

RELIGION, STATE, AND SOCIETY
JEFFERSON'S WALL OF SEPARATION
IN COMPARATIVE PERSPECTIVE

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PREFACE

Unlike the French and Russian Revolutions, the American Revolution was not antireligious. It did not result in the destruction of church property or the persecution of religious sects. The popularity of religion grew in its aftermath to the extent that Tom Paine was ostracized in the United States on his return from France following the publication of what many regarded as an atheistic tract, *The Age of Reason*.

The American Revolution nevertheless did transform the relationship between church and state in a constitutional arrangement that remains unique to the United States. Even before 1776, four of the thirteen colonies did not have a church establishment in which the government granted taxes and privileges to a particular denomination. The process of disestablishment was accelerated by the American Revolution but was not fully complete in the northern states, which were originally settled for religious motives by the Puritans, until public support for the congregational church was finally abolished in Massachusetts in 1833.

A pivotal event in the process of redefining the relationship between church and state in America was Thomas Jefferson's Statute for Religious Liberty in Virginia in 1786. Jefferson later regarded the statute as one of his three greatest achievements together with the Declaration of Independence and the founding of the University of Virginia. It may seem curious in retrospect that he should give such prominence to the passage of a law that applied to just one state and not to the nation in general. This was because Virginia was the most populous state in America. The act was far more comprehensive in prohibiting religious discrimination than any other law in any other state. Furthermore, the disestablishment of the Anglican Church was more vigorously contested in Virginia than in other southern states like North and South Carolina. Although later characterized as an atheist by his Federalist opponents, Jefferson partially owed his success to the support of Methodists and Baptists, together with Shenandoah Valley Presbyterians, who opposed the establishment of the Anglican

Church. Jefferson's later definition of the relationship of church and state, most notably in his letter to the Danbury Baptists in 1802, in which he spoke of a wall of separation, has been highly influential in the decisions of the Supreme Court on questions of church and state since the 1940s.

This volume arose from a conference held at the Archbishop's Palace in Prague, sponsored by the Robert H. Smith International Center for Jefferson Studies, in association with Colonial Williamsburg Foundation and the Jefferson Institute, on the subject of "The Call for a New World Order: Thomas Jefferson's Separation of Religion and State," in March 2007. Since it was established in 1994, the Robert H. Smith International Center has been committed to fostering Jefferson scholarship, disseminating information about Jefferson to diverse audiences, and highlighting the currency of Jeffersonian principles in today's world. It has conducted more than twenty scholarly conferences held variously in Bellagio, Berlin, Glasgow, London, Paris, Prague, Salzburg, and Warsaw. Although most of the conferences focus on the historical Jefferson, the Smith International Center has also initiated conferences on the modern legacy of Jefferson, including one on "Thomas Jefferson, Rights, and the Contemporary World," held at the Bellagio Conference and Study Center in June 2003, whose proceedings were published by Palgrave Press in 2004 in *The Future of Liberal Democracy: Thomas Jefferson and the Contemporary World*.

The Prague conference explored Jefferson's wall of separation in relation to the modern Middle East and Europe. The issue has returned to the forefront with the revival of religious fundamentalism in both the East and the West, posing what some have called a clash of civilizations. The decision of the Bush administration to impose a clause of separation between church and state in the interim constitution of Iraq raised questions regarding the applicability of the Jefferson model for the Middle East and Europe. A panel of historians introduced Jefferson's ideas while political scientists and philosophers discussed their current implications. The conference concluded that the Jeffersonian separation between church and state was unique to the United States and too radical for the Middle East and much of Europe. Jefferson's views on individual rights are more relevant than his views of religion to the present needs of the Middle East and Europe. The relationship of church and state remains fluid even to some extent in America, where the interpretation of the Supreme Court since the 1940s has been more rigid than during the period of Jefferson's presidency. The separation between church and state was

not particularly contentious in the nineteenth century when the relationship was more porous than now. At the same time, the situation in the Middle East was represented to be much less monolithic and theocratic than it is popularly represented in the United States and Europe. The issue promises to remain topical owing to the increasingly diverse ethnic character of nation-states.

