

The Normative Structure of Multicultural Secularism

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ABSTRACT

Our aim in this article is to describe the normative structure of what we call multicultural secularism, and to make a case for this particular conception of state–religion relations. On our account, multicultural secularism is secular since it maintains an appropriate degree of autonomy of the state from religion, and of religion from the state. The state does not interfere unjustifiably in religious matters, and religious communities do not have an excessive influence on the state. At the same time, we believe that such mutual autonomy—and hence secularity—can be maintained even when the state provides religions with a range of forms of recognition and accommodation. It is in this sense that our conception of secularism is multicultural, since it takes multiculturalism’s commitment to the positive valuing and recognition of difference and applies this specifically to religion. In this article, we intend to show why it should do so.

1. INTRODUCTION

Our aim in this article is to describe the normative structure of what we call multicultural secularism, and to make a case for this particular conception of state–religion relations. On our account, multicultural secularism is secular since it maintains an appropriate degree of autonomy of the state from religion, and of religion from the state. The state does not interfere unjustifiably in religious matters, and religious communities do not have an excessive influence on the state. At the same time, we believe that such mutual autonomy—and hence secularity—can be maintained even when the state provides religions with a range of forms of recognition and accommodation. It is in this sense that our conception of secularism is multicultural, since it takes multiculturalism’s commitment to the positive valuing and recognition of difference and applies this specifically to religion.¹ In this article, we intend to show why it should do so.

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¹ It should be noted that this article builds on work previously undertaken together, and with other co-authors, including Tariq Modood and Simon Thompson, ‘Othering, Alienation and Establishment’ (2022) 70 *Political Studies* 780; Simon Thompson and Tariq Modood, ‘The Multidimensional Recognition of Religion’ (2022) *Critical Review of International Social and Political Philosophy*; and Tariq Modood and Thomas Sealy, *The New Governance of Religious Diversity* (Polity Press 2024).

In previous work, we have presented elements of multicultural secularism in the context of the method for doing political theory, which we call ‘iterative contextualism’.² As we said in a later summary of this method, ‘iterative contextualists formulate their principles by interpreting the networks of norms found in a series of different contexts. As a result, their cross-contextual principles are relevant to various particular contexts, whilst achieving a critical distance from any one of them’.³ In this article, we want to concentrate on the cross-contextual principles rather than the operative norms embedded in local practices. We believe that this focus is justified in order to have the space to explicate the normative structure of our conception of secularism, and to explain the relationship between the various parts of that structure, as clearly and as persuasively as we can.

We are aware that straightaway, some readers will find multicultural secularism a difficult notion to accept. If the secular state is regarded as one in which there is an institutional separation of state and religion, then multicultural secularism will look like a contradiction in terms. In this article, we want to challenge this assumption, contending that it is a case of argument by definition. That is to say, if secularism is defined in terms of institutional separation, then of course it will follow that all modes of state–religion governance without such separation are not secular. In this article, we present our conception of secularism in a way which is intended to counter this argument. By starting from an account of the fundamental values which secularism is meant to achieve, we shall then show what sorts of institutional arrangements would best realize these values. Taking this route, our aim is to demonstrate that the fundamental values of multicultural secularism may justify some institutional arrangements which would not qualify as strict separation.

We also want to emphasize that this undertaking is not merely the identification of a theoretical possibility. On the contrary, institutional arrangements of the kind we describe here can be found frequently in practice. Here, we agree with Nahshon Perez and Jonathan Fox that ‘no country worldwide can be classified as adopting the pure, theorized “separation” model’.⁴ Indeed, nearly a third of all Western democracies have an official religion, and more than half of all forty-seven democracies in the Polity data series make reference, officially or unofficially, to one religion, and most of the others give preference to more than one. Thus, given the prevalence of a model of relations between state and religion in which the former offers a significant degree of recognition and accommodation to the latter, there is clearly a need to determine whether such a model can be justified.

Before making a start on this argument, we want to highlight four features of our approach. First, as we have suggested when referring to our methodological approach, we give considerable weight to context, so that, even if there is only one conception of multicultural secularism, there are nevertheless multiple forms it can take in practice, depending on a range of contextual factors. Second, within each particular context, a range of normative arrangements may be justified. In other words, even in one place and at one time, we do not think that one unique set of normative arrangements is called for. Rather, in each context, there is a variety of arrangements that are permissible to put into practice. Third, democratic dialogue has a crucial role to play in determining which arrangements are most appropriate in a particular context. Fourth, having said all of this, clearly, there are systems of state–

² Tariq Modood and Simon Thompson, ‘Revisiting Contextualism in Political Theory: Putting Principles into Context’ (2018) 24 *Res Publica* 339.

³ Thompson and Modood (n 1) 2.

