

ON SECULARISMS AND RELIGIONS

Jaime Contreras
Rosa María Martínez de Codes

One of the most striking mutations occurring in our complex societies is one that affects the traditional relations between so-called ‘secularism’ and the religious confessions. During the last centuries in the West, these relations have been tense and conflictive. Currently, this relationship is taking on new forms that, moreover, extend to broader and more multifaceted scenarios. This work covers some of these changes, which manifest the enormous plurality of this long relationship.

This introductory text reflects upon the key problems presented by the dialectic of secularism and religion in today’s societies. A number of these are dealt with extensively by the authors in this work.

1. POLITICAL NATIONALISM AND RELIGIOUS ‘FUNDAMENTALISMS’

“Far From Over.” In 1991 Kenneth Branagh, in his film *Dead Again*, predicted that the conflict between nationalist secularism and religion, a repetitive conflict from the moment the nation-state became consolidated in the nineteenth century, had not yet concluded, and consequently, that there were still environments and scenarios where the old duel would be forced to continue rearing its head with the toughness proper to an out-and-out battle.¹

¹ Zachary Karabell, “Religion,” in Richard W. Bulliet, ed., *The Columbia History of the 20th Century* (New York: Columbia University Press, 1998), p. 101.

Kenneth Branagh, with this ‘prophesy,’ was simply expressing a profoundly sceptical and pessimistic union of underlying political and socio-cultural elements in both universes. Certainly the history of Europe during the last two centuries and its colonial background in areas outside Europe have repeatedly revealed the notorious excesses that both movements have covered their actions with over a long history —the consequences of which still colour many of the current political realities today. Indeed, there are good reasons to justify the pessimism of Director Branagh, as it is true that many of the repeated promises the different nationalisms made to their populations— promises of independence, social integration, and solutions to chronic and very elementary social dysfunctions —were not kept, causing great frustrations and distress to many communities.

Indeed, many of the nationalisms that emerged in the decolonisation process in the so-called ‘Third World’ during the long period of the so-called ‘Cold War’ soon altered most of their promises of social redemption and political involvement, to succumb —always for necessary reasons of state in an excluding bi-polar world— to aggressive policies dominated by a rampant militarism that controlled the exercise of human rights while permanently monopolising the mining of natural resources.

In this context the prevailing nationalist discourse threw religious spheres at once back into the ‘Dark Ages’: a traditional and archaic past, negating the time of progress, a concept imported from the West without the necessary understanding of the social implications that this idea entailed. Let us remember, in this regard, that famous speech by Muhammad Ali Jinnah, founder of the state of Pakistan to the Constituent Assembly in 1947, when he referred to the Founding Fathers who predicted:

“(...) over time, Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state.”²

The state, that new institution in Pakistan, was based, according to the leader, upon secular, not religious, principles in the new nation. A nation, of course, with a Muslim cultural base, that did not require of the state any form of application of the Sharia, protected by the *ulemas*, and located in the

² Mr. Jinnah’s presidential address to the Constituent Assembly of Pakistan, August 11, 1947. http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html/

sphere of private life. This was how the new situation of Pakistan was to be seen; somewhat similar to the U.S. as a formula to rebalance the position of India that, at that time, was 'flirting' with the Soviet Union.

Then came the problems: in 1971 Bangladesh seceded and relations with India worsened, which eventually caused an elephantine military and the domineering development of civil institutions. Then, after this, came *coups d'état* that undermined the principles of Pakistan nationalism, mainly those that clamoured for the secularity of the state and the confinement of the Islamic religion to the realm of private life. The radical Islamist party, the Jamaat-e Islami (JI), arose with force then, led by Mawdudi and divorced from the concept of a secular nation following the Western model—which was labelled imperialist—, and critical also of a Muslim cultural 'civility' that did not delegitimise the 'democratic' principles of the state. Mawdudi turned religion into a political instrument and preached the need for an Islamic state, whose sovereignty lay first in Allah, and who was to exercise this after enforcement of the Sharia. This scheme was called 'theo-democratic,'³ which, as opposed to secular Western democracies based on 'popular' sovereignty, defined itself as the synthesis of the sovereignty of God and the people, their true reflection.

The thinking of Mawdudi, along with other religious movements that took root in the Islamic area beginning in the 70s, reflects the multiple tensions that expressed themselves between secularism and state nationalism on the one hand, and religious worlds on the other. In those years, the 70s, large areas of population were left marginalised because of this first secular nationalism, and there was therefore no shortage of religious leaders, beyond the Islamic world, who led and directed policies of social aid aimed at the impoverished masses, in whom they also awakened spiritual needs that had lain dormant or been 'privatised.'

The widely known move of the Muslim Brotherhood in Egypt is paradigmatic in this sense. The followers of al-Banna grew then, and multiplied to the same extent as the militarism supporting the nationalist utopia, arousing the hostility of the working classes, who accused the generals of serving imperialist interests with their secular policies. Similar phenomena spread worldwide and caused unbending and totalising religious expression that demonised the 'secular' milieu of the West. What happened, therefore, was that more than religious doctrines, social and cultural factors of a markedly iden-

³ Gilles Kepel, *La Yihad. Expansión y declive del islamismo*, (Barcelona: Editorial Península, 2000).

tity-based nature operated in these areas, so that the religious ‘revival,’ while developing spiritual trends within it, also responded to political objectives. Consequently, in opposition to nationalistic secularism, what took root then very dominantly was religious fundamentalism tinged with political aims.

