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THE MANY WINDOWS OF THE WALL

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Reid B. Locklin, 25 J. L. & Religion 541-66 (2009-10).

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Was I scared floating in a little yellow raft off the coast of an enemy-held island, setting a world record for paddling? Of course I was. What sustains you in times like that? Well, you go back to fundamental values. I thought about Mother and Dad and the strength I got from them – and God and faith and the separation of Church and State – George H.W. Bush.[1]

Fundamental to Christianity is the distinction between what belongs to Caesar and what belongs to God (cf. Mt 22:21), in other words, the distinction between Church and State... [T]he State may not impose religion, yet it must guarantee religious freedom and harmony between the followers of different religions. For her part, the Church, as the social expression of Christian faith, has a proper independence and is structured on the basis of her faith as a community which the State must recognize. The two spheres are distinct, yet always interrelated – Pope Benedict XVI.[2]

These two affirmations of an appropriate "separation" or "distinction" between church and state come from what may, at first glance, seem unexpected sources: a U.S. politician closely associated with the Religious Right, during his 1988 presidential campaign, and the highest religious authority of the Roman Catholic Church, in a 2005 papal encyclical on faith, politics and social service. Particularly in the American imagination, both would likely evoke the Jeffersonian image of a "Wall" between these two spheres of political and social life, an image that is explored, defended and problematized by a number of the authors

[1] Cullen Murphey, War is Heck, Wash. Post, Apr. 8, 1988, at A21 (quoted in Kumar 47).

[2] Pope Benedict XVI, Encyclical Letter Deus Caritas Est of the Supreme Pontiff Benedict XVI to the Bishops Priests and Deacons Men and Women Religious and all the Lay Faithful on Christian Love, Dec. 25, 2005, at #28(a), http:// www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_ 20051225_deus-caritas-est_en.html (last visited May 12, 2010).

discussed in this review essay.[3] Most importantly for our present purpose, both pope and politician speak in the language of singulars: a singular, secular state with its singular, secular law, and a singular "Church" with its own distinctive practices, law and moral order. The works under review here attempt, in a variety of different ways, to transpose this singular into a plural, to explore the relationship of secular and religious in a world of many different religious traditions and many different legal and social regimes.

Only one of these, The Challenge of Pluralism, by Pepperdine University political scientists Stephen W. Monsma and J. Christopher Soper, stands as a scholarly monograph, drawing on new research and fieldwork in five democracies to update and refine their original 1997 challenge to the U.S. ideal of strict separation between church and state. In some contrast to Monsma and Soper's very clear focus, the edited collections of Stephen Prothero and D. Naresh Kumar offer loosely ordered compilations of very diverse essays solicited from prominent scholars of religion (Prothero) or reprinted from other venues (Kumar) to advance our understanding of pluralism in religious ethnography, sociology and law. The remaining two volumes stand somewhere in- between, gathering together papers presented at the University of Windsor Faculty of Law in 2006 (Moon) and as part of a lecture series hosted by the "Religion in the 21st Century" Priority Area of the University of Copenhagen, also in 2006 (Mehdi et al.). Together, these five books represent the cumulative effort of nearly fifty scholars of law, religion and the social sciences, drawn primarily from North America and Europe, to explore the consequences of globalization, immigration and religious pluralism for secular democracies in the contemporary world.

In this essay, I draw out three major areas effectively brought out by these various studies, including a number of issues on which they can be substantively engaged and brought into dialogue with one another. These are 1) diverse understandings of secularism and the secular state; 2) the significance of particular, controversial cases of adjudicating the proper relation between church and state; and 3) the broader challenges raised by religious diversity in redefining good citizenship, consensus values and civic belonging.

I. DIVERSE FACES OF THE SECULAR

In April 2009, I had the great privilege of traveling in Bangalore, India on the first day of polling for national elections in the world's largest democracy and one of the world's most pluralistic religious milieus. Just down the street from where I was staying, a large

[3] This is especially true of Richard W. Garnett, who explicitly situates Bush and Benedict in his insightful historical enquiry into this powerful metaphor and possible alternatives to it. (Kumar ch. 3)

billboard had been erected by the Christian Institute for the Study of Religion and Society (CISRS) to encourage participation in the elections and to stipulate broad values for Indians to consider when casting their votes: resistance to communalism, upholding the rights of women and children, just economic policy, and the "defence of secularism." Such a public endorsement of secularism from a Christian lobby – which one would not expect in most parts of North America – reminded me of many conversations with Christian theologians and activists during a research trip in the Indian state of Tamil Nadu some years ago. "Secularism," they contended, has a very different meaning in India than it has in the West. In the Indian context, this term refers not primarily to a social or political sphere separate from or opposed to religion, but to the important role of the government to encourage religion and to foster a harmonious pluralism of religious practice and belief in the society.

To some extent, the CISRS billboard can be attributed to the minority status of Indian Christians. Secularism, perhaps, always represents a more positive value for those who have the most to lose from an established majority; and the rise of Hindu nationalism in the last two decades has emerged as a real threat to both Muslim and Christian minorities in India. But it also offers a point of entry into an issue nicely illustrated in the volumes under review in this essay: namely, the diverse, historically situated meanings of secular government, and "the secular" itself, in the diverse social and political contexts in which it functions, from Europe to its former colonies to the wider, emerging realm of international law.

In their study of five modern Western democracies, Monsma and Soper suggest that there are "three basic models of church-state relations": the "strict church-state separation model," an "established church model," and a "pluralist or structured pluralist model." (Monsma & Soper 10-12) Arguably, both the first and the third of these models emerged in reaction against the second, particularly in Europe. Nevertheless, part of the purpose of Monsma and Soper's study is to bring out the more positive elements of the models used in European countries that retain elements of religious establishment. In the case of Britain, for example, they argue that the unapologetic establishment of the Church of England as the state church uniquely combined with the comparative weakness of Anglicanism in modern British society, and thus encouraged this church to become an advocate for religious freedom and for a fuller participation of Catholics, Muslims and other religious groups alongside Anglicans in public life. This resulted in a situation of "partial establishment."

On the one hand, this partial establishment "lent itself most easily to a state promotion of "consensual" religious values" (Monsma & Soper 139), which Monsma and Soper regard with some ambivalence. On the other, it also fostered a lively British sense "that religious groups have an important cultural and social function to play, which the state should both recognize and support" (Monsma & Soper 143), of which they wholeheartedly approve. Along similar lines, in Germany, the post-Reformation principle of cuius regio, eius religio ("the religion of the ruler is the religion of the state") led to a distinctive sense that the "well-being of society rested on the two pillars of church and state, or throne and altar, as it is often put. They were seen as united in a common cause." (Monsma & Soper 173) Though

Monsma and Soper conclude that Germany surpasses Britain in its far clearer constitutional protections for religious freedom, they insist that both countries have succeeded in creating ample space for authentic pluralism to flourish in their societies without disallowing support and even establishment of particular religious associations by the state.

