On Charles Taylor's "Deep Diversity"

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Introduction

From an outpost of empire to a beacon of multiculturalism, Canada since Confederation has understood its internal differences with a variety of concepts. One thing it has failed to do, however, is to distinguish between "pluralism" and "diversity." Indeed, as I shall argue here, Charles Taylor's idea of "deep diversity," which has played a major role in the debates around multiculturalism in Canada and around the world, is inhospitable to pluralism. There is both good and bad about this; still, my claim is that Taylor's deep diversity isn't deep enough.

To me, pluralism – and its opposite, monism – are best understood as diverging answers to the classic metaphysical question about "the One and the Many." I see that question as asking about the *degree of connection* between entities: Are they cohesive and so, together, do they exhibit a oneness, thereby constituting a unity, or are they disconnected and fragmented, thereby constituting a plurality? (Or are they somehow both?)

It's important to distinguish between this question and the mereological one which is concerned with wholes and parts and so contrasts, not monism and pluralism, but holism and atomism. Rather than addressing issues of cohesion or fragmentation, mereologists ask about how far an entity's parts can be considered *dependent upon* or *independent of* it as a whole: dependence is holist while independence is atomist. Consider, for example, how we define human nature. The holist conception of it views people as inherently social and so as incapable of, say, negotiating a social contract within some pre-social "state of nature." Taylor himself has described this thesis as follows:

> What has been argued in the different theories of the social nature of man is not just that men cannot physically survive alone, but much more that they only develop their characteristically human capacities in society. The claim is that living in society is a necessary condition of the development of rationality, in some sense of this property,

* In Ursula Lehmkuhl and Elisabeth Tutschek, eds., *150 Years of Canada: Grappling with Diversity since 1867* (Münster, Germany: Waxmann Verlag GmbH, 2020).

or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible, autonomous being.[1]

An atomist conception of human nature, by contrast, sees us as capable of autonomy within the state of nature. Even someone who was raised by wolves could, in theory, develop the capacities necessary to be considered fully human.

A spectrum of mereological positions, then, would be one that distinguished between different kinds of parts and wholes according to their degree of independence or dependence. Parts as independently distinct "items" could be said to, together, make up wholes as "collections," and so they should be situated at the atomist end of the spectrum. Parts as "components" would be found around the middle of the spectrum, since such parts can exist both atomistically, when discerned in isolation from each other, and holistically, when interlocked as one whole and functioning "system." And parts as "cells" could be said to combine into a whole "organism," which should be situated at the holist end of the spectrum since it conforms to the ultimate holist structural principle, namely, that the whole is present in each of its parts. (Think of the cells in a body, each of which contains the genetic information for the whole body). We might also distinguish between these three in terms of the different ways the parts of a whole are related: the items of a collective whole are merely *gathered* together; the components of a systematic whole are *interlocked*; and the cells of an organic whole are *integrated*. Or we could sum up these differences by pointing out how moving from the atomist to the holist end of the spectrum entails moving from parts as distinct but reducible, to parts as distinct and irreducible. It's for this reason that holism brings the idea of a greater number of different parts, and atomism the idea of a smaller number.

This last point leads me to suggest that we ought to distinguish between "multiplicity" and "plurality," since the former implies irreducibility while the latter implies fragmentation. After all, to say that we need to recognize more parts of some whole is not necessarily to say that the whole is disunified. Think of Christianity's doctrine of the Trinity. As Augustine argued, to claim that God consists of three distinct persons is not at all to undermine His unity, since they *are* one (*The Trinity* IV § 29–30, V § 12). Multiplicity, then, is one thing and plurality another. As we shall see, however, Taylor's approach would have us confound the two.

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[1] Taylor, "Atomism," in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), pp. 190–91.

