

One People, Diverse States & Secularism

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(RS-628) Secularism and Religion-State Relationships Internationally

Introduction

If there are two things that have wielded enormous change in the world, both for good and for ill, it is the power of religion, and the power of secularism. In the throes of nation building and the rise and fall of powerful leaders and nation states, both religion and secularism, and in their sometimes-difficult balance in liberal societies, continue to be important checks in the over-domination of one over the other, and the thriving of nations that understand the underlining importance to their co-existence.

During our studies, we had the opportunity to explore the dynamics of secularism and its equivalents, of both spiritual and temporal power in western history, of some aspects of the US history both religious and secular toleration and tension, and the ongoing evolution of how the first amendment of the Constitutions plays out in its wall of separation between the sacred and the secular. This same secular/religious dialectic plays out in many parts of the world, from France, Turkey, and others. Finally, we looked at some present challenges in a time of fundamental extremism and human rights.

In this light, the purpose of this paper is to compare three different countries: The *United States, France, and India*. Each country's political history and socio-religious evolving identity is reflected in their religious/secular underpinnings and how that has played out in a variety of outcomes, including education, human rights, religious freedom, and others. Each show different ways of maintaining the separation of church and state in their navigation of a diverse and pluralistic population, and the extraordinary changes both within and in the world around them.

Secularism, Secularity, Secularization

Secularism can be best understood in its counter relation to the religious influence with many sectors of society and how together they navigate liberal democratic ideals in a bid for co-existence. For the United States, the insulation of government institutions and their representatives from religious influence such as Christianity, was and continues to be an important factor, even though other religious traditions have marked importance as well. For France, it is its history of breaking from the hegemony of the Catholic Church and the impetus of

anti-clericalism from the 18th century that helps to understand how secularism expresses itself in this republic. India, with its strong Hindu and Muslim influence, along with its minority religious traditions, attempts to show an “indifference” to religion in the governance of its people, with mixed success.¹ Secularism draws its intellectual roots from Greek and Roman philosophers such as Epicurus and Marcus Aurelius; from Enlightenment thinkers, such as John Locke, Denis Diderot, Voltaire, Baruch Spinoza, James Madison, Thomas Jefferson, and Thomas Paine; and from more recent freethinkers and atheists such as Robert Ingersoll and Bertrand Russell.²

Secularity is understood, not in terms of institutions, but regarding individuals and their non-religious view of the world. Dale McGowan, editor of the blog, *Secular Spectrum*, recently changed the name of the channel in which this blog is viewed on *Patheos.com*, from the “Atheist Channel” to the “Non-religious channel.” The reason is because the non-religious label seems to include more than those who may not believe in a supernatural faith at all, to those also who have separated from religion in belief in practice, but retain some vestige of belief.³ There may be traces of some religious belief among secularists, but by and large, their views reflect a more fundamental non-religious view, with some ambiguity to the secularist label. It is indeed a diverse population.

Secularization refers to the weakening of religious power in society. This dissipation of the power of religiosity is indeed a complex reality that not only involves the changing place of religion in society but also impinges on the beliefs and actions of the citizenry.⁴ In this sense, secularism, secularity, and the process of secularization are concomitantly active in at least three ways: a) religious beliefs and practices, which were at one time unchallenged, and now one among many choices available; b) that public spaces are secularized, and c) the perceptible diminishment of religious beliefs and practices.⁵

¹ Barry A. Kosmin, “Contemporary Secularity and Secularism.” Barry A. Kosmin & Ariela Keysar, eds. *Secularism & Secularity: Contemporary International Perspectives*, p. 2-3.

² Secularism: <https://en.wikipedia.org/wiki/Secularism>

³ Welcome to Patheos Non-Religious:

<http://www.patheos.com/blogs/secularspectrum/2016/12/welcome-to-patheos-nonreligious/> He says: Nonreligious identification is growing rapidly. I’m not just talking about the “religiously unaffiliated,” a term so fuzzy it’s almost useless. According to the Pew Research Center, about 20% of Americans were religiously unaffiliated in 2012, up from 8% in 1991. But many of those continue to hold supernatural beliefs, which is where the categorical fuzz comes in. I’m more interested in those who have separated from religion in belief and in practice, so here’s a better number: 15% of US adults in the Pew study identified as neither spiritual nor religious. That number is rising fast as Millennials take more seats at the table.