Two essays in the Law and Pluralism volume, by Werner Menski and Prakash Shah, also address the ever-increasing pluralism of British social life. (Mehdi et al. chs. 2-3) Both focus less on questions of religious establishment than on the complex interplay of diverse cultural norms and moral systems with state law to generate what Shah terms a "paradigm shift" in the British legal system. (Mehdi et al. 76) In such a situation, neither religion nor the "official sphere" of law and government is sufficient to account for the "legally complex super-diverse environment" created by immigration and globalization. (Mehdi et al. 79) Instead, in Britain and throughout Europe, the law must "recognise its own limits," generate "increasing space for religion" in the legal sphere, and enter into more constructive relations with a wide range of social actors, including religious ones. (Mehdi et al. 79)

Monsma and Soper, for their part, locate a good example of such a strategy at work in the Netherlands and in its distinctive model of "principled pluralism." In this case, the commitment to pluralism did not emerge from an extension of establishment privileges to a wider constituency, but from the opposition of a so-called "monstrous alliance" of Catholic and Reformed parties to an aggressive 1878 school law that cut state subsidies to religious schools. (Monsma & Soper 56-58) The law was overturned; and the intellectual leaders of the movement articulated a philosophy of "parallelism" or "pillarization" that recognized the importance of different religious and philosophical traditions to society; constituted networks of schools, unions, political parties and other institutions for these different groups; and envisioned the working of the state in close cooperation with them. (Monsma & Soper 59-60) The Dutch model originally included four major groups – Reformed, Catholic, socialist and neutral – but Monsma and Soper adduce evidence that Jews, Muslims and even Hindus have been integrated in additional such "pillars," with comparable structures and support. On the whole, they conclude, "the Netherlands has created an approach to church-state issues that appears to have achieved the traditional liberal goal of governmental neutrality on matters of religion." (Monsma & Soper 84) They go on to generalize:

Once one accepts the fact that consensual moral-religious beliefs that are accepted by most but not all of the population and that public institutions and programs purged of all religious elements are not truly neutral, but reflect certain philosophical or moral perspectives, it is hard to disagree with the basic Dutch contention that true government neutrality can only be attained by treating people and organizations of all religious and nonreligious perspectives and beliefs equally – not by favoring one over the other (Monsma & Soper 84).

Monsma and Soper explicitly acknowledge that this more thoroughly pluralistic understanding of the secular order is the product of "certain unique Dutch conditions" that favor integration and close cooperation between different groups. Yet, they also insist that

those concerned about religious freedom and pluralism in the U.S. and elsewhere may have "much to learn from the Dutch experience." (Monsma & Soper 85)

While Monsma and Soper identify the Netherlands as their primary example of a genuinely pluralistic model of church and state, the organizers of the 2006 Copenhagen lecture series set their gaze further afield, suggesting that such models should also be sought in "comparative examples from a few post-colonial, non-Western societies with long experience in dealing with problems relating to multiculturalism and religious pluralism." (Mehdi et al. 15) Morocco and Pakistan provide valuable, if ambiguous, cases in point. In his essay, Lawrence Rosen focuses on the 2003 revision of the Moroccan Mudawwana, or Code of Personal Status, as an illustrative counter-example to "liberal Western assumptions" that progressive change generally proceeds from the top down. (Mehdi et al. ch. 7, 143) Prior to this initiative, both under the French colonial regime and through successive royal amendments in 1957 and 1993, family law courts applied well-established traditions of Islamic law, which were "highly creative in their legal decision-making." (Mehdi et al. 135) With the implementation of the new, ostensibly more progressive Code, Rosen argues, the scope of legal discretion may actually widen further, albeit in a way that functions "to lessen one's expectations of what the state can do for its citizen and encourage greater reliance on one's own networks of indebtedness." (Mehdi et al. 144) Along similar lines, M. Azam Chaudhary attempts to demonstrate how the customary law of local assemblies (panchayat) and kinship groups (badary) comes to influence, to circumvent and ultimately to prevail over successive layers of Islamic law and secular courts of justice in colonial and post-colonial Punjab. (Mehdi et al. ch. 9) In both of these examples, the policies of colonial and post-colonial regimes come into complex relationship with local practices and diverse religious cultures, albeit in ways that threaten to weaken rather than to strengthen the central authority and social cohesion of the state.

For a more positive example of authentic pluralism in state policy, Werner Menski suggests that Britain and other European states look to India. "Faced with a constitutional directive to develop a uniform civil code, found in Article 44 of the Indian Constitution," he writes, "postmodern India has not abandoned the personal law system, but has devised a complex strategy of harmonizing the various personal laws, thus giving another new meaning to "unity in diversity." (Mehdi et al. ch. 2, 61) In his introduction to the Legal Pluralism compilation, D. Naresh Kumar attributes this flexibility to historical precedent. Since India has always recognized multiple sources of Hindu and Buddhist law, it makes sense that India eventually came to define secularism as neither "absence of religion" nor "non-recognition of existence of religions," but as "equality of treatment of different religions." (Kumar iii) This outcome is precisely what Monsma and Soper identify as the "liberal goal" so successfully articulated and instantiated in the Dutch policy of pillarization, as discussed above.