Fundamentals of Deep Diversity

Taylor first introduced the idea of deep diversity in 1991, in "Shared and Divergent Values," a paper which criticized the failure by many to appreciate how the different national communities within Canada – those of the English-speaking Canadians, the French-speaking Quebeckers, and the Aboriginals – conceive of their belonging to the country in different ways. To Taylor, we need to recognize how, if we're to have a truly inclusive Canada, it

> would have to allow for second-level or "deep" diversity, in which a plurality of ways of belonging would also be acknowledged and accepted . . . . Is this utopian? Could people ever come to see their country this way? Could they even find it exciting and an object of pride that they belong to a country that allows deep diversity? Pessimists say no, because they do not see how such a country could have a sense of unity. The model of citizenship has to be uniform, or people would have no sense of belonging to the same polity.[2]

Notice how, by "plurality" and "unity," Taylor is referring to what I would instead call "multiplicity" and "singularity," respectively. Because what he wants us to accept is not that the country could be to some degree fragmented, but that there is more than one way of belonging to it. So he goes no further than giving reasons why the one-way or "uniform" model of citizenship is not the best for us. First, deep diversity is said to be the only means by which we can rebuild a "united federal Canada," since only this diversity is true to country's original purposes, namely law and order, regional equality, and collective provision. Second, most of the countries in the world are in fact deeply diverse, so imposing the uniform model on them would be inhumane, overly constraining, and ultimately lead to their breakup. And, third, once they did break up, they would find that they had still failed to meet the challenge of deep diversity, since it is only by meeting that challenge that they can do justice to their aboriginal peoples.[3]

However, the kind of difference that this deep diversity makes room for is, again, strictly mereological. It is difference based on irreducibility and holism, and so it accepts multiplicity but

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[2] "Shared and Divergent Values," in *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*, ed. Guy Laforest (Montreal and Kingston: McGill-Queen's University Press, 1993), p. 183.

[3] Ibid., pp. 184–84.

not necessarily plurality; otherwise put, it rejects uniformity but not necessarily unity. After all, as Taylor states, the goal remains that of a "united federal Canada." So much the better, you may say. But notice what this excludes: a Canada that's diverse enough to accept potentially irreconcilable conflict, "gaps" which can cut across its parts and, in this way, the whole. Taylor's ideal Canada simply has no place for such conflicts; it is strictly *diversi sed non adversi* ("diverse but not adverse"), as the Latin maxim has it.

The reasons for this exclusion are not only philosophical but theological. Consider Taylor's landmark book, *Sources of the Self*, which concludes with a discussion of "the conflicts of modernity." As he states there, the compromises required of us should we fail to overcome "the dilemma of mutilation," as he calls our overall predicament, are "in a sense our greatest spiritual challenge." Taylor is, nevertheless, relatively optimistic about our ability to meet this challenge – and he is even though he's willing not only to acknowledge the fullest possible range of conflicting goods but also to conceive of some of them as "hypergoods." This is the name he gives to our most fundamental goods, the ones that serve as the cornerstones of our moral frameworks. However, hypergoods can also call for the supersession of certain other goods outright, "as the principle of equal respect has been doing to the goods and virtues connected with traditional family life, as Judaism and Christianity did to the cults of pagan religions, and as the author of the *Republic* did to the goods and virtues of agonistic citizen life." It's because these conflicts have the power to cut so deep that we "have to search for a way in which our strongest aspirations towards hypergoods do not exact a price of self-mutilation." And as Taylor states categorically (and monistically) regarding that search: "I believe that such a reconciliation is possible."[4]

It is a belief that Taylor sees "implicit in Judaeo-Christian theism (however terrible the record of its adherents in history), and in its central promise of a divine affirmation of the human, more total than humans can ever attain unaided." But to believe that such thoroughgoing reconciliation is already possible, even if only in principle, is to believe more like a Christian than a Jew. Only

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[4] Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), pp. 521, 106–107; see also *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), p. 319. Taylor describes himself as "fiercely committed" to this view about hypergoods in the introduction to his *Philosophy and the Human Sciences*, p. 12. Paul Ricœur evidently does not share this commitment, given his claim that the heterogeneity of hypergoods constitutes the *tragic* moment of modern life: "Le fondamental et l'historique," in Guy Laforest and Philippe de Lara, ed., *Charles Taylor et l'interprétation de l'identité moderne* (Paris: Cerf, 1998), pp. 33–34. For a critique of Taylor on hypergoods, see my "What's Wrong with Hypergoods," in *Patriotic Elaborations: Essays in Practical Philosophy* (Montreal and Kingston: McGill-Queen's University Press, 2009).

