WORLD POLITICS

CONTENTS

PASSIVE AND ASSERTIVE SECULARISM
Historical Conditions, Ideological Struggles, and State Policies toward Religion

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ON December 11, 2003, the Stasi Commission, including twenty French academics and intellectuals, submitted a report on secularism to President Jacques Chirac. The French executive and legislators embraced the commission's recommendation of a law to prohibit students' religious symbols in public schools. While the primary target of this new law was the Muslim headscarf, it was also extended to cover Sikh turbans, Jewish skullcaps (*kippot*), and "large" Christian crosses. A week after the Stasi Report was issued, the United States Department of State released its 2003 Report on International Religious Freedom. At the accompanying press conference, Ambassador John Hanford answered the following questions:

> Question: What was your reaction to President Chirac's headscarf ban?
> Ambassador: [A] fundamental principle of religious freedom that we work for in many countries of the world, including on this very issue of headscarves, is that all persons should be able to practice their religion and their beliefs peacefully without government interference. . . . President Chirac is concerned to maintain France's principle of secularism and he wants that, as I think he said, not to be negotiable. Well, of course, our hope is religious freedom will be a nonnegotiable as well. One Muslim leader said this is a secularism that excludes too much. . . . [A] number of countries . . . restrict headscarves . . . where people are wearing these with no provocation, simply as a manifestation of their own heartfelt beliefs, that we don't see where this causes division among peoples.
> Question: You're referring to Turkey, yes?
> Ambassador: Turkey would be another country, yes.[1]

[1] "Release of the 2003 Annual Report on International Religious Freedom," December 18, 2003, http://www.state.gov/s/d/rm/27404pf.htm (accessed April 24, 2004).

As the ambassador stresses, there is a sharp policy distinction between the U.S., which allows students to wear religious garments and symbols; France, which bans such symbols in public schools; and Turkey, which prohibits them in all educational institutions. What is puzzling about these cases is that although each has a different policy on student displays of religious symbols in schools, all three are "secular states," as defined by two main criteria: (1) their legal and judicial processes are out of institutional religious control, and (2) they establish neither an official religion nor atheism.[2] Other states have established religious laws and courts as the basis of their legal and judicial systems (religious states), have recognized one official religion (states with an established religion), or have shown official hostility toward religions, generally by establishing atheism (antireligious states).[3] Table 1 differentiates among these four sorts of states in terms of their relationships to religion.

Despite their secular status, the U.S., France, and Turkey have, in fact, been deeply concerned with religion and have engaged it on many fronts. The different approaches of these three states regarding the wearing of headscarves reflect a broad array of policy differences among them. Historical and contemporary debates on secularism in all three cases have pointed to education as the main battlefield in state-religion controversies.[4] The debates on secularism in these countries have generally focused on schools, since struggling groups desire to shape the young generation's worldview and lifestyle. I therefore analyze six of the most publicly debated state policies toward religion in schools to reveal general policy tendencies. These are policies on (1) student religious dress and the display or wearing of religious symbols in public schools; (2) pledges recited in public schools, (3) private religious education; (4) religious instruction in public schools; (5) public funding of private religious schools; and finally (6) prayer in public schools.

Despite the dynamism of the policy-formation process, states still follow distinct and relatively stable trajectories in their general policies

[2] Many scholars emphasize two other dimensions while defining a secular state: (1) separation of church/mosque and state and (2) religious freedom. See D. E. Smith, "India as a Secular State," in Rajeev Bhargava, ed., *Secularism and Its Critics* (Delhi: Oxford University Press, 1999), esp. 178–83. A complete separation is, in fact, neither constitutionally declared in many secular states nor a practical issue. Religious freedom, by contrast, is both constitutionally declared and practical; yet, it is neither necessary nor sufficient to be secular for a state to provide religious freedom.

[3] By religion, I imply a set of beliefs and practices that refer to supernatural beings, generally God. In this definition, neither atheism nor an ideology like Marxism is a religion.

[4] Stephen V. Monsma and J. Christopher Soper, *The Challenge of Pluralism: Church and State in Five Democracies* (Lanham, Md.: Rowman and Littlefield Publishers, 1997); Guy Haarscher, *La laïcité* (Paris: PUF, 2004); Niyazi Berkes, *The Development of Secularism in Turkey* (1964; New York: Routledge, 1998).

TABLE 1
TYPES OF STATE-RELIGION REGIMES

	Religious State	State with an Established Religion	Secular State	Antireligious State
Legislation and judiciary	religion-based	secular	secular	secular
State's attitude toward religions	officially favors one	officially favors one	officially favors none	officially hostile to all or many
Examples	Vatican Iran Saudi Arabia	Greece Denmark England	U.S. France Turkey	China North Korea Cuba
Number in the world	10	100	95	22

SOURCES: Constitutions of the example states; David B. Barrett, George T. Kurian, and Todd M. Johnson, *World Christian Encyclopedia: A Comparative Survey of Churches and Religions in the Modern World* (New York: Oxford University Press, 2001); *International Religious Freedom Report 2006*, U.S. Department of State, http://www.state.gov/g/drl/rls/irf/ (accessed May 1, 2006); James Edward Wood, *Church-State Relations in the Modern World* (Waco: Baylor University, 1998), 81–88.

toward religion. There is a sharp qualitative distinction between state policies toward religion in the U.S. and those in France and Turkey. In America, students are allowed to display religious symbols and recite the pledge of allegiance, which includes the statement "one nation, under God." In France and Turkey, however, the state pursues totally opposite policies on these two points. Even on other policy issues, there is a more positive tone toward religion in the U.S., in contrast to the two other cases. Religious instruction in Turkish high schools is directly related to the state's desire to control religion and the fact that private religious education is prohibited. Similarly in France the state funds religious private schools as long as these schools sign a contract to accept certain state control over them. On the surface, the ban on school prayer seems similar in the three cases. Yet an in-depth analysis reveals a distinction. In France and Turkey the ban is justified mainly on the grounds that prayer contradicts the principle of secularism and the secular character of the public school. In the U.S., however, an important rationale is that school prayer implies a "psychological coercion" over students with minority religious beliefs.[5] Table 2 compares the three cases in terms of their application of these six policies.

Beyond these specific policies in schools, the three cases also show two opposite attitudes toward religion in the public sphere. In the U.S. one finds official public visibility of religion, which is not the case in

[5] *Lee v. Weisman*, 505 U.S. 577 (1992); *Santa Fe v. Doe*, 530 U.S. 290 (2000).

TABLE 2
STATE POLICIES TOWARD RELIGION IN SCHOOLS

	Ban on Students' Religious Symbols in Public Schools	A Pledge Referring to God Recited in Public Schools	Ban on Private Religious Education	Religious Instruction in Public Schools	State Funding of Religious Private Schools	Ban on Organized Prayer in Public Schools
U.S.	no	yes	no	no	no	yes
France	yes	no	no	no	yes	yes
Turkey	yes	no	yes	yes	no	yes

France or Turkey. "In God We Trust" appears on all American currency. Many official oaths, including the swearing in of the president, customarily contain the statement "so help me God" and are often made by placing the left hand on a Bible. Sessions of the U.S. Congress begin with a prayer by a chaplain, and the sessions of the Supreme Court start with the invocation: "God save the United States and this Honorable Court." Such public religious discourse does not exist in France and Turkey.

These differences point to my central question: why are American state policies inclusionary toward public visibility of religion whereas policies in France and Turkey are largely exclusionary? Stated differently, the dependent variable of this work is the variation in policies on religion, particularly two opposite policy tendencies, as found in three secular states.

