Religious souls and the body politic

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ONE of the casualties of the September 11 attacks and the ensuing war on terrorism has been the easy attitude Americans typically have taken toward religion. Jefferson famously stated that it did not matter whether his neighbor believed in "twenty gods or no god. It neither picks my pocket nor breaks my leg." It is not so clearly a matter of indifference if one's neighbor has declared a jihad. Recent events are forcing us to rethink the casual assumption that religion can be ignored for public purposes because it is thought to be irrelevant to public life. We must also confront difficult questions about the potential conflict between loyalty to particular understandings of God and loyalty to the country and its way of life, as well as how a free society should regard its religious citizens.

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Indifference to religion, as a public matter, is of relatively recent origin, not much older than the American republic itself. Until the modern period, citizenship was inextricably tied to religion. The legitimacy of government was based in large part on claims of divine sanction, and those who disputed that sanction could not be trusted. Dissenters could be dealt with tolerantly or harshly, but they could not be full and equal citizens. In England, until the mid-nineteenth century, civil, military, and even academic offices were officially limited to adherents of the established church. Throughout Europe, the treatment of Jews—the most conspicuous religious minority—was a striking illustration of religious exclusion and intolerance. Typically subjects of the king but not citizens of the realm, Jews were vulnerable to special exactions and—at the mercy of the sovereign—to violence, insult, and expulsion. Even in the early years of this nation, most states prohibited some combination of non-Christians, non-Protestants, or atheists from voting, holding office, or serving on juries.

With the rise of liberal constitutionalism, at the time of the American founding and the French Revolution, an attempt was made to sever the connection between citizenship and religion. The state was divorced from its sacred foundations and identification with an established religion. Citizenship was opened to all inhabitants without regard to their religion. Special privileges for adherents of a favored denomination were ended, as were special disabilities for anyone else. That individuals of all religious faiths must be permitted full and equal citizenship became a fundamental and eventually uncontroversial premise of the liberal constitutional order. As stated in the Virginia Bill for Establishing Religious Freedom of 1786, "Our civil rights have no dependence on our religious opinions; any more than our opinions in physics or geometry."

But this formulation makes things sound easier than they are. Religion is not like physics and geometry. Religion is connected to conscience, character, and loyalty in a way that physics and geometry are not. If we do not grasp why religious convictions could possibly pose problems for citizenship, we may become careless in our un-

derstanding of what it means to treat religious believers, of all faiths, as full and equal citizens.

Two homelands

The essential problem is that religious believers have an allegiance to an authority outside the commonwealth. To be sure, the demands of faith do not necessarily (or even frequently) conflict with the laws of the civil society; often they are mutually reinforcing. Much depends on the nature of the religion and of the state. Religions that place few nonspiritual demands on their adherents, or whose cultural and moral commitments are more or less congruent with those of the wider community, will create relatively few conflicts. Governments that confine themselves to the few essential functions necessary to peace and good order will generate fewer conflicts than governments active in the educational, cultural, and moral lives of their citizens. But in principle, so long as church and state are separate, there is always the possibility of conflict between spiritual and temporal authorities. Believers inevitably face two sets of loyalties and obligations. In this respect, they resemble resident aliens, or at best, persons with dual citizenship. This conflict of loyalties and obligations may be called the problem of "citizenship ambiguity."

Rousseau addressed the problem with characteristic bluntness. He wrote in *The Social Contract* that adherents of certain religions cannot be "at the same time both churchmen and citizens." Under Christianity, "men have never known whether they ought to obey the civil ruler or the priest." Christianity gave men "two legislative orders, two rulers, two homelands," and it put them under "two contradictory obligations." This situation is "so manifestly bad," he said, that the "pleasure of demonstrating its badness would be a waste of time."

Rousseau's diagnosis of the problem was shared to a considerable extent by James Madison. In his *Memorial and Remonstrance Against Religious Assessments*, Madison presupposed a relation between religion and government similar to Rousseau's. Like Rousseau, he recognized the potential for conflict between the "claims of Civil

Society" and the duty of "every man" to render homage to the Creator. Unlike Rousseau, however, Madison averred that the latter duty "is precedent both in order of time and degree of obligation" to the former.

> Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign.

