Article

After Identity Politics? Faith in Liberal Citizenship

Amyn Sajoo

School of International Studies, Simon Fraser University – Email address: asajoo@sfu.ca

Abstract

The ambivalent role of religion in modern citizenship is hardly new, whether in terms of the "hardware" (legal-political institutions and processes) or "software" (public attitudes and habits). Faith narratives can vigorously contest liberal claims of civil belonging and freedom, such as on gender and secularism. Yet liberal citizenship also benefits from justice claims anchored in interpretations of religion, ranging from equality and solidarity to nonviolence and reconciliation. Identity politics is a formative part of liberal citizenship, with a dominant tribal discourse legitimated by the accommodation of minority ethno-religious claims to equity and equality. Nativist populism aggravates an already adversarial relationship between faith and liberal citizenship, notably for minority religions. This paper argues for symbiosis between liberal citizenship and diverse religious identities—a political theology that takes pluralism seriously. While liberalism purports to minimize expectations of individual virtue, civic pluralism calls for the inclusion of collective and individual ethical commitments, beyond ruptures of secular and sacred that shape a jurisprudence on the "burdens of accommodation." Evidence from Canada, among other liberal settings, suggests that the alternative is civic fragmentation that favours majoritarian tribalism.

Résumé

Le rôle ambivalent de la religion dans la citoyenneté moderne n'est guère nouveau, que ce soit en termes de «matériel» (institutions et processus juridico-politiques) ou de «logiciel» (attitudes et habitudes du public). Les récits de foi peuvent contester vigoureusement les revendications libérales d'appartenance civile et de liberté, telles que le genre et la laïcité. Pourtant, la citoyenneté libérale bénéficie également de revendications de justice ancrées dans les interprétations de la religion, allant de l'égalité et de la solidarité à la non-violence et à la réconciliation. La politique identitaire est une partie formatrice de la citoyenneté libérale, avec un discours tribal dominant légitimé par l'accommodement des revendications ethno-religieuses des minorités à l'équité et à l'égalité. Le populisme nativiste aggrave une relation déjà conflictuelle entre la foi et la citoyenneté libérale, notamment pour les religions minoritaires. Cet article préconise la symbiose entre la citoyenneté libérale et diverses identités religieuses - une théologie politique qui prend le pluralisme au sérieux. Alors que le libéralisme vise à minimiser les attentes de vertu individuelle, le pluralisme civique appelle à l'inclusion d'engagements éthiques collectifs et individuels, au-delà des ruptures laïques et sacrées qui façonnent une jurisprudence sur les «fardeaux de l'accommodement». Des données provenant du Canada, entre autres milieux libéraux, suggèrent que l'alternative est la fragmentation civique qui favorise le tribalisme majoritaire.

"There is nothing special about solidarity that comes wrapped in a national flag, other than that it is the version that modern governments have come to insist matters most.

Charles King, America's Original Identity Politics, *Foreign Affairs,* Nov 7, 2019.

"The conceit of law's autonomy from culture is joined by the conceit of religion's autonomy from the other determinants of political and economic freedom and justice.

Benjamin Berger, *Law's Religion*, 2015, 198.

When in the spring of 2019 the province of Quebec tabled its "secularism law"—titled the "act respecting the laicity of the State"[1]—it began with a preambular flourish. Recalling its roots in France's modern ideological arc, the act affirms that "the Québec nation has its own characteristics, one of which is its civil law tradition, distinct social values and a specific history that have led it to develop a particular attachment to State laicity". This attachment is deemed to require a "prohibition on wearing religious symbols" by anyone delivering a public service, from legislative officers, judges and lawyers to teachers, doctors, and daycare providers. People delivering such services must have "their face uncovered" – as must those receiving services, when this is felt "necessary to allow their identity to be verified or for security reasons".

Exceptions are allowed on grounds of disability or health. But pointedly *not* for purposes of "accommodation or other derogation or adaptation", the kind that is part of the daily lives of Canadians elsewhere.[2] Lest it be thought this attachment to laicity might affect not just the obvious targets—expressive Muslims, Jews, Sikhs, and the like—but also expressive facets of the "Quebec nation" itself, the legislation warns that it "must not be interpreted as affecting the emblematic or toponymic elements of Québec's cultural heritage, in particular of its religious cultural heritage, that testify to its history." Indeed, it wasn't tabled by the minister of justice or cultural affairs but of "immigration, inclusiveness and diversity," Simon Jolin-Barrette. The irony of seeking inclusiveness by privileging the exclusive identity of a certain stock of citizens, in the name of "State neutrality", appears to have been lost. Not surprisingly, minority groups, schools and major public figures in Quebec reacted with dismay and pledges of resistance (Lowrie, 2019). Such responses are commonly regarded as "identity politics", in contrast to the liberal state's defence of equal citizenship as a secular ideal.

Yet the politics of identity is hardwired in the legislation itself, with its preferential branding of who properly belongs in Quebec's public culture. The branding, it should be noted, has majority support within the province.[3] But if a "creedal" identity is to be cultivated in support of provincial solidarity, as the law claims, is an ethno-nationalist version of that identity tenable? Where does this leave inclusive citizenship, with the state as guarantor, as *also* envisaged in the legislation's secularist narrative? Eric Kaufman goes further, arguing that even if universalist, creedal ideas of nationhood foster unity, they can't offer "deep identity in everyday life" (Kaufman, 2019, 10-11). After all, class, generational, and urban-rural divides do not spare Quebecers who happen to be white and francophone. The complexity of these markers and the folly of reducing them to singular measures of political choice was brought home in 2016 on both sides of the Atlantic: the Brexit referendum and the election of Donald Trump.[4] What, then, guides the quest for "deep identity" in liberal

democratic settings where citizenship enjoys constitutional primacy, with rule of law protections and the institutional capacity to treat the protections seriously?

This paper begins with a critique of identity politics as a perceived rival of inclusive citizenship, a tension that is heightened by prevailing tides of populism. While the empirical focus is on evidence from Canada, comparative reference is made to liberal democracies on both sides of the Atlantic. Why Canada in particular? A consolidated democracy with an updated constitutional framework (1982) and a public culture that stakes a claim to pluralist norms—extending to reconciliation with Indigenous peoples—offers a trenchant test for liberal citizenship (Saul, 2009; Kaushal, 2017). How capacious is the promise of inclusion amid nativist narratives of nationalism and citizenship, whose foundations are woven into a modern "settler" society even as they find fresh expression in a post-September 11 landscape? Legal, public policy, and social responses to the politics of identity are measures of the rhetoric-action gap on this score.

