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## Book Review

**SECULAR STATES AND RELIGIOUS DIVERSITY**, by Bruce J. Berman, Rajeev Bhargava & André Laliberté (eds)<sup>1</sup>

DIA DABBY\*

*SECULAR STATES AND RELIGIOUS DIVERSITY* contributes to the emerging field of “contextual secularism,” which challenges a one-size-fits-all approach to the secular state by acknowledging that secularism takes different forms in various societies. Contextual secularism, this volume suggests, is a “multivalue doctrine [whose] constitutive values do not always sit easily with one another but are frequently in conflict.”<sup>2</sup> Consequently, the secular state will differ in each setting and according to local dynamics. *Secular States and Religious Diversity* examines the secularist discourses outside of the “Eurocentric” debates that have dominated this field until now. This collection of essays on secularism—in all its forms—generates a heightened academic sensitivity to both global and local differences. Edited by Bruce J. Berman (Professor Emeritus of Political Studies at Queen’s University), Rajeev Bhargava (Senior Fellow and Director of the Centre for the Study of Developing Studies in New Delhi), and André Laliberté (Professor of Political Studies at the University of Ottawa), this volume represents the culmination of a conversation initiated at a conference on the secular state and religious diversity held by the Ethnicity and Democratic Governance program at the University of Ottawa in 2008. At this conference, a new generation of political scientists was reunited with distinguished scholars of religious studies: the result is a deep

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1. (Vancouver: UBC Press, 2013) 334 pages.  
2. Bruce J Berman, Rajeev Bhargava & André Laliberté, “Introduction” in *supra* note 1 at 16.

conversation on how “increasing religious diversity compels the secular state to rethink its purpose and its position relative to religion.”<sup>3</sup>

The tensions and questions posed by this volume have been highlighted in many recent examples, which strengthen the editors’ claim that the state needs to reconsider its relationship to religion. France’s Act No. 2010-1192,<sup>4</sup> which prohibits the concealment of one’s face in public places—and thus bans the wearing of burqas and niqabs in public places (without ever naming these garments or their ethnic/religious provenance)—has been found to have a legitimate aim by the European Court of Human Rights.<sup>5</sup> According to the Court, such a legislated ban is justifiable since it seeks to guarantee the conditions of *vivre ensemble* or “living together.”<sup>6</sup> Indeed, constructing the state’s obligation as one of social cohesion also suggests that a wide margin of appreciation is an appropriate response when managing religious diversity at the supranational level.

Quebec’s *Charter of Secular Values*<sup>7</sup> (as it was known) represents another example that challenges the state’s relationship to religion. Introduced by the Parti Québécois (PQ) in 2013, the *Charter of Secular Values* found its untimely demise in the PQ’s electoral defeat in April 2014. Nevertheless, this far-reaching bill promised to change the legal landscape in Quebec, from enshrining religious neutrality and the secular nature of the state into Quebec’s *Charter of Human Rights and Freedoms*,<sup>8</sup> to compelling public bodies to adopt a stance of religious neutrality, to revising rules related to religious dietary concerns in daycares, not to mention prohibiting all conspicuous symbols revealing religious affiliation worn by public officials.<sup>9</sup> Individuals who refused to remove such conspicuous symbols

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3. *Ibid* at 7.

4. *Loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l’espace public*, JO (11 April 2011).

5. *SAS v France* [GC], No 43835/11 (1 July 2014).

6. *Ibid* at paras 141-42.

7. Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, 1st Sess, 40th Leg, Quebec, 2013 [*Charter of Secular Values*].

8. RSQ c C-12.

9. *Charter of Secular Values*, *supra* note 8, ss 3-6, 30.(3), 40, 41. A pictogram was also released during the PQ’s campaign in favour of the *Charter of Secular Values*, illustrating permitted and prohibited (or conspicuous) religious symbols. See *Un État neutre au service de tous* (pictogram), online: <<http://wpmedia.o.canada.com/2013/09/poster.jpg>>.

would have to engage in dialogue (initiated by the employer) “in order to remind [them] of their obligations and foster their compliance.”<sup>10</sup>

While many more illustrations can be referenced to buttress the relevance and timeliness of the book,<sup>11</sup> the French and Québécois examples speak to the “construction” of a secular state, the complexity of negotiating one’s “secular identity,” the potential entrenchment of a two-tier system of justice (not to mention access to justice) for citizens and “others,” as well as challenges related to the vestiges of colonialism, growing religious/racial/ethnic diversity, and majority-minority group relations.