⁴ Nahshon Perez and Jonathan Fox, ‘Normative Theorizing and Political Data: Toward a Data-Sensitive Understanding of the Separation between Religion and State in Political Theory’ (2021) 24 *Critical Review of International Social and Political Philosophy* 485, 486.

religion relations that are not compatible with multicultural secularism. We shall identify these outer limits to the range of acceptable forms toward the end of the article.

In Section 2, we present our claim that an account of a conception of secularism should begin with fundamental values rather than specific institutional arrangements. Here, we draw on the work of Sune Lægaard, who suggests that it is possible to clearly delineate the normative structure of any particular conception of secularism by identifying what he calls its ‘basic values’, ‘intermediate political principles’, and ‘derived normative prescriptions’.⁵ In Sections 3 to 5, we use Lægaard’s theoretical schema in order to present our conception of multicultural secularism. We follow his lead, by focusing on its values, principles, and prescriptions in turn. In Section 6, we summarize our argument, showing how a conception of multicultural secularism may justify a range of relations between religion and state, including, in some circumstances, multi-faith establishment.

2. THEORETICAL SCHEMA

As we have suggested, it is not at all unusual to find arguments about the relationship between religion and state, which assume that secular states must be characterized by the separation of these two institutions. To give one famous example, a common understanding of the US Constitution’s First Amendment is based on a metaphor found in a letter written by Thomas Jefferson in 1802 in which he declared that the Amendment built ‘a wall of separation between Church & State’. Three-quarters of a century later, the US Supreme Court, in the case of *Reynolds v United States* (1878), made its first reference to Jefferson’s metaphor, suggesting that

Coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured. Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order.⁶

On this understanding, then, absent the actions just specified, it is impermissible for the secular state either to aid or to hinder religion.⁷

If this assumption about the necessary features of a secular state was valid, then clearly our conception of multicultural secularism would be a non-starter, since, as we shall show in detail in what follows, we believe that the state can and should offer an extensive range of types of support for religion, and that it can do so without sacrificing its secular character. In rejecting the assumption that the secular state must be one that strictly separates religion and state, we follow Charles Taylor’s lead. In his essay ‘What does Secularism mean?’, he describes ‘the tendency to define secularism or *laïcité* in terms of some institutional arrangement’.⁸ As he says: ‘If the whole matter is defined by one institutional formula, then one must just determine which arrangements of things best meets this formula, and there is no need to think further’.⁹ Taylor contends that this tendency to assume that secularism must take a particular institutional form amounts ‘to a fetishization of the favored institutional

⁵ Sune Lægaard, ‘Secular Religious Establishment’ (2013) 3 *Philosophy and Public Issues* (New Series) 119, 127-8.

⁶ *Reynolds v United States* (1878) 98 US 164.

⁷ For a critique of this ‘neither aid or hinder’ understanding of the First Amendment, see Christopher Eisgruber and Lawrence Sager, *Religious Freedom and the Constitution* (Harvard University Press 2007) ch 1.

⁸ Charles Taylor, ‘What does Secularism mean?’ in *Idem, Dilemmas and Connections: Selected Essays* (Harvard University Press 2011), 323.

⁹ *ibid.*

arrangements'.¹⁰ Rejecting this tendency, Taylor argues that instead 'one should start with the goals and derive the concrete arrangements from these'.¹¹

This is precisely how we intend to proceed in this article. In order to support us in this endeavour, we shall draw on the work of Lægaard, who, in his article, 'Secular Religious Establishment', develops a theoretical framework that he believes can be used to better understand and evaluate rival conceptions of secularism by revealing more clearly their overall normative structures. Echoing Taylor's view, part of Lægaard's motivation in this article is to show why it cannot be assumed that secularism must involve the strict separation of religion and state. In contrast to such an assumption, which he suggests begs the question,¹² Lægaard thinks it is at least necessary to consider whether a secular state can maintain an adequate distance from religion, even if there is an institutional relationship between the two. In other words, he wants to hold open the possibility that some forms of secularism are in fact compatible with some forms of religious establishment. Our aim in this article, then, is to use Lægaard's theoretical framework in order to clarify the normative structure of our conception of multicultural secularism and to explain what range of forms of religion–state relation may be compatible with it.

According to Lægaard, every theoretically integrated conception of secularism comprises three types of elements that he refers to as 'basic values', 'intermediate political principles', and 'derived normative prescriptions'.¹³ First, Lægaard suggests that basic values form the normative foundation of conceptions of secularism. The values of freedom and equality, understood in different ways, appear in first and second place in most lists of values. Coming in a close third are different versions of the idea of neutrality (although, as we shall see in a moment, such an idea may also function as an intermediate principle). Second, Lægaard sees intermediate principles as those which are derived from basic values, but which, in contrast to such values, are 'supposed to regulate a specific area'.¹⁴ Here he gives examples of 'religious freedom, religious equality and state neutrality'.¹⁵ Third, Lægaard suggests that certain prescriptions or implications flow from the preceding values and principles. On some accounts, there is a range of types of relations between religion and state which are acceptable to a particular conception of secularism. On other accounts, of course, no form of establishment may be justifiable.

