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Secularism and Its Critics

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Modes of Secularism

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I

It is not entirely clear what is meant by secularism. There are indeed quite different formulae that go under the name. The first thing I would like to attempt is to sort these out.

Perhaps the best way to undertake this is historically, trying to say something about how this kind of formula arises, whereby in some way or another, the state distances itself from established religions or in some way can be considered neutral between them. This takes us back to the use of the term 'secular' in Christendom, because it is there that the story starts.

Coming to the question from this angle enables us also to raise another issue, which can sometimes inflame the discussion. It is frequently claimed by or on behalf of societies outside the European cultural zone, that secularism is an invention of this civilization and, by implication, that it does not travel well and should not be imposed on other cultures. For many Muslims, for instance, it is seen as a creation of Christendom, and the attempt to apply its formulae in Muslim countries is perceived as an attempt to impose on them an alien form, most dramatically put, as a continuation of the crusades by other means.

Now, in fact, there is truth in the claim that secularism has Christian roots, but it is wrong to think that this limits the application of its formulae to post-Christian societies. Why this is so will emerge, I hope, in the ensuing discussion.

'Secular' itself is a Christian term, that is, a word that finds its original meaning in a Christian context. *Saeculum*, the ordinary Latin word for century, or age, took on a special meaning as applied to profane time, the time of ordinary historical succession, which the human race lives through between the Fall and the Parousia. This time was interwoven with higher times, different modes of what is sometimes called 'eternity', the time of the Ideas, or of the Origin, or of God. Human beings were seen as living in all these times, but certain acts, or lives, or institutions, or social forms could be seen as more thoroughly directed towards one or another. Government was more 'in the *saeculum*' by contrast with the Church, for instance. The state was the 'secular arm'. A similar point could be expressed by contrasting the 'temporal' and the 'spiritual'. Or, in another context, ordinary parish clergy, ministering to people who were very much embedded in the world and history, were called 'secular' to distinguish them from the religious orders or 'regular clergy'.

The existence of these oppositions reflected something fundamental about Christendom, a requirement of distance, of non-coincidence between the Church and the world. There were, through the medieval centuries, great overlap and great conflict between Church and state, but in all versions, and on all sides, it was axiomatic that there had to be a separation of spheres. From one side, the standpoint of one party, this might appear as an attempt to maintain the integrity of the political function; but more fundamentally, the need for distance, for a less than full embedding in the secular, was understood as essential to the vocation of the Church. One of the motivations for defining a space of the secular has always been theological in Christendom, and continues to be so today.

The secularisms of today build on this original distinction, but of course also involves a transformation in it. The origin point of modern Western secularism was the Wars of Religion; or rather, the search in battle-fatigue and horror for a way out of them. The need was felt for a ground of coexistence for Christians of different confessional persuasions. This meant in practice that the public domain had to be regulated by certain norms or agreements which were independent of confessional allegiance, and could in some way be ensured against overturn in the name of such allegiances. Rules of peace, even with heretics, and of obedience to legitimate authority, even where schismatic, had to be put beyond revocation in the name of one or other version of orthodoxy. There were, in fact, two ways in which this could be done, and although there was not a great deal of political significance in this distinction at the time, these two approaches turn out to be ancestral to rather different understandings of secularism today.

The first could be described as the common ground strategy. The aim was to establish a certain ethic of peaceful coexistence and political order, a set of grounds for obedience, which while still theistic, even Christian, was based on those doctrines which were common to all Christian sects, or even to all theists. This could be grounded on a version of Natural Law, which like Aquinas' was indeed conceived as being independent of revelation, but still connected to theism, because the same reasoning which brings us to the law brings us to God. The crucial step that needed to be taken was to hold that the political injunctions that flowed from this common core trumped the demands of a particular confessional allegiance. So while the proponents of struggle could feel justified in tearing up treaties as soon as it was advantageous to do so, on the grounds that you do not need to keep faith with heretics, the defenders of the common ground argued that our obligation to God required that we keep our word to fellow human beings (or perhaps theists), and that this trumped any demands stemming for confessional allegiance. Arguably, Pufendorf and Locke offered versions of Natural Law of this kind. Leibniz's search for grounds of agreement between the great confessional blocks was an attempt to push this logic a little further. Carried through to the end, this could lead to a downplaying of confessional dogma in favour of common beliefs; and pushed further, beyond the bounds of Christianity, this could end in Deism.

There was, however, a second strategy, which consisted in trying to define an independent political ethic. Grotius is the most celebrated early explorer of this avenue. This allows us to abstract from our religious beliefs altogether. We look for certain features of the human condition which allow us to deduce certain exceptionless norms, including those of peace and political obedience. Grotius would appear at times to be arguing almost more geometrico. Humans are rational creatures, who are also sociable. If we take these as axioms, we can derive theorems about how we ought to treat one another. For instance, the violation of our solemnly given word can be argued to be at odds with the nature of a sociable being who is also rational, that is to say proceeds by rules or precepts. Grotius is led to pronounce the words: *etsi Deus* *non daretur*..., even if God didn't exist, these norms would be binding on us.[1] We have the basis of an independent ethic.