The frame of identity politics covers multiple affiliations, from ethno-cultural and sexual to religious; moreover, these are often overlapping rather than discrete categories. Our focus, however, will be on minority religious identities. Their salience in liberal democratic settings is evident not only in popular (and populist) contention, but also in legal-political discourses that cast such identities as demanding particularly high levels of accommodation. Indeed, legal reasoning in this regard is premised on the idea of accommodation as imposing "varieties of burden" (Su, 2019). An argument is developed for recognizing the role that public religion can play in fostering effective citizenship, with specific regard to diasporic Muslim communities—beyond the reduction of such a role to identity politics. "Effective" citizenship here resists not only the presumption that all identity politics is inimical to civic culture, but also the traditional liberal claim that a secular mode of civic engagement is necessarily more inclusive. Political theologies matter: they can foster cultures of civic engagement rather than conflict, to the extent that they synthesize faith, civil society, and human rights. In the present socio-political climate, this prospect requires taking on both secular and religious populism.

Identitarian narratives—Or the Joys of Thymos

A quest for dignity, individual and collective, is widely understood as a driving force in the emergence of modern liberal democracy. Participatory politics comes in many forms, including modern segregated polities where a minority or majority exercises exclusive electoral rights (as in long phases of Canadian and United States history). Without a core commitment to the values of equality, autonomy, and basic human freedoms—all built around dignity—democracy offers little more than a rhetoric of participation and inclusion. Plato's *Republic* captured that drive as *thymos*, the third part of the soul that accompanies "reason" and "desire" (Reeve, 2004). *Thymos* is where pride, shame, and spiritedness are located; in politics and society, it is resistant to indignity. It is also interwoven with honor, an association that is inherited from Homer (Jorgenson, 2018, 18-24)—with all that this implies when an "honor code" is perceived to be at stake. For Plato, *thymos* in conjunction with reason and desire engenders a just equilibrium; otherwise, what prevails is injustice.

Commentators of assorted stripes have come to see *thymos* as the impulse behind identity politics: groups and individuals who perceive their dignity as imperilled mobilize on behalf of themselves, rather than the polity at large. In this vein, what began as a general

demand for equality and equity—human rights—is now a particularist mobilization of one's "tribe" (social, political, economic) above universal citizenship (Brooks, 2006; Lilla, 2016; Chua, 2018; Fukuyama, 2018; Moyn, 2018). Tribal mobilization here spills across secular-religious bounds. In measures of co-relation between religiosity and civic engagement, it is the *interplay* of faith and social context that is determinative (Bolzendahl, Schnabel, & Sagi , 2019). Class, region, nationalism, ethnicity, and culture are routinely folded into the salience of "religion" in liberal democratic discourse.[5] Quebec is hardly alone in finding that secularism furnishes a tribal weapon against individuals and groups whose *thymos* is less potent.

In former-Canadian prime minister Stephen Harper's vision of "populist conservatism," the tribe is "our family, friends and neighbors," who constitute "the people" (Harper, 2018). By their ordinariness and familiarity, the favored particularists now acquire a universalist flavor; it is their detractors who lack the proper national values. Harper's government saw fit to ban as "un-Canadian" the wearing of a *niqab* (a Muslim face-covering) at citizenship ceremonies; while the ban would impact barely a handful of individuals, it appealed to what Harper called "old-stock Canadians" (Barber, 2015). In this narrative, the ban liberates Muslim women from their patriarchal values and delivers them into the nation's liberal modernity—even if the *niqab* is freely chosen by women with professional credentials superior to those of mainstream Canadian women (whose own locus in a conservative social hierarchy was elided)(Black, 2015; Beeby, 2015). The courts rejected the government's stance, striking down the *niqab* ban as contrary to the Citizenship Act (Ishaq, 2015). This version of being Canadian was embraced by the newly elected Liberal party, yet most Canadians favored a Quebec-style ban on Muslim religious symbols (Ipsos-Global, 2017).

What were the Canadian values in whose name contending governments and their supporters, secular and religious activists, as well as the courts, were staking their respective positions in the public domain? At the formal level, the answer is quite straightforward. A country whose modern identity was constituted by Anglo-French colonizers framed its core values in the 1867 British North America Act, and again in 1982 in a fresh constitution ("repatriated" from Britain) that proclaimed a "Charter of Rights and Freedoms" (Constitution Act, 1982). In treating the Charter's guarantees of fundamental freedoms, democratic and legal rights, equality, and minority language rights as the raison d'etre of the new constitution, a classic liberal conception of national values is framed. Indeed, these values are tied directly to the post-World War 2 framework of entitlements in the Universal Declaration of Human Rights, in the drafting of which Canada's John Humphrey played a leading role (CHRC, 2019).

In a 2013 official survey of what Canadians regarded as key markers of national identity, the Charter ranked first, ahead of the flag, anthem, and even hockey (Statistics Canada, 2015). While this view was shared across differences in educational level, gender, and region, it was more pronounced among women and those with a higher level of education. But it was strongest among immigrants; indeed, "visible minorities" value all national symbols more robustly than other Canadians, and especially the Charter. More broadly, the single value that was felt by more than half the population to be collectively shared by all was "human rights"—ahead of the rule of law and gender equality. Ironically, immigrants were the most likely group to subscribe to shared collective values, notwithstanding their own diverse origins. No group expressed as much "pride" as visible minorities in being Canadian, and in the treatment of diverse social groups. For Muslim Canadians, religious and

Canadian identity trumps ethnic and cultural affiliation (Shah, 2019, 26-27). At large, the embrace of equality, diversity, and respect for aboriginal culture climbs significantly with education and youth.