To work from the third element back to the first, Lægaard declares that 'the normative implications of secularism, e.g. regarding the acceptability of religious establishment, depend on the prescriptive content of the separation principles, which in turn is justified with reference to the basic values'.¹⁶ By way of example, Lægaard suggests that, in the European Court of Human Rights case of *Lautsi v Italy* (2009), the Second Chamber articulated a conception of secularism that can be fitted into his scheme thus:

The Second Chamber's conception of secularism is based on political values of freedom and equality, resulting in a principle of neutrality requiring state institutions to abstain from aligning themselves with any particular religious view. This requires separation in the sense of removal of religious symbols from public institutions.¹⁷

¹⁰ *ibid* 324.

¹¹ *ibid*.

¹² Lægaard (n 5) 124.

¹³ *ibid* 127–8.

¹⁴ *ibid* 142.

¹⁵ *ibid* 128.

¹⁶ *ibid* 134.

¹⁷ *ibid* 139.

On this conception of secularism, then, the relevant basic values are freedom and equality, the intermediate principle is one of neutrality, and the normative implication is the necessity of separation, where this includes the removal of crucifixes from the walls of state schools' classrooms.

Other understandings of those two basic values would have led to different intermediate principles, and may hence have led to different normative implications. For example, on Lægaard's reading, the Grand Chamber in *Lautsi v Italy* (2011) accepted the same principles of 'religious freedom, non-discrimination and neutrality' as the Second Chamber.¹⁸ It nevertheless reversed that Chamber's verdict, because it invoked—or at least assumed—a different conception of secularism as 'a partisan ideology' which is hostile to religion.¹⁹ Accordingly, the Grand Chamber concluded that, while the display of crucifixes in schools was compatible with the principles of freedom and neutrality, the removal of such symbols was not justifiable since it would be a demonstration of enmity toward religion.

3. BASIC VALUES

We can now use Lægaard's schema to identify and describe the three types of elements that compose our conception of multicultural secularism. We begin with basic values, then, in the next section, describe the intermediate principles that flow from these, and finally, in the section after that, sketch the implications of both of these in combination for the evaluation of systems of religion–state relation.²⁰

In order to introduce our set of basic values, we note that it resembles—although it is by no means identical to—that sketched briefly by Taylor in the essay to which we have already adverted. According to Taylor, secularism's three values can be classed 'in the three categories of the French Revolutionary trinity':

Religious liberty: 'No one must be forced in the domain of religion, or basic belief.'

Religious equality: 'There must be equality between people of different faiths or basic belief; no religious outlook or (religious or areligious) *Weltanschauung* can enjoy a privileged status, let alone be adopted as the official view of the state.'

Religious fraternity: 'all spiritual families must be heard, included in the ongoing process of determining what the society is about (its political identity), and how it is going to realize these goals (the exact regime of rights and privileges).'

Taylor identifies a possible fourth goal—namely, that 'we should try as much as possible to maintain relations of harmony and comity between the supporters of different religions and *Weltanschauungen*'²¹—but he puts it aside in order to stick with the first three. As we shall explain below, we regard this, not as a separate goal, but as an aspect of what he calls fraternity, and what we refer to as community.

Before providing an account of our three values, we need to say why we do not fully endorse Taylor's version of these values, at least as he presents them here. We would suggest a potential tension may be detected between his formulation of the values of equality and community. According to the former, the state may not adopt any religious view 'as the official view of the state'. At the same time, according to the latter, each society has a distinct political identity, the specific character of which is worked out in an ongoing and inclusive

¹⁸ *ibid* 138.

¹⁹ *ibid*.

²⁰ We provide a summary of our position in [Table 1](#) at the end of the article.

²¹ Taylor (n 8) 309.

Table 1. The Normative Structure of Multicultural Secularism

Basic values	Freedom	Equality	Community
<i>Glossed as</i>	Ability to live in accordance with one's commitments	Equal respect <i>in abstracto</i> and equal citizenship <i>in concreto</i>	Inclusion in/belonging to the political community
<i>Intermediate principles</i>	Non-discrimination and active anti-discrimination	Difference-blindness and difference-sensitivity, as appropriate	Principle of identification with the political community
<i>Implications/derived normative prescriptions/specific policy recommendations</i>	Anti-discrimination and active non-discrimination programmes Individual religious accommodation (eg, dress and dietary requirements)	Some examples: State support for faith schools Financial support for faith organizations Recognition of minority legal orders	<i>Procedural</i> Political consultation with faith groups Special political representation <i>Substantive</i> Inclusive political identity Inclusive citizenship regime

dialogue. On our view, echoing Taylor's formulation of the value of community, a polity may have substantive purposes, which we suggest can have religious aspects. For example, the doctrine of Pancasila in Indonesia has a religious character while at the same time asserting 'unity of all faiths'. Such a doctrine may appear to violate Taylor's value of equality, since it does entail the state embracing a religious doctrine. We shall argue, however, that the state's endorsement of such doctrines is compatible with a commitment to the basic value of equality. We now turn to our version of Taylor's revolutionary trinity.