I argue that state policies toward religion are the result of ideological struggles. In the three cases it is the struggle between "passive secularists" and "assertive secularists" that has shaped public policies. Passive secularism, which requires that the secular state play a "passive" role in avoiding the establishment of any religions, allows for the public visibility of religion. Assertive secularism, by contrast, means that the state excludes religion from the public sphere and plays an "assertive" role as the agent of a social engineering project that confines religion to the private domain.[6] Thus, passive secularism is a pragmatic political principle that tries to maintain state neutrality toward various religions, whereas assertive secularism is a "comprehensive doctrine" that aims to eliminate religion from the public sphere.[7]

[6] See Charles Taylor, "Modes of Secularism," in Bhargava (fn. 2); Wilfred M. McClay, "Two Concepts of Secularism," in Hugh Heclo and Wilfred M. McClay, eds., *Religion Returns to the Public Square: Faith and Policy in America* (Baltimore: Johns Hopkins University Press, 2002).

[7] For comprehensive doctrines, see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996).

In France and Turkey the assertive secularists are dominant despite the challenge posed by the passive secularists. In the U.S., however, the assertive secularists are so marginal that they cannot mount a serious challenge to the dominant passive secularists; the real struggle occurs between the two different understandings of passive secularism as elaborated below. Passive and assertive secularism became dominant in these cases as a result of particular historical conditions during their secular state-building periods. In France and Turkey the presence of an ancien régime based on the marriage of monarchy and hegemonic religion was a crucial reason for the emergence of anticlericalism among the republican elite. The antagonistic relations between the republicans and the religious institutions underlay the historical dominance of assertive secularism. America, however, was a new country of immigrants that lacked an ancien régime. Therefore secular and religious elites sought and achieved an overlapping consensus on the separation of church and state at the federal level. The result was the dominance of passive secularism. This historical explanation completes my argument summarized in Figure 1.

The article proceeds as follows. First, I discuss alternative theoretical approaches that would explain the puzzle differently. I then elaborate my own explanation based on ideological struggles in the three cases. Finally, I analyze the historical reasons for the dominance of a certain secular ideology in a particular country.

ALTERNATIVE THEORIES: MODERNIZATION, CIVILIZATION, AND RATIONAL CHOICE

Modernization theory, the civilizational approach, and rational choice theory are three important theories that scholars reference in analyzing state policies. Modernization theory has different versions. Some scholars emphasize the epochal impact of modernization to explain the transformation of medieval sociopolitical systems into modern systems.[8] They therefore offer important insights about the emergence of secular states. Yet their broad perspectives do not provide parsimonious explanations for particular state policies. For that reason, I focus on the parsimonious version of modernization theory, which claims that economic development is the determining factor in the transformation of traditional societies into modern societies.[9]

[8] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1998); Ernest Gellner, *Nations and Nationalism* (Ithaca, N.Y.: Cornell University Press, 1983); Charles Taylor, *Modern Social Imaginaries* (Durham, N.C.: Duke University Press, 2004).

[9] Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Countries* (Princeton: Princeton University Press, 1997).

I	II	III
The Presence or Absence of an Ancien Régime Based on Monarchy and Hegemonic Religion	Ideological Struggles with the Dominance of Assertive or Passive Secularism	Exclusionary or Inclusionary Policy Tendencies toward Religion

FIGURE 1
EXPLANATORY AND DEPENDENT VARIABLES

From a sociological perspective, modernization theory includes secularization theory, which regards religion as a traditional phenomenon that will eventually decay in social life as a result of the modernization process, including industrialization, urbanization, and mass education.[10] Viewed from the political perspective, modernization theory also predicts the decline of religion's political role. According to Pippa Norris and Ronald Inglehart, the process of modernization includes "[t]he division of church and state, and the rise of secular-rational bureaucratic states."[11] Modernization theory would explain the variation in different states' policies toward religion as a function of various levels of modernization, which are generally measured by three criteria of human development—GDP per capita, literacy rate, and life expectancy.

This explanation is, however, not helpful for illuminating policy tendencies in the three cases under consideration here. According to UNDP's *Human Development Index* for 2002, the U.S. and France have close scores and rankings of development: the U.S. (0.939 / 8th) and France (0.932 / 17th). Turkey, however, has a much lower score and ranking of development (0.751 / 89th). The first two cases are countries of high development, whereas Turkey is a country of medium development. Modernization theory, therefore, would not successfully explain why in terms of state policies toward religion, a highly developed country (France) differs from another highly developed country (the U.S.) while it is similar to a moderately developing case (Turkey).

Modernization theorists would respond to my criticism by saying that they provide a general explanation of an international trend of state-religion relations, rather than an explanation of specific state policies in a few cases. Some large-N analyses, however, also raise con-

[10] Steve Bruce, *God Is Dead: Secularization in the West* (Malden, Mass.: Blackwell, 2002); Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (Cambridge: Cambridge University Press, 2004).
[11] Norris and Inglehart (fn. 10), 8, also 208–10.

cerns about the theory. Robert Barro and Rachel McCleary examine 188 states in order to explain why some of them have an official state religion whereas others do not. Although "[t]he standard view is that richer countries are less likely to have state religions," they conclude that per capita GDP has "insignificant relations with" and "an ambiguous effect on the probability of state religion."[12] I in turn analyzed 175 countries in terms of their levels of development and state-religion regimes, using UNDP's *Human Development Index* for 2002 and *World Christian Encyclopedia*'s data set for 2000. Table 3 summarizes the results of the analysis. Countries with high development have a much higher percentage (57 percent) of having official religions than do countries with low development (20 percent). This result is the opposite of what modernization theory would predict.

In sum, although modernization is an important factor in the analysis of state-religion relations, its monocausal and linear perspective does not explain diverse state-religion regimes, let alone specific policy orientations. The emergence of secular states and the making of particular secular state policies toward religion are complex political processes that cannot be understood without analyzing ideological struggles.

The second theoretical perspective is a civilizational approach, which is generally called "essentialism" by its critics.[13] This approach focuses on text-based religious essentials to explain religion's impact on sociopolitical life. According to this approach, "Islam is the blueprint of a social order. It holds that a set of rules exists, eternal, divinely ordained, and independent of the will of men, which defines the proper ordering of society…. These rules are to be implemented throughout social life."[14] The civilizational approach argues that there are (1) inherent distinctions between certain religions/religious communities and that (2) these religious differences have a direct impact on politics.[15]

Bernard Lewis, an influential civilizationist, argues that Islam and Judaism are similar to each other and different from Christianity since they do not have distinct conceptions of "clergy" versus "laity" or of "sacred law" versus "secular law." He defines state-religion struggles as

[12] Robert J. Barro and Rachel M. McCleary, "Which Countries Have State Religions?" http://post .economics.harvard.edu/faculty/barro/papers/state%religion%2001-05.pdf, i, 17 (accessed April 1, 2005).

[13] Daniel Varisco, *Islam Obscured: The Rhetoric of Anthropological Representation* (New York: Palgrave Macmillian, 2005); Alfred Stepan, "The World's Religious Systems and Democracy: Crafting the 'Twin Tolerations,'" in *Arguing Comparative Politics* (New York: Oxford University Press, 2001), 213–54.

[14] Ernest Gellner, *Muslim Society* (Cambridge: Cambridge University Press, 1983), 1.