It would appear that the formal markers of Canadian values as articulated in the 1982 Constitution and the Charter enjoy considerable public support, at least more than any competing values. Yet there is a clear perceptional gap between immigrants/visible minorities and other segments of the public about the extent to which national values are truly shared; it is larger still when it comes to older non-immigrant Canadians. Then there is the variance between *expressing* high regard for human rights, and the exceptions that emerge when more specific issues are raised. The "exceptionalism" shifts historically with regard to various migrant religious groups, from Irish Catholics and East European Jews in the past, to Arab and Asian Muslims today (Saunders, 2012; Sajoo, 2014). Since 2013, official Canadian data record a steady rise in reported hate crimes aimed at Muslims; these were also more violent than those for any other religious, ethnic, or sexual minority group (Armstrong, 2019). Muslim women reported experiencing discrimination more than men, and more so if they were black women (Shah, 2019, 24-25). Canadians singled out Muslim religious symbols and identity as ones that they were least comfortable with in comparison with Christian, Jewish, and Sikh religious symbols and identities (Ekos, 2017). Although 82% of the public give importance to religious freedom, only 68% are concerned about the rights of Muslims to practice their religion. This despite the fact that 81% disagree with the claim that "Islamophobia does not exist in Canada."

Evidence from Australia, the United States, and other liberal democracies shows a similar pattern of "liberal exceptionalism" (Lipka, 2017; Elfenbein, 2019; Hanifie, 2019). A 2018 law in Bavaria makes the cross a symbol of the state's "identity and culture", deeming this fully consistent with Germany's secular neutrality amid the growing diversity of the country's ethno-religious composition (Jamal and Neo, 2019). It is true that such patterns have been enhanced by the open articulation of ethno-religious disrespect for minorities since the 2016 election of Donald Trump in the United States, and in the aftermath of the events of September 11, 2001. But they are rooted in older civic discourses. Benedict Anderson's "imagined community" as the basis of nationalism was always keenly exclusionary on the terms of endearment and solidarity (Anderson, 2006; Smith, 2010). It is a happy conceit that secularism rescues this impulse from "traditional" ethno-religious preferences to deliver liberal citizenship as a counter to tribal membership. *Thymos* is embraced with deep and selective passion in nationalism's name, liberal or otherwise. Recalling Plato (and Homer), "honor" is engaged with scope for its reinforcement or moral rebranding in the civic domain (Appiah, 2010).

The citizen's tribe

In Mark Lilla's lament about the emergence of "identity liberalism," the rise of Ronald Reagan's brand of populism in the United States sparked a fateful "misorientation" on the part of the political left and centre (Lilla, 2017). A national civic narrative gave way to fractured claims by unhappy minorities—ethnocultural, religious, sexual, ideological—that shaped in their particular image an otherwise encompassing liberalism. Francis Fukuyama shares this lament, though with emphasis on the impact of globalization: "economic distress is often perceived by individuals more as a loss of identity than as a loss of resources"

(Fukuyama, 2018). Hence, nationalist and conservative religious voices tell the working classes that their distress is explained by godless elites whose globalist leanings have left the once-thriving majority bereft. In calling for a creedal identity that is larger than the demands of particular groups, liberal critiques treat the religions and ethnicities of minorities as somehow getting in the way of an ideal, individualist citizenship that is overarching. On the contrary, "the more identities people maintain—and the more complex and overlapping those identities are—the less conflict they will have with people who maintain different sets of identities" (Richeson, 2019, 167).

While many ascribe the trans-Atlantic populist tide in which white tribalism brands itself as nationalism to mainly economic causes, the evidence for this is shaky. Perceived threats to race and privilege played a greater role than economic loss in Trump's electoral success— and his continued mobilization of support by targeting Muslims and non-white ethnicities only reinforced that reality (Bouie, 2019; Jardina, 2019; Oberhauser, Krier & Kusow, 2019; Schaffner, Macwilliams & Nteta, 2018). Likewise, in Europe, race and accompanying anti-immigration sentiments have been a key driver in Brexit and beyond (Alabrese et al., 2019; Kaufman, 2018). Subjective or "relative" deprivation, over and above "objective" realities, have been shown to fuel populist migrant-bashing in several European societies (Yoxon, Van Hauwaert & Kiess, 2019). Far-right extremism feeds on this identity driver more than anything else, even if the uptake is greater among those with lower education and economic attainment. The spillover effects of tribal nationalism in distant Australia and New Zealand attracted attention after the Christchurch mosque shooting in March 2019—countries where anti-immigration sentiments have come to focus intensely on Muslims and Islam (Guven, Akbulut-Yuksel & Yuksel, 2019; Kingsley, 2019).

Christchurch had distinct echoes in Canada, where a gunman killed six worshippers in a Quebec City mosque in February 2017. Here, the overlap between homegrown white tribalism and the spillover from Europe and the United States was conspicuous (Sahi, 2019; Scrivens, 2017), and it brings us full circle to the popular "secularism law" adopted by Quebec in 2019. The wider national context is what an April 2019 Ekos survey found to be a newly divisive attitude toward non-white migrants, as contrasted with Canadian attitudes toward immigration as a whole. This is consistent with the data noted earlier on rising Islamophobia, especially but not exclusively in Quebec. Once again, education and economic status turn out to be important variables in the receptivity to anti-minority sentiments; but one-third of middle-class Canadians shared those views. Interestingly, those who identify with the federal Conservative party are more than four times likely to strongly oppose non-white immigration than those who identify with the federal Liberals. Ekos frames the upshot of the survey thus:

> In Canada, attitudes to immigration have never been a critical ballot booth issue. Unlike in America or Europe, where they have been deeply divisive, the differences in Canada have been more moderate and there has been a political agreement on a broadly open policy on immigration. There have been significant differences across partisan boundaries, but they have not shaped election outcomes in a significant manner. This may be changing in important ways that reflect broader shifts in public outlook (Ekos, 2019).