In the case of India, however, Erik Reenberg Sand strikes a note of caution. (Mehdi et al. ch. 5) While recognizing that "India has at least three thousand years of experience in deal-

ing with problems of religious and cultural pluralism" (Mehdi et al. 95-96), he attributes this less to a distinctively Indian appreciation for such pluralism itself than to the more mundane fact that, at least until the establishment of the Delhi Sultanate in 1206, the "ancient Indian state was not centralized" and "what we call statutory, or positive, law was almost non-existent." (Mehdi et al. 97) Under the Sultanate and then the British colonial authority, alongside a "continuing process of codification," (Mehdi et al. 98) there was also a robust recognition of local religious and customary personal laws in caste groups and minority communities. These two trends came to a head in the drafting of the Indian Constitution in 1948-49, especially its provisions on freedom of religion and the promulgation of a uniform civil code – the latter of which was passed but implemented only in fits and starts up to the present day. What Menski and Kumar celebrate as a distinctively Indian approach to secularism and pluralism, however, Sand analyzes as a compromise or "clash between different sets of views regarding the borderline between the religious and the secular as well as different identity constructions and loyalties, whether by reference to a religious group or to the larger Indian nation." (Mehdi et al. 105) Examining the arguments on behalf of the uniform civil code by drafting committee members K.M Munshi, Alladi Krishnaswami Ayyar and Dr. B.R. Ambedkar, he reflects that:

> However tempting it is to reach out to ethnic minorities and to meet their demands for the right to practice their own personal laws, we should take a deep breath and reflect upon what we may risk losing. We should ask whether we want to risk giving up our time-honoured individual rights, based on our common allegiance to the state, in return for a multicultural society where allegiance to groups, be they majority or minority, becomes stronger. (Mehdi et al. 109)

Here the secular emerges less as a neutral ground opposed to or in alliance with a diversity of religious and non-religious constituencies than as a contested space where the rights of the individual and those of the social group or association may, and perhaps often do, conflict.

For a set of rather different colonial and post-colonial experiences with religious freedom and cultural diversity, we turn back to the West – to Australia, Canada and the United States. Monsma and Soper enlist Australia as a second robust example of a "pluralist model of church-state religions," albeit one that lacks either the secure constitutional framework or the clearly articulated principles that make the Dutch example so attractive. (Monsma & Soper ch. 4) If one follows the analysis of Bruce Ryder (Moon ch. 4), Canada also fits the pluralist mold. Ryder draws a basic contrast between the "secular vision of public citizenship" typical of France, Turkey and the U.S. Supreme Court, and "the Canadian commitment to equal religious citizenship in both public and private spheres." (Moon 88) Ryder, like many of the other contributors to Law and Religious Pluralism in Canada, traces this

distinctively Canadian commitment to the 1982 Canadian Charter of Rights and Freedoms,[4] which includes "both strong protection of religious rights in s. 2(a) and s. 15 and limitations on those rights pursuant to s. 1 when they harm or pose a significant risk of harm to the rights of others." (Moon 94)

Equally important for Ryder, a series of court cases in the mid-1980s extended these protections not merely to personal religious conviction, but also to the right to religious practices in the public sphere. The result is certainly a kind of secularism, albeit one unique to the Canadian context. "The entrenchment of freedom of religion in the Canadian Constitution," Ryder writes, "has had the effect of promoting the secularization of the state in the sense that the state must refrain from adopting laws or policies that have the objective or effect of favoring one religion over another." (Moon 94) Yet, he also clarifies that "secular" in this case does not require neutrality towards religion as such, as opposed to non-religious beliefs and practices, but only toward the beliefs and practices of particular traditions in their relations with one another and with the state. As in the Netherlands, it merely requires that state support be extended "in an even-handed manner to all adherents of religious or conscientious belief systems." (Moon 95)

In his article, Ryder concedes that this ideal of "equal religious citizenship" represents a relatively recent development in Canadian jurisprudence. At present, it remains fragile and subject to challenge – which he documents with recent controversies over the rights of marriage commissioners to refuse to perform same-sex civil marriages, the rights of Sikh students to wear a kirpan or ceremonial dagger in public schools, and the rights of Muslims to faith-based marriage arbitration, to which we shall return below.

Ryder's fellow contributor and volume editor Richard Moon largely concurs, though he traces such fragility not merely to external challenges but also to a tension internal to the Charter itself: namely, its "partial or ambiguous shift from autonomy to identity as the basis for freedom of conscience and religion." (Moon ch. 9, 218) Focusing particularly on those cases where agnostics or atheists have raised successful challenges against state support for any religious belief and practice whatsoever, he notes that "[s]ecularism, in this context, looks less and less like a neutral or common ground that stands outside religious controversy and more like a particular worldview that dominates the public sphere because of the political power of its adherents." (Moon 231) If religion is indeed an aspect of cultural identity, then it cannot be excluded from the public sphere without effectively marginalizing religious citizens, denying them equal treatment under Canadian law and "seriously impoverishing community life" for the nation as a whole. (Moon 234)

Ryder, as already noted, contrasts this Canadian approach against that of several other secular democracies, including France, Turkey and, of course, the United States. The U.S. approach also constitutes the sole example of a "strict church-state separation model" in

[4] Available at http://laws.justice.gc.ca/en/charter/1.html.

Monsma and Soper's study. (Monsma & Soper ch. 2) Like Moon, both of these authors contend that the exclusion of religious expression and practice from the public sphere does not reflect a situation of genuine neutrality for religious persons and associations before the law. In the words of the Supreme Court Justice Potter Stewart, whom they quote at length, a refusal to permit religious exercises... is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private. (Monsma & Soper 27) In their analysis, the attempt to establish a strict "wall of separation" between church and state, rooted in liberal Enlightenment values of personal autonomy, reason and the relegation of religion to the private sphere, paradoxically undercuts a broader and more substantive liberal commitment to genuine religious neutrality.

Monsma and Soper substantiate this claim, which is central to the argument of their book, in several ways. For the present, it is simply worth noting that, even in their analysis, the U.S. ideal of secularism and the secular state is not so easily reduced to the Jeffersonian image of the wall. This ideal of separation is, first of all, something that emerged only in stages throughout U.S. history, including a "first disestablishment" orchestrated by a "strange coalition" of evangelical Protestants and liberal rationalists in the mid-eighteenth century and a "second disestablishment" by the Supreme Court in the post-World War II era. This development was, moreover, interspersed with alternative models such as the "informal reestablishment of Protestant Christianity" in the common school movement and the emergence of a "principle of neutrality or equal treatment" in the Supreme Court beginning in the early 1980s. (Monsma & Soper 18-23)

Second, as Ryder also acknowledges (Moon 95-98), the strict separation model typical of recent First Amendment jurisprudence stands in some tension with a more robust ideal of religious accommodation and equal treatment embodied in the 1993 Religious Freedom Restoration Act, a Congressional initiative struck down by the Supreme Court in 1997 but re-initiated through the more limited 2000 Religious Land Use and Institutionalized Persons Act and through a number of state legislatures. (Monsma & Soper 25-26; also see Bender & Snow, in Prothero ch. 9, 184)