⁴ Steve Bruce, *God is Dead: Secularization in the West* (Wiley-Blackwell 2002), pp. 5-6.

⁵ Charles Taylor, *A Secular Age*. The Belknap Press of Harvard University Press 2007, pp. 20-21.

United States & the Wall of Separation

The special relationship between secularism, secularity, and the ongoing secularization of public spaces plays out in the United States in unique ways. Thomas Jefferson first spoke of the separation of church and state in a letter to the Danbury Baptist Association in Connecticut on January 1, 1802 where he wrote: "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State."⁶ Like their colleagues in Massachusetts, the Connecticut Baptists were a minority in a state dominated by the Congregational Church. In their letter, the Baptists sought to congratulate the president on his electoral victory, chastise his critics and celebrate his commitment to religious liberty.

In so doing, he put the emphasis on the separation of political and ecclesiastical institutions. This would have appealed to religious dissenters like the Baptists, who were opposed to established churches but believed that religion was essential to support the social order and political stability. Jefferson's metaphor lay largely ignored until 1947, when Supreme Court Justice Hugo Black invoked the phrase in *Everson v. Board of Education* and argued that the "wall of separation" must be kept "high and impregnable."⁷

The First Amendment of the United States was ratified, along with nine other amendments to the Constitution of the United States making up the Bill of Rights on December 15, 1791. The text of the First Amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

James Madison wrote the Establishment Clause in 1789, who derived it from discussions in the First Congress of various drafts that would become the amendments comprising the Bill of Rights. The second half of the Establishment Clause includes the Free Exercise Clause, which guarantees freedom from governmental interference in both private and public religious affairs of all kinds.

⁶ Jefferson, Thomas. Jefferson's Letter to the Danbury Baptists: The Final Letter, as Sent. The Library of Congress Information Bulletin: June 1998. Lib. of Cong., June 1998. Web. Aug 7, 2010.

⁷ People and Ideas: Wall of Separation (PBS): <http://www.pbs.org/godinamerica/people/wall-of-separation.html>. Jefferson's metaphor of a wall of separation has been cited repeatedly by the U.S. Supreme Court. In *Reynolds v. United States* (1879) the Court wrote that Jefferson's comments "may be accepted almost as an authoritative declaration of the scope and effect of the [First] Amendment."

The Establishment Clause is a limitation placed upon the United States Congress preventing it from passing legislation that prefers one religion over another, or sanctioning a national religion. While the Establishment Clause does prohibit Congress from preferring or elevating one religion over another, still it does not prohibit the government's entry into the religious domain to make accommodations for religious observances and practices to achieve the purposes of the Free Exercise Clause.⁸

Thus, the principle of a wall of separation between religion and the governance of the country was not absolutely interpreted. There continued to be ongoing debate in several contexts, including taxes, education and public funding, public displays, health, school prayer, creationism, legislature prayer, and others.⁹

The Lemon Test

One case worth noting was the case of *Lemon v. Kurtzman* 1971. The Supreme Court of the United States found that the passing of any state laws that establish a religious body is a direct violation of the United States Constitution. *Alton Lemon* believed that preferential treatment of services that are rooted in religion is a direct violation of the separation between Church and State. Alton Lemon's main argument was that the state law was a direct violation of the United States Constitution which did not allow religions from benefitting from state laws. The court ruled in his favor. The Court's decision in this case established the "Lemon test", which details the requirements for legislation concerning religion. It is threefold:

- The statute must have a secular legislative purpose. (also, known as the Purpose Prong)
- The principal or primary effect of the statute must not advance nor inhibit religious practice (also known as the Effect Prong)
- The statute must not result in an "excessive government entanglement" with religious affairs. (also, known as the Entanglement Prong)¹⁰

If any of these prongs are violated, the government's action is deemed unconstitutional under the Establishment Clause of the First Amendment to the United States Constitution.