Yet there is a much longer Canadian history of exclusion, intimately entwined with the country's origins. It is about Indigenous peoples whose treatment is now acknowledged to amount to "cultural genocide" (TRC, 2015). This latter term was affirmed by then Chief Justice of the Supreme Court of Canada, Beverley McLachlin in a public speech (McLachlin, 2015). Two years later, however, she presided over the court's ruling that Indigenous religious practices which did not conform to mainstream religious forms of worship were not protected under the Canadian Charter of Rights and Freedoms (Ktunaxa Nation, 2017). The particular form of worship here involved forested spaces where the spirit of the grizzly bear manifested itself to a community, as it had done over centuries. This exercise of worship, the court found, was distinct from the *spaces* in which it was conducted—which had to yield to a commercial venture to build a ski resort. The loss of sacred spaces was deemed not to compromise the protected spiritual beliefs themselves. "We arrive at these conclusions," the court acknowledged, "cognizant of the importance of protecting Indigenous religious beliefs and practices, and the place of such protection in achieving reconciliation between Indigenous peoples and non-Indigenous communities." Two of the judges recognized that the impact of the court's ruling would leave Indigenous practices "entirely devoid of religious significance." Would such a distinction be tenable if the sacred space (Qat'muk) were not "natural" but comprised a church or temple?[6]

It is noteworthy that the intervenors in that case included several Christian and Muslim organizations, in support of the recognition of Indigenous religious practices. The court's decision to narrowly interpret the scope of legal protection fits into an extended history of exclusion and assimilation vis-à-vis particular faith traditions, especially Indigenous ones (Beaman, 2012; Mawani, 2009; Pettipas, 1994). Historical legacies of settler societies like Australia, Brazil, Canada, Israel, New Zealand, and the United States today find expression in constitutional law and public policy, as shapers of liberal democratic discourse. What Benjamin Berger calls "law's religion" may stake a claim to secularist separation of church and state—in the vein of Protestant tradition—but is in practice replete with majoritarian preferences. Quite aside from constitutional banners that forthrightly signal a preferred religion (such as Canada's founding constitutional pact giving special rights to Catholics and Protestants), Berger pinpoints three elements that reflect the liberal state's political identity: religion is individual, focused on autonomy and choice, and private (Berger, 2015, 66; Essau, 2008).

All three elements are engaged in a 2009 decision of the Supreme Court of Canada, with Chief Justice McLachlin once again articulating the scope of religious freedom. At issue here was whether the small, rural community of Hutterite Christians could be exempted from a new provincial law requiring photographs on all drivers' licenses. In accepting that the requirement would have a negative impact on the collective identity of the Hutterite community, McLachlin nevertheless stressed that the "essential" matter here was firmly individual. The community's private beliefs and practices were an individual choice and could not override the public requirement of the law (Hutterian Brethren, 2009).

In a trenchant critique of liberal approaches to minority claims to recognition, where the rule of law and public policy enjoy finality through judicial, legislative, and bureaucratic choices, James Tully sees "dialogic civil freedom" as an antidote (2006). He notes that conflicts between liberal establishments and minorities are readily cast as a tension between "universal equality" and "diversity," as if deep differences in social, economic, and political power among the contending parties were irrelevant or of minor import. Indigenous and

migrant claims to recognition of their religious practices run up against an enormous asymmetry in the capacity to "construct the identities of others through the day-to-day exercise of the prevailing norms of governance and cooperation" (Tully, 2006, 23).

Tully is mindful that no matter how seriously a society accepts civic dialogue as a key facet of effective citizenship, formal institutions of power have decisive weight in disposing of minority claims. However, in the present climate of nativism and populism, the challenge is far greater: *majoritarian narratives* of identity and exclusion impose a further burden, not only on minorities directly, but also on institutions of governance. Quebec's secularism law, for example, is not merely the expression of a centre-right legislature; it reflects substantial public support within and beyond the province for limits on minority religious preferences. Again, as noted, the failed attempt to ban the *niqab* in Canadian citizenship ceremonies continues to play into popular sentiment against Muslim headwear of any kind. "Law's religion" is increasingly also populist—though the packaging may be democratic and nationalist. Shortly after the adoption of its secularism law, Quebec imposed a "values test" for new immigrants in which gender equality and non-discrimination on the basis of sexual orientation are markers of the province's identity (in addition to secularism, as defined in the just-adopted law).[7] It is difficult to characterize this as other than the tribalization of what are in fact international human rights principles.

Reimagining Identity Politics

If participating dialogically in the classic Rawlsian "overlapping consensus" is subject to structural asymmetries, fierce populist resistance, and secularist filters, then where does this leave unfavored minorities? This brand of citizenship, it appears, is less about universal values than those of its own tribe. For Lorraine Weinrib, a dignity-based approach to interpreting basic laws allows for critical dynamism, unhitched from the rigidity of original intent and "more communitarian" in thrust than the individualist model of the United States (Weinrib, 2004). This would draw on the post-World War 2 global trend in human rights law. Hence, "it is the restriction of human dignity and basic rights and freedoms that must be justified, rather than the restriction upon legislative supremacy or majoritarian politics" (Weinrib, 2004, 338). Her concern that the courts have not forthrightly done this in applying the Canadian Charter of Rights and Freedoms is surely warranted in light of the decisions noted above. Yet Weinrib's confidence that judicial-legislative attention to dignity would adequately address minority claims collides with Tully's skepticism over top-down institutional adjudication, as well as with populist *thymos*. Neither the individualist orientation of Anglo-American constitutionalism nor the more communal ones in Europe (never mind Brazil, India, Israel, Turkey et al.) have been spared the ferocity of dominant nationalist tribes. Law as "regulating conduct" in a given direction, at the expense of fostering "common meanings" that strain dominant narratives, will not ease the *permanent* challenge of identity politics (Malik, 2000, 147-8).

None of this is to deny, of course, that legislative-judicial platforms are vital to minority equity. At the most basic level, protection from hate and deterrence of hate crimes depends heavily on the efficacy of laws and their enforcement. Tribal mobilization on the basis of religion—notably Islamist summons to militancy—receives abundant play in the media, national security establishments, and legislatures. In contrast, majoritarian tribal mobilization that targets vulnerable religious groups is a relatively small concern, in Canada

and the west at large (Perry & Scrivens, 2018). Further, the role of law, policy, and governing institutions in inciting majoritarian persecution is obvious. Yet these concerns sit within a complacent liberal perspective on citizenship, in which the state is burdened with expanding the circle of inclusion by engineering a wider overlapping consensus—in which "reasonable accommodation" is a major law and public policy tool. To what purpose?