It is a pleasure to acknowledge those colleagues and institutions who assisted with the conference and with this volume of the proceedings. R. K. Ramazani, the Edward Stettinus Emeritus Professor of Government and Foreign Affairs at the University of Virginia, suggested the topic and has played a guiding role throughout. The planning of the conference was also made in consultation with Robert Fatton, the Julia Allen Cooper Professor of Politics; Merrill Peterson, the Thomas Jefferson Foundation Professor Emeritus in History; William Quandt, the Edward Stettinus Professor of Government and Foreign Affairs; Robert O'Neil, Professor of Law and Founding Director of the Thomas Jefferson Foundation for the Protection of Free Expression; James Horn, the Vice President of Research and the Abby and George O'Neill Director of the John D. Rockefeller Jr. Library at The Colonial Williamsburg Foundation; Aaron Presnall, the President of the Jefferson Institute; David Martin, Professor Emeritus of the London School of Economics; and Bernice Martin, Emeritus Reader in Sociology at Royal Holloway College at London University.

It is also a pleasure to acknowledge the additional funding support from The Colonial Williamsburg Foundation and the John Templeton Foundation. The outstanding local arrangements for the conference were made by the Jefferson Institute in Belgrade, where Aaron Presnall and Biljana Presnall, together with Scott Walker, gave unstintingly of their time whether arranging for special visas from Iran or for the use of the Archbishop's Palace. It was also thanks to them that the conference was so fortunate as to have a video keynote address that was graciously given by His Royal Highness Prince Hassan of Jordan. Katherine Neville and Dr. Karl Pribram, friends of both the Thomas Jefferson Foundation and President Václav Havel, helped arrange the presence and active participation of President Havel's senior adviser, Professor Tomáš Halík. There was a reception for the conference participants at the residence of the American ambassador to the Czech Republic for which we are very grateful to our hosts, Mrs. Alexandria Graber, the wife of Ambassador Graber, and Michael Hahn, the U.S. Counselor for the Press and Cultural Affairs. I am indebted to R. K. Ramazani and Robert Fatton for undertaking the editing of this volume and completing it with such efficiency. Joan Hairfield,

my assistant at the Smith International Center, helped in numerous ways in both the conference arrangements and in the preparation of the manuscript proceedings. Finally, Dan Jordan, the President of the Thomas Jefferson Foundation, had the vision of making Monticello unique among historic houses in giving such emphasis and resources to education and research through the creation of the Robert H. Smith International Center for Jefferson Studies. It is a particularly appropriate memorial to one who believed so fervently in the life of the mind and the pursuit of knowledge as Thomas Jefferson.

Andrew Jackson O'Shaughnessy
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INTRODUCTION

Robert Fatton, Jr. and R. K. Ramazani

The chapters in this book are the product of a conference entitled “The Call for a New World Order: Thomas Jefferson’s Separation of Religion and State,” held at the Archbishop’s Palace in Prague, Czech Republic, in March 2007. The conference was organized by the Robert H. Smith International Center for Jefferson Studies with the support of the Colonial Williamsburg Foundation, the Jefferson Institute, and the John Templeton Foundation. The issue of the relationship between religion and state, which was for the most part benignly neglected by social scientists for a long period during the Cold War, has resurfaced with intensity in the past decade. The resurgence of “fundamentalism” not only in developing nations but also in economically affluent “postmodern” societies has revived the old debate about the interaction between religion and politics; is the fusion—or relative embrace—of the two compatible with tolerance and individual freedom? In short, can a state sanctioned and governed by divinely ordered norms and laws be at all democratic? Clearly the Founding Fathers of the United States—and above all Thomas Jefferson—believed that liberal democracy could flourish only if a clear separation existed between state and religion. Religious beliefs and practices had to be protected and were at the root of civic morality; the government, however, could neither espouse a religion

nor govern in the name of a religion lest society fall into intolerance and despotism.