This difference in strategy has proved to be important for us because it is the basis of two rather different ways of understanding the grounds of peaceful and equitable coexistence between people of different faiths, or different fundamental commitments. One way involves appealing to these different commitments, and arguing to a convergence between them on certain fundamentals. The other asks us to abstract from these deeper or higher beliefs altogether for purposes of a political morality. It looks for an independent ground. Somewhere, in a protected area, immune from all these warring beliefs, lies a common basis for living together, which on its own can be shown to be so compelling that it will command our political allegiance.

Sometimes, of course, we have to do a job on these beliefs, to ensure they do not overstep their bounds, and start challenging the independent ethic. A good example is what Hobbes does to Christian revelation, in the second part of the Leviathan. The first part of the book presents one of the most (in)famous independent ethics of early modernity, based supposedly on undeniable facts of the human conditions, and the unchallengeable meaning our key terms—like 'liberty', 'law', 'justice'—must take on in the light of these facts. But the second enters the theologians' own terrain, to show that the supposedly religious obligation to withhold obedience to sovereigns cannot stand up in Scripture. The Christian demands have to be shrunk, in order to leave the independent ethic unchallenged.

What Hobbes does is to make the demands of Christian faith, as confessionally defined, irrelevant to the public sphere. There the independent ethic reigns supreme. In the private realm, the believer can and must do what conscience demands, but he commits no sin in respecting publicly established forms and ceremonies. Defining these is the sovereign's God-given right. Implicitly, this means that the wise sovereign will allow his subjects full leeway of private practice. Religion, where it really counts in people's lives and commitments, essentially will exist only in the private sphere. That is the logic of Hobbes' arguments. Pushed further, this logic can lead to the extrusion of religion altogether from the public domain. The state upholds no religion, pursues no religious goals, and religiously-defined goods have no place in the catalogue of ends it promotes. This is one of the meanings of the principle widely accepted in the West today of the separation of church and state.

But it is not the only meaning. It is the one which seems to flow most naturally from the independent ethic approach, but not from that of the common ground. Here the goal is not to make religion less relevant to public life and policy, in the name of an independent ethic, but rather to prevent the state from backing one confession rather than another. The goal is a state which is even-handed between religious communities, equidistant from them, as it were, rather than one where religious reasons play no overt role.

This appears in fact to have been the basis of the original American separation. Indeed, the original pre-ratification amendment reads 'Congress shall make no law....' The aim seems to have been to keep the federal government neutral, but in a union where many states still had established churches. The goal was significantly narrower than it has since been interpreted, where separation is deemed binding on all levels of government. But even with this extension, the separation can still be conceived on the logic of the common ground. In this context, there is not necessarily a problem of the polity conceiving itself as 'one people under God', even though established churches are prohibited. Indeed, a strong motive for this prohibition can be the sense among believers that an established church is already a corrupted one, open to secular manipulation. In the actual, chequered history of the American separation, both models have been in play, with the common ground justification being paramount in the early days, and the independent ethic outlook gaining ground in more recent times. But in ideal-typical terms there are two rather different ways of conceiving this separation, even as there are of understanding the secularism of which it is an expression.

Each model has its weaknesses. A clear problem with the common ground approach is that with the widening band of religious and metaphysical commitments in society, the ground originally defined as common becomes that of one party among others. The Founders seemed to concur in some kind of Christian

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[1] See Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge University Press, 1979). His version of Grotius' argument is somewhat different from mine, but it has the same ultimate thrust, that is, it gives us reasons to accept certain norms whatever else we believe about human life and God's demands on us.

outlook, verging on a New Testament-inspired Deism in some cases. This could be pushed laterally into a vaguer biblical theism to accommodate Jews. But the US now contains substantial numbers of non-believers, as well as Muslims, Hindus, Buddhists, and adherents of many other views. The common ground shifts, or becomes rapidly etiolated. This seems to lend plausibility to the other approach.

But this too has severe difficulties. The very diversification that has undercut the common ground approach also challenges the independent ethic. As long as everyone is Christian, the definition of an ethic as independent, while alarming some theologians, does not necessarily appear as a threat. Such an independent ethic may be rather 'Christian' in spirit, and besides, the proposition is seen in the counter factual form presented by Grotius: *etsi Deus non daretur*. We are not actually asked to set aside our Christian beliefs, just to recognize that some of the things we hold do not depend on them.

But the situation is very different if there are real live atheists in society. They will live the independent ethic not as some thought experiment, but as the basis of their moral lives. Moreover, they will tend to think that this is the proper way of living this ethic. They will often be suspicious of religious believers who profess it, and consider them at best as lukewarm supporters, perhaps even as potential traitors to it. They will also tend to want to police the boundary between independent and religious ethic more closely, and to want to push farther the process of making religion irrelevant in the public sphere. All this easily provokes reactions from believers, and the society now can find itself sliding down the road of a *Kulturkampf*, in which 'secularists' slug it out with believers on issues about the fundamentals of their society.