A valuable clue comes from Eugene Weber's remarkable book, *Peasants into Frenchmen* (1976). After the French Revolution, national unity became a central feature in the making of the new republic: diversity, which had not much troubled earlier eras, was now "imperfection, injustice, failure, something to be noted and to be remedied" (Weber, 1976, 9). Similar attitudes emerged elsewhere in 19th century Europe, and across the Atlantic. In this context, France's landmark 1905 "secularism law" comes as no surprise: the new age could accept no challenge to national unity—as defined by the majoritarian tribe—from religion. Clericalism and the Church may have been a *practical* threat to the state's administrative effectiveness; but if civic nationalism was to succeed, then religion itself was best managed by the state (Mustapha Kemal fully embraced the idea in post-Ottoman Turkey). When a fire ravaged Notre Dame Cathedral in April 2019, the separation of church and state promptly yielded to the Republic's role in a "national reconstruction project" (Nossiter, 2019; Erlanger, 2019). In Quebec, a crucifix has hung over debates about secularism in the provincial legislature above the speaker's chair, on the grounds that it represented "heritage" since its installation in 1936; it has only been removed after passage of the secularism law (Lafambroise, 2019).

The state's version of diversity management has multiple advantages: it claims to represent all citizens, it deploys symbols that enjoy broad prestige (flag, anthem, monuments), and it can be enforced. In short, it commands political legitimacy; all the more so if the state is perceived as honoring a version of dignity that accommodates lesser tribes (religious, linguistic, social, ethnocultural). Outright repression of the latter can even be bracketed as an exception to an otherwise liberal norm. Hence the record, inter alia, of Canada's treatment of Indigenous peoples, segregation in the United States, racialized citizenship in postwar Germany, apartheid in South Africa and Israel. Such "exceptions" metamorphose into forms that are or purport to be, less egregious. Since this entails the loss of existing privileges for majoritarian tribes, the political challenge in the face of populist tides is to minimize liberal accommodation. Pluralism must be subscribed to for the sake of democracy, but also limited in its name.

A way out of this dilemma is prescribed by Eric Kaufman, one that seeks to "value" the dominant tribe without compelling the assimilation of minorities:

> All Western countries have been trying to promote civic conceptions of nationhood to include immigrants, but the populist right shows that limiting nationhood to 'British values', the American Creed or the French Republican tradition doesn't address the anxieties of conservative voters. These universalist, creedal conceptions of nationhood are necessary for unity, but cannot provide deep identity in everyday life. Ethnic nationhood, which restricts citizenship to members of the majority, is clearly a non-starter. But things aren't so black and white. There is a third possibility, ethno-traditionalist nationhood, which values the ethnic majority as an important component of the nation alongside other groups. (Kaufman, 2019, 10-11)

This can uphold pluralist citizenship through "multivocalism," he argues, where minorities freely express "distinct versions of the common national identity" (Kaufman, 2019, 27). Culture overrides religion as western societies become more secular, despite the strength of conservative Islam. The confidence that secularism will sweep all in its wake is a familiar argument, dating back to the early 20th century. All the while, "ethno-traditionalist nationhood" has surely been a critical aspect of the imagined community that shapes modern liberal states. How else to account for the intense debates over symbols of heritage (Notre Dame, Quebec crucifix) and historic monuments, from slavery-era and civil war figures to politicians who are associated with cultural genocide? (Bell, 2003; Sears, 2018). "Ethno-traditionalist nationhood," it seems, is what populist tribes demand *against* pluralist arrangements, not as part of them.

What Charles Taylor has critiqued as the "subtraction thesis" of modernity seems very much alive in liberal theorizations of citizenship (Taylor, 2007, 530-5). Here, secularism becomes a liberation from the illusions of religion—and thereby acquires a triumphant rationality in comparison with premodern realities. Taylor is quick to accept that religion's distance from the public square is a hard reality in western societies, and that the state's distance from religion has delivered substantial civic progress in terms of human rights. But faith remains, in fresh and older expressions, a vibrant part of individual and social existence. He recommended in 2008, as part of a Quebec advisory commission, that individuals exercising "coercive authority" (judges, police officers) should not wear religious symbols. Taylor publicly changed his mind in 2017, and he has been vocal in his criticism of Quebec's secularism law for "stirring up hatred around minority religious groups" when "there is such a spread of Islamophobia" (Feith, 2019). This is a telling shift from a traditional liberal stance to one that recognizes how conflict *stems from* that stance. The former, in this setting, would amount to privileging "ethno-traditionalist nationhood," an outcome less than congenial for citizenship.

The subtraction thesis also assumes that religious identities are static, rather than responsive to social change. Religious orthodoxies may be similarly inclined to insist on unchanging identities, real or imagined, in the public domain. Olivier Roy's *Holy Ignorance* (2010) captures this mutual posture of rigidity, and the modern secular state's disposition to "standardize" religious beliefs and practices in routine encounters with diverse traditions (Roy, 2010, 187-213). In the bureaucratic management of diversity, standardization can feed rather than alleviate conflict, as the content of faith traditions is subordinated to practice. Non-mainstream religions in Europe and North America, notes Roy, generally strive to fit their practices into bureaucratic "formats" as a condition of accommodation. Political theologies abound in this encounter, *qua* how religious actors respond to the authority of the state—and how political authorities perceive their relationships with assorted religious actors (de Vries & Sullivan, 2006; Toft, Philpott & Shah, 2011). Both face the challenge of an informed willingness to seek effective citizenship as an *entwined* rather than distinct set of realities.

A specific example of this challenge is the spectrum of understanding of "shari'a," on the part of religious and state actors alike (Hefner, 2016; Sajoo, 2018). For some, this is about sacred law *simpliciter*, which unleashes conflictual political theologies since the modern state (globally) insists on the control of "law." For others, the shari'a has always been primarily an ethical framework, albeit one that has inspired a jurisprudential tradition (*fiqh*) with a corpus of legal norms (*furu*). Here, contention with the state is more about holding

public values and actors accountable to moral standards that are otherwise obscured in governance. Gender activists have vigorously used this avenue to rethink and reshape patriarchal tenets and practices. Between "sacred law" and "ethical" approaches to the shari'a are various combinations—all of which have played out in western migrant contexts. In one display of "holy ignorance," Canadian authorities banned in 2013 the adoption of children from Muslim countries, having determined that adoptions were contrary to the shari'a; after a public outcry, the ban is under review (Nasser, 2018). Explicit legal orders authorizing the adoptions from the countries in question were overridden by Canada— making the issue one of political theology. Evidently, the need for "theologies of inclusion" (Sajoo, 2016) is not confined to religious traditions. Nor can such theologies be animated without civil society, beyond the confines of institutional actors (Turner, 2008; Karim, 2012).

