter, had the right to found their own primary schools. But, unlike the public schools, these confessional schools would not be financed by the state. Thus, freedom of education could only be realized with private money. Here Kuyper saw the consequence of the restricted liberal idea of freedom: it was freedom for liberals only. That is why he could call the public school the "sectarian school."[33] The liberals tolerated divergence from their opinion, but only outside of the public domain. The public domain was to be strictly liberal, and religious orthodoxy was not allowed in. If this is toleration, the orthodox Protestants exclaimed, give me some of your intolerance.

Kuyper's predecessor in the struggle for Christian education, member of parliament Guillaume Groen van Prinsterer (1801–1876), had tried to adapt a new law on primary education which he deemed necessary after the new constitution in 1848. The constitution protected the freedom of education, but liberals had been afraid orthodox Protestants and Catholics might abuse this freedom to frustrate the progress advanced by the liberals. They, therefore, altered the initial text of the constitution in such a way that the government had to provide public schools. By implication this meant that non-public schools would not be funded by the state.[34] The

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[32] Kuyper, 142. The third lecture, on Calvinism and politics, reads as follows in the unpublished version of Kuyper's lectures on Calvinism, 38: "In the French evolution a liberty of conscience, which emancipates men from God; in Calvinism a liberty of conscience, which enables every man to serve God, according to dictates of his own heart." Kuyper Papers, inv. nr. 321. Historical Documentation Center for Dutch Protestantism, Vrije Universiteit Amsterdam.

[33] Kuyper, *Ons Program*, 465.

[34] Schutte, "De School van de Ouders. De Schoolstrijd Op Hoofdlijnen'," 13–14.

question now was: will these public schools educate in the Christian tradition, as had been the case in the Netherlands in previous centuries?

In 1857, the parliament adopted a liberalist primary education law, one excluding confessional Christian teaching. This was contrary to what Groen had been after. He now left parliament and focused on organizing free Christian education instead. He hoped these free schools would multiply and ultimately force the government to reconsider the 1857 law and make public education Christian again. After all, Groen opted for a public domain that would be Christian.[35]

Kuyper had a different strategy when he took over the leadership in the Christian school movement from Groen van Prinsterer in the early 1870s. His opinion was that both the liberals and Groen van Prinsterer defended an outdated view of modern society. They both believed that the public domain should be dominated by one worldview, either the liberal or the Christian. In Kuyper's opinion this was not the right way to deal with modern society. The debate should be about the government forcing schools to adhere to the liberalist worldview. He wanted a free society, where the government would not determine the nature of primary education, but rather have the parents decide what kind of education they wanted for their children. The state should finance schools of all sorts, liberal or Catholic, Christian or Jewish, as chosen by each child's parents. According to Kuyper, such a plural educational system reflected the fact that, according to its constitution, the Netherlands was not a Christian nation, but a liberal one. This implied that the state had to accommodate the reality that people in the Netherlands had different worldviews. The state should not judge which one was right and could be accepted in the public domain, and which one was wrong and should therefore be excluded from it. Toleration here meant making room legally for the reality that people differ in their worldviews. In this model, the government should not establish schools. Instead, parents ought to found schools while a real liberal state should supply public money for the specific educational needs of its citizens.

At first there was not much support for these ideas, and Kuyper proposed a polarizing approach. At a national meeting of the Christian school movement in 1869, he proposed that all Christian parents withdraw their children from the public school in order to make clear that the school system was inherently non-Christian. However, many supporters of the

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[35] Slootweg, "Groens 'Theocratische,'" 47.

Christian school movement were of Groen van Prinsterer's opinion. They hoped that the public school would become Christian again. Now that Kuyper forced them to go the other way, and rejecting the public school as non-Christian, they opposed Kuyper. They had never accepted Kuyper's idea that the public domain should be plural. They did not defend a free school, in a free state, but rather a Christian school in a Christian state. Yet, after a fierce debate Kuyper's proposal was accepted. This led to a split in the Christian school movement but helped Kuyper to make his collision course with the liberals more effective.[36]

Kuyper's campaign for a plural society that instead of favoring a dominant worldview would, within the limits of the law, make room for all worldviews on an equal footing, fitted hand in glove with the Netherlands' development into a more diverse society, both socially and religiously. In the 1848 Constitution the right to vote had been restricted according to the liberal mindset. Only those who could reason, meaning those who had been educated or had property, had the right to vote. Kuyper was a proponent of expanding the right to vote. He knew that citizens, his own supporters not last among them, the "kleine luyden"—people from the lower middle class—had different worldviews, and he wanted them to be represented in parliament. All authority is derived from God's sovereignty and is not meant to suppress others. For this reason, authority could best be organized democratically.[37]

At first the liberals opposed the extension of suffrage. They wanted to keep politics a reasonable debate between civilized men, not a clash of worldviews or classes, and they feared the entry of lower-class members into parliament. But by and by, Catholics, Calvinists, socialists and others pleaded for extension of voting rights, and this development strengthened Kuyper's position in his struggle against the public school.

As a result, the constitution was changed, and in 1888 a Dutch government without liberals was installed. It was a coalition of Protestants and Catholics. One of the first issues they addressed was the school struggle. With the support of conciliatory liberal politicians, a law was adopted in 1889 that facilitated public financial support for non-public schools. The public school was not set aside as Kuyper had wanted initially, but this was

[36] For this episode see: Bratt, *Abraham Kuyper*, 70; Jeroen, *Abraham Kuyper*, 82–89.
[37] Kuyper, *Het Calvinisme Oorsprong…*, 51.

the first of many laws that would turn the Netherlands into a plural democracy.[38]

The principle of equal distribution of public money was applied to education, broadcasting, welfare, health care, and so on. Thus legally implemented, plural society was not organized along the lines of class or ethnicity, but according to differences in worldviews. This resulted in the so-called pillarized society, which had not been Kuyper's goal. However, this was the outcome of his struggle, and his foundational concept dominated the social structure of Dutch society until the 1960s.[39]

Kuyper's concept of plural society and toleration is grounded in Calvinism. It is the acknowledgment of a sovereign power beyond and over against the people that provides the frame for equal treatment in society. Kuyper's articulation of this fundamentally religious starting point was not very profiled. As long as a kind of theism was acknowledged in the public domain, the limits of tolerance would be determined by public opinion and the law. This kind of toleration required a recognition of multiple worldviews and people's willingness to participate in the public debate in accordance with their own worldviews. Kuyper encouraged Catholics to be Catholic in the public domain. In 1868, after pope Pius IX's encyclical *Quanta cura* (1864) against liberalism, the Dutch bishops advised the Catholics to found their own schools. Not surprisingly, Catholics and Protestants soon joined forces in their struggle for confessional schools. Kuyper deplored the fact that many Jews did not answer his call to express their religious worldview publicly. Chief rabbi J.H. Dünner wanted to follow Kuyper's trajectory, but most Jews objected and opted instead to assimilate in Dutch society and adapt to the liberalist or naturalist worldview.[40]

The other condition that Kuyper deemed essential for toleration, willingness to debate, accepting the ultimate outcome of these debates, and living with differences, was part and parcel of democracy. It implied a give and take, acknowledgment of the fact that democracy is a system that provides a common ground for people who differ. Democracy is a means to protect and develop minority worldviews and presupposes the acceptance that there are other minorities. It functions best in a country where none

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[38] Postma, "De Onderwijskwestie," 166–68.
[39] See: Harinck, "Een Leefbare Oplossing," 118–28.
[40] Blom, *Geschiedenis van de Joden in Nederland*, 309–10; *De Standaard*, 12 and 25 November 1898.

of the worldviews has an absolute majority. Yet, even in countries where such majority worldviews exist, the model could work, as long as democracy protects the rights of minorities.[41]

In the Netherlands, this system worked until the 1960s because Kuyper's theism and the Christian moral code were part and parcel of Dutch society. There was a consensus about the limits of toleration, and because in social life the group was more important than the individual, worldview-based subcultures fitted hand in glove with this societal structure. Socialists, Communists, Catholics and Protestants, each had their own "pillar," even though the extent of the pillars differed, the Catholic one being the most encompassing. Liberals were the group that was reluctant to organize themselves as a distinct group within society. Like the other groups, liberals had their own newspapers and founded loosely organized political parties and a broadcasting company, but they preferred to call these general instead of liberal. Before the war there were serious doubts about the democratic spirit of the National-Socialist Party and the Communist Party, and after the war, of the Communist Party. This led to restrictive measures for members of these parties: they were excluded from jobs in the civil service.

6.3   FROM PLURAL SOCIETY TO MULTICULTURALISM

Problems with the Kuyperian system arose after half a century of its consolidation. With secularization, growth of prosperity, and globalization, people in the 1960s and 1970s identified themselves less and less as adherents of a worldview and therefore as part of a group. The Dutch started to define themselves socially as individuals in the first place, and no longer principally as Catholics or Calvinists. The cultural change of the 1960s and 1970s was a breach with the past, and the new mindset was not compatible with a societal structure based on differences of worldview.[42]

Politically, the result over time was the diminishing influence of dominant political parties that were based on an explicit worldview like Christianity or Socialism, especially after the 1980s. Smaller, single-issue parties were on the rise, like a farmer's party in the 1960s, and in recent days green or animal rights parties. In general, the parties became smaller, and the voter, more volatile.

[41] Harinck, "Neo-Calvinism and Democracy," 1–20.
[42] Kennedy, *Nieuw Babylon in Aanbouw*; van Dam, *Staat van Verzuiling*, 75–78.

In society, this furthermore meant a diminishing role for worldview-based health care and elder care, education, broadcasting, and other institutions. Churches and public representations of religion lost their influence changed especially noticeably. The views of church adherents have become a minority opinion, criticized and not always tolerated.

Kuyper's model of a plural society was ultimately replaced by the ideal of a multicultural society—a society that welcomed any culture in on an equal base. It was during the post-colonial era that the idea of the superiority of Western culture was abandoned, as many people from outside of Europe migrated into the region. All ethnicities and their religions were to be welcomed on an equal basis and expected to contribute to a shared Dutch identity. Differences now deemed important dealt with ethnicity or gender rather than confession.

This approach worked until about the year 2000 when a growing number of observers concluded that all these different cultures functioned like separate islands in an archipelago and not as an integrated society. Consensus about what defined the Netherlands was lacking.[43] There was no public spirit anymore. There was a growing perception that by simply welcoming different cultures without requiring participation in the wider society, the country was falling apart. At the same time, the Dutch population felt estranged from its own society, not only because of this lack of cohesion but also because they felt only tolerated in their own country and missed what should undergird coherence: a national identity. This identity had been played down from the 1960s on, in favor of a European identity. But while economic, social, monetary, and political cooperation were developed successfully in the final quarter of the twentieth century, something like a European identity did not develop concomitantly. There was a political elite that was preoccupied much more with creating the European market and welcoming in different culture and nationalities than with the issues of national and European identity. And, on the other hand, there were citizens who felt they had lost their place in society and were increasingly prone to embrace nationalism. In politics this found expression in populist politicians who blamed the political elite for having estranged themselves from the voters. These populist ideologues define the Dutch nation as white and Christian. Ethnicity had never been a political theme in Kuyper's days, but now it became an important factor in defining Dutch national identity.

[43] Scheffer, "Het Multiculturele Drama."

6.4   Assessing the Contemporary Relevance of Kuyper's Ideas

In conclusion to this overview, let us ask: Is Kuyper's idea of a worldview-based society still relevant in one way or another? Three aspects of this question need to be considered.

In the first place, Dutch citizens do not act any longer as if they live within a pillar. A member of a Reformed church may vote along Reformed party lines, but she may as well vote for any other party. The whole idea of social groups organized along worldview lines has disappeared. There are no longer Socialist or Catholic daily newspapers, and the Liberal newspapers have developed into "general" newspapers. At the same time, there still are Christian schools, Christian newspapers and broadcasting companies, and Christian political parties. Are these relics from the past? Sometimes they are, but there are also Christian political parties, broadcasting companies and schools that have been founded after or because of the cultural change of the 1960s and 1970s. Their societal impact may be smaller, but they do not seem to be outdated.[44] They still rely on the support, membership, and activity of the citizens who share their worldview. So, while the pillarization is over, there are still remnants and new strongholds of this kind present in Dutch society. Unlike in Kuyperian days, these formations stress their institutional relevance for society as a whole. Kuyper's ideas still play a role here, not as rallying points for sympathizers, but as undergirding the faith-based organizations' contributions to the common good and the continued need for a plural public domain.

Secondly, alongside the populist voice, other parties also realized that a common denominator was lacking in Dutch society. And interestingly, the Liberalist worldview is growing dominant again by claiming to capture the missing commonality. It is presented as rational and plain, as self-evident, just as was the case in the nineteenth century. The Liberal Party has been the largest party in Dutch politics in recent years, with a quarter of the vote. The dominance of the Liberals has the same implications it had during the days Kuyper started his career a century and a half ago. Religion is confined to the margins of society, and that what is called reasonable or liberal is presented as the norm. Under these circumstances, Kuyper's insights retain their power to reveal that what passes as common sense is

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[44] van Mulligen, *Radicale Protestanten Opkomst.*

just another worldview and to challenge the new liberal establishment to make room for a diversity of worldviews in society.

And thirdly, Christianity has lost many of its adherents in the Netherlands in the last half century. In 2017 less than half of the population was religiously affiliated.[45] Christians simply lack the numbers to organize themselves as a coherent opposition like Kuyper's. Three political parties in Dutch parliament claim aspects of Kuyper's tradition, but they represent only about 10% of the voters. Kuyper's strategies do not seem to fit Dutch society as it is today. Yet, as we have seen at the start of this overview, consequential change starts with ideas and with challenging the authorities rather than with political power. Furthermore, Kuyper's ideas about a plural society with equal rights and equal access to the public domain and public money for every worldview-based group is relevant elsewhere today, outside the Netherlands. Kuyper's work is being translated into English and other languages, as is Herman Bavinck's.[46] Reflection on toleration and the plural society—as the work of Sander Griffioen, Richard J. Mouw, Jonathan Chaplin, and others shows—is still a central feature of intellectual life within the Kuyperian tradition.[47] Rooted in an orthodox Christian tradition, Kuyper's ideas about religion, secularity, and toleration proved to be relevant in Dutch society and still inspire people all over the globe.

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[45] https://opendata.cbs.nl/statline/#/CBS/nl/dataset/82904NED/table?fromstatweb

[46] See the twelve-volume series, *Collected Works on Public Theology*; Bavinck, Herman, *Reformed Dogmatics*; Bavinck, Herman, *Reformed Ethics*.

[47] See Mouw and Griffioen, *Pluralisms and Horizons*; Chaplin, *Herman Dooyeweerd*; Mouw, *Adventures in Evangelical Civility*.

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The Resurgence of (Immanent) Religion and the Disintegration of the Secularization Hypothesis

Steven D. Smith

It has been evident for some time now that the secularization hypothesis, once almost axiomatic with major modern thinkers, is in trouble.[1] The modern world was by now supposed to have become secularized—meaning, basically, no longer religious.[2] And with this secularization was

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[1] José Casanova explains: "In one form or another, with the possible exception of Alexis de Tocqueville, Vilfredo Pareto, and William James, the thesis of secularization was shared by all the founding fathers: from Karl Marx to John Stuart Mill, from Auguste Comte to Herbert Spencer, from E.B. Tylor to James Frazer, from Ferdinand Toennies to Georg Simmel, from Emile Durkheim to Max Weber, from Wilhelm Wundt to Sigmund Freud, from Lester Ward to William G. Sumner, from Robert Park to George H. Mead. Indeed, the consensus was such that not only did the theory remain uncontested but apparently it was not even necessary to test it, since everybody took it for granted." Casanova, *Public Religions*, 17.

[2] Writing in 1968, the sociologist Peter Berger expressed a common view in predicting that "[b]y the 21st century, religious believers are likely to be found only in small sects, huddled together to resist a world-side secular culture." Berger, "A Bleak Outlook Is Seen for Religion," 3.

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supposed to have come an age of enlightened toleration, *a la* Voltaire, as the hostilities and suspicions associated with religious superstition dissipated.[3] But in fact religion has not faded away: on the contrary, the old forms of religion have persisted and new forms have arisen. Nor (to indulge in understatement) have regimes that might typically be classified as "secular"—the Third Reich, the Soviet Union—been distinguished for their tolerance and inclusiveness.[4] More generally, in recent years countries and cultures seem to be becoming *more* contentious and polarized, not less. In short, very little seems to be going according to plan.

Responses to these unobliging developments vary. One blunt response suggests that the secularization thesis was simply mistaken.[5] Another suggests that the thesis was not so much wrong as overly sanguine in its timing. Religion has proven more resilient than many expected, perhaps, but the overall drift is still in the direction of secularization.[6] Universities, it can be argued, constitute corroborative evidence: founded by churches and once dedicated to the glory of God and the advancement of the faith, universities are now thoroughly and often aggressively secular in character.[7] The rise of the so-called nones in America may constitute further evidence.[8]

Still a different response is to qualify and complexify the terms, and the predictions. Secularism is not as straightforward as it seemed: scholars now talk of "secular*isms*," in the plural.[9] And perhaps what should have been predicted was not the *disappearance* of religion, but rather its

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[3] The assumption or perhaps the prejudice has been that, as Learned Hand put it, "tolerance ends where faith begins." Hand, *The Spirit of Liberty*, 72.

[4] See Solzhenitsyn, *The Gulag Archipelago*; Arendt, *The Origins of Totalitarianism*.

[5] "The world today, with [the] exceptions [of Europe and of 'an international subculture composed of people with Western-type higher education'], is as furiously religious as it ever was, and in some places more so than ever. This means that a whole body of literature by historians and social scientists loosely labeled 'secularization theory' is essentially mistaken." Berger, *The Desecularization of the World*, 2.

[6] Bruce, *God Is Dead*.

[7] Burtchaell, *The Dying of the Light*.

[8] Lipka, "A Closer Look."

[9] This theme runs through many of the essays in Calhoun, Juergensmeyer, and VanAntwerpen, *Rethinking Secularism* (see especially Alfred Stepan's contribution); and Warner, VanAntwerpen, and Calhoun, *Variaties of Secularism*.

privatization.[10] (Although the evidence even relative to this modified proposition has been uncooperative.[11])

A proposition that is repeatedly revised and qualified risks losing its meaning, and its bite. The secularization hypothesis is a case in point. Its essential terms—secularization, toleration—have turned out to be shape-shifters; they are too squishy to be useful in understanding the world, and ourselves, and they now serve more to obfuscate than to clarify. And so the hypothesis has effectively fallen apart; there is nothing sufficiently stable and solid in the secularization hypothesis to be either verified or falsified, or even to support meaningful modifications. To be sure, the practical challenge that motivated the secularization hypothesis—the challenge of living together peacefully amid religious, moral, and cultural diversity—remains a pressing concern. But the concepts of "the secular" and of "toleration" have proven unhelpful in addressing that challenge. Or so I will argue in this essay.

7.1   The Disintegration of the Secular

Start with the primary term—"secular." In the standard modern usage, "secular" is understood in terms of what it is *not*—namely, "religious": "secular" and "religious" form a binary, or a dichotomy. So to say that the world would become "secular" meant that it would become "not religious."[12] And the primary objection to that hypothesis (or so it is commonly supposed) lies in the persistent vigor of religion in the conventional sense—of Christianity, orthodox Judaism, Islam, Hinduism. It is this continuing vitality that leads thinkers to modify and complicate the secularization thesis.

And yet there is a different development that these adjustments fail to address but that is arguably even more subversive of the secularization thesis—namely, the revival of religiosity in a less conspicuous but perhaps

[10] Casanova, *Public Religions.*

[11] Philpott, Shah, and Toft, *God's Century* With respect to religion itself, the authors explain that "contrary to . . . predictions, the portion of the world population adhering to Catholic Christianity, Protestant Christianity, Islam, and Hinduism jumped from 50 percent in 1900 to 64 percent in 2000." Id. at 2. Moreover, "a dramatic and worldwide increase in the political influence of religion has occurred in roughly the past forty years." Id. at 9 (emphasis deleted).

[12] Berger, *The Desecularization of the World.*

even more pervasive sense.[13] As an instance of this revival, consider Ronald Dworkin, perhaps the most influential legal philosopher of the last century in the English-speaking world. Throughout his career, Dworkin appeared to be a resolutely secular thinker. In his last book, however, published posthumously, Dworkin advocated what he called *Religion Without God*[14]; and he contended that this religion is shared by millions who might not describe themselves as "religious" at all.

The "religious attitude," Dworkin argued, rests on two beliefs or judgments. The first is that "human life has objective meaning or purpose." The second is that "what we call 'nature'—the universe as a whole and in all its parts—is not just a matter of fact but is itself sublime: something of intrinsic value and wonder."[15] These judgments, Dworkin maintained, are not merely subjective attitudes or emotive projections. Rather, they are a response to, and a recognition of, actual realities in the universe—of something "supernatural" or "beyond nature" that the naturalism of science cannot cognize[16]: Dworkin specifically singled out Richard Dawkins for criticism.[17] That something "beyond nature," however, need not consist of a God or gods.

As exemplars of this sort of a-theistic religion, Dworkin enlisted Spinoza and Einstein. Spinoza, he conceded, talked incessantly about God. But "Spinoza's God is not an intelligence who stands outside everything and who, through the force of its will, has created the universe and the physical laws that govern it. His God is just the complete set of physical laws *considered under a different aspect*."[18] Under what aspect? Here Dworkin invoked Einstein, who "did not believe in a personal god," as Dworkin explained, "but he did 'worship' nature. He regarded it with awe and thought that he and other scientists should be humble before its beauty and mystery."[19]

So then, is Dworkin's position "secular," or is it "religious"? But the only adequate answer seems to be … "yes." It is both. The "secular"/"religious" dichotomy—the dichotomy that gave the

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[13] This argument is distilled from Smith, *Pagans and Christians.*

[14] Dworkin, *Religion without God.*

[15] Ibid., 10.

[16] Ibid., 6, 20–21.

[17] Ibid., 5, 42–43.

[18] Ibid., 38–39 (emphasis added).

[19] Ibid., 40.

secularization hypothesis its meaning—is thus dissolved, at least for thinkers like Dworkin.

Nor is Dworkin alone in this respect. The eminent historian of American religion Martin Marty has begun using the term "religio-secular."[20] And, as noted, Dworkin himself claimed that his "religion without God" is characteristic of millions of people who might not self-identify as "religious" at all.[21] Although there is no way to take a head count, Dworkin's claim seems plausible with respect to the "nones," and to those who consider themselves "spiritual but not religious." And perhaps even to many who might check a survey box for "Catholic" or "Methodist" or whatever but who, although committed to Dworkin's "objective meaning" and "sublimity" criteria, show little evidence of genuine reverence for any transcendent deity.

Someone might object that people like Dworkin and Marty are merely using the term "religion" more expansively, or more promiscuously, than the proponents of the secularization hypothesis have done. But this dismissal would fail to appreciate the character and the seriousness of the kind of religiosity that Dworkin was describing.

There is, of course, no single or canonical definition of "religion." Dworkin proposed one not implausible conception. A different (not incompatible) formulation would understand religion in terms of a belief in and commitment to some reality that is "holy," or "sacred," in contrast to the mundane or profane.[22] In the West, the "sacred" has conventionally been understood by reference to a *transcendent* reality or Being – the deity as presented in the Bible or the Quran. Dworkin's religion, by contrast, like Einstein's and Spinoza's, is *immanent* rather than transcendent in character: it locates the sacred within nature, not outside or beyond it. In that respect, it is like the paganism of antiquity; and indeed, some scholars have emphasized the continuities between modern immanent religiosity and ancient paganism.[23]

But whatever label one applies, the crucial point is that this sort of religiosity—or, if you prefer, this orientation or mindset—is emphatically not the sanctity-free positivism or naturalism that the secularization hypothesis seems to have contemplated as the successor to religion. Luc Ferry

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[20] Marty, "Religio-Secular… Again"; See also Ledewitz, *Hallowed Secularism*.

[21] Dworkin, *Religion without God*, 2–3.

[22] This point is developed at greater length in Smith, *Pagans and Christians*, 31–40.

[23] A major supporting work is Kronman, *Confessions of a Born-Again Pagan*.

comments on the practical or existential (as opposed to merely semantic or theoretical) significance of this point. "I am sure," Ferry says

> that if you witnessed the lynching of somebody because of the colour of his skin, or on account of his religion, you would do what was in your power to help him, even if to do so was dangerous. And if you were to lack the courage […] you would nevertheless admit to yourself that, morally, this is what ought to happen. And if the person being attacked was someone you love, then you would probably take enormous risks to save him or her.[24]

In this taking of enormous risks, Ferry continues, there is a willingness to sacrifice. "Sacrifice, which returns us to the notion of a value regarded as *sacred* (both from the Latin 'sacer'), paradoxically retains, even for the committed materialist, an aspect which can almost be described as religious." More specifically, we see in this commitment "a *making sacred of the human*."[25]

As a historical or cultural matter, moreover, it seems that our current cultural conflicts are not between "religion" and the positivistic, value-neutral scientism that the term "secular" may connote. Rather, the conflicts are mainly between rival religiosities. Both sides—both the "conservative" and "progressive" sides—manifest a similar zeal, a similar tendency to see the world in "good" versus "evil" terms, a similar penchant for anathematizing or demonizing their opponents. As Anthony Kronman observes,

> those who defend […] the "Christian (or perhaps better Abrahamic) position" in [the culture wars] are opposed on the other side not just, or most intently, by secularists who scoff at religion but by a not-yet-well-defined party whose zeal cannot be understood or explained except in religious terms, even though the advocates do not describe their values in the explicitly theological vocabulary their adversaries often employ. It is only when we view the conflict in this light that its magnitude and implications become visible.[26]

So then, does it follow that the modern world is *not* "secular" after all? Not exactly, but these reflections may prompt us to revisit the original or

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24 Ferry, *A Brief History of Thought*, 243.
25 Ibid., 244–45 (emphasis in original).
26 Kronman, "Is Modern Paganism True?"

core meaning of the word. The term "secular" traces back to the Latin *saeculum*, meaning "generation" or "age": the original sense of the term is something like "of this age" or "of this world." Immanent religion, whether of the ancient pagan variety or the modern Dworkinian form, is "of this world"[27]: there is hence no dichotomy between secular and religious. A distinction appears with Christianity: for Christians, "secular" served to distinguish *this world*—the here and now, the temporal or "secular" domain—from the next life, or from eternity.[28] And yet even then the secular domain was *not* "not religious"; it constituted, as Nomi Stolzenberg explains, "a specialized area of God's domain."[29] This sense of the term is perhaps most clearly reflected in the common distinction between the "secular clergy" and the "regular clergy": the label "secular" clergy refers not to priests who have renounced religion, but rather to priests who do their religious work *in the world*—in a parish—as opposed to priests who retreat from the world to a monastery.

It was only in early modernity that "secular" came to acquire its more standard contemporary meaning of "not religious."[30] This newer, stripped down conception seems most resonant with the naturalistic worldview associated with modern science. We might describe this as the "positivistic" conception of the secular, in contrast to the Christian and pagan versions. And it was this positivistic or "not religious" variety of secularism that was ostensibly foreordained to dominate modern thought and culture.

But that prediction, as we have seen, has gone unfulfilled. No doubt there are those among us who manage consistently to eschew religiosity of either the transcendent or immanent varieties: a thinker like John Gray comes to mind as a candidate.[31] But as a practical matter, as noted already, it seems that the other orientations—the transcendent religiosities of orthodox Christianity and Judaism and Islam, or the immanent religiosity

[27] Cf. Veyne, *When Our World Became Christian: 312–394*, 135 asserting that "paganism […] was such a lightweight religion as to constitute a very model of secularity."

[28] Charles Taylor thus explains that the concept of the secular became important in Christian discourse in describing "profane time, the time of ordinary historical succession which the human race lives through between the Fall and the Parousia [or second coming of Christ]." Charles, "Modes of Secularism," 32.

[29] Stolzenberg, "The Profanity of Law," 51.

[30] Secular "Latin saeculum, a word of uncertain origin, meant 'generation, age.' It was used in early Christian texts for the 'temporal world' (as opposed to the 'spiritual world') …. The more familiar modern English meaning 'non-religious' emerged in the 16th century." Ayto, *Dictionary of Word Origins*, 465.

[31] Gray, *Black Mass*.

of Dworkin's "religion without God"—claim far more adherents (and more active or motivated adherents). As Gray himself wistfully acknowledges: "Modern politics is a chapter in the history of religion."[32]

The upshot is that while we can still describe our world as "secular," that term obfuscates more than it illumines. In covering over the crucial distinctions (which for many people, to be sure, come more in shadings than in sharp discernible lines) between commitments to a transcendent sacred, to an immanent sacred, or to an ontologically egalitarian cosmos devoid of the sacred, the term renders us opaque. We become opaque to observers or categorizers wielding the standard "secular vs. religious" classifications—and also, often, even to ourselves. Faced with a choice between "religious" and "secular," many who are not conventionally religious may by process of elimination check the second box. But their self-presentation and perhaps their own self-understanding have been limited and distorted by the insufficiency of the options given them.

7.2   The Disintegration of Toleration

If the term "secular" today is more likely to conceal and obfuscate than to illumine, the same is mostly true of the other main term: "tolerance" or "toleration." In its classical sense, the term refers to a practice or attitude of permitting or putting up with beliefs or actions even though one thinks they are wrong. The term had understandable relevance in early modern Europe, as nations once united by a commitment to Catholic Christianity gradually came to accept the necessity of allowing for religious pluralism. Governments and their subjects might accordingly permit their fellows to live and believe in ways that at least some officials and citizens deemed to be mistaken, even damnable. On this understanding, toleration was not equivalent to indifference or nonjudgmentalism. On the contrary, rejection or condemnation of a religious belief or practice was a necessary condition for the possibility of tolerating that belief or practice: no condemnation, no need for (and no possibility of) toleration.[33]

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[32] Ibid., 1.

[33] See Forst, "Tolerance as a Virtue of Justice," 3 "[I]t is essential for the concept of toleration that the tolerated beliefs or practices are considered to be objectionable and in an important sense wrong"; Cf. Fletcher, "The Instability of Tolerance," 158 observing that in "a posture of indifference" there is "no issue of tolerance, properly understood."

Today the term is still sometimes used in this classical sense. More often, though, toleration is equated with nonjudgmentalism, even respect. The person who says, "Homosexual sex is an 'abomination,' as the Bible teaches; but people should nonetheless be legally free to live according to their sexual preferences or orientations" will hardly be admired for his tolerant attitude. On the contrary, the person will be condemned as an intolerant bigot.[34]

Examples abound. One much discussed recent instance involved an Australian rugby star, Israel Folau, who provoked outrage by a social media post that included gay people on a list of sinners who are destined for hell. Folau did not propose any sort of legal restriction; on the contrary, he insisted that he had no animosity toward LGBT individuals, and that he was only trying to spread the Bible's message,[35] which in some passages says much the same thing.[36] Nonetheless, Folau was widely and vehemently condemned for intolerance[37]; his contract and product sponsorships were promptly terminated, and the Australian Rugby League announced that he would not be allowed to play for any team in the league.

To be sure, Folau's supporters responded by asserting that it was not Folau but rather the critics, the team, and the rugby league that were being intolerant—for essentially ending an illustrious career because of views posted on social media.[38] At least in the classic sense of the term, this accusation was the more plausible one. As noted, while expressing a negative judgment about homosexual conduct, Folau neither did nor advocated anything actually to restrict such conduct, whereas the team and the league not only condemned but also severely punished Folau for his disfavored views. And yet the overall debate reflects how the idea of tolerance has by now burst free of its classic meaning, to become a label for accusations that can be leveled by and against virtually any side of a debate.

Such confusion reflects not merely semantic promiscuity but rather an underlying change in more fundamental commitments. In retrospect, it seems that toleration served as a sort of transitional stage between the

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[34] Murray, *The Madness of Crowds.*

[35] Taylor, "Israel Folau."

[36] See, for example, 1 Corin. 6:9–10 (KJV) ("Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, not adulterers, not effeminate, nor abusers of themselves with mankind, nor thieves nor covetous, nor drunkards, nor revilers nor extortioners, shall inherit the kingdom of God.")

[37] Brown, "Israel Folau and Augusta."

[38] Wales, "Israel Folau and the Hateful Intolerance."

unapologetic intolerance of the wars of religion[39] and the more modern commitment to an ideal often described as "equal concern and respect."[40] John Locke's famous *Letter Concerning Toleration* was a notable expression of that transitional stage, and of classic toleration: at least a part of Locke's argument—namely, his insistence that religious coercion is futile because only a voluntary faith is acceptable to God[41]—was an argument against coercing religious views (or at least *some* religious views) *even though they are wrong*.

A century later, though, during the American founding period, major figures like James Madison and Thomas Paine were already rejecting that classical notion of toleration in favor of a more egalitarian position[42]—one reflected in modern constitutional doctrines that insist that governments must not merely tolerate diverse religions but must treat them as equals, and thus must be "neutral" among them.[43] That sort of egalitarian neutrality, if it were possible, would not merely be *different than* toleration: it would *preclude* toleration in the classical sense of the term. That is because, once again, one cannot "tolerate" something in the classical sense unless one disagrees with or disapproves it.

Looking backward, we may thus perceive a sort of full circle in dominant attitudes toward toleration in its classical sense. Historically, toleration was viewed not as a virtue, but rather as a manifestation of weakness or lack of commitment.[44] Then, for a period, toleration came to be valued as a necessary virtue for a world in which pluralism seemed destined to prevail: again, Locke's writings would be typical of this position. But under the influence of a growing egalitarianism, toleration again came to be disfavored. Michael Walzer's view is typical: "To tolerate someone else

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[39] For an insightful presentation of this position, see Gregory, *Salvation at Stake*.

[40] Dworkin, *Justice for Hedgehogs*, 330; in this vein, Martha Minow and Joseph Singer declare that today, equality is "a foundational value […]. It is a fundamental principle in our society that all people are […] entitled to be treated with equal concern and respect." Minow and Singer, "In Praise of Foxes: Pluralism as Fact and Aid to the Pursuit of Justice," 903–5.

[41] Locke, *Letter*, 113, 119.

[42] Smith, "Toleration and Liberal Commitments," 256–57.

[43] Decisions and writings treating this obligation of neutrality as axiomatic are legion. For one recent example, see *Masterpiece Cakeshop* v. *Colorado Civil Rights Commission*, 584 U.S. ___ (2018).

[44] See generally Walsham, *Charitable Hatred*; Ethan Shagan observes that "[b]efore the 1640s, the state's prerogative to punish religious deviance was almost unanimously praised as moderate, while broad claims for religious toleration were almost unanimously condemned as extremist." Shagan, *The Rule of Moderation*, 288.

is an act of power; to be tolerated is an acceptance of weakness. We should aim at something better than this combination, something that goes beyond toleration, something like mutual respect."[45]

In fact, "tolerance" and "toleration" have not passed out of prevailing discourse as terms of praise, but their meaning is by now thoroughly compromised. The terms still generally connote a sort of permissive, live-and-let-live attitude in a condition of pluralism—but little more than that. In the strict sense, one can be tolerant only if one disapproves of something; in the looser and now more common sense, the very disapproval that is a necessary condition of tolerance actually convicts one of intolerance (as the Folau case reflects). The upshot is that the word has become all but useless as a term either of description or prescription. Nor does it help that the sort of egalitarian neutrality, which is supposed to have replaced toleration is arguably both incoherent and insufficient as a basis for political society.[46] It is still possible, perhaps, to single out the classical meaning, and even to advocate toleration in that strict sense (as I have done elsewhere[47]). But in the general debate, such subtleties will likely be lost in the semantic and conceptual babel.

Such confusion would make it difficult to determine whether there is any correlation between toleration and secularization, even if "secularization" were itself a more stable and manageable concept.

7.3 REFORMULATING THE QUESTION

And yet … The challenge of pluralism—of finding ways to live together in a society in which people's religious and moral and aesthetic views diverge significantly—is still very much with us. So then, can we say anything at all that will help illuminate that challenge, and help us assess different responses to that challenge?

Our discussion has suggested that claims and contentions framed in the broad terms of "secularization" and "toleration" are likely to shed more darkness than light. But propositions posed in more specific and concrete terms seem more promising. Instead of talking about the propensities of "religion," we might acknowledge the rich variety of faiths or existential orientations: not merely "religion" and non-religion, or even

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[45] Walzer, *On Toleration*, 52.
[46] Smith, "Toleration and Liberal Commitments."
[47] Smith, "The Restoration of Tolerance."

transcendent and immanent religiosity, but more specifically (as a first step) Christianity, and Judaism, and Islam, and also zealous contemporary progressivism (which need not be described as "paganism" if its proponents or others find the term offensive). We might acknowledge that these different faiths or orientations have quite different capacities, tendencies, and attitudes with respect to pluralism.

Indeed, the notion that those tendencies could be usefully described and understood with reference to a broad and simplistic dichotomy of "religion" and "secular" begins to seem quite fantastic. Even the slightly more specific categories noted above seem overly general: isn't it obvious that Christianity and Judaism and Islam—and progressivism—come in a variety of shapes and forms, and that these different varieties take dramatically different stances with respect to pluralism? Quakers and Westboro Baptists are varieties of "Christianity," perhaps; but does it make any sense to merge them into the general category and then ask how friendly the category of "Christians" is toward moral and religious diversity?

Having carved our categories more narrowly, we might then ask, not whether these faiths or orientations are "tolerant" or not; rather, we might proceed to ask what resources they have for coming to terms with pluralism, or for accepting or practicing peaceful coexistence with different faiths or orientations. Rationales for toleration in the classic sense—like the rationales contended for by Locke—would be one such resource. But there would surely be others: pluralistic or inclusivist theologies of religion, perhaps (like the Rahnerian notion of "anonymous Christians"),[48] or commitments to "turn the other cheek" nonviolence,[49] or "two kingdoms" doctrines like those advanced by Luther and Calvin.[50]

What such a reformulation might yield is difficult to predict. Surely no simple statement would be sufficient to capture the complex reality. Tentatively, though, we might contemplate a possibility that seems almost directly contrary to what the secularization hypothesis predicted.[51]

Thus, Christianity, as we have already suggested, is hardly a monistic entity. And yet Christianity in one form or another has been a major or even dominant presence through much of Western history. And although the development has been slow and uneven, it does seem that over the

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[48] Dupuis, *Toward a Christian Theology of Religious Pluralism.*

[49] Matt. 5:39.

[50] Witte, *Law and Protestantism*; VanDrunen, "The Context of Natural Law."

[51] The following argument is developed at greater length in Smith, "Die and Let Live?"

centuries, Christianity has succeeded in elaborating rationales for religious freedom—or for refraining from the use of coercion as a response to religious diversity.[52] Indeed, as Kyle Harper has recently shown, Christianity has been a major source of the commitment to "human dignity" that has become the basis for the recognition of human rights.[53]

Whether the more immanent progressivism typically thought of as "secular" has comparable resources for the maintenance of pluralism is a debatable question. Recent developments within the environment in which progressivism is perhaps most dominant—namely, the universities—might well give us pause. Far from being models of peaceful, respectful, genuinely diverse pluralism, universities are closer to being the opposite. As a generalization, they tend to be places where the heavy orthodoxy of "political correctness" is palpable and, often, relentlessly enforced.[54]

To be sure, progressivism has inherited useful commitments from the Judeo-Christian past, such as the commitment to treating all human beings as possessed of "dignity" and with "equal concern and respect." But these commitments are arguably grounded in the biblical notion that all persons are created in the image of God.[55] Whether the commitments would retain their vitality once their supporting rationale has been amputated is a difficult and speculative question.[56]

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[52] Wilken, *Liberty in the Things of God*.

[53] Harper, "Roots of Human Dignity"; More generally, David Bentley Hart observes: "Even the most ardent secularists among us generally cling to notions of human rights, economic and social justice, providence for the indigent, legal equality, or basic human dignity that pre-Christian Western culture would have found not so much foolish as unintelligible. It is simply the case that we distant children of the pagans would not be able to believe in any of these things—they would never have occurred to us—had our ancestors not once believed that God is love, that charity is the foundation of all virtues, that all of us are equal before the eyes of God, that to fail to feed the hungry or care for the suffering is to sin against Christ, and that Christ laid down his life for the least of his brethren." Hart, *Atheist Delusions*, 32–33.

[54] See, for example, Kronman, *The Assault on American Excellence*, 179. "The respect and sympathy invoked [in universities] today is underwritten by a shared morality that is enforced with crushing rigor. Few dare challenge its egalitarian assumptions…. Anyone who has spent any time on an American campus knows how thick the atmosphere of political correctness has become and understands that the mantra of respect and sympathy is one of its chief supports, slyly converting what sounds like open-mindedness into an instrument of close-mindedness instead."