[15] Bernard Lewis, "The Roots of Muslim Rage," *Atlantic Monthly* (September 1990); idem, *What Went Wrong? The Clash between Islam and Modernity in the Middle East* (New York: Perennial, 2003); Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

TABLE 3
HUMAN DEVELOPMENT AND STATE-RELIGION REGIMES

	States That Have Official Religions		States That Do Not Have Official Religions		Total	
High development	31	(57 %)	23	(43 %)	54	(100 %)
Medium development	54	(63 %)	32	(37 %)	86	(100 %)
Low development	7	(20 %)	28	(80 %)	35	(100 %)
Total	92	(53 %)	83	(47 %)	175	(100 %)

SOURCES: UNDP, *Human Development Index 2002*, http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf (accessed April 1, 2005); David B. Barrett, George T. Kurian, and Todd M. Johnson, *World Christian Encyclopedia: A Comparative Survey of Churches and Religions in the Modern World* (New York: Oxford University Press, 2001).

a "Christian disease" and secularism as a "Christian remedy."[16] Lewis specifically claims clear and divergent stands for Christianity and Islam toward state-religion relations: "The distinction between church and state, so deeply rooted in Christendom, did not exist in Islam."[17] Lewis and other defenders of civilizationalism often refer to this well-known verse of the Bible to prove the compatibility of Christianity and secularism: "Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's."[18] Samuel Huntington extends Lewis's thesis to other religions and cultures: "In Islam, God is Caesar; in China and Japan, Caesar is God; in Orthodoxy, God is Caesar's junior partner. The separation and recurring clashes between church and state that typify Western civilization have existed in no other civilization"[19]

The civilizational approach rightly alerts us to the importance of religion in post–cold war world politics. It focuses our attention on key theological differences among religions, differences that can have an impact on individuals' political preferences in different civilizational contexts. Beyond these general concerns, however, civilizationalism has little to say about particular state policies toward religion. It would explain states' policies toward religion through their diverse religious backgrounds. Since it overemphasizes the similarities within the West and the differences between Western and Muslim countries, civilizationalism cannot explain why one "Western" state (France) pursues policies toward religion that are different from those of another "Western" state (the U.S.) and similar to those of a "Muslim" state (Turkey).

[16] Bernard Lewis, "Secularism in the Middle East" (Chaim Weizmann Lecture, Rehovot, Israel, 1991), 10–12, 26.

[17] Bernard Lewis, *The Political Language of Islam* (Chicago: University of Chicago Press, 1991), 2–3.

[18] Luke 20:25, quoted by Lewis (fn. 16), 15.

[19] Huntington (fn. 15), 70.

Civilizationalists would reply that my cases do not refute their argument, because Turkey, with its secular state, is an exception in the Muslim world. A general survey of the Muslim world, however, also challenges their claims. Ira Lapidus stresses that religious and political institutions in the Muslim world have been separate since the eighth century. At that time, independent Sunni schools of law, Shia sects, and Sufi orders, in addition to secular military and administrative rulers, challenged and replaced the institution of the caliphate, which claimed to represent both political and religious authorities.[20] Recently, the U.S. Commission on International Religious Freedom issued a report on state-religion relations in forty-four Muslim countries. The report concludes that "the majority of the world's Muslim population currently lives in countries that either proclaim the state to be secular or that make no pronouncements concerning Islam to be the official state religion."[21] The report emphasizes the diversity of state-religion regimes in the Muslim world and disproves the alleged unity of Muslim countries. Table 4 summarizes the results of the report.

Critics of civilizationalism stress that this approach has difficulty explaining not only the Muslim world but also Christian societies. The civilizational argument about the inherent church-state separation in Christianity overly romanticizes Christian societies by ignoring at least three aspects: (1) their historical religious wars and church-state struggles, (2) their substantially diverse state-religion regimes at present, and (3) their current experience of religiously driven debates on political and legal issues, such as abortion, gay rights, and evolution. These divergences cannot be simply explained by rendering these things onto Caesar. A more refined civilizationist approach acknowledges the diversity among Christian societies but argues that Protestantism is more compatible with secularism than is Catholicism.[22] This approach, however, is unable to explain the complex relations between the Catholic church and states, changing Catholic views toward democracy, and the persistence of established churches in several Protestant countries.[23]

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[20] Ira M. Lapidus, "The Separation of State and Religion in the Development of Early Islamic Society," *International Journal of Middle East Studies* 6 (October 1975).

[21] Tad Stahnke and Robert C. Blitt, *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries*, U.S. Commission on International Religious Freedom, March 2005, http://www.uscirf.gov/countries/global/comparative_constitutions/03082005/Study0305.pdf, 2 (accessed April 1, 2005).

[22] Regis Debray, *Contretemps: Eloges des idéaux perdus* (Paris: Gallimard, 1992), 23; John T. S. Madeley, "A Framework for the Comparative Analysis of Church-State Relations in Europe," *West European Politics* 26 (January 2003).

[23] Jose Casanova, "Civil Society and Religion: Retrospective Reflections on Catholicism and Prospective Reflections on Islam," *Social Research* 68 (Winter 2001).

TABLE 4
STATE-RELIGION REGIMES IN 44 MUSLIM COUNTRIES

States That Have Islam as Official Religion (Total 22)		States That Do Not Have Islam as Official Religion (Total 22)	
Islamic States with dominance of Shari'a law	States with Islam as Established Religion	Secular States	Antireligious States
10	12	22[a]	0

SOURCE: Tad Stahnke and Robert C. Blitt, *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries*, U.S. Commission on International Religious Freedom, March 2005, http://www.uscirf.gov/countries/global/comparative_constitutions/03082005/Study0305.pdf, esp. 7 (accessed April 1, 2005).

[a] Eleven of these twenty-two states openly declare themselves as secular states in their constitutions, while the other eleven neither declare Islam as the official religion nor use the term secular state explicitly in their constitutions.

The main problem of civilizationalism is that it underestimates human agency. Religious groups generally design their political preferences regarding sociopolitical conditions. As Anthony Gill points out, the Catholic church seeks state intervention in order to restrict Protestant proselytism in Latin America, where Catholicism is a dominant religion, while it asks for more church-state separation and religious freedom in post-Soviet Russia, where Catholicism remains in the minority.[24] Similarly, an influential Islamic movement, Jamaat-i Islami, defends an Islamic state in Pakistan, where Muslims are the majority, whereas it supports the secular state in India, where they are a minority.[25]

The third and final theory—rational choice theory—differs from the economic determinism of modernization theory and the religious determinism of civilizationalism. Instead, it attaches importance to three factors: individual preferences, their rational calculation, and their structural constraints.[26] Rational choice theory provides significant insights for the analysis of political struggles, particularly actor strategies. I therefore agree with most rational choice theorists' critique of civilizationalism as cited above. Moreover, despite having some major reservations about rational choice theory, I find this perspective useful

[24] Anthony Gill, *The Political Origins of Religious Liberty* (New York: Cambridge University Press, 2007). See also Stathis N. Kalyvas, *The Rise of Christian Democracy in Europe* (Ithaca, N.Y.: Cornell University Press, 1996), 3.

[25] Mumtaz Ahmad, "Islamic Fundamentalism: The Jamaat-i-Islami and the Tablighi Jamaat," in Martin E. Marty and R. Scott Appleby, eds., *Fundamentalisms Observed* (Chicago: University of Chicago Press, 1991), 505.

[26] Mancur Olson, *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven: Yale University Press, 1984).

in explaining the importance of religious diversity on the church-state separation in the American founding period.

Gill is one of the few rational choice theorists who examine the causes of state policies toward religion. He argues that these policies differ because of rulers' varying calculations of opportunity costs based on their preferences for (1) sustaining political survival, (2) minimizing the cost of ruling, and (3) succeeding in economic development.[27] Gill would argue that state rulers in France and Turkey pursue more restrictive policies toward religion than do rulers in the U.S. because such policies help them minimize the opportunity costs concerning these three issues. The strength of this argument lies in its ability to explain the strategic flexibility of rulers. However, it is not able to explain the decisions of an important set of actors, high court judges, whose primary concerns in deciding state-religion cases are not about political survival or economic issues. In addition, this approach would have problems regarding my cases. The ban on wearing headscarves in schools in Turkey and France, for example, has been politically risky (at least for the Turkish politicians), and it has created huge ruling costs, while not helping economic development at all.