someone for whom the Messiah has already come would think not only that the process of redemption has already begun but also that it's possible for us to travel along the "road to wholeness" by recognizing, and so realizing, "unity-across-difference." Sometimes, this is said to involve practical reasoning unguided by theory, a "reasoning in transitions" that aims for "error-reducing" moves; at other times, we advance according to theory-based frameworks. Either way, it seems that in the background lies the Christian belief that we can both know God (Romans 1:19–21; 2 Timothy 3:15–17) and perfect ourselves (Matthew 5:48) thanks to the life, death, and resurrection of Jesus Christ. For it is because of Jesus that reason, both practical and theoretical, can point us towards the Second Coming, which is when all semblance of disunity will be finally overcome (Matthew 25:31–46; Acts 1:11; Philippians 3:20–21). "In the beginning was the Word [*logos*]," opens the Gospel of John, "and the Word was with God, and the Word was God" – declarations such as these are behind why Christians, despite their many early struggles with paganism, have been able to adopt so much of ancient Greek philosophy, not least its transcendence of tragedy. They are why so many of the faithful have come to believe in the power of Jesus to heal them (Mark 1:40–41) and thereby make them, ideally, "as clean as Christ on the cross."[5]

Not that Taylor thinks it necessary, or even desirable, for everyone to become Christian. It is telling that, in one of his accounts of how we might overcome the assumption that certain moral imperatives are irreconcilable, he invokes Nietzsche: "I still believe that we can and should struggle for a 'transvaluation' (to borrow Nietzsche's term *Umwertung*) which could open the way to a mode of life, individual and social, in which these demands could be reconciled."[6] Evidently, Taylor interprets the orthodox Christian rejection of Pelagianism, according to which it's possible for us to redeem our sins without divine aid, as compatible with the idea that people with non- and even anti-Christian beliefs can do so. For this, however, he must assume that God has chosen to redeem everyone; otherwise, he would be stuck with something like Judaism's doctrine of return

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[5] Taylor, *Sources of the Self*, pp. 521; "A Catholic Modernity?" in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Harvard University Press, 2014), p. 168; and *Sources of the Self*, p. 72 (see also pp. 74, 101). Finally, "as clean as Christ on the cross" is from Art Bergmann's "Dirge No. 1," off the album *Sexual Roulette* (Toronto: Duke Street Records, 1990). For a possible source of Taylor's idea of "Judaeo-Christian theism," see Étienne Vacherot, *Le Nouveau Spiritualisme* (Paris: Hachette, 1884), p. 227. And regarding Christianity's sharing in ancient Greek philosophy's transcendence of tragedy, see Karl Jaspers, *Tragedy Is Not Enough*, trans. Harald A.T. Reiche, Harry T. Moore, and Karl W. Deutsch (Boston: Beacon Press, 1952), pp. 36–40.

[6] "Charles Taylor Replies," in James Tully and Daniel Weinstock, eds., *Philosophy in an Age of Pluralism: The Philosophy of Charles Taylor in Question* (Cambridge: Cambridge University Press, 1994), p. 214.

(*t'shuvah*, תשובה) and its assertion that every individual, Jewish or not, can repent at any time and so receive God's forgiveness (see e.g. Jonah 3:10 and Isaiah 55:7 on return; and Amos 9:7 on how Israelites are not God's only chosen people). It is not for nothing that Pelagianism and Judaism were often associated.

However, the redemption of the whole world – if such a thing is even possible – must await the messianic age. This is why many Jews, including the secular, as well many other people, both religious and secular, would consider Taylor's hopeful monism to be, at the very least, premature. As Martin Buber once put it: "Unity is not a property of the world but its task. To form unity out of the world is our never-ending work."[7] That is to say, we should see ourselves as, at best, travelling along a road that leads *towards* rather than *to* unity, since the destination does not yet exist (if ever). Perhaps we are indeed approaching it, getting closer to it, but we cannot assume that it is already possible to arrive. For this to be so there would have to be a divine intervention of a kind that radically transformed the world. In consequence, while there are those (such as myself) who hope that this may someday come, as well as others who have no such faith, all who think in this way believe that, at least for the time being, people cannot as yet be said to become "of clean hands, and a pure heart" (Psalm 24:4).[8]

Now, even though Taylor tends to emphasize practical over theoretical reason, he still thinks that, in principle at least, it's not only possible to change the world so that practical reason will always succeed at reconciling our conflicts, but also that it already makes sense to invoke ostensibly unified theories of morals or politics. This, however, is counterproductive because Procrustean. Theodor Adorno has made the point this way: "The unity of logos, because it

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[7] Buber, "With a Monist," in *Pointing the Way: Collected Essays*, ed. and trans. Maurice S. Friedman (New York: Harper & Row, 1963), p. 30.