[55] Harper, "Roots of Human Dignity."

[56] For further discussion, see Smith, "Toleration and Liberal Commitments," 267–69.

Progressivism may also lay claim to the legacy of proponents of freedom and inclusiveness including, perhaps most prominently in the English-speaking world, John Stuart Mill and John Rawls. Once again, though, Mill's arguments were made in a context in which they could assume the support of the values and premises of the Christian ethos in which Mill was writing (even as he was resisting that ethos). How powerful Mill's arguments will be in a wholly different, de-Christianized cultural environment is again a speculative question. Once again, the current situation in universities is not reassuring.

As for Rawls, although his "political liberalism" is offered as a strategy for respecting and maintaining pluralism, and although it bristles with the talk of inclusiveness and reciprocity and "reasonableness," it can be argued that the position is inclusive mostly or only with respect to those whose views are easily adaptable to the highly constraining "public reason" that Rawls advocated. Conversely, people with worldviews that do not embrace those "liberal" values are excluded or marginalized as "unreasonable."[57]

Compared to Christianity, of course, modern progressivism is a fledgling phenomenon. It has not had centuries for its pluralism-promoting resources (whatever they may be) to develop, or to demonstrate its capacity to support a genuine pluralism. It would be rash, therefore, to adopt any confident conclusions here. The modest lesson of our discussion is that in assessing those possibilities, the secularization hypothesis will be of little help.

7.4   Conclusion

The secularization hypothesis—the idea that the modern world would become steadily more secular in the sense of "not religious" and that this development would be accompanied by increasing toleration—has not been corroborated by the evidence. But the problem is not exactly that the hypothesis has been falsified. Instead, the difficulty is that the hypothesis has tended to disintegrate: its essential terms—"secular" and "toleration"—have been so revised and compromised that they have become largely useless. In particular, the term "secular" fails to capture that pervasive and growing religiosity discernible in modern progressivism—a religiosity oriented toward an immanent sacredness rather than toward the transcendent sacred of traditional Christianity, Judaism, and Islam.

[57] See Judd, *Demise of Liberal Rationalism*, 97–128.

Progress in understanding our situation requires that the questions be reformulated in different and more specific categories and concepts. That reformulation may show, to the surprise of the proponents of secularization, that faiths typically placed on the "religious" side of the supposed "religious/secular" divide have at least as much capacity for acceptance of pluralism as faiths typically placed on the "secular" side. It is possible that Learned Hand's dictum—"tolerance ends where faith begins"[58]—got things backwards.

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[58] Hand, *The Spirit of Liberty*, 72.

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To Kill a Calf Is Not to Kill a Calf: On the Description of Religious Objections and Toleration

Eduardo Fuentes

In this chapter, I focus on a difficulty of religious toleration, which, in honor of John Locke, I call the "calf problem." In his *Letter Concerning Toleration,* Locke argues that a magistrate should not prevent someone from killing a calf if it is a *sacrifice*, even if a heretic ritual is suspected. Yet, killing a calf is also the *slaughter* of an animal. Thus, the magistrate can prohibit the killing as long as he describes the practice as slaughter and not as a sacrifice. There is no religious intolerance here, says Locke, since "in this case the Law is not made about a religious, but a political matter; nor is the sacrifice, but the slaughter of calves thereby prohibited."[1]

I argue that the calf problem sheds light on the dynamics of religious toleration in democratic societies, showing that there is no nonpartisan way of drawing a clear line between religious and secular practices and

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[1] Locke, *Two Treatises of Government and A Letter Concerning Toleration*, 236.

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objections to them. Some laws normally regarded as completely secular can and should be described as *also* expressing religiously motivated objections; and practices typically judged religious can and should be described as *also* secular. The main conclusion of this chapter is that religious toleration, in democratic societies at least, is bound to operate under dual descriptions. Consequently, religious toleration is a messy practice that precludes clear-cut solutions.

The chapter begins by presenting the calf problem in greater detail. Next, I introduce two ways to describe conflicts in political philosophy, a "philosophical" and a "realist" one, and I argue in favor of the latter. I then explore the context of the conflicts of (religious) toleration and show how its realist description blurs the line between religious and secular objections and practices. Finally, the chapter explores the argument's practical implications and draws conclusions about the nature of religious toleration in democratic societies.

8.1   The Calf Problem

"To tolerate is to offend," Goethe said, and he was not far from the truth.[2] Both to tolerate and to be tolerated are difficult because toleration involves an objection. One can only tolerate that which one finds, in some sense, wrong. This is what Preston King called *the objection component* of toleration.[3] There is a dispute between those who think that the objection has to be morally significant and those who think that any kind of dislike can fulfill this condition. For instance, some will argue that one cannot tolerate other races because racism is not a morally significant objection; at best, it is a mere dislike.[4] Thus, "racial tolerance" becomes a meaningless expression. This shows that even if we agree on the basic concept of toleration, we may still disagree on which cases it covers. The concept is, as Rainer Forst puts it, *normatively dependent*: "[b]y itself it is too empty and indeterminate to answer the question about the character of the reasons of objection, acceptance, and rejection. It needs therefore further, independent normative resources in order to have a certain substance, content, and limits."[5] Important as this is, I will not dwell on the kind of

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[2] Goethe, *Maxims and Reflections*, 87.

[3] King, *Toleration*, 44.

[4] See Horton, "Toleration as a Virtue."

[5] Forst, "Tolerance as a Virtue of Justice."

reasons that should figure in the objection component. Instead, I will simply assume that they are proper objections. My concern is with the manner in which they come to be described as *religious* objections.

I employ "religious objection" in a twofold way. On the one hand, an objection is religious if it is religiously motivated. Thus, if I object to the *slaughter* of a calf because my religion tells me it is wrong to slaughter calves, I religiously object to it. On the other hand, *regardless* of its motivation, an objection is religious if it objects to a religious practice. Thus, if I object to the *sacrificing* of a calf, I religiously object to it. Obviously, an objection can fall under both types of religious objection if it is directed toward a religious practice out of religious motives.

Note that a *sacrifice* is a religious practice by definition. The question of this chapter is whether this or that killing is indeed a sacrifice. More to the point, the question is according to whom practices are to be described as religious. My use of "religious objection" is, for the time being, neutral on that question.

The most obvious formulation of the calf problem involves the second sense, and this is probably what Locke had in mind. Some practices like the killing of a calf are religious or secular depending on how the practitioner or the objector describes them. Yet not all descriptions are equally plausible. Just because in theory we can describe a practice as religious does not mean that it is *politically* plausible to do so. That is, it does not mean that political actors as political actors can accept it as a plausible description of the political situation in which they find themselves.

The calf problem only arises when we face a practice that it is politically plausible to describe both as religious and as secular. Take a seemingly clear religious practice: prayer. I can describe any instance of prayer in terms of bodily dispositions or, say, as a practice meant to provide psychological relief. Is not prayer a way to cope with stress and frustration? At least for many people it is. But there is nothing inherently religious about dealing with the hardships of life, mental or otherwise. Thus, this description of prayer makes it a secular practice, one perhaps clothed in religious attire. Alternatively, consider a paradigmatic secular practice like shopping. I could describe shopping as the ritual of a godless religion, with its churches (the malls), priests (marketing experts), and doctrine ("the free market is good," etc.). Is not shopping akin to a sacred ritual for many people, something to be done every Sunday? Drawing from James K. A. Smith, we could describe shopping as the last chapter in the history

of liturgy.[6] I suppose that while we admit the theoretical possibility of these descriptions, we do not regard them as politically plausible. The calf problem is, then, an eminently practical matter, and its existence must be shown in practice.

Legal disputes offer us plentiful examples. The famous European Court of Human Rights's case *Lautsi* vs. *Italy* depended on whether the hanging of a crucifix on the wall amounts to a religious practice or also—and primarily—to a cultural manifestation of the Italian people.

An objection can also be described as either religious or secular. It seems easy to see whether an objection is religiously motivated or not, in part because different types of objection use different languages. Religious objections often employ terms like "sin" and "heresy," whereas secular objections use "unjust," "wrong," and the like. Yet this is not necessarily the case, as a legal case from my country shows. On 20 January 1997, the Court of Appeals of Santiago de Chile ruled in favor of a group of lawyers who wanted to prohibit the exhibition of Scorsese's film *The Last Temptation of Christ.* At least two things about this case are remarkable. First, the lawyers acted on behalf of Jesus Christ, the Catholic Church, and themselves. They argued that the film was an affront to the living—according to Christian tradition—person of Jesus Christ, both as a human being and as God. Second, in its sentence, the Court declared that "in the film the image of Christ is deformed and minimized to the extreme," and that "the right to emit an opinion is the right to qualify a reality but never to deform it by turning it into something else."[7] Both the lawyers' and the Court's objection to the film can easily be traced back to a commitment to the Christian faith. After all, the film can only distort the reality of Christ if he is as Christianity depicts him to be. Although Chile has changed considerably since 1997, it is to be noted that only twenty-three years ago it was possible to file petition in the Court (and win!) with those arguments. Secularization had passed Chile by, or so it seems. It is also of interest that while the objections to the film probably strike us as religiously motivated, neither the Court nor the lawyers framed them in explicitly religious terms.

Note that the Court could have claimed that by stating a fact about the life and nature of Jesus it did not commit itself to any religion, and thus the objection expressed in its ruling was not religious. Of course, many

[6] Smith, *Desiring the Kingdom,* 23.
[7] García Valdés et al., "Corte Suprema, 17 de junio de 1997 (recurso de protección)," 116. My translation.

would find this preposterous, since there is hardly more to being a Christian than believing Jesus to be God Incarnated. The Court, however, could have replied that there is much more to it. Perhaps being a Christian entails accepting Christ as one's savior or becoming a member of his Church, not merely holding a *historical* belief, even if its content refers to the divinity. Besides, there is nothing in the sentence that denies the truth of other religions, for they too could be compatible with the alleged historical fact. Just as when describing the nature of practices, the theoretical possibilities here are endless. The issue is whether they are also politically plausible.

Let me stress that political plausibility is not plausibility *tout court.* Consider the idea that being a Christian means accepting Christ as Lord and Savior. To many Christian creeds this is altogether plausible, and nothing prevents a member of the Court from sharing that belief. More to the point, there surely *are* persons here in Chile who would sincerely deny that the Court committed itself to Christianity. Were they to describe the objection, they would not describe it as Christian, and perhaps not even as religious. Not every politically implausible description is solely a theoretical possibility. The question is whether they could accept it as a plausible description of their *political* situation while regarding themselves as political actors. They could care only for their soteriological situation, paying attention "not to what is seen but to what is unseen" (2 Corinthians 4: 18). Alternatively, they could regard themselves as saints acting in political situations, without that entailing that they see themselves as political actors. After all, John the Baptist attacked Herod Antipas, a political ruler, without claiming to be doing it as a political actor.

In order to know whether the two real-life cases—the crucifix in Italy and *The Last Temptation of Christ* in Chile—are more than just candidates as instances of the calf problem, I need to flesh out political plausibility. Specifically, I need to clarify the modality involved in the phrase "can accept." If it is too broad, then the calf problem becomes trivial; on the other hand, if it is too restricted, the problem will not ever arise. To do this, we must tackle the issue of how to describe political conflicts in general. That is the task of the following section.

8.2   Philosophical and Realist Descriptions

The late Glen Newey argued forcibly that political philosophy should "engage more fully with the phenomena of politics as they are."[8] How are they? I do not wish to enter here into metaphysical disputes over the ontology of politics and will therefore limit myself to a more modest question: How are we to describe political phenomena? Moreover, I will limit this question to political conflicts, though what I say can, mutatis mutandis, be applied to political phenomena in general.

There are two broad approaches to this kind of description: "from within" and "from without." The latter describes political conflicts (henceforth, conflicts) according to some external standard, trying to uncover how they *really* are. This features in many works of political philosophy and social sciences. I call this approach "philosophical" because it characterizes a large part (if not most) of the philosophical literature. A philosopher looks at a conflict and judges it to be, say, cultural because it meets a certain set of theoretical criteria. For instance, Jonathan Quong has proposed criteria for determining whether a law hinders a cultural practice, which refer to how central that practice is to its respective culture.[9] What matters here is that the centrality of the practice is something to be determined from the philosophical armchair. Hence, it is possible to end up with a judgment concerning that centrality that will not be accepted by members of that culture.

A "realist" description, on the other hand, proceeds "from within" the actual perspectives of the participants. It tries to find a common ground that can be accepted by all participants and orient their behavior appropriately. It has, then, an eminently practical end. Unlike their philosophical counterparts, realist descriptions do not attempt to uncover the true reality of a conflict—assuming there is one. A realist description is normative because it states how the conflict *should* be described *if* we want to find the aforementioned common ground. The aim is to find a description upon which the parties to the conflict can act. Note that that is different from a description that would dissolve the conflict or that would settle the dispute. Peace is not the (immediate) goal. Instead, we take a step back and ask ourselves how to conceptualize a conflict in a way that does not render it alien to any of the participants. The guiding idea is that unless there is a

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[8] Newey, *After Politics*, 28.
[9] Quong. "Cultural Exemptions, Expensive Tastes, and Equal Opportunities."

shared understanding of the conflict, its participants will end up talking past each other, which, in turn, may thwart possible resolutions.

Now, by "acting on a description" I mean considering it in deliberation. I act on the description "I am a philosopher" when I intend to write an academic article, because in my deliberation I presuppose that the world is as described (i.e., that as a philosopher it is my job to write academic articles). Every deliberation includes countless presupposed descriptions, many of which we are not even aware of.[10] In some contexts though, particularly legal and political ones, descriptions are very explicit. For instance, in Chile, there is an ongoing conflict between the State and part of the Mapuche population. The exact nature of the conflict is disputed, since some claim it to be ethnic, whereas others call it socioeconomic. The former emphasizes a *particularist* demand, the latter a *universalist* one.[11] Importantly, many Mapuche groups argue that they want to *recover* their ancestral lands. Their actions are predicated on a certain description of the conflict and the status of the lands in both Chile and Argentina. The language of *recovery* is explicit and central to the kinds of solutions they are willing to consider.[12]

Let me press that last point. Plausibly, all Mapuche groups involved in the conflict *could* act on a description such as "the lands in dispute ceased to belong to the Mapuche when the Chilean (and Argentinian) state conquered them." They would simply have to accept the official story. Yet, there is a very real sense in which that path is closed to them. They would not be able to continue with their political actions and plans if they

[10] Acting on a description should not be confused with acting under a description. Although how participants describe each other's actions will be important, I do not assume that actions are intentional if they are intentional under some description. See the classic Anscombe, *Intention*.

[11] Boitano. "Demanda mapuche: tensión entre identidad y diferencia, ciudadanía y comunidad, particularismo y universalismo."

[12] The poet Elicura Chihuailaf attests to this: "And you surely ask: what is the meaning of a 'reduction'? It means that much of our people were assaulted in their homes, punished, tortured, and transferred—'relocated'—out of their usual places; or murdered. […] Reduction is a concept employed by the Chilean and Argentinian States since the mid-1800s, and materialized towards the end of century. It includes the fact that our People was reduced, 'relocated' into the generally less productive lands of our Mapuche Country. Now, near a hundred years after the war […] the Chilean State has covered up the concept of reduction under that of 'legally constituted community.' The meaning of these concepts, as you can see, is different for our People and for the State." Chihuailaf, *Recado confidencial a los chilenos*, 27. My translation.

described the conflict in such terms. A negotiation to acquire some lands because you need them or out of some egalitarian principle is worlds apart from a struggle to *get back* what *has always been* rightfully yours. An act of defiance may cease to be practically possible if the conflict is described as a negotiation regarding x. Realist descriptions are, adapting a distinction made by Justin Weinberg, substantially practical: for the relevant people, it is *practically possible* to perform the relevant actions in the context-as-described, that is, within "certain evaluative constraints."[13]

As will become apparent, religious conflicts are particularly prone to being misunderstood—from the realist standpoint—if we do not distinguish substantially practical descriptions from merely formally ones. Take a frequently discussed case. Male Sikhs are required to wear a turban, which hinders their wearing a helmet, as required by some traffic laws.[14] Suppose there were a conflict between Sikhs and the State regarding this issue. Sikhs could, of course, accept a description of the conflict as merely cultural. Were they to do so though, they would be *practically* unable to claim religious discrimination, in the sense that that action would be contradictory with what they have already accepted. They would still be, nonetheless, *formally* able to advance that claim, that is, they have the sheer capacity to do so.

Because realist descriptions are substantially practical, they make sense of the conflict to the participants themselves. Thus, they are plausible descriptions to them. Plausibility depends on the kind of action political actors consider relevant. Perhaps, say, a purely economic description is closer to the truth of some conflict, and hence more plausible to academics. But conflicts are not carried out by scholars: what matters—at least for practical purposes—is how plausible it is for the actors of the conflict *as actors.*

In the case of *The Last Temptation of Christ*, we probably would not consider a reading of the Court's verdict as non-Christian plausible, because that would not be true to the participants' perceptions. We might think that (in the Chile of the 90s) a revisionist concept of religion, and of Christianity in particular, would distort the participants' experience of the conflict. As their reference to the teachings of the Catholic Church shows,

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[13] Weinberg, "The Practicality of Political Philosophy," 331.
[14] Notably, the United Kigdom's Highway Code grants an exemption to followers of the Sikh religion in this case. See https://www.gov.uk/guidance/the-highway-code/rules-for-motorcyclists-83-to-88

the plaintiffs were not acting on the description of Christ as simply a prophet or an avatar of Lord Vishnu. Probably, for them to accept that Christ acted as the Gospels describe him was tantamount to accepting Christianity. Moreover, setting aside what they or the Court thought, for a large segment of Chileans the conflict was about the social place of Christianity and its artistic representations. That is how the media depicted the discussion. Any other description would distort the conflict for those Chileans, one may argue.

To figure out what is practically possible in a given context is crucial for toleration. When Locke argues that the magistrate can prohibit the slaughter of calves, he is assuming that it is practically possible for him (the magistrate) to make that determination. Locke's scenario only works if it matches a specific realist description. A given realist description of a conflict is available when all the participants in that conflict can find it acceptable, meaning that it makes sense of the conflict as they experience it. Making sense is not a purely cognitive matter, but a practical one: it depends on whether it is practically possible to perform the relevant acts in the context-as-described. The next section spells out in further details what I mean by "practical possibility" and the "relevant actions." This will be the first step in the argument for the blurring of the distinction between religious and secular practices/objections in democratic societies.

However, before leaving this section, I would like to note that realist descriptions highlight the threat of hermeneutical injustice. One party can force certain interpretation of the conflict that precludes or makes some actions by other parties difficult.[15] It is my impression that in conflicts where religious toleration is at stake, that threat is always lurking.

8.3   Realist Descriptions, Democracy, and the Calf Problem

There are actions that, while within our reach, we cannot bring ourselves to do. Luther famously said "Here I stand. I cannot do otherwise." Doing otherwise was a practical impossibility for him. An action is *practically*

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[15] Miranda Fricker introduced the term "hermeneutical injustice." She claims that someone suffers this type of injustice "when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experience." Fricker, *Epistemic Injustice*, 1.

possible for me if I can regard it as a real option in deliberation.[16] Some options are just not real alternatives for me in some contexts. There are psychological facts, doubtlessly, that prevent me from truly entertaining an alternative. Yet—as Robert J. Gay argues—it is natural to think that I should "be trying to circumvent these psychological facts."[17] The lack of freedom to deliberate in play here must be distinguished—in the words of Ian Carter—from "what is simply undesirable."[18]

This is particularly relevant in the political circumstances where toleration is salient. To tolerate means putting up with something we would rather not endure. Thus, in an ideal world, the disapproved object would not exist. The fact that toleration enters the picture means that the world is not as we desire.[19]

Hence, psychological discomfort, or any other kind of personal cost, does not by itself limit our freedom in the sense relevant for toleration. We can "do no other" when the *practical question* is changed. Agents try to answer the question "what should I do?" which is context-bound. It is not that it is psychologically or economically too costly for the Mapuche groups to accept the official version of the conflict (although it might be); the problem is that when they ask that question, they are already within a context that includes certain psychological and economic facts. The question becomes salient for them only after the conflict has begun. They are not dealing with an abstract question such as "What should the Mapuche people do with the State?" but "What should our organized groups *now* do?" Should they ask themselves whether their psychological attitudes could be different, or whether their side of the story is flat-out mistaken? Maybe, but to formulate those questions is to leave the conflict as it is experienced by them. I am not denying that they could *eventually* ask these questions, only that they have to start their deliberation from the phenomenon as it presents itself. The point can be generalized. An agent can experience a cost as something that makes her decision *merely* burdensome, or she can experience it as something that changes her practical

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[16] As Bernard Williams puts it, "I may be able to think of that course of action, but I cannot entertain it as a serious option. Or I can consider it as an option, but not in the end choose it or do it." Williams, *Moral Luck*, 128.

[17] Gay, "Bernard Williams on Practical Necessity," 557.

[18] Carter. "'Ought' Implies 'Practical Possibility'," 87.

[19] See Newey, *Toleration in Political Conflict.*

question. The thought behind this is that deliberation—at least political deliberation—begins in medias res.[20]

To participants, the conflict presents itself as including some actions as more relevant than others. They can range from verbal expressions to physical violence. It will depend on the perceived nature of the conflict and its circumstances. There are no a priori criteria of relevance. To the Mapuche groups, it is relevant that they can name their actions as *resistance*. Words matter as much as, and sometimes even more than, legal actions and physical demonstrations.[21]

Having said that, it is time to ask how the conflicts where religious toleration is at stake present themselves to their participants. An all-encompassing characterization of such conflicts is not possible because each one has its own particularities. However, one can point out some shared general features related to the place the State has in such conflicts.

Religious toleration is at stake when at least one participant in the conflict claims that the practice objected to or the objection itself is religious. What matters is the claim itself, not whether it fits the right understanding of religion. Nor does it matter why that claim is made. Recall that we as scholars find an existing conflict where claims have been made, claims that set the stage for further investigation. Religious toleration is at stake in the sense that it is politically plausible that the conflict can be approached in this light. A realist description may later deny that claim and, hence, eschew that approach.[22]

Yet why should we care about what any of the participants declare? Alternatively, in a more realist spirit, why does any such declaration matter politically? The question is empirical; we are asking why their words bear at least initial political plausibility. An answer that appealed, as Rainer Forst's does, to a "right to justification" or some other normative

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[20] Ibid., chapter 6.

[21] I place my view within the realist camp of contemporary (analytical) political philosophy. It is somewhat close to what Enzo Rossi calls "contextual realism." See Rossi, "Being Realistic and Demanding the Impossible." In the next section, I show how political normativity deals with the practical question agents face. Thus, my approach is a practical-question realism.

[22] This resembles the framework developed by Svensson and Nilsson for labeling conflicts religious. See Svensson and Nilsson, "Disputes over the Divine: Introducing the Religion and Armed Conflict (RELAC) Data, 1975 to 2015." However, Barter and Zatkin-Osburn, "Measuring Religion in War: a Response," are right in calling our attention to the sincerity of declarations and, more importantly, to how they are perceived by the wider public. The two approaches are mutually complementary; I think of them as two steps in the analysis.

principle would miss the mark. While everybody's voice should count, the brute fact that this often is not so cannot be wished away. Conflicts do not present themselves with those democratic principles built into them.[23]

However, conflicts do occur in democracies where every (citizen's) voice counts. Once democracy has become a political reality, people's demands gain public validity.[24] Of course, a regime can be democratic in name only and actually be indifferent to the people's demands. My argument applies to those regimes that are obliged to consider citizens' demands.

Let us look at a politically live issue. Is performing or having an abortion a religious practice? It does not seem so. When someone objects to abortion because she believes that it violates the right to life, is she advancing a religious objection? Again, it does not seem so, for there is nothing inherently religious about the right to life. Actually it is common for pro-life groups to claim that their position is not religious.[25] Nonetheless, many pro-choice groups claim that the pro-life objection, and the position itself, is indeed religious. They are eager to point out that a vast majority of pro-life groups are explicitly Christian or have strong ties to the Christian community. Although it is not normally described as such, it meets the criterion to be prima facie regarded as a conflict where religious toleration is at stake.

Could we describe those claims away? Not if we want the resulting description to be realistic. Suppose pro-choicers come to accept pro-lifers' arguments as secular. They would lose one of their most effective political weapons: advocating for the depenalization of abortion on grounds of the separation of Church and State. This would be a hard blow to take. The problem goes beyond effectiveness: to many pro-choicers claiming that the penalization of abortion is religious is an extremely relevant action, because they experience it as such. If the State does not take into account the way they label the conflict, then pro-choicers' standing in this conflict is diminished.

The power to act politically entails the power to describe a political situation in a way that renders my political action practically possible. If

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[23] To be fair, Forst explicitly argues that his favored normative principle is abstracted from our moral practices. Nevertheless, he tries to establish it through a quite elaborate argument which may turn out to be sound but that cannot possibly claim to be present to the participants *as participants* of the conflict. See Forst, *The Right to Justification*.

[24] Fuentes, "La democracia y el valor político de la tolerancia."

[25] See, among many, Finnis, "Public Reason, Abortion, and Cloning."

pro-choicers are to have political power as pro-choicers, then they must be able to describe the conflict they are in accordingly.[26] Difficulties appear when we realize that the same applies mutatis mutandis to pro-lifers. Many of them do not experience the conflict as religious. To them the conflict is about basic human rights, and thus they describe it in moral rather than religious terms. What about their self-professed Christian faith? Well, what about it? A realist description cannot simply assume that professing certain faith colors everything you do, even if from a philosophical standpoint what ultimately explains your moral position may be your religion. The question is how *they* experience the place of religion in that conflict.

One may wonder whether there are conflicts which realist descriptions can make flat-out religious or secular. Could the abortion conflict be one of them? As it seems from surveying the positions, it is not. Moreover, I doubt that in culturally diverse and religiously pluralistic democracies, there are any such conflicts.

Realist descriptions neither deny nor bow to sociological trends. How to (realistically) describe a conflict is a normative affair, so the fact (if it is one) that religion is fading away (or coming back) does not settle the character of any description. Importantly, the larger context of democracy grants citizens the power to put forth descriptions that go against any sociological or historical trend. Those trends are indeed relevant for descriptions (they are, after all, *realistic*), but only insofar as they influence the practical question, that is, insofar as they influence how political agents perceive their political situations.

8.4   Toleration as a Means to Deal with Duality

What do all these conclusions mean in practical terms? Given all these dualities, tensions, and contradictions, a tempting and seemingly natural answer would be to conclude that the calf problem is practically insoluble. This would mean that the State should simply stay away from conflicts that involve intrinsically dual descriptions and resist requests for arbitration from any party. The calf problem would mark the limit of State action and, hence, of religious toleration. If almost all conflicts in democracies are potential instances of the calf problem, then perhaps this marks the doom of religious toleration. Glen Newey defended a somewhat similar point.

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[26] This is related to Rancière's concept of "the partition of the sensible." Cf. Rancière, "Ten Theses on Politics."

He argued that democratic toleration is a "rubber duck" precisely because there is no principled way to classify one side as tolerant and the other as intolerant. In democracy, he claimed, everybody can be described as intolerant to anybody else.[27]

Yet, the "natural" answer must be rejected, for it amounts to saying that there is no fact of the matter regarding the religious nature of the conflict. However, in practice, saying that might be tantamount to declaring it to be religious (or secular). A consequence of the in medias res nature of practical deliberation is that we are always already within a context, which could render the conflict one way or another by default. Again, there is no neutral ground here. What a realist description has to do is to present the aforementioned conflict as religious to some and non-religious to others, without drawing the conclusion that is in *itself* both (or neither) religious and (nor) secular.

What participants can accept is that there is a legitimate dispute over the nature of the conflict, given that it takes place within a democracy. For instance, pro-lifers (at least some of them) cannot accept that the conflict is *in itself* religious. They are religious, their organizations are too; their objections to abortion—so they claim—are not. Ye they can accept that the nature of the conflict is disputed.

Faced with a conflict where religious toleration is at stake, the State must act, which means that it must assume some description. The import of the argument is that it cannot behave like Locke's magistrate, simply declaring that a killing is slaughter and not a sacrifice. It cannot declare that it is both, either. A realist description forecloses those alternatives. The State would need to work with a description according to which the nature of the killing is disputed, and whether it prevents or tolerates it will not change that fact. Political toleration becomes irredeemably partisan: whether it tolerates or not, the State is forced to explicitly pick sides. It has to acknowledge that the killing can also be described (by the State) as a sacrifice, that it can also describe the pro-life objection as religious. It simply chooses to favor one description over another.

Glen Newey rightly called our attention to the *reiteration problem*: since "political conflicts express clashes of value," they cannot be solved by merely reaffirming a value.[28] The whole strategy of finding an uncontroversial value or one that is—unbeknownst to the participants—implicitly

[27] Newey, *Toleration in Political Conflict,* chapter 3.
[28] Newey, "Toleration, Politics, and the Role of Murality," 366.

accepted (or acceptable) by them is misguided.[29] It tries to dissolve the conflict, showing that the disagreement is not as deep as it seems. The trouble is that political disagreements are indeed deep. It is because they are deep that toleration becomes an option. In Newey's words, "The reiteration problem has no solution."[30] Here lies the advantage of my position. Toleration, then, does not dissolve the problem; it does not explain the tension away: it embraces it. Its role is to manage it without declaring it overcome. Thereby, a religiously tolerant State may permit practices that it deems religious while accepting that there is a legitimate (from its point of view) alternate story.

Notice that the justification of this "partisan" religious toleration is not predicated on an idealization of the participants' motives or situation. It does not appeal to any higher-order consensus. I am not even advocating for democracy, or saying that participants in these conflicts are committed to it or should be. Realist descriptions take the practical question the political actors face as their starting point, which is to them a *political factum*. The fact is that conflicts that take place within democracies are subject to the calf problem and that a democratic state cannot act as if they were not.

As other contributors argue elsewhere in this book, it seems that there are no steady processes of secularization. Religion always comes back. One of the reasons for this fact could be that it is hard to silence religions when their adherents cannot be silenced and are willing to dispute the secular understanding of religion itself. That scenario delivers and will continue delivering conflict. It is only fitting for toleration to be a testimony of the conflictive nature of democratic politics itself.

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[29] Newey, *Toleration in Political Conflict,* chapter 4.

[30] Newey, "Toleration, Politics, and the Role of Murality," 367.

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Secularizations and Regimes of Toleration: Comparative Perspectives

The Conflict Between State and Church in Mexico (1925–1938) and La Cristiada (1926–1929)

Jean Meyer

9.1 Secularization

Although generally one does not want to accept it, every politics presupposes a certain idea of man and even an opinion regarding the destiny of humanity. The actions of a few men have consequences over millions, in a way that is comparable to great disturbances and variations in the environment. Just as certain natural causes produce an earthquake, a cyclone, or certain epidemics, there are intelligent causes that act on millions of men, men who in their vast majority tolerate these changes as if they were

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vagaries of heaven, water and earth. Politics is just that: Intelligence and will affecting the masses.

What idea of man did President Calles and the people who work on Mexico as if it were mud in the hands of the potter have? They dispose of the country, they use it, and serve it. They have a passionately rationalist idea, they want the social body to adapt, at whatever cost, to the grid of concepts that their reason has forged. They come to power with projects and plans of reconstruction that cover everything. This is why they legislate with disconcerting abundance: the courage of the revolutionary law is utopian, sublime, and unconcerned—sometimes—about its congruence with life. This law is the negation of history. The error of those men was their belief in the power of their reason. They attributed such powers to her that they expected the world to fall on its knees. When finding resistance, they exclaimed as Saint Just, their illustrious predecessor, "what constitutes the Republic is the total destruction of what opposes it." And so, they went from the ideal construction of the country to the concrete destruction of their countrymen. The conflict is similar to other cases of de-Christianization: a rite of purification whose purpose is to annihilate a tradition considered as a representative part of the old order. In addition, these impatient men, coming from the north, alien to the old Mexico of the center, find in Catholicism the explanation for the backwardness of their country—the explanation for the obstacles that they face in the failures from 1926 onward. In a way, compensation and revenge find their a posteriori expression and justification in the Cristiada. Very lucidly, Luis L. León, minister in the Calles government, explained the idea that these northerners, who had won in the revolution, had of themselves, and their vision of the Mexico that they found and the project to which they wanted to adjust it. León explains that in the years 1913–1920, the government of the State of Sonora was their training field, their laboratory, where they had their experimental training as entrepreneurs—Calles and Obregón, and the others, as farmers and merchants—and as politicians. He tells what the State, authority, the United States, the workers, the settlers, the Indians, the risk, the foreign companies, the dry law, the Chinese, and the priests meant to them. They saw themselves as the Texans of Mexico, or as the Californians who in those years envied the wealth of the Imperial Valley. They impose upon themselves the titanic task of controlling nature, space, and water but discover that the center and the south are very different from their *Far Northwest*. Frustration, impatience, anger, and sometimes contempt come from the shock of this discovery. Luis L. León says

that when they learned, to their astonishment, about the life of the peasants of the center, they considered that those were not true farmers; nor were they true men, since they stayed loyal to the priests and the overseers (*caporales*), kissed the hands of their masters and priests, they got drunk with liquor, with rockets and with religion, and so on. The same feeling that they had in Sonora about the impossibility of transforming the Yaquis into modern farmers and citizens, they now experience in the center. In the light of this, we can perhaps better understand the dimension of retaliation in the conflict with the Church. It is a momentary retaliation: "they will pay for everything we have suffered"; had it continued until the end, the retaliation would have put an end both to religion and to the revolution.[1]

What happened, in short, between 1924 and 1928? A new State, in which capitalism and statism live in symbiosis, is installed. The conflict with the oil companies, with the Church, and with the Cristeros, aptly reveals that new condition.

This is the point of arrival of a process that starts with the Bourbons and which achieves a point of no return with Juárez and Porfirio Díaz. The phenomenon presents itself in an ambiguous way, and the ambiguity is not found only in the judgment of the present author. It is not that the situation is good or bad according to the point of view or the angle adopted; it is that the situation of those years is two-sided: on one side triumph, on the other hand the skull.

> Calles, then, not only closed the doors to political opportunism and personalism. Ignoring the reasons for the existence of national and local *caudillaje*, he established with determined fixedness the need for a vigorous national State. [...] Emulating Napoleon, he symbolically gives his own name to the new Civil Code. While in European countries the "modern State" emerged from a cautious evolution, in Mexico, during the period studied, it appeared violently, trying quickly to remedy problems that had not been analyzed, and trying to transform mentalities despite the lack of preliminary cultures; as a consequence of all this, the religiously simple were the first victims of that impetuous enthronement.[2]

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[1] Meyer, *Estado y sociedad con Calles*, 113, 118, 123, and 134.

[2] Valadés, *Historia General de La Revolución Mexicana*, 8:111–12, 121. "Caudillaje" refers to the authoritarian rule of caudillos (local bosses), a phenomenon typical for the political history of Mexico and other countries of Central and South America.

The State is the invitation that one group of men launches to another group with a shared undertaking in view, in order to organize a certain type of life in common. But this is a "business" group that cannot count on the patriotism of others, and hence defends itself with its bureaucratic, administrative, and warlike means. There are at least two Mexicos, the State and the other. Among them there is no fusion, but a duality and articulation between the dominated and the dominant. How to form a whole with these heterogeneous elements? The great unity is in the government, it is the unity of dominion exercised by a small group.

The construction of the nation remains unfinished; political modernization is difficult in conditions of underdevelopment. A single statute is proposed: integration into the State and its services. Why be surprised if all the dominant groups prioritize the struggle for power, for control of the State? Its task is precisely to tame the process of promotion and competition among the *elites*, to turn it from a crisis factor to a constructive principle. And it succeeds. Compared to today, the Callista State looks small; but the admirable thing is not so much its real power as the annihilation of every intermediate resource or power. The State-Providence does not yet exist in the deeds, but it does exist in the minds.[3] Politicians and historians who enter Calles' secret cabinets know that neither he nor his secretaries were almighty. But they also know that for ordinary men, the president, the incarnation of the State, or Cesar—as the Cristeros called him—was all-embracing. Assuming the role of Providence, the State receives requests from each and every one according to their particular needs. That is why their files are full of requests that always invoke the public interest, but that always touch small private interests. All social classes are mixed in those files.[4]

Since all the requests of the Catholics are rejected, the Cristeros cannot understand the State's incapacity to change its policy. That is why they become convinced that the men are evil tyrants. But, by definition, the tyrant is powerful.

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[3] The author's reference to State-Providence (Estado-Providencia) is a wordplay with the Welfare State envisaged by the government of Calles. The term Providencia refers to the State's provisioning function yet simultaneously connotes Divine Providence and thus reveals the aspirations behind the Callista State-building.

[4] Meyer, *Estado y sociedad con Calles*, 220–233. AGN (National Archive of the Nation), section of the Presidents Obregón-Calles, box 80, file 6: a violin, a roof for the temple, baseball equipment, money for a funeral, a power plant, drinking water, toys, 4000 dollars for a pro-Mexico campaign in Madrid, a piano, a banner, a bridge, and so on.

It is a new form of enlightened despotism that is based on the assertion that the State knows its duty and needs all the powers to fulfill it. It must do with men what it wants, because it knows what it should do. It denies the division of society into classes and presents it as a set of convergent interests, which is without powers of direction and control and on whose top the State champions, responsible for doing everything on behalf of all and without being controlled even by God. Except, of course, for the revolution, the military coup, the murders.

President Calles represents a most interesting moment of ideology in Mexico. In his government we find a convergence of English Labor, German social-democracy and French radicalism (it is contemporary of the *cartel* of the left of Herriot), a certain Americanism represented by Gompers, Morrow and Lindbergh, and the discreet but obvious influence of Mussolini's Italy. The greatness of the nation and the power of the State are placed above everything. The State develops, widens, and manifests the claim to encompass everything in order to forge the nation. As the moderns understood it, this State did not exist yet in 1924; it can be said that in 1928, it is entering the smithery, and that the national integration "with blood enters."[5]

The nation exists more as the will of a group than as the will of a people, and this will has as its first goal the creation of a State. The Callista stage is therefore not completely original, but it hastens the building of the work, and the violence is proportional to the energy spent. This nationalism wants an urban, industrial, literate, and homogeneous society, which must rest on a broad middle class. It seems possible to describe the government that arises as "democratic despotism." It calls itself democratic and sincerely believes that it is: the Callista is an absolute government (with many limitations) in which the people have little or no participation; but wherever possible, the laws favor the welfare and promotion of the people.

The conflict between the State and the Church has to explode fatally, from the moment that neither of the two organizations admits anything above them. State nationalism says that the State and the nation are one

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[5] Meyer, *El conflicto*, 167–180. "La letra con sangre entra" (Literally, letters with blood enter,) is a Spanish saying that served as the title of Francisco Goya's painting depicting the use of corporal punishment in education. The saying's rough English equivalent is "spare the rod, spoil the child." We keep the literal translation because it points to the bloodshed of the Cristero war.

and the same thing, and hence declares its will to monopolize everything and everyone. Nationalism is a social psychology supported by a robust primary ideology that through that force has the ability to guide action. It is a mistake to believe that there is no ideology of the revolution. It may not be very elaborate, nor very complicated, but it is strong and efficient: the national fact implies the veneration of power and the advent of the nationalist State stipulates a new monotheism, an absolute power to direct things mental.

The law participates in the national-revolutionary undertaking and is dressed as the good law engendered by the good State, to certify that the past has died. One of the obvious products of the new law is precisely the definition of the subject of administrative law as the law of bureaucracy and the State. Thus, the State seeks the religious submission of its subjects, and, after a hard confrontation, it has to cope with the Church.

This vision is opposed by another ideology, that of the homeland (that of the "matria," as Luis González y González would say), which for so many people has its roots in the hometown (*patria chica*) and in Mexican Catholicism. State and country are not confused: these people do not believe that Mexico is only the work of the State, nor that their only duty is to facilitate the task of the State. The don't have any abstract image of the State nor of the Church. What would it mean for them without Christ and the Virgin? They have an experience of the State: "it has no scruples."[6] According to Juan Rulfo, the State hates old Mexico, despises its customs and faith, and would gladly change it for the smallest of the states of the North American Union. Its men are nationalists that do not understand the patriotism of the peasant people who live and maintain these relative and mixed goods that are home, hometown, tradition, and culture.

These people, who in the time of the Cristiada saw the State as the tyrant, did not accept the dogma of its fundamental goodness. They have a certain experience and awareness of political evil as a fact different from power, though in some way linked to it. They do not reduce political evil to economic evil, but they consider it as the kingdom of Cesar. The people of old Mexico talk about pride, lies, and violence, while the others talk about justice, science, and development. It would have been impossible to avoid a clash between such antagonistic ideological positions. In a

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[6] The Mexican idiom "no tiene madre" can be taken to refer to those not hesitating to do harm to others, yet is has a much stronger connotation, similar to "son of a bitch."

confrontation like this, the actions of both protagonists are defined recip-rocally to the point that it is impossible to understand Calles without understanding the Cristeros.