My main concern about the rational choice approach is that it largely takes individual preferences as given. According to this approach, state rulers and social activists have distinct preferences shaped by their socioeconomic status regardless of their ideology. I argue the opposite. Although I take individual cost-benefit analysis, structural constraints, and strategic behaviors seriously, I want to go beyond them by unpacking individuals' ideological preferences.[28] Ideologies are not simple instruments for material interests or justifications for already decided behaviors. They are genuinely important factors that shape individuals' preferences.[29] Ideologies and material conditions are separate but interrelated. I agree with Max Weber on their importance in the construction of preferences and interests: "Not ideas, but material and ideal interests, directly govern men's conduct. Yet very frequently the 'world images' that have been created by 'ideas' have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest."[30]

[27] Gill (fn. 24).

[28] See Karl-Dieter Opp, "Contending Conceptions of the Theory of Rational Action," *Journal of Theoretical Politics* 11 (April 1999).

[29] I deliberately use the term ideology, rather than culture. Culture is practical and habitual, which makes it inconsistent and fuzzy. Ideology is, by contrast, a set of ideas that is generally related to a consistent utopia, which make it easier to categorize. Ideologies are "formal, explicit, and relatively consistent" and "articulated by political elites," whereas cultures are "informal, implicit, and relatively inconsistent" and "held by people within a given institutional setting." Stephen E. Hanson, "Review Article: From Culture to Ideology in Comparative Politics," *Comparative Politics* 35 (April 2003), 356.

[30] Max Weber, *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), 280.

My analysis of alternative approaches is summarized in Table 5 through Mill's methods of difference and agreement.[31] The method of difference searches for the causes of diverse results in similar cases. My analysis shows the importance of a dominant ideology for explaining the different policies of the U.S. and France—two secular states, which are similar in terms of economic development and civilizational identity but different in terms of dominant ideology. The method of agreement, by contrast, examines similar results in different cases. France and Turkey are different regarding their levels of economic development and civilization, yet they share a similar dominant ideology, which explains their similar policies toward religion.

The methods of difference and agreement, however, are not sufficient in themselves to test theories, since they show only correlation and omit certain variables.[32] Therefore, I use the method of process tracing to analyze causal processes between ideological struggles and policy formation.[33] Beyond this methodological concern, a monocausal explanation based on ideology would also have empirical problems. State policies toward religions are too complex to be explained simply in terms of dominant ideologies. Although my cases reflect two opposite policy tendencies in general, they also include several policy inconsistencies, exceptions, and changes. For example, taxpayer money cannot be used directly to fund religious schools in the U.S., whereas the French state finances Catholic schools and the Turkish state runs Islamic Imam-Hatip schools. These paradoxes can be explained only by a process-oriented explanation of ideological struggles. That is why I do not take countries as monolithically assertive or passive secularists; instead, I analyze ideological controversies within them, despite the existence of certain dominant ideologies. The next section focuses on this issue.

IDEOLOGICAL STRUGGLES AND STATE POLICIES

In the U.S. supporters of passive secularism are dominant while supporters of assertive secularism (for example, American atheists) constitute a marginal group. Yet there has been a debate between passive secularism's two different interpretations—accommodationism and separationism. The accommodationists generally include conservatives

[31] John Stuart Mill, *A System of Logic* (New York: Longmans, 1961).

[32] Stanley Lieberson, "Small N's and Big Conclusions," in Charles Ragin and Howard Becker, eds., *What Is a Case?* (Cambridge: Cambridge University Press, 1992).

[33] James Mahoney and Dietrich Rueschemeyer, eds., *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003); Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 205–32.

TABLE 5
METHODS OF DIFFERENCE AND SIMILARITY: U.S., FRANCE, AND TURKEY

	Alternative Explanatory Variables			Dependent Variable
	Economic Development	Civilization	Dominant Ideology	State Policies toward Religion
U.S.	high	Western	passive secularism	inclusionary
France	high	Western	assertive secularism	exclusionary
Turkey	moderate	Islamic	assertive secularism	exclusionary

supporting the Republican Party, while many separationists are liberals who support the Democratic Party. The accommodationists regard close state-religion interactions as compatible with secularism, since that does not mean an establishment of a particular religion.[34] The separationists, however, see any close entanglement as contrary to the First Amendment and seek an impenetrable "wall of separation" between the state and religion. Even the U.S. Supreme Court Justices have been divided along accommodationist and separationist lines. As analyzed by Kenneth Wald and Joseph Kobylka, court rulings on significant state-religion cases from 1943 to 2002 included twenty-eight separationist decisions, thirty-four accommodationist decisions, and three mixed decisions.[35]

Based on these ideological views, the accommodationist associations, such as the American Center for Law and Justice, have supported the school voucher systems allowing individuals to receive government subsidies for educational expenses to private (including religious) schools. The separationist associations, such as the American Civil Liberties Union, however, have regarded school vouchers as unconstitutional public funding of religious schools. As a result of separationist opposition, school voucher systems have remained marginal in the U.S. The separationists have also succeeded in keeping organized prayer and religious instruction out of public schools, since the Supreme Court's *Engel v. Vitale* decision in 1962. The accommodationists failed to amend the Constitution to overrule the court on this issue. Nevertheless, the accommodationists have managed to create spaces in public schools for Christian clubs to organize student-initiated religious meetings, in-

[34] Due to the page limitation, I am neglecting the differences among conservatives, such as those between the accommodationists and the Christian Right. I analyze it in detail in my forthcoming book, "Dynamics of Secularism: State Policies toward Religion in the United States, France, and Turkey."

[35] Kenneth D. Wald, *Religion and Politics in the United States* (New York: Rowman and Littlefield, 2003), 85–87; Joseph F. Kobylka, "The Mysterious Case of Establishment Clause Litigation: How Organized Litigants Foiled Legal Change," in Lee Epstein, ed., *Contemplating Courts* (Washington, D.C.: CQ Press, 1995), 96, 102–3.

cluding Bible studies and prayer, that take place after class hours. They have done that by using the discourses of freedom of speech and equal access. They have also succeeded in keeping the phrase "under God" in the pledge of allegiance recited in schools, though some, but not all, separationists have tried to eliminate it.[36] Despite their opposite policy preferences, the accommodationists and separationist are both defenders of passive secularism and oppose assertive secularist exclusion of religion from the public sphere. For example, both groups are critical of the French and Turkish ban on headscarves in the public schools.[37]

In France, assertive secularists are dominant despite the resistance of passive secularists. In original terminology, the former defend *laïcité de combat* (combative secularism), while the latter support *laïcité plurielle* (pluralistic secularism).[38] The assertive secularists aim to confine religion to the home and to the individual's conscience, while the passive secularists try to allow a public role for religion. In short, passive secularists want to liberalize secularism in France with a new emphasis on individualism and multiculturalism. The Ligue de l'enseignement (League of Education), a union of educators with two million members, is the main supporter of passive secularism. The league and other passive secularists have not challenged the absence of prayer or references to God in schools. Yet the league proposed reintroducting religious instruction to end French exceptionalism in Western Europe on this issue. The proposition remained abortive due to the assertive secularist opposition. Public funding of private schools, 95 percent of which are Catholic institutions, were a major issue of controversy between these two groups. The current modus vivendi between them is that the state is funding private schools that signed a contract to allow a certain level of state control, especially over the curriculum.

From 1989 to 2004 these two groups ardently debated the matter of headscarves in the schools. The assertive secularists, especially the *francmaçons* (Freemasons) and *libre-penseurs* (Freethinkers), supported the ban.[39]

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[36] Mary C. Segers and Ted G. Jelen, *A Wall of Separation? Debating the Public Role of Religion* (Lanham, Md.: Rowman and Littlefield, 1998); Stephen V. Monsma, *Positive Neutrality: Letting Religious Freedom Ring* (Grand Rapids: Baker Books, 1995); T. Jeremy Gunn, "Religious Freedom and Laïcité: A Comparison of the United States and France," *Brigham Young University Law Review* 24 (Summer 2004).