A. Freedom

According to multicultural secularism, individual freedom is the first basic value. It is important to understand that, according to this system of state–religion relations, freedom should not be understood narrowly as freedom of conscience. It goes beyond the freedom that an individual has to hold, change, or abandon their beliefs about religious (or non-religious) matters. Freedom must include the ability to act on one's beliefs in whatever way one sees fit, subject to reasonable limits that are set, amongst other things, by others' rights. The value of individual freedom is rooted in 'a person's sense of dignity, respect, and self-identity'.²² Put negatively, if an individual's freedom is curtailed, this will undermine their self-respect and their sense of their social standing.²³ It may be noted that there is a close connection between these two qualities. Self-respect is not only a relation a person has to themselves, in isolation from all others. Rather, it has a social or intersubjective dimension, since it is always bound up with how others regard that person.

B. Equality

Multicultural secularism's second basic value is that of equality. Depending on the context, this value can be understood abstractly in terms of 'equal respect' for all persons or more concretely in terms of 'equal citizenship' for members of a political community. Either way, our conception of this value is the familiar one which holds that all persons as such deserve equal respect in virtue of their equal moral worth. There are, of course, many ways in which this value could be further explicated. For the purposes of our argument here, we draw on the work of Stephen Darwall, who distinguishes between 'appraisal respect' and 'recognition respect'.²⁴ It is the latter form that is of relevance here. According to Darwall, 'recognition respect' is 'said to be owed to all persons. To say that persons as such are entitled to respect is to say that they are entitled to have other persons take seriously and weigh appropriately the fact that they are persons in deliberating about what to do'.²⁵ It is possible to see a close connection between this notion of respect and the value of freedom just elaborated, particularly the link between freedom, self-respect, and the respect of others. Darwall goes on to explain what it would mean to show persons *equal* respect: 'if all persons as such should be treated equally, there can be no degrees of recognition respect for them'.²⁶ However, although we endorse Darwall's claim that equal respect for persons is shown when all are shown the same degree of recognition respect, rather than make claims about what is owed to 'all persons', we restrict the scope of the claim we make here to all citizens, all members of the political community.

²² Modood and Sealy (n 1).

²³ For a very well-known version of this claim, see John Rawls's discussion of the 'social bases of self-respect'. See *Justice as Fairness: A Restatement* (Harvard University Press 2001) 58–59.

²⁴ Stephen Darwall, 'Two Kinds of Respect' (1997) 88 *Ethics* 36, 37.

²⁵ *ibid* 38.

²⁶ *ibid* 46.

C. Community

We think a conception of secularism based on just the two values of freedom and equality is deficient for reasons we shall explain in a while. As a consequence, we identify a third basic value of community. This value can be understood in terms of the language of belonging and inclusion. Thus, a commitment to this value enjoins us to try to ensure that all citizens experience a sense of belonging to, or inclusion in, their political community. In previous work, we have used the language of identification to describe what community looks like from the individual's perspective.²⁷ That is to say: the value of community is realized to the extent to which each member of that community is able to identify with it. To put this in more formal terms, we have articulated and defended what we call a normative 'principle of identification', which we shall say more about below.²⁸

Before turning to intermediate principles, we should explain that we have provided very brief glosses on each of our basic values, since this is necessary in order to see how specific principles can be derived from them. Here, we follow Lægaard's lead once again. Thus, discussing Taylor's and Jocelyn Maclure's conception of secularism, he says that it is important to appreciate that they understand the basic value of freedom in terms of 'moral integrity' rather than, say, in terms of non-interference. Only by appreciating this is it possible to understand how their commitment to this basic value leads them to endorse particular intermediate principles: 'If one interprets the basic value of freedom as a concern with integrity, we have a justification for the political principles protecting freedom of conscience and religion'.²⁹ Hence, we understand freedom in terms of self-respect and social standing, equality in terms of equal recognition respect, and community in terms of inclusion and belonging.