Nevertheless, it can be argued—as does this volume—that the French and Québécois examples employed here to illustrate the complexity of the “secular state” also reify the existing discourse on the West’s dominance of the secularist debate. The authors of this collection seek to address the challenges faced by state secularism in other settings, such as India, Taiwan, Thailand, and Lebanon, as well as the growing pains in moving beyond the existing model of state secularism (as discussed in Paul Bramadat and David Seljak’s chapter,<sup>12</sup> for example). *Secular States and Religious Diversity* addresses these issues with relative aplomb, yet exemplifies the complexities and challenges of engaging with varying secularist models.

This edited collection’s contributions to broad themes of contextualism and governance point to what is really at stake in this volume. First, the authors

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10. *Charter of Secular Values*, *supra* note 8, s 14. Pursuant to this section, refusal to comply after dialogue could result in disciplinary measures, which could include termination of employment. Paradoxically, the crucifix that hangs prominently in Quebec’s National Assembly was understood to be of patrimonial, rather than of religious, value and was considered outside of the scope of the *Charter of Secular Values*, not to mention the state’s obligation, as a public body, to uphold religious neutrality. See Jean-Marc Salvat, “Charte des valeurs: le sort du crucifix ne sera pas décidé par la loi,” *La Presse* (6 November 2013) online: <<http://www.lapresse.ca/le-soleil/actualites/politique/201311/05/01-4707653-charte-des-valeurs-le-sort-du-crucifix-ne-sera-pas-decide-par-la-loi.php>>. Salvat suggests that since the crucifix was not brought into the National Assembly by law, it would not go out through one either.
11. See *e.g.* *Burwell v Hobby Lobby Stores Inc*, 134 S Ct 2751 (2014), 82 USLW 4636 (USSC); *Eweida v United Kingdom*, No 48420/10, [2013] ECHR 37; *Lautsi v Italy*, No 30814/06, [2009] ECHR 1901; Cass Ass plén, 25 June 2014, No 612; *Erazo v Dufferin-Peel Catholic District School Board*, 2014 ONSC 2072, 119 OR (3d) 347; *Loyola High School v Quebec (AG)*, 2012 QCCA 2139, 46 Admin LR (5th) 79, leave to appeal to SCC granted, 35201 (13 June 2013) (appeal heard on 24 March 2014; judgment reserved); *Mouvement laïque québécois v Saguenay (City of)*, 2013 QCCA 936, 363 DLR (4th) 62, leave to appeal to SCC granted, 35496 (16 January 2014) (appeal heard on 14 November 2014; judgment reserved).
12. “Between Secularism and Postsecularism: A Canadian Interregnum” in *supra* note 1, 97.

suggest that not enough attention is paid to the origins of the relationship between the secular state and religious institutions. Second, secularist governance can take many forms. As a result, it is imperative to look beyond the “staples” of secularism—notably France, Turkey, and the United States—and turn our gaze to other models of secularism. More particularly, this volume also represents an important Canadian contribution to the broader discussion on secularism.

This book’s objective, as stated in the editors’ introductory essay, is to broaden the scope of inquiry into the secular state and religious diversity to encompass “contextual secularism.” Stated differently, “contextual secularism” refers to a relationship of variable geometry among secularism, process (*i.e.*, institutional design), and meaning (*i.e.*, religious communities).<sup>13</sup> As such, secularism is context-specific.

The book is split into three parts, totalling thirteen essays. Part one, titled “Historical and Theoretical Approaches,” seeks to destabilize long-held assumptions about secularism and religious diversity.

