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Do we need a radical redefinition of secularism? A critique of Charles Taylor

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Abstract

Charles Taylor’s “radical redefinition of secularism” has a significant place in the post-9/11 research on secularism. He replaces secularism’s “old” paradigm, separation between state and religious institutions, with a “new” one, responding to diversity. Taylor appeals to French *laïcité* in-itself as the old paradigm. With an analysis of the parliamentary debates at the institutional origins of the old paradigm in the Third French Republic, this article questions whether Taylor’s redefinition of secularism is truly radical. This historical intervention in Taylor’s “radical redefinition” reformulates his novelty as the reconfiguration of the relation between generality of laws and meaning worlds in the institutional response to diversity. The Third Republic pushed generality in laws against diverse meaning worlds. Taylor (with Jocelyn Maclure) demands that general laws reasonably accommodate “meaning-giving convictions.” I explore this reversal and argue that it’s questionable Taylor offers a radical redefinition of secularism—or even that we need one.

Keywords: Charles Taylor; civil religion; France; institutions; secularism

Introduction

Charles Taylor’s writings figure prominently in post-9/11 research on secularism and have particularly influenced the normative and analytical terms of the literature’s dominant agenda, which advocates moderation in secularism (Taylor, 2004, 2007, 2009a, 2009b, 2011a, 2011b, 2011c, 2011d, 2011e, 2014, 2016, 2018). Taylor’s call for a “radical redefinition of secularism” (2011a) is premised on his claim that the old regime threats from religion are no longer present and that an increasing Muslim presence in Europe and North America is augmenting moral diversity in these societies (2011a). He advocates reorienting secularism toward a paradigm of responding to diversity and away from one focused on the separation of state and religious institutions. In complete agreement with his conclusions on multiculturalism (Taylor, 1994), Taylor concludes in a co-authored book with Jocelyn Maclure that responding to diversity requires “reasonable accommodations” for practices

associated with secular or religious “meaning-giving convictions” (Maclure and Taylor, 2011, 76) and that these should be to the greatest extent possible without undermining certain core principles such as human dignity, basic human rights, and popular sovereignty. In developing this position, Taylor and Maclure and Taylor refer extensively to the French case; republican secularism—*laïcité*—in-itself as the ultimate anti-thesis of their own position, an example of secularism turned into a civil religion, a comprehensive doctrine. However, simplifying concrete historical moments and reducing them to the language of models (Maclure and Taylor, 2011, 34; Taylor, 2011a, 34), they end up both over-emphasizing the historical continuity in French Republican secularism—*laïcité*—and missing how diversity was a fundamental principle behind the original formulation of institutions of *laïcité* in the Third French Republic. In this article, I examine the parliamentary debates and commission reports that resulted in the two foundational laws establishing *laïcité* in the Third French Republic, Law of 28 March 1882 on compulsory primary education and Law of 9 December 1905 concerning the separation of the churches and the State. This investigation follows a caveat by Taylor himself: on questions of secularism, an approach to institutions as means to realizing certain principles has been replaced by the fetishization of institutional means themselves. I expose the principles behind the institutions established by these two laws. However, it turns out that these laws were enacted by republicans who sought a solution to moral diversity and these republicans opposed various other political actors among which were civil religionists. Therefore, Taylor’s distinction between the old and new paradigms of secularism, his characterization of French Republican secularism as a civil religion, and his positioning of the French case as the anti-thesis of his own approach are misrepresentations. What relevance does such a historical documentation have beyond saying that Taylor got wrong the relation between principles, meanings, and institutions in the part of the French history he refers to? The gap we find here between France as the abstract-theoretical-model and as the concrete historical in fact do pose a challenge to Taylor. Evaluating Taylor’s “radical redefinition of secularism” in light of the Third French Republic parliamentary debates reveals that Taylor’s real difference is not his emphasis on moral diversity, but rather that in responding to moral diversity; as the Third French Republicans mobilized generality of laws against the perils of meaning-giving commitments—and not only religious, all meaning-giving commitments—, Maclure and Taylor mobilizes meaning-giving commitments against the perils of the generality of laws. Such a reversal takes for granted the generality of laws—not all existing laws meet the standard of generality—; moreover, it also underestimates the capacity of generality in law for solving problems. By taking a particular contemporary application of French *laïcité*—the ban on religious symbols at school—as representative of the whole, Maclure and Taylor suggest that *laïcité* cannot offer an institutional solution to the question of moral autonomy under conditions of moral diversity unless we give some sovereignty to meaning-giving convictions. Plus, Taylor is so keen in reasoning from his long-standing ontological understanding of humans as embodied moral beings pursuing a diversity of goods (Taylor, 1985, 1989; Abbey, 2001; Smith, 2002) that he misses an alternative path of argumentation toward the political solutions he defends.

In the first section of this article, I lay out both the historical and contemporary French *laïcité* roles played in Charles Taylor's proposals for adapting the principles and institutions of secularism to increasing diversity, which are most fully developed in his "Why we need a radical redefinition of secularism" (Taylor, 2011a) and, with Jocelyn Maclure, in *Secularism and Freedom of Conscience* (Maclure and Taylor, 2011). Taylor clearly treats French *laïcité* in continuum and often as a model. I present his main argument for "reasonable accommodations"—that is, how religious practices which do not undermine certain core principles can be accommodated—and explain how Taylor explicitly makes France the anti-thesis of this position. I identify the three foundations on which this anti-French argument is based: opposing an old challenge of institutional separation and a new one of diversity, challenging the "special case" secularists make of religion, and seeing secularism and religion both as ways of life.