But these fundamentalist expressions of the religious were not limited at that time only to the Islamic milieu. Few traditionally well-established religious confessions have remained divorced from radical movements both in their doctrines and practices of worship. There have been ‘fundamentalisms’ at the heart of Judaism (The Gush Emunsin and the Katch Party in Israel) and also Buddhism (Bharatija Yanata Party, the equivalent in Hindu nationalism to the Mawdudi Islamist party). Even in western Protestantism, in the 80s, programmes were drawn up that required rescuing not only the doctrinal principles of their credo but also building themselves into an ideology capable of achieving privileged positions of political influence. It would not be inappropriate to indicate that these demonstrations developed for reasons of profound social and political disenchantment with belligerent attitudes repeatedly reiterated by nineteenth century secularism.⁴

These attitudes dwell on the negative effects of widespread sceptical relativism that, together with the dramatic consequences of the implosion of ‘scientific’ socialism headed by the Soviet Union, has caused a certain crisis in positivist rationalism: a crisis balanced largely by a clear renaissance of religious feelings with notorious political connotations. Trade union movements such as *Solidarnosc* in Poland or ‘fundamentalist’ ideologies deeply rooted in the U.S. political establishment during the administrations of Ronald Reagan and George W. Bush are, among others, expressions of a certain political position of religions, also in the West.

Religions, therefore, do not seem to have disappeared from the public arena. On the contrary, they remain active in many consciences, some with notorious connotations that shamelessly declare their intention to “(...) subsume public life to the dictates of religion.”⁵ The religious, then, has not lost the ‘war.’ Instead, it sometimes seems aggressive in its intentions and objectives. So, there are clear signs of religious ‘aggression’ often responded to in a similar way by ‘belligerent’ secularists strengthened and rooted in rather nineteenth-century principles that, as in the past, would be happy to go back to burying God in the depths.

⁴ Karabell, *Religion*, p. 99.

⁵ *Ibid.*, p. 100.

Aggressiveness exists on both sides, then, which, nonetheless, is not as generalized as it seems, nor is it far from dominating most scenarios. It would appear, however, that the fierce and continuous fighting Kenneth Branagh was referring to is a thing of the past because, at least for more than 30 years (as a reference to this phenomenon, we can look to the fall of the Berlin Wall in November 1989), the universes of secularism and religions have come not only to coexist, but also to frequently talk to each other and, in the West at least, to live alongside each other. There is thus no bitter confrontation between these two concepts, and this, no doubt, is because the conceptual foundations of these two great movements are subject to harsh criticism and evident changes without it being easy to normally guess the evolution of the elements that change.

No one is unaware at this present time that the incidence of powerful economic forces, expressed through large corporations, is of such magnitude that they not only cause radical changes in production structures but also generate substantial 'cultural' mutations with a real impact on millions of people. The dominant 'culture' at this time can be defined as 'market culture,' able to generate of its own accord a constant demand for 'needs' capable of creating 'ethical-moral' structures geared toward the principle of satisfaction. The creation and channelling of the so-called 'public opinion,' from the principles of 'published opinion' created and directed by corporation-controlled mass media, established as a main axiological value, leads to the doubtful equation that puts 'public opinion' on the same level as objective truth.

On such imperative realities, and always playing with mistaken virtues, traditional strategies of secularising discourse —divorced from the faith of the public milieu— turn out to be very ineffective. This is because in the global world of the market the religious variable is, like others, an ordinary factor in the structures that comprise it. It can be just as necessary and often affirmed as denied and non-operational. It seems that the doctrinal principles of religions and the behaviour they generate are functional in so far as they are expressed as 'goods' that can therefore be needed. Secularism and religions can no longer be understood only from their own historical traditions, but rather also must be considered from the point of view of what 'the market' requests from them. This evolution may seem prosaic —obviously it is— but there is no doubt that these two universes are undergoing profound changes in the constituent elements that forged them in the past.

There is general agreement that sees secularisation as the result of a long-standing historical process that stemmed from the positions taken by seven-

teenth- and eighteenth-century natural philosophy. This process reached its full rational essence in the ‘republican’ idealism that Kant conceived. During that long journey, reason became fully autonomous from faith, forcing it to withdraw from the arena intended for science and progress. But also dominant, reason at that time was able to consolidate a rational law that sought to give a full sense of legitimacy to the political formations that the same reason inspired. And so, enlightened governments designed themselves as having independent and sufficient sovereignty, as creators at the same time of a natural ethics that inspired a full, civilising culture that was able to make inoperative the powers that faith, until then, had claimed without justification.