Peter Beyer, in chapter one,<sup>14</sup> argues that religious diversity is not a recent notion:

What is new, however, is the connotation that very often accompanies reference to religious diversity, namely that there is something inherently problematic about this diversity or at least that what is most significant about religion in today’s world is its inherent diversity.<sup>15</sup>

If religious diversity is not a new phenomenon, as Beyer discusses, it becomes a question of institutional design and “whether what we call religion is really any more irrational – as opposed to differently rational – than any other human endeavour.”<sup>16</sup>

Moreover, if religious diversity is not a new phenomenon, then, according to Berman, the reference points in religious communities have changed. He argues, in chapter two,<sup>17</sup> that in pluralistic secular societies, as a result of the authority

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13. In his chapter, Berman discusses contextual secularism and suggests that it has three consequences:

constitutive values are always potentially in conflict, a level of internal discord and instability is inevitable in the democratic process, and issues are settled on a case-by-case basis, where the outcomes are not wholly satisfactory to either party but are reasonable to both.

See Bruce Berman, “Secular Modernity, Religion, and the Politics of Knowledge” in *supra* note 1, 45 at 57.

14. “Religious Pluralism as a Self-Evident Problem in the Context of Globalization” in *supra* note 1, 29.

15. *Ibid* at 40.

16. *Ibid* at 43.

17. Berman, *supra* note 14.

of science and other forms of expertise, expert knowledge no longer resides only in the religious communities.<sup>18</sup> This shift in religious communities “reflects less a growing religiosity than a response to a social crisis and a perceived threat to religious institutions from secular modernity.”<sup>19</sup>

Finally, if religious diversity and secularism are not new concepts, then perhaps, as proposed by Bhargava in chapter three,<sup>20</sup> it is necessary to look outside of the usual scope of secular interest—*i.e.*, Western models—to appreciate secularism “as a critical perspective that is not against religion but against religious homogenization and institutionalized religious domination.”<sup>21</sup> Bhargava presents Indian secularism not only as an alternative conception of secularist models, but also as an illustration of contextual secularism, since it rests on the premise of “principled distance.” Bhargava explains the latter as “allow[ing] a practice that is banned or regulated in the majority culture to be permitted in the minority culture because of the distinctive status and meaning it has for the minority culture’s members.”<sup>22</sup> Indeed, while Berman’s and Bhargava’s arguments about contextual secularism coincide on the subject of relational implications and local differences, Bhargava maintains that “internal discord” and instability are also part of this model.<sup>23</sup>

Part two, entitled “Secularisms in the West,” challenges the assumptions that undergird institutional (secular) arrangements regarding religious diversity. Four types of assumptions are addressed by the authors in part two: (i) those relating to the institutional model employed; (ii) those following from the discursive language used; (iii) those concerning the role of local communities in shaping these narratives about belonging and difference; and (iv) those relating to the values of “secular” state institutions.

Bramadat and Seljak cautiously argue in their chapter that “it is possible that Canada may well have outgrown the current ‘secular’ – or more accurately, ‘secularist’ – arrangement,”<sup>24</sup> since the Canadian population has diversified beyond its initial colonizing populations. The authors have termed this transition an “ideological interregnum.”<sup>25</sup> This period of political transition should also, according to the authors, serve to develop a new manner in which intersecting

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18. *Ibid* at 53.

19. *Ibid* at 46.

20. “Can Secularism be Rehabilitated?” in *supra* note 1, 69.

21. *Ibid*.

22. *Ibid* at 86.

23. *Ibid* at 87.

24. Bramadat & Seljak, *supra* note 13 at 98.

25. *Ibid* at 113.

identities are addressed in the public sphere. The authors place particular emphasis on ethnic identity in this discussion. More broadly, Bramadat and Seljak's chapter invites a reinterpretation of how national identities are shaped, and by whom.

The shaping of narrative is also addressed by Lori G. Beaman, who examines the actual language employed—*i.e.*, that of tolerance and accommodation—to discuss how we address religious diversity. She argues that this language carries socio-cultural colonial (and by extension, imperialist) baggage, making it impossible to attain equality among members of society.<sup>26</sup> “Accommodation” and “tolerance” are predicated on a host/guest mentality and therefore reinforce “othering.”<sup>27</sup> Beaman argues that attaining equality is not simply a question of “dismantling” these concepts, but one of introducing an approach based on deep equality (*i.e.*, substantive equality), which rests on William E. Connolly's notion of “deep pluralism.”<sup>28</sup> Reshaping the narrative, as contended by Beaman, would result in a new normative standard for addressing religious diversity.