In the second section, I document the exact arguments made for and against two secularist laws instituted in the French Third Republic as recorded in the minutes of the National Assembly (*Journal officiel de la République française*): *Loi du 28 Mars 1882 sur l'enseignement primaire obligatoire* and *Loi du 9 Décembre 1905 concernant la séparation des églises et de l'État*. Here, my approach is a fine-grained documentation of the exact affiliations and arguments of the deputies and of the emerging meaning of *laïcité*. I show that the three foundations of Taylor's defense of "reasonable accommodations" against French *laïcité* don't stand up to my historical account of the *constitutive* ideas of the institutions of French *laïcité*. Indeed, they are quite puzzling: as I document from primary sources, the architects of institutional separation in the French Third Republic defended it with neutrality, and they grounded neutrality in societal diversity. They did not advocate granting a special place to religion; moreover, they opposed certain republicans and political Catholics who defended a special place for religion. They succeeded in passing the laws precisely because they were able to elevate secularism from "a way of life" to a general institutional principle. In developing this understanding of secularism, the architects of institutional separation in the Third French Republic sought to balance three criteria—institutional aims, rights claims, and the generality of laws—and their discussions recognized all "the core principles" Taylor lists.

In the final part of the article, I discuss how attempts to balance these three considerations in addressing puzzles of secularism have persisted in contemporary France alongside identitarian and securitarian understandings of *laïcité*, how they are also present in Taylor's work on secularism, and how the addition of a fourth criterion, "meaning-giving convictions," does not provide a better solution. Contemporary French problems can be solved by reasserting the original French version. It is thus not only questionable whether Taylor really offers a radical working redefinition of secularism but whether we even need to find one rather than to make better use of what we already have in hand.

The place of France in Taylor's call for a radical redefinition of secularism

In "Why we need a Radical Redefinition of Secularism," Taylor postulates that secularism "involve[s] some kind of separation of church and state," and that

“the pluralism of society requires that there be some kind of neutrality” (Taylor, 2011a, 34). These two institutional arrangements are means toward certain primary goals:

Liberty, equality, fraternity. 1. No one must be forced in the domain of religion or basic belief ... including...the freedom not to believe ... 2. There must be equality between people of different faiths or basic belief ... 3. all spiritual families must be heard ... in the ongoing process of determining what the society is about (its political identity), and how it is going to realize these goals (the exact regime of rights and privileges) ... a fourth goal: that we try as much as possible to maintain relations of harmony and comity between the supporters of different religions and Weltanschauungen... (Taylor, 2011a, 34–35)

Taylor adds that these goals must be adapted to changing situations and that they can conflict, which means “sometimes we have to balance the goods involved” (35). He sees the increasing Muslim presence in Europe and America as a new emerging situation (Taylor, 2011a, 36), claiming that secularism’s old challenge was the “separation of state and religious institutions” but its new challenge is to find “the (correct) response of the democratic state to diversity” (Taylor, 2009a, 2011a, 36). He justifies this differentiation with a kind of historicism:

we have moved in many Western countries from an original phase, in which secularism was a hard-won achievement warding off some form of religious domination, to a phase of such widespread diversity of basic beliefs, religious and areligious, that only clear focus on the need to balance freedom of conscience and equality of respect can allow us to take the measure of the situation. (48)

As for neutrality, Taylor limits it to “the official language of the state...in which legislation, administrative decrees, and court judgments must be couched” (Taylor, 2011a, 50). This contrasts with the positions of the early John Rawls (Rawls, 1971) that the zone of neutrality should include deliberations among citizens and of Jürgen Habermas that it should include those in the legislature. In particular, he argues that Habermas’ “distinction in rational credibility between religious and non-religious discourse ... seems to me utterly without foundation. It may turn out at the end of the day that religion is founded on an illusion ... until we actually reach that place, there is no a priori reason for greater suspicion being directed at it” (Taylor, 2011a, 53–54). He concludes:

There is no reason to single out religion, as against nonreligious, “secular” (in another widely used sense), or atheist viewpoints. Indeed, the point of state neutrality is precisely to avoid favoring or disfavoring not just religious positions but any basic position, religious or nonreligious. (Taylor, 2011a, 37)¹

Taylor links this to the importance he attributes to the late John Rawls’ “overlapping consensus” (Rawls, 1993):

This cleaves very strongly to certain political principles: human rights, equality, the rule of law, democracy... But this political ethic can be and is shared by people of very different basic outlooks (what Rawls calls “comprehensive views of the good”) ... They concur on the principles, but differ on the deeper reasons for holding to this ethic. The state must uphold the ethic, but must refrain from favoring any of the deeper reasons. (Taylor, 2011a, 37)

Taylor’s contrast between “an original phase, in which secularism was a hard-won achievement” and its contemporary phase, where diversity is addressed by balancing “freedom of conscience and equality of respect” through institutions founded on Rawls’ “overlapping consensus,” begs at least one question. What were the dynamics and the relation between principles and institutions in this original phase?

Taylor’s answer to this question is brief. He underscores that religious domination in the past led secularists to make “a special case of religion” (Taylor, 2011a, 37–38) and, when discussing the “republican model” in *Secularism and Freedom of Conscience*, he and Jocelyn Maclure particularly single out France and Turkey for elevating secularism to a comprehensive doctrine—a “civil religion”:

The temptation to make secularism the equivalent of religion is generally stronger in countries where secularism came about at the cost of a bitter struggle against a dominant religion; ... the Catholic church of Restoration France or of Islam in the former caliphate of Turkey ... That type of political system replaces established religion with a secularist moral philosophy...a “civil religion.” The France of the Third Republic, as conceived by the Radicals of the late nineteenth and early twentieth centuries, is an example of a republican political system founded on a civil religion. (Maclure and Taylor, 2011, 14)

The characterization of *laïcité* that emerged in the Third French Republic as a “civil religion” is misleading because during the drafting of the laws of 1882 and 1905 civil religionists were a distinct group and were defeated. These deliberations weighed many principles and goals, but Taylor only mentions them in passing, when he credits certain Third Republic politicians for their resistance to making religion a special case:

The wisdom of Jules Ferry, and later of Aristide Briand and Jean Jaurès, saved France at the time of the Separation (1905) from such a lop-sided regime [a regime where religion has a special status], but the notion stuck that *laïcité* was all about controlling and managing religion. (Taylor, 2011a, 40)

Jules Ferry, Aristide Briand, and Jean Jaurès deserve more than a mention in passing. The arguments they employed and the principles they referred to are key to engaging productively with Taylor’s point that we should not approach secularism as a fixed institutional arrangement but re-examine the end-principles these institutional arrangements are meant to serve in order to (re)adapt them to changing circumstances. If not civil religion, what were these historical end-principles?

