

Review of Veit Bader, *Secularism or Democracy: Associational Governance of Religious Diversity* (Amsterdam University Press 2007), ISSN: 978 90 5356 999 3, 386 pp.*

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There has been a significant temptation in liberal theory to link the political meaning of secularism as separation and neutrality to basic assumptions and presuppositions of philosophical and sociological dimensions of the secularisation thesis. This has resulted in adopting an understanding of secularism which gives reason priority over faith and presupposes the decline, privatization and individualisation of religion. In other words, this certain understanding of secularism, what I call secularism as strict separation/neutrality, aims to separate the state from religion completely, decrease the public visibility of religion, confine religion to the private sphere and prevent the use of religious arguments in public political debate. As to the issue of dealing with accommodation of religious diversity, this certain understanding of secularism embraces a hands-off/difference-blind approach to religion (fairness-as-hands-off) in liberal theory. It is therefore based on privatisation of difference and state abstention from religious matters.

Since especially the beginning of the 1990s, the increasing ethno-religious pluralism and multiculturalism and the growing politicisation and the public visibility of religion in the Western world have sparked a renewed interest in the study of secularism. A great number of academics have started to point to the changing perceptions of the relationship between religion and modernity and of religion and politics. They have mainly argued that the aforementioned mainstream Western liberal understanding of secularism and the existent models of religious governance models cannot effectively address the aforementioned changes in religious landscapes and politicised claims of religions and manage the increasing religious diversity and pluralism.

Accordingly, they have questioned the reified identification of the simple political meaning of secularism with its social and philosophical meaning. The hegemony of secularism as strict separation/neutrality over other forms of secularism has been criticised and the restrictive features of it have been revealed and aimed to be overcome. Besides challenging the empirical claims of the secularisation thesis, these counter approaches have also particularly aimed to reconsider the public role of religion and to criticise the judgement that liberal democracy requires the exclusion of

* This book review is derived from the second chapter of my PhD Thesis. See Yavuz Selim Alkan, 'Facilitative Secularism: The Place of Religious Arguments in Public Political Debate' (PhD Thesis, University of Leicester 2015).

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religious arguments from public political debate. A major question raised by these scholars has been whether those recent developments could be seen as a vital opportunity for driving change toward embracing a more inclusive understanding of secularism and a more pluralist approach in addressing accommodation of religious diversity and the politicised claims of religions.

Veit Bader is one of the well-known and influential scholars among the aforementioned critical scholars. Bader is a Professor emeritus of Social and Political Philosophy and of Sociology. Aside from being a highly-respected and leading sociologist, Bader has also been interested in and published a great number of academic works on constitutional status of secularism and some controversial religious freedom cases and their legal aspect. His oft-cited, provocative and inspiring book, *Secularism or Democracy: Associational Governance of Religious Diversity*, is a collection of all his arguments raised in his earlier academic works on secularism, democracy and religious freedoms. The main thrust of the book is to contribute to the debate over increasing religious diversity. Bader mainly argues that growing religious diversity and changes in religious landscapes have put existing regimes of religious governance in liberal-democratic societies under pressure. Bader goes beyond a bare theoretical analysis of the relationship between the state and religions and aims to indicate that mainstream liberal ideal of secularism and existent religious governance models are not sufficient to consolidate right to religious freedoms in liberal-democratic societies. For this reason, he argues that we should reconsider the relationship between secularism, democracy and religious freedoms and reconceptualise a new religious governance model on both theoretical and institutional bases.

The structure of the book is as follows: First Bader provides the reader with a deep understanding of the nature of the concept of secularism and the secularisation thesis. He places special emphasis on the analysis of strict separation of the state and religion and aims to indicate how the exclusionary accounts of the secularisation thesis have been strongly connected with liberalism and liberal-democratic constitutionalism. Bader also provides a brief analysis of the institutional diversity of the Western governmental regimes in terms of the relationships between the state and religion. Second Bader contends that liberal political philosophy and the basic concepts which it has rested upon, viz. universalism, neutrality, secularism and so forth, ought to be reconsidered within the framework of his own version of *minimal morality*. Third Bader applies his minimal morality to

significant hard and soft cases in order to show how well his approach provides a suitable theoretical and normative framework with respect to accommodation of religious practices in liberal democratic societies. Finally, Bader provides an original alternative model, what he calls Associative Democracy, regarding the appropriate kind of regime of religious governance to be cultivated by liberal-democratic states committed to religious pluralism. In all this his arguments draw upon the legacy of liberal political philosophy, especially the less liberal perfectionist tradition, and upon a contextualised moral theory, moderate universalism and embedded impartiality.