The American Founding Fathers sought to resolve the dilemma of how to safeguard the religious beliefs and practices of the citizenry without establishing a theocratic state. This became a fundamental object of their constitutional crafting because they assumed that religion would be a permanent element in human affairs. As Robert O'Neil points out in this book, Thomas Jefferson and his "fellow Framers crafted a document not only for a uniquely complex and disparate nation, but also for all time and human experience." The conviction that religion would always play a critical role in the life of the individual as well as society in general was not shared by all. Indeed, some of the major figures of the Western social sciences, ranging from Karl Marx to Max Weber, believed that industrial modernity, and the continuous advance of scientific rationality and technology, would generate the inevitable secularization of society. Religion would simply fade away; it would become a historical memory and cease to be a living reality. It would no longer intrude into the workings of the political order or fuel backward attitudes. Human beings would be freed from the suffocating weight of tradition and alienation even if they would have to face a "disenchanted" world. To that extent, according to classical social science, modernity would make obsolete the old problem posed by the relationship between religion, society, and politics; it would kill God. Moreover, it was thought that secularization would deepen individualism, tolerance, and diversity and enhance the further development of democracy. In that perspective, there was a linear and causal chain linking backward economies to traditional, religious, and authoritarian polities, on the one hand, and industrial affluence to enlightened, worldly, and democratic social orders, on the other.

In reality, however, the American Framers seem to have been right. Modernity has proved quite compatible with the persistence and even intensification of religious beliefs and traditions. The question remains, however, whether democracy can coexist without secular popular attitudes and institutions. While religion as a living social phenomenon does not seem to be necessarily antagonistic to democracy, it tends to become so when it guides the authority of the state. The founding fathers of the United States embraced this assumption and established a doctrine of separation between church and government while espousing the individual's freedom to practice his chosen religion. Among them, Thomas Jefferson played the foremost role in elaborating this doctrine. He articulated his forceful advocacy of what he called a "wall of separation between church and state" in his letter

of 1802 to the Danbury Baptist Association. This was not just a matter of promoting civic morality and virtue; it was also a fundamental defense of freedom of conscience and religion.

The Jeffersonian perspective that democracy requires this “wall of separation” has had a profound influence on both the domestic and foreign policy of America. While it has established obdurate limits to the long penetrating reach of the state into spheres deemed private, it has not prevented religion from permeating politics in the United States. In fact, as Ronald Inglehart and Christian Welzel have recently pointed out, “the United States is a deviant case, having a much more traditional value system than any other postindustrial society except Ireland. On the traditional/secular dimension, the United States ranks far below other rich societies, with levels of religiosity and national pride comparable with those found in some developing societies.”²¹ According to polling data conducted over the past ten years, 55 percent of Americans thought that the Bible “was literally accurate,” more than 90 percent and 80 percent believed in God and miracles, respectively, and more than 60 percent held as “literally true” that “God created earth in six days.”²²

Not surprisingly, Americans are far from being unanimous on how solid and thick the “wall of separation” ought to be; on repeated occasions since 1947, the Supreme Court has had to rule on diverse contested aspects of the “doctrine of separation.” It is true that separation remains, however, a fundamental constitutional principle in the United States, even if increasingly, Americans expect their politicians to disclose their religious beliefs. The growing religiosity of the United States is apparent to the extent that presidents and presidential candidates proclaim their faith and have no reluctance in declaring that their decision-making process is informed by God. While five decades ago John F. Kennedy believed “in an America where the separation of church and state [was] absolute,” in the seventies Jimmy Carter identified himself as a “born again” Christian, and more recently, George W. Bush not only claimed Jesus as his favorite philosopher but also believed that “God [wanted him] to be president.” In fact, he was reported to have told a group of Amish: “I trust God speaks through me. Without that, I couldn’t do my job.”²³

In spite of the growing significance of religion in American life, the country has not fallen into the tyrannical rule of what Jefferson called the “priestcraft.” Elsewhere in the world, however, the resurgence of religion has nurtured intense fears about the prospects of a descent into theocratic despotism. In fact, most societies are now wrestling in one way or another with the crucial question of establishing the

proper balance between religion and state. Even communist China is confronting the reality that imposing atheism is not a simple matter and that sacred traditions and rituals continue to mold people's practices and beliefs. In fact, communist authorities have had to tolerate and ultimately support Buddhism and Confucianism because they have come to perceive these faiths as contributing to social harmony and political stability.