Taylor's critique of the French case rests not only on his historical claims but also on his observations on contemporary France. He uses the 2004 national ban on students displaying religious symbols in French public schools as an example of making a special case of religion. However, his evaluation of contemporary France assumes its historical continuity with the French Third Republic and also ignores the existence of multiple competing versions of *laïcité*. For Taylor, the understanding of *laïcité* behind the 2004 ban reflects a "move to fetishize our historical arrangements" (2011a, 48) and "hallowed traditions" (56) which he describes as the fetishization of "mantra-type formulae like 'the separation of church and state'" (40). Historical arrangements come to stand in for a crucial element of modern democratic states—their "political identity"—rather than allowing this identity to evolve freely with changing circumstances; "this is what one sees with *laïcité* as invoked by many French *républicains*." (Taylor, 2011a, 46, italics in original). This is a far too homogenous and ahistorical conception of France. The identitarian form of *laïcité* he emphasizes is only one of several contemporary positions. *Laïcité* remains a battleground in contemporary France, just as it was in the Third Republic. That only some meanings are reflected in policy doesn't mean that rivals are absent. Jean Baubérot has pointed out that identitarian *laïcité* contradicts the institutional approach of the Third Republic. He emphasizes that while contemporary *laïcité* has turned into a matter of identity for some French people, in the Third Republic it was a principle articulated at the level of general institutions setting a framework for society.

Laïcité has become a consensual representation of national identity...And while in 1905 Briand demanded that France join countries where "*the State is really laïque*" (he cited a good dozen), in 1989 a new theme appeared, "*laïcité as a French exception*" which "*foreigners would not be able to understand*"!...At the same moment, the president of the Republic [Nicolas Sarkozy], in the name of a "*laïcité positive*", wants "*to valorize the essentially Christian roots*" of France. That means, under the cover of patrimonialization, putting back a certain religious dimension in French political identity. We therefore find ourselves in a dialectic opposite to that of 1905. (Baubérot, 2009, italics in original)

The contrast between the ways Taylor and Baubérot discuss identitarian *laïcité* is worthy of attention. For Taylor the problem is to "fetishize our historical arrangements" while for Baubérot it is the opposite: not to understand these historical arrangements. I will now turn to certain points in the parliamentary deliberations during the drafting of the 1882 and 1905 laws to document the dynamics and the relationships between principles and institutions, beginning with the question of whether France suffers from "fetishized" or forgotten historical arrangements, and then proceeding to that of whether we need Taylor's kind of radical redefinition of secularism. What is striking in these debates I examine in the next section, is that in fact they satisfy all the Taylor criterion: neutrality is limited to the official language of the state; that is, parliamentarians do produce any arguments they want, including religious arguments, but the 1905 law received a majority in parliament precisely because neutrality and generality of law won over making a special case of religion.

Who makes a special case of religion?

The making of the 1882 education law

The most controversial aspect of the *Loi du 28 Mars 1882 sur l'enseignement primaire obligatoire* was the question of whether schools should offer optional religion classes. The report of the parliamentary commission on the education law, which had been chaired by the future minister of education Paul Bert (November 14, 1881–January 30, 1882), devoted most of its introduction to explaining its recommendation that religious instruction be optional rather than forming part of the required curriculum (Bert, 1880, 15–31). The report defended free, compulsory, universal public schools on the grounds of diversity: “It is good, necessary, that the children of Jews, Christians, and freethinkers encounter each other on the same benches and take on the habit of mutual respect and tolerance” (Bert, 1880, 15, 16–17). If we were to adapt this outlook to today’s France, we could simply add “Muslims” to this statement. The report defended *optional* religion courses by opposing moral diversity to Catholic majoritarianism: “It is necessary above all that religion does not invade this education in the name of the majority. Because we are, here, in the domain of conscience, at the threshold of which the law of majorities stops” (17).

The official journal of the Chamber of Deputies shows three sides in the debate over the 1882 law: royalists who opposed the entire law and supported the status quo of Catholic education, moderates who generally wanted to exclude religious instruction from the public school curriculum but also to set aside a weekly time slot for parents who wanted to send their children elsewhere for religious instruction outside of school hours and grounds (and in some cases also demanded some kind of non-sectarian religious instruction in the school), and radical republicans and socialists who wanted to eliminate religious instruction from public school altogether. Led by the *Républicains opportunistes*, the moderate faction was able to dominate the parliament. The second article of the final version of the law adopted on March 28, 1882 stated that “public primary schools will allot one day per week, other than Sunday, in order to permit parents, if they desire, to have their children receive religious instruction, outside of school edifices. Religious instruction is optional in private schools” (Akan, 2017, 31–48).

The *Journal Officiel* (1880a, 1880b, 1880c) clearly shows two opposing positions: those political actors defending institutional neutrality based on the premise of “diversity” and those arguing against it based on the “law of majorities” that France was a Catholic nation. Royalists expressed this latter position, as exemplified by the bishop and deputy Charles-Émile Freppel: “There are in France thirty-six million Catholics versus less than two million dissenters.... Laws cannot be made for the exceptions; it is sufficient that the minority be given guarantees for its liberty of conscience.... All rights will be safeguarded: those of the majority by religious education; those of the minority by exemption and abstention” (December 22, 1880, 12676). Freppel further demonstrated the implications of his view of religion as pervading public institutions by insisting that the teacher and the students had to have the same religion (12677). For the royalists, religion had a special place as the *only* source of morality and for them the best religion was Catholicism. Another royalist deputy, Émile Keller expressed this vividly: “if there were not in God the principle and the sanction of morality, I would not permit myself the right to formulate a morality”

(December 21, 12625). To royalist Ferdinand Boyer, neutrality was untenable: “laïcité ... is not neutrality, neutrality is impossible in these matters, it is the exclusion from schools of the idea of God, the negation of God. The school will... soon be an atheist school” (December 19, 12525–26). For the royalists, silence about God meant being anti-religious, not *areligious*, “silence is equivalent to denial” (December 22, 12678).