How elastic are theologies of inclusion? Practices such as female genital mutilation (FGM), refusing blood transfusions for children, and rejecting vaccinations for contagious diseases are frequently justified on the basis of faith. This makes them fodder for those that find liberal accommodation to be inherently problematic, in compromising secular red lines that are key markers of modern citizenship. Yet there are robust ethical objections to those practices rooted in the same faith traditions. FGM, for instance, has been the subject of fierce critique as a customary practice that has no basis in foundational Islamic texts, and violates shari'a tenets of human flourishing.[8] Muslim feminists have grounded their contestation of this and other patriarchal behaviours such as honour crimes and domestic abuse in close readings of shari'a sources, as complementary to fundamental human rights norms. For his part, the jurist Richard Falk observes that such internal critiques are vital to legitimizing liberal human rights norms.[9] Put differently, the norms may seem as tribal to the Other as the practices appear to their external critics. What Falk calls the "Archimedes point" where these perspectives *must* converge is in "taking suffering seriously"—which allows us to assert that the painful consequences of FGM ought to be intolerable to all sides, beyond cultural relativism.

Still, the seduction of the familiar binary of "liberal" and its Other remains formidable. Its historical trajectory was tracked by Talal Asad in *Formations of the Secular* (2003), which noted that the modern public sphere in the West has always been a space of exclusions "articulated by power"—where "religious intrusions" are feared for constraining individual empowerment.[10] José Casanova showed how liberal responses to the "deprivatization" of religion overlook the ways in which the latter evolve in their responses to secularization, with the prospect of confluence in civil society (1994). The post-September 11 landscape has proven less than hospitable to the acceptance of complexity within religious traditions and the instrumental value of such pluralism for civic culture. Secularism's master narrative remains intact: accommodation of tribal dissent must, in return, reinforce the *rationality* of liberalism. It does so not only in judicial and legislative decisions, but in the imaginary that frames them as marking citizenship.[11]

Symbiosis, then, resists this partitionist stance, which at the very least makes strangers of minority traditions. The management of difference that marks liberal neutrality, notably when it comes to the *substance* of competing claims that pertain to minority faith traditions, is a familiar reflex. Typically, Quebec's new secularism law—in all its tension with constitutional freedoms—becomes a jurisdictional issue between federal and provincial powers, quite aside from being shielded by the use of constitutional exceptionalism (the "notwithstanding clause" discussed earlier). The populist mobilization that justifies and

reinforces this management is scant comfort for liberalism's democratic credentials. Yet, symbiosis values citizenship not only in the political domain, but also within and between faith traditions, such as in matters of dispute resolution. "Cultivating indifference" toward the latter, notes the legal theorist Benjamin Berger, is a conspicuous feature of liberal jurisprudence.[12] The indifference may serve well the management roles of the state and the law; but this is hardly a satisfactory outcome for those who favour an idea of citizenship beyond secular camps, amid the multiple secularisms that inform modernity. These diverse secularisms span liberal *and* illiberal polities alike, both of which lay claim to "rationalizing" the public sphere. The upshot, for the political scientist Alfred Stepan, is that our discourses would benefit considerably from engaging with the substance of what we value today about "toleration," by the state as well in civil society; instead, we are distracted by the populist tag-lines of secularist ideology.[13]

If *thymos* remains a vital part of the public sphere, then so should Aristotle's insistence on a larger understanding of the civic in the exercise of citizenship. The ethics of *philia*, loosely translated as "friendship," entails valuing relationships beyond those driven by mere utility and transient encounters; Aristotle's "political community" requires a higher form of interpersonal association, based on character.[14] Far from being a sentimental call for public virtue, *philia* is ultimately about the deeper bonds of citizenship, and contributes to fostering justice as a social value. Acute polarization, then, is the erosion of *philia*: citizenship becomes little more than co-existence, and tribal association overrides all other forms of solidarity. For Aristotle, the "concord" needed to counter polarization, which results from competitive individual and group preferences, is about a mature form of *philia* that takes ethics seriously.[15] He recognizes the difficulty of such an aspiration, since maximizing self-interest is the default reflex in all societies—and certainly not a matter for legal regulation by the state. In our present context, then, this difficulty can hardly be overcome without a commitment to symbiosis, where civil society enables associative bonds beyond the narrowly legal and the tribal. This is not to claim that *philia* will somehow "cure contemporary ills;"[16] rather, consigning it to the domain of private virtue impoverishes the civic arena. Faith traditions thrive on both *thymos* and *philia* as capacious qualities in the making of a community; symbiosis can tap into this reality, for a richer postsecular citizenship.

Conclusion

When the Global Centre for Pluralism (GCP) was established in Ottawa 2016—to "chart pathways to pluralism in specific places and cases"—it quickly became a platform for dialogue across secular-religious fractures (GCP, 2019). This was no surprise, given the GCP's genesis as a collaboration between the Canadian government and the Aga Khan, a Muslim spiritual leader and the head of the Aga Khan Development Network (AKDN), active in over 30 countries (AKDN, 2019; Poor, 2014). Among the Centre's commissioned resources is an account of *laïcité* by John Bowen, who recalls the debates around France's 1905 secularism law and its legacy in official attitudes toward religion (Bowen, 2017). A century after that legislation, a Paris convenience store that proposed to avoid selling pork or alcohol items was threatened by the mayor with police action, unless it reverted to "normal functioning"—for otherwise "the neighborhood will become a ghetto." In vain did commentators note that other convenience stores exclusively sold *kosher* products, or that

an all-organic store would invite no such opposition. The mayor, Manuel Valls, later the Interior Minister and Prime Minister of France, had his way despite court rulings to the contrary; the convenience store packed up (Bowen, 2017, 16). Public spaces, even mercantile ones, were subject to the preferences of the dominant tribe, in the name of liberal "neutrality."