4. INTERMEDIATE PRINCIPLES

With this trinity of basic values in mind, we can now describe how these lead us to a particular set of intermediate principles. It may be recalled that, according to Lægaard's schema, conceptions of secularism include principles that lie 'between general political values and specific policy recommendations'.³⁰ While ideas of freedom and equality may operate as basic values, they occupy the role of 'intermediate political principles' when they are intended 'to regulate a specific area'.³¹ Thus, a classic example of such an intermediate principle would be 'the right to freedom of religion'.³² Let us now describe the principles that lie between and connect up multicultural secularism's basic values and normative prescriptions. As we shall explain, it is necessary to say something about how individual, group, and national identities are formed in order to appreciate why our basic values leads to particular intermediate principles.³³

A. Freedom

Given that we understand freedom as an individual's ability to think and act as they choose (within reasonable limits), it is necessary to understand how various social forces and

²⁷ Thompson and Modood (n 1).

²⁸ We think that it is this value which is most likely to mark ours out as a distinctive conception of secularism. It may also be this value, and the principles and implications derived from it, which attract the most criticism. Two of the most obvious criticisms would be that to strive to realize the value of community is utopian (impossible to achieve) and totalitarian (a threat to individual freedom). We seek to allay at least some of these concerns in what follows.

²⁹ Lægaard (n 5) 145.

³⁰ *ibid* 129.

³¹ *ibid* 142.

³² *ibid* 140.

³³ For a more detailed presentation of our account of social identity formation, including its 'normal' and 'pathological' forms, see Modood and Thompson (n 1) 785–7.

structures facilitate or inhibit this ability. Individuals are not just self-defining monads, but also 'ascribed members of ethno-religious groups'.³⁴ As such, they can be subject to various forms of mistreatment, targeted at their group, which undermine their ability to exercise their freedom. It follows that individual freedom is not adequately protected by a state which only restrains itself from actively undermining that freedom. This is because such restraint does not counter the sorts of 'discrimination, stigmatization and othering',³⁵ which effectively hamper individuals' ability to think and act as they wish. It follows that a state committed to multicultural secularism must embrace, amongst other things, commitments to state-led programmes designed to counter these various forms of mistreatment in order to enable the fuller realization of individuals' freedom. Thus, we contend that the key intermediate principles that may be derived from the basic value of freedom are non-discrimination and active anti-discrimination.³⁶ The absence of discrimination, in all of the various forms that it may take, is necessary in order for individuals to be able to live in accordance with their most fundamental commitments.

In some ways, non-discrimination may perhaps be understood as—or as analogous to—negative freedom, in the sense that it is realized when the state prevents individuals from being discriminated against by other individuals, groups, or indeed the state itself. What we call active anti-discrimination can be understood as—or as analogous to—positive freedom, since it requires that individuals be accommodated within the relevant norm, practice, or institution. A common example used to illustrate this is that of employers allowing—or sometimes being legally required to permit—their Sikh male employees to wear a turban at work if they choose to. A more positive version of this freedom is where the employer does not just permit this but incorporates the Sikh turban into the fabric of the employment contract. For example, the London Metropolitan Police provide officers with turbans, if requested, as part of their uniform, in appropriate colours and with official insignia.

B. Equality

Our second basic value is that of equality, which, as we have explained, we treat relatively concretely as equal citizenship. If, according to multicultural secularism, all citizens have the same moral standing or are of equal moral worth, to which intermediate principles does this lead?

Certainly, we agree with the familiar argument that, in a wide range of contexts and situations, the realization of the value of equality necessitates a commitment to a principle of 'difference-blindness' which in practice is achieved by the 'uniformity of treatment' of all individuals.³⁷ The idea of difference-blindness, in a legal context, describes the ideal according to which those charged with dispensing justice should ignore all differences between individuals that are not relevant to determining how those individuals should be fairly treated. In a broader political context, the point remains much the same: When the state is determining which rights to protect, which opportunities to provide, and which resources to distribute, it should often do so without reference to irrelevant differences of identity between groups of citizens. For instance, all citizens must benefit from the same right to

³⁴ Modood and Sealy (n 1) 117.

³⁵ *ibid* 123.

³⁶ According to Eisgruber's and Sager's principle of antidiscrimination, 'no members of our political community ought to be devalued on account of the spiritual foundations of their important commitments and projects'. See (n 7) 52. Our version of this principle offers one way of fleshing out what devaluation means, and one way of specifying what concrete forms it may take.

³⁷ Modood and Sealy (n 1) 119–20.

freedom of religion. Whilst certain restrictions may be reasonably imposed on this right,³⁸ such restrictions cannot be crafted or applied in a way that treats adherents of some religions less favourably than others.