[37] Author interviews with American academics and social activists, Washington, D.C., Seattle, and Salt Lake City, May 2005–March 2006.

[38] Author interviews with French academics and social activists, Paris and Auxerre, October–December 2004.

[39] Again, because of the word limitation, I am neglecting the alliance between the assertive secularists and anti-immigrant Islamophobics with regard to their support for a ban on headscarves. For a detailed analysis of this alliance, see Ahmet T. Kuru, "Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism," *Comparative Politics* (forthcoming).

The passive secularists led by the league, however, asked for freedom to wear headscarves. The French Council of State also supported the passive secularist perspective by opposing a general ban. It decided that wearing a headscarf was not inherently incompatible with *laïcité* (secularism).[40] Between 1992 and 1999 the council overturned forty-one of forty-nine cases in which students wearing headscarves had been expelled from school.[41] By the early 2000s, to overrule the Council of State, the assertive secularists pressed for a new law to ban headscarves, with the support of about three-quarters of the French public, according to public surveys.[42] In early 2004 they finally succeeded in imposing a ban on headscarves and other religious symbols in public schools.[43]

Turkey is another case where assertive secularists are dominant. The Kemalists, who claim to preserve the legacy of M. Kemal Atatürk, defend the existing dominance of assertive secularism, whereas the pro-Islamic conservatives want to promote passive secularism.[44] The assertive secularists, such as the Republican People's Party and the majority of military generals and high court judges, want to confine religion, in general, and Islam, in particular, to the private sphere. Yet the passive secularists, including conservative parties (for example, the ruling Justice and Development Party) and groups (for example, the Gülen movement), want to allow public visibility of religion.[45] The assertive secularists aim to keep Islam under state control. Therefore, they have outlawed private Islamic education and teaching the Koran to children under the age of twelve. They have tried to promote an individualized version of Islam through religious instruction in schools. Other than that, public schools are totally secular, in the sense that they do not allow prayer or other religious expressions. Although conservative parties have generally received about 70 percent of the vote in national elections,

[40] The French Council of State's opinion in the *Headscarf* Case, November 27, 1989, no. 346,893. Some scholars translate the term "laïcité" as "secularity." Instead, I prefer the term "secularism," which is most commonly used in the literature on state-religion relations in English (for example, by American and Indian scholars).

[41] Haut conseil à l'intégration, *L'Islam dans la République* (Paris: La documentation française, 2001), 66.

[42] Jean-Louis Debré, *La laïcité à l'école: Un principe républicain à réaffirmer: Rapport de la mission d'information de l'Assemblée nationale* (Paris: Odile Jacob, 2004), 179.

[43] Alain Seksig, Patrick Kessel, and Jean-Marc Roirant, "Ni Plurielle ni de combat: La laïcité," *Hommes & Migrations*, no. 1218 (March–April 1999); Valentine Zuber, "La Commission Stasi et les paradoxes de la laïcité française," in Jean Baubérot, ed., *La Laïcité à l'épreuve: Religions et libertés dans le monde* (N.p.: Universalis, 2004); Joel S. Fetzer and J. Christopher Soper, *Muslims and the State in Britain, France, and Germany* (New York: Cambridge University Press, 2005), 73–85.

[44] Author interviews with Turkish politicians, academics, and social activists, Ankara and Istanbul, July–September 2004.

[45] Ahmet T. Kuru, "Globalization and Diversification of Islamic Movements: Three Turkish Cases," *Political Science Quarterly* 120 (Summer 2005).

they have been unable to resist such policies to due the assertive secularists' dominance in the military and the judiciary.[46]

The main source of tension between these two groups has been the headscarf controversy.[47] The assertive secularists have imposed a ban on headscarves in all educational institutions. Although passive secularist politicians passed three pieces of legislation in the 1980s and 1990s permitting the wearing of headscarves at universities, these laws were either vetoed by the assertive secularist president or struck down by the Constitutional Court, on the grounds that they were against *laiklik* (secularism). The headscarf debate is deeper in Turkey than it is in France for three reasons. First, in Turkey, unlike in France, the headscarf is not a symbol of an immigrant religious minority: about 60 percent of women in Turkey wear some sorts of headscarf.[48] Second, the ban in France is confined to public schools, whereas that in Turkey encompasses all educational institutions. Last, but not least, weekly church/mosque participation is only 10 percent in France whereas it is 69 percent in Turkey.[49] The exclusion of religious symbols from public schools is relatively easier in less religious French society, in comparison with highly religious Turkish society.

In short, particular ideological struggles between the supporters and opponents of dominant secular ideologies are the main reason for the two opposite policy tendencies in my three cases. That still leaves an important question: why did passive secularism initially become dominant ideology in the U.S., whereas assertive secularism became dominant in France and Turkey? The next section addresses this question.

ANCIEN RÉGIME, CRITICAL JUNCTURE, AND IDEOLOGICAL PATH DEPENDENCE

The dominance of either passive or assertive secularism results from the historical conditions and relations during a country's state-building period. In general, the dominance of passive secularism is based on an

[46] *Devlet ve Din İlişkileri, Farklı Modeller, Konseptler ve Tecrübeler* (Ankara: Konrad Adenauer Vakfı, 2003); Ahmet T. Kuru, "Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party," in M. Hakan Yavuz, ed., *The Emergence of a New Turkey: Islam, Democracy, and the AK Parti* (Salt Lake City: University of Utah Press, 2006); M. Hakan Yavuz, *Islamic Political Identity in Turkey* (Oxford: Oxford University Press, 2003).

[47] Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling* (Ann Arbor: University of Michigan Press, 1996).

[48] Ali Çarkoğlu and Binnaz Toprak, *Değişen Türkiye'de Din, Toplum ve Siyaset* (Istanbul: TESEV, 2006), 66. According to the survey of *Milliyet* and A&G in 2003, this ratio was 64 percent. *Milliyet*, May 27, 2003.

[49] "Les Français et la prière," *Le Pèlerin Magazine*, April 13, 2001; Ali Çarkoğlu and Binnaz Toprak, *Türkiye'de Din, Toplum ve Siyaset* (Istanbul: TESEV, 2000), 41, 45.

"overlapping consensus"[50] (where actors reached an agreement for different reasons) between secular and religious groups, whereas that of assertive secularism is a product of conflict between them. The consensual and conflictual relationships are linked to these groups' ideological perspectives. If secular groups are antireligious (in terms of opposing a public role for religion) and religious groups try to maintain their established status, then they will find themselves in conflict. On the contrary, if secular groups are not antireligious and religious groups are not trying to keep an established religion, then consensus may arise. The critical condition that affects these views is the absence or existence of an ancien régime that combines monarchy with hegemonic religion. If such an ancien régime exists, then, it is hard to convince hegemonic religious groups to agree to the disestablishment of their religion. Moreover, the ancien régime also leads the secular elite, who oppose the monarchy in founding a new republic, to combat the hegemonic religion that justifies monarchy. In the words of Alexis de Tocqueville, "religions intimately linked to earthly governments . . . sacrifice the future for the present. . . . Hence religion cannot share the material strength of the rulers without being burdened with some of the animosity roused against them."[51]

The history of religion-state relations in several countries reflects the causal relationship between the religious institutions' alliance with monarchies and the rise of antireligious views. In certain European countries, such as Spain and Portugal, anticlericalism emerged as the republicans' reaction to the Catholic church's cooperation with the monarchy. In the words of Paul Manuel, "Absolute political power and legitimacy in Portugal and Spain until . . . the modern era were in the hands of the monarch. . . . The Roman Catholic Church legitimized the monarch's claim to divine authority, and, in turn, typically received royal grants of land, among other goods."[52] In the nineteenth century the republican elite challenged this "Iberian *ancien régime*." As a result of the Catholic church's continuing support to the crown and the aristocracy, "the Republicans became staunchly anticlerical."[53]

This causal process is not uniquely related to the Catholic church and is also relevant for other religious institutions. The Orthodox

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[50] Rawls (fn. 7).