What makes Bader's approach original and also provocative and thought provoking, alongside his aforementioned alternative original model, is his suggestion to drop secularism and to replace it with priority for democracy. Before Bader revealed his theoretical approach arguing in favour of dropping secularism discourse, disagreement had been observed mostly over the definition and basic ideals, not over the necessity, of secularism. It had been a rare attempt in the scholarly literature to justify why secularism ought to be retained in our cultural, political and legal language. Efforts in defence of secularism have generally taken a stand in favour of strict separation/neutrality (or even approaches hostile to religion) against the threats of religious fundamentalism. However, Bader has arguably offered in his book the most comprehensive and systematic framework for criticising the ideal of secularism from a more inclusive and democratic perspective. He therefore has had a major effect on the unquestionable position of secularism discourse in liberal philosophy. In this sense, given that his book deals with a great number of divergent political, sociological and legal issues and that my main research area is principally on providing normative and theoretical reasons for developing an alternative understanding of secularism — instead of dropping it completely —, in this book review, I focus mainly on his suggestion to drop secularism.

Bader claims in his book that (i) the secularisation thesis with its cultural, social and political meanings should be abandoned, (ii) secularism ought to be dropped from our cultural, social, constitutional and legal language, (iii) rather than developing theories of alternative secularisms, secularism should be replaced by priority for (liberal) democracy. Bader gives several reasons to defend his claim in a detailed manner in his book. They can however be summarised under two

main categories: Bader's reasons for dropping secularism from cultural, social and political language and from constitutional and legal language.

Bader argues that states respecting and guaranteeing the two autonomies of the state from church(es) and churches from the state need not to be called secular. According to Bader, since 'whether a state is secular or not is not decisive', from the perspective of liberal-democratic politics and normative theory, the vital question is 'not whether society and state are fully secularised or secular and completely separated from religions' but 'whether it is decent and liberal democratic' (p. 49) Bader therefore claims that 'the meta-narrative of secularisation' ought to be disconnected from liberalism and democracy and 'liberal-democrats and liberal political philosophers need not and should not be secularists' (p. 93). In other words we need to focus upon which forms of differentiation between the state and religion are compatible with the principles of liberal democracy.

Bader tries to defend his above claims presenting normative, theoretical and empirical evidences. To clarify, firstly, Bader claims that the *indifferent state* which respects the relative autonomy of the state from religion(s) and of religions from the state which has emerged in the historical process does not 'presuppose any meaningful societal or cultural secularisation of beliefs and practices' (p. 97). The only requirement is 'taming of absolutist claims of religions regarding the state and law' (p. 49). The USA is one of salient examples of this kind of states and societies. Bader also gives some examples, such as the United Kingdom and Czech Republic, which have 'highly secularised societies' but do not have 'secularist' states. They can only be called secular only in the minimalist sense of the two autonomies of state.

Secondly, for Bader, some secular Western states in the last century 'violated not only minimal standards of liberal-democratic morality but even of minimalist morality, including twin tolerations' (p. 94) although they were secular — Bader indicates this as the first and most important reason *why he is not a secularist*. It may be inferred from the above reasons highlighted by Bader, Bader mainly points to a contradiction that threats to liberal democracies do not only come from religious fundamentalism, but also from secularist ideologies such as fascism, communism, scientism,

expertocracy, radical enlightenment philosophers and elitists. In other words, resorting to the idea of secularism or secularisation does not offer a clear basis for explaining this contradiction and offering measures for fighting against secular threats (pp. 98-100). In this sense, his idea of priority for democracy is clearly opposed not only to religious but also to secularist approaches threatening peace and toleration (p. 298).