According to our preferred conception of secularism, however, this is only half of the story. This is because, if equality is to be fully achieved, it requires more than blindness to difference. Making a parallel move to that in Section IV(A), we contend that social processes of identity formation render some groups—and the individuals who identify or are identified with them—more advantaged than others in a range of significant ways. Patterns of prejudice, institutional racism, and structural injustices—alone or in combination—shape both the identities of groups (and their members), as well as determine how they are treated in their political community. It is in light of these sociological facts that we are led to a second intermediate principle of difference-sensitivity, which complements that of difference-blindness. According to this second principle, it is sometimes necessary, not to ignore differences, but to take them appropriately into account. If we do not attend to pertinent differences between groups, then difference-blindness will frequently perpetuate rather than eliminate inequality. It is for this reason that Modood and Sealy argue that ‘equality must be extended from the uniformity of treatment to include respect for difference’.³⁹ For instance, if specific groups—nearly always minorities—are more vulnerable to the consequences of hate speech than others, then in those circumstances it may make sense to include specific reference to those vulnerable groups in laws intended to protect people from incitement to hatred.⁴⁰ In short, according to multicultural secularism, the basic value of equality leads to two intermediate principles of difference-blindness and difference-sensitivity. Which principle applies in which circumstances depends on which is necessary to ensure that equal respect is shown to all members of the political community.

C. Community

We believe that a state that actively protects individuals’ freedoms, and acts positively to show all individuals equal respect, is still deficient. As a result, multicultural secularism is committed to a third basic value of community, which, as we have suggested, can be described in terms of notions of inclusion and belonging. Our task now is to show how this basic value gives rise to particular intermediate principles. In order to do so, we again make a move that parallels those which we made above in reference to freedom and equality. The same processes of identity formation to which we have already alluded also operate at the level of national citizenship. It is at this level that ideas of race, ethnicity, religion, residential status, and so on, are woven into narratives of national identity in ways that shape individuals’ and groups’ sense of inclusion in or exclusion from the national community. Given our commitment to the value of community, we now need to describe the intermediate principle to which it leads.

In earlier work, we have called this the ‘principle of identification’.⁴¹ According to this principle, states have a non-absolute duty to try to ensure that all citizens are able to identify

³⁸ According to art 9.2 of the *European Convention on Human Rights*, this right ‘shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others’.

³⁹ Modood and Sealy (n 1) 114.

⁴⁰ For instance, according to Michael Bazzyler, ‘anti-Nazi laws do not exist in every European country. Presently, the following European countries have some legislation criminalizing the Nazi message, including denial of the Holocaust: Austria, Belgium, the Czech Republic, France, Germany, Liechtenstein, Lithuania, the Netherlands, Poland, Romania, Slovakia, Spain and Switzerland’. See Michael Bazzyler, ‘Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism’ (*Yad Vashem, the World Holocaust Remembrance Center*) <<https://www.yadvashem.org/holocaust/holocaust-antisemitism/holocaust-denial-laws.html>> accessed 23 July 2024.

⁴¹ Thompson and Modood (n 1).

with—or feel a sense of belonging to—their political community. As we say in that earlier article,

the state's duty is non-absolute since we allow this concern for identification to be balanced against other relevant concerns which states will have for the wellbeing of their citizens. For instance, some ways of meeting this principle will have resource implications, and in this case meeting the principle will mean that fewer resources will be available to be deployed elsewhere. In such cases, states will have to make judgements about the relative importance of their goals, including that of realizing the principle of identification.⁴²

Thus, we think it is permissible for states to reach all-things-considered judgments about what mixture of policies and practices they should favour, so long as those judgments give adequate weight to considerations of identification.

5. NORMATIVE PRESCRIPTIONS

Once the values and principles that we have just described are considered in combination, which normative prescriptions regarding secularism may be derived from them? In other words, what does our account of multicultural secularism thus far imply about the justifiability of different systems of religion–state relations? To be more specific, is one particular system of such relations uniquely justified? Or is there a permissible range of such systems? At the same time, does multicultural secularism rule out any particular system of religion–state relations? For reasons that will already be clear, we can rule out a further possibility, according to which all forms of religious establishment are illegitimate. Following our three basic values and three sets of intermediate principles, we shall now try as far as possible to classify our normative prescriptions regarding secularism into three corresponding groups. Since particular normative prescriptions may serve more than one basic value, this division is to some degree artificial. But we shall stick with it in the interests of clarity of exposition.

A. Freedom

First, regarding the basic value of freedom, we began by emphasizing its essential connection to self-respect and social standing, and we then suggested that, from this, flows the intermediate principle of non-discrimination and anti-discrimination. With specific reference to the domain of religion, this implies that the multicultural secular state would be one committed to countering all forms of religious discrimination. Only if individual citizens do not experience discriminatory treatment based on their religious (or non-religious) identities can they be fully free to exercise their freedoms of conscience and of religion. In practice, this might be realized by a variety of measures. One specific example is offered by Cécile Laborde: ‘consider prisoners and military personnel who, because they live in state-controlled, enclosed spaces, cannot exercise the religious liberties available to other citizens in freely-constituted civilian religious associations. Adequate protection of this personnel’s freedom of conscience can create an obligation on the part of the state to provide and fund chaplaincy services (or equivalent) in such institutions’.⁴³ More generally, multicultural secularism will call for a robust system of laws protecting all citizens from direct and indirect discrimination. The exact form these laws take will vary to some degree by context, since

⁴² *ibid* 18–19.