[8] As we might expect, to Jews such as Maimonides who affirm a rationalist monism, the Messianic age involves less change to the present world than it does even for Taylor. "Nothing at all in existence," the former writes, "will change from the way it is now, except that *Israel* will have a kingdom," for the "*subjugation to the wicked kingdom*" will be lifted. And by this he means no more than that "knowledge will increase" such that all conflicts of values will become reconcilable, since these "great evils that come about between the human individuals who inflict them upon one another because of purposes, desires, opinions, and beliefs, are all of them likewise consequent upon privation. For all of them derive from ignorance, I mean from a privation of knowledge…whose relation to the human form is like of the power of sight to the eye." Maimonides, "The Days of the Messiah," trans. Raymond L. Weiss and Shlomo Pines, in *Ethical Writings of Maimonides*, eds. Weiss and Charles Butterworth (Mineola, NY: Dover Publications, 1975), pp. 166, 177; see also pp. 170–71. So we can appreciate why those who read Taylor from a Maimonidean perspective would complain that his vision is *overly* tragic. See, for example, Martin Kavka, "What Is Immanent in Judaism? Transcending *A Secular Age*," *Journal of Religious Ethics* 40, no. 1 (Mar. 2012): 123–37.

mutilates, is enmeshed in the nexus of its guilt."[9] To which I would add: those who fail to heed the limits of reason will only increase them. Taylor is certainly aware of the dangers here; indeed, he has at times been extremely articulate about them. But he still seems to think that, if there is a problem, then it must amount to no more than a case of too much of a good (theoretical) thing. This is why he has gone no further than asserting that our ethical lives cannot be "*adequately* captured in a code," and that we need to avoid becoming "*totally* invested" in one.[10]

Political Implications

This openness to theorizing has allowed Taylor, along with Jocelyn Maclure, to formulate a vision of neutral "open secularism," which they recommend for its ability to "aid us in regulating the ethical and political conflicts associated with managing the moral and religious diversity of contemporary societies." The assumption that these are things which can be regulated goes well with Taylor's characterization of such societies as marked by deep diversity. As we have seen, while the idea has room for irreducible differences, it excludes the incompatible ones, which run much deeper and make regulation impossible. Maclure and Taylor elide this distinction when they invoke Isaiah Berlin's "value pluralism" on the very same page as John Rawls' "reasonable pluralism," clearly considering the one to be fully compatible with the other. But the latter is actually a form of monism, as is evident from the Rawlsian belief, explicitly endorsed by Maclure and Taylor, that people can "come together" on the basis of an "overlapping consensus," i.e. that it's possible to base "the unity of the political community on the adherence of citizens to common political principles."[11]

These, then, are the assumptions underlying the claim that the state can and should be neutral, which Maclure and Taylor present as "one of the modalities of the system of governance allowing democratic and liberal states to grant equal respect to individuals with different worldviews and sets of values." Evidently, by "system" they mean *systematically unified,* something which, it is

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[9] Adorno, *Aesthetic Theory*, ed. and trans. Robert Hullot-Kentor (Minneapolis: University of Minnesota Press, 1997), p. 186.

[10] Taylor, *A Secular Age*, pp. 704, 743 (my italics); see also his "Perils of Moralism," in *Dilemmas and Connections*.

[11] Maclure and Taylor, *Secularism and Freedom of Conscience*, trans. Jane Marie Todd (Cambridge, MA: Harvard University Press, 2011), p. 41. Maclure and Taylor cite both Berlin and Rawls on p. 10 of their book; and the quotations about citizens coming together around an overlapping consensus, the basis of their political community's unity, are from pp. 11, 17.

worth noting, also happens to be a requirement of the rulebooks of sports or games. If their officials are to referee neutrally, they must be able to rely upon rules that are free of contradiction; otherwise, there would be no way to avoid violating not merely the neutrality of effect (which is in any case impossible, since one set of rules will always favour some players, given their specific talents, over others) but also the neutrality of intent, which is considered essential. A contradictory rulebook would require referees to bend or even ignore some rule or other in order to make certain rulings, and there is simply no way to do this while remaining neutral. Maclure and Taylor claim to be aware that their theory's constitutive principles may come into conflict, that tensions can arise such that compromises will have to be made, but they still recommend their preferred secularist regime to us as the one which, when all the "dilemmas are resolved," manages to reach the "optimal balance," that is, to achieve "reconciliation," and to do so in a way which avoids compromising the basic principle of equal respect. So when it comes to the fundamentals, they assume that their theory, and the regime it supports, can remain clean, free of compromise.[12]

