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### Reply

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## Bader Reply Ethnicities preprint

Bhargava defends an alternative conception of secularism whereas I propose to replace normative secularism by priority for moral minimalism and for liberal democracy (LD). In all substantive matters, we agree. Our disagreements, voiced by Rajeev, are conceptual:

*First*, replacing secularism with priority for LD is said to obscure other perspectives and possible regimes than “liberal democracy as currently known in the west” but Rajeev ignores that priority for LD covers both minimal morality and minimally decent regimes as well as liberal-democratic ones. Decent states are not a ‘Western’ invention and my interpretation of LD is open to more demanding interpretations of freedom, equality, fraternity or solidarity than the ones stressed by classical and neo-liberalism. Principles of LD are in tension with each other, are inevitably underdetermined, and allow for a variety of institutional regimes (including non-Western ones such as India) and for alternatives (such as AD). They allow to criticize predominant identifications of LD with (varieties of) capitalist market economies or ‘Western’ institutional traditions. Rajeev’s interpretation of LD is too restrictive.

*Second*, Rajeev thinks that we need “a concept of the secular” to distinguish religious discrimination, exclusion, marginalization, oppression or domination (but why not call it just ‘religious discrimination’?) and to prevent “religious persecution and religious majoritarianism” as well as “intra-religious domination”. We need indeed a non-religious or a-religious state – the ‘two autonomies’ and a certain minimal threshold of institutional, organizational, and role differentiation between state and religion(s) – in order to *prevent ‘theocracy’ and religious persecution* (minimal morality requires collective toleration). We might call such a state a ‘*secular*’ state and this is fine with me (2007:47f on the ‘secularity’ of the state). Yet this is different from ‘*secularism*’, and can be expressed less ambiguously by my terms. *Preventing religious majoritarianism and intra-religious domination* is much more demanding: collective toleration and the guarantee of associational autonomy must be complemented by individual freedom of conscience, external religious freedoms, and the right of exit (for tensions see Bader 2009, Kaplan 2008), by *liberal constitutionalism* in opposition to *democratic majoritarianism*. A *liberal* or constitutional state is indeed vitally important, particularly in “societies with multiple religions and the endemic possibility of inter- and intra-religious domination” such as India or Turkey (Bader 2009a).

*Third*, not only ‘secularism’ but ‘liberalism’ too is a loose, polysemic, ambiguous, indeterminate, contested, may be even ‘cacophonous’ term but ‘liberal’ and ‘liberalism’ are not abandoned but “tolerated” by me. ‘Liberalism’ denotes a contested, diversified political philosophy and an even more “multifarious and contradictory” political ideology, the main reason why I focus on *liberal constitutionalism*, on rights and core institutions that have “a relatively stable, clear and fixed meaning” compared with ‘secularism’ and ‘liberalism’, even if they, obviously, are under-determined and open for competing interpretations and applications. In general, I rather trust the wisdom of institutions and rights than philosophical and theoretical foundations. If we try to economize our moral, constitutional, legal and political disagreements, ‘going meta’ most of the time is not of much help.

Kymlicka doubts, *first*, whether AD would be preferable to American denominationalism. We agree that the *existing form* is preferable to European (neo-) corporatisms and French NEPP though it does not live up to its ideal: contrary to Will, it allows for public funding for religious schools (officially since the Zelman ruling) and Faith Based Organizations in care, it is not as religiously fair as it promises (Rajeev), and it does not protect vulnerable minorities within minorities effectively (the downside of entrenched ‘judicial deference’; if so, it violates minimal morality). Yet I do not claim that minimal morality requires public funding of religious schools and political representation, ideally nor empirically (even “minimal liberal morality is silent” here (Bader 2007:160)). I argue that (i) if some religious schools are publicly funded, all should be even-handedly funded (this requirement is violated more often than not, particularly in France (ignored by Joppke) and also in Ontario (seen by Will)); (ii) if existing governmental schools do not live up to minimal requirements of liberal-democratic morality, we all should defend fairly equal public financing of religious schools (276-79, my 6 step argument).