The dissensus takes this form: what the unbelieving 'secularist' sees as a necessary policing of the boundary of a common independent public sphere, will often be perceived by the religious as a gratuitous extrusion of religion in the name of a rival metaphysical belief. What to one side is a more strict and consistent application of the principles of neutrality is seen by the other side as partisanship. What this other side sees as legitimate public expressions of religious belonging will often be castigated by the first as the exaltation of some peoples' beliefs over others. This problem is compounded when society diversifies to contain substantial numbers of adherents of non-Judaeo-Christian religions. If even some Christians find the 'post-Christian' independent ethic partisan, how much harder will Muslims find it to swallow it.

We come back to the charge levelled by many non-European societies against 'secularism', that it is an import from ex-Christendom. The Christian origins of the idea are undeniable, but this does not have to mean that it has no application elsewhere. What does, however, give colour to this story of imposition is precisely the independent ethic model. Defined and pursued out of the context of Western unbelief, it understandably comes across as the imposition of one metaphysical view over others, and an alien one at that. In this form, indeed, Western secularism may not 'travel' very well outside its heartland; or only in the form of an authoritarian programme designed to diminish the hold of religion on the masses, as in Turkey under Atatürk or China under Mao.

The charge, however, is not at all true of the other model, which whatever its Christian origins, can be readapted to ever-new contexts. But not in its original form. Perhaps in the light of the above discussion, we might rather define the mode which can travel as a third one, equidistant from—or perhaps a hybrid between—the two others. We saw above in fact that the common ground model runs into more and more trouble as society diversifies. The difficulties of both the historical approaches is what pushes us to define this third one.

This is the one best described by the term 'overlapping consensus' made famous by Rawls. I want to use this term, even while I have some difficulties with its detailed working out in Rawls' theory. I will come to these below. For the moment, I just want to describe this approach in general terms. The problem with the historical common ground approach is that it assumes that everyone shares some religious grounds for the norms regulating the public sphere, even if these are rather general: non-denominational Christianity, or only Biblical theism, or perhaps only some mode of post-Enlightenment Deism. But even this latter is asking too much of today's diversified societies. The only thing we can hope to share is a purely political ethic, not its embedding in some religious view. Here the independent ethic seems to fill the bill, because it offers as common ground just such a political ethic, for example a doctrine of human rights, of popular sovereignty, of freedom and equality. But its problem is that it too demands not only the sharing of the ethic but also of its foundation—in this case, one supposedly independent of religion.

The property of overlapping consensus view is just that it lifts the requirement of a commonly held foundation. It aims only at universal acceptance of certain political principles (this is hard enough to attain). But it recognizes from the outset that there cannot be a universally agreed basis for these, independent or religious. It renounces this from the outset, acknowledging that making this a requirement of a well-ordered democratic society can only lead to the tyrannical attempt to impose some people's philosophies on others (their 'comprehensive theories of the good', in Rawls' terms).

The overlapping consensus approach recognizes that this common political ethic will not suffice by itself; that everyone who adheres to it will have some broader and deeper understanding of the good in which it is embedded. It aims to respect the diversity of such understandings, while building consensus on the ethic. Now I believe that this model, unlike the independent ethic, and unlike the earlier, specifically Christian versions of the common ground approach, can be usefully followed—we should better say, re-invented—almost anywhere. It will, moreover, have to be adopted more and more in the historical heartland of secularism, as these societies diversify. But before going on to discuss this model a little further, I want to set out reasons why I think it not only can but must be followed; why, in other terms, the pretext that it is Western and thus alien will not wash anywhere in the world today.

II

I stress today, because the inescapability of secularism flows from the nature of the modern state. More particularly, from the nature of the democratic state. In order to make this clearer, I want to draw out certain features of this kind of polity.

Modern nation-states are 'imagined communities' in Benedict Anderson's celebrated phrase.[2] We might say that they have a particular kind of social imaginary, that is, socially shared ways in which social spaces are imagined. There are two important features of the modern imaginary, which I can best bring out by contrasting them in each case with what went before in European history.

First, there is the shift from hierarchical, mediated-access societies to horizontal, direct-access societies. In the earlier form, hierarchy and what I am calling mediacy of access went together. A society of ranks—'society of orders', to use Tocqueville's phrase—like seventeenth-century France, for instance, was hierarchical in an obvious sense. But this also meant that one belonged to this society via belonging to some component of it. As a peasant one was linked to a lord who in turn held from the king. One was a member of a municipal corporation which has a standing in the kingdom, or exercised some function in a parliament with its recognized status, and so on. By contrast, the modern notion of citizenship is direct. In whatever many ways I am related to the rest of society through intermediary organizations, I think of my citizenship as separate from all these. My fundamental way of belonging to the state is not dependent on or mediated by any of these other belongings. I stand, alongside all my fellow citizens, in direct relationship to the state, which is the object of our common allegiance.