This book, however, focuses on societies where the Christian, Islamic, and Jewish traditions predominate. Also, it explores relations between religion and state that are so problematic that they may portend serious conflicts and violence. Moreover, the book seeks to delineate the extent of the demarcation between religion and state in America, Europe, and the Middle East. It reveals the enormous complexity and diversity of governmental policies and constitutional principles on this matter. As we remarked above, in America itself, the doctrine of separation is by no means interpreted uniformly, even if it is regarded as inextricably intertwined legally and politically with the principles of democracy and religious freedom. Unlike America, other Western democracies such as England do not view established Christian religion as inimical to the values of liberty, tolerance, and individual rights. While tensions exist between the two, they are perceived as neither incompatible with, nor necessarily antagonistic to, liberal politics. For most Western observers, however, the relationship between Islam and state is more complex; in their eyes the absence of a wall of separation between the two is conducive to different degrees of theocratic authoritarianism. Thus, when these observers study Middle Eastern societies they tend to depict the relation between religion, state, and freedom as conflictive and even inimical.

Ultimately, the compatibility between established state religion and democracy rests on whether citizens have the constitutional capacity to contest the authority and legitimacy of a government ruling in the name of God and based on divinely inspired law. In short, can human beings challenge God and God's alleged political representatives? The question clearly goes beyond the geographical regions and the three Abrahamic religious traditions that this book studies; we hope therefore that the chapters in this book will stimulate intellectual debate and broaden the discussion in a truly global comparative perspective. For instance, how are societies in Africa, Latin America, and Asia arranging the relationship between religion and state? Is the so-called third wave of democratization in these areas undermined by the resurgence of the sacred? And are these societies concerned at all about erecting their own wall of separation?

This last question raises another critical matter: can American constitutional democracy be exported abroad? While the assumption that democracy is incompatible with backward economies and particular cultures and religious faiths has to be resisted, there is little doubt that the goal of imposing democracy with guns, missiles, and bombs is at best unrealistic and at worst cynical. The George W. Bush administration's experience in Afghanistan and Iraq demonstrates that the facile and dreamy goal of forcefully exporting American democracy throughout the world can end in disaster.

In part I of this book, Peter Onuf describes Thomas Jefferson's wall of separation not as a symbol of antireligious principles, but rather as an embrace of "a more enlightened purified Christianity" that would emerge from the free operation of the religious marketplace. In this perspective, Jefferson was an "idiosyncratic" Christian who sought to end the pernicious rule of "priestcraft." Ultimately, his commitment to "disestablishment" was a means to contribute to a "post-theological and sectarian future in which science, religion, and republicanism converged." To that extent, Jefferson was a firm believer in the compatibility between democracy and freedom of religion. In fact, the flowering of multiple religious faiths unencumbered by state control ensured both liberty and political order. As Onuf puts it, "Competition among proliferating sects gave rise to more democratic forms of church organization, to simpler, more direct theological appeals, and to less and less emphasis on the doctrinal differences that had justified religious wars and the spilling of 'oceans of human blood' throughout human history." Far from summoning a struggle against the sacred, Jefferson's doctrine of separation was a call for religious and individual freedom, which, he believed, would promote the discovery of the "genuine doctrines of Jesus."

While this discovery was in Jefferson's perspective critical to the development of the United States as a "moral community" playing a "providential role in world history," Jack Rakove reminds us that the wall of separation was above all a way to "fence off . . . one vital area of the human personality from public intrusion, supervision, and punishment." The separation between church and government is therefore one fundamental means of protecting citizens from the potential predatory reach of the state. By providing individuals the right to freely choose their religion unencumbered by the imposing power of political authorities, "disestablishment" was both cause and effect of the call for freedom of conscience and limited government. As Rakove argues, "freedom of conscience is better understood as both a necessary condition and even a compelling argument in itself

for the separation of church and state.” This in turn was a clear sign that for Jefferson and his fellow Framers, constitutional democracy was primarily a form of limited government that could not infringe on individual rights. Writes Rakove, “The idea that government can entirely abjure its authority to regulate religion, as such, marks the point where the general concept that all the powers of government ultimately derive from a sovereign people was converted into the recognition that there were entire realms of human activity that government could no longer be allowed to regulate.”