9.2   INTOLERANCE

Virtually all who held positions in public education, the press, those who made the laws and interpreted them, those who controlled the army, workers, information, those in power, the triumphant revolutionaries, all had a basic set of ideas that had to enter into violent conflict with religion.

The Catholic religion and the politics of the modernizing authoritarian State were mutually exclusive. Politics entered into direct competition with religious ethics in decisive domains. From the brutality of the shock, from the violence of the procedures used, the war arose, a logical reaction of a people exasperated by that unwilling religiosity that wanted to be persecuting and revealed itself as terrorist.

The State found the Church competing in its relationship with the workers, in its relationship with the peasants. Everywhere it threatened the hegemony that it was in the process of establishing according to its verti-cal, dictatorial scheme that desecrated religious categories. The resurgence of Leviathan is nowhere more visible than in the domain of education, especially dear to President Calles, a former teacher imbued in the ratio-nalist religion. The mission of teachers gets defined above all that of "replacing fanaticism for the dissemination of culture."[7] In Guadalajara, in the company of President Rodríguez and of the future President Cárdenas, Calles exclaimed on June 20, 1934: "We must seize the conscience of the young; because the young man and the child belong to the revolution. […] With all their tricks the clerics say: 'The children belong to the home, the young belong to the home.' Selfish Doctrine! The children and the young belong to the community, to the collective body." This led to the amendment of article 3 of the Constitution, which provided for an educa-tion that created "a rational and accurate conception of the universe and social life."[8]

The defanatization was carried out according to religious schemes that were easy to understand, since the militants of the new faith used to be

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[7] Instructions of the Secretary of Education in *El Informador*, August 14 1929.

[8] Meyer, *La cruzada por México*, 263; Meyer, *La guerra de los cristeros*, 361.

dissidents of the old.[9] Anti-clericalism, hatred of priests, anti-Catholicism, condemned a religion that for these urban Jacobins pertained to the old regime. Although it claimed to distinguish between the Church and religion, this anticlericalism was de-Christianizing. The priest that one wanted to attack was not only "Don Clero," but the guardian of the faith, who was parodied in masquerades in which the highest political leaders did not disdain to participate.

Within that militancy, various movements, from anticlericalism to de-Christianization, could be found. The phenomenon was not popular (the masquerades, persecution and propaganda did not alter the popular faith) and the campaign was a failure. The movement was clearly urban, with extensions in the countryside: municipal presidents, local commanders, and agricultural commissioners were in charge of "shaking the weight of tradition" with the help of a handful of local "enlightened."

The staff of this urban movement was twofold: civilians exerted direct pressures in the city, teachers, men of liberal professions, journalists, and delegates on propaganda trips sent by urban societies, such as the Anticlerical Federation (e.g., that woman, "La Pelona," whose passage through Michoacán and Jalisco the peasants remember), who found governmental and Masonic support in the places at which they arrived. Legal de-Christianization and judicial repression were done in this way.

During the time of religious conflict, of anticlericalism, vandalism, sacrilege, iconoclasm, and blasphemies, all tendencies can be found, from tolerance to the obscure religiosity of those who celebrated inverted masses. There is no lack of cases of thorough perversion, of "the world upside down." This obsession with "fanatically turning this world upside down" went far. The priests recognized the devil in soldiers who officiated with ornaments upside down, read books turned upside down, with opaque glasses, and in those soldiers who delivered themselves to banquets and dances in the churches, organizing covens, dancing with the

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[9] Elfego Lugo published a Catechism of the socialist doctrines for use in the rationalist schools of the Mexican Republic, which in the subtitle of its eighth edition acknowledged its adjustment to the Catholic Catechism in deference to contemporary "fanatics." See *Catecismo de las doctrinas socialistas en uso en las escuelas racionalistas en la República mexicana*, Saltillo, Tipografía del Gobierno, 1926, 12 p. *Arreglado conforme al catecismo de la doctrina cristiana, según el jesuítico ritual romano, por exigirlo así el fanatismo de las generaciones actuales en México*; Salvador Alvarado, Cartilla revolucionaria, Mérida, 1914.

virgins, undressing the saints, shooting the Christs, making love, and urinating and defecating on the altars.[10]

How could the revolutionary elites not see that the masses did not follow them? Or, rather, how could they stubbornly believe that the masses would change under duress, and how could they remain blinded when their personal experience and the information of their police showed them otherwise? It was a clash of two faiths, a war of religions, and the leaders who pretended to be attentive to the people actually despised them and wanted to transform a "fanatic" people. The religion of disbelief they strove to impose was no less fanatic than the one they wanted to destroy.

9.3   La Cristiada (1926–1929)

There is a visible Mexico and an invisible Mexico. Invisible, in particular, is the Mexico of the people of the country, people who as a majority constitute "the nation," although it counts very little in the direction of the State and is hardly taken into account by the intellectuals. And under such circumstances we have phenomena like "grande peur" (it happened in the French Revolution, July 1789), when the peasants mobilize. They act as mysterious forces, as elemental forces of nature, and they cause the same horror that earthquakes or hurricanes can cause.

The Cristiada is the name of that war that surprised everyone—persons and institutions. The war surprised the army and its government, the Church, but it also surprised the insurgents who threw themselves without more preparation than the one necessary for a good death. Death awaits after public penance, pilgrimage and supplication, after processions and the feast, since the war is at the end of all that and it is all that at the same time. There is a spectacular contrast between the slowness and the stagnation of the political conflict between Church and State, and the sudden outbreak of the popular village uprising. The political conflict continued its quiet path as political conflict, completely ignoring the underground volcano. And suddenly, that revolutionary movement, that popular movement, explodes unforeseen, unscripted, in all its ways unexpected, unpredicted, unorganized, neither by the parties nor by the confessional organizations.

When the State cornered the Church, in that summer of 1926, the Church replied by doubling the bet: it decided to suspend masses; an

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[10] Meyer, *La guerra de los cristeros*, 166–69; Meyer, *El conflicto*, 193–200.

unprecedented measure, of other times. An entire country is in fact—not legally, but in practice, where is the difference?—put into question. Dumb bells, empty tabernacles, suspended liturgy, clandestine sacramental life. The government responds to the strike of public worship with the prohibition of private worship. The Church suspends, the State prevents, the people are cut off from the sacraments. You cannot baptize a child, you cannot get married, confess, take part in communion.

9.3.1   The Uprising

How was the decision of the uprising taken? Nothing specific had to be transmitted by word of mouth, laterally, like the daily news. What people shared was not the news, but the confirmation of a certainty that everyone felt, of a feeling that came from within, so to speak of course, the knowledge of that reality was spreading. "Those of San José are up," "those of Pueblo Nuevo too," "there is fighting in Cojumatlán." But that corresponded to an earlier certainty, not to ordinary verbal communication. The knowledge of the present threat could be found by everyone, as a sunken and treasured memory, nobody knew since when or why. One had always been ready for this moment. The time had finally come.

Since February 1925, the people were effervescent. The contempt with which the government treated their peaceful gestures, such as the petition to Congress, finally convinced the Catholics: "Hundreds of us signed the papers, they were sent to Calles and his minions, but everything was useless. More letters with other words were written, we signed them, and they were sent to Calles; but our protests were thrown into the basket of useless papers. The followers of Calles felt bigger and oppressed us all the more, killing people and confiscating goods of the Catholics." "I am ignorant, but with verve. Hearing of the new procedures of such a government, I got excited and wanted to put a fire with a thimble of water. Those were my feelings; I went out to conquer people who were armed and ready for war, all in defense of the freedom of God and neighbor."[11]

Everywhere this opinion reigned. United in assembly they asked themselves: "What are we going to do?" And in one voice, they all answered: "A revolution!" But "what would this be like if nobody knew about weapons nor about the organizing of such a movement? […] Everyone was afraid, no one had ever seen anything equal to the matter that was being

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[11] Mendoza Barragán, *Testimonio cristero*, 28.

agreed upon, which was certainly transcendental, and they did not feel up to the task of defining it."[12]

For the people, things were clear. Patience, penance, and five months of prayer had been useless, since "Calles' heart was hardened." There was no remedy. The revolution broke out in January 1927. "Groups of Catholics, really brave, rose up in arms against the government of Calles to the cry of 'Viva Cristo Rey y la Virgen de Guadalupe!' ('Long Live Christ the King and the Virgin of Guadalupe!'). There were mothers that regretted not having further children to send them to the fight; others who had only one child, gladly sent him away."[13]

Having faced the implausible slowness of the civil struggle of 1925 and 1926, the population—with its nerves broken by the suspension of worship—finally opted for war, without imagining how this would increase both the horrors and the slowness.

To the astonishment of the rationalist authorities, unable to foresee that implacable dialectic, the uprising was completely different from traditional agrarian or political movements. The insurrection was loaded with some political and social characteristics, but it was essentially religious: in its purpose of eradicating Catholicism, the State had touched religion and seriously disturbed the emotional, cultural, and daily spiritual balance of the people. The State, convinced that its controversy was still with the Church, suddenly meets the Catholic people of Peter the Hermit. In a crucial moment, the people realize that they are entering a new world, that they have made an irreversible leap. In the blink of an eye, a new and tremendous truth emerges, moments are seized, decisions made, and actions take place which cannot be reversed. When it gathers to occupy the municipal palace, the crowd knows perfectly well that the army will have to come, and that it will have to kill.

In the first days of the year 1927, all the center-west followed the call to a general uprising given by the heads of the Popular Union at the instigation of the League.[14] Every village is going through the same psychodrama "as in the days of Father Hidalgo," so says José Sandoval, from Pénjamo.[15] Symbolically, the order for the uprising has been given for the

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[12] Arellano, *¡Viva Cristo Rey!*, 123.

[13] Hernández Hurtado, *¡Tierra de cristeros!*, 76.

[14] National League for the Defense of Religious Liberty, established in 1925, in reaction to the government's attempt at creating a schismatic Church.

[15] Old musician José Sandoval, from Pénjamo, State of Guanajuato, interviewed by Jean Meyer in Mexico City, June 6, 1969. Father Miguel Hidalgo y Costilla, a Catholic priest and leader of Mexican War for Independence, was born in Pénjamo.

new year. 1926, the year of patience, ends; 1927, in which the noise of weapons instead of supplications will be heard, begins. It is rather unimportant to establish who gave the call, since the League gave it to capitalize a movement, to channel an uprising that had begun without it, to use a popular and peasant blow to get to power. It matters little, because the League cannot supply the insurgents, it cannot organize them.

Unarmed crowds gather, all ages mixed, men and women, children and the elderly; the ranchers enter the villages where the people wait for them. It looks like a pilgrimage. In the midst of general joy, authorities are deposed; a new mayor is elected by acclamation. By acclamation a commander in chief is also chosen, and he says more or less: "Friends, brothers in the faith, and companions in the armed war to defend the rights of God and his Church, the rights of our beloved homeland and the reputation of our people and state of Michoacán: many persons who know and understand the situation have assured me that the bad Mexicans, induced by the devil, want to de-Christianize all of Mexico."

Before us awaits the cross, fear, hunger, sleeplessness, tiredness, contempt, betrayal, slander, mockery, and—the best—martyrdom; that is why we should be no murderers, thieves, dishonest, inhuman. We will respect the humiliated, the women and the children, but we will punish the men and women who declare themselves against Christ and the Virgin. Look at my flag, which is also yours, as the colors say. On the one side green, white and red, the sacred image of the Heart of Jesus; on the other side the sacred image of the Virgin of Guadalupe. Everything is saying Viva Cristo Rey, Santa María de Guadalupe and México.[16]

They were

1.000, 5.000, 10.000, the whole people moved as if they were going to work. No. What kind of work? They were useless, even if they had wanted to. A boy wanted to go on, he wanted to go on, but impossible. How barbaric the war! The people did not understand the thing, when it was time to fight, and when time to concentrate again. But they did realize how terrible the war was. There was nothing to fight it with. Neither hunger, nor lack of pennies, nor lack of clothing, I don't say, but lack of weaponry. The government gave us the blow, as they say, and many people separated from us. […]

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[16] Mendoza Barragán, *Testimonio cristero*, 28–29.

But we had this belief in dying together with courage or not, to die for Christ. We were very green and as ranchers we are still very green.[17]

Everywhere, from the gates of Guadalajara to La Barca, passing through Cuquio, Yahualica, San Juan de los Lagos, Lagos, Unión de San Antonio, innumerable multitudes without arms went madly into war, like the poor people who followed Peter the Hermit. At the first meeting with the army, there was a disbandment and General Ferreira telegraphed: "More than a campaign this is a hunt."

Reassured by the rapid descent of the movement, President Calles said the provisional governor Silvino Barba González that it was a matter of a month or two. "Hopefully, it will only take two or three years," Barba replied.[18]

In January 1927, the crowds were sure of obtaining an instant victory by the mere demonstration of their existence—joined as a body, this is what the countryside conception of democracy led them to expect. It resembles September 1810, when a whole people pilgrimed behind Father Hidalgo. When the crusade of the unarmed poor breaks over the military forces of the State, another event begins; no longer a brief one, no longer instantaneous. A three-year war, the War of the Cristeros.

9.3.2   The War

The start of the war was slow, so great was the confusion of the masses. But the existence of irreducible guerrillas, the repression of the government that propagated the rebellion, the persistence of the initial motivations, all contributed to its development. In mid-1927, Luis Gutiérrez said:

We did not want to leave the Church in the hands of the military. What would we do without her works, without her festivities, without her images that patiently listened to our lamentations? […] The government takes everything away from us, our corn, our pastures, our little animals, and as if this were not enough, they want us to live like animals without religion and without God. But their eyes will not see this, because in every occasion we have we will shout, "Long live Christ the King!" Long live the Virgin of Guadalupe! Long live the Popular Union! Death to the government![19]

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[17] Meyer, *Estado y sociedad con Calles*, 247.
[18] Meyer, *Estado y sociedad con Calles*, 247.
[19] Meyer, *La cristiada, vol. 3, Los cristeros*, 295.

That cry of war, as old as the Mexican peasant, leads observers to note that one of the strange characteristics of the Cristero revolution was its lack of program and the lack of identifiable leaders, a peculiar absence in a country of caudillos and political planification. That idea gives us the measure of the abyss that separates the elite and the people, locked up in mental universes that have been separated for centuries.

The scattered fighters from the spring of 1927 have become true warriors. At the time of the feast of John the Baptist, in June 24, there are 20,000 operating spontaneously and disorganized, each group (from 50 to 500) on their territory, working on their land, in their war, producing their war, and often their war and their corn.

Never has an insurrectional movement in Mexico had to confront as strong an army as the one set up by General Amaro—despite all his defects—nor has a government ever received such strong support from the United States (financial aid, police and military, and political support). Never has an insurrectionary movement had, with so few means, so many supporters encouraged with such perseverance. Endless, invincible, doomed to last because of the impossibility of winning a decisive battle, the Cristero war owned the countryside while the government-controlled cities and railways. This would last as long as the feds continued to possess a hundred times higher firepower, as Monsignor Mora diagnosed in September 1927, fearing the annihilation of the population.

In June 1929, 50,000 Cristeros were fighting when the Government and the Church made peace. At the ringing of the bells, the Cristeros spontaneously disbanded, without making the effort of presenting themselves to the authorities to receive the safe-conduct (only 14,000 presented themselves). They had risen without anyone's permission; in the same way, they returned to their houses, if these still existed; as poor, if not poorer, than before. There was no longer a "cause." The "cause," as they said, had been that of Christ and his Mother. Christ had returned to his altars. Again one could kneel in front of the Virgin. The war ended as it had begun, to the surprise of military chroniclers.[20]

9.3.3   *The Meaning of the Dispute*

"Do not be afraid of those who kill the body, but who cannot kill the soul; fear rather him who can destroy your soul and body in hell." These verses

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[20] Meyer, *La Cristiada. The Mexican People's War for Religious Liberty*, 171.

of the evangelist Matthew are always found in the mouth of the Cristeros, as well as references to the Last Judgment and the life of the spirit.

When the State lives the decisive hour of modernization and reasons in terms of centralism and acculturation, when it seeks its Mexican path among Soviet, fascist and democratic models, rural crowds see it as the tyrant, as Antiochus or Herod, under the aspect of the Antichrist, of the devil himself whose kingdom is manifested by lawless chaos, torments, and massacre.

The people and their leaders live in a different time. Time specificity or class specificity? Armed participation is the fact of a rural multi-class coalition, from which only the rich and the *agraristas* (the beneficiaries of the agrarian reform) are absent. It is impossible, of course, to suppose a shared or uniform economic motivation uniting so many different persons. The people of the city, with the exception of some workers and students born in the villages, do not fight in the countryside. Many historians think that the peasants would have had to logically support an agrarista government, although it is already known that agrarian reforms are rarely done in the world by and for the peasants. They explain their "aberrant" behavior appealing to a lack of class consciousness or, what amounts to the same, their petty bourgeois consciousness or their idiocy. Those who talk about fanaticism, obscurantism, idiocy, scarcely speak of a "mentality." But before referencing this mentality and the necessary recourse to the weapons that comes with it, one must insist on the exceptional sociological participation in the Cristiada. It was exceptional because it did not respect the barriers of age, sex, convenience, and prudence. Women and minors, children and the elderly, they all participated in the war and in a certain sense have a bigger responsibility for its unleashing. They were the reckless and noisy instrument, in the summer of 1926, of a policy of resistance in which men, cautious because they are criminally responsible, do not appear. That is why Calles sees only "sacristy rats and oldsters who cannot act like men anymore." These are the ones who then push the men to war.[21]

The ones who as a rule do not participate in fighting, those characterized by their resignation, by their marginality (the old, children, women, Indians) participate in the Cristiada. You would hardly find, except in 1810, a moment like this in Mexican history, such a *national* moment. Groups that are typically defined by their non-participation in a story that

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[21] Meyer, *La cristiada, vol. 3, Los cristeros*, 50–88.

is not theirs, a story which is done against them (rural people in general, the indigenous communities in particular), groups that only mobilize for strictly local reasons, now participate in a movement that carries, like the dam when it breaks, all waters get mixed together: the Cristiada. "Shirtless, sandals and overcoats wearing, cow-eaters, starving to death," the Cristeros are recruited among all groups, all rural classes, except from the landowners and the new figure: the *agrarista* who benefits from an unpopular agrarian reform, a witness to the disorganization and restructuring of the rural world, a hostage of the State, its client, and instrument.

This unanimity reveals the seriousness of a crisis that moves all segments of rural society. Each segment can obey different variables and have divergent interests, as evidenced by the indices of race, miscegenation, urbanization, density, and modernization. What, then, is the variable they share? Where lies the biggest contradiction, or the most outstanding aspect of the contradiction that puts the State (and the group that stands behind it) at odds with the rural people? It is, without a doubt, religion.

The Cristeros never thought of becoming the State, nor of becoming the Pope either, two potentates that belonged to a world that was not theirs. But they firmly believed that they were Mexico and Christianity. Mediocrely instructed in the history of Mexico as in that of the Church, that is, in past events, they freely invent the present and indulge themselves the luxury of such impudence.

In their own way, they were nationalists and patriots, and manifested their faith in Mexico and in Christendom. That was the whole mystery.

Why did the State fail? Why didn't the secularization process, that would take place after 1965, accelerate then? Because the process did not coincide with industrialization, with the rapid urbanization of the second half of the century. The ideology was premature. Also because the persecution provoked a religious reaction that strengthened the Church for a good while. Without a doubt, it was the last error of the royalist State, its last access of blind violence. But in those years, the relentless repression of the State, followed after 1929 by the Callo-Cardenist cultural revolution, gave the State, in the eyes of many, the terrifying aspect of the Antichrist.

From time to time, we find such great crossroads in history, crossroads such as those that old Mexico put on its borders, where organic continuity intersects with the ruptures that renew or disintegrate it. Something like an apocalypse opens up in history. The Catholic people went through the tremendous experience of persecution. They were treated like the Jews of

the Reich, like the "sabotaging" peasants of the USSR. The long silence in the aftermath, the subsequent silence that enveloped this history, corresponds to the repression of horror. The historian acts as a psychoanalyst restituting history.

9.4   Toward Tolerance

The compromise of June 1929 defined a "modus vivendi." The State did not change the law, but it did not apply it. Thus, in 1930, the churches would have returned to worship and 4390 priests were authorized to practice their profession, that is, 99.9% of the clergy. The appeasement lasted little and at the end of 1931, a second offensive broke out against the Catholic Church, one so strong that, at the beginning of 1935, only 197 of the 4493 Mexican priests could exercise their ministry, 166 of them being in three states and the capital. In 15 states, not a single priest was active.[22] Since Rome strictly forbade Catholics the resort to weapons, one can speak of a Church of the catacombs. However, a few thousand rose in arms and persisted until, in 1938, the second and final wave of anticlericalism came to an end. Little by little, between 1935 and 1938, President Lázaro Cárdenas was forced by the pressure of the United States to restore religious freedom, state after state, beginning with Mexico City in 1936 and ending in 1938 with Tabasco and Chiapas in the furthest periphery.[23]

The nationalization of oil in March 1938, supported by the Mexican episcopate, was the occasion for a public reconciliation between the State and the Church. "Reason of State," political intelligence on the side of both the president and the archbishop of Mexico Luis María Martínez, friendship between the two men, both born in Michoacán. The 1917 Constitution, whose regulation in 1926 had caused the war, was not reformed in its anticlerical articles until 1991. A few months later, in 1992, diplomatic relations were established for the first time between Mexico and the Holy See. It is said that "the letter with blood enters." In the case of Mexico, tolerance entered with blood.

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[22] "Religious Liberty in Mexico," 12–13.
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Theological and Secular Discourses in Validating a Jewish State

Carol Troen and Ilan Troen

Jews, Christians, and Muslims have created an extraordinarily large literature in pressing claims to the land they all consider holy, beginning with the Old and the New Testaments, the Quran, and the sacred literatures associated with these three streams of monotheism. For most of recorded history, these competing claims were argued in religious terms. But in the aftermath of World War I, the conflict between Arabs and Jews brought the debate to the public square in a new secular discourse. As I will try to demonstrate, this new, enlightened, and apparently more rational discourse remains interwoven with theological arguments that continue to impact efforts at a reasoned analysis that might help to unravel and ultimately resolve the conflict. This chapter examines and attempts to disentangle alternative lines of discourse and to elucidate the basis on which

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contemporary claims to the Holy Land/Israel/Palestine are made. The challenge is to gauge where the theological or the secular has primacy and where they are complementary or in opposition. To trace this curious coexistence across time and in its varied manifestations is complex and would require more than one chapter. Nevertheless, it will be useful to map the dimensions and nature of the project.

Monotheistic theologies typically ground their authority to empower rulers and to regulate human society. Including claims to land, in divine sanction. If the Arab-Israel conflict were grounded purely in theology, we might not be surprised by its ongoing intensity. On the other hand, given increasing secularization since the Enlightenment, observers in the West seem to expect that a secular discourse founded on rationality, objectivity, science, and universal principles should engender mutual tolerance and lead to a pragmatic and reasoned resolution of the conflict over Palestine. That was the intention when Enlightenment savants formulated basic principles for a system of international law.

Yet despite considerable progress in this enterprise, it is obvious that, even without referencing theology, since the early twentieth century the ancient conflict over the Holy Land has been the subject of intense and extensive debate before the international community, in official international commissions, and in the often extreme polemics of the public square and tomes of academics. When ecclesiastical authorities do appear before an international body, they do so to protect properties and interests, not to advance the theological claims of their communities. Theological justifications are reserved for internal consumption within communities of believers; secular discourse is used to persuade the public beyond.

This chapter aims to demonstrate persistent links between the apparently distinct theological and secular discourses. It asks whether one form of discourse takes precedence over the other; to what extent secularity may be serving as a veneer to mask ancient and established theological positions; and whether secular and theological discourses can be understood as complementing rather than replacing one another.

10.1 Preliminary Observations on the Relation Between Secularity and the Theological

Leading Enlightenment thinkers did not view religious and rational epistemologies as hermetically sealed and mutually exclusive. As the seventeenth-century Dutch jurist, Hugo Grotius, famously observed: *etsi deus non daretur*, that is, one can discern and formulate principles based in Natural Law "as if God did not exist" [emphasis mine]. Grotius, a deeply religious Christian, was seeking principles that derived from an alternative epistemology, rather than revealed religion, and was a key advocate of formulating doctrines that could serve as a basis for a system of international law. John Locke, a follower of Grotius, devised ways of claiming territory that were ostensibly based in new secular concepts rooted in Natural Law that did not contradict traditional religious beliefs. Indeed, they could be considered complementary. His ostensibly secular arguments for claiming land, as developed in *Two Treatises on Government* (1689), are liberally strewn with Biblical quotations meant to exemplify human behavior and practice. Yet, these are framed as universal human experience, timeless and unaffected by a particularistic religious philosophy.

Jean-Jacques Rousseau, perhaps the most significant thinker to consider the connection between the religious and the secular, formulates the idea of "civil religion" in *The Social Contract* (1762). The concept of civil religion as developed in early Enlightenment and its application to the organization of modern societies has been explored by scholars ever since. Of primary interest to this essay is that non-ecclesiastical thinkers, statesmen, and politicians applied formerly explicit religious ideas and behavior to the conscious creation of rituals, to sanction beliefs, and to espouse principles of behavior that should govern the public life of apparently secular communities.

Robert Bellah updated and developed the concept of civil religion in applying it to the American experience in the 1960s. Soon after, in the 1980s, Charles Liebman and Eliezer Don-Yehiya applied Bellah's work to Israel. They suggested that implicit religious values abound in modern Israeli nationalism and are expressed through public rituals, symbols, ceremonies, and "sacred" days and sites. Importantly, they argue that a strong

undercurrent of religion supports the superficially secular veneer of public behavior and discourse.[1]

In a similar vein, in his last book, Peter Berger reverses his earlier claim that secularity will inevitably gain dominance and entertains reservations about the thesis that modernization must lead to the certain demise of religion. In examining the arguments, both Palestinians and Jews put forward to support their claims to the Holy Land, this chapter, too, is part of a growing body of scholarship arguing that modernization and secularization do not supplant or eliminate religion. Religion and secularity continue to exist independently and can conjoin to support the same cause.[2]

One additional source that I find usefully provocative is Michael Walzer's recently published *The Paradox of Liberation; Secular Revolutions and Religious Counterrevolutions.* He analyzes the Zionist experience within the context of three national liberation movements in Algeria, India, and Zion, and he could have added Turkey, also an explicit model for Ben-Gurion. Yasser Arafat, too, was initially a secular revolutionary committed to national liberation on the Algerian model, who came to incorporate symbolic Islamic elements, even as a sector of Palestinian nationalism came to include Islamic fundamentalists.[3]

In all these cases, the first generation of revolutionaries was secular in a "Western" mold. This was true of Ben Bella's FLN (National Liberation Front), Nehru's Indian National Congress, and Ben-Gurion's Labor Zionists. Their movements rejected foreign rule and religious culture—whether Islam, Hinduism, or Judaism—as a defining element in the societies they hoped to build. Yet, all made compromises along the path to power. Most importantly, their influence was never complete or permanent; the religious traditions they ignored or opposed reasserted themselves and forced an accommodation with traditional religious power centers. The promise and premise of a total secular transformation was never achieved. Lurking beneath the surface or around the corner, religion reappears and assumes significance if not dominance.

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[1] Bellah, "Civil Religion in America"; Liebman and Don-Yehiya, *Civil Religion in Israel: Traditional Judaism and Political Culture in the Jewish State.*

[2] Berger, *Altars of Modernity*; See, too, Troen, "Mutiple Modernities"; Troen, "Secular Judaism."

[3] Walzer, *Paradox of Liberation.*

This, then, is background for what follows: Arab and Jewish claims to the Holy Land may be couched in secular language and bolstered by allegedly universal principles, but they are simultaneously deeply embedded in traditional belief systems.

10.2   From Religious to Secular Arguments

Secular political claims that originated in the eighteenth century were transformed and further elaborated through the nineteenth when British colonists in North American dared to establish a state without explicitly referencing the sanction of the deity.[4] Denying the Divine right of kings and attempting to disconnect Church from State, Americans invoked Providence, an abstract notion without recourse to a national church, to legitimate their nation's movement across the continent. As citizens of a secular state, they developed novel theories of legitimacy that allowed them to claim vast territories from the Atlantic coast to the Pacific and to rationalize the opposition of the indigenous Indians and Mexicans, and, importantly, their European competitors—particularly France, Spain, Great Britain, and even Russia.

Applying Natural Law in asserting claims to territory was revolutionary. John Locke did so in his *Second Treatise on Government*, where the Labor Theory of Property argued that by adding value through labor, one could gain title to land.[5] We can appreciate how rooted this secular principle is in religion by tracing the evolution of thought on the subject beginning with early Puritan encounters with America, that were suffused with Calvinist theology, through Jefferson's assertions about the agrarian democracy, that was expressed in entirely secular terms.. Whereas in the seventeenth century, Governor Winthrop of Massachusetts represented settlement as a Divine mandate, by the 18th the right to claim property was a natural right as set forth by John Locke's Natural Law: the pursuit of property was the self-evident right of one who works the land and makes it productive. It was labor, not mere residence, whether occasional or long-term, that endowed one with ownership. Justifications for acquisition of land shift from truths rooted in revealed religion to references to the principles of Natural Law.

[4] Lipset, *The First New Nation: The United States in Historical and Comparative Perspective*.
[5] Locke, *Second Treatise* See: ch. 5 "Property," 10–18.

It is important to note that Zionists writing a century ago drew on this same fund of ideas regarding the secular notion of the "conquest of labor" that had spread throughout Western thought from the eighteenth century. At the same time, they described their efforts as *ge'ulat hakarka*, the "'redemption' of the land," in language directly derived from traditional religious sources. These ideas, shared by both the Zionist Right and Socialist Labor, were rooted in the belief that they could lawfully acquire land through their own labor, redeeming it through its proper use.[6] This Lockean version of Rousseau's social contract was the principle behind Jefferson's yeoman ideal used to justify the United States' expansion across the continent and to establish a legal system grounded in the protection of individual rights, including the right to property. The Zionist rationale manifestly parallels the American, whether or not they actually knew anything about it, and simultaneously echoes Biblical prophecies and promises.

Locke's and Jefferson's arguments found their way into a series of court cases in the 1820s and 1830s that have since served as precedents in litigation between settlers and natives throughout the world. The most cited disputes included the Cherokee Indians and white settlers in Georgia and land rights in Indiana and Illinois. All were adjudicated in the US Supreme Court of Chief Justice John Marshall, perhaps the most important early theorist of American liberties and institutional arrangements. Chief Justice Marshall authored a series of opinions that synthesized legal theory and practice inherited from the Enlightenment and the British colonial system. He accepted the validity of the traditional concepts of discovery and conquest as legal bases for claiming territory, but set precedent by arguing that purchase, treaties, and making proper use of land through improvement and cultivation (i.e., labor) were relevant categories for adjudicating the rights of indigenous natives and settlers.[7]

Marshall, following Locke, provides a coherent and systematic theory of primary and secondary rights in land ownership. Natives have rights as nomads or cultivators but they do not have the right to claim unused territory or lands they have only occasionally or inefficiently used. His conceptualization has achieved such authority that even today peoples as distant and distinct as Australian Aboriginals and Negev Bedouin argue against their governments' claims that their lands are "terra nullius," that is, open to possession by others because they have not been or are not now

[6] Shimoni, *Zionist Ideology*, chap. 8.
[7] Banner, *How the Indians Lost Their Land*.

being used effectively by contemporary standards. Although they lack documentation modern governments generate and require to prove land ownership, they argue that as historical inhabitants, the land is properly theirs. Australian courts have granted considerable rights to the indigenous Mabo in what is termed "Native Title" legislation.[8] Israeli courts have ruled that many such claims by the Bedouin are unsubstantiated. Governments may be more sympathetic to indigenous rights when they are invoked to protect culture than when they compete for control over territory and challenge the government's sovereignty and authority, as seen recently in the case of the Dakota pipeline in the United States.

Discussion of indigenous rights as applied to Israel is beyond the compass of this essay. It may be sufficient to indicate that appeals to history are extensively used by all sides and nearly always appear to support claims to land in the Israeli/Palestinian conflict. Moreover, as we shall see, in the case of Israel/Palestine, "history" may be the secular manifestation of deeply held theological positions.

10.3   Rights Derived from Conquest

Rights associated with and derived from conquest were part of international law for centuries. They were rapidly eroded by the devastation following World War I and especially World War II. Both conflicts were so disastrous for such a large proportion of humankind that the international community established mechanisms to delegitimate conquest, even if it could not be entirely eliminated. The right to self-determination denied the right of imperial imposition and a series of treaties progressively codified anti-war sentiment from the 1928 Kellog-Briand Pact through the 1945 UN Charter, the Nuremberg trials, and the extensive use of the concept of preserving the "territorial integrity" of the UN's member states. Clearly, international law has recently undergone revolutionary change.[9]

However obvious and natural "the right to self-determination" may appear to contemporary readers, this was not yet an established principle when the 400-year-old Ottoman Empire was dismembered in the aftermath of World War I. During the conflict, it was allocated according to the interests of the conquering powers, particularly Great Britain and France.

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[8] Russel, *Recognizing Aboriginal Title.*

[9] Korman, *Right of Conquest.*

They enjoyed the approval of major allies, including the United States that initially wanted to acquire a Mandate for the territory to be called "Armenia." The League of Nations approved actual divisions, referring explicitly to the right of conquerors to assume privileges through legitimate succession.

Contenders for Palestine similarly invoked the right of conquest. Arabs who had joined in the Arab Revolt against the Ottomans (1916–1918) argued they had fought on the side of Allied Powers. Zionists made similar claims through participation of the Jewish Legion (1917–1919) although, in the early stage of the war when the Ottomans had major successes, some Zionists, including the young Ben-Gurion, considered raising a Jewish force to fight alongside the Turks. But the Jewish Legion did fight for the Allies, a providential choice since it was they who were victorious.

There are, of course, also deeply rooted religious traditions that supported conquest. Christians, since the time of Constantine, employed the symbol of the cross with the motto *in hoc signo vinces* (in this sign you shall conquer). Islamic theologians and jurists have divided the world into various realms including one in which Islam reigns, *Dar al-Islam* or the Abode of Islam, which is one of peace, and *Dar al-Harb* or the Abode of War where war and conquest are not only justified but even required. The frequent reference to *jihad* in Middle Eastern conflicts testifies to the power and enduring impact of traditional theology on contemporary events. Thus, the conquest of Palestine was widely recast in terms that echoed ancient competition for the Holy Land. The leader of the British forces that captured Jerusalem in December 1917, General Allenby, dismounted from his horse and entered the Old City on foot to demonstrate that he was entering hallowed territory as a pilgrim. This was more than a merely personal symbolic act. It was a manifest fulfillment of British Prime Minister David Lloyd George's express hope in June 1917 that the army would deliver Jerusalem "as a Christmas present for the nation."[10]

[10] Neiman, "A General and a Gentleman."

10.4   Rights Acquired Through Labor

In the half-century prior to the Mandate, Palestine was widely viewed as an underdeveloped and desolate land that no longer resembled the Biblical description of a "land flowing with milk and honey."[11] Many Zionists proposed to transform the barren land and return it to its former promised glory. The theologically rooted justification—improving land through investment of labor—that allowed European settlers to claim fertile territories elsewhere upheld the right of Jews to re-claim their ancient homeland. This claim became perhaps the most contested issue in the enormously bitter debate occasioned by the Balfour Declaration (1917) and the establishment of the British Mandate by the League of Nations in 1922.

The dispute centered around the "economic absorptive capacity" of Palestine. Could the Zionists indeed "make the desert bloom" and if so, could the land be made productive enough to absorb the immigration required to create a Jewish majority? Or were the Arabs correct in arguing that the land was already fully occupied and could not be further exploited to absorb an additional, foreign population? The debate was intense and generated extensive research. In December 1945, Chaim Weizmann, the future first president of the Jewish state, wrote to president Truman that "Palestine, for its size, is probably the most investigated country in the world."[12] This observation was based on reports of numerous official commissions and research groups as well as the research of scholars in economics, geography, sociology, archaeology, history, and more.[13]

Convinced that the land could not support much more than its current population, over nearly two decades, the British consistently whittled down the open-door policy inherent in the Balfour Declaration and explicit in the Mandate. The 1939 British White Paper prohibited land purchases by Jews and severely restricted Jewish immigration so as to limit population growth and maintain the Arab majority. They adopted in support of their policy the minimalist perspective that Palestine was an underdeveloped agricultural country in a semi-arid zone and with few natural resources.

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[11] The phrase is repeatedly found in the text as in *Exodus* 3:8, *Exodus* 3:17, *Exodus* 33:3, *Leviticus* 20:24, *Numbers* 13:27, *Numbers* 16:13, *Numbers* 16:14, *Deuteronomy* 6:3, and more.

[12] "Chaim Weizmann to Harry S. Truman, Dec. 12, 1945."

[13] Troen, "Calculating the Economic Absorptive."

Supporters of Zionism disagreed vehemently. They argued that, as in the Byzantine period, in the past, the land had supported three times the current 1940 population of Palestine. Their research projected that with modern technology and efficient organization, the same land could support many times the current population. This maximalist and expansive perspective has proven to be accurate. Palestine/Israel now supports a population approaching 10,000,000—20 times larger than the mere 500,000 present in 1900. Its standard of living is comparable to that of advanced western countries. A poor, significantly desolate land with an impoverished population of peasants has become home to a dynamic and wealth-producing "startup nation" in the forefront of scientific innovation and entrepreneurship.

As with labor, Marshall's other principles too were subject to similarly binary arguments. Both Jews and Arabs claimed legally binding promises made to them by the British. The biblical Promised Land came to be called the Twice-Promised Land, with each side rejecting the claims of the other. Even Purchase was not an effective guarantee. Zionist organizations purchased the land on which Jews settled from the 1880s to the State's creation in 1948. However, Zionist purchases largely from wealthy landholders did not preclude the fact that Arab peasants who had been living on or cultivating the land were sometimes displaced by Jewish pioneers. The complaints of those displaced powerfully challenged plans for Jewish settlement. Moreover, although about 70 percent of the land "belonged" to the British, the successor government to the Ottomans, through conquest, much of the territory excluded Jewish settlers. In effect, then, there was opposition to Jewish purchase, and the land that came into their possession was denied moral legitimacy.

These, then, were among the significant obstacles to claiming land for a Jewish National Home. Zionists could claim they had an international standing in treaties authorized and approved by the League of Nations; they had purchased the land on which they settled; they had contributed to a successful effort in the allied victory; their labor was making the desert bloom; and more.[14] Arab partisans claimed the Balfour Declaration was a betrayal to commitments made them in a land that was twice improperly promised; they were already cultivating the land to its maximum and there was no room for others; commitments to Jews compromised the right to

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[14] Aumann, "Land Ownership in Palestine"; Stein, *The Land Question in Palestine*; Essaid, *Zionism and Land Tenure*.

self-determination of the people already in Palestine; land purchases enriched foreign and local landowners and displaced long-term residents. Whether singly or in combination, any set of arguments were countered by contrary claims. Justifications for rightful ownership were woven together to enhance persuasive power. Most importantly, these arguments became increasingly entwined with a category that Marshall did not identify in the first part of the nineteenth century but became primary by its end: the invocation of "history" to claim territory.

10.5   History and Theology

The challenge of making a clear and persuasive case is complicated, perhaps beyond repair, by appeals to historical rights. By the early twentieth century, with the rise of nationalism in Europe, the Middle East, and far beyond, historical claims were becoming enmeshed with territorial rights and claims to land made on behalf of a nation or people. The emerging preeminence of such rights is reflected in Wilson's 14 points. They did not refer to individual, civil, or universal human rights but to the rights of nations. Arabs and Jews had to make their case within a framework that supported the multiplication of nation-states, among them states whose substantial communities of ethnic nationalities—for example, India, Cyprus, and the former Yugoslavia–competed for the same territory. It is here that the distinctions between secular historical discourse and theology become blurred. The theologies of all three monotheistic religions have their own historical narratives and particularistic views of what is, what was, and what will transpire.

10.6   Replacement Theology (Supersessionism) and Indigenous Rights

Embedded in claims for the Holy Land is the notion that God has determined who will replace the people already there. The Jewish claim is as ancient as the Bible. Consider how Rashi (1040–1105), the medieval, French Jewish commentator, explained why the Book of Genesis begins with: "In the beginning God created the heaven and the earth." He references a rabbinic source that is now about two thousand years old, stating:

For if the nations of the world should say to Israel: "You are robbers, because you have seized by force the lands of the seven nations [i.e.,

Canaan], they [Israel] could respond: The entire world belongs to the Holy One, Blessed be He; He created it and gave it to whomever it was right in His eyes, of His own will He gave it to them, and of His own will He took it from them and gave it to us."[15]

A similar formulation could be made from Psalms, 24:1: "The earth is the Lord's, and the fulness thereof; the world, and they that dwell therein." In this tradition, it is the Master of the Universe who determines which people have legitimacy to territory. Variants of this assertion are common throughout the monotheistic faiths.