This does not of course necessarily change the way things get done. I know someone whose brother-in-law is a judge, or an MP, and so I phone her up when I am in a jam. We might say that what has changed is the normative picture. But underlying this, without which the new norm could not exist for us, is a change in the way people imagine belonging. There were certainly people in seventeenth-century France, and before, for whom the very idea of direct access would have been foreign; impossible to grasp clearly. The educated had the model of the Ancient Republic. But for many others, the only way they could understand belonging to a larger whole, like a kingdom, or a universal church, was through the imbrication of more immediate, understandable units of belonging—parish, manor, town, cloister—into the greater entity. Modernity has involved, among other things, a revolution in our social imaginary, the relegation of these forms of mediacy to the margins, and the diffusion of images of direct-access.

This has come about in a number of forms: the rise of a public sphere, in which people conceive themselves as participating directly in a nationwide (sometimes even international) discussion;

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[2] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso: London, 1983; 2nd edn, 1991).

the development of market economies, in which all economic agents are seen as entering into contractual relations with others on an equal footing; and, of course, the rise of the modern citizenship state. But we can think of other ways as well in which immediacy of access takes hold of our imaginations. We see ourselves as in spaces of fashion, for instance, taking up and handing on styles. We see ourselves as part of the worldwide audience of media stars. And while these spaces are in their own sense hierarchical—they centre on quasi-legendary figures—they offer all participants an access unmediated by any of their other allegiances or belongings. Something of the same kind, along with a more substantial mode of participation, is available in the various movements, social, political, religious, which are a crucial feature of modern life, and which link people translocally and internationally into a single collective agency.

These modes of imagined direct-access are linked to, indeed are just different facets of modern equality and individualism. Directness of access abolishes the heterogeneity of hierarchical belonging. It makes us uniform, and that is one way of becoming equal. (Whether it is the only way is the fateful issue at stake in much of today's struggles over multiculturalism.) At the same time, the relegation of various mediations reduces their importance in our lives; the individual stands more and more free of them, and hence has a growing self-consciousness as an individual. Modern individualism, as a moral idea, does not mean ceasing to belong at all—that is the individualism of anomie and breakdown—but imagining oneself as belonging to ever wider and more impersonal entities: the state, the movement, the community of humankind.

The second important feature of the modern social imaginary is that it no longer sees the greater translocal entities as grounded in something other, something higher, than common action in secular time. This was not true of the pre-modern state. The hierarchical order of the kingdom was seen as based in the Great Chain of Being. The tribal unit was seen as constituted as such by its law, which went back 'since time out of mind', or perhaps to some founding moment which had the status of a 'time of origins' in Eliade's sense. The importance in pre-modern revolutions, up to and including the English Civil War, of the backward look, of establishing an original law, comes from the understanding that the political entity is in this sense action-transcendent. It cannot simply create itself by its own action. On the contrary, it can act as an entity because it is already constituted as such; and that is why such legitimacy attaches to returning to the original constitution.

Seventeenth-century social contact theory, which sees a people as coming together out of a state of nature, obviously belongs to another order of thought. But it was not until the late eighteenth century that this new way of conceiving things entered the social imaginary. The American Revolution is in a sense the watershed. It was undertaken in a backward-looking spirit, in the sense that the colonists were fighting for their established rights as Englishmen. Moreover, they were fighting under their established colonial legislatures, associated in a congress. But out of the whole process emerges the crucial fiction of 'we, the people', into whose mouth the declaration of the new Constitution is placed.

Here the idea is invoked that a people, or as it was also called at the time, a 'nation', can exist prior to and independently of its political constitution, so that this people can give itself its own constitution by its own free action in secular time. Of course the epoch-making action comes rapidly to be invested with images drawn from older notions of higher time. The 'Novus Ordo Seclorum', just like the new French revolutionary calendar, draws heavily on Judaeo-Christian apocalyptic. The constitution-founding comes to be invested with something of the force of a 'time of origins', a higher time, filled with agents of a superior kind, which we should ceaselessly try to reapproach. But nevertheless, a new way of conceiving things is abroad. Nations, people, can have a personality, can act together outside of any prior political ordering. One of the key premises of modern nationalism is in place, because without this the demand for self-determination of nations would make no sense. This just is the right for peoples to make their own constitution, unfettered by their historical political organization.

What is immensely suggestive about Anderson's account is that it links these two features. It shows how the rise of direct-access societies was linked to changing understandings of time, and consequently of the possible ways of imaging social wholes. Anderson stresses how the new sense of belonging to a nation was prepared by a new way of grasping society under the category of simultaneity:[3] society as the whole consisting of the simultaneous happening of all the myriad events that mark the lives of its members at that moment. These events are the fillers of this segment of a kind of homogeneous time. This very clear, unambiguous concept of simultaneity belongs to an understanding of time as exclusively secular. As long as secular time is interwoven with various kinds of higher time, there is no guarantee that all events can be placed in unambiguous relations of simultaneity and succession. The high feast is in one way contemporaneous with my life and that of my fellow pilgrims, but in another way it is close to eternity, or the time of origins, or the events it prefigures.