2. KANTIAN SECULARISM AND RELIGIOUS RIGUEUR (DOSTOYEVSKY’S EXPLANATION)

Reason was thus triumphant and the republic of letters paid tribute to it. For the first time, enlightened thought, as set out by Kant, believed that humanity was abandoning its chronic and imposed immaturity because this “(...) is not lack of intelligence but lack of courage to think without the guidance of another.”⁶ Religions were thus deprived of the moral authority they had always exercised to maintain their traditional institutional influence. This process of marginalisation was the result of the weight of a natural morality that did not need any type of repressive activity on the part of religions. Indeed, the eviction of religious confessions from the public arena did not, in Kant’s conception of ‘secularism,’ claim any anti-religious virulence, only the explicit manifestation that in the milieu where the dominance of the enlightened political community was needed, there was no need for a religious culture. Kant’s perfection of public ethics excluded, therefore, hostility to the speeches of faith. These principles inspired his enlightened rationalism that he underlined in his famous principles, known by the title of *Perpetual Peace*.

No, in its initial philosophical principles, ‘secularism’ was not virulent towards fideist positions. It was later, during the complex turbulence of the nineteenth century, when fully hostile attitudes began to crystallize, not only to religion itself but also to religious denominations understood as the corporate social expressions of this. The nineteenth century saw the rise of aggress-

⁶ Jacques Barzun, *Del amanecer a la decadencia. Quinientos años de vida cultural en Occidente*, (Madrid: Taurus, 2001), p. 1206.

sive nationalist movements structured around the idea of the state that met political resistance from some religious denominations.

This secular awakening of the nation was soon joined by the socialist doctrines inspired in notoriously materialistic philosophical trends, presented as the logical outcome of a historical process from which they drew not only their legitimacy but also the attractiveness of their modernity. Secularism, liberal and nationalist in politics and socialising in its economic proposals, was modern and 'objective' in its outlook, while the religious world from a cultural standpoint represented what was archaic and obsolete. Modernity thus stood alongside the objective principle of truth, and its most faithful ally, consequently, was the idea of progress, very close also to the idea of emancipation. For those who thought so, and they were many and influential, the world did not need God so much because it was now material things that held the reins with regard to thinking, and dominated mankind; the free-thinkers were the ones who could best interpret them.

With arguments like these, progress was inevitable and expressed a projection inherent to the human condition. On the contrary, religions should be removed from the public arena and abandoned in pessimistic obscurantism, where their millions of faithful followers should be headed. Religions, in these times did not liberate; on the contrary, they oppressed. They were full of principles that reason did not understand, especially when many of these principles had been defended with extreme harshness. Consequently, many enlightened people did not hesitate to support the famous axiom that Dorothy Sayers enunciated on several occasions: "the first thing a (religious) principle does is kill someone."⁷

To properly understand those battles of the long nineteenth century, in which the religious universes were doomed to disappear, it may perhaps be advisable to remember the symbolic concessions published by this prevailing modern realism: these publications accused the church of denying the independence of the individual, free enquiry, and science; all aspects that the religions, which were founded on strong dogmatism, condemned as contrary to the true values they espoused.

A harsh, theatrical expression of that secularist ideology was, without doubt, the famous painting drawn by F. Dostoevsky in his novel *The Brothers Karamazov*. In this highly unusual description he invents an Inquisitor from

⁷ Dorothy L. Sayers, *The Mind of the Maker*, (Great Britain: Continuum International Publishing Group, reprinted 2005), p. 1902.

Seville in the sixteenth century who rebuked Jesus himself for appearing before the multitude that was rejoicing after the conclusion of an act of faith. This scene is constructed through the dialogue engaged in by two brothers: Ivan the unbeliever, creator of the tale, and Alyosha, the younger brother, a kindly lad with simple piety. The conversation revolves around two fundamental principles: freedom and security. The religious image is the framework within which both human needs express their demands.

From the beginning Ivan Karamazov states outright that the message of Jesus is based on the individual optimism of freedom as opposed to the axiom of authority that churches practice, after 'kidnapping' the doctrine of the founder, and developing a complex interpretive code thereof. The Inquisitor of Seville, representative of all hierarchies, is convinced that authority is the first principle that any organised social group must impose because it permits certain happiness. The fact that this objective is the result of control and coercion means nothing more than accepting the certainty that most men are, by nature, very weak. There is an obvious contradiction, in the view of the Inquisitor, in the human condition, for all men claim to love freedom but express huge fear when exercising it: "Nothing pleases man more, the old man argues, than free will and yet there is nothing that makes us suffer as much."⁸

But the fact is that the necessary security causes evident feelings of meanness and despair. To prevent this uncomfortable feeling, men resort to the trick of trying to calm the voice of their conscience with artificial and subjective arguments that give them a 'reason to live'; devices, moreover, that make it easy to delegate the exercise of freedom, because the inclination to delegate this attribute is much more powerful than the desire to exercise it properly: "I repeat, he complains to Jesus, that there is in man no more ardent desire than to seek, as soon as possible, someone in whom to delegate that freedom that all miserable creatures bear upon birth."⁹

Accordingly, explains Ivan to his brother, the churches have corrected the work of their founder and, renouncing the principle of freedom, they orientate it around the superstition and magic that give rise to miracles, mystery, and authority; principles unrelated to reason and one's own conscience. Only from such 'superstition' is it possible to achieve the peace that comes from the magic exercise that Jesus exerts when, with force and coercion, he manages to turn 'stones into bread' in front of the hungry men. And authority clearly

⁸ Fiodor Dostoievski, *Obras Selectas. Los hermanos Karamazov*, (Madrid: Sopena, 2004), p. 523.