The Evolving Political and Religious Relationship

In the consumer society of the United States, secularity, like religiosity are one option among many, boundaries between them are often vaguely fixed. National unity in a religiously

⁸ The Establishment Clause; https://en.wikipedia.org/wiki/Establishment_Clause

⁹ Some of these cases include: *Walz vs. Tax Commission* 1970, *Zorach vs. Clauson* 1952, *Torcaso vs. Watkins* 1961, among others. Also see: https://en.wikipedia.org/wiki/Lemon_v._Kurtzman#Lemon_test

¹⁰ *Lemon vs. Kurtzman* 1971: https://en.wikipedia.org/wiki/Lemon_v._Kurtzman#Lemon_test

and non-religiously diverse society will become more complex as this diversity becomes more pronounced over time. Noah Feldman foresees increasingly difficulties in agreeing on what the relation between religion and government should be. In a sense, we are a “nation divided by God.” The modern Supreme Court, Feldman argues, has gotten things almost exactly wrong. Recent decisions have lowered the walls preventing the state financing of religious activities (such as voucher programs) while raising new and historically unprecedented barriers toward religious symbols in public (such as crèches at town halls). Feldman would allow more religious symbols in the public square but try harder to keep public dollars out of church (and synagogue and mosque) coffers.

The modern Supreme Court, Feldman argues, has gotten things almost exactly wrong. When Feldman tallies up the results of recent battles between the religionists and the secularists, he declares the contest an ugly draw. Each side has scored legal victories, resulting in an illogical patchwork of precedents. The federal government finances Catholic schools and evangelical charities but prohibits nondenominational prayers at high school graduations. The list goes on.¹¹

The solution he puts forth is to offer greater latitude for public religious discourse and religious symbolism, and at the same time insist on a stricter ban on state funding of religious institutions and activities.¹² He says that such a solution would both recognize religious values and respect the institutional separation of religion and government as a basic national value. This would affirm the place of religion in the public sphere, while at the same time, disconnecting even more so the support of the government for religious institutions. The courts would need to abandon the *Lemon Test* that state action must have a secular purpose. “The state may neither coerce anyone in matters of religion, nor expend its resources so as to support religious institutions and practices.”¹³

This approach in the evolving of state and religious separation in the 21st century goes against the trends of more recent, stricter regulation of public religious symbolism and more government funding for religion. Not all see this as the way forward. After the publication of *Divided by God*, the New Times wrote the following review: “Does Feldman's plan have any realistic chance of calming political passions? It seems unlikely. His book “After Jihad,” and its optimism about political Islam, revealed his sunny temperament. That same temperament has probably led him to overestimate the ease of negotiating a secularist-evangelical truce. Sure, liberals would

¹¹ Noah Feldman. *Divided by God: America’s Church State Problem & What We Should Do About It*. Farrar, Straus, and Giroux. 2005, pp. 220-234.

¹² *Ibid*, p. 237

¹³ *Ibid*

appreciate the elimination of school vouchers and the faith-based initiative, but it's hard to imagine those changes lessening their anxieties over rising evangelical power. Similarly, fewer A.C.L.U. suits and more public prayers -- which wouldn't even mention Jesus -- are hardly going to dissipate social conservative concerns about moral rot.”¹⁴

That being said, the history of separation of church and state in America is generally a system that has worked by and large, and yet there are questions that as the religious and non-religious diversity of the nation develops even further, and issues of separation from the government in such areas as human rights, and religious freedom become more complex, can the present system be adequate to create road maps to further cultural peace?

France and *Laicite*

French separation of church and state (*Laicite*) is the absence of religious involvement in government affairs, especially the prohibition of religious influence in the determination of state policies; it is also the absence of government involvement in religious affairs, especially the prohibition of government influence in the determination of religion. It is suggested that “secular” in English does not translate so easily into French. *Laicite* is at the heart of French identity for which there is no adequate translation in English. It is not merely a choice of being religious or not, and all that implies in national and state governance. It is what it means to be French, whether religious or not.¹⁵ The French Constitutions associates *laicite*, coined in the 1870's, as expressing the values of “indivisibility, democracy, equality, liberty, and conscience.”¹⁶

The struggle with the powerful Catholic Church in the 18th century, and its close collaboration with the French Monarchy incensed the social pressures related to poverty and injustice through the classes, the growing political/religious power of the Church, and the exasperation of poverty in the country. The French Revolution that eventually usurped the power of both the church and monarchy was the culmination of complex factors that developed until the present day in church-state relations in France called *Laicite*. Even up to today, there is an anti-religious, anti-clerical feel to *Laicite*.

Throughout the 19th century, tension simmered between church and state which intensified even more so with the powerful influence of freethinking and anti-clericalism, based

¹⁴ Franklin Foer: *Divided by God, One Nation, Under Whomever*. NY Times Book Review, July 24, 2005.