Third, as Richard W. Garnett argues in an insightful essay on the work of Robert Rodes, the U.S. model may be traced to two different principles, each of which reinforces the legitimate autonomy of church and state, though each rests on altogether different bases: namely, a relatively overdeveloped "Erastian principle" that "views the institutional church as one of many institutional forms through which a society conforms itself to the will of God" and a relatively underdeveloped "High Church principle" that the "state must keep its hands off the church because the church is sacred" and possessed of its own integrity and independence. (Kumar ch. 3, 54-55) Were these two principles to be brought into a more appropriate balance, Garnett argues, the U.S. secular ideal might shift from strict separation toward what Rodes termed "pluralist Christendom" (Kumar 57-58), an ideal comparable to what Monsma refers to as "positive neutrality." (Monsma & Soper 7)

Stephen Prothero's edited collection A Nation of Religions also fixes its attention on the United States – it is, in fact, the only one of these five volumes to focus exclusively on U.S. examples. However, its contributors build their cases from the ground up, rather than from the top down. Questions of Supreme Court jurisprudence and First Amendment protections do arise in two chapters toward the back of the book (Prothero chs. 9-10), but the primary focus is fixed resolutely on the actual political contributions of Muslims, Buddhists, Hindus, Sikhs and Christians to American public life. Prothero introduces the collection by first tracing the empirical and mythic transformations of the U.S. from a Protestant nation to a "Judeo-Christian society" constituted by Protestants together with Catholics and Jews, and then to a genuinely pluralist society through the influx of Asian immigrants beginning in 1965. (Prothero 1-4) In the light of this new social context, he suggests that scholars must begin to ask "not whether the United States is a Christian or a multireligious nation – it is clearly both – but how religious diversity is changing the values, rites and institutions of the nation and how those values, rites, and institutions are changing American religions" (Prothero 6) – the central question that motivates the individual studies in his volume. The volume as a whole thus offers a salutary reminder that questions of religious diversity and secularism are not merely questions of "ought" but also of "is," of the actual realities on the ground that may or may not reflect lofty ideals of governance, law and public policy.

At a minimum, the chapters and articles assembled in these five volumes significantly and fruitfully complicate any absolutist notions of secularism and the secular state. Such complications would become even more pronounced if we extended our view to include the policies and practices of the European Union, following critical assessments by Matej Avbelj (Kumar ch. 8) and Lisbet Christoffersen (Mehdi et al. ch. 6), or the more fluid, contested and – as Paul Schiff Berman would have it – "jurisgenerative" realm of international law. (Kumar ch. 5) Despite this enormous complexity, the reader is often left with the impression that so much more could have been said and more examples adduced to support individual claims. Given Sand's cautions about India, for example, one wonders about other pluralist models in Asia, perhaps including Indonesia. It also seems odd that Turkey and France appear only in very brief, usually critical comments. This is, at one level, understandable: most of the authors treated here favor more pluralist models of secularism and the secular state at the expense of more separatist models, and they do so persuasively. Yet, the omission of France in particular is especially noticeable in a work such as Monsma and Soper's Challenge of Pluralism. This is not only because of the complexity of the case itself – comprising both radical policies of laïcité and a significant role of the state in supporting and facilitating public worship – but also because its absence risks creating the distorted impression that that the U.S. stands isolated and alone in its insistence on strict separation.

Notwithstanding such omissions, the cumulative effect of these works is to support the contention of my Indian colleagues so many years ago: "secularism" is indeed an ideal that acquires its meaning only in and through the historical and cultural contexts in which it happens to take root. Certainly, it seems always to imply a distinction between the state and particular religious groups, state neutrality towards these groups, and legal protec-

tions for the free exercise of religion, as this is variously understood. Though such neutrality usually precludes establishment of a particular religion by the state, even here there are exceptions, as the examples of Britain and Germany amply reveal. Indeed, Jennifer Nedelsky and Roger Hutchinson suggest that it may be "more useful to understand that secular means "no longer dominated by a single religious tradition" rather than the illegitimacy of religious discourse in the public realm." (Moon ch. 2, 42) Most of all, perhaps, secularism is as secularism does – that is, its meaning emerges only in and through its concrete application in those particular cases where the interests of the state and the interests of religious groups overlap or come into conflict.

II. CHURCH AND STATE, AND UMMAH

The years 2006 and 2007 were extremely busy in the politics of my current home, the Canadian province of Ontario. In February 2006, the provincial legislature passed the Family Statute Law Amendment Act, which formally excluded the enforcement of faith-based arbitration of family disputes according to Islamic Shari'a law in the Ontario courts. In October 2007, voters re-elected the Liberal government after an election campaign dominated by lively debate about the public funding of faith-based education. The Progressive Conservative leader John Tory advanced a proposal, supported by many Ontarians and the Catholic bishops of the province, to extend the support currently reserved for Catholic schools – a legacy of the Confederation of French and English Canada in 1867 – to include a far more diverse range of religious schools. In the mean time, beginning in February of the same year, prominent scholars Gérard Bouchard and Charles Taylor were holding town meetings and public enquiries on the controversial issue of "reasonable accommodation" for ethnic and religious minorities in the neighboring province of Québec. This initiative was motivated by a number of high-profile cases of such accommodation between 2002 and 2008, involving religious adornment such as kirpans, the provision of halal and kosher food in public establishments, and special treatment of Muslim women and Hasidic Jews in the province's public services and in the health care sector.[5]

Reflecting on these political events, it would be hard not to conclude that, at least in Canada, the fact of religious pluralism has risen in the public consciousness in recent years, albeit in ways that highlight its tendency to bump up against the prevailing social order. For

[5] The results of these enquiries and the recommendations of the Commission eventually took shape in a final report, available in print and as a pdf file for download from the web: Gérard Bouchard & Charles Taylor, Building the Future: A Time for Reconciliation, Abridged Report (Gouvernement du Québec 2008), available at http:// www.accommodements.qc.ca/documentation/rapports/rapport-final-integral-en.pdf (full report).

some observers, this new pluralism may appear primarily as a disruption, upsetting – for better or worse – the stable moral and legal framework that preceded it. For many of the authors treated here, on the other hand, it is this imagined status quo itself that represents the exception rather than the rule, and their arguments reveal the complex, inherently plural dynamics that generally characterize relations between state authority and religious norms.