[51] Alexis de Tocqueville, *Democracy in America,* trans. George Lawrence (1835; Garden City, N.Y.: Anchor Books, 1969), 297. See also Alexis de Tocqueville, *L'ancien régime et la révolution* (1858; Paris: GF-Flammarion, 1988).

[52] Paul Christopher Manuel, "Religion and Politics in Iberia: Clericalism, Anticlericalism, and Democratization in Portugal and Spain," in Ted Gerard Jelen and Clyde Wilcox, eds., *Religion and Politics in Comparative Perspective: The One, the Few, and the Many* (New York: Cambridge University Press, 2002), 74.

[53] Ibid., 76.

church in Russia, for example, experienced similar antagonism from the Bolsheviks due to its identification with the Russian monarchy. In the Russian ancien régime, "the Russian Orthodox Church was the established church of the Russian Empire, and the Tsar was its head."[54] That was one of the main reasons that Lenin and other leaders of the 1917 Revolution were hostile to the church, in particular, and religion, in general. Their atheism was much more antagonistic toward religion than Marx's philosophical atheism.[55]

The existence or absence of an ancien régime is also a crucial factor in my three cases. Passive and assertive secularism became dominant ideologies during the periods of secular state-building in America (1776–91, from the Declaration of Independence to the First Amendment); in France (1875–1905, from the Constitutional Laws of the Third Republic to the 1905 Law separating church and state); and in Turkey (1923–37, from the foundation of the Republic to the constitutional amendment enshrining secularism as a constitutional principle). Although passive and assertive secularist ideologies had already been formulated in the minds and writings of several intellectuals decades before these periods, it was during the state-building periods for these three cases that the two ideologies became dominant.

These periods are *critical junctures* where the secular state replaced the old types of state-religion regimes and left an ideological and institutional legacy that has persisted ever since. A critical juncture is a moment when both agency and structural conditions are available for a systematic change.[56] When the new system becomes consolidated, it creates ideological and institutional path dependence that then persists for a long time, even if it becomes inefficient and costly.[57] Path dependence does not necessarily claim an inevitable historical determinism.[58] Rather, it stresses that ideological and institutional change is possible

[54] Harold J. Berman, "Religious Rights in Russia at a Time of Tumultuous Transition: A Historical Theory," in Johan D. van der Vyver and John Witte, Jr., eds., *Religious Human Rights in Global Perspective: Legal Perspectives* (The Hague: Martinus Nijhoff Publishers, 1996), 287.

[55] Ibid., 289.

[56] "[C]ritical junctures are moments of relative structural indeterminism when willful actors shape outcomes in a more voluntary fashion than normal circumstances permit.... Before a critical juncture, a broad range of outcomes is possible; after a critical juncture, enduring institutions and structures are created, and the range of possible outcomes is narrowed considerably." James Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore: Johns Hopkins University Press, 2001), 7.

[57] Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94 (June 2000); idem, "Not Just What, but When: Timing and Sequence in Political Processes," *Studies in Comparative Political Development* 14 (Spring 2000); Scott E. Page, "The Types and Causes of Path Dependence," http://www.bramson.net/academ/public/Page-path%20Dependence.pdf (accessed September 1, 2005).

[58] Kathleen Thelen, "Timing and Temporality in the Analysis of Institutional Evolution and Change," *Studies in Comparative Political Development* 14 (Spring 2000).

but remains very difficult. It requires deliberate political collective action, as well as necessary structural conditions. I disagree with scholars who argue that the beginning of path dependence is generally a contingent, accidental event.[59] In the cases discussed here, the path dependence of passive and assertive secularism began with purposeful political struggle, rather than with the occurrence of coincidental events.

America was a new country of immigrants, where the secular elite (including Thomas Jefferson, James Madison, and George Washington) neither focused on the elimination of a monarchy nor perceived religion as its ally.[60] The alliance between the British monarchy and the Anglican church did not constitute an ancien régime for at least two reasons. First, the Anglican church was established in only six colonies, while seven others had either established Congregational churches or had no established church at all.[61] Second, even in those six colonies "the Anglican establishment was during most times nominal and the church's control over religious concernments largely ineffective."[62] These conditions affected not only secular elites' toleration of religion's public role but also religious groups' openness to church-state separation at the federal level. Because there was no nationwide hegemonic religion, religious groups were open to such a separation "without nostalgia for an *ancien régime*."[63] Moreover, the diversity of competing Protestant denominations led many religious groups to consider separation of church and state as a second-best choice as a guarantee of their own religious freedom.

This historical explanation works better than the famous narrative about the role of Puritan immigrants in the foundation of religious freedom in America. The Puritan narrative helps explain why religion has played an important role in the American public sphere. However, the fact that the Puritans escaped from persecution in Europe did *not* automatically make them promoters of church-state separation or religious freedom. Several American colonies had established churches and discriminated against various religious minorities, such as dissenting Protestants, Catholics, Jews, native Indians, and African slaves.[64]

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[59] James Mahoney, "Path Dependence in Historical Sociology," *Theory and Society* 29 (August 2000).

[60] Louis Hartz, *The Liberal Tradition in America* (1955; San Diego: Harcourt Brace and Company, 1991).

[61] Carl H. Esbeck, "Dissent and Disestablishment: The Church-State Settlement in the Early American Republic," *BYU Law Review* 30 (2004), 1415, 1457

[62] Ibid., 1414.

[63] Robert Bellah, "Civil Religion in America," *Daedalus* 134 (Fall 2005), 50.

[64] Michael W. McConnell, "The Origins and Historical Understanding of Free Exercise of Religion," *Harvard Law Review* 103 (May 1990), 1421–30; Kevin Boyle and Juliet Sheen, eds., *Freedom of Religion and Belief: A World Report* (New York: Routledge, 1997), 154–55.

The lack of an ancien régime and the presence of religious diversity were primary factors in the emergence of secularism and religious freedom in the U.S. as a gradually evolving political process.

In the American founding secular rationalists were influenced by the Enlightenment, while the evangelicals were affected by the Great Awakening. As mentioned above, the former were not antireligion and the latter were open to church-state separation. They also had an ideational common ground based on John Locke's liberalism and the thought of some Protestant thinkers (for example, Roger Williams, John Witherspoon, and Isaac Backus) who favored church-state separation.[65] These two groups largely agreed on separation at the federal level as formulated in the First Amendment, and that consensus led the dominance of passive secularism in the U.S.

In France the ancien régime was based on the marriage between the monarchy and the Catholic church. Anticlericalism and republicanism, therefore, were like twins in the dual fight against the clergy and the monarchy. Many eighteenth-century French philosophers, such as Voltaire and Jean-Jacques Rousseau, considered the Catholic church to be an impediment to their republican project.[66] In the late nineteenth century Léon Gambetta formulized anticlericalism in France: *le cléricalisme, voilà l'ennemi!* (clericalism—here is the enemy!).[67] France experienced several back and forths between disestablishment and reestablishment of the Catholic church from the 1789 Revolution to the 1905 Law that separated the church and the state. The Catholic church, seeking to maintain its hegemonic position, opposed secularism until the end of the World War II.

Unlike in the U.S., in France there was almost no ideational bridge between secular republicans and conservative Catholics. As a result, the struggle between these two groups was a zero-sum game, the "war of two Frances." One France was the inheritor of the values of the 1789 Revolution: it was republican, anticlerical, and secularist. It included leftist parties, some civic associations (for example, the Freemasons and Freethinkers), and religious minorities (the Protestants and Jews). The other France included the clergy and its conservative supporters in politics and bureaucracy.[68] In the early Third Republic (1875–1905) the

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[65] Noah Feldman, "The Intellectual Origins of the Establishment Clause," *New York University Law Review* 77 (May 2002).