Averting legal and political conflict with public culture is commonly perceived to be the burden of the liberal state—which undertake "reasonable accommodation" in the face of resistance to integration by religious and ethnic minorities.[17] As noted earlier, this is part of a larger picture in which legal reasoning about accommodation treats the exercise as one of negotiating a "burden" of varying weight (Su, 2019). In effect, the state's tribal rules of citizenship must be accommodated by those who fall outside its favored circle in a given historical moment. That circle was a rather different one in Paris in 1905, when the Catholic church was the target of legislated secularism, and even the right of priests to wear their garb was called into question on behalf of public order. It was certainly a far cry from the state's self-appointed role in the restoration of Notre Dame Cathedral in 2019, with attendant priestly ceremonials. The sense of *thymos* is a shifting one, and not always in a linear direction. The result is captured thus by the Aga Khan:

> Pluralism is a process and not a product. It is a mentality, a way of looking at a diverse and changing world. A pluralistic environment is a kaleidoscope that history shakes every day. Responding to pluralism is an exercise in constant re-adaptation. Identities are not fixed in stone. What we imagine our communities to be must also evolve with the tides of history. As we think about pluralism, we should be open to the fact that there may be a variety of 'best practices,' a 'diversity of diversities,' and a 'pluralism of pluralisms' (Aga Khan, 2010).

Identity politics, then, is scarcely the diversion from liberal citizenship that it is routinely made out to be.[18] Dominant tribes have always shaped the latter, and minorities striven for inclusion—with occasional success in shifting the terms of endearment. If accommodation is the price that liberalism pays for democratic legitimacy, then minorities effectively remain outsiders. Militant religiosity, driven by a political theology of resistance to pluralism, is a counterpart to militant secularism. Both are intensified by perceptions of economic deprivation. Turning *thymos* into fuel for effective citizenship is at the core of navigating a "pluralism of pluralisms," straddling secular and sacred. This calls for a symbiosis in which a vibrantly informed civil society is key not only to dialogue, but also the shaping of legal and political responses to populist tribes that act as camps rather than as communities. The alternative, in an age of heightened identity anxiety, can hardly be greater faith in a statist brand of citizenship—which would mean the end of liberalism in any meaningful sense of the idea. Arguably, the alternative to a pluralist symbiosis would be the end of *citizenship* as a meaningful exercise in a postmodern world.

"Civic totalism," as the political philosopher William Galston notes, is what confronts pluralist governance in its acceptance of multiple spheres of "association and activity" that enjoy a significant measure of autonomy; imposing a secularist hierarchy through law and public policy is the kind of totalizing temptation that liberalism needs to resist.[19] Quebec's secularism law is an obvious illustration. In that context, the popular embrace of such totalism points, in part, to the enduring legacy of western modernity's claim to civic

rationality as the product of secularist supremacy. That legacy, however, is also hitched to tribal supremacy, carried forth by a populist tide. Manifestly, this tide is not merely local but global, not least in the wake of the Covid-19 epidemic (Leonhardt-Letherby, 2020; Unger, 2019). It should come as no surprise that it triggers, in turn, a response in the form of what is regarded as identity politics—whose practitioners see themselves as defending not tribal values, but inclusive citizenship.

This is readily evident to western liberal observers of the *non-west*. China's hegemonial ideology, secularist and centred on the Community Party, is the subject of sharply critical commentary on its subversion of diverse identities through highly intrusive laws and policies.[20] There, too, civic totalism is the outcome of a legacy of a brand of modernity that eschews affiliation with faith traditions (Buddhist, Christian, Muslim, Taoist)—except in forms that advance the Party's interests—*and* the assertion of majoritarian cultural (Han) supremacy. Unsurprisingly, this provokes identitarian contention (Tibetan, Uighur-Hui, and many others) as a "politics of recognition."[21] A similar, ostensibly non-secular, brand of non-recognition is on display in India, where Narendra Modi's populist politics privileges Hindu identity in contestation not only with the nation's large Muslim minority, but also with India's own pluralist narratives of citizenship before and after independence in 1947 (Chandra, 2019; Gettleman-Raj, 2019). Likewise with postcolonial citizenship in an array of African settings. In Kenya, for instance, the acquisition and exercise of citizenship is shaped by dominant ancestral identity (*jus sanguinis*); this is defined not only by tightening the legal scope of "local" belonging (favored ethnicities), but also by exclusions on the basis of faith and ideology. "At one time aimed at Asians in East Africa, soon to be included were 'out of place Africans,' then 'border people' and now 'terrorists.'" (Ng'weno-Aloo, 2019, 168).[22]

Tribal citizenship, it turns out, is a phenomenon that both liberal democratic and authoritarian polities can foster in their variegated ways, past and present. After all, the integrative impetus of liberal jurisprudence with regard to minority traditions—that accommodation is ultimately about progressive inclusion—can be shared beyond liberal polities. Illiberal orders, secular and theocratic, commonly justify themselves as acting not only in the interests of the majority but also as reasonable ("the trains will run on time"). The difference, surely, is that symbiosis remains a prospective avenue for liberal citizenship, insofar as civic totalism is open to meaningful challenge in law and public policy. A significant part of that challenge will depend on the quality of civil society as an enabling environment for *philia*, alongside the enduring attraction of *thymos*.

Notes

[1] Bill 21, An Act respecting the laicity of the State, National Assembly of Quebec, Forty Second Legislature, First Session, March 28, 2019: http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html The bill passed into law in June 2019, by a legislative majority of 73-35.

[2] To forestall a challenge under the Canadian Charter of Rights and Freedoms, Bill 21 invokes the "notwithstanding clause" of the Charter (s. 33), overriding national individual protections.

[3] On the eve of the legislation's tabling, 67% of Quebecers supported banning religious symbols, while 60% favored overriding the Canadian Charter of Rights and Freedoms: "Religious symbols: Quebecers back ban and

notwithstanding clause, poll says", *Canadian Press*, 29 Mar 2019: https://montrealgazette.com/news/local-news/religious-symbols-quebecers-back-ban-and-notwithstanding-clause-poll-says

[4] "In Britain, more than 300 scholars, journalists, and pollsters were asked to predict what would happen at the 2016 referendum and 90% thought that British voters would choose to remain in the EU": Eatwell & Goodwin, x. Likewise see Taub, A., "Behind 2016's Turmoil: A Crisis of White Identity", *New York Times*, 1 Nov 2016, A6.