Not surprisingly, the influence of the American constitutional experience on other lands has primarily inspired the crafting of limited forms of governments rather than effecting the erection of the wall of separation. While Robert O’Neil points out that this wall has precluded the creation of a “formally established and publicly supported church,” he stresses that it has not prevented the development in America itself of “complex and beneficial relationships between government and religion.” These relationships are certainly more fluid and symbiotic in other parts of the world where either “a surviving establishment coexists with substantial religious freedom . . . (as in the United Kingdom) because of strong safeguards in the courts and surely not because of any mandated separation of church and state,” or “where secular principles dominate, as in Turkey, though without a consistently secure and pervasive condition of religious liberty.” Clearly, then, few countries have erected the Jeffersonian wall of separation. In fact, as O’Neil remarks, “there appear to be only two foreign nations [France and Australia] in which both free exercise and nonestablishment both receive explicit constitutional commitment.” Even in these two cases, however, striking differences between these countries are apparent.

The exportability of the American constitutional model is thus limited by the cumulative weight of distinct historical trajectories, cultural norms, and political traditions, as well as by varying levels of economic development. In fact, according to A. E. Dick Howard, Americans “must beware the temptation to hold out their own country’s experience as surely right for another people.” This is not to say that the American experience has nothing to offer to the rest of the world, but rather that borrowing from it can be successful only for those societies “aspiring to liberal constitutional democracy.” There are also exceptions, as the case of Japan illustrates, where the American military occupiers imposed a constitution that has survived their departure. American constitutionalism can thus impress on foreign lands its fundamental principles of “limited government, separation of powers,

checks and balances, a recognition of national and local interests, constitutional supremacy over ordinary laws, and protection of individual rights.” Exporting the wall of separation, however, seems to be a more complicated affair; especially in cultures where people perceive religion, politics, and private life as one integrated sphere rather than as demarcated domains operating independently from each other.

Despite the pretensions of many U.S. leaders, American constitutionalism, let alone the separation between church and state, does not seem to be universal. Indeed, as Adam Seligman argues in part II of this book, the idea that concepts such as religion and secularity are “objective, universal and value-free” is “fundamentally flawed.” In spite of its popularity, this idea serves us poorly in analyzing societies that are not rooted in Western Christian civilization. For what is meant by the term *secular* or *secularization*? For instance, can we truly accept Ronald Inglehart’s contention that China is the most secular society in the world when in reality it is riddled with a “proliferation of spirit cults and other forms of worship”? Or, to paraphrase Seligman, are the Muslims who eat during Ramadan—but only in private, in hiding, away from communal eyes—secularists, sinners, or ignorant? In Seligman’s view, such behavior reflects people’s never-ending interpretation and reinterpretation of their traditions. This process is in turn “continually being negotiated and negotiated anew by communities and individuals over the course of time.”

For Seligman, secularism is nothing but “a very particular moment in the Christian process of negotiation of its own tradition,” a moment that crystallized the privatization of religion and of conscience. In turn, such privatization was “part of a larger politics, perhaps even a political theology that has become the hallmark of a liberal American vision of modernity. And of course here precisely is the rub. For accepting these principles essentially means accepting either a liberal/secular version of selfhood and society that is not shared across the globe and across human civilizations, or an explicitly Protestant vision of human existence in the world—which is certainly not shared.”

Secular liberalism, however, is not the “terminus ad quem” of Christian civilization. In fact, it deprives individuals of recognition and of their “separate and unique existence and identity” because it emphasizes their sameness and their equal rights.