⁹ *Ibid.*, p. 522.

knows and understands the project explained by the founder, but understands that it is insane and subversive. Thus, by transforming it, authority can fight back. It is not the desire for power, says the Priest Inquisitor, that motivates authority, but the pursuit of certain happiness, made of the convenient bread of the conscience. "I do not fear you, the Inquisitor threatens Jesus, I too have been in the desert eating roots, I also blessed the freedom you gave to the brothers and I dreamed of counting myself amongst the strong but soon gave up that dream, to that madness, to join those who were corrupting it. I left the strong to make the humble happy."¹⁰

The story ends with the unanswered silence of Jesus and the frustrated wait of the old churchman. A warm look and gentle kiss from the prisoner make the old man shudder, and he opens the door of the prison where Jesus lies buried and firmly says to him, "Go and do not return."¹¹ There remained the Inquisitor, "with heart on fire but with his conscience clear,"¹² because that old churchman, heir to a secular tradition, well knew that the idea of exclusive authority almost always rests in men who are at the forefront of popular movements.

Clearly, the anthropological pessimism manifested in the dialogue between the brothers Karamazov makes no explicit reference to the individual himself but to the concept of "mass man," with which the trends of modern sociology have been concerning themselves insistently. But Dostoevsky's message, as a problem, launched from the crisis of the tsarist autocracy, has had the virtue of filtering through Western societies, even in recent times when what has predominated is the comfort of the welfare state. The problem stems from the difficulties of ensuring the need for security, in relation to the exercise of freedom and human rights, an impossible combination for the authoritarianism of the hierarchies whose structure of thinking does not seem to differ much from the principles that have always shaped the so-called 'reason of state.'

¹⁰ Ibid., p. 527.

¹¹ Ibid., p. 525.

¹² Ibid., p. 525.

3. STATE SECULARISM: FRENCH LAÏCITÉ

In any case, nineteenth-century secularism understood the religious milieu with arguments very similar to those expressed above. Indeed the different confessions, albeit with notable differences, were considered as superstitious structures in which an obvious pessimistic authoritarianism dominated, against which secularity argued in favour of the optimism of reason that, among other things, involved the “disenchantment of the world,” in Weber’s sense of the phrase. And such disenchantment rejecting any alleged uncertainty arising from above not only encouraged strengthening individual autonomy with respect to any transcendental conception, but also had to ‘build’ a precise/necessary ethics able to unite an entire political community within the nation-state. The aim was to build a kind of ‘civil religion’ that the political and constitutional systems, particularly the French ones, attempted to draw up.

It was here in France, the social and cultural domain of Catholicism, where the main axiom of radical secularism was drawn up: the political and cultural coexistence and culture of any developed society must be built upon the universal principles of reason alone. During the long period covered by the Second and Third Republics in France, the idea that natural reason alone and nothing else was to inspire ‘public’ ideas, feelings, and perceptions was professed ‘religiously.’ These ideas, understood and regulated by rules of positive law, settled in the solid foundations of a natural, universal, and unchanging law.

It was, therefore, the code of nature, and not of God and his churches, that gave a legal structure to the entire moral framework and that served to cement the different particularities of society itself. These were the foundations of ‘civil religion’ that were regulated by ethical and moral standards from the state, and that should be pursued by all citizens. Of course, this did not mean the exclusion of personal beliefs or citizens’ religious practices, but the positive law of the state insisted that such experiences could not be expressed except in obscurantist milieus like those embodied by Dostoevsky’s inquisitor, beyond the reach of the state’s full influence. It was not, of course, a question of casting away religions into the catacombs but rather, preventing, by ‘cordoning off’, the strength of their cultural and historical heritage from hindering the necessary construction of the secular and civic imagination.

Consequently, with this necessity, the French *laïcité* determined the nature of the secular programme that would regulate the relations between state

and religion. The first principle of this programme was the separation of spheres of influence, milieus, and jurisdictions. By this principle, the state asserted its influence over the creation and consolidation of a secular morality, which meant taking over the monopoly of civic education. School, from then on, was to be public, and compulsory: a fundamental structure for the development of a citizen and 'believer' in the ethics of the Republican state and promoter of it. Driven by utilitarian impulses, the French *laïcité*, which served as a model in several states of Europe, kept up the presence of the religious culture in a utilitarian way, valid only in those public manifestations with a time-honoured tradition, such as holiday calendars and weekly days of rest. Nothing else or very little else. The new public ethics, based on natural reason, tried not to make the mistake of previous revolutionary excesses and, far from instituting explicit policies of hostility, tried to present itself in a pragmatic, utilitarian, and unruffled light.