One has to wonder, however, why Taylor thinks there must be a separation between church and state, which is a direct implication of his open secularism, but not between nation and state, which he has long argued against in the case of francophone Quebeckers whose specificity, he believes, should be officially recognized by the state.[13] Why oppose neutrality when it comes to their nation's needs but not those of religious communities? I am not suggesting that we should adopt the opposite extreme and bring about an established church; still, it ought to be clear that a religiously neutral state is, in its own way, extreme – especially when we fully grasp its implications.

The problem has to do with the very idea of approaching the question of religion and politics neutrally. To see what I mean, consider the often-overlooked difference between "state neutrality towards religions," on the one hand, and "the religious neutrality of the state," on the other. Suppose I find myself in a room with a group of people of different religious persuasions, which

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[12] Maclure and Taylor, p. 19 (on p. 16, however, they admit that their theory's neutrality is not "complete"). For the claim that it's possible to uphold neutrality of intent though not neutrality of effect, see Rawls, *Political Liberalism* (New York: Columbia University Press, 2005, exp. ed.), pp. 193–200. I first pointed out how the former depends upon the rules or principles being systematically unified in *Shall We Dance? A Patriotic Politics for Canada* (Montreal and Kingston: McGill-Queen's University Press, 2003), p. 13. Finally, "dilemmas are resolved," "optimal balance," and "reconciliation" are from Maclure and Taylor, pp. 27, 34.

[13] See, for example, Taylor, *Reconciling the Solitudes*; and "The Politics of Recognition," in Amy Gutmann, ed., *Multiculturalism and "The Politics of Recognition"* (Princeton: Princeton University Press, 1992).

is evident given the different religious symbols they wear. If I wanted to, I could express my neutrality towards them by wearing all of their religious symbols, but this would be unfair to the atheist who also happens to be present. Yet if I choose to wear no symbol, then my dress would be equivalent to that of the atheist, and this would be unfair to the religious. In consequence, if I am to be neutral towards the religious as well as towards all those who reject religion – if, that is, I am to assert my "religious neutrality" – then I would have to wear something that set me apart from all of them. A uniform, say. And that is why, if what we want is a religiously neutral state, then we should be calling on all those who we consider its representatives to wear this uniform.

What kind of uniform? Here's a possibility. In 1920, in Arizona, a referee during a football match was mistaken for a player and received a pass. After the match, he turned to a friend who owned a sporting goods store: "Could you," he asked, "make me a jersey that would clearly mark me from the players?" Thus was born the striped jersey worn by many referees today. Which leads me to suggest that, if the religious neutrality of the state is really your desire, then you should insist that all who embody this neutrality wear the jersey. After all, wasn't it Rawls himself who furthered the "playing politics" metaphor when he wrote in his *A Theory of Justice*: "In much the same way that players have the shared end to execute a good and fair play of the game, so the members of a well-ordered society have the common aim of cooperating together to realize their own and another's nature in ways allowed by the principles of justice"?[14] Then again, perhaps this is a good reason to reject the religious neutrality of the state.

The failure to see that religious neutrality tends to be interpreted in a way that is biased against the religious goes back to Hugo Grotius, the 17th century Dutch jurist who was one of the founders of modern international law. Despite being a pious Protestant, Grotius argued that the new discipline should be developed "even if God were not given" (*etsi Deus non daretur*), which corresponds to what has been described as a "methodological atheism."[15] To Grotius, this was the only way the law could work in a world of states that adhered to different religions.

But he was wrong about that. There is another way, one that's based on a distinction which Taylor fails to make: between accommodation as the product of successful negotiation, on the one hand, and reconciliation as the product of successful conversation, on the other. When we

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[14] Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999, rev. ed.), p. 462.