⁴³ Cécile Laborde, ‘Political Liberalism and Religion: On Separation and Establishment’ (2013) 21 *Journal of Political Philosophy* 67, 72.

the forms discrimination takes, the identities of agents perpetuating it, and the identities of those subject to it, will vary from one particular political community to another.

In addition to this commitment to tackling religious discrimination, the multicultural secular state would also provide, as, when, and where necessary, a variety of forms of individual religious accommodation, including, in some cases, religious exemptions. One example of an accommodation would be the provision of halal food in state school canteens. To put it a little grandly, such provision would enable Muslim schoolchildren to live in accordance with their fundamental religious commitments. One example of an exemption would be the relaxing of safety regulations to permit Sikh men to wear turbans rather than hard hats on building sites. According to the general rule, all workers on such sites must wear appropriate protective headgear. But the strict enforcement of such a rule would unfairly disadvantage Sikh men, who have a religious commitment to wearing a turban. Thus, an exemption for individual members of this group removes that disadvantage. Hence, we see that measures to tackle discrimination and to provide accommodation as and when necessary can both be derived from the basic value of freedom.

B. Equality

With regard to our second basic value of equality, we glossed this as equal respect or equal citizenship, and we then suggested it leads to complementary commitments to principles of difference-blindness and difference-sensitivity. The normative prescriptions that may be inferred from this position specifically for religion depend on the particular circumstances prevailing in particular places at particular times. For the purposes of our argument, here are three examples of ways in which the second principle may be realized.

In some circumstances, the multicultural secular state may offer support to a range of faith schools, which may be permitted to diverge from the practices of secular schools by a variety of degrees. In the UK, for instance, faith schools 'have to follow the national curriculum, but they can choose what they teach in religious studies'.⁴⁴ The provision of such schools accommodates different religious communities, who are able to send their children to schools that to some degree reflect their religious identities. The state may also offer direct or indirect financial support to faith organizations. Such support may be offered to organizations providing a public service and thus contributing to the public good, or it may be offered without condition in the interests of protecting the vibrant presence of religious communities in civil society. In Denmark, for instance, members of a number of recognized religious communities 'can claim tax deduction for gifts and annuities donated to the religious community'.⁴⁵ Finally, a multicultural secular state may accommodate some degree of religious pluralism, permitting certain religious communities to diverge from standard legal codes in acknowledgement of their distinctive understanding of, for example, the ethics and practices of marriage and divorce. For instance, Modood and Sealy argue that Sharia councils may be permitted to deal with matters of family law within a state-regulated framework that protects the basic rights of its users.⁴⁶

C. Community

Finally, so far as our third basic value of community is concerned, we suggested that this can be understood in terms of notions of inclusion and belonging. One implication that we drew from our account of this value was that the multicultural secular state should be

⁴⁴ Gov.uk, 'Types of Schools' <<https://www.gov.uk/types-of-school/faith-schools>> accessed 24 July 2024.

⁴⁵ Ministry for Ecclesiastical Affairs, 'Other Religious Communities' <<https://eng.andretrossamfund.dk/>> accessed 23 July 2024.

⁴⁶ Modood and Sealy (n 1) 138–9.

committed to a principle of identification, the realization of which would enable all citizens to feel a sense of belonging to their political community. What normative prescriptions concerning religion may flow from this value and principle? It may be recalled that, in our brief sketch of Taylor's third value of fraternity, he understands this in terms of the need for religions to be included in political dialogue about the identity of the political community. We also mentioned the alternative reading that he puts aside, according to which fraternity would enjoin us to strive for harmonious relations between religions and other worldviews. Let us call these the *procedural* and *substantive* dimensions of the value of community, respectively. We think that the multicultural secular state should be committed to particular normative prescriptions in both of these dimensions, although the exact form these prescriptions may take will vary by circumstance.

First, as far as the procedural dimension is concerned, this state should certainly support systems of political consultation with faith groups; more strongly, in some circumstances, it might create systems of special political representation, which give some such groups a more formal and permanent voice in the political system. For example, 26 seats in the House of Lords are reserved for Anglican bishops. Although this is a quite controversial example, it nevertheless illustrates the idea that a multicultural secular state should be one that gives its religious communities effective political voice in ongoing public debates about the identity, values, and practices of the political community.