Yasmeen Abu-Laban and Claude Couture argue, in their chapter,<sup>29</sup> that important distinctions need to be made between American and Canadian conceptions of the relationship between secularism and religion. According to these authors, America's “uniqueness” is founded on a “problematic reliance on individualism as an explanation, with individualism presented in a confusing manner.”<sup>30</sup> Faith in the individual in the face of religion creates an awkward metanarrative, which obscures the important role that local communities play in this relationship. Just as Beaman seeks to dismantle the concepts of tolerance and accommodation in her chapter, Abu-Laban and Couture seek to decouple Canada and the United States in this discussion on the place of religion and the power of local communities in shaping these narratives.

A last challenge to secularism in the West comes from Ahmet T. Kuru, who argues in his chapter that “courts and parliaments act as carriers of ideological preferences and strategies rather than as value-free representatives of the neutral state or law.”<sup>31</sup> Through the lens of the relationship between the secular state and religious freedom, Kuru employs the terms “assertive” secularism and “passive”

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26. “Tolerance and Accommodation as Vestiges of the Empire” in *supra* note 1, 120.

27. *Ibid* at 122-23.

28. *Ibid* at 130; William E Connolly, *Pluralism* (Durham, NC: Duke University Press, 2005).

29. “In God We Trust? Secular States, Diversity, and the ‘Clash’ within North America” in *supra* note 1, 136.

30. *Ibid* at 139.

31. “Ideologies, Institutions, and Laws: Religious Freedom in Secular States” in *supra* note 1, 165 at 165.

secularism.<sup>32</sup> Whereas the United States represents a case of passive secularism, which “allow[s] public visibility of religion,” France exemplifies assertive secularism, which “requires the state to play an ‘assertive’ role in excluding religion from the public sphere and confining it to the private domain.”<sup>33</sup> The Turkish model serves here as an apt illustration of the change in ideological winds with regard to the place of religious freedom in the secular state. The model also illustrates how state institutions have jockeyed for the position of being entrusted with the protection of secularism in the face of religious freedom.<sup>34</sup>

Finally, part three of the book, called “Secularisms beyond the West,” engages with nonconforming models of secularism through four case studies. “Nonconforming” is used here not as a pejorative, but rather as a challenge to the secularist models in the West (*i.e.*, the trio of France, Turkey, and the United States). Nonconforming models generate unique forms of secularism in the face of various forms of religious diversity.

Rinku Lamba, in his chapter,<sup>35</sup> employs the political thought of Bhimrao Ramji Ambedkar to examine how Hinduism—which Ambedkar considered to be a “religion of rules”<sup>36</sup>—precludes the full realization of individuals’ democratic freedom in India because it maintains the social hierarchy embedded in the caste system. Yet, the Indian Constitution enables state intervention in religion since it prohibits the practice of “untouchability.”<sup>37</sup> More broadly, Lamba’s analysis of Ambedkar’s political thought underscores how religion, like law and government, can exercise social control and shape civil society. Nevertheless, it is important to note that religiosity can be articulated in different forms: while it is enshrined in some state models (such as India), it is not in others (Taiwan, for example).

Laliberté, in his chapter,<sup>38</sup> emphasizes that East Asian countries provide an important counter-discourse to the Western secular state model because religiosity is not always expressed in an institutional form in those countries.<sup>39</sup> The case of Taiwan, Laliberté contends, illustrates that the line between state and religion is more fluid than one would first assume and that religious diversity can

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32. *Ibid.*

33. *Ibid.*

34. *Ibid* at 174-79.

35. “State Intervention in the Reform of a ‘Religion of Rules’: An Analysis of the Views of B.R. Ambedkar” in *supra* note 1, 187.

36. *Ibid* at 188.

37. *Ibid* at 187.

38. “Something Got Lost in Translation: From ‘Secularism’ to ‘Separation between Politics and Religion’ in Taiwan” in *supra* note 1, 207.