[15] Peter L. Berger, *The Many Altars of Modernity: Toward a Paradigm for Religion in a Pluralist Age* (Boston: Walter de Gruyter, 2014), pp. x, 47.

negotiate, in good faith at least, we're called upon to make concessions and so to give up something of value. Taylor, however, assumes that his and Maclure's theory establishes the "reasonable" limits of accommodation in a way which implies that we can accommodate without compromising, without dirtying our hands. Yet this is a monist assumption, as we've seen, and in order to overcome it we once again need to recognize how sometimes (a fully pluralist thinker would say "all the time") values in genuine conflict are not only irreducible but also incompatible. This distinction, albeit in a blurry form, can actually be found in the final chapter of the book Taylor wrote with the pluralist philosopher Hubert L. Dreyfus.[16] As we might expect of a work produced by both a monist and a pluralist, it ends by affirming an agnostic position that is neither one nor the other. Nor is it something in between, which happens to be my position.

The in-between position would have us move "towards One, as many." But we can only do so in politics if we appreciate the distinction between accommodation as the aim of negotiation and reconciliation as the aim of conversation. In a conversation, there's no place for interlocutors to pressure each other to accommodate; on the contrary, they need to listen and learn from each other in the hopes of transforming, rather than compromising, their values. Only this way can those values be reconciled, which is a genuinely win-win outcome for all concerned. Reconciliation is only possible, however, if you are willing to hear your opponent out with an open mind, something that is extremely hard to do while negotiating in good faith given that negotiation is an inherently adversarial mode of conflict resolution. When someone feels threatened by the need to compromise some cherished value, they will rarely be capable of truly listening. All of which is to say that conversation is an extremely fragile form of dialogue. Yet it is only by giving it a role in politics that we can recognize how politics, and not merely language (as Taylor has claimed), is mysterious.[17]

Let me offer an example. Dare I suggest that Muslims in Quebec today might have something to teach the rest of us about what it means to dress modestly – and not only the opposite? While legitimate concerns have, of course, been raised about the wearing of the niqab and the burqa by (albeit a very small minority of) Muslim women, as the father of an eleven-year-old girl I must say that I have found the hypersexualization of young girls in our society to be more than a little

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[16] See Dreyfus and Taylor, *Retrieving Realism* (Cambridge, MA: Harvard University Press, 2015), pp. 155–56, 159.

[17] See Taylor, "Language Not Mysterious?" in *Dilemmas and Connections*.

disconcerting. Which is why it seems to me that, if all we ever concern ourselves with is the question of how much these Muslim garments should be accommodated by our public institutions, then we miss an opportunity to open a sorely needed conversation about the function and value of modesty. Rather than beginning with the question of accommodation, we should try, at least at first, to learn from each other. Immigrants bring new cultures, new perspectives – not all of them are good, of course, but we will never know if we never ask.

Such a conversation requires a form of judgment that is *impartial* rather than neutral, neutrality being in many cases no more than a simulacrum of impartiality. To be impartial is to treat different views or opinions in terms of the whole, rather than the parts, that is the common good. It is to recognize that the common good can be fulfilled only when we manage to reconcile our conflicts, and that this reconciliation is possible, when it is possible, because the common good is an organic whole present within each of its parts. This is why, even when some of those parts are in conflict, they may be (re-)conceived as integrated together and so reconciled. But since the whole is not a unity, there will be times when reconciliation is beyond our reach, making the struggle for "damage control" through accommodation the best we can do

Impartiality and the attempt to reconcile should nevertheless (almost) always come first. In so doing we consistently reflect a serious, practical spirit. But, as we've seen, this can be undermined by neutrality, at least when it leads us to compare those involved in a conflict to the players of a game (one, again, that's fair when its systematically unified rules do not favour one player or team over another). After all, could anyone seriously argue that the need to uphold *neutrality* was behind the arrest of the three Femen demonstrators who, in October 2013, bared their breasts in the National Assembly while shouting for the crucifix to be removed from the wall? Or that *fairness* accounts for why nude bathers should be allowed to take advantage of the six unofficially nudist beaches in the province? All of which is to say that our society's standards of modesty are never neutral or fair and that, when we find ourselves disagreeing over them, we should avoid drawing the rigid, solid lines that would be prescribed by some unified theory of dress, as if this could be anything other than nonsensical.

Nor should we be suggesting, as the political theorist Arash Abizadeh has done, that a concern for the way public or parapublic workers dress is based on a "medieval logic" which succumbs

(despite the anachronism) to "an essentially totalitarian temptation."[18] There's a very good reason why professors in his field should be allowed to deliver lectures to their students while wearing religious or atheist symbols but not, say, political party pins. It is that parties in a democracy are necessarily partisan, since they participate in competitive elections that produce winners and losers, while atheists or religious believers consistently aim, at least in principle, for impartiality, the common good of all. Determining what is appropriate in such cases, then, requires us to draw lines which are both flexible and dotted – lines, we might say, which represent the places where our thinking must start rather than stop.