Among Jews, who claim ties to each other and to the land that span at least three millennia, contemporary views are complicated and contradictory. There is near universal consensus that Jews remain connected to the land through memory, culture, religious practice, and a shared reiterated faith in God's promise of eventual return. The major difference is on when and how that Return will be effected. Some maintain only the Messiah can return the people to the land, while others believe human actions may hasten that moment. Others, like Satmar Hasidim who blame the Holocaust on Zionism, counter that human interventions in Jewish history are a form of blasphemy that may lead to catastrophe.[16]

The means of return also generate debate. Some abjure conquest or any form of behavior that may be unethical. Others feel the imperative to return is so strong that it may override objections to how it may be effected. Thus, while some are active and even aggressive in their advocacy of Zionism, others hold to reservations on whether an exclusive Jewish sovereignty could be re-established. Nevertheless, wherever one stands on this wide spectrum, the existence of the Jewish people is maintained together with a belief in their continuing role in history and their relationship to a homeland.

For Christians, the most vexing question concerns the connection between Jews and the land. From early on, there was need to define the relationship between adherents of the new religion and the one out of which it was born. Expressed in direct and stark terms, the question was and remains: does God still speak to the Jews after the coming of Jesus? In other words, was Christianity a replacement for Judaism? Did the Church supersede the Jewish people and inherit the covenants made with them? If the answer was "yes," then God's promises to Jews could be considered

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[15] Sharfman and Isaiah, *Genesis*, 1.
[16] Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism.*

no longer binding and Jews no longer had an active role in history. The right contemporary Jews asserted to reclaim their land as an independent and sovereign people was illegitimate.

Since the Second Vatican Council (*Nostra Aetate* or the Declaration on the Relation of the Church with Non-Christian Religions, 1965), Roman Catholicism has moved from collective blame of the Jewish people to a widespread acceptance of the legitimacy of the contemporary Jewish presence in Palestine. Nevertheless, it still resists formal recognition of the Jewish state. Particularly among Protestant denominations, including Christian Zionists who encourage and support a Jewish state, the restoration of Jews is seen as a fulfillment of the dramatic unfolding of history. At the other extreme, notably Arab Christians in Israel/Palestine see themselves as descendants of the original followers of Jesus Christ and adhere to replacement theology. After the advent of Jesus, they replaced the Jews and bear historic responsibility for reestablishing the Church where it began. Their narrative may not be factually verifiable but, like their expectation of the future, it is an assertion of faith. Thus, Christian theology runs a gamut from those who argue contemporary Jews have no connection with the ancient Hebrews and their covenants, to avid supporters of their return and the reestablishment of Jewish sovereignty.

Islam appears to be less nuanced. Built on Judaism and Christianity, Islam replaces both, and assigns them a respected if subordinated status. Thus, Jews may reside everywhere in the "abode of Islam" (*dar el Islam*) but may not aspire to sovereignty or threaten the dominant Muslim society in any way, not even symbolically. Arab Muslims, unlike Christians, were in a position to translate religious beliefs into policy. Restrictions on Jewish immigration and land purchases were first instituted in the late nineteenth century by the Ottomans as Jews sought to settle in Palestine from mid-nineteenth century. In 1881, they decreed Jews could immigrate to anywhere in the Ottoman Empire except Palestine. In 1892, they prohibited the sale of land in Palestine to Jews, even if they were Ottoman citizens. However, Muslim Arabs were not uniformly inflexible and unyielding. Toward the end of the twentieth century, President Sadat of Egypt (1979) and King Hussein of Jordan (1994) recognized the Jewish state, and more recently, it appears that the leaders of Saudi Arabia and some of the Gulf states have at least informally done the same.

10.7   An Admixture of Theology and Secularity

A key prism for viewing the interplay of secular and theological discourses is the issue of peoplehood. Only if they are a "people" can Jews claim the right to a state of their own. Jews have referred to themselves as a people for millennia. Whether asserting their rights, mutual obligations, civic responsibilities, or moral and spiritual deficiencies, in prayer and practice Jews refer to Covenants with the Lord made by their forefathers and that remain binding on all future generations. The international community acknowledged and affirmed this theological understanding in modern secular form through the Mandate issued by the League of Nations in 1922, declaring "that recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country." It is not trivial that a British cabinet composed largely of evangelicals devoted to biblical literalism initiated this formulation through the Balfour Declaration.[17]

In effect, "reconstitution" is the modern, secular term that substituted for "restoration," the term employed particularly by nineteenth-century British evangelicals. The "re" of "re-constitute" was related to the "re" in a widely accepted Jewish vocabulary about the Zionist endeavor to "return" and "re-claim." The League's "re"—"again"—validated the Zionist historical narrative concerning the Jewish people's past inextricably linked to the aspirations of many contemporary Jews.[18]

This was an extraordinary revision of the assertion that following the coming of Christ, Jews were no longer actors in salvific history, a position that had been formalized and disseminated from the time of St. Augustine and the emperor Constantine, seventeen centuries earlier.

10.8   Secular Supersessionism

A glaring instance of how seamlessly theology melds with secular history can be found among leading Christian thinkers of the twentieth century. Consider the following example of how the theological and the secular can complement one another.

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[17] See "The Palestine Mandate."

[18] The idea of "reconstitution" became a frequent trope leading up to the decision for partition and the creation of a Jewish state. A typical example is found in the remarks of Ben-Gurion before the United Nations Special Committee on Palestine on July 4, 1947: "Evidence of Mr. David Ben-Gurion before U.N.S.C.O.P."

Since the 1930s, Christian anti-Zionism has been propagated by important public scholars including George Antonius, Arnold Toynbee, and Edward Said. In his classic and influential *The Arab Awakening* (1938), Antonius made the case for independent Arab states in the Middle East while denouncing the Jewish state as illegitimate. Arabs were a living people, he wrote, rooted in the ancient Middle East; with a long history, they are currently experiencing a revival.[19] His colleague, the celebrated Christian British historian, Arnold Toynbee, described Jews in a particularly offensive if stunning phrase as "fossils," living on the memory of a distant past with no prospect for change. He thereby vitiated the Zionist claim for "restoration," employing the nineteenth-century Evangelical term rather than the secular "reconstitution."[20] Edward Said similarly rejected the notion that the Jews could legitimately claim to reconstitute their ancient homeland in Palestine. Palestine had been home to a remarkable civilization "centuries before the first Hebrew tribes migrated to the area," he opined. Allying with the recent scholarship of biblical "minimalists," and revisionist archaeologists, Said claims the ancestors of contemporary Muslim and Christian Palestinians are the long-resident, indigenous inhabitants. He views Jews as colonialist usurpers.[21] Theological and historical discourses complement and reinforce one another.

If Jews are not a distinct people, they have no claim to a historic homeland. If Palestinians are the only real indigenous people, the Zionist claim to the land is a sham, an extension of European imperialism. It follows that the Jews are colonialist intruders like the Afrikaners in South Africa and other colonial-settler populations. It is this argument that shapes anti-Israel discourse throughout the Arab world. The PLO's National Charter of 1968 echoes Antonius in the often-cited paragraph 20: "The claim of historical or spiritual links between the Jews and Palestine is neither in conformity with historical fact nor does it satisfy the requirements for statehood. Judaism is a revealed religion; it is not a separate nationality." That is, Judaism exists as a religion; Jews as a people decidedly do not.[22]

This understanding spread into Third World discourse and to the United Nations, resulting in the 1975 UNGA Resolution 3379 (revoked

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[19] Antonius, *The Arab Awakening* especially the last portion, chapter 8: "Iraq, Syria and Palestine After the War," 350–412 and the Appendices, 413–60.

[20] Ben-Israel, "Debates with Toynbee"; Eban, "The Toynbee Heresy."

[21] Said and Hitchens, *Blaming the Victims*, 235.

[22] "Amended Palestinian National Charter."

in 1991), asserting that "Zionism is a form of racism and racial discrimination."[23] The Hamas Charter of 1988 wraps this view in Islamic theology so that the anti-colonial war becomes *jihad*.[24] Both in secular or religious discourse, denying that Jews constitute a "nation" or a "people" with an ongoing historical connection to the land is integral to inciting and justifying violence to terminate the Jewish state.

10.9   SUPPORT FROM REVISIONIST HISTORICAL SCHOLARSHIP

An academic discourse supporting these ideas did not exist in 1938 when Antonius wrote *The Arab Awakening*. However, more recent interpretive frameworks have developed that endorse the de-Judaization of the Holy Land. Both "minimalist" biblical scholarship and revisionist archaeology are disciplines in the service of secular historical narratives and ideology. Both employ critical tools to question the veracity of the biblical history that lies at the core of the Zionist secular narrative. The fact that they provide neither textual nor archaeological evidence to corroborate claims of the continuity of an indigenous Palestinian people seems to elude critics who use their work to deny the Jewish historical past and delegitimize the contemporary Jewish state.

This anti-Israel approach is endemic in a minimalist school of biblical criticism that originated in Copenhagen (hence, the "Danish School") around 1970, spreading to England, centering in Sheffield, and flaring out from there. According to this particular approach, itself grounded in traditions of Protestant biblical criticism, the Old Testament is an intricate and complex deception. It was invented by Hebrew scribes some two and a half millennia ago during the period of Persian and Hellenistic influence over Judea. Out of scattered echoes of a distant past, an ancient and manipulative clerical establishment created foundation myths and historic

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[23] "United Nations General Assembly Resolution 3379."

[24] "Covenant of the Islamic Resistance," Article Seven reads: "The Islamic Resistance Movement is one of the links in the chain of the struggle against the Zionist invaders. It goes back to 1939, to the emergence of the martyr Izz al-Din al Kissam and his brethren the fighters, members of Muslim Brotherhood. It goes on to reach out and become one with another chain that includes the struggle of the Palestinians and Muslim Brotherhood in the 1948 war and the jihad operations of the Muslim Brotherhood in 1968 and after."

narratives to lend credence to their theology and to serve their immediate political purposes. To do this, they fabricated details exalting the Davidic line and its connection to Jerusalem. In other words, the Old Testament account of the patriarchs through the exodus and the Davidic dynasty that established Jerusalem and Judea is nothing but a purposeful and calculated fantasy. Even though relatively few scholars are involved in this approach and they provide virtually no evidence to support the alternative Arab narrative, their claims have been enthusiastically endorsed by supporters of the Palestinian cause.[25]

In the same vein, Muslim Arabs have relatively recently turned to archaeology as an instrument for fostering national identity (and tourism) as well as an intellectual pursuit. Information on the website of Al-Quds University in Jerusalem some years ago indicated the extent to which this new scholarship had entered the public domain. It proclaimed that the real founders of Jerusalem were Canaanite Jebusites who, although they were successively conquered, repeatedly absorbed the invaders into the host society. The list of conquerors included numerous ancient peoples, except for the Hebrews. They are excluded because, the website stated, there is "no trace at all of a person called 'King David'."[26]

It is significant that the efforts to erase Jews from history also draw on selective and decontextualized use of the work of established scholars. For example, the doubts one scholar expresses about some particular detail of the Jews' return to the Promised Land following the exodus as told in the Joshua story are represented as evidence the story has no historical validity. In fact, this scholar questions specific details but asserts the historicity of the biblical text as a whole. However, in the exercise of this polemical technique, questions are selectively excised and aggregated to suggest that a body of serious scholarship denies Jews played a role in the ancient world.[27]

[25] Thompson, *Early History of the Israelite People*; Davies, *In Search of Ancient Israel*; See, too, Brettler, "The Copenhagen School"; Troen and Lassner, *Jews and Muslims in the Arab World*, especially chapters 7 and 8.

[26] http://www.alquds.edu/gen_info/index.php?page=jerusalem_history is the original website that has recently been removed. The original can be sent from troen@brandeis.edu upon request.

[27] Brettler, *Read the Jewish Bible*.

10.10   A Fundamental Historical Debate: Who Are the Natives?

These competing historical narratives entail competing claims of identity as natives of the Land.[28] Such competition is exacerbated where different ethnic groups have inhabited the same territory over an extended period of time with but one emerging to create a modern nation-state that largely reflects its particular identity. This phenomenon naturally generates tensions and is very complicated in the Eastern Mediterranean littoral that, from the early nineteenth century, became an attractive destination for migrants from within and outside the Ottoman Empire. From Izmir (Smyrna) in Turkey through Beirut to Jaffa and Alexandria in Egypt, the eastern Mediterranean coastal regions of the Ottoman Empire had seemed poised for development and integration into the European-dominated, international economy, and attracted migrants—Muslims, Christians, and Jews. Egyptian settlers entered Palestine in significant numbers in the nineteenth century. The Albanian, Mehmet Ali, came to Egypt to become its ruler and then sought to extend Egyptian control through Syria, including Palestine. Arabs moved down to the Negev from Hebron at the same time, while German Christian Templars established colonies in Haifa, Jerusalem, and Sarona, near Jaffa. Circassians arrived from the Caucasus in the 1870s.

As new national entities emerged amid massive population movements and the consequent carving out of modern states from the Mandate system, discrete groups attempted to establish local identities rooted in the past—real or imagined. In the truncated heartland of the former Ottoman Empire, the Turks asserted historic links to the Hittites, a pagan people who long preceded the arrival of Islam. The Maronite Christians of Lebanon imagined themselves as descendants of the Phoenicians. Some Egyptians claimed continuities to the populations who inhabited their country at the times of the Pharaohs. Hashemite rulers, who were brought by the British from the Arabian Peninsula to the east bank of the Jordan River after World War I, incorporated aspects of an ancient local Nabatean identity into their own. Some Arabs of Palestine claimed direct descent from the biblical Canaanites. So too did a small number of Jews, who in the 1940s conjured up a Semite identity branching out from the Canaanites.

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[28] Troen and Troen, "Indigeneity"; Gregg, "Indigeneity as Social Construct."

As noted earlier, competition for the same territories in the context of state-building catalyzed identity politics. The failure of Nasser's regional pan-Arabism in the aftermath of Egypt's defeat in the 1967 war with Israel resulted in efforts to establish local identities in Israel/Palestine and elsewhere. Arab residents of Jerusalem claimed they were descendants of the Jebusites, a Canaanite people, who dominated the city over the centuries. Similarly, Palestinian Liberation Theology embodied the contention that local Christians are the "living stones," the original inhabitants of the land on which the Church would be reestablished (1 Peter 2:5). These identity claims were challenged by Jewish settlers on the conquered West Bank who declared that they were direct heirs of the promises made to their forefathers in venues still bearing Biblical names.

When coupled with assertions of exclusivity—that is, we are the only "native" people of this locale—such claims are used to delegitimize the rights of any "other." An example is the opening statement of *The Future Vision of the Palestinian Arabs in Israel* (2007): "We are the Palestinian Arabs in Israel, the [emphasis added] indigenous peoples, the residents of the State of Israel, and an integral part of the Palestinian People and the Arab and Muslim and human Nation." This formulation, produced by some of the leading Palestinian intellectuals in Israel, implicitly delegitimates Zionism and denies Jewish rights to the land.[29]

The morphing of "native" into "indigenous" is yet another example of merging religious and secular arguments, and it is not accidental. The term, borrowed from legal principles formulated and endorsed by the United Nations beginning in the 1960s, initially designated post-Columbian indigenous, native or aboriginal populations in the Americas and Austalasia. As noted earlier, the claim of indigeneity has recently been adopted by Israeli Bedouin and inserted into their appeals to the courts for land rights. Although these legal assertions of indigenous rights have had some success in preserving native cultures in areas such as religion, customs, and language and minimally protecting native lands, to date they have not successfully challenged the sovereign rights of modern states over territory.

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[29] The National Committee for the Heads of the Arab Local Authorities, "Vision of Palestinian Arabs."

10.11   Toward a Conclusion

Not all Jewish, Christian, and Muslim claimants to the Holy Land whether *Eretz Hakodesh/Terra Sancta/Al-Ard Al-Muqaddasah* mix the secular with the theological. Some argue primarily in religious categories. Hamas, Palestinian Muslim fundamentalists, consider the entire territory a *waqf* (inalienable religious benevolence) from which Jews must necessarily be excluded. Religious Jewish settlers on the West Bank consider it their religious duty to reclaim the land promised their forefathers that they designate as Judea and Samaria. Christian Zionists support unfettered Jewish settlement and view the contemporary conflict as a transient, if foreordained, divine drama preceding the second coming.

More typically, secular and religious discourses tend to merge, particularly among Jews and Christians. The blurring of the modern secular with the traditional religious may be inevitable in a land with so many layers of history and deeply embedded theologies. In this, there may yet be a measure of hope. Totally secular discourses have not offered a path to universal agreement, nor, of course, have the totally theological. It could be otherwise. Embedded in monotheistic theology and in humanistic secular discourse are strands that argue for values including respect for the other, compassion, and patience in awaiting a Divine hand or historical developments that will move human events toward accommodation and compromise.

One such course has actually been proposed and still resonates. In response to the widespread violence that wracked Palestine during 1936–1939, the British established the Peel Commission to inquire into the causes of the conflict and to offer a solution. In 1937, this body proposed the partition of Palestine into a Jewish and an Arab state together with an international zone around Jerusalem. That proposal has been reduced to the often touted "two-state solution," a still elusive proposal, but the only one that apparently has substantial adherents in the international and in the Jewish and Arab communities. In arriving at this proposal, the Peel Commission made a path-breaking demand. It did not determine whether the secular and theological arguments were right or wrong. Nor did it appeal to any principle of abstract justice. Rather, it proposed to suspend comprehensive and exclusive demands and to pursue

a pragmatism that could serve all sides. In the famous formulation of the Peel Commission: "half a loaf is better than none."[30]

There may be another path to sidestepping the demand for total justice for the sake of pragmatism and compromise, accepting what conflict resolution practitioners conceive as "parallel narratives." That is, contending sides are encouraged to share their perspectives with each other without demanding to convince the opposing camp or expecting to forge a homogenized narrative. As in nature, so in human affairs, parallel lines never meet. Such a course assumes that neither secular arguments nor theological disputations alone or in combination can bring contestants to embrace a single truth and thereby resolve differences. Rather, the hope is that in hearing alternative views, empathy might be engendered, surely a useful step in fostering mutual tolerance and making pragmatic choices possible.[31]

The Israel/Palestinian conflict may be further complicated because three major, historic religions are involved. But as I have tried to argue, inconclusive secular principles have conflicting uses, and secular and religious claims are not entirely distinct after all. Rather, they often coexist and reinforce one another. This observation returns us to where this essay began. Modernization did not inevitably and irrevocably lead from religion to secularization. Rather, varieties of interaction, complementarity, and reinforcement can and apparently do exist simultaneously. This complexity has made it difficult for statesmen, social and political philosophers, well-intentioned activists devoted to finding a pragmatic approach, and for scholars and lay people alike to arrive at a usefully objective and dispassionate understanding of the conflict.

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[30] See the conclusion of Peel Commission, "Reports, Cmd. 5479."

[31] Rotberg, *Israeli and Palestinian Narratives of Conflict: History's Double Helix*.

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Religious Liberty and the Muslim Question

Daniel Philpott

11.1   Introduction

At least as far back as the attacks of September 11, 2001, a contretemps over the character of Islam has raged in the West. The debate carries all the marks of a culture war—it is polarized, polemical, and public—and recurs every time Muslims commit acts of violence: Paris, Madrid, London, Berlin, Orlando, Benghazi, San Bernardino, Fort Hood, and so on. It takes place on the internet and cable news shows, on the op-ed pages and talk radio, and while it is expressed crudely at times, it finds intellectually sophisticated parallels in higher brow publications like *The Weekly Standard* and *The New York Review of Books.* At the epicenter of the debate is a question directly relevant to this volume's central theme. The question is: Is Islam tolerant?[1]

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[1] This essay is based on Philpott, *Religious Freedom In Islam.*

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One on side of this "Muslim Question"[2] can be found "Islamoskeptics" who hold that violence and repression are hard-wired into Islam's texts and traditions; that Islam is inhospitable to liberal democracy; and that the West should gird up for ongoing conflict with the Muslim world. The opposite pole consists of "Islamopluralists" who counter that Islam is diverse in its teachings and traditions; that its political expression varies across history and circumstances; that it is welcoming to liberal democracy; and that the West ought to pursue dialogue with Muslims, find common ground, and own up to the past injustices through which it contributed to Islam's violent side.

This essay will assess the Muslim Question according to the criterion of the human right of religious freedom, which is broadly the civil right of persons and religious communities to practice, express, change, renounce, or spread their religion. The essay presupposes that religious freedom is a universal principle both in the sense that it is rooted in human nature and common morality and in the sense that is articulated in major human rights conventions.[3]

Religious freedom is a strong criterion for judging whether a religious tradition is tolerant. It calls for not merely the kind of tolerance that amounts to a truce or restraint from the use of force but also an enduring and principled respect for the full citizenship rights—consistent with international human rights standards—of people who espouse profoundly different answers to the most ultimate questions of human life. Religious freedom is also more demanding than popular democracy, which involves elections and representation but is compatible with gross mistreatment of minorities.

The religious freedom criterion indeed addresses much of what the Muslim Question is all about. Will Muslims respect the rights of the members of other religions? Will they respect the rights of dissenters from or within their own religion—Ahmadis, Yazidis, Bahai's, Shias within Sunni populations, and Sunnis within Shia populations? Or will they aim to subdue, forcibly convert, heavily restrict, or otherwise make second class citizens of minorities and dissenters? Because religious freedom is a civil right,

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[2] The phrase Muslim Question is a riff on the historic "Jewish Question," which pertained to the status of Jews as citizens in European countries in the nineteenth century. For a similar use of the term, see Norton, *On the Muslim Question*.

[3] For a defense of the universality of the human right of religious freedom and an engagement with critics, see my *Religious Freedom in Islam*, 16–44.

it demands not only that citizens exercise this respect in their words and deeds but also that political orders enshrine it in their law and public policy. Religious freedom is the principle that is most directly and blatantly violated by those episodes involving Muslims that gain the most attention in the Western media: terrorist attacks, the harsh enforcement of blasphemy codes, judicial killings of apostates, and egregious restrictions on dress. For Islam or for any religious tradition to be called peace-loving and tolerant, it ought to meet the standard of religious freedom.

So the Muslim Question can be rephrased: Is Islam hospitable to religious freedom? This essay will confront this question by looking at the forty-seven Muslim-majority countries in the world today and assessing the condition of religious freedom there. This is only one of several ways of approaching the Muslim Question, others including examining texts, doctrines, and the history of the Islamic tradition. Here, though, the focus is contemporary and empirical, comporting with the focus of this volume's second part on the modern world.

A critical tool for assessment is the data of the Pew Research Center, which has coded every country on an index of government restriction on religion (GRI) and of social hostilities (SHI), meaning repression committed by non-state actors such as militant groups. The focus here is on the government restrictions score, which I argue is a good test for religious freedom in the Muslim world: How religiously free are the laws and policies of countries where Muslims possess the demographic power to suppress freedom?[4]

From a satellite view that aggregates the GRI scores of forty-seven Muslim-majority countries, the Muslim world does not look very religiously free. Sociologists Brian J. Grim and Roger Finke, who devised the Pew index, report in their book of 2011, *The Price of Freedom Denied*, that 78% of Muslim-majority countries contain high levels of government restrictions on religion, in comparison with 43% of all other countries and 10% of Christian countries, and that 62% of Muslim-majority countries display a moderate-to-high degree of persecution, compared with 28% of

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[4] The first of the Pew Reports was "Global Restrictions" Pew has published at least five updates of the scores since then. Here, I use the data from the 2009 report since it was published prior to the Arab Uprisings of 2011, which changed, which countries belonged to the patterns documented here. I then note in the text instances where these uprisings influenced politics. Religious Freedom in Islam contains an entire chapter on the Arab Uprisings, see 149–176. The Pew Research Center is not responsible for the analysis and interpretation of the data in this chapter.

Christian-majority countries and 60% of all other countries.[5] My own analysis of data from the Religion and State Dataset compiled by political scientist Jonathan Fox yields similar results. On an index of "official restrictions" where 0 is least restrictive and 5 is most restrictive, Muslim-majority countries averaged 2.6, compared to an average of 1.77 for the entire globe and 1.36 for Christian-majority countries, during the period 1990–2008.[6] More recently, Fox looked at religious discrimination in his 2016 book, *The Unfree Exercise of Religion*, and found that Muslim-majority countries score over four times higher in levels of discrimination than Christian-majority countries.[7]

Zooming in, however, Muslim-majority countries appear more diverse. Some 11, or one-fourth, of these countries are in fact religiously free, that is, ranking low in government restrictions on religion according to Pew numbers. The remaining three quarters, who are not religiously free, contain important differences, ones whose characterization requires more than just numerical scores but also an interpretation of these regimes' political theology—that is, their doctrine of political authority, justice, and the proper relationship between religion and state that is derived from more foundational theological and philosophical commitments. Of the thirty-six unfree Muslim-majority states, some 42% are governed not by a strict form of Islam but rather a repressive form of secularism imported from the West. The other 58% are Islamist, governed by a regime that actively promotes a conservative form of Islam in all realms of life.

Comparatively unfree in the aggregate but variegated in the particular: this portrait of the Muslim world renders Islamoskeptics and Islamopluralists both right and wrong. What both views have to offer and what answer emerges to the Muslim Question becomes clearer through a closer look at the three types of regimes identified just above: religiously free, secular

[5] Grim and Finke, *Price of Freedom Denied*, 169–71.

[6] The Religion and State Dataset can be found at http://www.thearda.com/ras/. The analysis here is my own, conducted on forty-seven Muslim-majority countries. The list differs slightly from the list that appears in this book. It includes Guinea-Bissau and omits Kazakhstan, whereas this book includes Kazakhstan, which is a Muslim-majority country, and leaves out Guinea-Bissau, which is not.

[7] Fox, *Unfree Exercise of Religion*, 122–24. Fox elaborates on his finding by pointing out the strong level of regional diversity within the Muslim-majority world, noting Sub-Saharan Africa as a region where discrimination is low and compares favorably with Christian majority-states in some regions. This broad finding about the Muslim-majority world—high in discrimination in the aggregate yet diverse in the particular—closely parallels the argument of this chapter.

repressive, and religiously repressive. The same close look at these regimes and their political theologies will also yield important clues about the relationship between secularization and toleration.

11.2   Religiously Free Muslim-Majority States

Religiously free states are ones that rank in the "low" tier of Pew's Government Restrictions Index, the other tiers being "moderate," "high," and "very high." With respect to a wide range of law and policies, religiously free states do not coerce, heavily restrict, manage the governance or finances of, or strongly discriminate against persons and communities in their exercise of religion. These states are secular in a certain sense, one that must be distinguished from other meanings of this fraught and protean term.[8] They manifest a "positive political secularism" in the sense that their institutions render independent the authority of religion and state. Political scientist Alfred Stepan described this secularism well through his concept of "twin tolerations," in which religious communities abjure any standing authority in governmental affairs but, in turn, are given wide freedom to practice their faith and to participate in democratic politics.[9] Religious freedom is a central component, though not the only component, of positive political secularism, which is broadly friendly to the practice of religion. A contrasting "negative political secularism," manifested in what is described below as "secular repressive" states, involves the sharp constraint, control, and management of religion, often sharp discrimination against religious people, and a distinct lack of religious freedom. A third form of secularism relevant to our analysis contrasts with the other two in that it does not pertain to political institutions but rather denotes a

[8] In a previous piece, I identified nine meanings of secular. See Philpott, "Has the Study of Global Politics Found Religion?," 185.

[9] Stepan, "The World's Religious Systems and Democracy: Crafting the Twin Tolerations" For an argument for positive secularism that is rooted in Islamic thought and history and applied to the Muslim world, see; Hashemi, *Islam, Secularism, and Liberal Democracy* Pope Benedict XVI was another proponent of positive secularism, as described in; Allen, Jr., "Benedict Makes a Case for 'Healthy Secularism' | National Catholic Reporter" The pope's distinction is similar to political scientist Ahmet Kuru's distinction between passive secularism and assertive secularism in; *Secularism and State Policies* as well as Elizabeth Shakman Hurd's distinction between the laicist tradition of secularism and the Judeo-Christian tradition of secularism in; *The Politics of Secularism in International Relations.*

decline in the religious belief and practice of a country's population. It may be termed "the secularism of irreligiosity."

There were eleven religiously free Muslim-majority states in the world in 2009, the baseline year of the present analysis. Seven of them are in West Africa, including Senegal, Mali, Sierra Leone, Niger, Guinea, Burkina Faso, and The Gambia; the others are Lebanon, Albania, Kosovo, and Djibouti. These states illustrate an important point about positive political secular states, namely that their relationships between religion and state are not identical. Some West African governments, for instance, provide direct financial support to religious communities, doing so equally and fairly, in contrast to the United States, for instance, a positive secular state whose government is constrained by law from such provision. All of these countries are religiously free, though, which means that they share certain features in common. With minor variations, their constitutions include robust religious freedom provisions and omit doctrinal tests on laws (i.e., conformity to Islam or to *sharia* or requiring approval by a council of scholars); the state does not govern mosques, imams, or religious education; public schools don't force students to be instructed only in a religion other than their own, or don't teach religion at all, and religious private schools are permitted; when these states declare religious holidays, they do so for those of minority religions as well as Islam; registration of religious groups either is not required or carries no onerous implications; there are no laws prohibiting blasphemy or apostasy or imposing restrictions on religious speech, broadcasting, and dress; no religiously based law denies women equality in education or vocational opportunities; the registration of religious groups either is not required or carries no onerous implications; and personal status law and status law courts (governing families, marriage, inheritance, etc.) either do not exist, or, when they do exist, are only for Muslims and are not required to be used by non-Muslims, are optional, and/or are liberal in their interpretations of *sharia* law.

The seven West African states are the geographic heart of religiously free Islam. In most of these countries, Sunni Muslim majorities live side-by-side with Christian minorities as well as tiny groups of Hindus, Baha'is, Jews, and other religions. Some of them contain minorities of Shias and Ahmadis, whose beliefs diverge from mainstream Sunni Islam. Many citizens of these countries, though it is difficult to say how many, practice traditional African religions and often combine elements of these religions with Christianity and Islam. All of these countries exhibit virtually all of the characteristics of religiously free states noted above along with another

distinctive pattern in the region, the active efforts of governments to foster interreligious harmony, for instance, through councils of religious leaders. In the past decade or so, religious freedom in all of these countries has been challenged by Islamist militants but has remained robust.

What explains the West African arc of religious freedom? Some might propose demographics, but religious freedom remains high whether the population is 95% Muslim, as in Mali, 61% Muslim, as in Burkina Faso, or even less than 50% Muslim, as is the case with certain other countries in the region that are not Muslim majority but are also religiously free– Guinea-Bissau, for instance. Others, reasoning in the spirit of the Enlightenment, might argue for the secularism of irreligiosity: It is where people have become least religious where they are most tolerant. The reality, though, is starkly different. Pew Research Center reports show that West African countries exhibit high rates of religiosity according to global standards and host the most devout Muslims in any part of the world except for perhaps Southeast Asia.[10] Muslim West Africa is both highly free and highly religious.

A better explanation for this region's religious freedom is its culture of interreligious harmony. Members of religions attend one another's holiday festivals, support one another's practices, and even intermarry at high rates. What explains this culture, in turn? Several factors. First, Sufi is the prevalent form of Islam in this region. A form of spirituality that stresses mysticism and beauty, Sufi Islam teaches the presence of God within every human being and the free character of faith. Sufi masters stress Quranic verses highlighting freedom and tolerance such as "there is no compulsion in religion," affirm a right of "religious exit," refrain from asserting the concept of "apostate," and in some cases teach equality between men and women. Second, Islam originally arrived in this region not through conquest, as in the Arab world, but through small bands of traders and missionaries who came between 1100 and 1600 and were forced to rely on the patronage of local rulers and accommodate the surrounding populations and their religions. Thus, patterns of coexistence were established that lasted centuries. Third, during the period of European colonialism in the nineteenth and first half of the twentieth centuries, colonial governments ruled indirectly through the cooperation of local rulers, whose

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[10] "Tolerance and Tension," 25, 27; "The World's Muslim," 40.

religion they respected. For all of these reasons, Muslim West Africa was fashioned as free.[11]

Four other Muslim islands of freedom exhibit the traits of religiously free governance as well. Lebanon is a Muslim-majority state with great religious diversity. Muslims are divided between Sunnis and Shias, while Christians make up about one third of the population (though numbers are uncertain). A sophisticated set of government institutions manages this diversity through robust religious freedom. Albania is a Muslim-majority country with a significant Christian minority that has established religiously free institutions in the wake of a period of harshly atheistic Communist rule that came to an end in 1992. Nearby Kosovo, with a majority of 96% Albanian Muslims, experienced war with Serbia and its Orthodox Christian minority in the 1990s but emerged with institutions that ensure a strong degree of religious freedom. The remaining country to be rated free on Pew's 2009 numbers is Djibouti, an East African country that had achieved substantial religious freedom though it subsequently lost its free rating due to restrictive measures the government took in response to militancy.

From these religiously free Muslim-majority countries emerge a couple of initial conclusions about our broader questions. First, these countries add complexity to the bleak satellite view of the Muslim-majority landscape. They are evidence for the Islamopluralist view that the Muslim world is diverse and that Muslims are capable of forming religiously free societies. The countries in West Africa, and Lebanon and Djibouti, too, are free not despite of their Islamic character but rather because of it. On the question of secularization and toleration, these countries show that religious freedom—again, a strong form of toleration—is embedded in and enabled by a positive political secularism in which religious and political authority are broadly separated. They likewise disprove that the secularism of irreligiosity is needed for toleration. True, in Albania, religiosity is low due to the legacy of Communism. The vast majority of the religiously free countries, though, manifest a vibrant Islam.

[11] Diouf, "Stateness, Democracy, and Respect," 212, 216, 227; Sanneh, *West African Christianity*, 212–13, 216–22, 242–51; Azumah, "Christian-Muslim Encounters"; Dovlo, "African Christian and Islam," 85–102; LeVine, "Mali," 79; Sanneh, *Beyond Jihad*.

11.3   SECULAR REPRESSIVE MUSLIM-MAJORITY STATES

The set of unfree Muslim-majority countries–which number thirty-six, or 77% of the total of forty-seven—also manifests more diversity than the satellite perspective reveals. A total of fifteen, or 32%, of these countries govern religion repressively not on account of an Islamic ideology but rather according to a western secular ideology. This secular repressive type, as I call it, embodies the negative political secularism that is at odds with religion. Its defining political theology is rooted in the French Revolution and calls upon the state to control and contain religion in order to advance modern civilization.

The Republic of Turkey, which Kemal Atatürk founded in 1923, is the prototype of the secular repressive pattern in the Muslim-majority world. The model then became prevalent in the post-colonial Arab world. Gamal Abdel Nasser established this sort of governance in Egypt in the mid-1950s, and Libya, Morocco, Jordan, Syria, and Algeria followed in his wake. Several Muslim-majority countries were under prominent secular repressive governments until they were overthrown: Iraq up until Saddam Hussein's ouster in 2003, Iran up through the overthrow of the Shah of the Pahlavi dynasty in 1979, and Indonesia until the fall of Suharto in 1998. Syria remains a secular repressive republic under President Bashar Assad. Secular repressive are also republics of Central Asia that emerged as independent after the collapse of the Soviet Union, including Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan and Azerbaijan. Chad, in Saharan Africa, takes this form as well.

The political theology of these regimes is one of secular nationalism. In order to become a modern state and advance economically, technologically, and toward equality between the sexes, it is necessary to sideline religion, a source of medieval, feudal, backwardness, and replace it with love for the nation and with scientific rationality, the logic runs. Secular repressive regimes are authoritarian, as they must be, since they rule over populations that persist in their religiosity. Quite recently, both Egypt and Syria were global leaders in torture.

Leaders of secular repressive states will seek to "establish" a moderate form of Islam which they both control and support by closely controlling the governance, funding, and activities of mosques, schools, seminaries, and universities; the public expression of religion in publications and broadcasting; and even the way that citizens dress. These regimes will muffle and marginalize more traditional forms of Islam, if necessary jailing

or killing their leaders. They institute secular law, not *sharia*, and either do not establish personal status courts or see to it that these courts are liberal.

Again, Turkey is the standard-bearer. In 2009, its GRI ranked fourteenth worst in the world. From Atatürk's founding of the republic in 1923 up until his death in 1938, he undertook a thorough effort to confine Islam to the private sphere and to remake the souls of Turks. On the same day in 1924, he abolished the caliphate and established the Diyanet, a giant ministry to control religion. He also established secularism in the constitution, banished religious schools, took control of universities and newspapers, established a new alphabet and calendar, and even sharply regulated dress. He curtailed the religious freedom of non-Muslim minorities.

About Islam, Atatürk was wrong. In the mid-nineteenth century, Ottoman Muslims had supported liberalizing reforms on Islamic grounds, including ones that brought substantial religious freedom and the first democratic elections among a Muslim population. Over the course of Turkey's subsequent history, the regime periodically allowed democratic elections, saw the voters return a moderate Islamic party to power, and subsequently intervened through the military, with the help of the judiciary—the pillars of Kemalism—to return the secularists to power. Since 2002, Turkey has been governed by an Islamic party, the Justice and Development Party, under Recep Tayyip Erdoğan who, during the first nine years of his rule, sought to create greater freedom for the practice and expression of Islam, but was substantially defeated by the courts and the military. Since 2011, he has taken a sharply authoritarian turn and has won some gains for the practice of Islam—there are now few restrictions on women wearing headscarves, for instance—yet the pillars of Kemalism are largely in place.[12]

Next to Turkey, Egypt is the most globally prominent secular repressive regime. Its GRI number in 2009 was the fifth worst in the world. After a generation-long experiment in liberal politics, Gamal Abdel Nasser led a military coup in 1952 and had consolidated power by 1954 and sought to remake Egypt as a secular society up until his death in 1970. Characteristic of the "Bandung Generation" of leaders of newly independent countries in the Middle East, Africa, and South Asia, Nasser's secular vision was part of a package that also included nationalism, socialism, economic development, and military power. He promoted a liberal and modern version of

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[12] My interpretation of Turkey is indebted to Kuru, *Secularism and State Policies*, 161–235.

Islam by taking control of the mosques, including the prestigious Al-Azhar mosque and university complex, as well as religious education, television, and journalism, while repressing traditional and conservative Islam, especially through crippling and banning from political participation the Muslim Brotherhood, an Islamic revival movement of tens of thousands.

When Islam resurged on the popular level, Egyptian governments, beginning with that of President Anwar Sadat in the 1970s, began in co-optive fashion to adopt elements of traditional Islam into political life, so much so that by the 2000s, one could question whether Egypt had remained secular repressive. On balance, though, it continued to fit the pattern up until the Arab Uprisings of 2011. The state's continued ban on the political participation of the Muslim Brotherhood, its rigging of elections to prevent a Brotherhood victory, and its promotion of moderate Islam all evinced secular repression.[13]

Elsewhere in the Arab world, the secular repressive pattern took hold during the same period. The Ba'ath Party, founded in 1947, posited itself as a vanguard of Arab unity around a vision of socialism, nationalism, and secularism. It came to power in Syria and Iraq. In Syria, the Assad family has represented the Alawite offshoot of Shia Islam and has protected the country's Christian minority while closely controlling the religion of the vast Sunni majority. In Iraq, Saddam Hussein ruled on behalf of the Sunni majority, while suppressing the Shia majority and the Kurdish minority and tightly governing religion altogether up until his ouster in 2003. Along Africa's northern coast, tales of Arabian secularism can be told in countries like Algeria, where the National Liberation Front (FLN) established a secularist dictatorship following independence from France in 1962, and re-asserted it when an Islamic party threated to win national elections in the early 1990s, begetting a civil war that cost over 150,000 lives. Tunisia adopted this pattern of governance in 1956, which lasted until the government of Zine El Abidine Ben Ali was overthrown in what was the first of the Arab Uprisings in early 2011. Morocco has also fit the secular repressive pattern, although does not regulate religion as tightly as other Arab regimes. Libya took on the pattern under Colonel Muammar Qaddafi, who ruled until his overthrow in 2011. Jordan adopted the pattern in the 1980s in reaction to a rise of Islamism.

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[13] Here I have relied on the interpretation of Hibbard, *Religious Politics and Secular States*, 49–114.