Accordingly, Bader posits that we should discuss the relationships and tensions between the state, religions, democracy, religious freedoms, toleration, autonomy and so forth without referring to the language of secularism. This, according to him, can only be realised by dropping secularism from our constitutional, political, cultural vocabulary or by avoiding to develop alternative secularisms. Bader clarifies his argument in his later works noting that this sort of an attempt will help us better to ‘economize our moral disagreements or to resolve the substantive constitutional, legal, jurisprudential and institutional issues and controversies’¹ by ‘avoiding to restate them in terms of “secularism” or “alternative secularisms”’.²

Bader also provides some additional reasons for dropping secularism from our constitutional and legal language some of which are related to the aforementioned reasons above. Bader argues that secularism is obviously an essentially contested, complex, polysemic, ambiguous, and also not self-explanatory concept. For this reason, Bader replicates his aforementioned argument that we should be able to discuss the issues deriving from the state-religion relations using much clearer concepts instead of referring solely to the language of secularism (pp. 94, 102-9). In one of his later works, Bader refers to an additional reason for dropping secularism from our constitutional and legal language. He posits that “‘*constitutions and constitutional jurisprudence*’ provide for (...) [secularism] both in terms of rights or first-order principles and in terms of “underlying values” or second-order principles’.³ Bader argues that the absence of the word secularism or secular in most liberal-democratic constitutions indicates this obviously.

¹ Veit Bader, ‘Post-Secularism or Liberal-Democratic Constitutionalism’ (2012) 5 Erasmus Law Review 5.

² Veit Bader, ‘Rethinking Secularism, World Affairs: Beyond Secularisms of All Sorts’ (*The Immanent Frame: Secularism, Religion, and the Public Sphere*, 11 October 2011) .

³ Veit Bader, ‘Constitutionalizing Secularism, Alternative Secularisms or Liberal-democratic Constitutionalism? A Critical Reading of some Turkish, ECtHR and Indian Supreme Court Cases on “Secularism”’, (2010) 6 Utrecht Law Review 8, 9 (emphasis original).

In sum, Bader proposes to call liberal-democratic states either ‘relationally neutral’, ‘indifferent’, or just ‘liberal-democratic’ rather than calling them secular, since the latter is not a ‘self-explanatory value’ and needs to be justified by referring to the values endorsed by institutions and policies (p. 94). Bader therefore rejects ethical or political secularism on the grounds that both approaches justify the idea of secularism by attributing to substantive values, viz. first-order justifications. This also indicates the second reason *why Bader is not a secularist*. Bader also rejects ‘second-order justifications’, in other words, ‘the exclusive foundation of the morality of liberal democracy’ by ‘independent political ethics’, ‘common ground strategy’ and also an ‘overlapping consensus’ which still include the ‘remnants of exclusivist secularism’. This is also the final reason *why Bader is not a secularist* (p. 102-6).

Bader’s radical and stimulating suggestion and his normative, theoretical and empirical reasons for dropping secularism and replacing it with priority for democracy are worthy of consideration. They might also pose a useful point of departure for discussing the issues regarding the relationship between the state and religions and between democracy and religious pluralism from a different perspective. Bader’s suggestion reflects a novel approach that seeks an alternative understanding of the relationship between secularism and democracy by aiming to eliminate the exclusionary features of reducing the debate over accommodation of religious diversity and addressing politicised claims of religions to restrictive Western liberal understanding of secularism. Despite the fact that it is a prudential suggestion and has a strong inclusionary and more democratic potential, a couple of counter normative and theoretical arguments and reasons can be raised against Bader’s suggestion to drop secularism. These potential counter critical reasons can be classified as reasons for (i) retaining, not dropping, — at least — the simple political meaning of secularism as minimal differentiation and (ii) developing alternative secularisms.

For a start, we have some normative, theoretical and institutional reasons for retaining secularism’s simple political meaning as minimal differentiation. Secularism as minimal differentiation is valuable to ensure stability and unity, consensus, religious equality and liberty, and peaceful coexistence of different worldviews and religious faiths in a liberal democratic society. It also guarantees and promotes democracy by ensuring the equal right of all to participate in democratic

decision making processes. Secularism as minimal differentiation is also desirable to weak and plural forms of religious establishment. This is because secularism maximizes attaining the aforementioned ends better than these regimes of establishment do. Even though the regimes of weak and plural establishment are not necessarily at odds with religious freedoms and democracy, they have always a risk of privileging old majority religions, disadvantaging (new) minority religions, and causing problems regarding religious equality and inclusion of religious differences.

In addition, even though Bader claims that the secularisation thesis should be dropped completely with its divergent cultural, sociological and political meanings, he seems to implicitly distinguish the simple political meaning of secularism as minimal differentiation from the general secularisation thesis and tend to retain it. Bader recognizes a minimal differentiation between the state and religion without using the term secularism or the secularity to define the states respecting the principle two autonomies. This at least indicates that even Bader acknowledges the value and desirability of secularism as minimal differentiation.