The lack of recognition has paradoxically reinvigorated a search for alternative identities “predicated on religion, ethnicity, and nationhood.” Not surprisingly, this has meant the exaltation of difference and local particularisms and a withdrawal of communities

unto themselves. Instead of a tolerant cosmopolitanism, there is in Christian and non-Christian areas alike a “closing of ranks against the outside world and a reticence to interact with those who are truly different.” In fact, the United States and Western Europe are witnessing, especially after the tragic events of September 11, a growing wave of anti-immigrant feelings often clothed in loud and ugly anti-Islamic pronouncements. According to Seligman, we can escape from this predicament and revitalize pluralistic and tolerant patterns of behavior only if we reengage vigorously with traditions that are not “predicated on liberal and modernist ideas of self and of interaction between selves.”

But have the instrumentalities of state power been at the service of modernist, liberal, and secular forces? John Madeley’s survey of Europe suggests, perhaps surprisingly, that they have tended to boost religious objectives and institutions. The secular state, as it were, is more an invention of the United States than a universal phenomenon. In Europe, the evidence indicates not only “the survival of many of the marks of the early-modern confessional state,” but also “a reverse trend toward a reengagement of state authorities with the religious sphere on a range of fronts.” The collapse of the atheistic communist regimes has accelerated the trend. But even before this collapse, European states were predominantly “religious”—that is, supportive of religion and church institutions. Indeed, following this definition, twenty-one out of thirty-five European countries could be considered religious in 1980, and only five were “secular” in the sense that they promoted “neither religion nor irreligion.” The remaining nine were atheistic insofar as they were all communist states committed to an official antireligion ideology. Thus, Madeley offers significant data to prove that the “instrumentalities of state power and authority . . . often have been utilized for religious ends in Christian Europe as much as in other parts of the world.”

Utilization, however, does not mean fusion; according to David Martin, democracy unfolds when the “religious sacred centered on the unity of the faithful” separates from the “social sacred centered on the unity of the nation.” The development of democracy has hinged upon both the establishment of a distance between the sacred and the profane, and the survival of the sense of solidarity that religion had hitherto provided to the community. The problem, however, is that once the consensus fidelium has been “undermined by an appeal to the individual conscience in the interpretation of scripture, and its eventual secular translation in terms of individual judgment as such,

unity is in principle beyond recovery.” The vacuum left by the shattering of the consensus *fidelium* has to be filled by an alternative form of solidarity, lest violence subverts the possibility of democracy. Martin, however, warns of the danger of a rising nationalism becoming the new consensual principle and unleashing a politics of exclusion based on ethnic or ethnoreligious cleansing.

This trajectory is not inevitable, and Martin suggests that certain religions seem to facilitate both the erection of the Jeffersonian wall of separation and a smoother transition to democracy. He writes, “Protestantism has provided uniquely easy passage for democracy, in spite of a partial association of state churches with elite strata and a conservatism of throne and altar.” In contrast, Catholicism stopped being an obstacle to democratic tolerance only with Vatican II, when it abandoned its “fortress mentality . . . with its authoritarian, *intégriste*, and antiliberal stances.” Catholicism has remained, however, intolerant of what it considers the permissive behavior of an increasingly narcissistic consumer society. It continues to be concerned about what it alleges to be the moral laxity of liberal Western democracies, the decadence of sexual norms, and the blasphemous character of modern popular culture. To that extent, Catholicism shares with Islam a generalized anxiety about modernity as portent of moral and spiritual decay; but unlike some popular versions of Islam, Catholicism has largely forsaken an integral vision of state and religion rooted in the “the unity of religious and national identity and the close alliance of religious and secular law.” According to Martin, such versions of Islam face the dilemma of how far they can extend “liberal tolerance . . . to minorities, increasingly segregated in cultural ghettos at a considerable distance from the values of civil society.” On the other hand, he suggests that Islam’s tolerance is ultimately contextual; it varies depending on the location in which Muslims find themselves. So, for instance, “in the United States they mostly assimilate to the pluralistic ideal, whereas in Europe they are divided, and in Pakistan . . . they are menacingly hostile to minorities.”