The free exercise of religion is a fundamental human right enshrined in the First Amendment of the U.S. Constitution, as well as the constitutions and other charters adopted by most of the democratic regimes discussed above. Nevertheless, free exercise can imply a range of different policies and legal postures, depending upon how this right is articulated and applied. In the U.S., for example, as argued by Courtney Bender and Jennifer Snow, free exercise was initially extended primarily to belief rather than to action. With its landmark ruling Sherbert v. Verner [6] in 1963, however, the Supreme Court extended this protection to religious practices themselves, except in cases where the state could demonstrate a "compelling interest" to curtail them. The Court would eventually reverse this precedent in Employment Division v. Smith,[7] for fear that "each conscience" may become a "law unto itself," while also shifting the emphasis from state neutrality to "equal opportunity" in adjudicating issues of church and state. (Prothero ch. 9, 181-86) Bender and Snow summarize this development as follows:

The Warren Court, cognizant of the variety of religions present in American life, expanded the list of constitutionally protected religious actions. It also insisted on greater separation between government and religion, effectively excluding many public displays of religious symbols and government funding of religious activities. In short, it acted on a vision that religion was a private matter of individual conscience. In contrast, the Rehnquist Court curtailed federal judicial protection of religious exercise and re-interpreted the Establishment Clause to allow for equal opportunity for religious groups in public life. The Rehnquist Court rejected the view that religion should be relegated to individual expression alone and was more willing than the prior Court to sacrifice the activities of religious minorities to the greater good of a well-functioning society. (Prothero 186)

Reflecting on the same legal developments, Monsma and Soper also discern a shift in recent years, but judge it to fall short of recognizing religious freedom as a positive right and religious groups as entitled to receive the same support afforded to non-religious groups and ideals – as more clearly affirmed in other liberal democracies. (Monsma & Soper 26-28)

Bruce Ryder and several of the other contributors to Law and Religious Pluralism in Canada attempt to make the case that the Canadian Charter, no less than the constitutions of the Netherlands or Germany, affirms such positive rights not only for religious belief but also for practice – including, where appropriate, the special accommodation and support

[6] 374 U.S. 398 (1963).

[7] 496 U.S. 913 (1990).

of the state. Yet, these same essays also reveal how difficult it can be to translate this ideal into actual policy. David Schneiderman, for one, suggests that the issue is best approached by means of a "rubric of associational rights" that recognizes the state as "merely one among a number of associations to which an individual belonged." (Moon ch. 3, 66, 68)

In the case of Canada, such an approach suggests that the state must recognize the equal legitimacy and varied purposes of religious and other associations, even as it exercises its obligation to "make difficult choices between associational purposes" for its own purpose in facilitating the common life of its citizens. (Moon 80) In his essay, "Living by a Different Law," Alvin Esau presses this question with reference to groups such as Anabaptists, who live by moral norms that may in many cases violate the liberal values of autonomy and equality that underpin secular law. (Moon ch. 5) He argues that such "illiberal"persons and groups should be granted the greatest freedom possible to live by their own laws, so long as members possess genuine freedom to leave the group and – critically – the group itself is prepared to recognize the right of persons in the broader society to live by their own predominantly liberal values, in a move he labels "reciprocal pluralism." (Moon 129-30, 131-34)

Schneiderman and Esau depend upon the theory of legal pluralism to make their individual cases, and this theory represents the central object of enquiry in Kumar's edited volume of the same name. Such legal pluralism is defined by Kumar as "the presence of more than one legal order allowing its minor orders to build up" (Kumar ii) and by one of the essay authors more simply as "legal systems coexisting in the same geographical space." (Matej Avbelj, in Kumar ch. 8, 205) All of the collected essays in Kumar's volume deal, to one extent or another, with such situations on the ground, but the first two chapters, by Miranda Forsyth and Baudouin Dupret, explicitly address "legal pluralism" itself as both theory and ideal. Each offers a brief review of the literature, focusing especially on John Griffiths' critique of "state centralism" and Sally Falk Moore's account of the "semi-autonomous social fields" that constitute societies in actual practice.

For Forsyth, such theoretical accounts are helpful in creating a more "complete picture of the various systems that manage conflict in a society and the ways in which those systems interact with one another," but they lack adequate mechanisms to address and to regulate such pluralism effectively. (Kumar ch. 1, 5) Thus, she provides a seven-model typology of the relations that can obtain between state and customary justice systems and a five-step process for formalizing these relations. (Kumar 6-13) [8] Dupret by contrast suggests that, precisely by distinguishing between state law and other analogous systems of law or social custom, the theory of legal pluralism tends to obscure the very object it purports to reveal: "the phenomenon of practicing a law identified as plural." (Kumar ch. 2, 38) The point, he contends, is not to redress power differentials created by state law nor

[8] In so doing, Forsyth self-consciously echoes and extends the work of Gordon R. Woodman, who also provides his own typology of possible relations in Law and Religion in Multicultural Societies (Mehdi et al. ch. 1).

to reform this same law. It is to observe social practices, to discover the diverse ways that persons and societies recognize various norms as "law," and thereby to offer a "realist" and "praxiological" description of social actors "as they orient themselves to these activity structures, which they read in a largely unproblematic way." (Kumar 39) Despite their quite different conclusions, both Forsyth and Dupret wish to advance the theory of legal pluralism by focusing on the ways that such pluralism manifests in the concrete activities of social life and the active, purposeful negotiation of diverse rules and norms.

A particularly fascinating and provocative example of such negotiation at work can be found in Stephen Dawson's analysis of the 2000 controversy provoked by Alabama Chief Justice Roy S. Moore's installation of a 2.5 ton stone monument of the Ten Commandments in the Alabama Judicial Building. (Prothero ch. 10) The controversy eventually led to the removal of the monument from the rotunda and Moore from the bench, in 2003. Based the Supreme Court decision in Lemon v. Kurtzman,[9] the federal courts determined that the installation of the monument provoked an unwelcome perception of the state endorsement of religion on the part of some persons and thus violated the First Amendment. (Prothero 219-21) Highlighting the difficulty of using subjective, individual perceptions in determining such cases, Dawson suggests an alternative "Smith test," based on Employment Division v. Smith.[10] Such a test would allow for the public recognition of shared religious values if such recognition originates in the democratic process, is "nonobligatory" and "non-sectarian," and can be shown to be "in accordance with some constitutional standard," usually the relevant state constitution. (Prothero 214-15)

Based in large part upon the fact that Moore promised a Ten Commandments monument when he ran for office, and drawing on specific provisions of the Alabama State Constitution, Dawson argues that the Ten Commandments monument can be shown to satisfy this hypothetical Smith test. More importantly, reasoning in terms of such a test might help correct for the "universalizing tendencies of traditional liberalism." (Prothero 224) He explains:

[P]luralism is often cited as a warrant for traditional liberal institutions and practices. Yet pluralism does not stop at the courtroom door; pluralism deprives traditional liberalism of any special authority it might presume for itself. There is no compelling necessity, in other words, to argue in terms of a universal principle of religious freedom and an impregnable wall of separation... Rather, [traditional liberals] should aim more modestly for modus vivendi among people holding different beliefs and values. Such a provisional settlement would be dynamic and open to future revision. (Prothero 224)

Similar to an argument on behalf of "legal formalism" by Lawrence B. Solum (Kumar ch. 4), Dawson seeks to address conflicts of religious and moral values by recourse not to

[9] 403 U.S. 602 (1971).