So this was the new public ethics, heir to the Kantian heritage, from which it established its own autonomy and legal legitimacy. It was consequently not possible for society to return once again to anthropological pessimism, and the authoritarianism of traditional church models. By contrast, the optimism of 'civil religion' protected by the secular state required 'church' religions to 'recover' some of their constituent principles, such as their postulates of the naturally occurring event, including freedom and independence. At the same time, the same state admonished religions so that they would reject some forms of superstition that had been operating from the past.

In this regard the secular state, driven by its constitution, aimed to create and practice a list of political virtues that the solidarity-based consensus of all its members has conveniently socialized. But this consensus is not intended to monopolize, exclusively, what Jürgen Habermas calls 'political memory,' i.e. an organized and operational vision of history, culture, and religion, whose implications and effects in the public arena are evident. Indeed the legacy of such a 'political memory' is not fully secular but defines 'conceptual networks' of a religious nature that necessarily entail certain patterns of behaviour.

This means that concepts such as responsibility, justification, autonomy, history, memory, renovation, reform, or even progress were fashioned in their temporality in 'laboratories' organised from strictly religious bases. Civic and rational ethics, which we make flow from Kantian thought, is not unfamiliar with more deeply entrenched trends where religious motives prevailed. The "disenchantment of the world," therefore, was guilty of excessive servitude

with respect to an arrogant and excessive secularism because it presented itself as proudly exclusive, making the same mistakes, due to its excesses, that it had itself been pursuing.

Universal rationalism did not wish to arouse religious adherences but must not have rejected them entirely, unless it was seeking to deny some of its foundational roots. Ensuring these principles may be one of the notable achievements that secularism today has gradually added to its conceptual premises.

This is because “recovering the memory of a tradition” means placing the presence of history within the milieu of representation, as expressed by Portier.¹³ And history, of course, has many requirements under which it refuses to be manipulated. So the claims of the secular state of forcing memory have proved to be not only pretentious but also obsolete. On the issue that concerns us, this means that the principle of separating the religious from the public cannot be a determining principle because, if there is a secular virtue that reinforces secularist positions, it is not difficult to find that same virtue adorned with religious customs that preach similar objectives.

Civic virtues obviously have religious roots in many of their manifestations, so it is clear that the marginalisation of the religious sphere by the state cannot be maintained when reasonable doubts gather regarding the fact that reason, of its own accord, resolves the challenges of progress. Reason does not have sufficient ‘reasons’ to be only secular, nor did it earlier to be solely ‘religious.’ Reason in the individual seeks to be found in the objective consciousness that does not mean only agreeing with oneself “in accordo con l’ordine oggettivo delle cose, espresso nella legge natural.”¹⁴ To this sequence, the believer must add the ‘obvious’ agreement of this natural law with divine law. But in tracing that path described by reason, believers and non-believers must not hesitate to walk it together.

¹³ See Philippe Portier’s chapter in the volume.

¹⁴ Graziano Borgonovo, “Prefazione”, in *La Coscienza*, Conferenza Internazionale sponsored by the Wethersfield Institute in New York: Orvieto, 27-28 May 1994 (Vatican City: Librería Editrice Vaticana, 1996), p. 9.

4. 'MODERNITY OFF THE RAILS'

Due to the acceleration of time and the overall interconnection of different factors, religions have broken the traditional principle of identifying themselves with a specific social and political community. The effects of the so-called 'purification of the memory,' which many confessions have undertaken, in the Catholic faith expressly, gives them a flexibility which they previously did not have. In fact, this means in some way overcoming the legal and political limits of the state, which has witnessed a vibrant religious pluralism growing within in, over which it is difficult to establish regulatory standards. Therefore, the state's public secular sphere is forced to accept the fundamental right that freedom of conscience is expressed and manifested within the limits of its own jurisdiction.

Secular political structures can wield few reasons when their specific functions are overwhelmed by a multitude of evidence, some religious and others profane. Natural reason, the first argument of the secular state, is also required as a foundation, though not alone, of the religious entity. There are therefore no excluding appropriations at this point. But there is clear evidence, moreover, showing the conceptual and practical deterioration of some manifestations of secularity, which J. Habermas defines as "derailed secularized modernity,"¹⁵ i.e., a modernity trapped by the harmful effects of a global economy whose "markets" are "sovereign," without limits or precise regulations; markets and forces that act without submission to the forms of representation that constitute the basis of the legitimacy of representative public administrations. These forces cause noticeable damage to the ethical principles of the state and notoriously erode its structures of solidarity. Therefore, subject-citizens individualise their attitudes and, as a result, the collective will is left weakened and ineffective. Following immediately come regressive and therefore self-destructive phenomena.