39. *Ibid* at 214.



be handled in diverse settings, independently of political regime. For him, “[t]he Taiwanese situation demonstrates that culture is not destiny.”<sup>40</sup>

Yet the issue of identity construction returns to the fore in Manuel Litalien’s chapter on Thailand,<sup>41</sup> in which he argues that the “Thai nation” (based on common religion, lineage, and language) still dominates the institutional discourse in Thailand.<sup>42</sup> Control over the Buddhist clergy and the Muslim religious communities in the south of Thailand was accomplished through legislative acts and decrees that maintained state jurisdiction over these populations during the first half of the twentieth century.<sup>43</sup> The current Thai Constitution favors the accommodation of religious diversity rather than the protection of freedom of religion. According to Litalien, this preference enables Buddhism to retain a privileged position in Thai society and, by extension, the Buddhist king to retain legitimacy and authenticity in the face of an increasingly volatile political environment.

These two concepts—legitimacy and authenticity—can also be at the root of a socio-political impasse, as illustrated in Elinor Bray-Collins’s chapter on Lebanon’s consociational system,<sup>44</sup> thereby entrenching the distribution of power amongst recognized religious communities. Bray-Collins underscores the paradoxical nature of the consociational agreements, which were supposed to be temporary political arrangements and instead have become Lebanon’s institutional backbone. She argues that “in providing these protective guarantees to its eighteen religious communities, the Lebanese state ends up sacrificing the rights of its citizens who desire secular lives and offering them the least protection.”<sup>45</sup> Bray-Collins suggests that the consociational agreements make it particularly difficult for what she has termed “a young, postwar generation of multiconfessional activists”<sup>46</sup> and employs the case of civil marriage and student activism to buttress her argument. Bray-Collins notes, however, that Lebanon does not fit into the secularist typology proposed at the outset of the book because the state is divided both formally and informally between the recognized religious communities.<sup>47</sup>

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40. *Ibid* at 228.

41. “The Changing State Monopoly on Religion and Secular Views in Thailand” in *supra* note 1, 232.

42. *Ibid* at 236.

43. *Ibid* at 238-39.

44. “State-Society Structures and the Frustration of Movements for Secular Reforms in Lebanon: Civil Marriage and Youth Activism” in *supra* note 1, 265.

45. *Ibid* at 266.

46. *Ibid* at 265.

47. *Ibid* at 286-87.

In the concluding essay, Anna Drake suggests that there is much riding on this volume's focus on secularism. Most strikingly, however, Drake asks readers to pause and take a deeper look at secularism (and its limitations) before discarding it as a model of relations between the state and religious diversity to move to a post-secular state arrangement.<sup>48</sup> Drake's request intimates that an imperfect model should not be synonymous with failure but, rather, should be seen as an invitation to better engage with our current institutional model.

*Secular States and Religious Diversity* emphasizes the importance of locating religion in society and fits into a larger discussion on secularism. Although the book's editors argue that their contribution to this discussion is to look beyond the Western conception of secularism, I consider that the discussion of what secularism means in the context of Canadian religious diversity is truly central and critical to the book and represents a distinctive contribution to this rapidly expanding field.<sup>49</sup> Moreover, grasping the complexities and incoherencies of the Canadian context makes it possible to turn "the gaze back on itself"<sup>50</sup> in order to gain a better understanding of our own ideological (and I would add political/legal) assumptions about secularism and religious diversity before engaging in an analysis of other state secular arrangements.

The conclusions reached about religious diversity and the secular state in Canada can be interpreted as a heuristic to explore other cases of secularism beyond the West. First, political arrangements and terms employed in relation to religious diversity are not value-neutral, but, rather, carriers of values (as can be seen in chapters four, five, seven, ten, and eleven). Secondly, religious diversity is not a new phenomenon (as chapters one, three, and nine point out). In bringing nonconforming models of state secularism to the fore, *Secular States and Religious Diversity* also rethinks how state secularism is framed, and according to which factors. The result is varied, with explanations owed to colonialism, imperialism, and historical compromise. What emerges most importantly from secularisms outside the West is that no uniform picture of expectations for the state exists.

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48. "Conclusion: Secularism, Religious Diversity, and Democratic Politics" in *supra* note 1, 293 at 294-95.

49. It would be remiss of the reviewer not to highlight that Beaman, Beyer, and Laliberté have also contributed to another volume in this regard. See Winnifred Fallers Sullivan & Lori G Beaman, eds, *Varieties of Religious Establishment* (Surrey, UK: Ashgate, 2013). That volume, however, is socio-legal in nature, in contrast to the political science and religious studies focus of *Secular States and Religious Diversity*.