[10] 496 U.S. 913 (1990)

particular ideological commitments, but to the working of democratic processes and public legal reason. Unlike Solum, he is perfectly willing to admit a robust if constitutionally limited role for the religious and moral values themselves in this ongoing process.

One possible response to Dawson's argument – hinted at by Sand in his treatment of the Indian Constitution, above – is to concede the universalizing tendencies of traditional liberalism while continuing to celebrate its core values and to insist upon such values' enduring, irreplaceable role in ensuring social equity. And this is precisely what we witness in Lorraine E. Weinrub's very sharp analysis of the 2003-06 Ontario Shari'a law debate. (Moon ch. 10) Situating the argument over Muslim faith-based family arbitration within a broad context of judicial and political history before, during and in the wake of the 1982 adoption of the Charter of Rights and Freedoms, Weinrub contends that the fulcrum of the debate rested not on the particulars of Shari'a law, but upon the difficult transition of the Canadian political system from a "hierarchical social structure" to a "rights-based democracy" (Moon 259), in which every individual citizen's relationship to the state is both "primary" and "direct" – superseding all other family, customary or religious mediating structures. "The direct and primary relationship of the individual to the state is of paramount importance," she insists. (Moon 261) "It means that the majority no longer determines the entitlements of the minority to suit its preferences and traditions, styled as the common good. In addition, it means that no faith community determines the status, entitlements, and duties of individuals as they arise in the public sphere." (Moon 261) Weinrub readily concedes that individual situations of family arbitration will certainly remain complex, and individual women and men will freely choose to accept mediation through the informal structures of Shari'a law and a wide range of other religious or customary norms. But, in a rights-based democracy, the state will continue to relate to such women and men as autonomous individuals, without reference to those norms. For a genuine, equitable pluralism to obtain in the public sphere, in other words, there can be no pluralism in the law.

Weinrub's claim is very clear and, in its clarity, convincing. A normative commitment to liberal values of freedom and equity stands in permanent, fruitful tension with any public recognition of alternative norms. Yet, several other contributors add further layers to the Shari'a law debate, and thus suggest that the apparent simplicity of the liberal argument may more accurately mask the difficulty of pursuing genuine equality in a world of many competing norms, rather than resolving it. In her study of mahr, the nuptial gift or endowment owed by the husband to the wife according to Shari'a law, for example, Pascale Fournier illustrates the bargaining power that such mahr can provide to both partners in marriage, a power that may be overlooked or even impaired when Shari'a is reduced to the Western liberal categories of "law." (Moon ch. 6) This point is also developed, in a quite different context and with rather different consequences, in an article by Marie-Claire Foblets on the implications of the 2004 Family Code for Moroccans living abroad. (Mehdi et al. ch. 8) For his part, Bruce Ryder suggests that the decision of the Ontario government to deny faith-based arbitration is "a matter of legal form rather than normative substance," due to a number of other options open to those who wish "to settle their family rights and obliga-

tions on the basis of religious principles in a legally binding manner." More troubling for Ryder is the public controversy surrounding the decision, which, in his view, was "driven by the public's antipathy to political Islam." (Moon ch. 4, 105-06)

Arguing along similar lines, Sherene Razack offers a participant-observer study of a select group of Muslim feminists, who tended as a group to object both to the oppression of women under contemporary applications of Shari'a law and to the racist values they perceived on the part of those who opposed faith-based arbitration most strongly (Mehdi et al. ch. 4):

Negotiating between the rock and the hard place, participants of this round table discussion were passionate about what could not be said in such a polarized climate. Islam's highly sophisticated legal traditions were never discussed, one participant commented, and Islam was only ever equated with ultra conservative, misogynist interpretations of Sharia. Alongside this omission, the racism of the Canadian legal system also did not get discussed as feminists (both Muslim and non-Muslim) appeared to blithely put their trust in the state... As well, more practically, this participant noted, there were religious women who wanted to have their rights protected within Islam and thus within community, and were not satisfied to resolve their issues only in secular fora. (Mehdi et al. 90)

Read as a response to Weinrub, Razack's study problematizes the value of a "primary" and "direct" relation of each individual with the state, at least as a sole or overriding ideal of social life. Such an ideal would seem to ring true only if one has good reason to trust the neutrality and equity of this state. Absent such trust, one invariably returns to the roles played by other mediating associations, such as family, ethnic communities and religion.

This observation, in turn, returns us to the thesis of Monsma and Soper's Challenge of Pluralism, and particularly the ideal of "substantive neutrality" or "positive neutrality" they maintain as the most appropriate government posture toward particular religions and religious pluralism itself. (Monsma & Soper 6-7) Their primary focus is not faith-based family arbitration, but the public support of faith-based schools, public provision for religious education and public funding of faith-based social services. They are, overall, critical of U.S. policy in these areas – particularly in its refusal to fund faith-based education and to provide for voluntary release time programs for religious education in the public schools – and prefer the more expansive, accommodating and genuinely pluralist arrangements typical in the other democracies they study, especially Australia and the Netherlands. "The problem with some of the states considered here," they write,

is not so much that their public policies accommodate group differences, but that they fail to do so equitably. This is true in Germany, which has not met the religious instruction needs of Muslim students to the same degree as it has for Protestant and Catholic students; and in the United States, which restricts tax-supported educational options to the state sector. (Monsma & Soper 220)

Here neutrality is conceived not primarily in terms of the immediacy between the state and individual, and the removal of the mediating structures of other associations, but in the even-handedness of the state in its relations with those same associations.

Monsma and Soper's conclusions have much to recommend them. In terms of the situations described at the beginning of this section, they would seem to lend their measured, sensible support to equitable forms of religious accommodation, possibly to faith-based arbitration, and – explicitly – to any proposal to diversify the Ontario system of separate, faith-based schools. Perhaps more significantly, in making such recommendations, they construe neutrality less in terms of a quality possessed by the secular state by its very nature than as a goal to be pursued by this state in its complex, sometimes agonistic negotiation with other social actors. In this sense at least, they reveal some willingness, in Razack's terms, to subject "the state to as much scrutiny as we do conservative religious groups." (Mehdi et al. 93) The state and its law, at least in a secular democracy, must pursue equity for its citizens and the variety of associations to which these citizens belong – including, of course, particular religions and particular religious groups. In so doing, it shapes these citizens and these groups, even as it is in turn re-shaped by them. The central questions, therefore, are not merely those of particular issues of church and state. They also include questions of definition, imagination and the creation of a shared sense of belonging in the increasingly diverse societies inhabited by so many persons in the contemporary era.