In the six Central Asian republics that gained their independence when the Soviet Union dissolved in 1991—Uzbekistan, Turkmenistan, Tajikistan, Kazakhstan, Kyrgyzstan, and Azerbaijan—post-communist governments uniformly continued the communist pattern of containing and managing the rise of Islam that began in the region in the 1960s and persisted through the 1970s and 1980s. Much as in the Arab world, these regimes have sought to promote moderate Islam and to suppress traditional Islam through the sharp exercise of control over religion: the operation of a ministry to govern religion; the imposition of registration requirements for religions; the forbidding or close surveillance of religious education; the banning of religious parties (with an exception in Tajikistan); and the restriction of religious publications. Religious minorities in the region—Christians, Jews, sometimes others—are permitted to practice their faith but are heavily restricted, often harassed, and strictly forbidden from proselytizing.

What implications does the secular repressive pattern have for the Muslim Question? Intolerance—that is, a lack of religious freedom—in the Muslim majority world does not result directly from Islam. It is rather the result of an ideology, imported from the West, that holds out the promise of a nation based on economic and technological progress and social equality and that renders religion as an enemy of these goals. Negative political secularism, where laws, policies, and institutions are arrayed to control or repress religion, thus instantiates intolerance.

Secular repressive dictators seek to justify this form of secularism by pointing to a repressive Islamist alternative: "It's either me or the Muslim Brotherhood," Egypt's former president, Hosni Mubarak, used to say. Undeniably, Islamist militants often do pose a security threat in these countries that justifies military and police countermeasures. These dictators' aspirations, though, extend far beyond security to a secularism that would refashion society and souls for the cause of the modern nation. This is the root of the repression that characterizes fifteen—or about 42%—of those Muslim-majority countries that are not religiously free.

11.4   RELIGIOUSLY REPRESSIVE MUSLIM-MAJORITY STATES

The other religiously unfree Muslim-majority states—twenty-one in all, amounting to 58% of the unfree Muslim-majority states and 45% of all Muslim-majority states—are religiously repressive. Their political theology is a form of Islamism, an ideology, or political program, that calls for the state to promote a strict and strongly conservative form of Islam in all areas of life—family life, economy, culture, religious practice, education, dress, and many others. This version of Islamism finds its modern origins in the thought and political activity of Egypt's Sayyid Qutb, a writer and activist whom Nasser imprisoned and ultimately executed in 1966, of Egypt's Hassan al-Banna, who founded the Muslim Brotherhood in 1928, and of Abu Ala Al-Mawdudi, a Pakistani who founded the Jamaat-e-Islami, also a transnational revival movement. These thinkers were convinced that Islam had fallen into *jahilliya*, the state of darkness that existed prior to Muhammad, and called for Islam's revival. The problem, they thought, was due both to internal decay caused by secularization and to the legacy of colonial oppression. Much like Islam Marx and Lenin, Islamists envision a world revolution through which Islam will rise again and look upon the modern state as a temporary vehicle to lead this revolution.

The state's quest for a thoroughly Islamized environment often involves it in the restriction of other religious faiths and of those whom the dominant religious authorities consider to be unfaithful Muslims. Typically, the state's constitution will declare the state to be an Islamic one and often contains a clause stipulating that *sharia* is "a" or "the" source of legislation or that no law may contradict *sharia*. Laws will forbid apostasy, blasphemy, conversion, and proselytism. A government ministry will govern mosques, schools for training clerics, and other religious institutions in the promotion of a conservative form of Islam and the suppression of a liberal form. The regime restrictively governs publications, broadcasting, dress, and education, too. Religious groups that are deemed deviations from Islam—like Ahmadiyyas, Bahai's, or Yazidis—are heavily restricted or outlawed. Non-Muslim faiths are not treated quite as harshly but can be heavily restricted and their members subject to strong discrimination. Sharia courts for personal status matters are conservative in their jurisprudence and wide in their jurisdiction.

Regimes that carry these features are spread widely across continents. The standard bearers, which strive to spread the Islamic revolution, are Iran and Saudi Arabia. An Islamist regime came to power in Iran in a revolution in 1979 and continues to view itself as revolutionary, the global leader of an Islamic revival in which states are envisioned to play a critical role. At home, a version of Shia Islam is the official state religion, its top clerics are guaranteed a formidable political influence, deviations from the faith are punished through strict apostasy and blasphemy laws, and members of minority religions are all but driven underground. In Saudi Arabia, the monarchy continues to uphold the tenets of the strict Wahhabi sect of Islam, having sharply tightened religious restrictions after unrest on the part of Islamist groups in 1979. Here, too, religious uniformity is strongly enforced, including through a religious police force, while non-Muslim religions have little room in which to practice or express their faith. Other major Islamist states include Sudan, Afghanistan, Iraq, and the northern states of Nigeria; smaller ones are spread around the world, including the Gulf states.

Four other states illustrate an important pattern for the study at hand—that of Muslim-majority countries where electoral democracy coexists with religious repression.[14] There are at least four of these and they include Pakistan, Bangladesh, Malaysia, and Indonesia. The argument here is not that of Islamoskeptics who claim that attempts to introduce democracy in Muslim-majority countries will result in the election of parties who then will put an end to electoral democracy: one man, one vote, one time. Important studies have shown that elections in Muslim-majority countries have not been won by Islamist parties.[15] What does take place, though, is an Islamicization of co-option by which major parties appeal to voters with a religious agenda that includes the promotion of conservative Islam and the restriction of liberal Islam, allegedly deviant sects, and non-Muslim religious minorities. Indonesia, for instance, while it has hosted the world's largest Muslim democracy since the fall of Suharto in 1998, and while it contains mass Muslim movements with a strong record of tolerance, also has sharply declined in its level of religious freedom as seen in measures ranging from the restriction of the Ahmadiyya sect, to the enforcement of

[14] See Nasr, "Rise of `Muslim Democracy'."
[15] See, for instance, Kurzman and Naqvi, "Islamic Political Parties and Parliamentary Elections."

standards against blasphemy, heresy, and conversion, to lax enforcement against militant attacks on religious minorities.[16]

The religiously repressive model pattern contains important lessons for toleration and secularization. Along with the satellite view, this pattern offers the strongest evidence for the Islamoskeptics' position. Here, Islamic doctrine undoubtedly promotes intolerance. Two offsetting insights are also in order, though, which call into question a further conclusion that modernity conversely brings toleration. First, Islamism, a political program, operates through and is enabled by the nation-state, a distinctively modern form of political organization. Different forms of the modern state enable religious intolerance. Most religiously restrictive Muslim-majority states are dictatorships, where a regime foments religious restriction through its police and its bureaucracy. Even in the few Muslim-majority religiously repressive democracies, though, the dynamic of democratic competition has also served to increase religious intolerance. Second, religiously repressive Muslim-majority states have often arisen in reaction to secular repression, whether it was fomented by colonialist governments or by postcolonial regimes aspiring to conform to the economically advanced West like that of the Shah of Iran. Religiously repressive Muslim states are as much the product of modernity as they are a preceder or rejecter of it.

11.5   Implications for Secularization and Toleration

Is Islam hospitable to religious freedom? The profile of the world's Muslim-majority states yields both honesty and hope. Honesty requires admitting that the Muslim world as a whole is less free than the rest of the world. Hope arises from the religiously free Muslim-majority states and from the fact that Islam is not solely responsible for unfreedom in the Muslim world.

What conclusions emerge regarding secularization and toleration? Like other essays in this book, the present one calls into question the enlightenment thesis that toleration rises when religion declines. In the past generation, prominent thinkers in the liberal tradition have resounded this thesis, including political philosophers John Rawls, Mark Lilla, and many others: Freedom, especially in matters of religion, only emerged in the West once

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[16] See, for instance, the report, "Indonesia: Pluralism in Peril."

politics was freed from religion. Today, they might say, freedom can only emerge in Muslim countries once they trod the same route.[17]

Freedom, though, need not be an enemy of religion, nor secularization a precondition of toleration. Among Enlightenment, thinkers can be found ones who espoused a strong political theology of negative political secularism advocating the marginalization of religion through repression. Rousseau, for instance, wanted to replace Christianity with a civil religion that would serve his envisioned state and even stipulated the death penalty for dissenters.[18] The French Revolution followed Rousseau's script, dealing especially harshly with Catholics, who pledged fealty to an authority other than the revolution. This political theology directly inspired Atatürk and, by extension, his many imitators in the Arab world and around the Muslim-majority world. Its secularization certainly did not include toleration.

Enlightenment thought also includes a positive political secularism, advanced incompletely and imperfectly by John Locke (who would not allow toleration for Catholics, atheists, and Muslims loyal to the Ottoman sultan) and through the American Revolution. Most of the founding fathers envisioned religion as a positive force for free and democratic government and crafted the First Amendment of the U.S. Constitution so as to give religion-wide freedom to operate. This model had been realized in the religiously free Muslim-majority states, whose Islamic political theology supports the tolerance of religious freedom.

To be sure, there remain the religiously repressive countries whose governing political theology breeds intolerance, but even this form of regime is not supported unanimously and simply by the country's brand of Islam. It is rather the case that an Islamist faction has succeeded in taking control of the sovereign state.

Perhaps the best conclusion is that neither religion nor the lack of religion delivers tolerance in a general sense, but rather that the right kind of political theology is needed to sustain the form of tolerance known as religious freedom.

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[17] See Rawls, *Political Liberalism*, xxii–xxvii; Lilla, *The Stillborn God*, 55–103.
[18] Rousseau, "The Social Contract," 222–23.

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CHAPTER 12

Tolerance and Intolerance in the History of Religious Liberty Jurisprudence in the United States and the Implementation of RFRA and RLUIPA

Barbara A. McGraw and James T. Richardson

12.1   Introduction

Religious liberty is considered by many to be a (perhaps "the") defining element of American history.[1] The phrase itself implies tolerance of all faiths. Yet tolerance has not been a hallmark of American history, where violence against Quakers, Baptists, and Native Americans, among others, marked the colonial period; the nineteenth century saw the persecution of Mormons and Catholics and the removal of Native Americans from their homelands; and the twentieth century produced the shameful treatment of members of the Jewish faith attempting to flee persecution in European

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[1] McGraw, *Sacred Ground*, 66.

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nations before and during the Holocaust.[2] Add to that litany the more recent concern about "cults" and the current attacks on Muslims and Jews, and one might be left with the impression that America must be a quite intolerant nation when it comes to religious diversity. But that conclusion would not be accurate, as it would fail to account for America's secularization and desecularization movements and the continual reaffirmation of toleration many times throughout American history.

The history of the relationship of secularization, toleration, and religious liberty in the United States is complex, exemplifying three interrelated aspects of secularization and desecularization—multiple types, agents, and projects.[3] Religious actors and others have wielded and shaped the law, swinging the secularization–desecularization pendulum over time in response to major demographic and ideational shifts. Such actors have participated in structural changes that eventually supported a pluralizing project by the late twentieth century.

That pluralizing project does not involve general secularization, that is "the waning of religion's role in culture and society."[4] Rather, it is one whose effect is the waning of any dominant religion's influence, while increasing a multiplicity of religions participating in public life. Over time, this phenomenon has resulted in greater religious tolerance in society and a concomitant increase in support for laws that ensure religious liberty for all. Since the 1990s, the Religious Freedom Restoration Act of 1993 (RFRA) and the Religious Land Use and Institutionalized Persons Act, enacted in 2000 (RLUIPA), have been instrumental in advancing that pluralizing project in twenty-first-century America.

12.2   THE AMERICAN FOUNDING: ESTABLISHING TOLERATION AND RELIGIOUS LIBERTY

Originally the home of what many indigenous peoples refer to as "Great Turtle Island," the land that became the United States was settled primarily by Europeans of different Christian sects. Some of those sects began by

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[2] Waldman, *Sacred Liberty*.

[3] Svensson and Karpov, "Secularization, Desecularization, and Toleration."

[4] Svensson and Karpov, 31.

declaring their church the official church of the colonies where they were dominant. However, that effort could not stand. Either they could not maintain such establishments because of the presence of other religious groups, or they would not because of their own prior experiences of religious oppression. An understanding was reached that "if my religion cannot become the official church, then neither can yours." Thus, in the founding era, a grand compromise was made that became what Sydney Mead called "The Lively Experiment" of religious liberty.[5]

Although embracing religious liberty was in some sense a product of enlightenment thought, its initial implementation within the American context also was a political compromise, a strategy to decrease conflict. Yet it was also, for many, a religious idea rooted in a Protestant doctrine—the priesthood of all believers in Christ—which was then eventually extended to the right of everyone to their own conscientious beliefs and commitments. An incipient toleration as a social norm, religious doctrine, and conflict avoidance strategy had converged in the legal right to religious freedom as an individual's inherent liberty claim against the state.

The movement at the national level toward religious liberty had its antecedents in the individual states. Rhode Island and Pennsylvania had long held the ideal of religious toleration from their beginnings. Other states had nominally established churches (involving some mechanism for financial support and privileging Christians in official political positions), but they nevertheless joined toleration to religious liberty, even while some sought to ensure that Christian norms would prevail.[6] Hence, when debates about inherent rights began at the national level, the principle of religious liberty was already widely affirmed, even if it was understood differently by various actors.

Religious liberty was strongly advocated by James Madison, as well as Thomas Jefferson, John Adams, and Richard Henry Lee, among others.[7] For some, religious liberty extended well beyond the various Christian sects that were dominant in their respective areas and was embraced as an inalienable right for all. As Richard Henry Lee said, "I fully agree with the Presbyterians, that true freedom embraces the Mahomitan [Muslim] and

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[5] Mead, *Lively Experiment*.

[6] For a discussion of religious liberty and the founding era state constitutions, see McGraw, *Sacred Ground*, 73–80.

[7] McGraw, chap. 3.

the Gentoo [Hindu] as well as the Christian religion."[8] As a corollary to religious liberty, there was also a commitment not to establish anyone's religion as the religion of the new nation so that, as George Washington wrote, "every one shall sit in safety under his own vine and fig tree and there shall be none to make him afraid."[9]

Both religious liberty and non-establishment were memorialized in the First Amendment of the Constitution of the new United States in 1791 as the Free Exercise Clause and the Establishment Clause, respectively. The United States became a more tolerant nation than had been the case in its own colonial past and among its European forebears. Yet the new nation also became a proving ground for influential actors' and activists' secularization and desecularization projects, each with their own conception of the extents and limits of religious toleration and how that ought to be reflected in religious liberty law.

12.3   Desecularization, Tolerance, and Intolerance in the Nineteenth Century

The First Amendment and the states' disestablishment of Christianity[10] amounted to a nascent secularizing project and an effort to root religious toleration as a core principle of the new nation. However, because Protestant norms and sensibilities nevertheless prevailed, entrenched assumptions and practices not only maintained Protestant dominance, but were the basis for a countering desecularization trend in the nineteenth century that also led to intolerance.[11] It was one thing to declare toleration and religious liberty as aspirational norms. It was another thing altogether to challenge the privilege of the institutionalized Protestant hegemony at the federal, state, and local level.

Rather than continuing the trend toward secularization, the idea of the United States as a "Christian nation" developed in the nineteenth century. The proliferation of new religious movements, inspired by the promise of religious freedom, challenged the cultural status quo. This together with

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[8] Lee, "To James Madison," November 26, 1784.

[9] Washington, *To the Hebrew Congregation*.

[10] The last states to disestablish religion were Connecticut in 1818 and Massachusetts in 1833. For a discussion of disestablishment in the state constitutions, see McGraw, *Sacred Ground*, 216, n. 60.

[11] Green, *Second Disestablishment*; Sehat, *The Myth of American Religious Freedom*.

mass migration of Catholics to the United States starting in the 1840s, contributed to a strong reaction that reasserted mainline Protestant dominance and attempted to squelch dissent, sometimes with violence.[12]

The preservation of Protestant privilege was supported by the courts in large part due to their reliance on William Blackstone's *Commentaries on the Laws of England*. The *Commentaries* infused the Christian privilege that was salient in English Common Law (which traced back to England's established church) into American jurisprudence. This occurred despite underlying norms of religious liberty and disestablishment reflected in the state and federal constitutions of the new nation.[13] Questioning Christianity's prevailing dominance could, among other things, lead to prosecution under the existing blasphemy laws. For example, in upholding the conviction of Abner Updegraph in 1824 the court imposed a fine of $500 and a two-year prison sentence for speaking against Christianity at a public forum. Though the U.S. Constitution expressly disestablished religion at the federal level, and the Pennsylvania constitution did not include an establishment of Christianity, the *Updegraph* court reasoned that "Christianity is part of the common law."[14] The implementation of this rationale, which was prominent at the time,[15] in courts and legislatures stemmed the founding era's nascent secularizing project, while it nevertheless upheld toleration for many people in their own practices, albeit within the framework of an assumed Protestant foundation.

Central to this desecularization-tolerance project was Chief Justice Story, who joined the U.S. Supreme Court in 1812, and "wrote on more matters involving religion than any single justice through the entire nineteenth century."[16] Referred to as "an American Blackstone,"[17] his *Commentaries on the Constitution* was widely read and highly influential.[18] Justice Story's legacy solidified the view that a broadly understood, nondenominational Protestant Christianity, with its general principles and understanding of the Natural Law, was the underlying foundation of the

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[12] Williams, "Preserving the Protestant Nation," 153; Pottenger, "Millenial Groups"; McKanan, "New Religions and New Politics."

[13] McGraw, "Church and State," 18–19; Blackstone, *Commentaries.*

[14] *Updegraph* v. *The Commonwealth*, 11 Serg. & R. 393, 406–407.

[15] McGraw, "Church and State," 19–22.

[16] Mazur, "Nineteenth Century Supreme Court," 129.

[17] Dunne, "The American Blackstone."

[18] Story, *Commentaries.*

nation.[19] That did not mean that Jews, Catholics, Arminians, and Calvinists, and even infidels could not participate together in "national councils." It meant that whatever liberty was accorded to others was not to be achieved "by prostrating Christianity" to any other religious ideology, not "Mahometanism, or Judaism, or infidelity."[20]

Thus, there was a type of toleration that was bound together with a reassertion of Protestant dominance reflected in the law and society. Yet at the same time, anti-Catholic violence also was common, sometimes involving rival Protestant and Catholic gangs in the streets; the Latter-Day Saints, their practices found to be unworthy of First Amendment protections,[21] were hounded and harassed westward across the continent, their leader Joseph Smith murdered in the process; and Native Americans were oppressed and removed from their homelands.[22]

Still, such developments did not prevent religious experimentation at a level probably never seen before. There were metaphysical, esoteric movements—the Transcendentalists, the Spiritualists, and the Theosophists, to name a few.[23] There was also a proliferation of Christian millennial movements with divergent ideas about what constitutes an ideal Christian society or even an entire "Christian Nation."[24] Yet such experimentation with newfound religious liberty was paired with a rising desecularizing Christian dominance, particularly reflected in the nineteenth century's evangelical movement, which by the end of the century "in many respects was the functional equivalent of an established church."[25]

12.4   Secularization and Expanding Religious Liberty in the Twentieth Century

The twentieth century began with progressivism founded in the "Social Gospel," which had spawned numerous reform movements to counter the social ills that were, for the most part, the consequences of the industrial revolution. That movement envisioned Protestant Christianity as having a

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[19] Mazur, "Nineteenth Century Supreme Court," 132.

[20] Story, *Commentaries,* vol 2:731 and vol 2:728, respectively.

[21] *Reynolds* v. *United States*, 98 U.S. 145 (1879).

[22] Williams, "Preserving the Protestant Nation," 153; Pottenger, "Millenial Groups," 120–22; Mann, "Native Americans," 140.

[23] McKanan, "New Religions and New Politics."

[24] Pottenger, "Millenial Groups."

[25] Walker Howe, "Religion and Politics in the Antebellum North."

social aim—the salvation of society.[26] The United States went from being a socially minded "nation with the soul of a church"[27] in the early twentieth century to the mid-century where secularism dominated major political and legal institutions. This evolution involved ideational influences, which had found their way into the law through various actors' efforts.

Certainly, John Dewey, who was "the preeminent advocate for a common democratic political imagination," was a major contributor to the move toward secularization, in effect coopting the optimism of the Social Gospel movement to advance a common democratic secularized "faith."[28] Americans had understood the United States' participation in the "Great War" (World War I) as fundamentally a religious calling.[29] However, World War II (whose horrors so soon after the first especially exemplified the fallenness of human beings) shattered Dewey's optimistic vision. The war also derailed the "Social Gospel" hope that a social Christianity could save society. It was no surprise then that those ideas receded (although they never disappeared entirely) to be replaced by the "realism" of an uncompromising secular utilitarianism that viewed politics as a secular endeavor and relegated religion to the private sphere.[30] Thus, by the 1970s, John Rawls published political theory to counter that utilitarian trend, but maintained secularity by ignoring religion.[31] It is out of this context that the "secularization thesis" took hold in the United States.[32]

Immigration had an influential impact. By 1924, laws were passed to severely limit immigration of Catholics, Jews, and others to the United States. However, those who had already made America their home "became integrated into American culture, raised families, fought in the country's wars, and generally became what those in the dominant Protestant cultural milieu considered 'good Americans.'"[33] By mid-twentieth-century, in the memorable phrasing of Will Herbert, "Protestant, Catholic, Jew" became an acceptable way of defining America and being

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[26] Downland, "Preserving Morality."

[27] Chesterton, *What I Saw in America*.

[28] His A Common Faith (1934) subsumed religion into a purportedly "secular political-philosophical project." McGraw, "Religion and Political Thought," 242–43.

[29] Downland, "Preserving Morality," 235.

[30] McGraw, B.T. "Religion and Political Thought," 243, 246, and 247.

[31] Rawls, *A Theory of Justice*.

[32] See, for example, Berger, *The Sacred Canopy*; Martin, *General Theory*.

[33] Williams, "Inmigration Post-1965," 278 and 282.

an American.[34] Consequently, there was a greater acceptance of religious diversity, while maintaining a Protestantism-infused cultural and institutional dominance.

In the midst of these developments, a pair of cases contributed significantly to the social and political movements that combined secularization with religious liberty in a new configuration. Newton Cantwell, a Jehovah's Witness, brought a case challenging a law that prohibited him from distributing books, pamphlets, and other materials, some of which criticized organized religion including the Catholic Church, in a largely Roman Catholic neighborhood. He initially lost in the lower court because, the court reasoned, his activities could incite a breach of the peace. However, his appeal resulted in the U.S. Supreme Court's 1940 decision in *Cantwell* v. *State of Connecticut*.[35] The Cantwell Court "incorporated" the U.S. Constitution's Free Exercise Clause into the Fourteenth Amendment of the Constitution, which made the federal religious liberty right applicable to state and local governments. This famous ruling protected individuals from state and local governments' discriminatory laws and activities. It was a momentous decision. Not only was the Supreme Court laying down a marker for expanded religious liberty rights, it was asserting its authority, and federal authority generally, over the states and local governments. And the Court did not stop there.[36]

Taxpayer Arch R. Everson brought a case that challenged the use of public funds to benefit indirectly religious private schools, which resulted in the Supreme Court's 1947 decision in *Everson* v. *Board of Education*. There the Court "incorporated" the Establishment Clause into the Fourteenth Amendment. Thereafter, states and local governments could be prohibited from engaging in activities that promoted a particular religion. The *Everson* Court based its rationale on its interpretation of the founding era, citing in particular Thomas Jefferson's reference to a "wall of separation between church and state," while in effect lowering that wall when it ruled against Everson.[37] Although this case did not begin arguments about the "original intent" of the American founders, it encouraged them exponentially, no less

[34] Herbert, *Protestant, Catholic, Jew*.

[35] 310 U.S. 296 (1940).

[36] This case and many others to follow demonstrate the power and influence of the judicial system in America, as discussed in Richardson, "Sociology of Religious Freedom."

[37] 330 U.S. 1 (1947), 16. The Court held that a New Jersey law that permitted taxpayer funds to be used to reimburse parents' costs for transportation by public carrier to private schools, including to those that are religiously affiliated, did not constitute an unconstitu-

because now it was clear that such arguments would have traction with the Court in ways that would challenge previous assumptions.

Cantwell and *Everson* were extremely controversial (and still are for many), but they marked the beginnings of a crack in the Protestant hegemony that had been the norm in America. The toleration-religious liberty-disestablishment debate moved into the federal courts.[38] And the nation began to embark on the road toward official toleration of diverse religions, greater religious freedom, and a secularizing trend that became the foundation for the pluralizing project that was yet to come.

Religious minorities not willing to abide toleration under a presumed Protestant hegemony pressed their right to religious liberty in challenging restrictions on their practices by the secular state. The Jehovah's Witnesses were especially active in the legal and judicial front and their many legal battles did much to expand religious liberty in America. The Witnesses amassed a remarkable record with at least 50 victories in the Supreme Court over the decades just prior to World War II.[39]

One of the most noteworthy of their cases involved the refusals of Witnesses to salute the flag, as doing so was understood by them to be an affront to God. The issue came to a head during the World War II era when emotions surrounding patriotism ran high. A fifth-grade boy from a Witness family in Pennsylvania refused to salute the flag and was punished for it by expulsion. His case was eventually appealed to the U.S. Supreme Court, which ruled in *Minersville School District* v. *Gobitis* in 1940 in favor of the school district.[40] However, as a result of this decision, a barrage of harassment, including considerable violence, was visited on the Witnesses throughout the nation. Thousands of Witness children were harassed and two thousand were expelled from schools around the country, among other actions directed toward the group. Apparently, the significant negative reaction toward the Witnesses was noted by the Court, which accepted another flag case within two years. Jehovah's Witnesses Marie and Gathie

tional law respecting an establishment of religion, as that funding assisted parents of all religions and none, rather than the schools directly.

[38] Over time, the freedom of assembly, freedom of speech and expression, and freedom of the press companion clauses also were incorporated and were used to promote the rights of minority religion adherents.

[39] McAninch, "Evolution of Constitutional Law." Arguably the Supreme Court may have been making use of the Witness cases to expand its authority over state and local jurisdictions. The Witnesses were also breaking new ground in other legal arenas, such as Canada and within the Council of Europe. Richardson, "Defense of Religious Rights"; See also Cote and Richardson, "Disciplined Litigation."

[40] 310 U.S. 586 (1940).

Barnett's case led to the U.S. Supreme Court ruling in 1943 in *West Virginia State Board of Education* v. *Barnette*, which was something of a record for the shortest time for overturning a previous Court decision.[41] Recognizing the Witness's claim against the state as legitimate was, in effect, a court strategy to promote greater toleration.

Other decisions involving religious minorities also became for a time the bedrock on which religious freedom was grounded. A Jewish man, Steven I. Engel, led a group that also included Humanists in challenging the requirement that students in public school recite a prayer. In 1962, the Supreme Court ruled in *Engle* v. *Vitale* that a prayer written by state officials in New York could not be read in classrooms in that state because to do so promoted the establishment of a particular kind of religion. Adell Sherbert, a Seventh Day Adventist, filed a case that resulted from her refusal to abide her employers' requirement that she work on the Sabbath, the seventh day, which for the Adventists is Saturday. She was fired and then denied unemployment benefits. In 1963, the Court ruled in *Sherbert* v. *Verner* that Sherbert was entitled to receive unemployment benefits, and that failing to provide them was an unacceptable burden on her religion.[42]

Thus, the idea that religious liberty requires exemptions to laws that generally apply to others—referred to as "accommodations"—gained traction in the law. Significantly, the Court established a method for determining when such "accommodations" should be granted, which involved a two-pronged analysis that first required a determination that the law in question burdens a person's religious practice. If that prong was met, then the state must demonstrate that it had a compelling reason to infringe on that person's religious practice and that burdening religious rights, even when there is a compelling reason, requires the burden to be narrowly tailored. This "compelling interest" or "strict scrutiny" test became an important tool for advancing religious liberty.

Similarly, the Amish also had a major impact on the law. Jonas Yoder's case challenged the state of Wisconsin's requirement that children attend public school past the sixth grade, which was a violation of Amish religious practices. In 1972, applying the *Sherbert* strict scrutiny test, the Court ruled in Yoder's favor. *Wisconsin* v. *Yoder* was an affirmation of religious liberty, indicating that religious practices were to be granted a high degree of protection.[43]

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[41] 319 U.S 624 (1943).
[42] 374 U.S. 398 (1963).
[43] 406 U.S. 205 (1972).

Meanwhile, a group of "citizens and taxpayers" challenged the use of public funds to reimburse religious private schools expenses, in particular Catholic Schools. The case resulted in the 1971 Supreme Court opinion in *Lemon* v. *Kurtzman*,[44] which established a test that was a strong affirmation of the importance of the Establishment Clause's role in maintaining a secularized government. However, *Lemon*'s approach was modified by more porous approaches, such as the no government "endorsement" of religion test.[45] It now appears that the *Lemon* test has largely been abandoned by the Court, softening the demarcation between "church" and state.

While these developments in the Court were taking place, Congress passed the Immigration and Nationality Act of 1965 to reopen immigration to diverse peoples from all over the world. Those now arriving to the U.S. brought their diverse religions with them from East and South Asia (e.g., Buddhism, Confucianism; Hinduism, Sikhism, and Islam) and the Middle East (e.g., Islam), among other places.[46] Further, religious experimentation that had begun in the nineteenth century proliferated. Religious imports from the East and Middle East and new religious movements syncretized many different religious modes. Religious innovations revisioned religions from the ancient past from Greece to the Nordic European states, as well as from Egypt and other places around the world. There also was recognition of the practices of indigenous peoples of North America as worthy of religious liberty protection, which previously had not been so, resulting in the passage of the American Indian Religious Freedom Act in 1978.[47]

These social and legal changes led to greater cultural acceptance of religious diversity, generally, even though the legal precedents actually did not do as much for minority religions as many assumed they would.[48] At the same time there was a shift in political philosophy, including in Rawls' and Habermas' latter works,[49] to take account of the persistence of religion in the public sphere. Clearly, religion was not going away, as many

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[44] 403 U.S. 602 (1971).

[45] Proposed by Justice O'Connor in *Lynch v. Donnelly*, 465 U.S. 668 (1984).

[46] Williams, "Inmigration Post–1965," 283.

[47] Mann, "Ending the Ban," 298.

[48] See Wynbraniec and Finke, "Religious Regulation" whose careful statistical analysis of 1300 cases involving minority faiths from 1981 to 1996 demonstrate that those smaller faiths usually lost free exercise cases in the courts.

[49] Rawls, *Political Liberalism*; Habermas, "Liberal State and Religion."

secularists had supposed that it eventually would. Nor was it becoming so privatized that it would not be a factor in public life. Popular opinion, as well as prominent legal commentators came to reflect the expectation that religious liberty was a core civil right and the belief that the role of the separation of "church" and state is to preserve religious liberty. Greater legal protections for religious diversity had led to greater cultural tolerance as well.

However, there was also a "Christian Nation" revival, which challenged these social and legal developments. Political, popular, legal, and academic arguments ensued and, in large part, those battles were waged on the field of "original intent," a battle which had become more earnest after the 1947 *Everson* decision. Looking back to the American founding to glean the original meaning of the First Amendment spawned books and articles too numerous to count. Various "sides" in what became known as the "culture war" referenced founding era documents to support their own preexisting and widely divergent perspectives, which ranged from secular left to religious (primarily Christian) right.[50]

It is in the context of these debates that the secularization project of the mid-twentieth century began to transmute into a pluralizing project.

12.5   RFRA, RLUIPA, and Emergence of the Pluralizing Project

Viewing the Court's legal precedents as creating new opportunities to expand religious liberty protections, plaintiffs from various groups continued to file cases, which forced the lower courts to engage in laborious processes of deciding which practices deserved free exercise accommodations. That led to many, sometimes contradictory, legal machinations about which religiously motivated activities were deserving of protection. It is also worth noting that the Supreme Court took up a long series of Establishment Clause cases, which resulted in sometimes contradictory, circuitous decisions as to which governmental activities, particularly in the area of education, violated the Establishment Clause.[51] Yet those decisions also paved the way to a more porous relationship between "church" and

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[50] For a critique of the original intent arguments on the various sides, while making a different original intent argument that challenges the entire continuum from left to right, see McGraw, *Sacred Ground*.

[51] Richardson and Russell, "Religious Values and Public Education."

state, resulting in successive presidents' faith-based initiatives: "Charitable Choice" (Clinton), "Faith-Based and Community Initiatives" (Bush), and "Faith-Based and Neighborhood Partnerships" (Obama), the last of which was expressly religious diversity oriented.

When two members of the Native American Church, Alfred Leo Smith and Galen Black, brought a case that involved their ceremonial use of peyote, which was illegal for the general public, the Supreme Court said in effect "enough is enough." In an unexpected 1990 decision, the Court ruled in *Employment Division of Oregon v. Smith*[52] that "accommodation" of religious practices through exemptions from laws that generally apply to everyone else was not required under the First Amendment. In what some commentators thought was a gratuitous gesture, the majority opinion, written by Justice Scalia, explicitly rejected the "strict scrutiny" test from *Sherbert* and *Yoder*. No longer did a governmental entity need a compelling reason to infringe on a religious group's activities. If a law was neutral on its face and was applied generally, that was adequate justification to deny religious liberty accommodations, regardless of the consequences for any particular group. Under the Court's return to a strict secularity approach, toleration would no longer extend beyond the private sphere unless religious practices were consistent with the law.

There was a swift and powerful reaction to the decision. Numerous religious groups and civil liberties organizations across the ideological spectrum recognized the threat to religious liberty: under Scalia's reasoning, the government could encroach on anyone's faith, so long as a law was facially neutral. Religious liberty was in retreat. That the reaction to the case was so broad and deep was evidence of how far general beliefs and sentiments expressed in the popular, political, and academic discourses had come in recognizing religious liberty as being central to, perhaps the defining element of, America.[53]

Ironing out differences between the many disparate groups involved in the coalition to overturn the holding of *Smith* took some time, as there were concerns that the effort might result in an easing of abortion restrictions and that any new laws should not be applied to prisoners. However, those and other points of conflict were eventually resolved as Congress nearly unanimously (97 to 3 in the Senate and unanimously in the House)

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[52] 494 U.S. 872 (1990).

[53] For a list of signers of the petition for rehearing in the case, see Laycock, "Supreme Court's Assault," 100, n. 3.

passed the Religious Freedom Restoration Act of 1993 (RFRA).[54] President Bill Clinton, who had made the effort a part of his presidential campaign, signed the Act with considerable fanfare. The Act's language was unambiguous: it reestablished, even more clearly, *Sherbert's* strict scrutiny test that when there is an "exercise of religion" that has been "substantially burden[ed]" by a general law ("a rule of general applicability"), government infringement of such religious exercise cannot prevail unless there is a "compelling governmental interest." And if there is a compelling governmental interest, serving it must be applied to the religious exercise by the "least restrictive means." The "Findings" at the outset of the law placed it squarely in the original intent tradition, stating: "the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution."[55]

As momentous as Congress, the president, and the activists thought the passage of RFRA was, however, its impact was muted for two important reasons. First, the courts often continued to interpret RFRA's "strict scrutiny" test in the limited ways they had under *Sherbert*, tending to find that infringements of religion were not "substantial" because the religious practice in question was not mandated or central to the religion as a whole, or because the government's interest was considered compellingly more important than the level of burden on the religious practice. That sort of reasoning left wide berth for bias to prevail when a religious practice did not appear important to a governmental authority who was not familiar with the particular religion or who thought religion was not that important to begin with. Second, in *City of Boerne v. Flores*, a 1997 case involving a Catholic Church and a local zoning dispute, the Supreme Court declared RFRA to be unconstitutional as applied to the states and local governments, thus limiting RFRA's scope to the federal government.[56]

Members of Congress and others quickly sought ways to overcome the limitations *Boerne* had placed on religious freedom. Their first effort was recrafting RFRA into a proposed law with a different legal justification: the Religious Liberty Protection Act (RLPA). However, that effort did not garner enough votes for passage, in large part because of lobbying by

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[54] It is also significant that many states and the federal government have since passed laws making peyote use legal for religious ceremonial use.

[55] 42 U.S.C. §§2000bb. For an analysis of how the law is employed, see McGraw, "Religious Pluralism," 519–20.

[56] 521 U.S. 507 (1997).

civil rights advocates and some conservative Christian organizations concerned about the growth of federalism impinging on religious activities. Although some thought the effort was dead, a coalition of some religiously motivated advocates, including prison chaplains and their supporters, and the American Civil Liberties Union drafted a more limited bill focusing only on land use and institutionalized persons, two areas that traditionally had been left entirely to the states and local governments. On July 7, 2000, the Religious Land Use and Institutionalized Persons Act (RLUIPA) passed quickly and dramatically by voice vote in both houses of Congress, and then was signed into law, reestablishing the federal government role over religion in such state and local matters.[57]

Clearly, the Supreme Court had badly misread how important religious liberty had become to a broad range of fervent activists who were unshakably committed to the cause and who would not countenance a strict secularity that did not recognize their rights claims as legitimate. Significantly, that led to the Supreme Court ceding its authority on religious liberty issues to the U.S. Congress, leaving the Court to interpret Congressional efforts, rather than focusing on Constitutional considerations.[58] Moreover, the language of RLUIPA moved beyond the impediments of *Sherbert* and RFRA, making clear that its purview was to be expansive: "religious exercise" includes "*any* exercise of religion, whether or not compelled by, or central to, a system of belief."[59] Further, Congress applied RLUIPA's definition to RFRA. Circumscribing religious liberty on the basis of authorities' ideational perspectives about religion generally or their views about what is or is not important in religious practice would be more difficult after this explicit direction by Congress.

The twentieth century's prominent religious freedom cases saw, for the most part, Christian sects taking up the banner of religious liberty. However, after RFRA and especially after RLUIPA, America's vast religious diversity, which had increased dramatically in the nineteenth and twentieth centuries, entered the public forum more deliberatively. The case in which the Supreme Court addressed the issue of whether RLUIPA was a constitutional exercise of Congress's authority demonstrated this

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[57] The intrusion of the federal government into land use and prison operations represented such an expansion of federal reach and power that some have been quite critical of efforts to overcome *Smith*. Hamilton, "Federalism and the Public Good."

[58] Gill and Jelen, "Religion Clauses."

[59] 42 U.S.C. &2000 cc-5(7)(A)(emphasis added).

new situation. That case was brought against prison authorities in Ohio by five inmates, including two followers of Asatru, a Wiccan, a Satanist, and a minister of America Christian Identity, a white supremacist church. They won a resounding unanimous verdict from the Supreme Court on May 31, 2005 in *Cutter* v. *Wilkinson*, therefore establishing that the portion of the act dealing with institutionalized persons was constitutional.[60]

The breadth of what counts as "religious exercise" under RFRA and RLUIPA is transforming the secularization–desecularization polarity into a religious liberty pluralizing project. On the one hand, those laws have legitimized religious liberty protections for a vast diversity of religious orientations. Soon after *Cutter* was decided, in 2006, the Court ruled in favor of União do Vegetal (UDV), a small Brazilian-derived New Mexico religious group that uses in their ceremonies hoasca, their "sacred tea," which contains a hallucinogen prohibited under the federal Controlled Substances Act. The Court held that the government had failed to meet its burden to show a compelling governmental interest for prohibiting the UDV to import its "sacred tea."[61]

On the other hand, there has been an impact on government institutional policy and culture, which, in effect, is a "quiet revolution" that is disestablishing the unofficial but still extant Protestant hegemony.[62] Protestants had long been dominant in prison affairs, with an accommodation of Catholics (and to some degree Jews). After all, the whole idea of the "penitentiary" was based on Christian penance. Now, increasingly, resources, including time and space, are being shared, while the role of the chaplain is in the process of being transformed dramatically. No longer serving only one's own congregation, chaplains must serve inmates from a variety of religions.[63]

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[60] 544 U.S. 709 (2005).

[61] *Gonzales* v. *O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006). The case was remanded for further proceedings, and eventually an arrangement was made allowing the group to use hoasca in its ceremonies under rather strict regulations. See James T. Richardson and Jennifer Shoemaker, "Resurrection of Religion in the U.S.? 'Sacred Tea' Cases, The Religious Freedom Restoration Act and the War on Drugs," in *Legal Cases, New Religions, and Minority Faiths,* eds. James T. Richardson and François Bellanger (New York: Routledge, 2016): 71–88.

[62] McGraw, "Religious Pluralism," 517–19. For an extended discussion of the regulation of religion in the United States, see McGraw and Richardson, "Religious Regulation."

[63] McGraw, "Prison Religion to Interfaith Leadership."

Agency regulations are changing as well. For example, Billy Sosa Warsoldier, a Native American inmate, won his case in the Ninth Circuit Court of Appeals,[64] thus preventing the California Department of Corrections and Rehabilitation from enforcing the uniform grooming requirement to cut Walsoldier's hair in violation of his religion. Finding it difficult to enforce a hair grooming policy with exceptions for religious reasons, the CDCR changed its policy to permit inmates to wear their hair however they choose.[65] Clearly, it was never necessary to dehumanize the inmates by cutting their hair uniformly short. Similar evolution of prison and jail policies to make accommodations are occurring all over the nation at federal, state, and local levels.