Madison's terminology—believers are "subjects" of the "Universal Sovereign," to whom they owe "allegiance"—draws attention to the question of citizenship. Much like Rousseau, Madison posed the problem of church and state as one of citizenship ambiguity. How can we deal with the fact that religious believers are both subjects of God and citizens of earthly commonwealths?

The difference between Rousseau and Madison is that the former deplored this "conflict of jurisdiction," while the latter deduced from it the "unalienable right" to worship God in accordance with the dictates of conscience. Rousseau maintained that a properly ordered civil society required suppression of traditional religion in favor of a mandatory civil religion that would preach "the sanctity of the social contract and the law." This new "civil religion" would be no less intolerant and no less tied to government than the state establishments of yore. Madison argued, by contrast, that government may not tamper with the dictates of conscience, and he helped to create a new form of government that would protect the believer's dual allegiance. Rousseau thought it essential that loyalty to the state supersede religious faith; Madison maintained that religious obligation takes precedence. Different solutions, different constitutions—but essentially the same understanding of the underlying problem.

Separation and unity

Admittedly, not everyone has agreed with Rousseau and Madison that religious conviction and civil obligation are

in conflict. There have been important attempts to understand religion and citizenship in such a way as to minimize or eliminate the problem of citizenship ambiguity.

One such attempt may be found in the device of separation between church and state, the philosophical foundation of which was laid by John Locke in his *Letter Concerning Toleration*. So long as civil and religious sources of authority are clearly distinguished and given separate jurisdictions, according to Locke, the problem of citizenship ambiguity can be eliminated. The problem is not inherent in the situation of religious people in secular communities but is a result of either government, or religion, or both overstepping their proper bounds. If religion and government would stick to their own proper spheres, a believer could be a citizen of both sacred and secular realms—he could enjoy dual citizenship—with no conflict of obligations. That is why Locke "esteem[ed] it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other." The religious citizen would obey God within God's proper jurisdiction, and would obey the magistrate within the magistrate's proper jurisdiction. Eliminate the jurisdictional overlap and there would be no further difficulty.

Locke's vision found adherents on this side of the Atlantic. In his *Letter to the Danbury Baptists*, Jefferson wrote that he

> contemplate[d] with solemn reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.

The Lockean character of Jefferson's letter is apparent not only in the famous metaphor of the "wall of separation," but in Jefferson's faith that man "has no natural right"—presumably including obligations of conscience—"in opposition to

his social duties." This obviously presupposes that the realms of conscience and social duty are sufficiently distinct that conflict between them will not legitimately arise.

The separationist approach has obvious merits. To the extent that church and state can be separated, without violence to the just and proper jurisdiction of either, they should be. The less overlap there is between sacred and secular authority, the less serious will be the problem of citizenship ambiguity. The flaw in Locke's prescription is not with its desirability but its practicality. Public affairs do not divide so neatly into the categories of sacred and secular. Often, governments and religious institutions are concerned about the same things and engage in the same activities, in which case they will inevitably cooperate or compete. Even conceding, with Locke, that "the care of souls is not committed to the civil magistrate," there remain numerous and inevitable potential conflicts between the demands of civil society and those of faith. Indeed, the very boundary between sacred and secular is a point of contention, on which persons of various religious and secular persuasions will inevitably disagree.

What happens when civil law does conflict with religious conscience? According to Locke, this "will seldom happen," but if it does, the believer should suffer the punishment. "For the private judgement of any person concerning a law enacted in political matters, for the public good, does not take away the obligation of that law, nor deserve a dispensation." Only if the magistrate has overstepped the bounds of his proper authority is the believer entitled to disobey. And since "there is no judge upon earth between the supreme magistrate and the people," in cases of conflict, civil authority always prevails, no matter which party to the dispute—believer or magistrate—has overstepped the proper bounds. Moreover, the teachings of some religions—atheism and Roman Catholicism, for instance—seemed to Locke to be so inimical to public order that they should be denied toleration altogether.

It is not obvious that this is much of an improvement over Rousseau. The difference between Locke and Rousseau is less about theory than it is about social reality. Locke

(and Jefferson) professed to believe that religion is essentially irrelevant to the affairs of this world, while Rousseau insisted that the opposite is true. In the end, however, their response to conflict was the same. Whether common or infrequent, conflicts must be resolved in favor of the state.