Royalists opposed the entire law. Some *Républicains opportunistes* wanted to see the new education law invoke religion in general as a source of morality. This position prefigures Robert Bellah and Talcott Parsons’ notions of civil religion (Bellah, 1967; Parsons, 1990; Vanderstraeten, 2012). Bellah, following Parsons (1990) and de Tocqueville ([1840] 1966) supports the concept of “civil religion” using speeches by American presidents who referred to God without specifying any particular religious tradition (Bellah, 1967, 3–4). For example, Henri de Lacretelle’s (a *Républicain opportuniste*) proposed an amendment providing that “general notions about the existence of God independent of all dogma, about the immortality of the soul, about the organic principles of republican government will be given to students of the two sexes starting at ten years old” (December 22, 12683). Lacretelle defended the compatibility of this amendment with republicanism.

God also belongs... to the Republic... [laughter on the right] ... we improve the moral physiognomy of the Republic by inserting the word “God” in a law which we make for the people (12683).

From the perspective of republicans further to the left, Lacretelle’s amendment violated the principle of neutrality. Jules Maigne underlined that the argument of those who were against the law was simply “that whoever is not for Catholic religious education in schools, is an atheist, a man who denies God and the immortality of the soul” (12684). “I am not an atheist,” continued Maigne, “but [Lacretelle’s amendment] would compromise... the neutrality of the government in education, the complete liberty of conscience” (12684). He underscored his commitment to moral diversity when he declared that he doesn’t “want to do in the name of deism what has been done in the name of Catholicism”; that is he didn’t want “for the teachers to side with one or another of those beliefs” (12684).

On December 24, 1880, the Minister of Public Instruction Jules Ferry replied to those who demanded “religious instruction [as] part of the mandatory programme” and the exclusion of non-Catholics from positions as teachers:

It is always by the argument from majorities that all the conquests made by liberty of conscience in our country have been demolished... it is an argument of oppression ... the argument of the majority is like the religion of the majority, which resembles... the religion of the State. (12791, emphasis mine)

He recalled “the great principle which demands that all [state] functions be accessible to all the French regardless of their religion,” concluding “It is said: ‘The state is atheist.’ Certainly not, the State is not atheist, but the State is *laïque* and must stay *laïque* for the benefit of all the liberties that we have conquered. The independence and the sovereignty of the State is the first principle of our public law” (12791–92).

Clearly, the defense of diversity against (Catholic) majoritarianism is an indispensable element of the making of the 1881 education law. Taylor is right to pinpoint it as a crucial element of the definition of secularism; however, there is nothing essentially anti-French or radical in doing so. I turn to the making of the 1905 law where in addition to centrality of diversity, I expose and explore at that moment, a relation also central in Taylor's thinking, the relation of generality and neutrality in laws with religious, non-religious, and anti-religious meaning worlds.

The making of the 1905 law on separation of churches and state

An analysis by parliamentary group of the vote on the *Loi du 9 Décembre 1905 concernant la séparation des églises et de l'État* in the Chamber on July 3, 1905 shows that radical and socialist parties voted unanimously for the law while the political Catholic group *Action Libérale Populaire (ALP)* voted unanimously against it. The *Républicains progressistes* (successors of part of the opportunists) were the only republican group from which a majority of deputies voted against it (Akan, 2017). The 1905 law passed the parliament with a 108 vote margin.

The coalition that passed this law was brought together by the socialists' arguments and negotiations, particularly on Article 4 (Larkin, 1973, 171; Mayeur and Rebérioux, 1984, 230), which set the terms under which church property was to be transferred from the state to associations. During a debate that lasted 3 days, from April 20 to 22, the socialists skillfully directed the discussion on the question of which associations could claim the property. In order to mediate between those who wanted the state to mobilize and those who wanted it to demobilize religion, they positioned *laïcité* as being a more general institutional doctrine than its two rivals that conceived state institutions as promoting either a Catholic "way of life" or an atheist one. The key to this mediation was a compromise amendment, introduced by the socialist deputy Aristide Briand, that required all religious organizations receiving property after the separation to conform "to the rules of the general organization whose faith they propose to ensure the exercise of" (*Journal Officiel*, 1905a, April 20). When Taylor describes French *laïcité* as fundamentally a civil religion, he misses the exact point that Baubérot underscores (Baubérot, 2007): the 1905 separation, guided by the socialists but ultimately supported even by the radicals, defeated two civil religion traditions that granted a special status to religion. One of these attacked religion by elevating *laïcité* to the status of a civil religion—The Combiste line; another promoted religion by trying to turn Catholicism into a civil religion—the political catholic line.

Briand had opened this debate by submitting a report, *La séparation des Églises et de l'État: rapport fait au nom de la commission de la Chambre des députés* to the Chamber on March 4, 1905 that presented diversity in beliefs as the key reason to abolish the Concordat² between the Vatican and the French State—which designated Catholicism as the majority religion in France and obliged the French state to pay the salaries of clerics—and separate the churches from the state:

We will juridically show that this regime [complete separation of Churches and State] is the only one which in France, a country where beliefs are diverse, keeps

and safeguards the rights of each...it is not...for satisfying political grudges, or for hate of Catholicism, that we demand the complete separation of Churches and State, but in order to institute the only regime where peace can be established between followers of diverse beliefs. (Briand, 1905, 3)

The report criticized the Radical Émile Combes' proposal for a separation law. Combes had been prime minister between June 7, 1902 and January 24, 1905 and was known for an anti-clerical and anti-religious politics that some referred to as *laïcité du combat*. Combes' proposal had given the state great power in settling property questions and stipulated arbitrarily punitive state measures against religious organizations. Socialists like Briand made a clear attempt to separate the final law from the Combiste line.