In part III of this book, William Quandt goes beyond the idea of Islam’s contextuality. In fact, he argues forcefully that in most countries of the Middle East and North Africa, it is the logic of the state and politics that imposes its hegemony over religion. In that sense, the proximity of the sacred and the profane is neither the cause of the mostly authoritarian character of the region, nor the source of the growing popularity of religion. The absence of the wall of separation is simply not responsible for the area’s predicament. Quandt writes,

The idea that religion trumps politics in the Middle East is, in fact, almost the opposite of the historical record, where states have generally dominated and determined how religion should be observed. With the weakening of states, opposition movements have arisen in recent years that draw heavily on religious symbols, but it would be a mistake to see these as primarily or solely religious expressions. They are largely about politics and power, and if they succeed in coming to power they will almost certainly behave as other states have in the past—they will view it as the prerogative of the state to decide how religion should be taught and practiced. . . . [Political] power is almost always in the hands of individuals who are primarily political, not religious, in their orientation. Religion thus becomes the handmaiden of politics, not the other way around.

Iran, however, seems to be the exception to the primacy of politics over religion. There the clergy has seized state power and the supreme leader is a senior Ayatollah chosen by the predominantly clerical Assembly of Experts. Moreover, the Council of Guardians controlled by religious figures is empowered to guarantee that candidates for election are devout Muslims and that legislation is consistent with Islamic law. Quandt rejects, however, the conventional labeling of Iran as a theocracy, because the religious regime functions alongside representative institutions that are accountable to the population.

Iranians enjoy the benefits of the universal franchise and elect their president and parliament. The fact remains, though, that Islam plays a pervasive and guiding role in Iranian politics and society. This may have to do with the dominance of Shi‘a Islam, which has historically displayed greater autonomy from the state than its Sunni counterpart. This autonomy has given Shi‘ite religious figures the legitimacy to claim that unlike Sunni clerics, who are often described as “handmaidens of state power,” they are the only alternative to the rule of corrupt leaders. Variances in Islam are thus critical in understanding the differences in forms of governance and the relationship between the sacred and the profane.

But as Quandt remarks, even if Iran represents “the high-water mark of religion in politics . . . it is not at all certain that the clergy will always maintain the tight grip that it seems to have today.” In other words, the vicissitudes of three decades of clerical rule have begun to sap the moral authority of Islam itself; Islam in power has paradoxically been undermining the power of Islam since it has been incapable of resisting authoritarian temptations and the fraudulent gains of governmental corruption.

Ann Elizabeth Mayer reminds us that “patterns of repression” are not necessarily linked to the absence of a wall of separation. In fact, she argues that Turkey’s secular state is “proof that disestablishing religion does not necessarily mean ending state-imposed orthodoxy or relaxing onerous restrictions on freedom of thought and expression.” Authoritarianism is thus not an inevitable by-product of an Islamic seizure of power. Indeed, Mayer contends that “in certain circumstances, upholding Islam as the state religion under a traditional Islamic monarchy could actually help to secure space for democracy and religious freedom. . . . [In] the contemporary Middle East, clinging to an absolutist policy of separating religion and state could be unwise and even counterproductive.” This is not to imply that Islamism’s insistence on the necessity of fusing state and religion has no authoritarian implications. Far from it. As the Iranian case demonstrates, the Islamist claim that it is un-Islamic to challenge the unity of religion and government can easily provoke a descent into despotism and terror.

Mayer contends that Islamists are invoking the Prophet Muhammad’s infallible leadership of the unified Muslim community, *umma*, not only to restore this unity, but also to gain the political support of a disaffected population in order to seize power. Given the conditions of economic backwardness, social inequalities, and corrupt patterns of governance prevailing throughout the Middle East, it is easy to understand the Islamist’s popular appeal. As Mayer explains, “Islamism promises the disaffected that a utopian system lies at hand that can easily cure all these ills. According to Islamist theory, all that is required is rule by pious leaders committed to the faithful implementation of Islamic law, which constitutes the blueprint for perfect societies.”

In that perspective, clerics use Islamism to manipulate the religious feelings of the population and ultimately to take political power. Once their rule is secure, they establish Islamism as an infallible system of belief and governance to liquidate opponents, suppress dissent, and impose their theocracy. This, according to Mayer, is the unfortunate trajectory of Iran’s Islamic revolution. But this is only part of the story, for the very excesses of Islamism have provoked among important clerics a questioning of the unity of state and religion and an increasing uneasiness with Islamism itself. To that extent, the issue of the Jeffersonian wall of separation is alive in Iran. As Mayer puts it, “Islam itself has been no barrier to an enhanced awareness of the benefits of separating religion and state.”