One of the most obvious characteristics of this trend is the 'inflation' of the idea of individuality that seeks, as a sociological phenomenon, to universally extend its projection of independence and, therefore, a huge range of rights without precise limits or authority that delineates and regulates them. Rights of everyone and everything; this seems to be the beginning of a collective trend in the West, following its long history of demands, that puts au-

¹⁵ Jürgen Habermas and Joseph Ratzinger, *Dialéctica de la secularización. Sobre la razón y la religión*, (Madrid: Ediciones Encuentro, 2006).

thority on the defensive and, to boot, makes it into a concept that can be rejected. But guaranteeing the growing exercise of individual rights means extending the rules indefinitely to ensure the usufruct of conflicting rights, and this inevitably leads to the need to establish a fully legality-centred state. The next effect of this situation is that criminal court cases multiply exponentially, with purely casuistic trends appearing in court proceedings, as in other past times. Law, then, as a result of such trends, is gradually particularized, dangerously reducing its value as a legal expression of a universal ethics. This is the world of globalism, of opposing individualities and emancipations, all characteristic of the secular world, where the religious phenomena also express profound changes because their traditional expressions have lost representation and have also ceased to be coded. Religions in the West no longer identify with certain political structures, nor vice versa. It seems that the structural crisis of the nation-state, a unique feature of Europe, contributes particularly to this. It so happens that this state—the main secularising agent—can no longer perform the main functions that justified it. If it was a civilising agent, this task is now largely devalued by other novel agents that dispute this monopoly.

The idea of collective identity, based on a utilitarian conception of history understood as stories of heroes and villains, has lost its authority due to the negative effects caused by its careless handling. Public education shows signs of deterioration, and no longer has the creative function of identities that it had. The abolition of compulsory military service has had similar effects. Lastly, the coercive mechanisms of the state, traditionally aimed at controlling social violence, are now targeted at trying to stop a huge tide of criminality that cannot in any way be detained or regenerated.

Against the backdrop of the crisis of secularism, religions have also changed their roles and forms of representation in relation to states. Considered as 'wells of memory' and tradition, with certain legal and utilitarian content, they now 'demand' greater capacity of public representation because there is no objective reason to remain in the silence of the private sphere. And it is no longer a matter of negotiation to ensure separation or neutrality because the demands of the times tend towards cooperation. So it is no longer a question of returning to classic positions of faith and reason, but of the need to set up a mutual environment for involvement. In that milieu secular reason maintains the principle that its forms of knowledge have sufficient entity, but they also know they have been able to develop certain epistemic principles. And that does not mean, of course, denying the 'lay' authority of

the sciences its pre-eminence as regards the knowledge of the profane. Therefore the classic ‘religions-secularism’ tension has diminished the strength of its time-honoured confrontation.

In these areas of cooperation the interventionism of the state must modulate its ‘demands’ if these manifest themselves as devoid of ethical goals. The classic argument of secularising circles, alleging the seal of *scientificness* for their proposals, is no longer an ‘a priori’ because the ‘*scientificness*’ is not a reason in itself, if we move away from the natural environment that the subject itself recreates. The development, for example, of biogenetic knowledge that places in the hands of the scientist the possibility of manipulating the conception of life, is at the heart of the problem. The possible legitimacy each state has in this field should consider the ethical issues that religions demand. The achievements of reason should not exceed —state the religions— the domain of natural law, that domain in which nature and reason are complementary.

5. AREAS OF COLLABORATION

What should the secular state do in such cases? Certainly, ‘demand’ from science a preparedness to share reflection with religions, so that the impermeability of the two worlds yields a more porous environment. In this respect, the reflection expressed by former President Sarkozy to Benedict XVI in 2008 should be noted: “Similarly,” said the former President,

the rapid and significant scientific advances in fields such as genetics and procreation pose delicate bioethical issues to societies that affect our conception of man and life and can lead to changes in society. Democracies need to converse with religions. These, and notably the Christian religion, are the heritage of reflection and thought so these scientific aspects should not concern only the experts.¹⁶

The French president thus posed a novel horizon in which the belligerencies and omissions on one side or the other do not seem to make any sense. The reason of the state, therefore, comes to meet the knowledge that faith possesses and sets platforms where consensus is possible, consensus that does not eliminate the independence of both spheres, so that in many cases, persisting

¹⁶ Welcoming speech of the President, Nicolás Sarkozy. Eliseo Palace, Paris. Friday, 12 Sept. 2008, <http://www.alfayomega.es/documentos/032/p2.php>.

in situations of dissent is not sufficient grounds for indefinite breaks. Sarkozy seeks, as a priority of the secularising project, a dialogue with religions, but also asks, when reaching out to human dignity, that they take less traditional positions. In this sense, memory, in one milieu or another must be 'purified.' The pessimistic fanaticism and dogmatic authoritarianism that defined them were born and maintained over time by an excessive manipulation of the doctrinal content, separated from the necessary debate with reason. Meanwhile the secular state, lay and hostile to religions, is not without fault because for a long time it infected spheres of reason and developed a 'fideist' doctrine of progress without a specific purpose and no ethical meaning.

There are reasons, then, in the secular state for maintaining a democratic culture that is not merely the result, of course, of the 'arithmetic sum of the votes' nor the guarantor of an ocean of rights with which it would be impossible to comply. The democratic culture was born from argumentation, when all was myth and mystery, and also authority. For the same reason, the state cannot avail itself of totalitarian arguments claiming a need for them or appealing to emotional impulses, sometimes very irrational ones.