A purely secular time-understanding allows us to imagine society 'horizontally', unrelated to any 'high points', where the ordinary sequence of events touches higher time, and therefore without recognizing any privileged persons or agencies—such as kings or priests—who stand and mediate at such alleged points. This radical horizontality is precisely what is implied in the direct-access society, where each member is 'immediate to the whole'. Anderson is undoubtedly right to argue that this new understanding could not have arisen without social developments, like that of print capitalism, but he does not want to imply by this that the transformations of the social imaginary are sufficiently explained by these developments. Modern society also required transformations in the way we figure ourselves as societies. Crucial among these has been this ability to grasp society from a decentred view which is no one's. That is, the search for a truer and more authoritative perspective than my own does not lead me to centre society on a king or sacred assembly, or whatever, but allows for this lateral, horizontal view, which an unsituated observer might have—society as it might be laid out in a tableau without privileged nodal points. There is a close inner link between modern direct-access societies, their self-understandings, their refraction in categorical identities, and modern synoptic modes of representation in the 'Age of the World Picture':[4] society as simultaneous happenings, social interchange as impersonal 'system', the social terrain as what is mapped, historical culture as what shows up in museums, etc.[5]

The horizontal, direct-access society, given political form by an act of the people, forms the background to the contemporary sources of legitimate government in the will of the people. This principle is getting harder and harder to gainsay in the modern world. It comes close to being the only acceptable basis for any regime that does not declare itself as merely temporary or transitional, with the partial exception of so-called 'Islamic' regimes—although this does not prevent it from being used to justify the most terrible tyrannies. Communist regimes were also supposedly based on popular sovereignty, and Fascism was supposed to emanate from the united will of a conquering people.

Now this has certain functional requirements. Let us first of all take the case where the attempt is made to live out the principle of popular sovereignty through a representative democracy. Now the nature of this kind of society, as with any other free society, is that it requires a certain degree of commitment on the part of its citizens. Traditional despotisms could ask of people only that they remain passive and obey the laws. A democracy, ancient or modern, has to ask more. It requires that its members be motivated to make the necessary contributions: of treasure (in taxes), sometimes blood (in war), and always of some degree of participation in the process of governance. A free society has to substitute for despotic enforcement with a certain degree of self-enforcement. Where this fails, the system is in danger. For instance, democratic societies where the level of participation falls below a certain threshold cease to be legitimate in the eyes of their members. A government elected in a turnout of twenty per cent cannot claim to have the mandate of the people. It can only claim to have got there by the rules, which is a much weaker defence if ever it affronts a crisis.

Democracies require a relatively strong commitment on the part of their citizens. In terms of identity, being citizens has to rate as an important component of who they are. I am speaking in general, of course; in any society, there will be a wide gamut of cases, stretching from the most gung-ho and motivated to the most turned-off internal exiles. But the median point of this gamut has to fall closer to the upper than the lower limit. This membership has got to be one that matters. In particular, it has to matter more than the things that can divide the citizens.

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[3] Anderson, op. cit., p. 37.

[4] Martin Heidegger, 'Die Zeit des Wtlbildes', in *Holzwege* (Niemeyer: Frankfurt).

[5] Craig Calhoun, 'Nationalism and Civil Society: Democracy, Diversity and Self-Determination', in *Social Theory and the Politics of Identity* (Blackwell: Oxford, 1994), ch. 11, pp 234–5. I want to reiterate how much the discussion in this section owes to Calhoun's recent work.

In other words, the modern democratic state needs a healthy degree of what used to be called patriotism, a strong sense of identification with the polity, and a willingness to give of oneself for its sake. That is why these states try to inculcate patriotism, and to create a strong sense of common identity even where it did not previously exist. And that is why one thrust of modern democracy has been to try to shift the balance within the identity of the modern citizen, so that being a citizen will take precedence over a host of other poles of identity, such as family, class, gender, even (perhaps especially) religion. This may be promoted in a deliberate way, on the basis of an express ideology, as in the case of French Republicanism. Or it may be fostered in more indirect ways, as a consequence of the injunction to render other modes of description—gender, race, religion, etc.—irrelevant in the operation of public life.[6]

This has been one of the motivations for secularism of the independent ethic mode. State-builders reached for it as a potential common point of allegiance for citizens, above and beyond their other differences, in the recognition that the democratic state requires such a strong common allegiance. This attempt is likely to fail, as I argued above. The supposedly binding identity around an independent ethic itself can become a source of division. But this excursus into the nature of modern democracies can serve to

show how some form of secularism becomes indispensable, even while the temptation to depart from it may be very strong.

Both the need and the temptation come from the same source. Modern democracies require a 'people', that is, a citizen body which is supposedly sovereign, and that therefore must see itself (a) as made up of roughly equal and autonomous members, while being (b) bonded together in this common enterprise of self-rule. Their sense of legitimacy depends on meeting these requirements. Democratic legitimacy requires that the laws we live under in some sense result from our collective decisions. The people for these purposes is thought to form a collective unit of decision. But we do more than decide on issues that are already clear-cut. If that were the case, the best way to do things would be to put everything to a referendum. We also have to deliberate, clarify things, make up our minds, so that the people also has to be conceived as a collective unit of deliberation. Now in the meaning of the act, the people is also seen as made up of equal and autonomous members. Because to the extent that this is not the case, and that some are dependent on others, the decision would be held to emanate from the influential part, and not from the whole people. If we put these two together, we have the idea of a process of deliberation and decision in which everybody can be heard. Of course, if we were very exigent, this would always turn out to be utopian. Indeed, democratic societies are usually satisfied with some approximation in principle to this norm. But if it appears that in some systematic way, there are obstacles to certain sections of the population being heard, then the legitimacy of democratic rule in that society is under challenge.