It would be naïve to assume, however, as Locke and Jefferson did, that civil society is unaffected by the moral and even the theological teachings of its major religions. Religious teachings can have profound effects on the public culture, for better or worse. Jefferson may have been right in saying that "it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." But his reason for thinking so—namely, that religious opinions are irrelevant to the commonweal—was wrong. Rather, it is because liberty of conscience is precious enough to sacrifice other public goods for its attainment, and because government is not to be trusted in judging which opinions are likely to be injurious to the public good. The danger in Jefferson's "pick my pocket or break my leg" reasoning is that, whenever my neighbor's religion does have secular consequences, it will seem appropriate to intervene. Locke's exclusion of atheists and Catholics from toleration cannot be dismissed as a quaint exception to his beneficent liberalism; it follows logically from the ground on which his argument for toleration rested. If religious freedom means nothing more than that religion should be free so long as it is irrelevant to the state, it does not mean very much.

Salutary prop

Another important response to citizenship ambiguity is to accept that religion is relevant to citizenship but to maintain that the teachings of religion, taken as a whole, tend to foster the virtues on which a republic depends. In his Farewell Address, George Washington stated that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports." Religion, in this view, does not undermine good citizenship; rather, religion and morality are the "firmest props of the duties of men and citizens." By "religion," Washington was not using

a code word for mainstream Christianity. His letters to the Jewish congregations of Newport, Philadelphia, New York, Richmond, Charleston, and Savannah make clear that he regarded them highly, and he gave instructions to American troops in Canada to respect the rights of conscience of the Catholic French Canadians. Nor was Washington unaware that religious convictions could produce conflicts with civil duties. In writing to "the religious society called Quakers," Washington noted that except in "their declining to share with others the burden of common defense," there was "no denomination among us, who are more exemplary and useful citizens." He insisted that

> in my opinion the conscientious scruples of all men should be treated with great delicacy and tenderness: and it is my wish and desire, that the laws may always be as extensively accommodated to them, as a due regard for the protection and essential interests of the nation may justify and permit.

Washington's central theme is his belief that religion—all religion—is a salutary prop for democratic citizenship, and therefore that the religious commitments of all citizens should be treated with "great delicacy and tenderness." It is important to see the deep congruence between this view and Rousseau's. Neither believed that religion is irrelevant to citizenship; neither believed that the spheres of government and religion can be so separated that the state can be indifferent to the influence of religion. But what accounts for the equally profound difference between Washington, who saw religion as salutary, and Rousseau, who saw it as divisive and disruptive? One answer may be that Rousseau envisioned a society of much deeper and thicker solidarity, making difference of religion—or even deep commitment to religion as a locus of truth and loyalty—a threat. Washington, by contrast, desired only enough public virtue to allow republican institutions to work.

Another reason for the difference is that, in France, the dominant religious faith was hostile to the republican future Rousseau envisioned, while the churches of America were in the forefront of this nation's struggle for independence. When Rousseau thought of religion, he thought principally of Catholicism, whose organization was hierarchical, autocratic,

and nonegalitarian. As Tocqueville noted, the situation in America was the reverse: The American colonists had "brought to the New World a Christianity which I can only describe as democratic and republican." Americans thus never shared the anti-clericalism of their republican counterparts in France. In America, the dominant Protestant religion reinforced the essential philosophical presuppositions of the republic, and the religious minorities—whatever the details of their doctrine—as a practical matter favored the liberalism of the new regime. Washington saw no conflict between religion and citizenship because the dominant religion of America, Protestant Christianity, preached ideals consistent with the principles of the republic.

But what would happen if—as in France—the ideals espoused by religion were inimical to the principles of the regime? The happy coincidence of freedom and good citizenship would be broken. It would then be necessary to choose. And which would we choose? Religious freedom, or other principles closer to the ideals of the polity?

This brings us back to Rousseau and Madison, and to the potential for conflict between being a good citizen and being a person of faith. Rousseau proposed one solution: to crush religion that does not reinforce the dogmas of the state. Madison proposed another: to recognize the duty to God as an unalienable right, preceding the demands of civil society. The easy answer of separationism can only go so far, and the easy answer that religion is good for citizenship is to some degree contingent on historical circumstance. None of the answers will satisfy all legitimate demands; all come at a price.