The culture of democracy, exercised with basic and efficient common sense, has to return to a meeting point with the reason it emerged from and to that of the major sources of enlightened nature. This representative state, from the exercise of political culture, appeals for a secularising laicism, a 'positive secularism' in the words of President Sarkozy, which of course, should never mean absolute condemnation, such as in the 'negative secularism' of times past. The objective recovery of historical memory must prevent this. But 'positive secularism' means respectful secularism, not excluding or accusing. It is a secularism in search of a sense of future, attempting to find a consensus with religious universes. Once again, with these echoes appear the ideals of republican moral universalism proposed by Kant. Laicism in this way may thus acquire a moral sense.

Building ethical consensus between secularism and different religions from this angle cannot be the result of parliamentary arithmetic or social majority as 'constructed' by the media, when these are given the excluding interpretation of the moral sense of mass society. Although argued in many ways, it is sufficiently well known that the so-called 'welfare state,' immediate objective of the political game that 'drives' the ethics that encourages economic development, involves generally fuzzy thinking. A fundamental principle of this thought is to raise the concept of majority, from its sociological formulation, to a plane of moral legitimacy; majority in each and every social body

and also in each and every state institution. All are legitimate and good as they are made up of majorities.

The concept of majority may be the result of a consensus, but it does not for that reason have legitimacy in itself. However, the temptation of this circumstance attributing meaning, not only ethical but also legal, is one of the main problems to be faced by the secularist state. The consensus that the majority makes possible may be the result of common convictions but does not give moral legitimacy since only truth and ethical reason can do this. Therefore, the majority consensus, without ethical reasons, cannot determine the law. The majorities or minorities of the secular state cannot create or organise legal standards and when they do so, they transgress the legitimacy of the representative state and find that this is not indeed the rule of law, but of majorities. This is a crucial question when the state, run on social principle under the rule of law, feels driven to address problems and situations in which the bases of objective conscience are present: issues such as abortion, euthanasia, experimenting with embryos, environmental aspects, etc.

In these cases it seems necessary that the concept of 'positive secularism' in 'search of meaning,' to which President Sarkozy was referring, makes it possible to supplement religious arguments in the sphere of the rule of law, a state that cannot be built upon the strength of any digit-based percentage represented by the majority. Naturally, the foundation of this principle is based on the so-called 'right reason' (*recta ratio*). This so secular perspective must be seen by the different religions because there are ethical and natural values that, due to their intrinsic moral essence, are the foundation of law. These are the responsibilities of the religions that they have to exercise when claiming their presence in the public arena. In this sense, the political exercise is not alien to them because they know that this must be done under the measure of law. A law that can control and subject the excessive empiricism of positive law is one that religions, in the public arena, should support in their task of cooperation with secular society.

It is these expensive ventures that make their exercise complex and difficult. Ordinarily, in our times, we witness the spectacle of social structures in which the individual appears overwhelmed by a morass of rules and surrounded, moreover, by an ocean of people with little time or opportunity to organise a milieu for contemplation of one's self. This seems to be the worried individual that led Sartre to scream in anguish, "Hell is other people," and that also causes citizens in a secular society to enter into permanent conflict with their fellow beings in a maze of regulations. In a society like that,

religions obviously become 'socialised'; all the more so as their frame of reference is global.

6. GLOBALISED SOCIETY AND GLOBAL ETHICS

There is no greater and more intense milieu of socialisation, in the present world, than the global supermarket. In this market, individuals construct their religious identities, somewhat marginalising traditional hierarchical models. It is true that the 'well of memory,' i.e., religious tradition, also works, but only to the extent that socialisation is recreated in the network and through the media. These agents substitute the family, so the logic of the market is no stranger to religious adherence.

Secularised market society has altered the traditional institution of the religious phenomenon, rendering it more doctrinal and *saving*, and more empirical and emotional. We talk about religious events, unrelated to the moral leadership of their authorities and, therefore, critical of defining creeds and dogmas. These are religions of open environments; easy to enter and leave; religions that cross cultures, full of mystification, close to miracle-making sensationalism and almost totally divorced from any exegetical sign. Secularity in such circumstances deconstructs the traditional religions and does so unequally and complementarily; it hems them into the West, in the midst of indifference, while in Latin America, for example, it ritualizes them around the universe of magic and sensuality, as in the case of the Pentecostal phenomenon. Therefore, natural reason is also weakened in the religious world and the storehouse of doctrine is a prisoner of mystical trends of a popular nature.

But in any case, in the milieu of the new relations of the two universes, the secular and the religious, what really matter are individuals, in that their attitudes may be able to develop both their secularity and their religiousness. It seems clear that this possibility is greater to the extent that the subject is protected by the structure of Human Rights —a structure that, it should be remembered— rests upon natural law and objective reason. Rights constituted within the conceptual framework of European natural philosophy, and therefore understood as derived from an enlightened, universalistic, and Western view.

That does not mean taking on the principles of relativism in human rights but of understanding universality from a particular viewpoint because the environment surveyed by the eye, though not complete, can still be 'universal.' Universality also accepts what is diverse and even complex and controversial. This means, obviously, that the great cultures of the West are uni-

versal—it is true—but they do not cover all that is universal, just as our secular rationality does not exclude all other expressions of *ratio*. The complementarity between faith and reason, a state achieved in the West, allows access to other milieus of other ‘rationalities’ and other ‘ethos’ interested in understanding and interpreting the world.