¹⁵ Nathalie Caron. *Laicite and Secular Attitudes in France*. Barry A. Kosmin and Ariela Keysar eds. *Secularism and Secularity: Contemporary International Perspectives*. Institute for the Study of Secularism and Culture, Trinity College, Hartford, Conn. 2007, 113-114.

¹⁶ *Ibid*, p. 114

on “reason and the progress of science.”¹⁷ An additional element was the establishment of secular education when primary school became free, mandatory, and secular. One day a week was available for religious education.¹⁸ Thus the beginnings of French secularity were fermented through a culmination of factors; political, cultural, and religious that eventually brought a distinct separation of church and state. By 1905, *Laicite* was the law of the land of France, supported also by other religious traditions who wish to remove the predominance of the Catholic Church.¹⁹ Furthermore, the separation of church and state at this point, as it gradually lessened tensions between church and society, was accomplished by classifying church entities as non-profits and thus privatizing them.

The law of 1905 did not confine religious belief and practice to the private sphere, but in fact privatized the institutions of religion by granting them the status of non-profit organizations. This in effect allowed continued respect for all beliefs by “establishing a distinction between a person’s private life and the public dimension as citizen.” The result today is a downplay of public discussion regarding religion and a downplay on even talking of religion in public. However, the irony is that France is a secular state with a “Catholic culture.” Many of the religious institutions with extensive history in France are Catholic institutions. Even the calendar tends to favor Catholic holidays, much to the displeasure of other religious entities and secularists.²⁰

Developing Citizenry through Schools

For France, as well as many other places, the public school is the one of the most important places where both the government and religious institutions are vying to shape the identity of French citizens. much of the debate about religion in public life centering on the public schools. In France, public schools traditionally have been the vehicle for forging a common national identity that transcends religious difference and embraces the rationalist values of the Enlightenment.²¹

The extent of entanglement of the French government and religious institutions is rather significant given the political and philosophical underpinnings of *Laicite*. The Ministry for example consults with the Vatican on the appointment of Catholic clergy bishops. Moreover, despite the wording of the 1905 law, the French government grants significant subsidies to

¹⁷ N. Caron, “Laicite,” in *Secularism & Secularity*. Institute for the Study of Secularism and Culture, eds. Barry Kosmin and Ariela Keysar, p. 115.

¹⁸ *Ibid*

¹⁹ *Ibid*, p. 116

²⁰ *Ibid*

²¹ *Laicite in Comparative Perspective*, *Journal of Catholic Legal Studies*, Vol. 49 (1), 2010, p. 9.

religion—much more than the United States Constitution would allow.²² This would apply to Catholic schools as well as other private schools. Recently, a Catholic priest, Fr. Michele Deneken, was appointed president of the University of Strasbourg, a move that was provocative.²³ It may sound inconsistent, but given the practicalities of French history, the legal aspect of *Laïcité* is much more complex than the political and philosophical realities.²⁴

State schools are promoted through the largest of the parent's union, FCPE (Fédération des Conseils de Parents d'Elèves), emphasizing one of the roles of schools, from a civic point of view, is to bring the religious and non-religious together. Freedom of conscience and freedom of thought co-exist to foster both an appreciation of religious pluralism and the development of “critical minds.”²⁵ The issue here is the confrontation of issues of pluralism, which have become more complex as the number of immigrants from Muslim countries enter France and other places within Europe in great number. This came to a head in 2003 in the law banning religious symbols in public schools which brought the meaning and implementation of *Laïcité*, in this instance, under new scrutiny, dividing its promoters. Two years later, the centenary celebration of the law on church-state separation provided an opportunity for more in-depth reflection.²⁶

The assimilationist policies of France are not without controversy. Sister Valeria Rubin, a 73-year-old Scalabrinian nun of the association *Enfants d'Aujourd'hui, Monde de Demain*, (Today's Children, Tomorrow's world) based in the French city of Marseille stated:

“Our Center is in the city's 3rd *arrondissement* and is home to thousands of first, second and third generation immigrants, many of whom are Muslims: this is Europe's poorest neighborhood. She shares: “France has failed on the integration front. Its assimilationist policy, which aims to transform every immigrant into a French citizen, doesn't work. It has produced squalid ghettos in which people live as second rate citizens. Thinking that France could simply impose its own values as if they were absolute and unquestionable, as if immigrants were deprived of their own cultural and religious traditions worthy of respect, was a huge mistake. I see the consequences of this policy daily, first hand.”²⁷

²² Ibid, p. 5.