Now, there are a number of ways in which a case can be made out that a certain segment of the population is being systematically unheard. A case of this kind was made on behalf of the working class in earlier times; it could be made today with great plausibility on behalf of the non-working, marginalized poor, and is often vigorously made on behalf of women. What concerns me here is the way that a case of this kind can be made in relation to an ethnic, linguistic, or religious group. A minority group can come to feel (a) that their way of seeing things is different from that of the majority, (b) that this is generally not understood or recognized by the majority, (c) that consequently the majority is not willing to alter the terms of the debate to accommodate this difference, and therefore (d) that the minority is being systematically unheard. Their voice cannot really penetrate the public debate. They are not really part of the deliberative unit. When this is so, the political society will cease to be fully legitimate in their eyes; and in drawing this conclusion, they will be following the logic of popular sovereignty itself.

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[6] I have not discussed the case of non-democratic regimes based on popular will, but these plainly push in the same direction, indeed, even farther and faster. Just because emanating from the common will is essential to their legitimacy, they cannot leave their citizens alone in a condition of obedient passivity, as earlier despotic regimes were content to do. They must always mobilize them into repeated expressions of unshakable, unanimous will: phony elections, demonstrations, May Day parades, and the like. This is the essence of modern 'totalitarianism' in its distinction from earlier despotism.

Calhoun stresses, however, how easily the search for national identity, even in democratic contexts, leads to an attempt to induce people to suppress their other (gender, religious, minority-cultural) identities in favour of a 'national' one. The modern quest for patriotism is full of dangers.

This is why secularism in some form is a necessity for the democratic life of religiously diverse societies. Both the sense of mutual bonding and the crucial reference points of the political debate that flow from it have to be accessible to citizens of different confessional allegiances, or of none. If the people in this sense were to be confessionally defined, then non-members would be excluded in fact from full participation in self-rule. Not only would they be defined outside the bonded group, but their alternative outlook and perspectives would be by definition accorded a lesser legitimacy. They would not be full members of the sovereign. But this kind of exclusion can also be a temptation. Just because a successful democracy requires bonding in the way I have been describing, there can be an all-but-irresistible pull to build the common identity around the things that strongly unite people, and these are frequently ethnic or religious identities. The very functional requirement of a democratic 'people' that seems to make secularism indispensable can be turned around and used to reject it.

The history of the Indian republic is a case in point. The Nehru–Gandhi secularism was of the common ground variety (although Nehru himself, unlike Gandhi, had some sympathy for the independent ethic of Western Enlightenment). Religiously inspired ethics, like non-violence, had a strong presence. Even though not 'established', they helped set the terms of the debate. The state was not averse to having recourse to historical religious symbols and figures, like King Ashoka. But what was supposed to draw people together was a sense of India as an historically continuing civilization, which had been able to contain and partly absorb so many different religions and languages. But there was always a strand for which India meant or ought to mean the society of the Hindus. On this understanding, democracy had to mean Hindu Raj. This movement has now become powerful in the form of the Bharatiya Janata Party (BJP). This kind of 'nationalism' is a quintessentially modern phenomenon. It draws on popular sovereignty as a legitimating ideal. The claim it is trying to make is that the people

of India, the group bonded into a unit of self-rule, is essentially defined by its Hindu origin. Because it has not yet gone all the way in exclusion, if feels a need to find some way of incorporating minorities. They have only to accept the historic predominance of Hinduism. But in fact this mode of national identity gravitates ineluctably towards a point where the non-Hindu is a total non-member. And when this point arises, a democratic anomaly exists. There are residents who have been residents for centuries and who have no part in democratic self-rule. The obvious shift at this point is to claim that they really belong somewhere else—Pakistan, for instance.

I do not want to dwell further on the case of Hindu chauvinist movements. I use it only to illustrate how the modern democratic age makes secular regimes necessary, just in virtue of the requirements of democratic legitimacy itself. It is not that there are no alternatives. Indeed, they can look more tempting. Instead of building an inclusive people around a sense of identity to which all have access, it can seem more expedient, even historically right, to take a communal identity to nationhood. The problem is that the requirements of democratic legitimacy then place the minorities in an anomalous position, which can only in the end be 'finally' resolved by removal, emigration, or worse. Things were very different in the good old days of hierarchical mediated-access societies. Here each community had its own niche which, while not on a footing of equality with others, was nevertheless recognized and safe. But democracy no longer recognizes such niches. One can only be a member of the sovereign or a resident alien. And that is not a status which a community can have over generations.[7]

Consequently, the logic of non-secular or exclusionary regimes in the democratic age is frightening. The anomaly of the minority is hard to tolerate. They are a perpetual source of objection to our legitimacy. And, moreover, if they were to increase in numbers, they might even take over and alter the regime. The temptation to expel can become very powerful. In the absence of inclusionary definitions of the people, of modes of coexistence around commonly accessible identities—which secularism among other contemporary forms tries to facilitate—the logic of democracy can become that of ethnic cleansing. The end of hierarchy is not of itself the dawn of liberalism. Rather it ups the ante: either the civilized coexistence of diverse groups, or new forms of savagery. It is in this sense that secularism is not optional in the modern age.