I do not claim that the *ideal American model* violates my non-infringement requirements, as Will thinks, nor LD morality. It is certainly a morally legitimate option. My comparative institutionalist arguments against it are “more empirical” (Bader 2008 Policy Brief, point 4): (1) the guarantee of exit rights is not accompanied by *meaningful exit options*, particularly not for vulnerable minorities (absence of minimally decent welfare system). (2) American Denominationalism is known for the huge informal impact on politics of socially and culturally established (Protestant) religions. The rigid public/private split and the relegation of religions (and political parties) to the ‘private sphere of civil society’ de facto privileges big, culturally established religions. (3) This public/private split is counterproductive when it comes to all kinds of welfare and social services (Minow 2000; Monsma/Soper 2006) and to new experiments in education (Liebman/Sabel 2003).

*Second*, Will questions whether publicly funded religious schools are desirable and preferable to governmental schools in cases that immigrants do not speak the official language(s) of the receiving society. In comparing existing practices with a realist utopia we clearly should not compare ‘models with muddle’ but also avoid to equalize AD with ‘European corporatism’, Dutch pillarization in particular (Joppke or Trappenburg 2007). The lower the degree of fair accommodation of religious diversity in governmental education, the higher the actual demand and the more legitimate the claims (particularly in educational systems that allow) for public funding of religious schools and vice versa (Bader 2007:160). *Voluntarism* of inclusion in ‘common schools’ is critical because all the supposed beneficial effects on “democratic inclusion” depend on it (Bader 2007, sect. 9.5). Obviously, the “cross-country evidence” is limited and shaky, but some of its results give reason to rethink the unconsidered preference for governmental schooling: often the cognitive and civic-virtue performance of religious schools is better than in comparable governmental schools, and there is less class- and ‘race’-segregation (Bader 2007, sects. 10.3 and 10.4).

Will argues that the evidence rests “primarily on studies of Catholic schools” that, in many countries “are not immigrants”. There is “no reason to assume that what works well for Dutch Catholics would work well for recent Muslim immigrants”. So, the real issue is not ‘religion’ but whether immigrants “share the same national origin, identity and

language” and/or “ethnicity” or “culture”. For a start, I do not claim that there would be one optimal model of organizing education for all countries and situations (Bader 2007; sects. 10.8, 10.9), and I have serious doubts whether Will’s fairly thick, ‘liberal-nationalist’ recipes for successful “integration and inclusion” do well in all contexts or are normatively preferable to thinner ones. The real issue might eventually not be ethnicity, culture, identity but language, yet even the longstanding debate on foreign language-acquisition does not allow to advocate a simple model of imposed instruction in ‘the language of the land’ exclusively in ‘common schools’. So, in the end most does not depend on religion or language but on social class. Clearly, we have to deal with tricky dilemmas and trade-offs, and no simple formula fits all contexts. Hence, we agree that “both our moral principles and the available empirical evidence under-determine the choice”. AD does not promise “wonders” (Joppke), nor simple recipes, but learning from better practices based on democratic experimentalism (Bader 2008, policy-brief, point 10).

Joppke, the German professor from Paris, is unstoppable in fighting French cultural wars. He spills a lot of ink in criticizing what I’m not claiming or doing – explaining the French banlieu unrests, the success or failure of immigrant-integration, or presenting the ‘wonders of AD’. With papal authority he states that regimes of religious governance do not matter, that all regimes “have been similarly successful in accommodating new religions, especially Islam”, that all state-religion regimes are converging. Instead of ‘multiculturalism’ or any variety of institutional pluralism, let alone AD, we need – hear his ‘grand fanfare’ – “a combination of a French-style ‘Jacobin state’ (including the characteristic republican belief that “religion should not matter for the ‘magistrate’ but for the individual to resolve and to take a stance on”) cum an American-style “free economy”. Isn’t this a “wonder”?