²³ http://www.lastampa.it/2016/12/16/vaticaninsider/eng/world-news/in-secular-france-a-priest-is-appointed-head-of-a-university-HBHRshEgWOW8HdiFk6Lg1L/pagina.html?utm_source=dlvr.it&utm_medium=twitter

²⁴ Wikipedia: Laïcité: <https://en.wikipedia.org/wiki/La%C3%AFcit%C3%A9>

²⁵ N. Caron, p. 117

²⁶ Ibid

²⁷ Vatican Insider: Marseilles: Catholics, Muslims and the “chain of good”:
<http://www.lastampa.it/2016/12/06/vaticaninsider/eng/world-news/marseilles-catholics-muslims-and-the-chain-of-good-rfyx6ALUpQXLckRqKHLwUN/pagina.html>

The Evolving *Laicite*

President Sarkozy's proposal to ban what the French call the full veil of some Muslim women brings to question how the meaning of *Laicite* today is changing. The French Prime Minister, in his request for advice on the issue said this: "The female garment known as the burqa, or niqab, was at odds with the Republican conception of life in society." He raised the question of whether there should be a legal ban on this garment.²⁸ No solid legal basis could be found, however, there was an attempt to see a possible ban through *Laicite*. The conclusions reached was that the veil is no longer the expression of a religious creed, but the expression of an opinion (as in the free choice of a Muslim woman), and if it is just opinion, the principle of *Laicite* cannot be a basis.²⁹

The implication is that *Laicite* traditionally sees religion not just as an opinion, but undoubtedly a faith tradition and subject to certain limits of public expression. In this sense, the meaning of *Laicite* seems to be widening in scope. This may be due in part to the changing attitudes of secularity and religiosity in France today. Secular attitudes in part can be seen in relation to religiosity.³⁰ The category in France, (*sans religion*) is like the US category of the "nones."³¹ The ever-increasing numbers of those who do not find a home in an institutional religion in France, as well as the United States is by no means monolithic and the diversity within this group is interesting to note. While there are staunch atheists who not only do not hold any religious beliefs, they may also border on anti-clericalism as well.

Secularism in India

Both the experiences of secularism and secularization in the United States and France, although quite different from one another in many ways, also shows some interesting common influences in the Enlightenment and the need to find ways to navigate as a civil society with a multi-religious society. India, however, is another story. India is the birthplace of some of the most ancient faith traditions in the world, and it well known that Indian religions co-existed peacefully for centuries. This changed with the arrival of Islam and establishment of Delhi Sultanate in North India by the 12th century, followed by Deccan Sultanate in Central India. The political doctrines of Islam, as well as its religious views were at odds with doctrines of Hinduism, Buddhism, and other Indian religions. ³²

²⁸ *Laicite in Comparative Perspective*, *Journal of Catholic Legal Studies*, Vol. 49 (1), p. 126.

²⁹ *Ibid*, p. 128

³⁰ N. Caron, "Laicite," in *Secularism & Secularity*, p. 118-119.

³¹ Why American "Nones" Left Religion Behind. <http://www.pewresearch.org/fact-tank/2016/08/24/why-americas-nones-left-religion-behind/> (Accessed 11/16/2016)

³² Secularism in India: https://en.wikipedia.org/wiki/Secularism_in_India

On stark difference with the west is the deep seeded sense of spirituality. Religion is central to people's lives, and since India has never been a mono-religious country, mutual tolerance among Hindus, Sikhs, Jainists, Zoroastrians, and Jews was central to Hindu philosophy. *Sarva dharma smabhava* means equal respect for all religions.³³ Islam and Christianity entered India later in history as uniquely monotheistic religious traditions. As profound the Hindu sense of co-existence is in India, it is its politics, more than religions themselves, that divide the country. Politicians seeking to rally votes on grounds of religious identity like religion, caste, or ethnicity has proven to be very divisive. As India moved into modern times and competition took over more undercurrent cultural values like cooperation, the politics of secularism has helped to fragment the country.³⁴

With the 42nd Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation. However, neither India's constitution nor its laws define the relationship between religion and state. The laws implicitly require the state and its institutions to recognize and accept all religions, enforce parliamentary laws instead of religious laws, and respect pluralism. India does not have an official state religion. In matters of law in modern India, however, the applicable code of law is unequal, and India's personal laws - on matters such as marriage, divorce, inheritance, alimony - varies with an individual's religion. In other words, India does not have a wall of separation between the state and its religions, but a legal framework for wide and expansive tolerance for all religions. We will see how challenging that can be.³⁵