The military is in transition too. Although the military had been functioning under RFRA since 1993, it was not until RLUIPA's expanded understanding of "religious exercise" that the military expanded diversity in its chaplaincy corps and, among other policy changes, permitted a modification to the army uniform to accommodate a Sikh soldier's turban and beard. A Norse Pagan Nevada National Guard soldier serving in Afghanistan also recently received permission to wear a beard.[66]

Further, the Supreme Court applied "religious exercise" in an expanded context in its 2014 decision in *Burwell* v. *Hobby Lobby Stores, Inc*. The Court held that a closely held corporation, owned and managed by Christians whose business is an extension of their "sincerely held" religious beliefs, is entitled to religious protections under RFRA against a federal law requiring companies to provide their employees insurance coverage for contraception.[67] Shortly thereafter, the Court affirmed developments that had been occurring in the prison context. In *Holt* v. *Hobbes*, the Court held that the government's interest in uniform grooming requirements in prisons was not compelling enough to deny a Muslim inmate's request for the prison to accommodate his religious practice of wearing a beard.[68]

What these developments show is that the Supreme Court and lower courts are combining "sincerely held" belief with the expansive scope of "religious exercise" and "least restrictive means" with liberty-expanding

[64] *Warsoldier v. Woodford*, 418 F.3d 989 (9th Cir. 2005).

[65] 15 CCR §3062(e).

[66] McGraw, "Religious Pluralism," 523; Associated Press, "Nevada Guard Soldier Receives OK to Sport Pagan Beard," US News & World Report, December 30, 2019.

[67] 573 U.S. 682 (2014).

[68] 574 U.S 352 (2015).

results. This judicial strict interpretation of the law requires religious accommodations to be made much more often in situations where historically such decisions would not have been made.

At the same time, as legal recognition of diverse religious rights has expanded, religious symbols and monuments in public spaces are becoming increasingly diverse, as well. This suggests that establishment issues have begun to shift somewhat away from arguments about dominant Christian symbols versus a religion-free public sphere toward a recognition and inclusion of America's vast religious diversity. Monuments regarding Jews and Native Americans are appearing in some cities in America, and in New York City, there is a tree and plaque dedicated to the "founding of the Hare Krishna religion in the United States." In Idaho's there is an Anne Frank Human Rights Memorial, which quotes Confucius, Buddha, and others.[69]

Overall, there is an evolving realignment as the popular, political, and academic discourse is less dominated by debates between Christian right and secular left, although they do persist. Consequently, even though some commentators are concerned that religious accommodations could be used by certain Christians to re-entrench the Protestant hegemony, for the most part religious liberty accommodation law seems to have driven society toward increased toleration and acceptance of religious diversity. At the same time, the law is transforming disestablishment secularity into religious pluralism as a foundational principle, perhaps reflecting at least some American founders' original intent.

12.6   Conclusion: A Continued Pluralizing Future?

The jurisprudential history recounted in this chapter illustrates that interpretations of the principle of religious liberty over time have been the driver of various configurations of secularization and toleration. From the beginning and since, some have expected the disestablishment of religion at the national and state levels to usher in a secularizing trend that would privatize religion, thus eliminating its influence. However, that view did not anticipate two key phenomena: first, that religious actors would employ the principle of religious liberty to maintain their ability to contribute to the larger society from the perspectives of their faiths; second, that as religious

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[69] Hall, "Old Monuments."

diversity expanded (through demographic changes, due in large part to immigration, and experimentation) well beyond a variety of Christian sects, religious actors across the spectrum of religious orientations would find common cause in resisting state suppression of their religious exercise.

These phenomena belied the presumed secularization-toleration nexus. Rather, increased secularization often led to intolerance, the consequence of which was religious actors' reassertion of their rights through the courts. The resulting religious liberty jurisprudence opened a space for greater toleration than the mere state indulgence of privatized religion. Instead, the courts eventually recognized diverse individual's religious freedom as an inherent liberty claim against the state. Consequently, by the time the Supreme Court attempted to limit religious liberty accommodation exemptions in the *Smith* case, the principle of religious liberty was firmly rooted as a societal norm, resulting in greater toleration despite the violence of a few aimed at religious minorities, which has been widely condemned by the larger society. The grand secularization theory of the mid-twentieth century was no longer viable, nor was any corresponding secularization project. They had given way to the pluralizing project, which had been exponentially advanced with the passage and acceptance by the Supreme Court of RFRA and RLUIPA.

However, in the view of some, accommodation of religion has become extreme,[70] with the courts indicating that religious exemptions from laws held by many to be of utmost importance are in the offing, such as those dealing with contraception healthcare and LGBT rights.[71] In addition, for many commentators and activists, granting corporations religious freedom rights, even if only for those who are closely-held, went too far. Alarms have been raised by avowed secularist adherents to separation of church and state, questioning such exemptions and extensions of rights and calling for the repeal of the laws that provide them.[72] Meanwhile, those who hold a "Christian Nation" mindset have seen an opening to challenge legal trends they find objectionable as matters of faith by asserting religious exemptions to laws they view not only as an affront to their own traditions, but also to what they believe is the American tradition.

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[70] "Claims for conscience-based carve-outs from legal requirements are rampant and are being granted by the courts and the executive branch with little regard for the harm these exemptions cause to third parties." Greenhouse, "Religious Crusaders."

[71] See *Zubik v. Burwell*, 578 U.S. (2016) and *Masterpiece Cakeshop v. Colorado Civil Rights Commission* 584 U.S. __ (2018). See also Richardson and McGraw, "Congressional Efforts."

[72] Sullivan, "The Impossibility of Religious Freedom."

Further, in the wake of the *Smith* decision, numerous states had enacted their own RFRA statutes. However, recently, as LGBT activists began to find success establishing their rights, in particular the right to marry in *Obergefell* v. *Hodges*,[73] conservative states began to adopt RFRA laws with language aimed at allowing businesses and other organizations to discriminate against them for religious reasons.[74] The adverse reaction to such laws was massive, even American corporate giants and sports organizations pushing back.[75] Public sentiment has since been divided, on the one hand favoring religious rights and on the other hand opposing religion that would undermine newly recognized equality rights. How the Supreme Court will balance these conflicting rights in the long term is anyone's guess.[76]

Significantly, four conservative justices' joint statement in a recent case indicated that they would welcome an opportunity to overturn *Smith*.[77] Also, the pending appeal of *Ricks* v. *Idaho Contractors Board*,[78] which as of this writing has been delayed and not yet reviewed by the Court, involves, in the words of an author on the conservative-libertarian Federalist Society blog, "a clear-cut conflict between the obligations of faith and the demands of the law" that would give the Court the opportunity to overturn its holding in *Smith* and to exercise its "traditional role of safeguarding 'religious pluralism.'"[79] As we have shown in this chapter, however, it has not been the Court's "tradition" to support religious pluralism, although it can be argued that religious pluralism actually was what the American founders intended.[80]

Rather, the trend toward religious pluralism has been a long, slow process, culminating in the pluralizing project that was driven by religious actors employing the law, especially more recently RFRA and RLUIPA. It may be that as the public's increasing toleration of religious diversity and valuing of religious liberty takes hold, there will be an emerging consensus

[73] 576 U.S. 644 (2015).

[74] See, for example, Indiana Senate Bill 101, titled the Religious Freedom Restoration Act.

[75] Adams, "Religious Freedom Law."

[76] See the Court's reasoning in *Hobby Lobby* at Section III.B.3, comparing pre-*Smith* precedent with the expansive approach of RFRA-RLUIPA. See also, Greenhouse, "Religious Crusaders": the Supreme Court is having an "unusual dialogue with the religious right" on religious liberty.

[77] *Joseph A. Kennedy v. Bremerton School District*, 586 U.S. ___ (2019).

[78] Petition for *writ of certiorari* in this case was filed on July 10, 2019.

[79] Davis, "Diverse Religious Groups Ask SCOTUS."

[80] McGraw, *Sacred Ground*.

that religious pluralism is such an important social norm that it is deserving of continued strong protection under the law. Yet there is no doubt that undermining equality by elevating religious liberty will be met with considerable resistance, as is already the case. Perhaps the balance between religious liberty and equality might be found in the "strict scrutiny" test as it has been applied since RFRA-RLUIPA. That is, certainly equality is a "compelling governmental interest." Might there be a way to find the "least restrictive means" to serve that interest while also preserving religious liberty?[81]

The ebb and flow of secularization and desecularization, resulting in multiple types driven by numerous actors and their various projects, has produced a social milieu of expansive toleration of religious diversity supporting broad religious liberty rights. Whether and to what extent that will continue in the face of conflicts over equal protection rights remains to be seen. The debates continue.

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[81] McGraw, "Religious Pluralism," 523–26.

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Secularization Regimes and Religious Toleration: China's Multiple Experiments

Fenggang Yang

In his final theoretical construction toward a new paradigm of secularization in the pluralist age, Peter Berger opens up for multiple modernities instead of the unilinear decline of religion along with modernization in his previous formulation of the secularization theory.[1] He lays out a basic framework to move forward. This chapter attempts to move along and further develop this framework, especially extending it to the often inscrutable and neglected case of China, where there have been experiments with multiple regimes of secularization. Besides the American, French, and British models of modern arrangements of religion-state relations articulated by Berger, China once carried out the Soviet model to the extreme, and has appropriated benevolent oligopoly in premodern times. An important question to ask: Is benevolent oligopoly an optimal arrangement of religion-state relations in the modern world?

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[1] Berger, *Altars of Modernity*.

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13.1   Peter Berger's New Theory of Secularization

"Secularization" has been a loaded term entangled with multiple layers and dimensions. Here I discuss two of them. It is not only a sociological theory for describing and explaining social change, but also an ideological program for making normative changes. As a sociological theory, it describes and explains the decline of religious beliefs and/or the declining social significance of religion along with modernization. Peter Berger has been arguably the most quoted theorist of secularization as a concomitant of modernization.[2] In the 1990s, however, he "very noisily" announced his abandonment of that version of secularization theory because of the mounting facts of religious persistence and resurgence in many parts of the world.[3] However, surprisingly to many people, in his final book *The Many Altars of Modernity: Toward a Paradigm for Religion in a Pluralist Age*,[4] Berger rekindled some ideas from his earlier formulation of the secularization theory and attempted to construct a new theory, which I have referred to as "a new theory of agency-driven secularization."[5]

Berger's new theory, in my view, is a normative theory for secularization in modern societies. It is certainly informed by empirical evidence of developments in the historical past, but it is also a normative program for moving out of the quagmire of militant fundamentalism and nihilist relativism in many societies of the world today. Berger persuasively argues for a privileged position of a secular discourse in a society that can be considered modern:

> Every modern society depends on a technological and organizational infrastructure that is necessarily based on a secular discourse. This discourse thus has a privileged position in public life, even if is limited (as in the United States) by rigorous legal protections of religious freedom.[6]

Without such a privileged status of the secular discourse, modern transportation and medicine, for example, would not be possible, neither would modern social and public institutions. According to Berger, the secular discourse was first adopted about 400 years ago in Europe during

[2] Berger, *The Sacred Canopy*.
[3] Berger, *The Desecularization of the World*.
[4] Berger, *The Many Altars of Modernity*.
[5] Yang, "Agency-Driven Secularization," 123–40.
[6] Berger, *Altars of Modernity*, 88.

the formation process of the modern nation-states and served as a principle to avoid religious wars among the nation-states. Hugo Grotius, the seventeenth-century Dutch jurist, proposed that international law should be formulated in purely secular terms, without any religious assumptions—*etsi Deus non daretur*, "as if God were not given," or "as if God did not exist." "What is more, if the new law proposed by Grotius was to be truly international, it had to seek adherence from states adhering to Eastern Christian Orthodoxy […] and to Islam."[7]

As it happened, when God was taken out of the discourse of international relations, the ignition of religious wars among the European nation-states was deactivated. There have been wars since then and religion has often played some role, but it was no longer the major catalyst or the declared cause, except for the jihadists from the Islamic world. Later, this principle in various forms was taken as a solution for violent conflicts within nation-states as well. "This was to be the foundation of international law, eventually understood as applying to all state law, based only on reason and what Grotius understood to be natural law separate from revealed religion."[8] In short, from this perspective, secularization of state and public institutions was carried out, at least in part, in order to avoid religious wars and religion-driven violent conflicts within a society.

Once the history of Europe's modernization is understood in this manner, it is logical to propose a program of intentional secularization for the purposes of peace among nation-states and within the modernizing society. Indeed, there have been various advocates of secularization in modern times. Some advocates have mobilized state power, intellectual forces, and other resources to fight against religion or religious monopoly in social and political life and to drive religion out of political, educational, and other public institutions. Social scientists should recognize that agency-driven intentional secularization is one of the major social and political movements that has lasted for several hundred years in Europe, over 200 years in the United States, and more than a 100 years in East Asia.

Unlike his old secularization theory that suggests a unilinear decline of religion, Berger's new theory of secularization in the pluralist age allows for multiple social and legal arrangements. The United Kingdom has maintained a state church where the monarch is the head of the church, even though this system has evolved from protecting one particular faith

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[7] Berger, 62–63.
[8] Berger, 56.

in the past into affirming multiple faiths today. In the United States, the First Amendment to the Constitution prevents the state from establishing a religion or prohibiting the free exercise of any religion. The U.S. model both encourages religion for the purpose of the moral order of society and protects the freedom of nonconventional religions as well as traditional religions. France, after many years of struggles against the monopoly of the Roman Catholic Church, eventually settled with *laïcité* in 1905, which forcefully separates religion from the state and takes religion out of education and other public institutions. The French model is both anti-clerical, yet, in its own way, supportive of religious institution in that it funds church properties it once expropriated. Other European countries have variably nuanced arrangements, but these three distinct models stand tall for later-developing countries to emulate.

Adopting Shmuel Eisenstadt's idea of "multiple modernities," Berger affirms all of these various models of modernity. He stops short of extending his formulation to the Soviet Union as a modern alternative. However, if we apply his characterization of modern societies—a privileged secular discourse in the state and public institutions—the Soviet model can be considered a modern one as well. Not only was secular discourse privileged there, but a radical secularism—Marxist-Leninist Communism—became the ideological monopoly while all religions and other secularisms were suppressed.

More importantly, to move forward, we need to assess both positive and negative consequences of these various models as they are applied to modernizing societies as well as in their original societies. One of the consequences that should be assessed is the relationship between secularization and toleration, which is the focus of this chapter and the entire volume.

13.2   Four Types of Church-State Relations

Taking all societies of modern history together, we can see that there have been four basic types of church-state relations: atheist eradication, monopoly, oligopoly, and pluralism. State regulations may ban all religions, protect only one religion, allow for several religions, or treat all religions equally. The existing literature in the social scientific study of religion has focused almost exclusively on monopoly and pluralism. However, the

most prevalent type in the world today is neither monopoly nor pluralism but oligopoly.[9]

Atheist eradication as a distinct type of religion-state relations should not be ignored in theorization because its practices resulted in grave consequences in multiple societies. Some states have attempted to eradicate religion altogether through their policies, but a total ban on all religions has happened in modern history only twice and briefly. A total ban on religion was declared in China and in Albania in the mid-1960s; it lasted for 13 years in China (1966–1979) and a decade longer in Albania. There was zero religious freedom under the religious ban.

The next level of freedom or tolerance is religious monopoly. That is, only one religion is protected by the state, which has been the case in many societies from antiquity through the early modern times, and up to the present in some parts of the world. Then there are societies in which the state allows the practice of a few select religions, which is oligopoly. In fact, oligopoly has been the most common type of religion-state relations in the contemporary world. Finally, in societies where religious plurality is unrestricted, numerous religions operate on equal basis under the law.

It is important to point out that religious oligopoly is not pluralism.[10] Quantitatively, oligopoly permits a plural number of religions, as opposed to monopoly's single religion. Qualitatively, however, monopoly and oligopoly are close cousins. Both have to be maintained by the state through political power. When the power of the state is used to support one or several religions, it inevitably results in the political suppression or persecution of followers of other religions. In monopoly and oligopoly, religious organizations compete not only for followers, but also for influence over control of state power. Meanwhile, political forces also compete to control the state religion or sanctioned religions in order to control state power.

In other words, the difference between religious oligopoly and religious pluralism is not simply a matter of the number of religions permitted to operate in a given society. It is a matter of how that society's religions are treated by law, either equally or unequally. Monopoly and oligopoly also have different dynamics. While Rodney Stark and Roger Finke have articulated the dynamics of religious monopoly and pluralism,[11] I have

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[9] Yang, *Religion in China*; Yang, "Oligopoly."
[10] Yang, "Oligopoly."
[11] Stark and Finke, *Acts of Faith*.

tried to articulate the dynamics of religious oligopoly in the triple-markets theory—the red, black, and gray markets of religion—which is not unique to China, but may apply to all oligopolies.[12]

With religious pluralism, in contrast to religious monopoly or oligopoly, the ruling power stays out of the religious competition. But there is much confusion over this kind of religion-state relationship. One source of confusion is that religious pluralism is unregulated. In fact, the state may withdraw entirely from the competition among religions, without inserting itself as a competitor, as the communist governments did. However, the religious market, just like other kinds of markets, needs regulations to maintain order or ensure orderly competition. Therefore, the state, as the body responsible for public order, may regulate the ways and means of religious competition. In a pluralistic arrangement, the religious market is open to all comers, and any religion may enter the fray and compete on equal grounds of the law. In such a marketplace, rational argument and sentimental persuasion are worth more than anything else in winning and keeping members and followers. The power of the state may be used to ensure that proselytization is noncoercive and that conversion remains voluntary, but it will not be used to prohibit any particular religion or outlaw conversion to a particular religion. This kind of legal arrangement is religious pluralism, which, if implemented in social practice, will inevitably result in greater plurality in the long run.

It is important to emphasize that a pluralistic arrangement does not mean that the state has nothing to do with religion, or that the religious market is unregulated. Modern society has become so complex that the social order has to be maintained by regulations, especially through the rule of law. However, the pluralistic regulation of religion does not ban or favor any particular religion; it merely administers specific aspects of religious practice that are applicable to all religions, such as the construction of religious buildings, the performance of animal or human sacrifice, and fiscal concerns such as tax exemption and the financial accountability of religions to their members and to the public.

Another common confusion occurs regarding pluralism at the social and individual levels. At the individual level, pluralism is a personal perspective, philosophy, or lifestyle for dealing with multiple religions. It is a philosophical or theological position different from exclusivism,

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[12] Yang, *Religion in China*.

inclusivism, or relativism.[13] At the social level, it is a social configuration for dealing with multiple religions within a given society. These two levels are closely related but not the same. In a pluralistic society, a person may favor a pluralistic social arrangement without buying into a personal philosophy of pluralism or relativism. In fact, this is the traditional position of the free churches in modern Europe, the United States, and other parts of the world.

For example, evangelicals and fundamentalists in the United States are exclusivists, believing their religion is the only true religion and all other religions are very much false. Nonetheless, they would fight for the social arrangement of religious pluralism in which they could hold on to their right of religious freedom without governmental interference. Many of the worries about the fundamentalist takeover or new theocracy have actually resulted from a confusion between individual pluralism and social pluralism. In the real world, few fundamentalist Christians in the United States would give up their religious freedom or try to take away others' religious freedom, which is theologically articulated or guaranteed by their perceived God, and legally arranged and guaranteed by the First Amendment to the Constitution. In other words, Christian evangelicals and fundamentalists may reject theological or philosophical pluralism but will fight for maintaining the social arrangement of religious pluralism. In short, social pluralism does not require individual pluralism. Legal arrangement and rule of law are the key for peaceful coexistence of plural religions.

13.3 Multiple Regimes of Agency-Driven Secularization

What happened in Europe more than 400 years ago and in the United States more than 200 years ago might be the result of peculiar historical developments of those societies at the time. However, those happenings have practically defined what is modern in the social and global sense. For late developing countries, modernization is not self-initiated but forced upon them as part of and/or reaction to Western colonialism, imperialism, or competitivity due to advanced economic, political, and social developments. Because their modernization was initiated later than in Europe and the United States, their striving for modernization has multiple options for adopting the existing models of religion-state relations. In fact, the

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[13] Hemeyer, *Religion in America*.

Chinese have experimented with various models in their modernization endeavors. Instead of one society maintaining one type of arrangement, China has set up multiple altars of modernity, sometimes simultaneously.

13.3.1   The U.S. Model

At the founding of the Republic of China in 1912, the revolutionaries' ideal political model was the United States. Sun Zhongshan (Sun Yat-sen, 1866–1925), the founding father of the Republic, was educated in an Episcopal school in Hawaii and was later baptized in a Christian church in Hong Kong. His ideas of a constitutional republic were clearly based on the U.S. model, even though he envisioned five branches instead of three branches of government. In addition to the executive, legislative, and judicial, Sun added a civil service examination branch and a censorate for checking up the honesty and efficiency of the government.[14] At the founding of the Republic of China in 1912, Sun, as the first Provisional President, oversaw the enactment of the Provisional Constitution of the Republic of China, in which Article 7 was about religious freedom for all citizens: There is no establishment of a state religion, no religious test for public office, and citizens have the freedom to believe in any religion.

In the first decade of the Republic of China, there were great efforts by political and religious elites to defend the constitutional right of religious freedom and to resist making Confucianism the state religion.[15] Following several decades of wars in the 1920s to the 1940s, a new Constitution of the Republic of China was finally passed at the end of 1946, which reaffirmed religious freedom in Article 13. Unfortunately, this Constitution, which took effect on December 25, 1947, was soon suspended in 1948 with the "Temporary Provisions Effective During the Period of Communist Rebellion."

In 1949, defeated by the Chinese Communists in the mainland, the Guomindang (Kuomintang), under the leadership of Chiang Kai-shek, withdrew to the island of Taiwan, preserved the Republic of China and its Constitution along with the Temporary Provisions, but imposed martial law for more than three decades. Not until 1987 was martial law lifted and not until 1991 were the "Temporary Provisions" abolished. Since then,

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[14] EEB (Editors of Encyclopedia Britannica), "Five-Power Constitution.".
[15] Yi, "Confucianism, Christianity, and Religious Freedom."

the Republic of China on Taiwan has become democratized with multiple political parties and direct elections for president and the legislature.

Regarding religion-state relations, under the authoritarian rule of the Guomindang from the 1950s to the 1980s, there were many restrictions to religions and suppression of some traditional and new religious sects. Since the full implementation of the constitution and democratization, however, the Republic of China on Taiwan has become one of the freest societies in the world today and many religions are thriving.

13.3.2   The British Model

China's modernization can be said to have been triggered by Britain and Japan, who defeated and humiliated the Qing Empire in the Opium War in 1839–1842 and the Jiawu War (Sino-Japanese War) in 1894–1895. The former war led to the colonization of Hong Kong by Britain, and the latter, of Taiwan by Japan. Britain and Japan thus became models for China's modernization.

Around the turn of the twentieth century, some literati-turned-modern intellectuals, such as Kang Youwei (1858–1926), began to advocate for social and political reforms purposely modeled on Western countries and modernizing Japan. In terms of religion-state relations, Meiji Japan was modeled on Prussia/Germany, with a constitutional monarchy based on state Shinto. At that time, Britain maintained a constitutional monarchy based on the state church of Anglicanism. Japan and Britain inspired Kang Youwei, who began to advocate for social reforms under the Qing Emperor and for establishing Confucianism as the state religion. Even after the Republican Revolution in 1911 that overthrew the Qing Dynasty, Kang Youwei continued his efforts to re-establish a monarchy based on state Confucianism, either through Yuan Shikai (1859–1916), the Republican President who declared himself emperor in 1915, or through restoring the Manchu emperor Aisin-Gioro Puyi (1906–1967) in 1917. Both of these experiments of a constitutional monarchy based on state Confucianism failed.

Nonetheless, the British model of church-state relations continued in the Chinese society of Hong Kong under British colonial rule, which lasted until 1997. In terms of religion, Christianity, especially Anglicanism, was privileged in political affairs; church-run elementary and secondary schools dominated the educational system; the colonial government contracted out many social services to faith-based charity organizations.

Meanwhile, there was a high degree of religious freedom. Thus, many traditional and new religions gained footholds in Hong Kong, and established their respective religious venues, schools, hospitals, and seminaries. Major religious organizations were routinely consulted by the government for public affairs. Among the eight universities, two were Christian—Hong Kong Baptist University and Lingnan University, and another is a Christian college—Chungchi College in the Chinese University of Hong Kong. There were a number of other religion-affiliated colleges as well.

Following the transition of power to China in 1997, Hong Kong has maintained much autonomy as a Special Administration Region within the People's Republic of China. Religious freedom has been preserved, although erosion has become increasingly evident as China extends its influence. Christians remain a significant minority in the population of Hong Kong, between 10 and 15 percent, but up to 25 percent among college students. In the social movements for democratization since 2014, Christians have played active and leadership roles. Indeed, a Christian hymn became the unofficial anthem of the protests. The public roles of religion in Hong Kong are evident.[16]

13.3.3   The French Model

In the early years of the Republic of China, some Chinese intellectuals reacted strongly to the attempts to re-establish a Confucianism-based monarchy advocated by Kang Youwei and associates. Unlike Sun Zhongshan who favored the U.S. model, these intellectuals consciously adopted the French Enlightenment discourse in rejecting religion. In 1915, a new magazine, *Xin Qingnian* (new youth), was launched, which had a French name, *La Jeunesse*, as well as the Chinese name on the cover. In the inaugural editorial, "A Letter to Youths," the founder of the magazine, Chen Duxiu (1878–1942), offered six instructions to Chinese youths: Be free and not enslaved; be progressive and not conservative; be engaged and not removed; be global and not parochial; be practical and not rhetorical; be scientific and not superstitious. The last point implies all religions. The inaugural issue also included an article by Chen Duxiu entitled *The French and the Modern Civilization*, which openly called for

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[16] In comparison, the Portuguese colony of Macau privileged the Roman Catholic Church, but rendered it much ineffective in evangelism. See Beatrice Leung Leung, "Church-State Relations in Hong Kong"; Leung, "The Portuguese Appeasement."

adopting the French model of modern civilization based on the principles of Liberté, Egalité, and Fraternité. This new magazine became the flagship in promoting progressive values of liberty, equality, democracy, and science, while rejecting Confucianism. For example, in 1918, Lu Xun (1881–1936) published his first short story in the magazine, "A Madman's Diary," which, along with several other short stories thereafter, served as scathing indictments of the traditional culture based on Confucianism. Lu Xun referred to Confucian ethics as cruel and inhumane cannibalism.

Peking University under the modernist president, Cai Yuanpei (1868–1940), who studied in Germany and France, rallied the campaigners of the new culture, including Chen Duxiu, Li Dazhao (1888–1927), and Hu Shi (1891–1962), whose Enlightenment thinking heavily influenced the university students in their participation in the May Fourth Movement of 1919. Cai himself advocated the use of aesthetics education to replace religion. The French anti-clerical discourse was adopted in the New Culture and May Fourth Movements that resolutely rejected Confucianism, then Christianity in the early 1920s, and eventually all religions in the following years. Until today, the dominant view of Chinese cultural elites is that religion should not meddle in public institutions, which is very much in a French tone of laïcité.

In the 1920s, amid the anti-Christian movement, there were concerted efforts by the ROC government under Guomindang and cultural elites to reclaim sovereignty over education. In the late Qing to early Republic times, Christian missionaries set up many schools and colleges, which helped to jump-start modern education, modern medicine, and other social reforms in China. Riding on the New Culture Movement, the Chinese cultural elites mobilized state power and social resources to oppose foreign missions and demand for the return of education sovereignty to the Chinese. The ROC government enacted regulations to register and supervise schools and universities. While many schools and universities retained affiliation with Christian churches, leadership shifted from foreign missionaries to Chinese nationals.

Although the seeds of the American model were preserved in the Constitution of the Republic of China, the government under the Guomindang suspended the constitution and imposed martial law for several decades, during which religions were restricted and controlled by the authoritarian party-state. Some religious sects, such as Yiguandao, were banned. Even though there were Christian schools and universities in Taiwan, they were constrained by numerous regulations. The French-style

laïcité, de facto or de jure, was effective in the ROC under Guomindang authoritarianism between 1925 to 1991.

13.3.4   The Soviet Model

The New Culture and May Fourth Movements prepared the way for the importation of Marxism-Leninism. In fact, some of the leaders of the New Culture Movement, such as Chen Duxiu and Li Dazhao, became founders of the Chinese Communist Party (CCP), which was formally established in 1921 under the direct instruction of the Soviet-led Third International (Comintern). For the Chinese Communists, the French Enlightenment discourse was supplanted by the Bolshevik ideology of atheism.

After the establishment of the People's Republic of China on the mainland in 1949, the CCP went even further than the Soviet Union. In the 1950s, the party-state drove out foreign missionaries, confiscated Christian schools, universities, and charity organizations, cut off international ties of Christian churches, confiscated land and real estates of temples and mosques, maneuvered to organize "patriotic" associations for the five major religions with large numbers of followers—Buddhism, Daoism, Islam, Catholicism, and Protestant Christianity, eradicated traditional sects such as *Yiguandao*, and institutionalized atheist indoctrination in schools and propaganda through mass media. In 1966, the remaining religious venues were closed, religious activities were prohibited, religious leaders and staunch believers were imprisoned or sent to labor camps. Religion was extracted from all public institutions. The religious ban lasted until 1979, three years after the death of Chairman Mao Zedong (1893–1976).

In PRC history, there have been two versions of atheism that have served as the ideological basis for varied religious policies:

> Enlightenment atheism regards religion as an illusory or false consciousness, being both non-scientific and backward; thus, atheist propaganda is necessary to expunge the misleading religious ideas. In comparison, militant atheism treats religion as the dangerous opium and narcotic of the people, a wrong political ideology serving the interests of the exploiting classes and the antirevolutionary elements; thus, the political forces are necessary to control and eliminate religion.[17]

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[17] Yang, *Religion in China*, 46.

In other words, religious policies based on these two versions of atheism approximately correspond to the French and Soviet models, respectively. In the first 30 years of the PRC, militant atheism prevailed, so much so that religion was banned during the Cultural Revolution. In the Reform Era under paramount leader Deng Xiaoping, enlightenment atheism prevailed, as it was enshrined in the CCP Document 19 of 1982, entitled "The Basic Viewpoint and Policy on the Religious Question during Our Country's Socialist Period." It states that religion will persist for a long time because it has a social and psychological basis that may not disappear until material conditions have developed to a high level. This has been inferred by official theoreticians and religious affairs cadres as letting religions operate under certain conditions; the CCP should concentrate on economic development rather than actively work on reducing or eradicating religion. Document 19 laid the foundation for a policy of religious tolerance that lasted for about three decades. Although Document 19 states that the CCP must continue to carry out atheist education and propaganda, atheism lost traction in the 1980s and 1990s. Atheist education in schools and atheist propaganda in mass media became inactive amid economic reforms and opening up to the outside world.

Militant atheism regained its position during the campaign to suppress Falun Gong, which started in 1999. Capitalizing on this political opportunity, the militant atheists requested and received financial and personnel support from the party-state and launched the magazine *Science and Atheism* (科学与无神论) and revived atheist studies in 1999. In 2010, the "Research Center on Science and Atheism" was established with more resources at the Marxist Institute of the Chinese Academy of Social Sciences. The militant atheists mounted fierce attacks on leading scholars of religious studies, especially scholars of Christian studies and scholars who promoted the social scientific study of religion.[18] They also criticized the policy direction of the religious affairs management for its lapse in controlling religion. They insisted that atheism is a necessary component

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[18] Jin Yijiu 宜久, "Wenhua chuanjiao: Zhuazhu zhongguo de naodai he jibei" 文化传教: "抓住中国的脑袋和脊背"[Cultural evangelization: "grabbing China's head and back"], *Science and Atheism* 科学与无神论 5 (2011): 5–8; Qiu Yue 秋月, "Zongjiao shichang, dui-shui kaifang" 宗教市场, 对谁开放? [The religious market, open to whom?], *Science and Atheism* 科学与无神论 2 (2011): 14–18; Zhao Zhikui, Jin Minqing, Xi Wuyi, and Huang Yanhong 赵智奎, 金民卿, 习五一, 黄艳红, *Makesi zhuyi zhongguohua yanjiu baogao* 马克思主义中国化研究报告第四辑 [Academic reports on sinicization of Marxism (No. 4)] (Beijing: Social Science Sources Press, 2012).

of Marxism; that CCP members must be atheists; that the atheist position must be upheld in Marxist religious studies; and that atheist education and propaganda are the most effective means to combat *xiejiao* or evil cults, paranormal spiritualities or pseudo-science, and the infiltration of foreign religious organizations.

Since 2012, in the "new era" under Xi Jinping, militant atheism has provided the ideological basis for a series of political campaigns against religions. In 2014–2016, Zhejiang Province carried out a cross-demolition campaign, during which more than 1500 crosses on church rooftops were removed, a few resistant churches were torn down, and some resistant pastors were jailed.[19] Part of the reason was to reduce the public presence of Christianity in society. This campaign also implemented measures of surveillance of churches. In 2015, Xi Jinping adopted a discourse of Chinafication (*zhongguohua*),[20] commanding all religions to become more Chinese in outlook, adopt socialist core values, and obey the rule of the CCP. In April 2016, at the National Conference of Religious Affairs, an important conference to set the basic parameters of the religious policy for the next decade, Xi reaffirmed that all religions must insist on the *zhongguohua* direction, instructing that the party-state officials use socialist core values to lead and educate religious clergy and lay believers, promote the good traditional culture of the Chinese nation, and encourage religions to scour their doctrines for contents that are supportive of social harmony and the "China dream." Each of the five religions has made a five-year plan of Chinafication, including retranslating scriptures and publishing scripture commentaries aligned with the CCP and socialist core values. The level of religious toleration has decreased substantially and there is no sign of hitting rock bottom.

13.4   Chinese Traditional Benevolent Oligopoly as a Modern Alternative?

In the twenty-first century, Chinese intellectuals have started a new round of debates about the strengths and weaknesses of the various models of religion-state relations. At present, the Soviet model remains the

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[19] Yang, "The Failure of the Campaign."

[20] *Zhongguohua* has often been translated as Sinicization, but that is a misleading translation, as cultural assimilation is the least concern of the zhongguohua campaign. For more on this, see Fenggang Yang, "Sinicization or Chinafication?"

arrangement de jure in the political system under Communist rule, and the official theoreticians and ideologues show no sign of retreat in their position. In fact, militant atheism has prevailed in recent years both among rank-and-file cadres in the bureaus of religious affairs, the CCP united front work departments, and in some corners of the academies of social sciences.[21]

Meanwhile, amid the revivals of religions and Confucianism, some of the new Confucians in mainland China have refurbished the century-old arguments for making Confucianism the state religion. Not surprisingly, some of these people have also expressed nostalgia for constitutional monarchy. This is anachronistic. Even though the state church model was prevalent about a hundred years ago among modern or modernizing societies, almost all European countries had de-established the state church by the end of the twentieth century. After World War II, Japan, under the occupation of the U.S.-led Allied Powers, de-established Shinto. The United Kingdom retains the state church de jure, but, as described by Peter Berger, the monarch has declared herself the protector of plural faiths. Nowadays, most countries that maintain a state religion are Muslim-dominant or Buddhist-dominant countries that are undergoing painful struggles toward modernization. However, the new Confucians have held on to this "China dream." Interestingly, some political scientists have indeed compared the CCP to an imperial dynasty.[22] Some revamped or twisted monarchism may not be totally impossible.

A majority of the liberal intellectuals in mainland China who have abandoned the Soviet discourse and are suspicious of the British model are secularists by default. They either have little to say about religion or would fall back to the French model that once prevailed in the New Culture and May Fourth Movements and under the Guomindang authoritarianism, that is, keeping religion out of public institutions while subjecting all religions under the state.

Interestingly, some of the official theoreticians and researchers have gone deep into Chinese history to offer justifications for characteristically Chinese religious policy, which I would venture to call "a benevolent oligopoly." They recognize that the PRC religious policy in the reform era, that is, the one that is grounded on enlightenment atheism, is closer to the French model than other models. However, in the context of rising

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[21] Yang, "A Research Agenda."
[22] Yongnian, *Communist Party as Organizational Emperor.*

cultural conservatism and nationalism, they have referred to it a distinct Chinese model of religion-state relations. One of the leading voices in this regard has been Zhuo Xinping,[23] who was the director of the Institute of World Religions at the Chinese Academy of Social Sciences. In an article on "Contemporary Trends of Chinese Religions,"[24] he first articulated that religions in China have entered a period of plural development. Within the five major religions, there are multiple denominations; outside the five major religions, there are other religions. The plural religions and their global connections have challenged the existing regulations. Then he states, "In China's social and political system, the general characteristic of religion-state relationship is "the state leads and religions follow" (*zheng zhu jiao cong*, which may also be translated as "the state dictates and religions obey").[25] In traditional China, some religions depended on the state to exist and develop, whereas others detached from politics and operated at the bottom of society or on the margins of politics. However, this is no longer possible under Communist rule. Zhuo suggests that all religions in China today ought to "fade out" (*dan chu*) from politics but actively participate in charities and social services.[26]

In another article, "Social Change and Religious Restructure in Contemporary China," Zhuo states that "in the Chinese political and cultural tradition, on the one hand, religions were 'multiple and harmonious' (*duo yuan tong he*), 'emphasizing virtues in the world' (*ru shi shang de*)'; on the other hand, politically 'the state led and religions followed,' and 'religion depended on the state.' Thus, the political and administrative management of religion by the government is the unique characteristic of Chinese state-religion relations in history."[27] He further says, the Religious

[23] Zhuo Xinping 卓新平, "Zhongguo zongjiao de dangdai zouxiang" 中国宗教的当代走向 [Contemporary trends of Chinese religions)], *Academic Monthly* 学术月刊 40.10 (2008): 5–9; Zhuo, Xinping 卓新平, "Dangdai zhongguo shehui bianqian yu zongjiao chonggou" 当代中国社会变迁与宗教重构 [Social changes and religious reconstruction in contemporary China], in *Dangdai zhongguo minzu zongjiao wenti yanjiu (Di san ji)* 当代中国民族宗教问题研究(第3集) [Ethnic and Religious Studies in Contemporary China, Volume 3], ed. Ma Hucheng 马虎成 (Lanzhou: Gansu Nationalities Publishing House, 2008), 87–105; Zhuo Xinping 卓新平, "*Quanqiuhua"de zongjiao yu dangdai zhongguo* "全球化" 的宗教与当代中国 ["Global" Religions and Contemporary China] (Beijing: Social Science Sources Press, 2008).

[24] Zhuo, Contemporary trends of Chinese religions.

[25] Zhuo, Contemporary trends of Chinese religions, 7–8

[26] Zhuo, Contemporary trends of Chinese religions, 8.

[27] Zhuo, Social changes and religious reconstruction, 97.

Affairs Bureau since the 1950s has retained this principle of "the state leads and religions follow."[28] It allows the five religions to operate on their own in beliefs and rituals, but prohibits any challenge to the political authorities.[29] He concludes that all religions originated outside China ought to become more Chinese by accepting this principle.[30]

The theoretical and practical importance of Zhuo's new thinking was immediately recognized by other researchers in China. For example, Li Xiangping, a well-known scholar at East China Normal University in Shanghai, praised Zhuo's insights in the articles that were compiled into a book *"Global" Religions and Contemporary China*.[31] Following Zhuo's lead, Zhang Jian, a well-known scholar at Renmin University of China in Beijing, examines the state-religion relations in Chinese history and concludes that "the state leads and religions follow" was actually "religions assist the state" (*yi jiao fu zheng*).[32] Zhang went on to publish two volumes of *A History of State-Religion Relations in Ancient China*.[33] Mou Zhongjian, a renowned scholar at Minzu University in Beijing, praises Zhang's book as part of the endeavor to establish uniquely Chinese theories of religious studies and suggests that historical experiences and lessons discussed in this book can be helpful for managing religious affairs in China today.[34] Finally, in 2019, Pan Yue, the CCP Secretary of the Central Socialist Academy, adopted this expression and advocated for "multiple

[28] Zhuo, Social changes and religious reconstruction, 98.

[29] Zhuo, Social changes and religious reconstruction, 98.

[30] Zhuo, Social changes and religious reconstruction, 104–105.

