

Is the liberal state secular? How much state-religion separation is necessary to secure liberal-democratic ideals

*Is it a mistake to assume that liberal democracy requires a strict separation of state and religion like the French or US model? In her new book, **Cécile Laborde** starts from four universal liberal-democratic ideals and asks how much, and what kind of, state separation from religion is required to secure these ideals. By extracting the minimal secular core of liberal democracy she shows that there is a broad range of permissible secularisms.*



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Should the liberal state be secular? Does liberalism demand strict separation between state and religion? The issue is not merely a theoretical one. Most western states are secular states, even as they accommodate various forms of religious establishment and accommodation. Yet the great majority of people in the world live under regimes that are either **constitutional theocracies** – where religion is formally enshrined in the state – or where religious affiliation is a pillar of collective political identity. In countries otherwise as different as Egypt, Israel, Turkey, India, Indonesia, Poland, and many others, politics and religion are interconnected in ways that belie any simplified model of secular separation. Many such states, for example, appeal to religious tradition in making the law, provide material and symbolic advantages to members of the majority religion, and enforce conservative laws in matters of sexuality and the family. Are they *ipso facto* in breach of liberal legitimacy? Is there a minimal secularism – or separation between state and religion – that is required by liberal legitimacy?

In my book **Liberalism's Religion**, I argue that there is. Secularism, however, is a more complex political ideal than is commonly realised. I disaggregate the different strands of secularism, and I show how they relate to different dimensions of what we (in the West) have come to call religion. Instead of asking the question, **can secularism travel?** – which invites answers measuring how well non-western countries fare in relation to a presumed model of western secularism – I start from liberal democratic ideals and assume that they are not ethnocentric: human rights, freedom, equality and democracy are universal aspirations. I then ask how much, and what kind of, state

separation from religion is required to secure these ideals. In brief, I extract the minimal secular core of liberal democracy.

This allows us to see that it is a mistake to assume that liberal democracy requires a strict separation of state and religion on the French or US model. There is a broader range of permissible secularisms. There are the four liberal-democratic ideals that underpin and justify minimal secularism: the *justifiable* state, the *inclusive* state, the *limited* state and the *democratic* state. Each picks out a different feature of religion: religion as *non-accessible*; religion as *vulnerable*; religion as *comprehensive*; and religion as *theocratic*. Let me analyse these in turn.

The *justifiable* state draws on the idea that state officials should only justify their actions by appeal to public, *accessible* reasons. In the theory of minimal secularism, only officials are under an obligation to provide public reasons: secularism is a constraint on state action and justification, not a duty on the part of citizens. State officials should not appeal to the authority of sacred doctrines or to personal revelation to justify the legal coercion of all citizens. Accessibility articulates what citizens need to share, in particular societies, in order for public deliberation about the reasons for laws to be possible at all. Importantly, it is not the case that *only* religious ideas are inaccessible, nor is it the case that *all* religious ideas are inaccessible. The accessibility condition, then, does not rule out the public presence of religion.

The *inclusive* state draws on the idea that the state should not associate itself with one religious identity, lest it deny equal civic status to dissenters and non-members. Merely symbolic establishment is wrong if – but only if – it infringes on equal citizenship. The dimension of religion that this picks out is different from the previous one: here religion has nothing to do with personal revelation or inaccessible belief or doctrines. It is, rather, structurally similar to *other politically divisive or vulnerable identities*, such as race, and sometimes culture or ethnic identity. A liberal state must not be a Christian state or a Muslim state when such identities are – as they are in many states today – factors of political salience and vulnerability. But in societies where religion is not a socially divisive, vulnerable identity, there is less ground for secular separation.

The *limited* state draws on the idea that a liberal state should not enforce a comprehensive ethics of life on its citizens. The dimension of religion that this liberal value picks out is that of religion as *comprehensive personal ethics* that covers education, sexuality, eating codes, work, dress, and so forth. Many liberal rights were products of hard-won struggles, against the authority of traditional religious authorities, to construct and preserve a sphere of individual liberty. Consider the range of liberal laws in the 19th and 20th centuries such as laws about marriage and divorce, women's rights, and sexuality, and contemporary conflicts about abortion and gay rights in Africa and South and North America. Yet not all religion is about comprehensive personal ethics. Religious traditions also provide collective norms of coordination and cooperation (eg. holidays) which raise less acute threats to individual liberty.

Finally, a *democratic* state is necessary because citizens profoundly disagree about the boundary between personal and collective ethics, the public and the private, the right and the good. John Locke argued that the state should deal with 'civil' interests, and leave 'spiritual' matters of the salvation of the soul to individuals in their private lives. But who is to decide what pertains to the civil, and what pertains to the spiritual? In the areas of church autonomy and anti-discrimination laws, the nature of personhood, the family, marriage, bio-ethics and education, general liberal principles do not generate uniquely determinate and conclusive solutions. In such conflicts, the democratic state – not competing authorities such as churches – has final sovereign authority. It decides where the boundary between the this-worldly and the other-worldly, the religious and the secular, lies. This, I argue, is what is radical about liberalism's secularism: that it is democratic – that it locates its legitimacy in the will of the people, not in extra-political, divinely ordained or philosophically grounded authority.

The most radical challenge to religion posed by liberalism is not, therefore, that liberalism maintains a wall of separation between state and religion. It is, rather, that it assumes democratic sovereignty. Within the bounds of basic liberal legitimacy and human rights, deep reasonable

disagreements are to be solved democratically (democracy is, of course, not to be equated with majoritarian tyranny, and must provide for minority representation, separation of powers, and judicial review). This democratic conception of liberal legitimacy allows for more variation in permissible state-religion arrangements than both secular liberals and religiously minded liberals have assumed. Just as secularized majorities can impose their own conception of the boundary between state and religion, so can religious majorities, *provided they honour the other three liberal principles of accessible justification, civic inclusiveness and individual liberty*. In secularized societies, state law will naturally reflect and promote the non-religious ethics of the majority, for example via the dismantling of structures of traditional family and marriage and the expanding reach of norms of human rights and non-discrimination. Likewise, in societies where religious citizens are a majority, they can shape the public sphere of their societies to some extent. But only to some extent: religious majorities can shape the state within the constraints of what I have called minimal liberal secularism. Beyond that, minimal secularism has no ambition of providing final substantive answers to key questions of political, public, private and sexual morality.

About the author



Cécile Laborde holds the Nuffield Chair of Political Theory at the University of Oxford. Her last book, *Liberalism's Religion*, is forthcoming with Harvard University Press.

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