Majoritarianism & Nationalism

The term "majoritarianism" is a political idiom referring to the subordination of secularism to the nationalism of the Hindu majority.³⁶ Hindus make up approximately 80% of the population. Majoritarianism has a long history in governance. From the time of classical Greek philosophers through the 18th century, including the founders of the United States such as James Madison, majoritarianism has had a pejorative connotation. It was routinely presumed that much of the population was poor and ignorant. It was also presumed that the majority, if given the power and opportunity to do so, would tyrannize over all minorities.

³³ Ashgar Ali Engineer. *Secularism in India* in *Secularism & Secularity*. Institute for the Study of Secularism and Culture, eds. Barry Kosmin and Ariela Keysar, p. 149.

³⁴ *Ibid*, p. 155.

³⁵ Secularism in India: https://en.wikipedia.org/wiki/Secularism_in_India

³⁶ Prakash Chandra Upadhyaya. *The Politics of Indian Secularism*. *Modern Asian Studies*, 26, 4 (1992), pp. 815-855. Printed in Great Britain, p. 815.

However, starting in the 18th century, majoritarianism began to acquire a positive connotation. To begin with, it was argued that any individual or group less than the majority was also capable of tyranny. The classical view had been that only some individuals had the intellectual and moral virtue that enabled them to determine the common good. That view was challenged in the Enlightenment view by French philosophers Jean-Jacques Rousseau and the Marquis de Condorcet, who believed that through proper education anyone could determine the common good.³⁷

Nationalism and majoritarianism may indeed share a compatible relationship where secular principles guide national politics. But this is not the case for India. Instead, national politics have been constructed around the needs of the Hindu majority, often at the expense of other religious minorities. In this sense, secularism was redefined in a uniquely Indian way. Secularism in India does not mean the separation of religion from the affairs of the state, but took on the British view of India as a compartmentalized society where all of India's religious communities would work together for a single political system, all on equal footing. Instead, the Hindu community would become more equal than the others.³⁸

Secularism in India, thus, does not mean separation of religion from state. Instead, secularism in India means a state that is neutral to all religious groups. Religious laws in the personal domain, particularly for Muslim Indians, supersede parliamentary laws in India, or common law; and currently, in some situations such as religious indoctrination schools the state partially finances certain religious schools. These differences have led several scholars to declare that India is not a secular state, as the word secularism is widely understood in the West and elsewhere; rather it is a strategy for political goals in a nation with a complex history, and one that achieves the opposite of its stated intentions.³⁹

Different Secularisms, One People

Secularism and secularization in the United States, France, and India evidences the possibility of an international orientation given both their strengths and contradictions. It's potent historical expressions have brought stability and some semblance of co-existence between state and religion, and within these countries with a rich religious diversity. However, there are many challenges and tensions as secularism attempts to adopt to changing socio-political dynamics in the west and the rest of the world. The meaning of secularism differs in important

³⁷ Encyclopedia Britannica: Majoritarianism: <https://www.britannica.com/topic/majoritarianism>

³⁸ Prakash Chandra Upadhyaya, p. 817

³⁹ Secularism in India: https://en.wikipedia.org/wiki/Secularism_in_India

ways between these three democracies, but are there common desires for equality and dignity for all citizens, regardless of religious or religious “un-affiliation.”

The nature of secularism in the United States and India is quite different from France in some respects. Both the USA and India considered the state’s neutrality toward religion and equal treatment to all citizens, no matter what religious persuasion as central. Both countries take into serious account the presence of religion in the individual lives of its citizens. France’s state recognition of Lutheran and Reformed Churches, along with the Catholic Church at the time of the *Concordat* can also be seen as the state’s effort to hold a neutrality towards all religious citizens and their institutions.⁴⁰ Nevertheless, France’s confiscation of church property after the revolution and the banning of wearing conspicuous religious signs in recent times are some signals of an exclusionary approach now. Shantanu Majumder relates: “It is thus possible to speak of an indigenous version of secularism because things change over time.”⁴¹