Therefore, it is easy to deduce that human rights, recognised as universal, should not exclude other declarations, such as those founded on Islamic principles. On this delicate point, the conceptual foundations of human rights recognized in Islamic culture, of a religious structure, are not for that reason grounds for exclusion and non-recognition. In Islam, human rights, whose universality for believers is also recognised by their divine origin, are not conceived as rights of nature but as gifts granted by God and explicitly mentioned in the Qur’an and the Sunnah. So the perception of secularism, understood as the separation between the civil and religious sphere, has no place in the Islamic order, as detailed by the Sharia.

Consequently, Islamic society is and should be, according to the Islamic culture that encompasses it, fully confessional, which of course does not mean that it would be arbitrated by this. As such, arbitrariness cannot appear in the milieu of such rights because these rights are granted as thanks given to men by Allah. This also makes it possible to visualise the set of corresponding duties because Allah also requires that duties and obligations be met.

This would be, without doubt, the qualitative difference between the declarations of human rights, from an Islamic perspective, and the Universal Declaration of 1948. In the latter case, everyone is born within the milieu created by law and the natural reason of man. Their rights recognize the autonomy of the subject as opposed to the Islamic conception, where there is guardianship. Here God bestows, but also commands and forbids. Therefore, we conclude that the subject in the Islamic world exercises his rights by reference to his obligations. There is a tendency to seek a balance between the social and personal milieu on which the Holy Book develops a complex system of laws and principles that the Sharia defines in terms of guided codes of conduct.

And behaviour needs to establish a structure not so much of the equality of individuals but, rather, of equity. Equity, writes Abdur Rahman Ash Sheha, “(...) does not mean that everyone (individuals) is exactly equal, since one cannot deny the natural differences that make diversity.”¹⁷ Equity or fair-

¹⁷ Abdur Rahman Ash Sheha, *Los derechos humanos en el Islam y los errores de concepto más comunes*, http://live.islamweb.net/esp/espanol_books/derechos%20humanos.pdf.

ness corresponds better to complementing and correspondence. Fairness, he explains, fits better than equality with the distributive justice that makes it possible to grant each person what corresponds to him or he deserves. From all this, then, in Islamic law human rights and their corresponding duties are structured according to the principles of equity and in relation to functions. We are all equal in dignity but not in functions. The diversity of the latter, governed by the Sharia, sanctions rights and duties in a socio-political structure that the Almighty has previously determined.

This principle of equity implies the existence of structural inequalities sanctioned by the ethics of Islamic Law. This, from the beginning, awakens notorious reluctance in the 'enlightened' view of the West. But the logic present in the denominational structure cannot be denied. And this, moreover, does not exclude the possibility of *aggiornamiento* in this cultural sphere, apparently reactive to reforms. The denominational nature of the Sharia is not incompatible with evolution and change because in universes such as the West the weight of history, with all its great density, does not reach the point of determining our behaviour today, nor that of the future.

So in Islam not everything is pure archaeology and, consequently, many current thinkers of these milieus are committed to the possibility of updating some socio-cultural structures of the Sharia, which could develop intrinsically. Many Muslim scholars believe that a "vector-based interpretation" of the Sharia, understood more as a path than a precept, would enable their principles to be consistent with the entire Universal Declaration of Human Rights; even in those articles that pose principles further divorced from Muslim tradition, such as the famous Article 18: the one that defines the right of freedom of religion and belief as the right to change religion or not have any. Are there 'theological' reasons in Islam for not accepting this principle? The thinkers who sustain this interpretation believe that this is not the case and, therefore, think that modernity is no stranger to this perception.

But all this does not mean at all that Islam embraces the principles of secularity or laicism as expressed in the West. Both terms indicate, basically, the 'public absence of God' and come from a long history of conflict in the West between the secular authorities and the Church. But Islam is not a church; rather it is a community of believers around the spiritual guidance of the Qur'an where the will of Allah is expressed. So there cannot therefore be an absence of God here. On the contrary, it is his express presence that, recreating his work, 'demands' the broadest application of Human Rights.

There is nothing to object about, then, in this new global milieu where relations between secularism and religions seek a new, more interdependent and inclusive relationship. A new paradigm seems to be opening up at the dawn of this age of globalized society; one of its first requirements is to limit the exercise of hierarchical positions on either side and allow it to be the individuals themselves who interpret the best way to experience their religion, also experiencing, at the same time, its secularity.

The states must overcome the old formulas of separation with religious confessions because their postulates are not reactive to these. Religions, on the other hand, give up the principles of domination they had and that they can hardly maintain today. They are no longer capable of delegitimising the authority of the sciences, as stated, in the milieu of profane knowledge; nor the premises that constitute the state; much less of 'rejecting' the imperative of the 'masses.' Secularism and religions have evolved to the point where confrontation is not possible, rather there is a need for the construction of participatory universes. Both have an exciting adventure before them: to defend, from a standpoint of evolving, a globalised society inspired in global ethics.