Nathan Brown, on the other hand, suggests that this awareness may well be thwarted by the traditional Islamic belief that “corruption comes from eliminating the connection between eternal truths and public affairs.” This belief is supplemented by a common conviction that such timeless truths emanate from God and can be imposed on society through the sharia—the Islamic way. By embodying a divine legal framework, the sharia can become the sole code of human conduct, thus nullifying any meaningful process of constitutional framing. In fact, in many Arab countries, constitutional provisions empower the sharia to become the basis for all “legal enactments.” To that extent, as Brown points out, “the sharia itself stands prior to the positive legal order—including, potentially and by implication, the constitution itself. If the sharia is a primary source . . . of legislation, then it becomes possible to argue that it forms the fundamental legal framework. . . . [This] makes it possible to challenge legislation that does not seem to be in conformity with Islamic sharia principles on constitutional grounds. In short, it makes it possible—through constitutional jurisprudence—to turn the principles of the Islamic sharia into a supraconstitutional order.”

This is not to say that constitution making in the Arab world is bound to submit to the divine dictate of the sharia. According to Brown, countries like Morocco, Algeria, Egypt, and Yemen have managed to integrate aspects of Islam into their constitutional frameworks without challenging the ultimate supremacy of their constitutions. They have been able to include legal provisions that have maintained the symbolic power of Islam without diluting the sovereign authority of political rulers. Still, the tension between religion and state has not abated; on the contrary, it is likely to intensify and reinvigorate constitutional debates. As Brown argues, the “Arab experience does not show that Islamic constitutionalism must fail. But it does raise the importance of the skeptical questions suggested by Western constitutionalist practice: How can one apply divinely inspired law without giving authority to human beings? And how can human beings be held accountable to divine standards?”

As David Goldberg and Bernard Reich demonstrate, the relationship between synagogue and state in Israel raises similar questions. While the self-designed Jewish nation has no official religion and protects the freedom of religion for all citizens, and was founded by “essentially secular, socialist . . . Zionists,” it is permeated by religious practices and norms. For instance, the state has always played a significant role in interpreting Jewish law, halacha, and has left in the hands of Orthodox religious parties the thorny problem of defining who is

a Jew and who is thus entitled to return from the Diaspora to “the Jewish homeland—the Land of Israel.” All of these matters have contributed to blurring the demarcation between state and synagogue. Moreover, religious political parties bent on promoting specifically religious interests and objectives have had significant influence in the making of governments and state policies. As Goldberg and Reich explain, the “permanence of the religious parties and their continued participation in Israel’s political process skews the religious-secular debate.” But if Orthodox forces have tried to colonize the state, they have encountered the resistance of secular groups in the “perpetual struggle to define the character and soul of the Jewish state.”

This struggle symbolizes the difficulty of establishing a wall of separation between the sacred and the profane and the fluidity of relations between the two putative spheres. In a dialectical interaction, religion and state clash against each other while simultaneously interpenetrating each other’s domain without ever losing their respective autonomy. This is a far cry from the Jeffersonian wall of separation.

Let us now bring to a close this brief survey of the chapters contained in this book. All the contributors agree that the tensions between state and religion find no easy resolution. We are thus tempted to say that, in spite of some problematic differences, Goldberg and Reich’s conclusion about Israel may well sum up a general reality: “No clear parameters have been established for the roles of the secular and religious elements and no written constitution articulates the precise role of church and state in relations with each other, nor for the precise powers and limitations of each concerning the other.”

NOTES

1. Ronald Inglehart and Christian Welzel, *Modernization, Cultural Change, and Democracy* (Cambridge: Cambridge University Press, 2005), 65.
2. See Kevin Phillips, *American Theocracy* (New York: Viking, 2006), 102.
3. *Ibid.*, 206–8.