In this sense, not dropping the whole secularisation thesis completely, but delinking the simple political meaning of secularism from the restrictive interpretations of philosophical and sociological secularisation seems a better alternative. This is not mainly because a strong link between them results in embracing a restrictive understanding of secularism at the political level, namely secularism as strict separation/neutrality, but because the whole secularisation thesis is not completely invalid. Some basic claims of political, philosophical and sociological secularisation are rather conceivable and some basic predictions of the thesis have also come true in the modernisation process. For this reason, the validity of the politically, philosophically and sociologically related claims of the secularisation thesis should be examined separately. This prevents arguing unfairly that the whole secularisation thesis is theoretically and empirically invalid or should be dropped completely.

Moreover, given Bader's claim that secularism should be dropped because it is an ambiguous concept; it seems apposite to argue that the vagueness or ambiguity of a concept cannot be accepted

as a justifiable and strong ground of normative valid reason for dropping a concept. Even though secularism can be defined as an essentially contested concept, there is also a consistency of the simple political meaning of secularism as minimal differentiation within otherwise contested conceptions of secularism. In this regard, replacing secularism with other ambiguous, polyvalent and contested concept, namely, priority for democracy, does not eliminate the ambiguity concerning what minimal differentiation requires for a more inclusive and democratic political system. This is because democracy is no less ambiguous than secularism. Accordingly, even though Bader is convinced enough, there is no empirical or normative tool for evaluating his claim that dropping secularism, or avoiding to develop alternative secularisms, will help us better to ‘economize our moral disagreements or to resolve the substantive constitutional, legal, jurisprudential and institutional issues and controversies’.

In a similar vein, even though Bader thinks the opposite, rights and its theories and first and second order principles are also perfectly as controversial, complex, ambiguous, not clear, and open to different interpretations as secularism and democracy. Addressing the tensions between secularism, democracy and rights without invoking the concept of secularism and its different variants does not guarantee, again, ‘economi[sing] our moral disagreements or to resolve the substantive constitutional, legal, jurisprudential and institutional issues and controversies’ in much clearer terms.

Finally, there might be still room for developing a much more inclusive and democracy-oriented alternative theory of secularism for some certain societies in order to ensure better the democratic ideals of state neutrality and equal participation. In other words, as Bader also himself accepts on p. 315, one may still refer to secularism terminology and develop an alternative understanding of secularism for some strategic reasons. For instance, secularism is one of the most sensitive political issues in Turkey. The Turkish Constitution establishes a rigidly secular state and declares that secular provisions of the Constitution are unamendable. Any attempt to amend the secular provisions of the state is a reason for closing down a political party. This thereby makes suggestion to drop secularism for some democratic reasons that resemble to Bader’s aforementioned ones impossible. For this reason, despite some potential problems raised also by Bader, in order to develop a more inclusive and democratic political system, to develop a more inclusive and pluralist

framework for public political debate, and to ensure better the democratic ideals of state neutrality and equal participation in Turkey; developing and defending alternative inclusive and democratic understandings of secularism is still a reasonable option for religious oriented political parties in Turkey, as the AKP (the Justice and Development Party) did between 2002 and 2007.

In sum, dropping secularism from our cultural and constitutional language and rather defending ‘priority for democracy/ liberal democracy/ liberal democratic constitutionalism’ also might ‘end in boundless ambiguities and an inflation of competing varieties of (...) [*liberalism and democracy*] that are incompatible with each other’.⁴ For this reason, there is still room for developing alternative theories of secularism in order to establish a better theoretical and normative framework for discussing the tensions between secularism, democracy and religious freedoms.

Despite these potential normative and theoretical criticisms that Bader might face, Bader’s important and timely book is one of the most rigorous, comprehensive, fruitful, insightful and thought-provoking efforts addressing tension between secularism, democracy and religious freedoms and attempting to deal with religious pluralism in liberal-democratic societies from a more inclusionary, difference-sensitive and democratic perspective. Bader’s book integrates theory and practice by ‘combining the normative approach of political philosophy with issues of the practical design of institutional arrangements’ (p. 22). This also makes the book a multidisciplinary must-read for scholars, students, politicians, practitioners and so forth who are interested in secularism, democracy, religious freedoms and religious pluralism. The book is particularly a really beneficial guidance to legal scholars, students and practitioners who would like to re-evaluate and revisit the legal and constitutional status of secularism. Even though it is a text which is full of strong philosophical and theoretical terminology, the book also addresses the general reader who would like to know more about the aforementioned complex relationships.

⁴ Bader (n 1) 25-6.