The secular model

For the most part, liberal democrats no longer argue about whether believers should be equal citizens. But we are still far from agreement about how to achieve this objective. According to Rousseau, it is impossible for adherents of traditional religions to be true citizens. Your citizenship can be in heaven or in France, but not in both. For obvious reasons, that cannot be the answer in a liberal republic.

It is not possible for a liberal republic to grant or

withhold the privileges or immunities of citizenship on the basis of adherence to one or another religion. Instead, liberal regimes have developed a range of answers to the problem of citizenship ambiguity—two of which in particular cast light on the problem. One, taking its inspiration from Rousseau, insists on the secular character of the state, as is the case of France today. The other, the United States being a good example, follows Madison's lead in embracing religious pluralism.

The first model is often called in the United States "strict separation" between church and state, and in France, *laïcité*. In this model, the public sphere is strictly secular: Laws are based on secular premises, government programs and activities are completely secular, and religion is deemed to be irrelevant to the determination of the citizens' civil obligations. Public schools are favored, and, it is held, should be used to inculcate ideals of democratic citizenship, untainted by sectarian dogma. Religious exercise is protected, so long as it is confined to the private sphere of home and church. The approach may be summed up in the saying of poet Yehuda Lieb Gordon: "Be a man in the streets and a Jew at home"—with the understanding that the same is true of adherents of every faith.

The approach is generally associated with the idea that politics should be conducted on the basis of "public reason," which is accessible to all citizens, and not on the basis of sectarian teachings. One American law professor, Stephen Gey, an exponent of this view, has explained:

> The establishment clause should be viewed as a reflection of the secular, relativist political values of the Enlightenment, which are incompatible with the fundamental nature of religious faith. As an embodiment of these Enlightenment values, the establishment clause requires that the political influence of religion be substantially diminished.

The effect is to force all citizens to put aside their sectarian loyalties and convictions in their capacities as citizen, but to allow everyone freedom to practice religion in private. Don't ask, don't tell.

Strict separation tends to be animated by fear of religious divisiveness, religious warfare, sectarianism, and in-

tolerance. The hope is to domesticate religion by privatizing it. For some, disestablishmentarianism and privatization are also the first steps toward reducing attachments to sectarian religion and fostering assimilation and secularization. Even the most liberal of gentile supporters of Jewish emancipation in France in the aftermath of the Revolution expected Judaism to disappear as a distinctive group once Jews were given civil rights. In a similar vein, Jefferson predicted that, with the advent of religious freedom, sectarian religion would decline and all Americans would become Unitarians within a generation.

The secular solution repudiated the enforced difference of the *ancien régime* but substituted an enforced denial of difference. Under the *ancien régime*, religious minorities were treated by the state as radically different and separate from the citizenry, whether they liked it or not. Under emancipation, they were admitted to membership in the citizenry—but at the price of foregoing their distinctiveness. As one historian has written of Jewish emancipation in France after the Revolution:

> Jews, according to the terms of emancipation, were expected to divest themselves entirely of their national character—they were to give up the civil aspects of Talmudic law; disavow the political implications of Jewish messianism; abandon the use of Yiddish; and, most importantly, relinquish their semi-autonomous communal institutions. They were to become like other Frenchmen in every respect, save religion.

One prominent French legislator explained that no one could be his fellow citizen "who does not wish to drink or eat with me, who cannot give me his daughter in marriage, whose son cannot become my son-in-law, and who, by the religion he professes is separated from all other men." Thus he concluded: "Only when Jews do what other men do what the constitution and law requires of us all, will we welcome them as citizens." The recent legislation banning yarmulkes, Muslim headscarves, and large crosses in French public schools is in keeping with this tradition.

The United States also has a version of *laïcité*. It is not uncommon to hear the argument that any exception to generally applicable laws would be a form of "preference"

for religious believers. As Justice Felix Frankfurter wrote of religious liberty in his dissenting opinion in *West Virginia Board of Education v. Barnette* in 1943,

> the constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity. Its essence is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma.