[31] Li Xiangping 李向平, "Zhongguo zongjiao yu zhongguo zongjiaoxue de 'renleixue gongshi'—Du Zhuo Xinping xiansheng 'quanqiuhua de zongjiao yu dangdai zhongguo'" 中国宗教与中国宗教学的"人类学共识"——读卓新平先生《"全球化"的宗教与当代中国》 [Chinese religions and the 'anthropologic consensus' of Chinese religious studies: reading Mr. Zhuo Xinping's "global" religions and contemporary China], *China Ethnic News* 中国民族报, October 20, 2009, 006; Zhuo, "*Global" Religions.*

[32] Zhang Jian 张践, "Zhongguo chuantong shehui zhengjiao guanxi de lishi tedian" 中国传统社会政教关系的历史特点 [The historical characteristics of the relationship between church and state in Chinese traditional society], *China Religion* 中国宗教 3 (2011): 30–33.

[33] Zhang Jian 张践, *Zhongguo gudai zhengjiao guanxi shi* 中国古代政教关系史 [The history of the state-religion relations in ancient China] (Beijing: Social Science Press, 2012).

[34] Mou Zhongjian 牟钟鉴, "Yijiaozhuzheng: Chongxin faxian zhongguo gudai zhengjiao guanxi—ping 'zhongguo gudai zhengjiao guanxi shi'" 以教助政:重新发现中国古代政教关系——评《中国古代政教关系史》[Helping politics with religion: rediscovering the relationship between church and state in ancient China —review on *the history of the relationship between church and state in ancient China*], *Guangming Daily* 光明日报, April 14, 2013, 5.

modernities."[35] He says, "in religious relations, Chinese civilization emphasizes 'plural harmony' and 'state leads and religions follow.'"

At present, only a small minority of people in mainland China have openly called for adopting the U.S. model that both prohibits the state establishment of a religion and protects the freedom of all religions equally. This minority includes some Christian church leaders, academic scholars, and some human rights lawyers who have defended civil and human rights within the framework of the existing legal system of the PRC but also refer to the United Nations "Universal Declaration of Human Rights" and subsequent covenants.[36] Whether and how much this minority will grow in size and influence in the coming years remains to be observed.

13.5   CONCLUSION

China was once the most secular country in the world. From 1966 to 1979, the Chinese Communist party-state closed down all churches, temples, and mosques, and banned all religious activities. However, this radical experiment of secularization failed. Religions survived and revived.[37] Since the late 1970s, China has become an example par excellence where desecularization has gone hand-in-hand with rapid modernization. In the last four decades, China's economy has grown rapidly. In terms of the nominal Gross Domestic Product (GDP), China has superseded most of the advanced economies, such as Japan and Germany, and is trailing behind the United States. Meanwhile, modernization has spread throughout the country across many social institutions. Amid the expansion of religious revivals, many religious groups have managed to reenter social institutions in social services, media, and education.

However, if we take a longer and broader view of China's modernization since the late nineteenth century, we can see that greater China has experimented with multiple types of agency-driven intentional secularization, modeling on the advanced countries of the West and the Soviet Union. The various secularization regimes have had varied consequences for religious toleration. The most tolerant regime is the Republic of China at the time of founding in mainland China and after the implementation

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[35] Pan Yue 潘岳, "Gulao wenming duihua yu renlei mingyun gongtongti" 古老文明对话与人类命运共同体 [The dialogue with the ancient culture and the community of common destiny for mankind], *Global Times* 环球时报, September 12, 2019.

[36] Yang, "Growth and Dynamism."

[37] Yang, *Religion in China*.

of the 1946 Constitution in Taiwan since the early 1990s. It is based on the U.S. model and the Republic of China on Taiwan has become one of the freest societies in the world.

The second secularization regime is Hong Kong under British colonial rule and up to the present as a Special Administrative Region under the People's Republic of China since 1997. In terms of religion, it has retained much of the British model that privileged certain churches along with freedom for almost all religions.

The third secularization regime is the Republic of China under Guomindang authoritarianism from the mid-1920s to the early 1990s. The political and cultural elites very much followed the French Enlightenment and the party-state practiced laïcite—religions were restricted and very much excluded from public institutions. In the People's Republic of China, the religious policy in the reform era, based on the ideology of enlightenment atheism from the late 1970s to around 2010, was also close to the French model, during which many religions revived and began to reenter some public institutions such as social service charities.

The least tolerant is the secularization regime based on militant atheism. It was borrowed from the Soviet Union but went to the extreme—religion was totally banned from 1966 to 1979. In the new era under the current leadership of Xi Jinping since 2012, militant atheism has prevailed, and the religious policy has moved to reduce the public presence of religions and suppress all of them.

Interestingly, however, some of the official theoreticians and researchers in the People's Republic of China have begun to draw resources from ancient China and argued for a religious policy that I would call "a benevolent oligopoly"—"the state leads and religions follow" and "religions assist the state." This way of thinking seems to fall back on a revamped Confucianism and refurbished monarchism, but it remains unclear how it will develop. Nonetheless, the benevolent oligopoly can become an interesting alternative to the many altars of modernity in China.

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Messages from the European Court of Human Rights on Religion, Secularism, Tolerance and Pluralism

Effie Fokas

14.1 INTRODUCTION

In line with the volume's broader objective to cross-fertilize between different fields of research into the contested relationship between tolerance and secularization, this chapter offers a socio-legal perspective on the topic. Specifically, it focuses on messages communicated by the European Court of Human Rights on religion, secularism, tolerance *and pluralism*,

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because the latter concept is embedded in the Court's case law as a critical link between secularism and tolerance. Although the label "secular Europe" is a misleading cliché,[1] European institutions such as the European Union and the Council of Europe (under which auspices the European Court of Human Rights operates) are often perceived of as representative of a secular and secular*ist* orientation and as led by highly secularized elites. This makes it an important context in which to consider the impact of secularization on toleration.

In the paragraphs that follow, I will set out why this court's messages matter: what is the value added in examining the treatment of tolerance, secularization and pluralism by the European Court of Human Rights (henceforth ECtHR or, the Court)? Because the common denominator in case law dealing with these three concepts in tandem is religion, I will present in a subsequent section of the chapter some background information regarding the Court's engagements with religion in general. Then, following a presentation of the methodology guiding the present study, I will consider messages communicated by the Court on tolerance, secularization and pluralism. Finally, the chapter closes with an assessment of these messages, including special attention to discrepancies in the case law and to pluralism as a red thread linking the Court's approaches to both tolerance and notions of "the secular."

14.2   Why Do This Court's Messages Matter?

Several factors make the ECtHR an important institution to consider in relation to issues of tolerance, secularization and pluralism. First, the sheer vastness of its reach: the Court's jurisdiction covers all 47 member states of the Council of Europe (CoE), including all European countries (save Belarus). This means that the Court bears relevance for over 800 million people. Specifically, the Court is a court of last resort for any individual residing in any CoE member state who bears a rights-related complaint against the state in question and who has exhausted all national remedies in efforts to have their claims vindicated; and, most importantly, any right won by an individual in any of these states automatically becomes a right which may be claimed by any other individual in any other member state. Thus one reason why this Court's messages matter is because of the vast reach of their potential relevance.

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[1] Berger, Davie, and Fokas, *Religious America, Secular Europe.*

Further, all member states of the European Union are required to be signatories of the European Convention of Human Rights (ECHR), which the ECtHR defends. In other words, commitment to the ECHR (and, by extension, to the judgments of the European Court charged with its oversight), is a prerequisite for membership in the EU. This fact has ensured a powerful impact of the Court over EU accession processes and, particularly, in democratic reform for acceding post-Communist states. In general, the EU's requirement for ECHR and ECtHR conformity entails a weighty institutional "seal of approval" for this Court. Beyond the European context though, the Court also serves as a global standard-setter for human rights protections. Together with the United Nations Human Rights Committee in particular, the ECtHR contributes significantly to the conceptualization of human rights for individuals and institutions, NGOs and states, on a global scale.

The Court is broad in scope not only geographically but also thematically, and this also contributes to the Court's formidability. Through 59 articles and 6 additional protocols, the ECtHR addresses a full range of individual human rights, as well as communal rights in cases where the enjoyment of rights is contingent on the experience of these in communion with others. Specifically in the domain of religion, the ECtHR is now an arena where some of the most challenging debates around religious pluralism take place, and its case law has centrally contributed to shaping the terms of such controversies.

This point brings us to a further dimension of the Court's import: beyond the direct effects the Court has by bringing about legal change (or, in some cases, controversially *not* calling for legal change), courts in general and this court in particular also carry great potential *indirect effects*.[2] The latter entail a broad set of influences beyond the strictly legal domain, including influence on groups' and individuals' understanding of their rights, their discourse about their rights, and their social and political mobilizations around those rights.[3] The indirect effects of courts may also be effectively described with the use of Marc Galanter's term, "the radiating effects."[4] According to

[2] The following information on the indirect effects of the European Court of Human Rights draws heavily on Fokas, "Directions in Religious Pluralism" in which the Grassrootsmobilise research program (see note 1) is presented.

[3] McCann, "Law and Social Movements"; Galanter, "The Radiating Effects of Courts."

[4] Galanter, "The Radiating Effects of Courts."

Galanter, the "radiating effects" of courts are largely down to the dissemination of information: "Courts produce not only decisions, but messages. These messages are resources that parties use in envisioning, devising, pursuing, negotiating, vindicating claims (and in avoiding, defending, and defeating them)."[5] The impact of these messages is largely contingent on who receives what messages from the court, who is in a position to evaluate and process those messages, how the information is processed, and who is in a position to use that information. Drawing on research conducted on the indirect effects of the ECtHR in the domain of religion,[6] it may be argued that the messages communicated by the ECtHR on such concepts as tolerance, secularization and pluralism carry significant weight also in terms of such potential "radiating" effects.

14.3   Religion and the ECtHR

Having established that from a number of different perspectives, the ECtHR is worthy of careful consideration, I now turn to the broader framework within which the Court's messages about tolerance, secularization and pluralism tend to arise: its religion-related jurisprudence. The European Convention on Human Rights includes a number of articles under which claims related to religion may be made. The first and foremost of these is Article 9, on "Freedom of thought, conscience and religion," which states that

> 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
> 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

A second article frequently implicated in religion-related cases is Article 10, which protects the freedom of expression, though with far more such limitations on this freedom. These include limitations "in the interests of

[5] Galanter, 126.

[6] Fokas, "Directions in Religious Pluralism"; Fokas, "Comparative Susceptibility"; Fokas and Richardson, *The European Court of Human Rights and Minority Religions*.

national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary." A third article of the Convention much engaged by conscience-based groups in their claims against states in which they reside is Article 11, on the Freedom of assembly and association. Like Articles 9 and 10, the right is not absolute, and is subject to restrictions to do with national security, public safety, prevention of crime and disorder and protection of health, morals and the rights of others.

A further ECHR article which features in a great deal of ECtHR case law involving a religious dimension is Article 14, which prohibits discrimination on several bases, including religion. Finally, Article 2 of the first Protocol to the Convention guarantees the right to education and the right of parents to ensure such education and teaching "in conformity with their own religious and philosophical convictions."

In spite of the many routes to religious freedom provided by the Convention and defensible by the ECtHR since its establishment in 1959, it was only in 1993 that the Court issued its first judgment finding a violation of religious freedom, in the case of *Kokkinakis v. Greece*. Minos Kokkinakis was a Greek Jehovah's Witness who had been arrested over 60 times for violating the Greek legal ban on proselytism elaborated in a 1938 law and embedded in the Greek Constitution. It is in its *Kokkinakis* judgment that the Court developed for the first time, in clear terms and cited repeatedly in later case law, its conception of, and what might be considered its "mantra" on, pluralism in relation to religion:

> As enshrined in Article 9 (art. 9), freedom of thought, conscience and religion is one of the foundations of a "democratic society" within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it. (*Kokkinakis v. Greece*, 1993, ECtHR, para. 31)

In other words, the Court deemed that pluralism is contingent on freedom of thought, conscience, and religion—a freedom available not only on religious but also on nonreligious grounds of conscience.

Kokkinakis was a watershed case for the ECtHR. After *Kokkinakis* "broke the ice," the Court went from zero decisions based on Art. 9 between 1959 and 1993 to seven within the next decade (notably, six of these seven judgments in which violations of religious freedom were found were against majority Orthodox states). Today, the Court has issued over 85 judgments in which it has found violations of Article 9. This suggests a rapidly developing judicialization of religion by the Court.[7]

Central to the Court's case law on religion is what may be described as a "matrix" of four particular principles or doctrines: subsidiarity, the margin of appreciation, the consensus doctrine, and pluralism. The principle of subsidiarity (in fact a Roman Catholic concept suggesting that a matter ought to be handled by the smallest, lowest, or least centralized authority capable of addressing it effectively), dictates that while certain standards must be universally observed by all Council of Europe member states, each state is, in the first place, responsible for securing the rights and freedoms protected by the Convention. Through the doctrine of the "margin of appreciation," the Court allows states a "margin" in determining whether a particular restriction of a right is required ("necessary in a democratic society") in the given circumstance. In the religious freedoms context where the margin tends to be particularly wide, the margin of appreciation is a substantial tool through which the Court allows states a certain, variable, leeway to interpret religious rights and freedoms within the broader context of their national cultures and traditions. According to the consensus doctrine, the scope of the margin of appreciation may vary according to the Court's assessment of the extent to which a consensus on a given matter exists across CoE member states.[8] As Eyal Benvenisti notes, "In the jurisprudence of the ECtHR, consensus is inversely related to the margins doctrine: the less the court is able to identify a European-wide consensus on the treatment of a particular issue, the wider the margins the court is prepared to grant to the national institutions."[9] The consensus doctrine, coupled with the margin of appreciation doctrine, entail a significant potential obstacle to the protection of minority rights, thus

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[7] Specifically, violations of Article 9, the main article dealing with religious freedom; there are of course far more if we broaden the gamma to include violations of the right to assembly of religious groups (Art. 11), the right to non-discrimination based on religion (Art. 14), and others.

[8] The consensus doctrine was thus introduced in the case of *Rasmussen v. Denmark* (1984).

[9] Benvenisti, "Margin of Appreciation," 851.

opening the Court to much scholarly critique.[10] The particular combination of the margin of appreciation and the consensus doctrine also leads to claims of double standards, as differential treatment of Islam has been noted,[11] as has that of Christian Orthodoxy.[12]

Pluralism is the fourth dimension to this matrix: a more or less constant presence in the Court's engagements with religion, pluralism is the core underlying value guiding the Court's approach to religion. The Court does not prescribe or judge multicultural versus assimilative approaches to religion, but pluralism as a value is a non-negotiable given. Pluralism is also a conspicuous presence in the Court's references to tolerance, as we shall see below: it is treated both as an end in itself and a means for achieving tolerance. Likewise, tolerance is sometimes presented as both an end and a means, in relation to pluralism. Secularization's role in relation to both is less clear cut.

Against the backdrop of this insight into the Court's approach to religion, I turn now to messages communicated by the Court about tolerance and secularization. First, I present the methodology underpinning the present study, explaining in detail the selection of cases examined in this chapter. A qualitative assessment follows of messages on tolerance and secularization embedded in passages of the Court's judgments, reflected in tensions within the ECtHR in particular cases, and communicated through the particular judgment the Court makes, in either finding or not finding the state in question in violation of the Convention.

14.4   Messages on Tolerance and (Derivatives of) the Secular

14.4.1   Methods

There is no precise science to identifying the cases in which the ECtHR has communicated messages regarding tolerance and secularism. This chapter draws insights from a selection of 18 cases arrived at through a combination of relevant word searches in the search engine of the

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[10] See indicatively Benvenisti, "Margin of Appreciation"; Evans, *Freedom of Religion*; Shany and Lovat, "The European Court"; Follesdal and Tsereteli, "Margin of Appreciation."

[11] Gunn, "Religious Symbols in Public Schools"; Lindholm, "The Strasbourg Court."

[12] Richardson and Shoemaker, "Minority Religions"; Ferrari, "The Strasbourg Court."

ECtHR case law website (HUDOC).[13] The 18 cases cover a rather broad range of topics somehow related to religion, from the right to private life while carrying out a church-appointed post (*Fernandez Martinez v. Spain*), the right to practice ritual slaughter (*Cha'are Shalom Tsedek v. France*), and the right to religious education in accordance with one's own religious or philosophical beliefs (*Hasan and Eylem Zengin v. Turkey*; and regarding specifically the implementation of the procedure for exemption from religious education, *Grzelak v. Poland*; regarding the presence of religious symbols in schools, *Lautsi v. Italy*; and on the right to exemption from co-ed swimming class, *Osmanoglu v. Switzerland*), to the right to manifest one's faith through religious dress—an especially conspicuous presence in the Court's engagements with the notions of tolerance and "the secular," as the central theme in seven of the selected cases (*Sahin v. Turkey*, *Dogru v. France*, *Eweida v. UK*, *S.A.S. v. France*, *Ebrahimian v. France*, *Dakir v. Belgium*, *Hamidovic v. Bosnia*) and specifically on the Muslim headscarf in five of these seven cases. Additionally, there are individual cases on the right to non-discrimination on the basis of religion (*Ivanova v. Bulgaria*), the right to unionize versus the right of a church not to allow the latter for its staff (*Sindicatul v. Romania*), and limitations on religious minorities in terms of the right to assembly for worship (*Krupko v. Russia*), the banning of their literature (*Ibragim Ibragimov v. Russia*), and equal treatment *(Izzetin Dogan v. Turkey)*.

This sample includes cases with very few mentions of either tolerance or the secular. But it also includes cases with comparatively very large numbers of mentions of one or the other term: there are 35 mentions of secular/secularism/secularization in *Dogan*, 42 in *Dogru*, and 85 in *Ebrahimian*. Meanwhile, a word search across these 18 cases for the term "neutral" in contexts closely related to the notion of secularity yields 35 hits for *Dogan*, and a striking 118 for *Ebrahimian*. The word search for "pluralism" yields rather more stable results, with some mention in all but one case (*Ivanova*), and with 3–8 mentions in about half the cases under examination here.

The results of such word searches may be somewhat arbitrary. For example, mentions of any of these terms may be embedded in the judgment mainly in sections presenting the relevant legislation of the

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[13] Specifically, the key terms of "tolerance" and "secular" were applied, within HUDOC's selection of Art.9 cases; this Art.9 filter was selected as the most effective way to get at the Court's messages relevant to tolerance *and* secularism.

respondent states, or the arguments of the claimant or defendant state in question. The terms may also appear in ways completely irrelevant to the issue at hand, or only briefly in a separate opinion—whether concurring or dissenting—of a particular judge.[14] Accordingly, the analysis presented here focuses especially on such mentions as they appear in the paragraphs in which the Court's own reasoning is presented, as well as where these concepts factor significantly into separate opinions of judges accompanying the Court's judgment.

Further, it must be noted that a different selection of cases could yield different results regarding the messages communicated by the Court about these topics. But there is *no one* representative case or body of cases regarding these (or, for that matter, any other) themes. This is due both to the fact that the Court interprets the European Convention as a "living instrument" (i.e., interpretations of it will change over time as society changes over time), and because sometimes the Court simply does not succeed in being faithful to its own precedence (due e.g., to various pressures it may be facing).[15] Thus, there is no *definitive* message from the Court to be found on these themes in any one case or handful of cases. Still, we may certainly draw some insight into the messages the Court seeks to communicate on tolerance, secularism and pluralism especially through themes we see repeated throughout the case law; through tensions within the Court on these issues, where applicable; and through its final judgments in the relevant cases (i.e., whether or not a violation was ultimately found by the Court).

14.4.2   Messages of the Court

Most notable from even a cursory glance at the relevant judgments is the prevalence of not one, but three "mantras" on pluralism which relate either directly or indirectly to tolerance and "derivatives" of the secular.

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[14] The structure of the Court's judgments generally entails a section presenting the facts of the case, the relevant national legislation and relevant international law, the claimants' arguments, the respondent government's arguments, the Court's assessments of the case, and then, where applicable, separate opinions of individual judges or pairs/groups of judges – whether these opinions be concurring with the majority decision or dissenting (or indeed, partially concurring or partially dissenting).

[15] For an overview of such pressures Fokas, "Comparative Susceptibility"; for an excellent detailed analysis, see Christoffersen and Madsen, *The European Court of Human Rights between Law and Politics*.

The first is the "Kokkinakis" mantra presented above ("As enshrined in Article 9, freedom of thought, conscience and religion is one of the foundations of a 'democratic society' … The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it"). For the purposes of this chapter we may call this "Mantra No. 1." As noted above, one main take-away from this statement by the Court is that pluralism is contingent on freedom of thought, conscience, and religion—a freedom available not only on religious but also on nonreligious grounds of conscience. A second take-away is the connection between pluralism and democracy, often repeated in the Court's relevant case law. So religious freedom, pluralism and democracy are presented here as intertwined.

A second mantra, present in 11 of the 18 cases under examination, indicates that

> The Court has frequently emphasised the State's role as the neutral and impartial organiser of the exercise of various religions, faiths and beliefs, and stated that this role is conducive to public order, religious harmony and *tolerance* [emphasis mine] in a democratic society.

Here the Court repeats its general aim of supporting pluralism, and indicates that in service to that broader aim, states' roles in organizing religion must be neutral and impartial and thus conducive to "public order, religious harmony and tolerance." Where there is tension among groups, states must not only refrain from "taking sides" in such disputes (which would entail—it is suggested—some degree of assessment of the relative legitimacy of various religious beliefs), but to act in ways to "ensure mutual tolerance" between opposing groups. Finally, the Court makes clear that this aim cannot be served by removing the cause of tension (whether this be by banning a particular group, or banning one of their activities, or otherwise exercising power over a particular group), as this would in fact entail an elimination of pluralism. Instead, the Court reiterates, states must ensure that competing groups tolerate each other.

Neither secularism nor secularity are mentioned here, but between the lines one understands that the Court makes no demands on the state to be secular itself; rather, it expects the state to act in a neutral manner in relation to religion. Although there may not be an inherent contradiction here, in practice most "special" relationships between a state and one or more faiths (whether there is a state church, or several faith groups

identified in the constitution or other legislation as "recognized" while other groups are not)—of which "special relationships" there are many across Europe—entail some degree of non-neutrality.

For the purposes of this chapter, we may call the above-presented statement of the Court "Mantra No. 2" as regards pluralism. "Mantra No. 3," present in 6 of the 18 cases examined here, indicates that "Pluralism, *tolerance* [emphasis mine] and broadmindedness are hallmarks of a 'democratic society.'" And immediately after making this connection between the trio, the Court cautions that democracy must not entail that the will of the majority necessarily trumps "individual interests." Therefore, there must be a careful balancing of a respect of the principle of democracy (which necessarily reflects the will of the majority) and of the rights of minorities. The Court then goes on to explain the need for careful balancing also where conflicts between different rights might arise (e.g., in the case of *S.A.S.*, the right to manifest one's belief in wearing the burqa versus the right of the state to secure conditions of "living together," which it contends are threatened by full-face coverage. In this case the Court ruled in the state's favor).

Some other engagements of the Court with the terms "tolerance," "secularism" and "pluralism" are more or less variations of one or more of these three mantras.[16] In a number of cases, the focus of the Court is on states' intolerance toward religious difference, or toward religion full stop. In *Ivanova v. Bulgaria* regarding the dismissal of a school teacher based on her affiliation with a particular religious minority group (Word of Life), the Court indicates that the dismissal "hint[s] at a policy of intolerance by the authorities" (p. 85) and thus finds in favor of the applicant. Messages of state intolerance are also communicated in the case of *Eweida v. UK* regarding the British Airways policy banning the visible wearing of religious jewelry (a Christian cross necklace): "society needs to tolerate and sustain pluralism and diversity […] also because of the value to an individual who has made religion as central tenet of his or her life to be able to communicate that belief to others." In *Krupko v. Russia*, the Court condemns the Russian state for obstruction of a religious minority group's

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[16] The selection of cases includes only two whose focus is on religious autonomy (*Fernandez Martinez v. Spain* and *Sindicatul v. Romania*). From these there are *suggestions* of a fourth mantra regarding pluralism: "The autonomous existence of religious communities is indispensable for pluralism in a democratic society and is an issue at the very heart of the protection which Article 9 affords."

worship service. Here a judge's separate concurring opinion indicates that the state's task is "to ensure an ambiance of tolerance for all believers, atheists and agnostics."

In the cases related to education, the Court seems to link pluralism in education with tolerance. In *Hasan and Eylem Zengin v. Turkey*, the Court considers that "in a democratic society, only pluralism in education can enable pupils to develop a critical mind with regard to religious matters in the context of freedom of thought, conscience and religion"; it then goes on to present part of Mantra No. 1. In *Grzelak v. Poland*, the Court calls for neutrality of the state in relation to religious difference as this is "conducive to public order, religious harmony and tolerance in a democratic society." In the highly controversial case of *Lautsi v. Italy*, the Grand Chamber of the Court dramatically reversed (after an unprecedented number of third party interventions and intense transnational politicization of the case) the chamber's original judgment in which, because of the display of the crucifix on Italian school walls, the Italian state was found in violation of Article 2 of Protocol 1 regarding freedom to education in accordance with one's own religious or philosophical beliefs. This reversal was justified in part by the Court's paying attention to the degree of religious neutrality characterizing the school environment overall. In this context, the Court argued that "there was nothing to suggest that the authorities were intolerant of pupils who believed in other religions, were non-believers or who held non-religious philosophical convictions." The argument was echoed in *Osmanoglu v. Switzerland*, where the refusal of the school to allow exemption from swimming education to Muslim students was justified on the grounds that the school was not generally "intolerant of pupils who believed in other religions," and so forth.

Another especially controversial judgment of the Court in relation to religion is that in *Sahin v. Turkey*. Here the Court uses all three mantras in its decision, before finding no violation of the Turkish state in its banning a university student from taking her university exams while wearing a headscarf. In its judgment, the Court references itself in the case of *Dahlab v. Switzerland* (re the dismissal of a school teacher for wearing a headscarf), in positing that "*wearing the Islamic headscarf could not easily be reconciled with the message of tolerance*, respect for others and, above all, equality and non-discrimination" (para. 111; emphasis mine). In this judgment, the Court highlights the constitutional identity of the Turkish state as explicitly secular:

Having regard to the above background, it is the principle of secularism, as elucidated by the Constitutional Court […] which is the paramount consideration underlying the ban on the wearing of religious symbols in universities. In such a context, where the values of pluralism, respect for the rights of others and, in particular, equality before the law of men and women are being taught and applied in practice, it is understandable that the relevant authorities should wish to preserve the secular nature of the institution concerned and so consider it contrary to such values to allow religious attire, including, as in the present case, the Islamic headscarf, to be worn (para 116).

As noted above, the *Sahin* judgment was rather controversial and has received a great deal of scholarly criticism, especially regarding the Court's seeming double standard.[17] Indeed it is difficult to square the Court's equating of the wearing of the headscarf with intolerance, on the one hand, and its description—presented above—of Christian cross necklace-wearing as "the value to an individual who has made religion as central tenet of his or her life to be able to communicate that belief to others," on the other. (It is also difficult to square, for that matter, the Court's description in *Dahlab* of a teacher's headscarf as a "powerful religious symbol," with that of the crucifix on school walls as a "passive symbol.")

Critique of *Sahin* also includes a scathing dissenting opinion (the sole dissention in the case) by Judge Francoise Tulkens. According to Tulkens, "by accepting the applicant's exclusion from the university in the name of secularism and equality, the majority [of judges in the Grand Chamber] have accepted her exclusion from precisely the type of liberated environment in which the true meaning of these values can take shape and develop" (para.19). She continues:

A tolerance-based dialogue between religions and cultures is an education in itself, so it is ironic that young women should be deprived of that education on account of the headscarf. Advocating freedom and equality for women cannot mean depriving them of the chance to decide on their future[…]. As we are all aware, *intolerance breeds intolerance* [para.19; emphasis mine].

Here Tulkens communicates a very powerful message linking the headscarf ban, rather than the headscarf itself, with intolerance. But, critically, this was not the majority opinion in *Sahin*, and thus this is not a message

[17] See indicatively Gunn, "Religious Symbols in Public Schools"; and Lindholm, "The Strasbourg Court."

the Court as an institution communicated in the case of *Sahin*. Indeed, few people beyond scholars and legal experts read the separate opinions accompanying the Court's judgments. As established through research on the grassroots-level impact of ECtHR religion-related case law,[18] the Court's reasoning in its judgments and use of particular terms (such as tolerance and secularization) are unlikely to be known at the grassroots level; far less individual judges' separate opinions. Thus the "messages" the Court actually communicates indirectly to a broader audience than legal specialists, activists, are much more limited to whether a violation is found or not in a given case.

Focusing, then, on the judgments exclusively rather than on the language around the terms "tolerance," "secularization" and "pluralism," the message communicated by the Court in *Sahin* is the opposite to that communicated by Judge Tulkens: the headscarf, not the ban of it, is an expression of intolerance. In *S.A.S. v. France*, *Ebrahimian v. France*, and *Dakir v. Belgium*—and in fact, in *every* case to do with the headscarf or burqa (with the exception of the most recent case of *Lachiri v. Belgium*), the Court justified states' limitations on the right to wear them.

Also critical to note is that in *every* judgment in which no violation was found within our sample of 18 cases, the Court made some reference to the state's "margin of appreciation." Often reference to the margin is linked to a noting of "particular regard to establishment of the delicate relations between Churches and States." The Court rather carefully avoids passing judgment on religion-state relations themselves, as part of the general European institutional approach (including the Council of Europe and the European Union) to this matter: that is, that Europe reflects a diversity of arrangements of relationships between states and religions (or secularism, as is the case in France and Turkey, for example).

Relying on the margin of appreciation, the Court has approved limitations on the right to conduct ritual slaughter (*Cha'are*), and on the right (of Muslim girls/women) to manifest faith through religious dress (*Sahin*, *Dogru*, *S.A.S.*, *Ebrahimian*, *Dakir*) as well as on Muslim parents' exemption requests, while however *not approving* of limitations on a state to display (Christian) religious symbols. The Court has also relied on the margin of appreciation in approving states' protection of the religious autonomy of their majority churches (*Sindicatul* and *Fernandez*).

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[18] Fokas, "The European Court of Human Rights at the Grassroots Level: Who Knows What About Religion at the ECtHR, and to What Effects?"

Meanwhile, state secularism is protected through the margin of appreciation in the cases against the states of France and Turkey—and also in the case of Belgium though—as noted in a third party intervention in *Dakir*—Belgium is not a constitutionally determined secular state as is France (thus limiting the applicability, the argument goes, of the *S.A.S.* judgment in the case of *Dakir*).

14.5 Assessments

A thorough analysis of the Court's messages about tolerance and "the secular" is not possible due to space limitations, but at least some sketches may be drawn of the Court's approach to these concepts. Regarding tolerance, the Court indicates in Mantra No. 3 that tolerance, together with pluralism and broadmindedness, is a "hallmark" of a democratic society. In the three cases in which tolerance appears in relation to a call for *state tolerance* of religion and religious difference, the states were found in violation of the Convention. And through a series of religious education cases, the Court emphasizes the importance of pluralism in education for tolerance in society. Here the Court also calls for tolerance of the school toward students of different religious, atheist or other philosophical worldviews. Of the four cases, within the selection considered here, focused on religion in the educational arena (*Zengin*, *Grzelak*, *Lautsi*, and *Osmanoglu*), the Court found the respective states in violation of the Convention in the first two cases, respectively for insufficient respect for minority faith in terms of the content of religious education and for unfair repercussions of the exemption process; but it found states *not* in violation of the Convention for the display of religious symbols (the Christian crucifix), nor for the non-exemption of Muslim students from swimming instruction. If we extend this category to include all cases to do with the headscarf in educational contexts, we find the Court communicating a perspective on the headscarf as a symbol of intolerance (*Sahin*), and as a threat to state secularism (*Dogru*).

This point brings us to messages from the Court specifically on "derivatives of the secular." First, it should be noted that in none of the cases under examination does the Court communicate *any* messages about secularization per se: the Court does not concern itself with secularization either as a process or as a societal result. Rather, in its engagements with derivatives of the secular, the Court focus is on secular and/or secularist beliefs and on secular states (and their relevant laws protecting the states'

secularity). A careful reading of Mantra No. 1 reveals the Court's contention that a democratic society requires pluralism; pluralism, in turn, depends on freedom of thought, conscience and religion; and the freedom of thought, conscience and religion protects not only religious but also nonreligious, anti-religious and neutral to religion—that is, secular and secularist—beliefs. Thus, pluralism and democracy entail protection of the secular alongside the religious.

Most conspicuously, though, the Court's messages about secularism are embedded in its judgments in cases against France and Turkey (and, to a lesser extent, Belgium). In these cases, and with reference to the margin of appreciation, the Court makes clear that where a state's placing of limitations on rights is aimed at protecting the secular state (where secularism is constitutionally enshrined, as in France and Turkey[19]), the Court will be more accepting of such limitations. Thus, secularism becomes a protected value, or as one scholar calls it, an "extra-conventional goal," given that secularism is not *directly* mentioned in the ECHR.[20] The Turkish cases of course involve Islam as the majority faith of the country in question and because of the secular Turkish state's promulgation of a "state approved Islam," but notably three of the four French cases too (*Dogru*, *S.A.S.*, and *Ebrahimian*) are all also about Islam (in substance if not in form as, in fact, these cases are rooted in French legislation clearly targeting Muslim dress but formally to do with all "conspicuously worn religious symbols.")[21]

Certainly, the data emerging from this selection of cases offers some support to the scholarly criticism of the Court as biased against Islam. This support is even more acute when we seek to tease out messages from the Court on tolerance *in relation to* the secular. Here a first point to note is the invisible presence of the secular in Mantra No. 2. Though neutrality and secularity are far from synonymous, and secularism can in fact be antithetical to neutrality, a close reading of Mantra No. 2 suggests that the Court believes tolerance requires a religiously unaffiliated state, because neutrality and impartiality in the way described in Mantra No. 2 are rather hard to find in religiously affiliated states.

Especially when comparing its case law to do with Islam with that to do with Christianity, the Court seems to express lower expectations of

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[19] Of course the French and Turkish secularisms differ significantly, but such nuance is not prevalent in the Court's relevant case law.

[20] Kayaoglu, "Trying Islam."

[21] The fourth, *Cha'are*, has to do with Jewish ritual slaughter.

tolerance, on the part of states, toward Islam. In *Sahin*, expression of Islamic belief is presented as contrary to secularism and to tolerance, and in *S.A.S.* and *Dakir* the state is not intolerant in its banning of the burqa; in *Eweida*, the state is presented as intolerant when not accommodating the wish of an employee to wear a Christian cross as a necklace and in *Lautsi* it is not intolerant of religious difference in allowing the crucifix to be displayed on school walls.[22] The judgment in *S.A.S.* did not hinge on secularism per se, but on how the wearing of a full-face veil is a threat to the value of "living together." The Court applied the same reasoning (with long citations of its *S.A.S.* judgment) to the Belgian case of *Dakir*. But the underlying concerns in the bans of full-face covering (called "burqa bans" because of their obvious ultimate aim) are clear in such statements made by the Belgian government in the case of *Dakir:*

> the more multicultural a society and the greater the co-existence of different forms of religious beliefs and expressions of cultural traditions, the more individuals [have] to refrain from ostensibly displaying those beliefs and traditions in public (para 31).

In theory then, Islam is treated less favorably because the display of Muslim beliefs and traditions happen to be more ostensible. Such decisions by the Court have, unsurprisingly, led scholars to ask "are the remedies available under the key European human rights instruments […] as effective for those whose beliefs, culture and identities are rooted in Islam as they are for other inhabitants of Europe?"[23]

In summary, through particular passages in its case law, and especially in the three "mantras" presented above, the Court expresses a number of clear messages about tolerance and the secular, with pluralism a perennial presence either linking the two, or as a means to tolerance, or as an end in itself. In some other passages though and particularly through its ultimate judgments finding or not finding a violation, the Court has communicated some less clear and, in some cases, problematic messages of a double standard as regards Islam versus Christianity. That said, as noted above, in the past the Court has also been accused of applying different standards in its

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[22] There is a rich budding literature on the "culturalization" of religion whereby religion which can be presented as a cultural artifact is more "palatable" to secular societies and Islam is presented as "pure religion" and therefore antithetical to secular society. See, for example, Beaman, "Religion as Culture."

[23] Durham and Kirkham, "Introduction," 2.

examination of cases against majority Christian Orthodox states as well. The sample of cases considered in this chapter was drawn based on relevant word searches, but if a temporal perspective were taken, examining the first decade or so of the Court's active engagement with religious freedom cases (i.e., after *Kokkinakis* in 1993), the striking percentage of violations found in states of majority Orthodox background also raises questions regarding a potential double standard of the Court against majority Orthodox contexts.

Here it is important to consider the Court in its broader political context, including attention to the changing challenges it faces over time. In the 1990s and early 2000s, the Court was especially challenged by the expansion of the Council of Europe (and, by extension, of the jurisdiction of the Court) to many post-Communist countries, a large number of which are majority Christian Orthodox. These were countries whose newly developed democracies were still finding their way on matters of religious freedom. The relationship between religion, national identity and nationalism in these countries in many ways obstructed pluralist approaches to religious difference.[24]

By contrast, in the later 2000s and 2010s, Islam and secularization have underpinned a great number of new challenging cases arising before the Court (including, from the case selection examined in this chapter, *Sahin*, *Dogru*, *Lautsi*, *Eweida*, *S.A.S.*, *Ebrahimian*, *Dakir*, and *Osmanoglu*, but also—less conspicuously—several other cases). In the context of such challenges, the margin of appreciation has provided an exit for the Court from certain culturally and politically sensitive issues. As Julie Ringelheim notes, "the large discretion [the Court] often grants to national authorities on [religion] cases is symptomatic of its difficulty in dealing with them" (2012: 306). By "them" Ringelheim means the religion cases, but it could equally apply to the *states*, suggestive of the Court's difficulty in challenging existing religion-state arrangements. The Court was—understandably—less restrained challenging religion-state relations in post-Communist contexts in the 1990s than it has been more recently in relation to France or Belgium. Thus, we must consider the Court's messages on tolerance and secularization also from within the context of the legitimacy crisis facing the Court—and the European unification project as a whole—in the last several years.

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[24] On this point see Fokas, "Banal, Benign or Pernicious?"

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Secularization and Persecution: Lessons from Russia, Ukraine, and Beyond

Vyacheslav Karpov

This chapter further challenges the influential narrative according to which secularization begets toleration while society's movement away from secularity leads to intolerance. It presents a case in which things changed in the direction diametrically opposite to the one that the narrative presumes universal. In this case, secularization involved ruthless persecution, while religious resurgences created opportunities for tolerance. Specifically, I show how Soviet secularization ended the era of imperial toleration, aborted nascent religious freedom, and for nearly seven decades entailed waves of religious persecution. Then, after the demise of communism, Russia's desecularization brought about a combination of limited, neo-imperial toleration with neo-Soviet repression. Meanwhile, Ukraine's desecularization has generated an unprecedentedly pluralistic and tolerant regime of interfaith and church-state relations.

However, the narrative of secularization begetting (and desecularization endangering) toleration is not what Karl Popper would call a

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falsifiable theory.[1] Pointing to contradicting evidence is not enough to debunk it. Proponents of the widely accepted narrative can (and do) deem the Soviet and post-Soviet cases exceptions that prove the rule.[2] Or they pronounce the Soviet secularization non-authentic, since, unlike in the West, it was not preceded by modernization.[3] Moreover, some have readily accepted that, even though secularization generally begets toleration, secularists (which must include Soviet communists) have often been intolerant.[4] These arguments revolve around a specific (and, I argue, limited) understanding of secularization. They theorize, implicitly or explicitly, what a "true," archetypal secularization is and how it impacts tolerance. I counter these arguments in a theoretical reflection that follows the case study.

15.1   IMPERIAL TOLERATION

The Russian Empire entered the twentieth century with a typical regime of imperial toleration. Such regimes, says Michael Walzer, autocratically impose peaceful coexistence. They tolerate religious groups and their authorities and cultivate certain versions of orthodoxies while confining individuals (albeit with exceptions) to rigidly demarcated communities and identities.[5] As Liliana Riga notes, the empire's rulers viewed religions "in terms Edward Gibbon would have appreciated: tolerated as socially useful to pacify and control their populations, to maintain metrical books, to mobilize the lower classes for imperial military service, and generally to provide stability and moral regulation in the borderlands."[6] Even in these terms, the empire treated some more cruelly than others. For instance, by the end of nineteenth century, the Old Believers (a traditionalist current within Orthodoxy) had experienced two hundred years of discrimination. In 1874, Alexander II banned the Ukrainian Greco-Catholic Church. In 1882, the "Provisional rules" reinforced discrimination against the Jews. Homegrown Protestant-like groups, including the Dukhobors and

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[1] See Karl Popper, *Conjectures and Refutations*, 32–37.

[2] Steve Bruce looks at post-communist religious resurgences as transient epiphenomena that do not pose a serious challenge to the universality of secularization theory. See Bruce, *Secularization*, 12.