During the debate on Briand's amendment, it was clear that the socialists were promoting this concept of *laïcité* as a general institutional doctrine above comprehensive doctrines. The political Catholic group ALP explicitly opposed separation: state promotion of a Catholic way of life was one of its fundamental principles and institutional separation did not serve that purpose. Writing in *Le Figaro*, the ALP leader Albert de Mun proclaimed: "No! I do not believe at all in the neutral State in matters of religion" (Mun, 1905a, 56–57). He opposed the "neutrality" articulated in the first article of the law—"The Republic neither recognizes nor pays a salary to nor subsidizes any faith"—precisely because it denied a special status to religion. In a subsequent article, he took a more pragmatist line, citing the moral power of religion's utility in governance: "a country where the divine law had no action on men anymore, no influence in legislation... would be close to returning to the savage state" (Mun, 1905b, 106–7).

Alexandre Ribot, the leader of the *Républicains progressistes* opened the discussion in parliament by asking Briand's commission to clarify the meaning of their amendment to Article 4. For Ribot, Catholicism was defined by the institution of the Catholic Church, church property had to go to associations recognized by the bishops, and this needed to be specified in the law (*Journal Officiel*, 1905a, April 20, 1607). Briand's responded in terms of the institutional question of how to settle the question of religion in law, which he maintained could only be done through a general framework: to specify particular religions in the law would actually be interfering with the internal affairs of those religions:

We have not wanted to design the rules for the judges too strictly and too precisely ... We thought that tomorrow the legislator will find himself in the presence of infinite cases, extremely varied, which will not only be based on a different interpretation of religious organization, but can be the result of local conditions.... In demanding from us still more precision, one risks leading an attack on the liberty of the Catholic community. We ourselves want this community to be able to evolve freely in a regime of separation. And, also, without separating itself from its general organization. (1607–8)

Briand also confirmed popular sovereignty over the Catholic Church by adding that any conflict arising between claimants to property during its distribution would be

decided by civil courts and not according to canon law (1610). While *Républicains progressistes* were asking for precision in the law in favor of the ecclesiastical hierarchy, Georges Leygues and his allies in the republican groups *Union démocratique* and *Gauche radicale* were asking for precision in the law disfavoring the ecclesiastical hierarchy. They proposed an amendment favoring state administrators over the ecclesiastical hierarchy in deciding how to distribute the property. In Leygues' opinion, the strength of the Church, especially in poor rural areas, could lead to a religious mobilization (*Journal Officiel*, 1905b, April 21, 1627). He warned that when the state gave up control of clerical appointments, the Church would be able to install members of former congregations and strangers in clerical posts and "constitute a true State within the State" (1628). He thus proposed that the prefect of each department have the power to designate which new associations would receive ecclesiastical property and return to "each commune under tax relief the whole sum that the state paid in that commune for the exercise of religion" (1629).

The socialist Jean Jaurès responded to Leygues by defending the French peasant's capacity to think independently:

You have, however, ignored, Mr Leygues, a part of the traits which at the present time, constitutes the features of the republican peasant of France. He is not as incapable of movement in the mind, of intellectual experience and of political education as you seem to imagine. [Applause from the far left and left] ... He has had, especially since the Revolution, the experience of the permanent effort of the Church in the commune ... as well as in the State ... for making obstacles to the institutions of liberty, Republic and democracy. (1629–30)

Jaurès pointed out that if religious associations were formed not freely but by the administrative and governmental acts demanded by the Leygues amendment the result would be a "State Church" (1630). The Leygues amendment was defeated.

Looking at the history of institutions with an eye to the precise goals, justifications and principles on which they were founded presents a fresh perspective on Taylor's criticism of "hallowed" and "fetishized" historical institutional arrangements and his call for rethinking institutions of secularism in terms of their fundamental goals. I would like to underline certain points:

- (1) The need for public schools to be universal, not only to guarantee the right to an education but with regard to their central role in the republic of creating a "public"—in Taylor's terms, a "political identity"—and in teaching this public, as the Bert Report put it, to live together with "mutual respect and tolerance" (see Balibar, 2004, for a contemporary version of this position).
- (2) The centrality of moral diversity: balancing freedom of conscience and equality not only to combat Catholic majoritarianism but also to constitute secularism such that—as Maigne put it in 1880 and as Briand put it in 1905—no moral position, whether secular or religious would be treated as a special case and all would co-exist in harmony.

- (3) The battle to distinguish atheism from secularism and carve out a space for neutrality toward religion in the form of silence, as shown in Jules Ferry's statement.
- (4) The socialists' 1905 defense of the regime of rights, generality of law, free association, popular sovereignty, and the autonomy of the citizen, with *laïcité* elevated above comprehensive doctrines as a general institutional doctrine.

The core principles of Taylor's secularism—his “radical” formulation of the question of secularism as “facing moral diversity,”—are all present in this French history. His depiction of the French past of secularism as civil religion—a comprehensive doctrine—and his claim that “the secular state,” in its French Republican version, “adopts the atheist's and the agnostic's conception of the world” (Maclure and Taylor, 2011, 31), are misrepresentations. The problem is not that we fetishize our histories, but that we forget them. The institutionalists of the Third French Republic contrast clearly with the identitarians of contemporary France who one more time mobilize some form of majoritarianism against minority Islam. Given the challenge of majoritarianism, institutionalists of the Third French Republic sought solution in the generality of law against particular meaning worlds, whereas Taylor with Maclure seek the solution in a reverse path, that we mobilize “meaning-giving commitments” against the generality of laws. This is the fundamental difference, between Taylor's secularism and Third Republican French *laïcité*. In the next and final section, I evaluate these two options.