While never fully embraced by the Supreme Court, this position has obvious connections to certain recent constitutional opinions. For example, the first part of the Supreme Court's test for an establishment of religion is that government action must have a "secular purpose." In theory, legislation predicated on religious views (such as religious condemnation of abortion or gambling) could be held to be unconstitutional, even though legislation predicated on competing worldviews (feminism or libertarianism, for example) would pose no constitutional problem. Moreover, if all publicly funded activities must be strictly secular, there can be no public subsidies of religious schools, universities, or social-welfare programs—at least, if those programs are identifiably religious in nature. Thus, until recently, the Supreme Court held that public funds could not be provided to any activity that is "specifically religious," or even to secular activities conducted by "pervasively religious" organizations, even on equal terms with secular organizations. The Court has also held that the free exercise clause must not be interpreted to require accommodation of religious dissenters. It must be said, however, that the American constitutional law of church and state was always sufficiently confused and inconsistent that neither this nor any other coherent model of church-state relations was truly dominant.

The pluralist model

The alternative to secularism is religious pluralism: citizenship should be open to people of all faiths and with the least possible violence to their religious convictions. The Jew can be a Jew not just in his house but in the

public square as well. So can the Muslim and the gentile. If this requires accommodation—a relaxation of the general rules of society—it is worth the price.

Perhaps the most eloquent statement of the pluralist view came from the Irish lawyer William Sampson in a case in New York in 1813. The question before the court was whether a Roman Catholic priest could be forced to testify on information learned in the confessional. In his argument before the court, Sampson expressed a broad vision of religious liberty in America, one that would eliminate citizenship ambiguity: "Every citizen here is in his own country," Sampson argued. "To the protestant it is a protestant country; to the catholic, a catholic country; and the jew, if he pleases, may establish in it his New Jerusalem."

The difference between the secular and pluralist approaches came to the fore in the first recorded case in the United States involving a claim of freedom of religion. In this 1793 case, a Jewish witness, Jonas Phillips, resisted a subpoena to testify in court in a civil case on Saturday, his day of sabbath. Phillips was a leader of the Philadelphia Jewish community, and it is likely that this was a test case, closely watched by members of the small Jewish community of America, curious to find out what freedom of religion would mean in this new liberal regime. The news was not good: Phillips was fined £10 for refusing to appear in court on Saturday. But the case never was finally resolved, because the party on whose behalf the subpoena was issued excused the fine before an appellate court could review the matter.

This may appear to be a minor case, but the implications of Phillips's position were profound. He was asking that the civil court system adjust its schedule to the Jewish law. He was asking that civic obligations be accommodated to religious faith. He was, in effect, embracing the pluralist vision of religious citizenship, for he wished to be *both* an American citizen *and* a faithful Jew—even in his public role as a witness in court.

The pluralist model rejects the assumption that the polity is based on secular or relativist Enlightenment values, or that secularism is a "neutral" position. Indeed, what passes for "neutrality," according to the pluralist view, is actually a

deeply embedded ideological preference for some modes of reasoning and ways of life over others—rationalism and choice over tradition, revelation, and conscience. No specific law or policy can be "neutral"; all are based on ideological or philosophical positions. "Neutrality," therefore, cannot be achieved by scrutinizing each individual law. Rather, the overall constitutional framework must leave the choice among competing perspectives to the people, privileging neither religion nor the secular view.

The implications are far-reaching. Religious citizens, like everyone else, are entitled to advocate laws that reflect their best judgment of what will promote the public good, even if their premises derive from religious teachings. The pluralist state is "neutral" toward religion not because the laws are based on nonsectarian "reason," but because all citizens are equally free to adopt or reject arguments without any limitation arising from their metaphysical, philosophical, epistemological, or theological foundations. To tell religious citizens that their conceptions of justice or the common good must be "bracketed" is to treat them as second-class citizens.

Pluralism, rather than secularism, has tended to dominate American historical practice. From the struggle for independence, abolition, and the Civil War, through women's suffrage and prohibition, to the modern controversies over civil rights, the Vietnam War, and abortion, religious voices and religious arguments have been among the most prominent. Indeed, the contrary, secular position implies that William Lloyd Garrison, Dorothea Dix, and Martin Luther King, Jr., were bad citizens. Advocates of the secular state claim that laws based on religious reasoning demean the status of nonbelievers as equal citizens. The pluralist would respond that no citizen is demeaned by laws that he disagrees with, so long as he has an equal right both to press for laws he deems just and to disagree with arguments he does not find persuasive. The pluralist state thus affirms the equality of all citizens by allowing all to participate in public affairs without privileging any particular ideology or mode of persuasion.