[3] Bruce, "Secularization Elsewhere."

[4] Bryan Wilson, "Reflections on Toleration and Secularization."

[5] Michael Walzer. *On Toleration*, 15–16.

[6] Liliana Riga. *Bolsheviks and the Russian Empire*, 46.

Molokans, faced persecution and exile. Russification policies entailed efforts to convert non-Russian and non-Orthodox groups to Russian Orthodoxy. Meanwhile, the officially dominant and privileged Orthodox Church itself played a subordinate role in the imperial hierarchy of power. This subordination, whose historical roots I discuss in further paragraphs, is a centerpiece of the Russian imperial pattern of toleration and persecution.

Eastern (Byzantine) Christianity, of which Russian Orthodoxy is an off-shoot, spread to what later became Russia from what today is Ukraine. However, since the sixteenth and seventeenth centuries, markedly different religious cultures and patterns of church-state relations developed and crystalized in Ukraine and Russia. Large parts of Ukrainian lands were less exposed to the despotic influence of the Golden Horde, while lengthy inclusions into Lithuania, Poland, and the Polish-Lithuanian Commonwealth strengthened Western religious, cultural, and political influences. Ukraine's Orthodoxy and Greco-Catholicism were never state religions. Additionally, East Ukraine's Hetmanate combined loyalty to the Patriarch of Constantinople with a Cossack democracy. As a result, by the end of the seventeenth century a distinct Ukrainian religious culture had developed. It merged Eastern and Western influences, accommodated separation of church from state, and gave the laity considerable authority.[7] This culture later contributed to Ukraine's post-Soviet religious pluralism.

Russia followed a different path. The Golden Horde shaped the despotic culture of power in Muscovy, Russia's embryonic state. Moscow opposed the reunion of Eastern and Western churches proclaimed by the Council of Florence (1438–445) and severed its links to the mother Church of Constantinople. Since at least 1569, when Ivan the Terrible had his critic, the Metropolitan Philip, murdered, Russia's Church hierarchy increasingly came under the control of the Tsars. After 1652, Moscow launched the ruthless persecution of Old Believers who resisted the ritual and textual readjustment of worship to the Greek cannon. In 1686, Moscow usurped the Kyiv Metropolia of the Constantinople Patriarchate and subsequently pursued the Russification of Ukrainian Christianity. And in 1721, Peter the Great abolished the Patriarchate and subordinated Russia's Orthodox Church to the Holy Synod with a secular bureaucrat, the Emperor's appointee, at the helm. The Church was thus subordinated

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[7] Frank Sysyn, "The Formation of Modern Ukrainian Religious Culture."

to the growing Imperial state.[8] The subordination lasted until 1917 and later found its reincarnations in Soviet and post-Soviet Russia.

As the Russian Empire conquered and annexed new lands, from Poland to Eastern Siberia, it came to include nearly two hundred ethnicities and a plurality of faiths. By the end of the nineteenth century, 69% of the empire's inhabitants were Orthodox Christians,[9] 11% were Muslims, 9% Catholics, 4% Jews, 4% Lutherans, 2% Old Believers, close to 1% Gregorian Armenians, and less than 1% Buddhists.[10] Confessional boundaries were largely coextensive with ethno-territorial ones, and most religions were tolerated to the extent they were confined to these ethnic territories.[11] Thus, a vast majority of Russians were Orthodox, Poland was predominantly Catholic, and Central Asia majority Muslim. Imperial powers determined if and to what extent the subaltern religions were to be tolerated. They promoted conversions to, yet banned apostasy from, Orthodox Christianity and sought to bureaucratically control all faiths, even the utterly decentralized ones, such as Islam.[12]

In 1905, facing revolutionary discontent, Nicholas II issued a decree (*ukaz*), "On the strengthening of the foundations of religious toleration." The decree abolished punishments for apostasy from Orthodoxy, expanded the rights of Old Believers and Christian sectarians, and called for reconsidering the treatment of Muslims and Buddhists. Yet it did not eliminate discrimination against the Jews.[13] Nor did it provide a legal option for not belonging to any confession. Five months later, the Tsar's Manifesto of October 17, 1905, required the government to "grant the population the unshakable foundations of civil liberty, based on the principles of genuine inviolability of the person, freedom of conscience, speech, assembly and associations."[14] The situation on the ground speedily developed toward

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[8] Gregory Freeze in his "Handmaiden of the State?" inventively argues that this meant "spiritualization" rather than secularization, because the Church was thus freed of worldly cares. Yet, such a "spiritualization" fits the definition of secularization as institutional differentiation. Freeze, 90.

[9] This included members of the banned Greco-Catholic (Uniate) Church who were officially listed as Orthodox.

[10] A.B. Zubov, *Istoriia Rossii*, 130.

[11] Elena Lisovskaya, "Religious education in Russia," 123.

[12] See Robert P. Geraci and Michael Khodarkovski, *Of Religion and Empire*, for analyses of these practices of imperial toleration.

[13] Only after the revolution of February 1917 was the infamous Pale of Settlement abolished.

[14] "Manifest," 175.

greater religious pluralism. Ironically, amid the growing freedom and religious revitalization that it brought about Russia's Orthodox Church was the only one still administered by the state. This hampered the Church's ability to renew and adjust itself to the changing societal milieu. Movements emerging within the church sought liberation from bureaucratic control. Ultimately, the 1917–1918 Church Sobor (Council) abolished the Synodal system and reinstated the Patriarchate, an ecclesiastical structure independent from secular rule. However, the Bolshevik coup of October 1917 and the persecutions that followed interrupted the development of religious freedom for nearly seventy years to come.

15.2   From Imperial Toleration to Relentless Religious Persecution Under the Soviets

Fedor Ivanov's legs were paralyzed, and he was bedridden from the age of sixteen. The man's piety made him popular among fellow Orthodox believers in the Siberian city of Tobolsk. In 1937, the NKVD arrested Ivanov as a "religious fanatic" and accused him of organizing an armed uprising. They brought him to a local prison on a stretcher, laid him in a cell, and never interrogated him. Then Ivanov was quickly convicted and shot in the prison yard.

Ivanov was one among millions of Christian, Muslim, Jewish, Buddhist, and other believers killed by the Soviet regime. Precise numbers are unknown and difficult (if not impossible) to calculate. Unlike their Gestapo counterparts, the Cheka/NKVD/KGB persecutors were not famous for meticulous documentation. Their archives (by now likely purged of most damning information) remain largely classified. Furthermore, many victims were formally accused of crimes unrelated to religion. Others were not executed but died in the Gulag, where the Siberian cold killed starving and poorly clothed prisoners no less efficiently than the Nazi gas chambers. Millions perished in engineered famines, like the Holodomor ("death by starvation") in Ukraine, just because they were Ukrainians and peasants—a double crime in the eyes of the purportedly internationalist "dictatorship of the proletariat." Killing the peasants had the added benefit of getting rid of backward religious fanatics who stood in the way of communism. Yet others were rounded up and murdered without trial or the formalities of paperwork during the Red Terror, Civil War, suppression of anti-Collectivization uprisings, occupation of the

Baltic States and Western Ukraine and other episodes of mass violence. Some "were crucified on the central doors of iconostases, thrown into cauldrons of boiling tar, scalped, strangled with priestly stoles, given Communion with melted lead, drowned in holes in the ice."[15] As communism aged and mellowed, these ancient Rome-style atrocities gave way to more modern ones, like the forced psychiatric treatment of religious dissidents in the 1970s.

The Bolsheviks who launched these persecutions were steeped in the radical atheistic and anticlerical ethos of Russia's late nineteenth-century revolutionary intelligentsia. This ethos had European sources ranging from the French Enlightenment to positivism and reflected the intelligentsia's resentment of the imperial imposition of Orthodoxy and suppression of dissent.[16] Marxist atheism flourished in this milieu. Grace Davie rightly notes that Marx predicted the disappearance of religion as an outcome rather than a prerequisite of the transition to communism and did not call on Marxists to destroy religion.[17] Yet, Marx fathered two Marxisms.[18] One is an objectivist theory that predicts the inevitable death of class society and of religion with it. The other is a revolutionary theory that instructs the communists to overthrow the old regime and its superstructure, which obviously includes religion. Marx wrote that revolutionary terror was the only means to shorten "the murderous death agonies of the old society."[19] Similarly, Marx and Engels directed the Communist League to "take the lead" in the "so-called excesses, instances of popular revenge against hated individuals or public buildings that are associated only with hateful recollections."[20] It is difficult to see why these instructions would exclude "popular revenge" against the faithful and their houses of worship if they evoke "hateful recollection." Thus, while the Soviet-era religious persecutions appear unrelated to the writings of Marx the objectivist, they are consistent with the legacy of Marx—the revolutionary theorist.

Persecutions began almost immediately after the October 1917 coup and continued, albeit in changing formats and with crescendos and diminuendos, until the end of the 1980s, when the Soviet regime was spiraling to its death. Already the January 1918 decree "On the freedom of

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[15] Alexander N. Yakovlev, *A Century of Violence in Soviet Russia*, 156.

[16] Victoria Frede, *Doubt, Atheism, and the Nineteenth-Century Russian Intelligentsia*, 15.

[17] Grace Davie, *The Sociology of Religion*, 27.

[18] See Alvin Gouldner, *The Two Marxisms*.

[19] Karl Marx. "The Victory of the Counter-Revolution in Vienna," 506.

[20] Karl Marx and Frederick Engels, "Address of the Central Authority to the League," 282.

conscience, churches and religious communities" clarified the Bolsheviks' program. Under the disguise of separation of church and state, the new regime nationalized the property of religious organizations, gave itself the right to ban religious services, ended religious marriage, and prohibited religious instruction. In July 1918, the first communist constitution deprived clergy and monastics of their electoral rights. As the Red Terror policies were institutionalized in early 1918, the Cheka was authorized to engage in hostage taking and extrajudicial killings, which often targeted clergy. Already in 1918, Russia's Orthodox Church held its first liturgy in memory of these new martyrs.

Next, in 1920–1922, the Bolsheviks engineered a mass famine that took the lives of roughly 5.1 million rural dwellers. Marked "Strictly secret," Lenin's letter to the Politburo laid out his plan for a crackdown on religion through confiscating churches' valuables under the false pretext of buying food for the starving.[21] Lenin instructed his comrades to give the Church "a most decisive and merciless battle" and to suppress clergy's resistance "with such cruelty that they do not forget it for several decades."[22] By 1923, within one year since Lenin had issued these instructions, 2691 priests and 5409 monastics had been killed. The numbers of lay victims must have been many times that, as popular resistance to the new policy was widespread.[23]

By 1924, as the campaign's goals had been achieved, violence subsided. Then, to the Bolsheviks' dismay, religious life resurged. While the Orthodox Church was undermined, diverse "sectarians" (the term applied to Protestant churches as well as new, homegrown religious movements) flourished, especially in Ukraine.[24] Bolshevik leaders grew alarmed and planned new crackdowns that would include all faiths and target the laity no less than the clergy.

A new wave of persecution started in 1927 and escalated in 1929–1930, concomitant with forced collectivization and "cultural revolution." It targeted all faiths, including the "sectarians" and Muslims less impacted by previous campaigns.[25] Marking a broadening effort to uproot Judaism, the GPU arrested the legendary Rabbi Yosef Yitzchak Schneersohn of

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[21] In fact, the government at the time was exporting the grain it had forcibly seized.

[22] V. I. Lenin, "Pis'mo V. M. Molotovu," 90.

[23] *Russkaia Pravoslavnaia Tserkov'*, 69.

[24] See Gregory L. Freeze, "Subversive Atheism."

[25] I. A. Kurliandskii, *Stalin, vlast', religiia*, 429.

Lubavitch and he was sentenced to death in Petrograd in 1927.[26] In 1930 alone, 13,554 clergy members were arrested. In January–March 1930, the Cheka reported 7978 mass protests of which 776 were provoked by church closings.[27] The resistance was mercilessly crushed.

The "great terror" of 1937–1938 eclipsed previous campaigns, and its anti-religious component extended beyond 1938. In 1937–1941, 192,100 members of the Orthodox clergy were repressed, and 118,300 (62%) of them were shot.[28] By 1941, in the entire Soviet Union only four bishops were not imprisoned, and less than 500 clergy members served in the under 350 churches that remained open.[29] Out of 12,000 mosques that functioned in 1917, some 10,000 were closed by the end of 1930s. The Buddhist monks in Buryatia and Kalmykia were nearly completely exterminated.

During World War II, a consequential religious resurgence unfolded in the regions of the USSR occupied by Germany. Christian congregations in Ukraine and Belarus reopened all churches that had been closed by the Soviets.[30] The re-openings were selectively tolerated but not directed by the occupation authorities (in Ukraine, the Nazis were suspicious of the churches' connection to the nation's independence movement). Thus, for Ukraine, the resurgence was its first successful, albeit temporary and partial[31] post-Soviet *desecularization from below*,[32] prefiguring what would happen after the demise of the USSR.

A different kind of partial desecularization took place in unoccupied Soviet Russia. Aware of the resurgence in Ukraine and elsewhere in the west, Stalin sought means to reassert control as the Red Army was

[26] An international outcry saved his life and gave him the opportunity to emigrate.

[27] Kurliandskii, 420.

[28] Calculated based on the data compiled by Yakovlev, 165. Zubov explains that these numbers include family members of the clergy and parish leaders. See Zubov, *Istoriia Rossii*, 964.

[29] Zubov, 952.

[30] From a letter by Georgiy Karpov to Khruschev, cited in Steven Merritt Miner, *Stalin's Holy War*, 199.

[31] Obviously, only a partial resurgence of religious life was possible under the Nazis. Churches reopened, but synagogues did not, as the Nazis and their local accomplices carried out "the Holocaust by bullets" throughout the occupied territories (see Partick Desbois, *The Holocaust by Bullets*). Similarly, there was no resurgence for Jehovah's witnesses who were persecuted by the Soviets and the Nazis.

[32] See Vyacheslav Karpov, "Desecularization: A Conceptual Framework," for the explanation of the terms "desecularization from below" and "from above."

readying to reoccupy the lost territories. Additionally, the Soviets vitally depended on Western aid in the fight against Germany and tried to repair their image by imitating a return to religious toleration.[33] To achieve these goals, in 1943, Stalin oversaw the creation (under the control of the secret police) of an ecclesial structure under a new official name, the *Russian* (in place of Russia's) Orthodox Church (ROC), whose primate was given the new title of Patriarch of Moscow and *All Rus'* (in place of All Russia). The reference to the Rus' was functional for claiming control over Ukrainian churches that trace their lineage to the original, Kyivan Rus'. Thus, the nearly destroyed Orthodox Church was resuscitated under strict state control. Just as Ukraine underwent its first desecularization from below, Stalin's government managed a first limited *desecularization from above.* Already in 1946, it became clear what role the resuscitated Church was to play. Following the KGB-staged fake Sobor in Lviv, the Ukrainian Greco-Catholic Church was disbanded, and its clergy and faithful were forced to join the ROC or risk imprisonment.

Parallel to the top-down rebuilding of Orthodoxy, the government administered a partial revival of other faiths. It pursued consolidation and centralization of diverse groups, including Muslims, Buddhists, and Protestants.[34] However, the newly instituted limited toleration did not last. A new wave of religious restrictions followed in 1960–1965. The scale of religious revitalization must have frightened the atheists in power. In 1958–1965, the number of Orthodox churches dwindled from 13,400 to 7500,[35] and other confessions experienced similar declines. From 1965 to 1985, there were no dramatic changes in religious policies. Although massive crackdowns on entire religions had stopped, persecution of dissident religious groups and individuals continued, as did relentless atheist propaganda.

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[33] See Steven E. Miner, *Stalin's Holy War: Religion, Nationalism, and Alliance Politics, 1941–1945.*

[34] A. V. Loginov, *Vlast' i vera*, 331.

[35] Ibid, 333.

15.3   Post-Soviet Russia and Ukraine: Divergent Desecularizations and Toleration

By the end of the 1980s, the USSR had entered a period of turbulence and, ultimately, disintegration. Its rulers did not have a strategy for saving it. They proclaimed democratization and *glasnost'* (openness) hoping that a limited liberalization would make communism viable. It was in that context that religious groups were given greater freedom. In 1988, seeking to internationally publicize their new religious openness, Moscow pompously celebrated the Millennium of the Baptism of Rus', the event to which Ukraine's churches and the ROC trace their origins. Yet, as with *glasnost'* in general, religious liberalization awoke such enthusiastic initiatives from below that communists lost control over it. By the early 1990s, multiple faiths resurfaced and resurged within the Soviet space or entered it from abroad. Since the 1991 dissolution of the USSR, its former republics' approaches to religious freedom have ranged from the Baltics' democratic pluralism to Central Asia's authoritarian control. The paragraphs below show how Russia and Ukraine's divergent desecularizations generated contrasting and clashing approaches to religious pluralism.

Russia entered the new era with a Law on Religion, which had the US model as its prototype and afforded all faiths equally broad liberties. Within this framework, multiple desecularizations from below developed in Russia's regions. Side by side with traditional Sufi Islam in the Caucasus, Salafi groups with Middle Eastern ties were growing. Protestant churches boomed and, in some regions, notably the Far East, outnumbered Orthodox parishes. Pluralistic tendencies developed within Orthodoxy. The ROC hierarchs grew wary of losing control if the competitive desecularization from below continued.[36] Amid the growing political and ideological reaction to unpopular reforms, the ROC leaders teamed with nationalist and neo-communist forces lobbying for a more restrictive religious legislation. In 1997, their wishes were granted. The Law on the Freedom of Conscience and Religious Associations limited competition by granting a privileged status to Orthodoxy, Islam, Buddhism, and Judaism, the four religions the establishment deemed traditional. All other groups had to prove their presence in the country for at least fifteen years

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[36] For a detailed explanation of how and why Russia's desecularization from below was suppressed and gave way to a top-down religionization, see Vyachelav Karpov, "The Social Dynamics of Russia's Desecularization."

before they could register as religious organizations and enjoy basic religious liberties. The restrictions resonated with public opinion that, following the reactionary turn and propaganda campaigns launched by the ROC supporters, showed intolerance to religious pluralism.[37] The model of limited toleration that the 1997 law enacted resembled the imperial prototype in which confessional and ethno-territorial boundaries are coextensive, Orthodoxy is hegemonic, and alien faiths are kept out. However, globalization and domestic social and geographic mobility undermine the viability of the antiquated ethno-territorial model, and it can hardly survive unless coercively enforced.

With the rise and consolidation of the Putin regime since 1999, neo-Soviet tendencies in church-state relations have developed alongside the neo-imperial ones. Under the 2002 Law on Counteracting Extremist Activity, religious groups and believers could be prosecuted for broadly and vaguely defined extremism. In 2017, Russia's Supreme Court banned the Jehovah's Witnesses as an extremist organization. Their version of the Bible was pronounced extremist literature, and a growing number of incarcerations followed. Thus, some of the Witnesses face the same threats to their freedom and very lives their parents or grandparents faced in the USSR. A 2013 law criminalized insults to religious feelings, and religious censorship at the hands of the presumably secular state became a reality.

A markedly different regime of desecularization and toleration has developed in Ukraine. Several factors have impacted its formation. For centuries, Ukraine's Christianity was pluralistic. Not only the prevalent Orthodoxy and influential Greco-Catholicism but also minority groups, such as Roman Catholics and Protestants, have been traditionally perceived as Ukrainian, and no faith could credibly claim an exclusive connection to Ukrainian nationhood. Consequentially, by the early 1990s, Ukraine had not one but three Orthodox Churches. The Ukrainian Orthodox Church of Moscow Patriarchate (UOC MP) is a branch of the ROC. The Ukrainian Orthodox Church—Kyiv Patriarchate (UOC KP) emerged in 1992 in an effort to end Moscow's ecclesial control. The smallest faction was the Ukrainian Autocephalous Orthodox Church (UAOC) whose origins go back to 1918. The UOC KP and UAOC later formed the backbone of the Orthodox Church of Ukraine, to which,

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[37] Vyacheslav Karpov and Elena Lisovskaya, "The Landscape of Religious Intolerance in Russia."

despite Russia's fiercest resistance, the Patriarch of Constantinople granted autocephaly in January 2019.

The pluralism within and outside of Orthodoxy benefited from the uniquely Ukrainian religious culture that, as I mentioned earlier, merged Eastern and Western influences and kept the churches away from the state. Furthermore, the country's western regions were occupied by the Soviets during World War II and thus had a much shorter exposure to violent secularization. Not surprisingly, the less Sovietized and Russified West Ukraine became the powerhouse of the country's pluralistic desecularization from below. In the more Russified East, desecularization patterns resembled those of Russia, with local magnates funding churches of the Moscow Patriarchate, and in the county's Center, desecularizations from below and from above converged.[38] Yet, it is the desecularization from below that has become the hallmark of Ukraine's religious resurgence. In carrying out this desecularization, Ukrainians could rely on the living memory of its war-time precedent, when their parents and grandparents reopened all the churches previously closed by communists. Next, unlike Russia's, Ukraine's anti-communist revolution was also one of national liberation, and rejection of pre-Soviet and Soviet imperial legacies and models, including religious ones, is its powerful component. Moreover, from 1991 to the present, for a sizable and growing part of the nation, independence has also meant (re)integration with Europe, and thus acceptance of its pluralistic norms, including religious human rights. The 2013–2014 Revolution of Dignity reasserted these orientations in the face of the Yanukovich government's attempted rapprochement with Russia and the subsequent Russian aggression.

Ukraine's post-Soviet pluralism affords equal rights to Jews, Muslims, Buddhists, and other religious groups. Leaders of the nation's faiths take turns presiding over the All-Ukrainian Council of Churches and Religious Organizations and inform the government of their coordinated position on issues pertaining to all groups, such as religious education, religious liberties, and others.

The contrast between the two countries' regimes of desecularization and toleration is illustrated by the consequences of Russia's occupation of Crimea and regions of East Ukraine. The occupying authorities and their allies have suppressed Ukrainian religious pluralism and replaced it with

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[38] Viktor Yelensky, "Religion and Nation-Building in the Epoch of Desecularization: The Case of Ukraine."

the familiar Russian model. This means privileging of the ROC/UOC MP and persecution of Greco-Catholic and OCU faithful, Protestant groups, and Crimean Muslim organizations. Against this background, the UOC MP has retained full legal rights in the rest of Ukraine. It successfully fought in Ukrainian courts the 2019 legal mandate to change its name in a way that would reflect its affiliation with the aggressor state, that is, with Russia. Moscow has internationally publicized this issue as a violation of religious freedom and portrayed the UOC MP as a persecuted church. Yet, in fact, that the UOC MP continues to function unrestrained even though its governing center is in a country that wages war against Ukraine, is evidence of the firmness of Ukrainian pluralism and toleration.

15.4 Theoretical Implications

Students of secularization and toleration have given the Soviet case remarkably scant attention.[39] Even though recent literature has looked at the case through the lens of secularization analysis,[40] it has not substantially impacted the core debate in the field.

The Soviet case meets and exceeds the criteria stemming from Casanova's classical description of secularization as inclusive of the unintegrated trends of declining religious beliefs and practices, religion's separation from social institutions, and privatization.[41] In the seventy years of its existence, Soviet state atheism succeeded on all fronts. Religion was nearly completely purged from the public sphere and major institutions. Even privatized religiosity was barely, if at all, tolerated. While deinstitutionalized, "lived" religion carried on in some quarters, the beliefs and practices of all major traditions declined. Thus, regardless of *how* it happened, *what* happened in the USSR was a thorough and profound secularization. Given the Soviet Union's size and impact on the world in the twentieth century, secularization theorists' inattention to this elephant in the room is puzzling. Why indeed has the Soviet case been so marginal to secularization studies?

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[39] See Christopher Marsh, *Religion and the State in Russia and China: Suppression, survival, and revival*, 1–2.

[40] Alongside Marsh's aforesaid work, see also Catherine Wanner's *State Secularism and Lived Religion in Soviet Russia and Ukraine* and Paul Froese's *The Plot to Kill God*.

[41] José Casanova, *Public Religions in Modern World*, 211

Secularization literature's long-standing inattention to non-Western countries and civilizations is obviously involved here.[42] The literature has largely focused on the North Atlantic world, even though experts consider broader comparative studies indispensable for theorizing secularization.[43]

Another possible explanation is precisely the scale and brutality of religious persecution that the Soviet secularization involved. Secularization theory reached a dominant status in the West in the 1960s and 1970s. At the time, being critical of the Soviet Union could place academics in the camp of perceived Cold War hawks. In addition, academe's liberal ethos and social scientists' attraction to Marxism (or even Leninism) discouraged objective analysis of communist crimes against humanity,[44] including the persecution of millions of Christians, Muslims, Jews, Buddhists, and members of other religious groups.

As José Casanova explains, classical secularization theory doubles as descriptive and prescriptive.[45] It purports to describe what is yet also implies that secularization is what ought to be. An objective account of Soviet state secularism's deadly consequences would undermine the theory's prescriptive function; how, indeed, could one prescribe something that proved fatal for so many people? From this perspective, it is logical to keep the Soviet case apart from the "mainstream" Western developments as an outlier and an aberration from secularization's "true" nature.

Yet, was the Soviet case such an outlier? Broadly available evidence shows it was not. Virtually every communist or communist-leaning regime in the world has shown similar tendencies. Communist China is the largest of similar cases.[46] In some other countries (notably, Poland), communist authorities did not dare to attempt eradication of religion for fear of popular resistance, yet suppression and far-reaching state control were present even there. Thus, the Soviet case epitomizes a much broader tendency in the world of the twentieth and twenty-first centuries. The tendency has impacted the lives of two billion people or more (adding up the populations of China, the former USSR and its satellite states, Vietnam, Cuba, and others).

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[42] Philip S. Gorski and Altınordu Ateş¸ "After Secularization?," 68.

[43] Ibid.

[44] Robert Conquest, "Academe and the Soviet Myth."

[45] José Casanova, *Public Religions in Modern World*, 41.

[46] See Fengaang Yang's chapter in this volume as well as his *Religion in China*.

But could this be merely a larger, "communist exception" (instead of just the Soviet one)? That, I argue, would also be a mischaracterization. Consider, for instance, the case of Mexico, to which Jean Meyer dedicated his chapter in this volume. In 1926, the government of Plutarco Elias Calles enacted laws that amounted to a nearly complete suppression of the country's dominant Catholic Church and the exclusion of religion from public and political life. This caused popular resistance culminating in the Cristero rebellion. The war between Mexican government forces and the Cristeros lasted for three years until the conflict was settled and the churches reopened. Nearly 100,000 combatants were killed between 1926 and 1929.[47] In my recalculation, proportional to population sizes at the time, this is three times the number of the US troops killed in World War II. Nearly half a million people fled the war zones,[48] and hundreds of thousands found refuge in the United States.[49] This attempt to suppress religion was not Marxist in its design. Calles and his fellow rulers were not Marxists, and he derided those who called him a Bolshevik.[50] Yet, this was a modern program of forced, revolutionary secularization, and it involved levels of religious intolerance and persecution comparable to the ones found in the Soviet Union.

Or consider Turkey's secularization under Kemalist rule. The Kemalists sought to subdue, marginalize, and transform Islam using the might of the secular nation-state they were building. They imposed a secularizing regime intended to radically overhaul post-Ottoman society. Inspired by the French principles of *laïcité*, the elites crafted their own version of secularism (*laiklik*) that went even farther than the prototype. Kemalism de facto subordinated religion to the state. Government bureaucracy controlled Islamic education and the content of sermons. Islam was excluded from the political arena and made acceptable only as a cultural marker of Turkishness. Kemalists used several coups d'etat to prevent religious opposition's ascendance to power. To the Turkish case one might add those of Algeria under the FLN and during the civil war,[51] the struggles between secularists and Islamists in Egypt since Nasser, and others.

[47] Jean A. Meyer, *The Cristero Rebellion*, 178.

[48] Ibid.

[49] Julia A. Young, *Mexican Exodus.*

[50] Plutarco Elias Calles, *Mexico Before the World*, 35.

[51] On the Algerian case, see Michael Walzer, *The Paradox of Liberation.*

As we add cases, the size of the "exception" to the "true" secularization rule increases. The presumed outliers include some of the world's most populous countries. Thus, the number of people who experienced revolutionary secularizations and the persecutions that they entailed by far exceeds the combined populations of Western Europe and North America, the regions on which secularization research has customarily focused. At one point, the secularization debate revolved around the question of whether the state of religion and secularity in the United States or in Europe were exceptional. Yet, one can see the relatively peaceful secularization of both regions in the past two centuries as a North Atlantic exception from what much of the rest of the world has undergone. For billions, secularization has not been a peaceful evolution purportedly propelled by the anonymous and presumably benign forces of modernization. Instead, they experienced revolutionary changes imposed by secularizing elites and regimes. This includes attempted eradications and lengthy suppressions of entire religions, mass violence and mass martyrdom, brutality and torture, and acts of resistance, individual and organized, non-violent and armed.

Secularization theorists have offered little to account for these massive experiences. Steve Bruce, the theory's staunchest advocate, has recently acknowledged that it primarily explains secularization in Europe and its "colonial offshoots" and "was not intended as a universal template."[52] Secularization, Bruce says, can be "innate," as in Europe where it was induced by modernization. Or it can be "reactive," as in the cases of Turkey or communist regimes in Eastern Europe where elites anachronistically (that is, before modernization occurs) imposed it, seeking to emulate Western models.

While the belated acknowledgment that secularization's European model may not be universal is refreshing, this theoretical turn does not address the question of secularization and toleration. If the Western model is not universal, then how universal is the idea that secularization generates toleration? Does it apply to "reactive" revolutionary secularizations? And can it be that the idea holds only in some contexts, while in others secularization engenders intolerance and persecution?

Furthermore, Bruce's reinterpretation presumes a questionable temporal sequence of modernization (cause) and secularization (effect). It thus disregards formative episodes of Europe's own secularization and modernity. How much socioeconomic modernization had France undergone by

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[52] Bruce, "Secularization elsewhere," 195.

the end of the eighteenth century when its revolutionaries launched one of the most radical secularizing projects of human history? Their project was fully "innate," not imitational or "reactive." Yet, it is difficult not to see it as the prototype of the Bolshevik, Maoist, Callista, Kemalist, and other secularizing projects that bear strong family resemblances to it. The Vendée war, for instance, was to a large extent caused by the Republican government's attempt to subdue the Catholic Church. Defense of the Church galvanized resistance. Seeking to crush it, Republican leaders called on their troops to "depopulate Vendee,"[53] unleashing a campaign of terror that, according to Reynald Secher, eliminated nearly 15% of its population, including women, children, and the elderly, and destroyed nearly 20% of domiciles.[54] Is the French case another exception from the mainline of Western modernization? Modernization theorists did not think so. Reinhard Bendix, for instance, saw the French Revolution as formative to Western modernity.[55] From this perspective, it is logical to see the French revolutionaries' treatment of religion as emblematic and formative of a major current of secularization in Western modernity. Following Gertrude Himmelfarb's discernment of multiple enlightenments and "roads to modernity,"[56] one could differentiate between secularization models in the West and give the revolutionary one its due.

The revolutionary component of Western secularization and its consequences for toleration and persecution become obvious once we de-aggregate and de-center the North-Atlantic experience. Taking clues from postcolonialism, we can look at secularization in the West through the prism of non-Western experiences. In this sense, the Soviet, Mexican, Turkish, and other cases are vantage points for understanding not only the intolerance and bloodshed of the Vendée war, but the revolutionary component of secularization broadly understood, including its relatively peaceful manifestations. From these vantage points, the idea that secularization is best understood as "secular revolution"[57] looks like a commonsense observation rather than a counterintuitive proposition.

Secular revolutions, in the West or outside of it, do not need to be nationwide and encompass all institutions as in the Soviet Union or China.

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[53] Reynald Secher, *A French Genocide: The Vendée*, 250.

[54] Ibid., 208–220.

[55] See, for instance, Reinhard Bendix, "Tradition and Modernity Reconsidered."

[56] Gertrude Himmelfarb, *The Roads to Modernity*.

[57] See Christian Smith, *Secular Revolution*.

They may be initially limited in geographic and institutional scope and expand only gradually. Yet they are invariably carried out by activists seeking to de-religionize a specific field (or fields) by displacing an "old regime" and replacing an old elite. Nor are secular revolutions necessarily violent, like in Mexico. They may be more gradual, reform-like, yet, when sustained long enough, produce no less radical changes.[58] Ultimately though, they amount to a takeover of "commanding heights," to borrow a term from Lenin, which means positions of power and control in a growing number of institutional fields. Secular revolutions, furthermore, are not necessarily carried out by self-avowed anti-religious zealots. Their actors may espouse a variety of personal theologies and religious preferences, yet they will seek to undermine a faith (or a type of faith) they deem unduly influential or dominant.[59] Once they seize control, they may not immediately purge and exclude their adversaries. Yet it is far from certain that their toleration of the defeated will be lasting, except when the new elite have not yet consolidated enough power to decidedly dispose of the holdovers from the old regime.

   The above logic also applies to the process of desecularization. Desecularizations are counter-secularizing revolutions with their own actors, motives, takeovers, and power struggles among the old and new elites seeking to expand their control of institutions. Remarkably, the revolutionary nature of desecularizing change is easily recognized by sociologists. I cannot recall social-scientific publications that would describe the Islamization of Indonesia or Turkey as a naturally occurring social evolution. Religions' comebacks are (rightly) perceived as being carried out by specific actors. This partly explains why desecularizations are so often described as the work of "fundamentalists" trying, we are told, to prolong the lives of faiths that would otherwise die of natural causes. Yet, when it comes to secularizations, agency-focused analysis suddenly becomes irrelevant, like a raincoat on a sunny day. As if one could simultaneously be a

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[58] As Alexander Motyl explains, revolutions and reforms are part of a continuum of types of social change. Sustained reformation can produce changes no less radical than those emerging from abrupt political upheavals. See Alexander J. Motyl. *Revolutions, Nations, Empires*, 30–31.

[59] Consider, for instance, this statement by Calles: "I declare that I respect all religions and all religious persons and believers, so long as their ministers do not flout our laws by meddling in our political contests, or serve as instruments to the powerful to exploit the weak." Calles, *Mexico Before the World*, 59.

Parsons-style evolutionist when thinking of secularization and a Marxist-style conflict theorist when analyzing desecularization.

This does not mean that secularization and desecularization do not include adaptive, evolutionary components of relatively slow change. For instance, once factories or supermarkets are permitted to operate on Sundays, many of their workers will become accustomed to missing church services. Ultimately, many will perceive this situation as "natural." Yet, the aforesaid permission to work is likely to have resulted from power struggles and ideological clashes. While adaptive changes follow revolutionary takeovers (and vice versa), focusing on the former while neglecting the latter means obscuring the relations of power, control, coercion, and in many cases, intolerance, persecution, and violence.

This has implications for the argument that secularization generates toleration through the process of differentiation, including, most importantly, church–state separation.[60] The argument presents secularization as a purely evolutionary and structural change. The modern state sheds religion, almost like a Darwinian fish that loses its fins on its way to becoming a reptile. What agency, what power struggles, what suppression and intolerance? Secularists are a different matter, Wilson acknowledges; they can be intolerant, but they have little to do with secularization per se, which essentially boils down to structural-functional differentiation. This conveniently writes off the Soviet, Chinese, Turkish, Mexican, and other similar cases as irrelevant; they are but the work of secularists.

The argument involves an antiquated interpretation of differentiation as self-propelled and having nothing to do with agency and power relations. Yet, as sociologists have long argued, differentiation, including its most basic form, the division of labor, is incomprehensible without an agency-focused perspective that elucidates power struggles, social movements, actors, and their ideologies.[61] S. N. Eisenstadt linked structural differentiation to elite coalitions' ability to control and enforce the "cognitive maps" of social orders.[62] Looking at European history through the prism of Indonesia's experience, Robert W. Hefner noted that customary interpretations of secularization as differentiation neglected religio-political struggles and elite settlements that had generated multiple

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[60] Wilson, "Reflections of toleration and secularization."

[61] See Dietrich Rueschemeyer, *Power and the Division of Labor*; Jeffrey C. Alexander. *Differentiation Theory: Problems and Prospects.*

[62] S. N. Eisenstadt, "Models of Structural Differentiation," 26.

models of church-state relations in the West.[63] Ultimately, Christian Smith approached differentiation of religion from other institutional domains as an outcome of secular revolutions.[64] By the same logic, desecularization can be viewed as *dedifferentiation*, a process by which religion is brought back into other domains by counter-secularizing actors and elites who, in Eisenstadt's terms, redraw the old and enforce the new cognitive maps of social order.[65]

Dedifferentiation is not, however, the exclusive prerogative of desecularizing forces. Secularization can combine differentiation and dedifferentiation. It can separate institutional fields from a previously dominant religion and then dedifferentiate, that is, integrate them with a new ideological and normative hegemony. The Russian saying that "a sacred space is never empty" captures this transformation very well.[66] Steven Smith's chapter in this volume explores culture wars between Christians and modern "pagans," by which he means the worshippers of the immanent sacred. In these terms, secularizing actors can separate schools, courts, militaries, and other institutions from a transcendent religion yet leave them open to immanent ones. In some cases, a secular dedifferentiation takes time. However, sometimes, as with the case of atheism in the Soviet Union and other communist states, new visions of the sacred are brought in and enforced from the very beginning.

This means that secularization brings an increase in toleration only if, upon separation of state and other institutions from a previously dominant religion, secularizing forces do not subordinate the newly "differentiated" establishments to an equally or more intolerant ideological and political control. Yet, as we have seen, alternative scenarios are possible, including the one in which a newly established secularizing regime (e.g., the Bolsheviks') is more intolerant than its religious predecessor (e.g., imperial toleration, especially since 1905). This is particularly likely when new regimes are informed by militantly secularist ideas, as in the case of the Jacobine, Soviet, or Callista rule.

The intolerance of such regimes is of a new kind. The customary notions of toleration and persecution evoke the imagery of a majority

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[63] Robert W. Hefner, "Secularization and citizenship in Muslim Indonesia."

[64] Smith, *Secular Revolution*, 11–14.

[65] See a conceptualization of dedifferentiation in Frank J. Lechner's "Fundamentalism and Socio-Cultural Revitalization."

[66] This saying is aptly used as the title of a recent study of Soviet atheism. See Victoria Smolkin, *A Sacred Space is Never Empty*.

religion tolerating or oppressing minority groups within or outside of it. Consider the treatment of Huguenots in sixteenth-century Catholic France, of Quakers in seventeenth-century England, or of Christians in contemporary Egypt. In such cases, the tolerated or persecuted groups are minorities both in the numeric and sociological sense of the term. They are both smaller in size and less powerful than the dominant faith. By contrast, revolutionary secularization can entail the toleration or persecution of statistical majorities. Thus, the Bolsheviks persecuted Christians, Muslims, Jews, and other groups who formed a vast numeric majority of the population of the newly formed USSR. Numerically, the revolutionary elite that carried out the persecution was a small minority. The same goes for the Callista government in majority-Catholic Mexico, or the Kemalist elite in Turkey. In such cases, secular revolutions transform religious majorities into powerless sociological minorities. Yet, even in a more gradual and peaceful secularization, religious "moral majorities" can be transformed into "fundamentalist minorities," to use Philip Rieff's terms.[67] Made into sociological minorities, religious majorities become targets of toleration or persecution, depending on the nature of the secularizing regimes they are under. And in case of sustained, long-term persecution, suppression and "reeducation," religious ex-majorities can ultimately dwindle and turn into minorities not only sociologically, but also statistically.

What happens when desecularization follows such developments? A customary assumption is that moving away from secularity involves a risk of relapsing into intolerance.[68] Yet, it would take the likes of the original Taliban or ISIS rule to match or surpass the atrocious intolerance of the Bolshevik, Maoist, or Callista regimes. Reactionary and oppressive theocratic regimes are real yet far from inevitable outcomes of desecularization. As outlined earlier, the Soviet, Russian, and Ukrainian cases show that, in the aftermath of violent secularization, desecularizations can bring about regimes of limited and selective toleration as well as vibrantly pluralistic and inclusive ones. In the latter case, desecularization comes, in a sense, as vindication not only for the adherents of the nation's multiple faiths, but also for their faithful ancestors whose freedoms and very lives their

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[67] Philip Rieff, *My Life Among the Deathworks,* 6.

[68] Michele Dillon's 2009 Association for the Sociology of Religion Presidential Address was characteristically titled "Can Post-Secular Society Tolerate Religious Differences?" Sociologists rarely ask similar questions about secular society.

persecutors destroyed. G. K. Chesterton once defined tradition as "the democracy of the dead."[69] This seems to apply well to religious traditions resurging from under the rubble of the regimes that sought to destroy them.

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[69] G. K. Chesterton, *Orthodoxy*, 43.

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