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[7] Hence the unease experienced around the situation of *Gastarbeiter* in certain European countries, like Germany, who appear to be settling into residence over many generations, but still are not being given citizenship. Hence also the anomalous position of Israel and South Africa before the recent political changes in both these countries.

III

After this excursus, I want to return briefly to discuss the mode of secularism which I called after Rawls' 'overlapping consensus'. I think political philosophy is greatly in Rawls' debt for the definition of this term. It provides a way beyond the two previously existing models of secular regimes which increasing diversity was bringing, each in its own way, under steadily greater strain. Existing common grounds were no longer really accessible to people whose moral and spiritual backgrounds were in non-Western civilizations. While at the same time, the post-Enlightenment independent ethic risked being understood as just one spiritual family among many striving for 'establishment' at the expense of others.

The development of secularism probably lies in a third direction. As with the independent ethic, the ground of convergence will be a set of politico-ethical principles and goods. These will typically include a charter of rights, attributed first to individuals, but also in certain cases to communities. These rights attach to citizenship, and are therefore to be enjoyed equally. The political ethic will also typically be a democratic one, entrenching popular sovereignty as the basis of legitimacy, and valuing political freedom, in Tocqueville's sense. In addition, liberal regimes also give a positive value to individual negative freedom, both as a negative injunction against interference by the state or other powerful agencies, and sometimes also positively enjoining society to help provide some of the conditions for full individual self-development and self-expression.

This political ethic will typically not exhaust the common identity by which the people are bound together. This will also include some particularistic elements—of history, language, culture, even in come cases religion. But it does give expression to something like the ethical core of modern democratic patriotism. If not every society is bonded by a *Verfassungspatriotismus* in the pure sense (indeed, is any society purely so bonded?), at least liberal democracies have a substantial ethical component in their definition of national identity. The previous paragraph is an attempt to gesture at some of the essential features of this component.

But unlike the earlier independent ethic, it will be understood that this ground of convergence does not stand on its own. It is essential to the overlapping consensus that it be generally understood that there is more than one set of valid reasons for signing on to it. For instance, the right to life—which will be further defined legally in terms of a set of rights guaranteeing against arbitrary arrest or punishment, and connected to various rights of free exercise. This can be grounded in an Enlightenment-inspired doctrine of the dignity of human beings as rational agents. But it can also be underpinned by a religious perspective in which humans are seen as made in the image and likeness of God. Or instead of this typically Jewish or Christian perspective, a Buddhist may draw strong reasons to uphold rights of this kind from a certain reading of the ethical demand of non-violence.[8] We could continue the list indefinitely. What the convergence is around is the moral imperative to respect the integrity and freedom of human beings, however the underlying reasons for this may vary.

But put this way, it sounds a lot simpler than it is (even though, put just this way, it is far from easy to attain). The formula involves distinguishing the ethic converged on from the underlying reasons. In Rawls' language, we distinguish justice as fairness from the comprehensive notions of the good in which it is embedded. But these two do not always come apart that easily. In particular, what looks like the same schedule of rights may easily be understood somewhat differently when set against the background of these different views. The basic fact underlying this diversity is that a political ethic does not interpret itself, any more than a charter of rights does. As it extends to further cases, it will be interpreted in the light of the entire background of justification from which it springs. When there are several such backgrounds, the interpretations are going to diverge, often seriously.

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[8] Vitit Muntabhorn and Charles Taylor, *Report on Human Rights and Democratic Development in Thailand* (Montreal Centre for Human Rights and Democratic Development: Montreal, 1994).

We already see this with our abortion debates in some Western societies, where the generally accepted 'right to life' is given a very different meaning by people with a different basic understanding of human agency and its place in the universe or in God's plan. In a society conceived as an overlapping consensus, this kind of dissensus will ineluctably become more common.

How are these differences to be adjudicated? The answer is that there is no canonical body of thought, or corpus of doctrine against which to make the decision. Or, rather, there are too many of them. This was the advantage of the older models, common ground or independent ethic. They could offer such an agreed matrix. Of course, we still ended up disagreeing, but at least we had the comforting assurance that we agree where the answer is to be found. Authoritative adjudication by experts in the certain body of law provides this kind of assurance. This facilitates acquiescence even by those who lose out in any given decision, because at least they accept and respect that in the name of which the decision is taken.