Secularism, moral diversity, and meaning-giving convictions

I have underscored some of the limitations of Taylor's characterization of France in his thinking about the origins of the institutions of *laïcité*, and how such misrepresentations have implications for Taylor's theoretical question formulations. In light of the above account, I would like to return to Jocelyn Maclure and Charles Taylor's *Secularism and Freedom of Conscience* where they introduce the two concepts articulating how they see the response to diversity, “meaning-giving convictions” and “reasonable accommodations.” These are not new concepts as such—similar concepts were present in Taylor's various writings on multiculturalism and communitarianism (Taylor, 1994)—but here they engage them to rethink secularism. Their formulation of the question of secularism directly follows from Taylor's call for a “radical redefinition” (Maclure and Taylor, 2011, 3; Taylor, 2011b, 314): how to maximize “moral autonomy” under conditions of “moral pluralism” (Maclure and Taylor, 2011, 10–11). The state must guarantee a general doctrine, consisting of “certain core principles, such as human dignity, basic human rights, and popular sovereignty” (11). In order to provide equally for each person's moral autonomy under conditions of moral diversity, state neutrality is necessary but insufficient. Why is this? Maclure and Taylor's answer is that the republican form (they here refer to France and Turkey) of “the secular state, in working toward marginalizing religion, adopts the atheist's and the agnostic's conception of the world and, consequently, does not treat with equal consideration citizens who make a place for religion in their system of beliefs and values” (31). In all the other forms of the secular state, the multiculturalist critique that Taylor articulated in his “Politics of Recognition” (Taylor, 1994)

applies: “One of the central arguments in favor of multiculturalism as a principle of political morality is that certain public norms applying to all citizens are not neutral or impartial from a cultural or religious point of view” (Maclure and Taylor, 2011, 67). Therefore, to closer approach neutrality the state must make “reasonable accommodations.”

There are multiple problems with the way Maclure and Taylor equate France and Turkey in order to support their view of a republican model with *inherent* problems. Turkish state institutions, whether in their various Kemalist versions or their current political Islamist versions, have always been very far from endorsing “the atheist’s and the agnostic’s conception of the world.” Since the founding of the Turkish Republic, all citizens’ taxes have funded the salaries of imams who promote a certain type of Muslim identity and practice (Tarhanlı, 1993; Akgönül, 2018; Akan, 2022, 2023). As for republican secularism in France, I have already dismissed their claim that “the secular state, in working toward marginalizing religion, adopts the atheist’s and the agnostic’s conception of the world.” It was possible to dismiss this claim by a look at the Third French Republic, not only because here lies the origins of some of the institutions of *laïcité*, but also because Taylor and Maclure treat the French case as uniform, like a model. I have shown above that it includes a “general” moral conception containing all the core principles Maclure and Taylor defend, and it fended off majoritarianism by invoking the concepts of moral diversity and the priority of rights over the good. I have also pointed out how this institutionalist understanding of *laïcité* contradicts a recent identitarian understanding of *laïcité* that imposed a national ban on religious symbols in French schools in 2004. A still more recent law passed under the presidency of Emmanuel Macron, the “Law of 24 August 2021 supporting the respect of the principles of the Republic” (*Loi confortant le respect des principes de la République*), has topped *laïcité*’s *identitarian* turn with a *securitarian* turn (Portier, 2020; Ragazzi, 2023). Taylor, in arguing for a radical redefinition of secularism, could in fact have benefitted from the empirical fact of the contested and changing nature of *laïcité*; however, instead he treats *laïcité* as uniform, continuous and static, and takes the social condition it is facing, an increased religious diversity, as the change. The contrast between the institutionalist Third French Republican *laïcité* and *laïcité*’s contemporary *identitarian* turn with a *securitarian* turns falsifies Taylor’s (2011a) claim that the problem lies with “timeless” principles, “move[s] to fetishize our historical arrangements” (48) and “hallowed traditions” (56) and the underlying claim that *laïcité* in-itself cannot offer a solution to the challenge of diversity. In fact, my comparative historical claim finds parallel in contemporary (since 1989) public defenses of headscarved students in secondary schools from the right to education and the schools’ role in civic integration (Laborde, 2008). A defense based on the right to education and the schools’ role in civic integration in France is a defense from the point of view of *laïcité*. These “tolerant republicans” (Laborde, 2008) and their argument against expelling headscarf-wearing students from public schools are completely absent in Maclure and Taylor’s account. This omission makes it easier for them to dismiss *laïcité* in-itself as insufficient. In 1989, even the French Council of State agreed that wearing a headscarf in public secondary schools was not opposed to *laïcité* if there was no proselytizing, but Maclure and Taylor cite only the staunch advocates of the law against religious symbols as representative of French secularism

and it is from their understanding of *laïcité* alone that they conclude that “that republican version is problematic in societies marked by a diversity of conceptions of the good life” (Maclure and Taylor, 2011, 31). Even here, Maclure and Taylor’s reading is selective. They cite the public intellectual Régis Debray as a staunch republican:

The secular character of public institutions, from that standpoint [French secularism] is not sufficient. Secularism must also liberate citizens from the influence of their “custodians.” The emancipatory mission entrusted to republican institutions is also emphasized by Régis Debray (Maclure and Taylor, 2011, 30)

Debray was a member of the French *Commission de réflexion sur l’application du principe de laïcité dans la République*, which recommended the headscarf ban in 2003 and signed a petition against headscarves in 1989. However, he also penned a report for the government in 2002, *Rapport à Monsieur le Ministre de l’Éducation nationale: L’enseignement du fait religieux dans l’École laïque* (Debray, 2002), recommending the teaching of religious facts in French public schools. Even as he was opposing students wearing religious symbols in public schools, he was supporting an institutional change much in line with the civil religionists of the Third Republic.

The problem here lies with Taylor’s taking French secularism’s contemporary identitarian turn as representative of its entire history and in his addressing secularism in the language of “models” and Weberian “ideal types” (Taylor, 1998, 2011a, 34; Maclure and Taylor, 2011, 34) instead of acknowledging that (in France as elsewhere) secularism is a field of struggle that includes many of the position that he defends. In fact, the language of “models” and “ideal types” doesn’t sit well with Taylor’s own emphasis on the importance of a hermeneutical approach in social scientific inquiry (Taylor, 1987). That French secularism has failed or regressed—according to certain of its own standards—at a given point in time and place does not cancel out its better moments. That Laborde’s “tolerant” republicans (whom I would call French Third Republicans) were on the losing side in contemporary French politics does not reduce the normative and historical strength of their arguments.