[66] According to Rousseau, Catholicism "is so apparently bad that it is a waste of time to enjoy demonstrating its badness." Jean-Jacques Rousseau, *Du contrat social* (Paris: G. F. Flammarion, 2001), 174.

[67] Quoted by Mona Ozouf, *L'Ecole, l'Eglise et la République, 1871–1914* (Paris: Editions Cana, 1982), 50.

[68] Jean Baubérot, *Histoire de la laïcité en France* (Paris: PUF, 2004).

secular republicans, such as Minister of Education Jules Ferry, secularized education by excluding thousands of clerical teachers, as well as closing about fifteen thousand Catholic schools.[69] Although the Catholics challenged these policies, they were not effective in party politics and the parliament.[70]

Despite the opposition of conservative Catholics, the secularists passed the legislation that separated church and state in 1905. The bill was approved by a majority in the National Assembly (341 to 233) and the Senate (179 to 103).[71] Pope Pius X, the French clergy, and the Catholic press condemned the law. As a result of this severe conflict assertive secularism in France became the dominant ideology.

Turkey, too, had its own ancien régime, which depended on the Ottoman monarchy and the hegemony of Islam. Islamic law was in use in the Ottoman Empire and the ulema were an important element of the state structure.[72] Moreover, the Ottoman sultans claimed to be the caliphs of all Muslims. The Westernist elite in the late Ottoman and early Republican era, therefore, regarded Islam as a barrier against their modernizing reforms. One of their ideologues, Abdullah Cevdet, proposed abolishing all Islamic institutions and importing European civilization "with both its roses and its thorns."[73] M. Kemal Atatürk and other framers who founded the Republic in 1923 opposed the influence of Islam and other religions on the public sphere. The Islamists, by contrast, sought to maintain Islam's hegemonic status. The Kemalists embraced European schools of thought, especially positivism, and did not have an ideational connection with the Islamists.[74] Conflict between these two groups was almost inevitable.

The Kemalists abolished the caliphate, expropriated the properties of pious foundations, and brought the ulema under state control by founding the Directorate of Religious Affairs (Diyanet). They also abolished Islamic law and adopted European laws, including the Swiss Civil Code, the Italian Criminal Code, and the German Commercial

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[69] Ozouf (fn. 67), 233–34.

[70] Maurice Larkin, *Church and State after the Dreyfus Affair: The Separation Issue in France* (New York: Barnes and Noble, 1973); Kalyvas (fn. 24).

[71] Othon Guerlac, "The Separation of Church and State in France," *Political Science Quarterly* 23 (June 1908).

[72] Ejder Okumuş, *Türkiye'nin Laikleşme Serüveninde Tanzimat* (Istanbul: İnsan Yayınları, 1999); Kemal Karpat, *The Politization of Islam: Reconcstructing Identity, State, Faith, and Community in the Late Ottoman State* (New York: Oxford University Press, 2001).

[73] Translated and quoted by Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1968), 236.

[74] M. Şükrü Hanioğlu, "Garbcılar: Their Attitudes toward Religion and Their Impact on the Official Ideology of the Turkish Republic," *Studia Islamica* 86 (1997); Şerif Mardin, *Religion and Social Change in Modern Turkey: The Case of Bediüzzaman Said Nursi* (New York: State University of New York Press, 1989).

Code.[75] The Kemalists closed down all *medrese*s and created a unified secular school system. Throughout the 1930s there remained almost no institution in Turkey that could legally provide education of Islam. The Kemalists targeted Islamic organizations at the societal level as well, by outlawing tariqas, closing Sufi lodges, and shutting down the tombs of Muslim saints.

Finally, in 1937 the Kemalists added the principle of secularism to the Constitution to seal the secularizing reforms. The Kemalists pursued these reforms despite the Islamists' opposition. In this regard, the domination of assertive secularism in Turkey emerged as a result of the conflict between these two groups and the former's victory over the latter.

Table 6 summarizes my argument on the historical dominance of passive and assertive secularism in these three cases.

Since the secular state-building period—despite the presence of certain challenging views and conceptual changes—passive and assertive secularism have preserved their dominance in these three countries through ideological indoctrination, institutional socialization, and public education. In the U.S. passive secularism has remained dominant and allowed the public visibility of religion. Yet there have been certain changes in state policies toward religion, as well as in the meaning of state neutrality itself. From the late eighteenth to the early nineteenth century, neutrality meant only the federal government's neutrality toward Protestant denominations: established churches persisted in certain states until 1833. From that time until the early twentieth century, secularism implied neutrality toward various Protestant denominations at both the federal and the state level. At the time there was a Protestant semiestablishment that marginalized Catholics. The public schools, for example, were teaching the Protestant King James version of the Bible.[76] The early twentieth century was the period of the redefinition of neutrality, as Catholics and Jews were incorporated.[77] Since the 1950s there has been a new debate on the meaning of neutrality. For the separationists neutrality requires state impartiality toward all faiths and atheism, whereas for many accommodationists it asks state neutrality only for monotheistic religions.

In France although assertive secularism has ideological roots going back to the eighteenth century, it became dominant in the early Third

[75] Sibel Bozdoğan and Reşat Kasaba, eds., *Rethinking Modernity and National Identity in Turkey* (Seattle: University of Washington Press, 1997).

[76] Christian Smith, ed., *The Secular Revolution: Power, Interests, and Conflict in the Secularization of American Public Life* (Berkeley: University of California Press, 2003); Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2004).

[77] Jose Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), 135-209.

TABLE 6
HISTORICAL CONDITIONS AND RELATIONS DURING SECULAR STATE-BUILDING

	I	II	III	IV
U.S.	the absence of an ancien régime and diversity of protestant denominations	secular groups were not against religion's public role / religious groups were open to church-state separation	overlapping consensus between secular and religious groups	dominance of *passive secularism*
France and Turkey	the presence of an ancien régime based on the monarchy and the hegemony of Catholicism and Islam	secular groups were against religion's public role / religious groups sought to maintain the establishment of Catholicism and Islam	severe conflict between secular and religious groups	dominance of *assertive secularism*

Republic. Since that time, the assertive secularists have succeeded in marginalizing religion in the public sphere despite the resistance of conservative Catholics. The recent headscarf controversy resulted in a new passive secularist challenge to the dominance of assertive secularism.[78] In Turkey the assertive secularists have remained dominant since the foundation of the Republic despite the Islamist opposition. They have largely succeeded in minimizing Islam's public roles in Turkey. The rise of conservative politicians and social movements, however, meant a passive secularist challenge to their domination.[79]

[78] Jean Baubérot, *Laïcité 1905–2005, entre passion et raison* (Paris: Seuil, 2004); Henri Pena-Ruiz, *Qu'est-ce que la laïcité?* (N.p.: Folio, 2003) ; John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2006).
[79] Berna Turam, *Between Islam and the State: The Politics of Engagement* (Stanford, Calif.: Stanford University Press, 2006); M. Hakan Yavuz and John L. Esposito, eds., *Turkish Islam and the Secular State: The Gülen Movement* (Syracuse: Syracuse University Press, 2003).

   Although assertive secularism has similarly been dominant in France and Turkey, these two still reflect a policy divergence. Certain policies in Turkey, such as the ban on private religious education, indicate that the Turkish state has been more exclusionary toward religion than has been the French state. Again, historical conditions are important for tracing the reasons for this divergence. The main reason for this relative policy difference lies in the historical trajectories of democratization and authoritarianism in France and Turkey.[80] From the secular state building in the late nineteenth century to the present, assertive secularism in France has coexisted with a multiparty democracy and has gained substantial popular support. It was challenged by monarchist Catholic movements and pro-Catholic authoritarian rules, such as the Vichy regime (1940–44). Moreover, because of French democracy, the opponents of assertive secularism have had the political means to criticize certain policies, and the assertive secularists have had to make compromises in their utopian ideological views. In Turkey, by contrast, assertive secularism was established by an authoritarian regime in the early twentieth century and has been defended since 1950 by several military coups d'état against conservative governments. Under the shadow of the Turkish military, it has been much more difficult to oppose assertive secularist policies. Turkish assertive secularists, therefore, have very rarely accepted policy compromises.