Under overlapping consensus, we have to get used to cases where this kind of justification from the background corpus can no longer be the basis for authoritative political decisions. At certain points, where the shape and limits of the ethic converge or come into dispute, we will have to proceed by persuasion indeed, but also by a certain degree of negotiated compromise. Not all of us will be able to enshrine just the catalogue of rights that we can justify out of our background philosophy. Of course, most of us cannot even today. But we take this as an invitation to go on arguing with our compatriots out of our supposedly shared premises; in genuinely diverse societies under overlapping consensus, this may no longer be the appropriate move.

Not that debate and intellectual confrontation should ever cease. It is open to me to try to convince a Buddhist, a Muslim, or an unbeliever, that they could see their Buddhism, Islam, humanism differently, and thus accept different consequences. They should be ready to return the favour. This kind of debate is even essential to a healthy society under diversity and is both sign and support of real mutual respect among people of different fundamental commitments. The kind of pale 'ecumenicism' where each feels constrained from speaking about the other's views is actually a way of preserving, under the mothballs of respectful silence, all the old misconceptions and contempt. But nevertheless, in the political arena, we have to operate on the assumption that disagreement will continue, that there will be no agreement on the authoritative canon for adjudication. And this means that we will have to live with compromises between two or more such views. That is, this will have to be understood as not an abnormal, scandalous, and hopefully temporary shift, but as the normal state of affairs for the indefinite future.

(One might indeed argue that the abortion debate will have to come to be seen in the light of, and not as a battle against those who have perverted some manifestly evident commonly endorsed principle, before we can learn to live with one another in spite of our disagreements. Some Western societies seem to have come closer to this, and hence to a liveable compromise on abortion than others. But where the very notion of compromise seems unconscionable, then it is possible for some unbalanced souls to be excited even to the point of murder. This is not a formula for liberal democracy.)

This is where I would like to suggest certain modifications in Rawls' conception of the overlapping consensus. The way I am putting it, the formula means that we converge on some political principles, but not on our background reasons for endorsing these. Rawls rightly distinguishes the overlapping consensus from a mere 'modus vivendi'. The latter implies that we can agree to act together on some basis, but do not necessarily see this as morally binding. Maybe we can agree to respect one another just because the balance of forces will make any attempt to deviate from this terribly destructive. But if we ever get stronger, well then....

But the overlapping consensus holds when we feel ourselves morally bound to the convergent principles. What makes it overlapping is that the underlying reasons are different. Here I would argue that Rawls still tries to hold on to too much of the older independent ethic. He sees a liberal society as converging on justice as fairness. But he defines this, not just in terms of the principles of justice as guides for action, but also in terms of the rationale for these, in a doctrine of political constructivism, reasonable mutual expectations, and just terms of cooperation. This seems to me to be asking for too much. The whole point of the overlapping consensus—better put, its superiority as a basis for society over the old post-Enlightenment independent ethic—was just that it does not prescribe any underlying justification. These are left to the different spiritual families whose members make up society. The slogan should rather be: Let people subscribe for whatever reasons they find compelling, only let them subscribe.

This enshrining of the background reasoning in the overlap allows Rawls to draw rather fine interpretations out of his principles. Thus in a footnote to *Political Liberalism*, Rawls offers a view of the appropriate abortion legislation which allegedly flows from the principles.[9] But it is clear that this could not be concurred as such by a great many of the spiritual outlooks whose adherents one would nevertheless hope to see subscribing to the convergent ethic. That is, it could not be agreed to as what justice demands simpliciter—although one could imagine people coming to this kind of position as a reasonable compromise.

(Another area in which it will no longer be possible to apply a single background justification rigidly is that centrepiece of secularism, the separation of church and state. Some kind of distancing is obviously required by the very principle of equidistance and inclusion which is of the essence of secularism. But there is more than one formula that can satisfy this. Complete disentanglement of government from any religious institutions is one such, but far from the only one. One may decide that separation forbids the funding of confessional schools out of taxes; but it may also be that the best solution is to fund many such schools on a fair basis. To insist on one formula, as the only one consistent with 'liberal' principles is precisely to erect one background justification as supreme and binding on all, thus violating the essential point of the overlapping consensus. The US provides an unfortunate example of this.)

The secularism of overlapping consensus will thus be susceptible to conflicts of a new kind—or perhaps to a multiplication of these conflicts which up to now have seemed rare and abnormal (like the abortion debate). It will be hard to manage. It will require a change of our mindset, away from the highly charged moralism which will only settle for the single right answer generated from unchallenged foundational principles—a mindset which has been all too common among liberals nourished on a post-Enlightenment independent ethic.

But what emerges from the above discussion—at least, this is my view—is that this is the only form of secularism available to us in the diverse societies of today. The two earlier forms, which emerge out of the evolution of secular societies in Western history, are for different reasons no longer viable. But since, as I argued in the second section, secularism is not an optional extra for a modern democracy, we have no choice but to make a go of its only available mode. Whether we like it or not, the overlapping consensus has got to be made to work.

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[9] John Rawls, *Political Liberalism* (Columbia University Press: New York, 1993), p. 243, n32.