Once they dismiss the republican form of secularism, Maclure and Taylor now target universalist liberals’ reliance on general rules and institutions for addressing questions of justice and claim that the same general institutional arrangements cannot satisfy all humans concerned. Here, of course, they miss my point that Third French Republicans relied strongly on generality and neutrality in law, and in that, they were not so far away from liberalism. Even today, during the parliamentary discussions of the “Law of 24 August 2021 supporting the respect of the principles of the Republic” (*Loi confortant le respect des principes de la République*), generality and neutrality in law worked as bulwarks against the right wings’ push for further securitization of *laïcité*. The right wing, Le Pen’s National Rally and some of Les Républicains, wanted the law to name “Islam” as the enemy, and they were countered by the principles of generality and neutrality in law, that is laws cannot name specific religions.

Taylor and Maclure claim that general institutions can become “indirectly discriminatory” given moral diversity; and therefore, introduce “meaning-giving convictions” as a remedy. This intervention is in line with Taylor’s ontological understanding of

human beings; but it is unclear if it actually provides a remedy or a radical redefinition of secularism.

Meaning-giving convictions are intended to partly answer the question of which practices it is reasonable to accommodate. While a practice may not violate the “core principles,” there are a great many practices which would pass this threshold, so Taylor and Maclure appeal to a hierarchy of individual preferences and distinguish a person’s “meaning-giving convictions” (76) from their “desires, tastes, and other personal preferences” (77). This category emerges from Taylor’s understanding of humans as “strong evaluators” (Smith, 2002, 89) and includes but is not limited to religion. “Meaning-giving convictions” can just as easily be secular; their key quality is that they play a role in an individual’s moral identity (76, 91). I will quote an extended passage in order to evaluate how this argument would work for reshaping secularism:

If beliefs and preferences do not contribute toward giving a meaning and direction to my life, and if I cannot plausibly claim that respecting them is a condition for my self-respect then they cannot generate an obligation for accommodation. That is why a Muslim nurse’s decision to wear a scarf at work cannot be placed on the same footing with a colleague’s choice to wear a baseball cap. (76–77)

From which standpoint will the distinction between meaning-giving convictions and other preferences be made? If a practice is defended based on religious freedom, Maclure and Taylor maintain that “the courts cannot rule on the true interpretation of a given religious belief” (98): this would not only be an intrusion of law into the sphere of religion but also of theology into that of law. Therefore, they defend a “subjective conception”—“lived experience,” to use Taylor’s preferred terminology—as the standard for making the distinction. The courts will judge only its “sincerity” and the petitioner will have “the obligation of public justification” (99). If we turn to the headscarf and baseball cap example, the standard by which the former qualifies as a meaning-giving conviction and the latter as a preference favors the religious. Why? Because if we accept Taylor’s ontology of the human person; his emphasis on “the diversity of goods” (Taylor, 1985, 245) and his point that humans are eclectic and diverse in their reasoning (“many people do not refer to what John Rawls calls a ‘general’ and ‘comprehensive’ doctrine in the conduct of their lives” (93), and arbitrate “between competing values on an ad hoc basis” (94)), and combine it with the conclusion that it is “the intensity of the person’s commitment to a given conviction or practice that constitutes the similarity between religious convictions and secular convictions” (97), then, no argument will convince us that *all* baseball cap wearers would at all times find a distinction between the cap and the scarf persuasive. *Some* baseball cap wearers might even find banning their caps discriminatory if they intensely embrace it as part of their moral identities or part of their “self-narrative” of living their good life.³ Moral diversity à la Taylor thus ends up equating the cap and the scarf. And here we are back to square one and to the question of what general institutions such morally diverse people will live under. The answer must either allow both the cap and the scarf or forbid both. In addition, trying to carve out a

space for certain practices as meaning-giving carries a serious risk of bringing courts into our moral lives, burdening them with making the distinction, and hence imposing a morality on the judiciary—the key institution of the state—beyond that found in the core principles.

There is no easy choice here: meaning-giving convictions cannot do the work alone. Maclure and Taylor are clearly aware of this since they add “the obligation of public justification” and also contend that

A request may be refused in cases where the requested accommodation measure would: (a) significantly hinder the institution from realizing its aims (education, care, provision of public services, profit); (b) lead to excessive costs or serious functional constraints; or (c) impinge on the rights and freedoms of others. (100–2)

For instance, some of the headscarf-wearing students in France also refused to attend physical education and biology courses (Galeotti, 1993). Maclure and Taylor explicitly deny demands to opt out of the school curriculum. “In such cases the exemptions requested may compromise the realization of one of the important aims of primary and secondary education, namely, to teach tolerance, peaceful coexistence and other civic skills within societies with diverse beliefs and values” (Maclure and Taylor, 2011, 100–2). Maclure and Taylor’s distinction between deeds and dress is crucial for explicating their position: choice of dress is secondary to refusing to attend a course. The litmus test for the distinction between deeds and dress is state employment. Maclure and Taylor write:

Although the appearance of neutrality is important, we do not believe it justifies a general rule prohibiting public officials from wearing conspicuous religious symbols. What matters, above all, is that such officials demonstrate impartiality in the *exercise* of their duties ... It is unclear why we should think a priori that those who display their religious affiliation are less capable of sorting things out than those whose convictions of conscience are not externalized or are so in a less conspicuous manner (the wearing of a cross, for example). Why deny the presumption of impartiality to one and grant it to the other?. (44–45)

For instance, with the criteria of “exercise of duty” they oppose teachers wearing burqas or niqabs, because “communication” and “the development of the students’ sociability” are duties of a teacher, and “covering the face and body does not allow for nonverbal communication” and “establishes too much distance between the teacher and her charges” (46).

However, when they discuss state positions for whom “the appearance of impartiality is particularly imperative” such as “judges, police officers, and prison guards,” they posit that “wearing visible religious symbols ought to be prohibited” (47). In other words, they bring back in the criterion of “the appearance of neutrality” nearby the criterion of “exercise of duty.” They admit that with state positions appearing neutral cannot be totally dismissed, because state is the reference point in relation to which equality and freedom are measured.