III. RELIGIOUS PLURALISM AND CIVIC BELONGING

In May of 2004, at a dinner party in Connecticut, I unexpectedly found myself in the middle of a spirited dispute. Making small talk with the spouse of a colleague, I mentioned my upcoming move to Canada and began to effuse about the Canadian "mosaic," Canada's official policy of multiculturalism, and the significant public role played by so many diverse religious communities in the city of Toronto. Without missing a beat, my conversation partner began to shout at me... about the dangers of unassimilated minorities, about communal strife and about the abduction of one of his family members in Western Asia. There is one basis for genuine multiculturalism, he insisted, and only one: the American "melting pot," founded on a shared commitment to the Constitution and the values of liberal democracy, and cemented through integrated education, social assimilation and, if at all possible, frequent intermarriage between members of different ethnic and religious groups. I said very little; once my interlocutor got started, I was more of a witness to the debate than a participant in it.

Later in the party, my conversation partner would apologize for his outburst. Considerably later still, I would probably be ready to concede that my unbounded enthusiasm for the "mosaic" was premature, and more than a little bit naïve. As I write this review essay, for example, police are investigating the attempted firebombing of a prominent mosque in the city of Toronto, and the 2004 murder of Theo van Gogh by a Muslim extremist continues to cast a long shadow across the Dutch experiment with pillarization. (Monsma & Soper 71-72) Nevertheless, that evening's conversation did bring to light what would turn out to be a genuine, fundamental disagreement about the nature of civic belonging in a pluralistic world.

My experience was by no means unique. In their introduction to Law and Religion in Multicultural Societies, the editors note that the twin forces of migration and globalization have led many Western societies not only to a proliferation of legal and customary systems, but also to a situation of "value pluralism," in which the very nature of the social order becomes the subject of dispute. This situation is made still more difficult as the state tends to insert its regulation into new areas of social life, and many persons, in turn, identify more strongly with the values of traditional religious communities: "Thus the two spheres of social regulation, state law and religion, each tend to expand their claims." (Mehdi et al. 19)

The first and most fundamental claim to regulate any aspect of social life, perhaps, is the claim to define it. It makes sense, therefore, that a number of these collected essays address questions of definition. Several, notably those by Lori G. Beaman (Moon ch. 8) and Prakash Shah (Mehdi et al. ch. 3), draw our attention to what has become a truism in the field of religious studies: namely, that the concept of "religion" itself is socially constructed, and often functions to project a distinctively Western and Christian frame upon traditions that may or may not actually fit the frame. In an insightful essay aptly titled "Law's Religion," Benjamin J. Berger presses the question of definition, setting out to explore "the way religion is conceived of in modern public debate and... the ways in which the phenomenon of religion is tailored to fit within – and be digested by – the legal and political imagination." (Moon ch. 11, 265) Surveying a wide range of Canadian cases, Berger demonstrates that the court rulings consistently represent religion in terms congenial to liberal Protestantism, essentially reducing it to the private convictions of autonomous, free individuals, rather than recognizing it as an aspect of culture. He writes:

Law begins with the premise that it is... merely concerned with that slice of religion necessary to decide the case before it and is quite happy to allow other understandings of religion to flourish. But law's modesty is always false. Because law defines rights and uses power and violence to enforce its vision, its claim rapidly assumes the greater form, the comprehensive claim about religion. Because it both commands the coercive power of the state and always implicitly assumes the ultimacy of its authority, law's rendering of religion assumes the force and significance of a total claim about what matters about religion, what religion relevantly is. (Moon 286)

Though they stop short of offering such a global judgment, Courtney Bender and Jennifer Snow offer a parallel survey of U.S. jurisprudence. (Prothero ch. 9) No less than Berger, they acknowledge that U.S. law has "often interpreted "religion" in Protestant ways" (Prothero 194), but they also recognize a shift in focus from the content of belief to more functional or analogical modes of reasoning, sometimes including appeal to the perception of a hypothetical "reasonable observer." None of these approaches are perfect, Bender and Snow suggest, but they are flexible enough to accommodate Asian religious traditions – particularly as the hidden assumptions of the law become ever more clearly exposed through the growing number of cases involving those traditions. (Prothero 203-04)

As Bender and Snow's argument well reveals, questions of definition, imagination and even consumption do not push in merely one direction: even as the law is defining religion, religious actors are continually re-negotiating their myriad relationships with the law and with the broader civic society it represents. In the chapter that concludes Prothero's Nation of Religions (Prothero ch. 12), James Davison Hunter and David Franz suggest that, for many new religious groups in the United States, one can discern a relatively consistent "life-cycle" that includes four distinct stages: (1) "introduction," in which members occupy an inwardly focused "niche" on the margins of the dominant culture; (2) a period of identity-assertion and the seeking of public "recognition" in that culture; (3) a more complex process of "negotiation" and interchange between the religious group and its social environment; and finally, (4) one or another form of "establishment" in the public imagination. (Prothero 259-68) Establishment, when achieved, does not consist of mere acknowledgement by the state or by other public authorities. It occurs as a result of a longer process of struggle and strategy, in which both the religious tradition and the broader society undergo significant transformations.

Not all of the essayists in Prothero's collection accept this four-stage developmental model in toto. Nevertheless, almost all of them end up illustrating one or another of the dynamics it describes. A number describe specific processes by which particular religious groups have sought recognition and engaged in complex negotiations with the dominant U.S. culture. Examples include a quite literal petition for recognition addressed to President Bush by the Hindu International Council against Defamation (Prema A. Kurien, in Prothero ch. 6); the transformation of a Vietnamese Buddhist Temple into a center of education and acculturation for new immigrants (Hien Duc Do, in Prothero ch. 4); the changing architecture and ritual life of indigenized Sikh gurdwaras (Gurinder Singh Mann, in Prothero ch. 8); and a call to Japanese Buddhists, harassed and eventually interned by the U.S. government during World War II, to prove their patriotism by enlisting: "Buddhists! With true faith in the Buddha, let us serve our country, the United States of America, in silence." (Duncan Ryuken Williams, in Prothero ch. 3, 66) In a few cases, the essays themselves can be interpreted as self-conscious efforts to advocate for particular positions in this process, such as an impassioned apologia for "progressive Islam" by Omid Safi (Prothero ch. 2) and Robert A.F. Thurman's plea for a more profound recognition of Tibetan Buddhism and its

unique potential to provoke a "full encounter between Buddhism and the West." (Prothero ch. 5, 111)

Finally, perhaps no better example of negotiation between a religious group and the dominant culture could be found than Vasudha Narayanan's typically skilful account of Hindu enculturation. Many American Hindus, she suggests, tend to absorb the physical contours of the U.S. into a Hindu frame by building powerful, symbolic associations with the sacred geography of India while at the same moment wholeheartedly re-shaping their religious institutions to fit American patterns of volunteerism and social service. (Prothero ch. 7) The American social landscape is – in the terms proposed by Berger above – fit within and digested by a distinctively Hindu imagination while this imagination is also fit within and digested by a distinctively American mode of civic belonging.