50. Brenda Cossman, "Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project" (1997) 2 Utah L Rev 525 at 527.

Religious diversity in this setting is similarly challenged, as is its articulation to the state apparatus (*e.g.*, Laliberté's chapter on Taiwan).

On a critical note, three modest comments can be offered. First, the volume seeks to explore contextual secularism "even when the authors do not use this terminology explicitly."<sup>51</sup> Beyond Bhargava's in-depth discussion of contextual secularism in the Indian context, the introductory essay and Berman's chapter offer the only other explicit discussions of this perspective on secularism. The reader can glean more from the case studies in terms of the contextual (or variable) relationships that can exist between the various religious communities and the secular state, such as how the state tries to break down caste barriers in India, thereby intervening in how Hinduism is practiced, or the reassertion of a Buddhist role in Thailand via formal/informal channels. Nevertheless, more work could have been done to present a coherent account of the theory and practice surrounding contextual secularism. This is particularly noticeable in relation to the nonconforming case studies.

Second, Abu-Laban and Couture's argument aimed at destabilizing a metanarrative on the "West" (*i.e.*, the United States) as an epicentre of modernity seems to hide what I consider to be their more interesting argument about the role of the local communities in shaping these discourses around religious diversity. Third, the essays in part three appear uneven in terms of format. Whereas Laliberté, Litalien, and Bray-Collins engage with secularisms beyond the West in the form of case studies, Lamba's essay relies heavily on B.R. Ambedkar's political thought to discuss constitutional reforms to Hinduism in India, appearing very descriptive at times. That said, Bray-Collins's thoughtful case study of the consociational system in Lebanon and the difficulties of achieving any secular reform stands out, highlighting the very challenges that this book raises, and the impossibility of developing a perfect typology of secularist models.<sup>52</sup>

*Secular States and Religious Diversity* is in a similar vein to the works of Linell E. Cady and Elizabeth Shakman Hurd;<sup>53</sup> Markus Dressler and Arvind-Pal S. Mandair;<sup>54</sup> and Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen.<sup>55</sup> Their three respective books participate, in their own way, in a deconstruction of the secular debate to address multiple forms of secularism. Dressler and Mandair's volume, as noted by Jeffrey Haynes, proposes that "the

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51. Berman, Bhargava & Laliberté, *supra* note 3 at 23.

52. Bray-Collins, *supra* note 45 at 286-87.

53. Eds, *Comparative Secularisms in a Global Age* (New York: Palgrave MacMillan, 2010).

54. Eds, *Secularism and Religion-Making* (New York: Oxford University Press, 2011).

55. Eds, *Rethinking Secularism* (New York: Oxford University Press, 2011).

formation and development of ‘religion’ in both the West and former Western colonies is a highly politicized process, leading to the universalization of a generic term ‘religion’, which is very different, forever set aside, from non-religion (that is, secularity).<sup>56</sup>

Cady and Hurd’s volume, on the other hand, distinguishes itself by its deep comparative study of secularisms in France, Turkey, India, and the United States, arguing that “various modes of secularism provide different spaces for religion, with the latter understood to be plural in form and always internally contested.”<sup>57</sup> Finally, unlike Calhoun, Juergensmeyer, and VanAntwerpen’s book, whose essays have been described as predominantly “proceed[ing] from the terms set by the history of the secular in the West,”<sup>58</sup> *Secular States and Religious Diversity* benefits from non-Western forms of secularism to provide a thicker understanding of multiple secularisms.

*Secular States and Religious Diversity* accentuates the complexities of secularism’s empire. It is a timely and relevant book, which at once adds to the theoretical debates surrounding secularisms, engages in a deeper conversation about the particularities of how religious diversity is addressed in Canada, and provides important case studies beyond the West. All of this helps to bolster the argument that, if not urgently, at least sometime soon, states will need to reconsider their relationship to religion.

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56. “Secularism and religion-making” (2013) 20:2 *Democratization* 378 at 378.

57. Cady & Hurd, *supra* note 54 at 6.

58. Radhika Gupta, Book Review of *Rethinking Secularism* by Craig Calhoun, Mark Juergensmeyer & Jonathan van Antwerpen, eds, (2013) 19:1 *J Royal Anthropological Institute* 204 at 205.