Once Maclure and Taylor add the “aims of the institution” to their criteria of evaluation, their criticism of French Republican secularism becomes even less forceful, and begs further articulation. Moreover, considering the aims of the institution brings them close to Brian Barry’s position on public justification. It then becomes unclear that we need the criterion of meaning-giving commitments at all. Barry, a critic of multiculturalism and particularly Taylor’s thought on the subject, seeks solutions to questions of moral diversity based on general rules and opposes exemptions or accommodations in the name of justice. Citing Barry’s *Culture and Equality*, they maintain that his liberalism “neglects” how some rules can be “indirectly discriminatory toward members of certain religious groups” (2011, 72–73). However, they fail to mention that Barry explicitly addresses headscarves and *does not* advocate banning them in either public or private schools: “the difficulty of the French position seems to me to be that it is simply not very plausible to suggest that headscarves will really undermine *laïcité*” (Barry, 2001, 61). He links the question of wearing headscarves in schools to the wearing of religious symbols at work (54–62), concluding:

On the one side was a denial of equal occupational or educational opportunity, and on the other side no interest that was worthy of protection. Wearing a headscarf to work or a turban to school threatened no danger to the public or to the individuals concerned, nor could it plausibly be said to interfere with the effective functioning of the business or the school. (62)

One critical dimension of Taylor’s critique of such generalist formal justifications is his criticism of the distinction between justification and motivation: “reasons that lack motivational power, in Taylor’s view, are not much good as *practical reasons*” (Smith, 2002, 111, italics in original). Perhaps Taylor’s criticism of the distinction between justification and motivation would be more salient if the headscarf-wearing students were less motivated to attend public schools and demanded separate schools or home schooling; however, this was definitely not the case. As the situation stands, certain republicans in contemporary France have succeeded in legislating a headscarf ban in secondary schools that has, among other things, resulted in the establishment of Muslim schools. In effect, these republicans told students who were *motivated* to participate in public education that they should attend Muslim schools instead. Rather than turning to meaning-giving convictions, we should perhaps remind these republicans—whom we are trying to convince—that their position contradicts their own history, which I have documented in this article, and that they may be undermining an institutionalist understanding of French secularism.

Finally, Taylor’s justification for depending on meaning-giving convictions—that general rules can be indirectly discriminatory—takes the generality of existing laws and institutions for granted. This parallels the way his historicist distinction between the old paradigm of secularism as institutional separation and the new paradigm of facing diversity implies stability and success in the core institutions of secularism. Yet the French regression from institutionalist, to identitarian, and finally to securitarian *laïcité*; the retention of the Concordat regime in Alsace-Moselle; and Maclure and Taylor’s own criticism of the general institutions in Quebec that the “prayers said at the beginning of sessions of a municipal council or the crucifix above the

Speaker's chair in the Quebec National Assembly" compromise the neutrality of the political space (a matter also mentioned in the Bouchard and Taylor report (Bouchard and Taylor, 2008))—all show that such institutional success and stability cannot be taken for granted. There is still room to grow in the direction of generality. That meaning-giving convictions add something to our evaluative criteria to tame secularism is dubious.

Conclusion

In this article I have argued that Taylor's call for a radical redefinition of secularism rests on weak foundations. His historicist differentiation between an old secularist paradigm of institutional separation and a new one of responding to moral diversity fails to hold up in the face of historical evidence on the relations between institutions, goals and principles of secularism from the French Third Republic. Indeed, responding to moral diversity is the old paradigm of secularism and the foundation of both the French Republican public school in 1882 and the separation of state and religious institutions in 1905. Taylor misunderstands French secularism because he uses a contemporary identitarian definition of *laïcité* as representative of the whole that differs from the institutionalist *laïcité* of the French Third Republic. (In fact, a securitarian understanding of *laïcité* has been emerging in France since the Paris attacks in 2015.) Taylor's approach to *laïcité* is framed in the language of "regimes," "models," and "ideal types" and completely ignores its contested nature and this leads him to conclude that *laïcité* in-itself cannot offer a solution to certain contemporary questions, and to throw the baby with the bathwater. Moreover, this methodological language also contradicts Taylor's own long-time commitment to uncovering self-descriptions as part of social scientific inquiry. The French Third republicans anticipated all of Taylor's core principles, they struggled against those who wanted to attribute a special status to religion, and shared his "radical" formulation of the question of secularism as facing moral diversity. They balanced aims of institutions, claims of rights, and generality of law. The problem is not that we "fetishize" history; the problem is that we forget it. In reasoning on contemporary questions of secularism, Taylor and Maclure and Taylor also balance aims of institutions and claims of rights, demand public justification for claims of reasonable accommodations and maintain some form of neutrality for state institutions in exercise of duties as well as appearance. The real difference between Taylor and the *laïcité* of the Third French Republic is that Taylor and Maclure and Taylor propose to temper generality with "meaning-giving commitments." I have argued that the addition of "meaning-giving commitments" as a new evaluative criterion does not offer a solution that the other three criteria and the core principles cannot offer, particularly if what motivation and justification prescribe do not conflict. It is doubtful that Taylor offers a radical redefinition of secularism or that we in fact need one rather than making better use of the definition we already have.

Data. There are no quantitative data associated with this research.

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Notes

1. Comparing Taylor's re-arrangement of principles to Robert Audi's arrangement of institutional principles of separation—Audi lists neutrality, liberty, and equality—makes it easier to locate the implications of equating the secular and religious viewpoints. Audi articulates the neutrality principle such that “the state should give no preference to religion (or the religious as such)” over non-religious matters. He then underlines the permeability between the principles of neutrality and equality; if one; “derive[s] this requirement from the egalitarian principle provided one construed being nonreligious as having a religious stance and thereby deserving equal treatment with various other religious positions” (Audi, 1989, 264).
2. The Concordat was a bilateral agreement between the Catholic Church and a nation state to manage the place of Catholicism within the law and borders of national sovereignty. The separation law did not apply in the departments of Algeria.
3. The ban on “Make America Great Again” baseball caps by a California high school and the following lawsuit by the student is a case in point. See Del Valle (2019).

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