By the same token, the pluralist approach encourages communities of conscience to preserve the institutions nec-

essary to perpetuate their distinctive ways of life and to pass these on to future generations. Our longstanding tradition of broad-based tax exemptions and tax deductible contributions for nonprofit religious and charitable groups is a practical means by which government can support these institutions without its involvement in the selection of worthy recipients or control over their operations. Where government-funded programs duplicate or compete with religious institutions that perform public functions (such as hospitals, universities, schools, or soup kitchens), the pluralist view encourages choice. Those who wish to educate their children or participate in public programs in a manner consistent with their faith can do so.

In the past, the courts tended to treat any financial support of religious institutions as constitutionally suspect, unless it could be shown convincingly that the funded activity had no religious component. More recently, the Supreme Court has upheld government assistance so long as it is provided to a broad array of beneficiaries, secular as well as religious, on the basis of objective secular criteria. The most difficult problem is ensuring that the assistance is given in such a way that it does not destroy the autonomy of the institutions. Indeed, some thoughtful pluralists think that religious institutions are better off if they continue to be excluded from government assistance, because the threat of regulation and control is more dangerous than the deprivation of resources.

Pluralism after September 11

Although the secular and pluralist approaches have a pedigree in the theory and practice of liberal constitutionalism, the pluralist model best achieves the ideal of full equality of all citizens. The pluralist approach requires a sharp, and at times difficult, distinction between those practices of a religious-cultural minority that merely differ from our norms (as reflected in laws, policies, and cultural expectations) and those practices that are genuinely inimical to our way of life, including most importantly our peace and security. It does us no great harm—though it may sometimes be inconvenient—to accommo-

date religious difference. However, we cannot budge on the essentials. As Washington put it in his letter to the Quakers, the laws should be "accommodated" to the religious scruples of "all men," but only insofar as "a due regard for the protection and essential interests of the nation may justify and permit."

As a constitutional matter, there has been extensive controversy over which institutions are entrusted with the authority to draw the difficult lines in this area: the courts or the political branches. By a divided decision in 1990, the Supreme Court held that the responsibility lies with the political branches; Congress has responded by passing general legislation redelegating a part of that authority to the courts. While this institutional argument is undoubtedly important, it is more about means than ends. Some think the courts better suited to accommodate religious difference because of a supposed greater capacity for disinterested judgment and a greater insulation from popular prejudice. Others argue that such decisions belong with the political branches because of the tricky policy implications involved. But either way, the pluralist supports a range of accommodations. The secularist, by contrast, treats it as unjust or, in legal terminology, an establishment of religion, to treat religious scruples with any greater "delicacy and tenderness" (Washington's language) than any other, secular concerns.

These differences are reflected in two general reactions to the attacks of September 11, and the growing awareness of the threat of radical Islam to America's way of life. Recoiling from the religious extremism of the terrorists, some observers unfairly associated them with Christian fundamentalists and concluded that America must redouble its efforts to construct a secular, rationalist culture. Others took the opposite tack and thought it essential to distinguish between Islam as a religion with many admirable qualities, and violent and extremist elements like Al-Qaeda. According to these observers, it was especially important to make clear to Muslims both in the United States and in other parts of the world that the U.S. government, and Americans as a people, have respect for

Islam and will protect the rights of Muslims to worship in accordance with conscience, even as the United States makes ferocious war on the Islamic radicals who threaten its peace and security.

Part of the reason for this approach is that respect for religious freedom is at the heart of America's principles of government. But another part is prudential. The results may be slow and the course bumpy, but the pluralist vision, as applied to Islam, offers the hope of a long-lasting reduction in hostility. From an Islamic point of view, a secular state is no less alien and threatening than a Christian one. The idea that secularism is tantamount to neutrality is a Western illusion. The pending decision of French authorities to forbid Muslim girls from wearing the headscarf (along with Jews wearing skullcaps and Christians large crosses) is likely to exacerbate religious tensions, not reduce them.

It is fanciful to imagine that the Muslim world will lose its attachment to religion, just as Jefferson was fanciful and illiberal in his desire that Americans all become Unitarians. A more realistic hope is that the jihadists can be separated from the Muslim mainstream and be reduced in influence. That will not happen if America embraces a secularism that does not differentiate between the two. *Laïcité*, as a national policy, neither seems congruent with America's constitutional tradition nor likely to bring about interreligious harmony.