Each are experiencing their own challenges based on their histories and the contemporary socio-political and religious climate that shapes each of these democracies in the present day. France’s drive to assimilate all citizens and residents in a homogeneous identity as French citizen, while relegating their religious and cultural identities of its citizens to the private sphere is proving to be much more difficult today. The link of culture with religious identity is crucial.⁴² This has become particularly problematic with the rise in new immigrants and refugees who are predominately Muslim, and are essentially changing the very religious configuration of the country.⁴³

In India, as the government is neutral to religions, as least in theory, it is the lack of common law for all religions that help perpetuate inequality among the religious traditions and exasperates extreme religious practices such as blasphemy laws, child marriage, and the like. Two principle reasons are: First, a secular republic needs a common law for all citizens rather than differentiated rules based on religious practices. This was a key issue debated during the writing of the Constitution, with passionate arguments on both sides. The Indian Constitution was eventually stuck with a compromise solution, a directive principle that says: “The state shall

⁴⁰ Shantanu Majumder. *Understanding of Political Secularism in a Comparative Perspective: France, USA, Turkey, and India*. Journal of Asiatic Society of Bangladesh (Hum.), vol. 58 (2), p. 236.

⁴¹ Ibid

⁴² What is the Relationship Between Religion and Culture?

<https://westerntradition.wordpress.com/2010/07/20/what-is-the-relationship-between-religion-and-culture/>

⁴³ Raphael Liogier. *Laicite on the Edge in France: Between the Theory of Church-State Separation and the Praxis of State-Church Confusion*. Macquarie Law Journal (2009) Vo. 9, pp. 41 ff.

endeavor to secure for citizens a uniform civil code throughout the territory of India.” Second, the rights of women are usually limited under religious law, be it Hindu or Muslim. The practice of triple *talaq*⁴⁴ is a classic example.⁴⁵

A challenge for secularism in the United States lies in the changing dynamics of religion in the 21st century and what religion means. There is a growing distinction between institutional faiths such as Christianity, Islam, Hinduism, and others and the growing number of people jettisoning these traditional institutions and seeking community and inspiration in more secular circles. Among the religious traditions, there is growing fragmentation in their beliefs, practices, and how one perceives themselves as religious in a secular society. The lines of this distinction are becoming more ambiguous and there is no monolithic vote of any religious institution, even arguably the evangelical church. Molly Worthen, in her New York Times piece, *One Nation Under God?* says this:

“The temple of “my personal opinion” may be the real “established church” in modern America. Three decades ago, one “none” named Sheila Larson told the sociologist Robert Bellah and his collaborators that she called her faith “Sheilaism. Just my own little voice.”

More Americans are drifting out of institutionalized religion, just as they are drifting from institutional authority in general.”⁴⁶ The religious voice may become less distinctive and its religious identity and contribution to liberal democracy less potent. It also anticipates the surge of fundamental and more conservative religious concerns. How religious institutions deal with these changes is extremely important to the ongoing continuity of state-religion relations in the United States.

Secularism in France, India, and the United States, with their abilities to bring a certain co-existence between religious traditions in a secular state, their challenges and difficulties, as well as their ability to adapt to changing times, shows a resiliency that stretches across the globe. Although there are marked differences between secularism in the west and Asia, for example, the common characteristics and principles that define secularism involves “legal recognition of individual liberty and autonomy, freedom of thought and religion, peaceful coexistence of social

⁴⁴ 'Talaq' and the battle to ban the three words that grant India's Muslim men instant divorce: <https://www.theguardian.com/world/2016/oct/20/talaq-and-the-battle-to-ban-the-three-words-that-grant-indias-muslim-men-instant-divorce>

⁴⁵ Why India needs a uniform civil code: Constitutional law should override religious law in a secular republic. <http://www.livemint.com/Opinion/YJFZYlzt2IN3kOlljLjfO/Why-India-needs-a-uniform-civil-code.html>

⁴⁶<http://www.nytimes.com/2012/12/23/opinion/sunday/american-christianity-and-secularism-at-a-crossroads.html>

groups, aspiration for consensus in much of the public space, respect for the social contract, and a general acceptance that religious laws should not take precedence over civil ones.”⁴⁷ This is good both for the state overall, and the proper role of religious traditions to provide their own unique contributions to a growing, pluralistic society. Secularism as an international norm offers more possibilities than problems as we enter the future.

⁴⁷ Barry Kosmin. *Contemporary Secularity and Secularism*. Barry A. Kosmin & Ariela Keysar, eds. *Secularism & Secularity: Contemporary International Perspectives*, p. 11-12.