   In sum, the dominance of either passive or assertive secularism that emerged in the state-building period has continued to the present day in the three cases as instances of ideological path dependence. On the one hand, this ideological dominance has filtered struggles over state policies toward religion. On the other hand, it has experienced conceptual transformations (for example, in the U.S.) and faced resistance of alternative religious and ideological groups (for example, in France and Turkey).

Conclusion

This article examines two opposite policy tendencies toward religion as manifested in three secular states. The American state is generally more tolerant toward public expressions of religion than are its French and Turkish counterparts. An example of this policy divergence is the three states' policies toward religious attire. In the American legal system,

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[80] Jean-Paul Burdy and Jean Marcou, "Laïcité/Laiklik: Introduction," *Cahiers d'études sur la Méditerranée orientale et le monde turco-iranien*, no. 19 (1995), 29; Jean Baubérot, "D'une comparaison: Laïcité française, laïcité turque," in Isabelle Rigoni, ed., *Turquie, les mille visages: Politique, religion, femmes, immigration* (Paris: Editions Syllepse, 2000).

neither the federal government nor individual states can prohibit religious symbols in general or symbols of a particular religion by singling them out.[81] In France and Turkey, however, the state has singled out the wearing of religious attire as grounds for excluding students from public schools, without subsuming it under some more general regulation with a practical rationale (for example, health or security).

I explain this policy difference in terms of ideological struggles. Such an emphasis on ideologies is a challenge to the mainstream view in the social sciences, which tends to attach importance to strategic and instrumental behaviors, while disregarding actors' ideas. In the U.S. the accommodationists and separationists defend different interpretations of passive secularism, though both of them allow public visibility of religion. In France the assertive secularists, who aim to exclude religion from the public sphere, have succeeded in establishing their dominance despite the resistance of the passive secularists. Similarly, in Turkey the Kemalists have powerfully defended the dominant assertive secularism despite the challenge of the pro-Islamic conservatives, who have promoted passive secularism. In short, I do not take states as monolithically passive or assertive secularist.[82] Nor do I claim an ideological determinism. Instead, I attach importance to human actors who embrace ideologies and struggle to materialize their political agenda.

In a social scientific analysis variables are generally parts of broader chains. I first took the two opposite policy tendencies as the dependent variable and tried to explain it in terms of the ideological struggles between assertive and passive secularists. I then examined dominant ideologies themselves as a dependent variable and explained it through historical conditions, particularly the existence or absence of an ancien régime based on monarchy and hegemonic religion.

The establishment of a new ideological dominance generally requires a long historical process. First, ideologies emerge in the works of some native thinkers, or they are imported from other intellectually influential countries. Then, they find certain followers among the elite through publications and school education. Next, these followers organize and mobilize to challenge the existing ideological establishment. Finally, these activists need available structural conditions (such as wars, economic crisis, or critical elections) to replace the old ideological dominance. When the activists find convenient conditions, they estab-

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[81] Derek H. Davis, "Reacting to France's Ban: Headscarves and other Religious Attire in American Public Schools," *Journal of Church and State* 46 (March 2004).

[82] For fragmentation of state actors, see Joel S. Migdal, *State in Society: Studying How State and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001).

lish the new ideology by making it dominant in both abstract institutions (the Constitution, other laws, and the market) and organizations (schools, courts, and barracks).

Since the dominant ideology plays a crucial role in the formation of state policies, its change results in substantial policy transformations. Two recent examples of such change are postcommunist Russia and postmonarchist Iran. Although the collapse of the Soviet Union and the Iranian Revolution had multiple *causes*, ideological transformation marked their *results*, in terms of new patterns of policy orientation. The elimination of the communist ideology in former Soviet republics led to a set of major policy transformations, including those concerning state-religion relations. Today, the Russian state is far from being atheistic. Instead, it has close relations with the Orthodox church and tries to please Muslims both inside and outside its territory with particular policies, such as being an observer of the Organization of the Islamic Conference. In the aftermath of the Iranian Revolution, Shia political Islamism replaced the Shah's secularist ideology. This ideological rupture has caused extensive policy repercussions from foreign affairs to state-religion relations. Ideological changes may also be more gradual than these revolutionary examples. In an ideologically divided institution, such as the U.S. Supreme Court, appointment of even one justice with conservative or liberal views may result in the change of the court's dominant perspective, which will have certain policy implications.

This article relies on an analytical tool that can be used by other scholars. It reemphasizes the importance of historical comparison to trace the impact of history on current policymakers via ideological path dependence. It is an analysis of how the ideological consensus or conflict at the critical juncture in a country's history defines the ideological constraints under which current struggles occur and policies are made. Researchers can explore the relationship between historical conditions, ideological struggles, and state policies in their analysis of other types of regime change (for example, democratization) or policy formation (for example, ethnic policies). Moreover, my typology of passive and assertive secularism provides a conceptual framework with which to examine other secular states. Scholars of two well-known cases of secularism, India and Mexico,[83] for example, may use passive secularism for the former and assertive secularism for the latter in their analyses.

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[83] Bhargava (fn. 2); Gary Jeffrey Jacobsohn, *The Wheel of Law: India's Secularism in Comparative Constitutional Context* (Princeton: Princeton University Press, 2003); Roberto Blancarte, "Un regard latino-américain sur la laïcité," in Jean Baubérot and Michel Wieviorka, eds., *Les Entretiens d'Auxerre: De la séparation des Églises et de l'État à l'avenir de la laïcité* (N.p.: L'aube, 2005).

My analysis of secularism may prompt further research on the relationship between secularism, liberalism, and democracy. U.S. policies seem to be largely liberal and democratic, since they respect individual rights and, generally, follow people's demand. French policies that violate individual freedoms, such as the ban on headscarves, are not liberal but can still be defined as democratic, since 72 percent of the population supported the ban.[84] Turkish policies, again such as the ban on headscarves, are neither liberal nor democratic, since only 22 percent of the population supports it.[85] Future studies can elaborate these and other cases regarding the relationship between these three concepts.

Another related and intriguing issue is the compatibility of secularism and Islam. My approach stresses that such a question is misleading unless the researcher is aware of passive and assertive types of secularism, as well as diverse interpretations of Islam. Regarding assertive secularism, the answer is more likely to be negative, since it has had problems not only with Islam in Turkey but also with Catholicism in France. Assertive secularism seems to be incompatible with any religion that has public claims. A practical reflection of this abstract debate is the popular disdain toward secularism in many Muslim countries. In the Muslim geography, from Syria to Tunisia, from Saddam's Iraq to Algeria, what people have experienced has been assertive secularism mainly as a result of French colonial and intellectual influence.[86] Muslim populations may want to rethink secularism if they recognize an alternative mode—passive secularism—that tolerates public visibility of religion. This issue requires further research and separate essays, if not books.

[84] Debré (fn. 42), 19.
[85] Çarkoğlu and Toprak (fn. 48), 75.
[86] Edward Webb, "Kemalism in More Than One Country? Religious Jacobinism in the Early Turkish Republic, the French Third Republic, and the Republics of Tunisia and Syria" (Ph.D. diss., University of Pennsylvania, 2007); Rachid al-Ghannouchi, "Secularism in the Arab Maghreb," in John L. Esposito and Azzam Tamimi, eds., *Islam and Secularism* in *the Middle East* (New York: New York University Press, 2000); Nikki R. Keddie, "Secularism and the State: Towards Clarity and Global Comparison," *New Left Review* (November–December 1997), 25–30.