Second, with reference to the substantive dimension of community, when the multicultural secular state seeks to craft an inclusive identity for the political community, it should ensure that religions have an appropriate place in that identity, so that all individuals and groups are able to see that community as their common home. The precise form that such an identity will take would obviously vary across time and space. To give an example that is not directly religious, in 2001, the police force in Northern Ireland, which had been called the Royal Ulster Constabulary, was renamed the Police Service of Northern Ireland (PSNI). Prior to its renaming, this force had been strongly identified with the Unionist community, and nearly 100% of its membership had been Protestant. After its renaming, this changed, and by 2022, around two thirds of its officers were Protestant and around one third were Catholic. The PSNI's badge features six symbols which Northern Ireland's Policing Board claims reflect 'diversity, inclusiveness and parity'.⁴⁷

6. CONCLUSION

In this article, our primary aim has been to clearly delineate the normative structure of multicultural secularism. We have shown that our three basic values of freedom, equality, and community may, through a number of intermediate principles, lead to a variety of normative prescriptions concerning relations between religion and the state, including anti-discrimination programmes, forms of group recognition and accommodation, systems of legal pluralism, and so on. Since we have covered quite a bit of ground, we have had to move over some of it quite quickly. For instance, we could and should say more about when difference-blindness and when difference-sensitivity is appropriate, which religious communities should enjoy political voice and how they should be allowed to express it, how inclusive narratives of national citizenship may be formulated, and so on. We intend to undertake some of these specific tasks in future work.

⁴⁷ Francess McDonnell, 'Six symbols selected for PSNI badge' (2001) *The Irish Times*, (13 December 2001) <<https://www.irishtimes.com/news/six-symbols-selected-for-psnibadge-1.341885>> accessed 23 July 2024. One of the authors has used this example in another context: see Simon Thompson, 'Agonism or Identity? A Response to Chin's and Levey's Recognition as Acknowledgement: Symbolic Politics in Multicultural Democracies' (2023) 46 *Ethnic and Racial Studies* 475, 481–2.

In closing our argument here, however, we would like to emphasize one particular aspect of our general position. This is the importance of context for our idea of multicultural secularism. We have suggested at various points in our argument that the exact nature of the state–religion relations we believe are appropriate depends to a significant degree on local circumstances. In order to best realize the values of multicultural secularism, a particular set of normative prescriptions may be appropriate in one specific context, while a different set may be appropriate in another. This is why we have taken care to emphasize that our recommendations *may* include some of the measures we have discussed. It is by arguing in this way that we render our approach here consistent with the method of iterative contextualism mentioned in Section 1: Although all forms of multicultural secularism endorse the same three fundamental values, the principles and prescriptions that may be inferred from them will vary to some degree by time and place.

Having said this, we must also emphasize that there are limits to the range of principles and prescriptions, which we think are compatible with multicultural secularism. In the first place, it should be clear throughout that we have excluded the possibility of strict separation from that range. Drawing on the insights of multicultural political theory and cognitive disciplines, our argument has been that, in order to treat all citizens fairly, it is necessary for states to actively recognize and accommodate the religious identities of those citizens. In the second place, we reject sets of state–religion relations in which one lacks adequate autonomy from the other. Multiculturalism is not compatible with sets of relations in which one religion is in control of the state, and shapes that state in its own image; and it is not compatible with sets of relations in which the state dominates religions, denying the citizens the right to freedom of religion.

Within these two outer limits, multicultural secular democracies may be compatible with a range of options, including mono-establishment, multi-faith establishment, no establishment, and differential recognition of religious communities. Each of these systems of state–religion relations can in principle be justified as long as it does not undermine the ability of members of any faith to identify with the political community. It is this principle of identification, in particular, which should be reflected in the specific institutional arrangements of each polity.⁴⁸

Finally, then, how is it possible to determine what set of state–religion arrangements are best suited in any particular context? Here, we would want to emphasize the importance of dialogue. Mono-establishment, multi-establishment, no establishment and differential recognition are all possibly legitimate outcomes of free and fair reasoned deliberation between the citizens of each and every political community. As one of us has described it in earlier work,

citizenship is a continuous dialogue. As the parties to these dialogues are many, not just two, the process may be described as ‘multilogical’. The ‘multilogues’ allow for views to qualify each other, overlap, synthesize, modify one’s own view in the light of having to co-exist with others, hybridize, allow new adjustments to be made, new conversations to take place. Such modulations and contestations are part of the internal, evolutionary, work-in-progress dynamic of citizenship.⁴⁹

⁴⁸ Thompson and Modood (n 1); Modood and Sealy (n 1).

⁴⁹ Tariq Modood, *Essays on Secularism and Multiculturalism* (ECPR 2019), 136. The term ‘multilogue’ appears to have originated with James Tully. See his *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge University Press 1995).

All social groups—and in particular minorities—should be encouraged and enabled to participate in that dialogue. Legislators and other policy-makers, and those in powerful institutions, should monitor whether the status quo or proposed alternatives might restrict the freedom, equality, or sense of membership of any minority in the political community.

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