Such negotiation does not merely occur between particular religious traditions and the secular state. On the contrary, it takes place as much or more within those traditions themselves. This occurs, first of all, because immigration tends to intensify the diversity within particular traditions as well as in society as a whole. In his essay entitled "The De-Europeanization of American Christianity" (Prothero ch. 11), R. Stephen Warner draws on new immigrant survey data to reveal how at least the first two panes of Will Herberg's classic 1955 triptych of "Protestant, Catholic and Jew" have become slowly but surely de-coupled from any clear association with particular racial or ethnic groups in the wake of the steady influx of Christians from Asia and Latin America. Such an internal diversification of particular Christian traditions may be especially significant, at least so long as Christians remain in the majority in many Western states, but the phenomenon is by no means unique to Christianity. As Momsa and Soper point out with particular clarity in the case of Germany, the diversity and decentralized character of the German Muslim community – comprising Turkish, Kurdish, Arab and other ethnic communities following a range of different traditions of Islamic law – has made it difficult for the state to accord Islam the same support offered to such highly coherent and structured organizations as the Evangelical and Catholic Churches. (Monsma & Soper 187-88)

It is tempting to imagine that the answer to such a dilemma is the creation of new umbrella Muslim organizations and greater centralization of the Muslim community in the midst of its diversity, and this is indeed one possibility. One implication of Warner's argument, however, is that the process of negotiation and establishment could also work in precisely the opposite way, as these Christian communities themselves become more internally diverse. Even in the Dutch case, where Muslims and others have to some extent established themselves as "pillars," the meaning of such pillars has begun to change and become more fluid as people move more freely across the societal boundaries that once defined them. (Monsma & Soper 60-63) The system of pillarization is still significant in Dutch society, albeit in a way that is almost certainly far more pluralistic than its founders ever intended or imagined. Indeed, one of the most valuable conclusions that emerges from the essays and arguments in these five volumes may also be one of the most para-

doxical: namely, that the internal diversity of particular religious traditions, fraught as it is with struggle, may ultimately offer a model of civic belonging in pluralistic societies at least as adequate as that of a detached, purportedly neutral secular state.

Such a conclusion emerges most clearly, perhaps, in Jennifer Nedelesky and Roger Hutchinson's essay, "Clashes of Principle and the Possibility of Dialogue." (Moon ch. 2) They offer the national policy of the United Church of Canada (UCC) on same-sex marriage legislation, which combines strong principled support of such legislation with candid recognition of principled dissent and a possibility for local congregations to opt out of same-sex marriage celebrations, as an important model of what theorist Mikhail Bakhtin called "a genuine polyphony of fully valid voices." (Moon 43) Social transformation, they suggest, does not require forced consensus. It can also occur through "a certain kind of dialogue: one that encourages change in the name of traditional values without using coercion, including the coercive authority of rights talk." (Moon 61)

Though Ihsan Bagby is more restrained than Nedelesky and Hutchinson in his endorsement of polyphony, his excellent analysis of the 2000 Mosque in America survey and other fieldwork data may be read to lend indirect, empirical support to their claims. (Prothero ch. 1) Noting the incredible diversity of attitudes toward American society as a whole – a diversity that reflects divisions of race and ethnicity, styles of Qur'anic exegesis and legal interpretation, and such institutional divisions as the split between the American Society of Muslims, or Nation of Islam, and the Historically Sunni African American Mosques – Bagby nevertheless reveals the no less incredible consensus of mosque leaders on the importance of Muslim participation in the U.S. political process.

This is a genuinely polyphonic consensus, insofar as the motives behind it are as diverse as those who articulate them. Many simply wish to protect the rights and values of their particular communities. A growing minority, however, offer a range of reasons that more fully legitimize the state, from a desire for Muslims to assume their rightful place in the U.S. "mosaic" to an embrace of the "civic ideal of pluralism" as thoroughly Islamic. (Prothero 37-39) Perhaps most intriguingly, Muslim leaders like Imam W. Deen Mohammed, Imam Fahim Shuaib, and Robert Crane contend that the U.S. Constitution and the vision of the Founding Fathers cohere better with the values of Islam than with any other religious or philosophical tradition.

To be the best Muslim is to be a good American," argues Crane, "and to be the best American is to be Islamic... The destiny of Muslims in America is to work with like-minded traditionalists of America's other religions in a common strategy to bring peace through justice both at home and abroad, because this is the will of God. (Prothero 39)

Though latecomers to the American experiment, in other words, Muslims are in effect more authentically American than Protestants, Catholics or Jews, and they are therefore uniquely positioned to take leadership in a renewal of American civic society.

Crane's distinctive interpretation is not innocent, of course, but neither are those other perspectives – Protestant, Catholic, Jewish, secular, agnostic – one might enlist to make a public argument for the cause of civic belonging. Contrary to the view of my interlocutor that May evening in Connecticut, there is no single foundation for multiculturalism or civil society, in the U.S. or anywhere else. Foundations of such a society are invariably plural, just its members are. As argued in a number of places throughout these volumes, therefore, the central questions of civic belonging may pertain less to constructing an impermeable "wall of separation" between church and state and reinforcing a broad consensus of secular values than to attending carefully to the many windows in this wall and the many, diverse paths and rationales for shared participation in the social order. "Involvement...," as Bagby puts the matter, "leads to accommodation, and isolation leads to resistance and fanaticism." (Prothero 23) The authors and essays in these works amply reveal that there is no single recipe for fostering such involvement. Such recipes vary widely, according to the history, culture and changing demographics of each particular society and its law. What does not vary is the importance of the task itself, however achieved, for the democratic project.