[5] C.B. Macpherson's *The Life and Times of Liberal Democracy* (New York: Oxford University Press, 1977) holds that "the most important way in which the whole bundle of social institutions and social relations shapes people as political actors is in the way they shape people's consciousness of themselves" (p.5). Yet in advocating a participatory model against other liberal ones—mindful of class and education—this leading theorist omits any mention of identity politics, as if this could be divorced from the project of shaping individual consciousness.

[6] As it turned out, the ski resort spaces subsequently had to yield to a fresh *environmental* review under provincial legislation, in a ruling by the British Columbia Court of Appeal: *Glacier Resorts vs. British Columbia*, 2019; BCCA, 289. This renders the fate of the resort uncertain, albeit for reasons entirely distinct from the original faith-based challenge.

[7] "Regulation to amend the Québec immigration Regulation," Part 2:2, *Gazette Officialle du Québec*, 151:44 (October 30, 2019); "Canadian province to introduce 'values test' for immigrants," *BBC News*, 30 October 2019, retrieved at https://www.bbc.com/news/world-us-canada-50241251

[8] Zayn Kassam notes that the practice is barely known across the Arabian peninsula (or in South-Central Asia where the majority of Muslims live), finds no mention in the Qur'an, and is the subject of trenchant ethical criticism by Muslim activists globally: "Gender," in Amyn B. Sajoo, ed., *A Companion to Muslim Ethics* (London: I.B. Tauris, 2010), pp. 105-11.

[9] Falk frames his argument in the wider context of a hegemonial idea of modernity whose universal claims are widely contested, thus putting at risk core human rights claims that ought to be treated as universal (such as the ban on torture): Richard Falk, "Cultural Foundations for the International Protection of Human Rights," in A.A. An-Na'im, ed. *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1992), pp. 44-64.

[10] Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), pp. 184-186. This despite the fact that *"*politics, through the law, has profound consequences for life in the private sphere," which secularists fully accept (186).

[11] "Arguments among competing conceptions of liberalism are arguments over the location of the border of the public and private, that is, over the point at which there is a crossing from reason to unreason": Paul Kahn, *Putting Liberalism in Its Place* (Princeton, NJ: Princeton University Press, 2005), p. 123.

[12] *Law's Religion: Religious Difference and the Claims of Constitutionalism* (Toronto: University of Toronto Press, 2015), pp. 177-188.

[13] Alfred Stepan, "The Multiple Secularisms of Modern Democratic and Non-Democratic Regimes," in C. Calhoun, M. Juergensmeyer, and J. Van Antwerpen, eds. *Rethinking Secularism*. New York: Oxford University Press, 2011, 114-144.

[14] *The Ethics of Aristotle (The Nicomachean Ethics)*, trans. J.A.K. Thomson, rev. ed. (London: Penguin, 1976), Books VIII-IX, which provides his most detailed treatment of the subject.

[15] Eleni Leontsini, "The Motive of Society: Aristotle on Civic Friendship, Justice and Concord," *Res Publica*, 19:1 (2013), 21-35, discusses *philia* across Aristotle's works.

[16] R.K. Bentley, "Civic Friendship and Thin Citizenship," *Res Publica*, 19:1 (2013), 5-19, at p. 18, arguing against the civic value of *philia*, especially in a time of social polarization in liberal societies.

[17] Nearly half of those surveyed in Canada and France believe that immigrants wish to be distinct rather than adapt—a view held even more strongly in Australia, Germany and Italy. Pew Research Centre, *Global Attitudes & Trends*, 14 March 2019: https://www.pewresearch.org/global/2019/03/14/around-the-world-more-say-

immigrants-are-a-strength-than-a-burden/pgmd_2019-03-14_global-migration-attitudes_0-05/   Indeed, Canadians (and in all likelihood other liberal publics) grossly misperceive where most migrants come from. Two-thirds of Canadians believe that the Middle East and North Africa is by far the dominant source (64%); the figure for that region is 12% (Angus Reid Poll, 2019).

[18] In *Who Are We? The Challenges to America's National Identity* (New York: Simon & Schuster, 2004), the late Samuel Huntington forthrightly defends "the continuing centrality of Anglo-Protestant culture to American national identity" (p. 30) as an assertion of liberal identity, against the identity politics of others. There is no hint of irony in his excursus.

[19] The operative premise of civic totalism is that there are "comprehensive lexical orderings" in human life that can be identified and implemented by the state: William Galston, "Religion and the Limits of Liberal Democracy," in Douglas Farrow, ed., *Recognizing Religion in a Secular Society* (Montreal: McGill-Queens University Press, 2014), pp. 46-47.

[20] "Let contemporary Chinese Marxism shine even more brilliant rays of truth," proclaimed China's leader, Xi Jinping, in a major policy speech, insisting that the Communist Party was "completely correct" in all its recent initiatives: Chris Buckley and Steven Meyers, "China's Leader Says Party Must Control All Tasks, And Asian Markets Slump," *New York Times*, 18 Dec 2018, p. A12. China's Muslims, in and outside the province of Xinjiang, are a particular target of this totalism: Steven Meyers, "A Crackdown on Muslims is Spreading Across China," *New York Times*, 21 Sept 2019: https://www.nytimes.com/2019/09/21/world/asia/china-islam-crackdown.html?action=click&module=Top%20Stories&pgtype=Homepage

[21] The contention extends to Hong Kong, where the majority have come to identify, since 2009, against "Chinese" and for local "Hong Konger" identity: Brian Fong, "One Country, Two Nationalisms: Center-Periphery Relations between Mainland China and Hong Kong, 1997–2016," *Modern China*, 43: 5 (2017), 523-556. After the 2019 pro-democracy protests, the identity shift is at a record high: "Almost nobody under 30 identifies as Chinese," *The Economist*, 21 August 2019: https://www.economist.com/graphic-detail/2019/08/26/almost-nobody-in-hong-kong-under-30-identifies-as-chinese

[22] Bettina Ng'weno and L. Abora Aloo, "Irony of Citizenship: Descent, National Belonging, and Constitutions in the Postcolonial African State," *Law & Society Review*, 53:1 (2019), 141–172:   put it thus: "Those who must answer for their citizenship are marginal for historical, social, or political reasons. At one time aimed at Asians in East Africa, soon to be included were "out of place Africans," then "border people" and now "terrorists." The category against whom the tool of *jus sanguinis* is wielded is arbitrary, random, and capricious" (p. 168).

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