This is also what impartiality, as distinct from neutrality, requires when it comes to good lawmaking. However, as Taylor has written, it "is self-evident that a law before Parliament couldn't contain a justifying clause of the type: 'Whereas the Bible tells us that p'" or "'Whereas Marx has shown that religion is the opium of the people,' or 'Whereas Kant has shown that the only thing good without qualification is a good will'." The grounds for "these kinds of exclusions is the neutrality of the state," and the state needs to be neutral because it

> can be neither Christian nor Muslim nor Jewish; but by the same token it should also be neither Marxist, nor Kantian, nor Utilitarian. Of course, the democratic state will end up voting laws which (in the best case) reflect the actual convictions of its citizens, which will be either Christian, or Muslim, etc., through the whole gamut of views held in a modern society. But the decisions can't be framed in a way which gives special recognition to one of these views. This is not easy to do; the lines are hard to draw; and they must always be drawn anew. But such is the nature of the enterprise which is the modern secular state. And what better alternative is there for diverse democracies?[19]

This reminds me of a question that Taylor and Gérard Bouchard pose in the report on reasonable accommodations that they produced for the Quebec government in 2008. It asks whether a Muslim

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[18] Abizadeh, "Les signes religieux, la laïcité et la mentalité médiévale : du débat public sur la Charte des valeurs," in Alain-G. Gagnon and Jean-Charles St-Louis, eds., *Les Conditions du dialogue au Québec: Laïcité, réciprocité, pluralisme* (Montreal: Québec Amérique, 2016), p. 41 (my translation).

[19] Taylor, "Secularism and Critique," from the blog edited by Carlo Invernizzi Accetti et. al., *The Immanent Frame*, 24 April 2008, https://tif.ssrc.org/2008/04/24/secularism-and-critique/.

respondent could assume that he would be treated fairly by a Jewish judge wearing a kippah or a Hindu judge displaying a tilak.[20] I would reply to the question with another question: Do the authors really think that the Muslim respondent would prefer that the judge not be transparent? It seems to me that if you doubt the impartiality of a Jewish judge because he wears a kippah, then you will have no less reason to doubt a Christian judge who wears a non-ostentatious cross, or, for that matter, a Jewish one who has replaced his regular kippah with a smaller, non-ostentatious one, to say nothing of a Jew, Hindu, or Christian who choose to hide their religious persuasions by removing their religious symbols altogether. It is part and parcel of the job description of judges that they have good judgment; why, then, not trust that they will recuse themselves in cases where there are questions about their impartiality? Regardless, Canadian judges have long been in the habit of citing major theologians and philosophers when interpreting the law.[21] So if a law or its interpretation is inspired by the ideas of a particular thinker, why hide it? Think of all the laws that Bouchard and Taylor hoped would emerge from the list of 37 recommendations to be found at the end of their report – I don't see why it should remain implicit that they all conform to a version of Rawlsian "political" liberalism. Was Jesus (or should I say "someone"?) mistaken when he declared that "the truth shall set you free"?

I want to conclude by identifying the two chief dangers I see in Taylor's approach. The first is that it encourages an aestheticization of politics, whence the parallels with sports or games I intimated earlier. To declare the state neutral is a form of gamification, since it implies that politics is to be played – fairly, of course, but played nonetheless – and play has had an important place in aesthetics since at least Kant and Schiller. Whenever an activity is governed by systematically unified rules or principles and these are considered good not for some practical purpose but for their own sakes, then you can be sure it consists of playing a game of some form or another.[22]

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[20] See Bouchard and Taylor, *Building the Future: A Time for Reconciliation. Final Report of the Consultation Commission on Accommodation Practices Related to Cultural Differences* (Quebec: CCPARDC, 2008), p. 151. Taylor, to his credit, has changed his position: he no longer thinks that those such as judges and police officers who exercise the coercive functions of the state should be prevented from wearing religious symbols. See his "Le temps de la réconciliation," *La Presse*, 14 January 2017. However, the question in question still seems to me to follow logically from his neutralism.

[21] See Nancy McCormack, "When Canadian Courts Cite the Major Philosophers: Who Cites Whom in Canadian Case Law," *Queen's University Legal Research Paper*, no. 2017-090, 2 August 2017.

[22] See my "Taking Politics Seriously," *Philosophy* 94, no. 2 (April 2019): 271–94.

Aestheticization in a different form has already been undergone by the Crown. I'm referring not merely to how it has largely become a symbol, a figurehead that rules only when called upon to step into the breach and decide the exception. I also want to highlight how much has changed from the time when the Royal Prerogative was understood to be exercised on the basis of divine inspiration – when the monarch ruled *Dei Gratia* ("by the grace of God"), as the coins of many Commonwealth countries still declare. Today's monarch has largely been transformed: from a sovereign who, the claim went, has two bodies, one natural and the other spiritual, into a mere celebrity, someone famous for no more than being famous (i.e. they exhibit fame for its own sake).[23] This is what has become of the Crown despite (or is it because of?) its role as a neutral referee in the system ("As Head of State," proclaims the British royal family's website, "the Queen has to remain strictly neutral with respect to political matters"). Now, while Maclure and Taylor cannot be accused of antidisestablishmentarianism, they *are* willing to admit this Crown into their theory's regime.[24] Evidently, they are still, in their own way, mono-archists; only when it comes to their version of the rule of the One, the final word is to go not to His or Her Majesty but to theory. As Rousseau pointed out long ago, however, when that happens there will be little room for diversity. "Today," he wrote in 1750, "when more subtle inquiries and more refined taste have reduced the art of pleasing to established rules, a vile and deceitful uniformity reigns in our mores, and all minds seem to have been cast in the same mold." Because it is "from Athens [that] came those astonishing works that will serve as models in every corrupt age."[25]

As for the second danger of Taylor's approach, it strikes me as being, in a sense, tragically ironic. Despite its self-described openness, Taylor's secularism is, in fact, closed to everyone who fails to conform to the ostensibly unified system it advocates. And when those who do not fit in are neutralized, the effect tends to be division and fragmentation, rather than unity. Worse, it can even make way for populist demagoguery. Here's how.

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[23] See Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957); and Neil Blain and Hugh O'Donnell, *Media, Monarchy and Power* (Portland, OR: Intellect Books, 2003), chs. 9–10. My definition of celebrity is based on Daniel J. Boorstin's "a person known for his well-knownness" from his *The Image: A Guide to Pseudo-Events in America* (New York: Random House, 2012 [1961]), p. 217.

[24] As we see from their openness to "very mitigated systems of 'establishment'." Maclure and Taylor, p. 26.

[25] Rousseau, "Discourse on the Sciences and the Arts," in *Basic Political Writings*, ed. and trans. Donald A. Cress (Indianapolis, IN: Hackett Publishing, 1987), pp. 4, 8.

When questions around immigration are approached strictly in terms of reasonable accommodations, we end up representing immigrants as no more than a source of potential danger, that of the need to compromise our values. This only contributes to the real malaise that already exists among the citizenry, a feeling of alienation born of the impression that we've lost control over how the state makes and applies its laws. And one source of this is none other than theories meant to establish frameworks for reasonable accommodations. For they award the final word to lawyers, judges, and bureaucrats, those experts who are charged with "managing" the issues around diversity by applying a complex test, "a multifaceted, four-step analytical process," as the professor of public law Noura Karazivan has described it. Karazivan adds: "It is true that this test is complicated and may prove difficult to apply. But such is the case with most analytical frameworks devised by courts to bring law to life, to bring law to 'everyday use'."[26] However, these words do not serve to defend the neutralist position; on the contrary, they illustrate the problem. If elites continue to send ordinary people the message that either they accept what the framework for reasonable accommodations requires or they are not reasonable – or, even worse, they are racist – and if this is done in a province where citizens are extremely sensitive to the importance of being *maîtres chez nous*, then that will serve only to give ideas to demagogic politicians such as the ones behind the so-called Charter of Quebec Values (2013).[27] "If you're tired of being told how you must accommodate immigrants," they can be interpreted as saying, "then vote for us and there will be no more accommodations!" But issues arising from situations of genuinely deep diversity often do require a willingness to accommodate. Sometimes, moreover, we can do better. Sometimes, we must do better.

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[26] Karazivan, "How the Supreme Court of Canada might rule on the Quebec values charter," *Montreal Gazette*, 10 March 2014.

[27] See *Bill n°60: Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-60-40-1.html.