



A Missing Link:

Why Europe should talk about Religion when Promoting Democracy Abroad

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International Democracy Promotion “Doesn’t do God”

Democracy and religion are an unlikely, if not unattractive, pair in the eyes of many practitioners of democracy promotion, who usually focus on democratic institutions and procedures, such as elections, parliaments, law drafting, political parties, and civil society, rather than values. At best, values play a role in the form of ‘secular’ political rights and civil liberties, as defined in international human rights instruments, such as the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Most democracy promoters would identify with Tony Blair’s communications director Alastair Campbell who famously remarked: “We don’t do God.”

The issue of religion therefore seldom enters the discourse and practice of democracy promotion, except in the form of the general question about the compatibility of particular religious beliefs with democratic practices (Calvinism, Hinduism, Islam etc.). Advice on crucial issues, such as the relationship between secular and religious law, secular and religious education, the provision of welfare by societal, including religious, actors, takes at most a peripheral role in democracy promotion.¹ This is surprising, given the prominence of this issue around the world.

In many Muslim-Majority States, Democracy tends to be equated with Atheism or Secularism

In many Muslim-majority states where religion is an important marker of identity,² “Western” democracy is equated with an unpopular version of modernity characterized by individualism, atheism, or even a lack of values. The American separation of church and state, the French brand of republican secularism which bans headscarves and other religious symbols from public schools, and controversies over cartoons of the prophet Mohammad have projected a picture of democracies as being oblivious if not hostile to religious sentiments.

Religion has become a key point of reference for political mobilization in Muslim states, and while Islamic beliefs inspire some of the most determined resistance against contemporary authoritarian regimes,³ political Islam is often uneasy with what it considers the “Western” variant of democracy. Even moderate Muslim parties that endorse the concept of competitive elections (from which they usually benefit) often point out that their conception of democracy differs from that of “the West”.

¹ There may be a variety of reasons for this silence of democracy promoters on the role of religion in democratization processes. On a global level, U.S. organizations tend to be more visible than their European counterparts in democracy promotion, and, the eminence of religious rhetoric in American politics notwithstanding, of all long-standing democracies it is the U.S. which has the strictest model of religion-state separation in institutional terms. American democracy promoters are often informed by a strong belief in the so-called “wall of separation” between religion and politics, and thus do not touch the issue. Not unlike its US counterpart, European democracy promotion largely omits considerations about religion and religious actors in democratization.

² The Pew Global Attitudes Project Surveys of 2002/2003 suggest that majorities of Muslims in nine out of 14 countries surveyed favoured a ‘very large’ or ‘fairly large’ role of Islam in political life (for instance, in Pakistan 86%, Indonesia 82%, Jordan 73%).

³ In most Arab states (which are predominantly ruled by secular elites), the only significant political challenge to authoritarian regimes is posed by political groups or parties that are inspired by religion and maintain strong reference to religious symbolism and rhetoric.

In such a climate of false dichotomies between a secular West and a religious East, proponents of liberal democracy in Muslim-majority countries find it increasingly hard to retain credibility vis-à-vis their own societies. In Indonesia, Islamic liberals are decried as atheists; in Egypt they may be excommunicated as apostates; in Iran, as is the case with former reformist parliamentarians and dissident clerics, they find themselves in prison on charges of blasphemy.⁴

What is more, the public discourse about democracy, science, and law in most Muslim-majority countries associates a particular kind of secularism with modernity that not only insists on the separation of political and religious authority, but also appears to wish away all religious significance from public life. Thus, as public opinion polls show, Muslim publics tend to associate democratization with a process that leads to less influence of religious institutions and values on public and private life.⁵

At the same time, authoritarian regimes exploit the perception of a total separation of state and religion in democracies to present themselves as the only alternative to religiously inspired and, in their depiction, anti-democratic parties.

However, the idea of a total separation is a misconception of the empirical relationships that established democracies actually entertain towards religion.

Established Democracies entertain a wide Range of different Institutional Relationships to Religion

The relationship of the state to religious institutions in established democracies takes such a variety of forms that it is impossible to speak of one general pattern. The United States is the clearest example of a separation of state-religion relations, which is enshrined in the constitution.⁶ Notwithstanding the deficiencies many have noted, the United States thus presents an institutionally secular country par excellence.⁷ However, the United States is the exception rather than the rule among the world's long-standing democracies.⁸ France, with its 'hostile' separation of 1905 (by which the state, inter alia,

4 Compare the repeated and sustained attacks against the Liberal Islam Network (JIL: <http://islamlib.com/en/page.php>) and the August 2005 fatwa of the state-affiliated Indonesian Ulama Council (MUI) against liberalism, pluralism, and secularism. To give a few examples of religious democrats that have fallen victim to the false dichotomy between a secular West and a religious East: the chairman of the "Center for Islam and Pluralism" in Jakarta, Shafiq Anwar, was physically attacked and beaten up in public in the fall of 2007 for his protest against the persecution of the Muslim minority sect Ahmadiyah in Indonesia; the Egyptian scholar Nasr Abu Zayd was excommunicated and forced into exile for developing novel hermeneutic approaches to the study of the Qur'an; in Iran, hojatoleIslam Yousef Eshkevari and philosophy professor Aghajari, among many others, were condemned to death (verdicts later transformed into multiple years in prison) for publicly making the case for democracy and human rights.

5 The Pew Global Attitudes Project Surveys of 2003 suggest that in Indonesia and Turkey, for instance, 53% and 38% of respondents respectively see democracy as a 'Western way' and only 41% and 43% respectively believe 'it can work here'.

6 See Article 6: "[N]o religious test shall ever be required as a Qualification to any Office or Public Trust under the United States." And the 1st Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." However, it was only in 1947 that the Supreme Court in its ruling on *Everson vs. Board of Education* interpreted the establishment clause as demanding a "wall of separation" between religion and the state. On the topic, compare also Jonathan Fox: "Do Democracies Have Separation of Religion and State?" in *Canadian Journal of Political Science*, 40:1 (pp. 2-25). "Only one state in the study [of 152 countries surveyed], the US, has absolute SRAS [separation of religion and state]. The explanation for this cannot be found in any uniqueness in the US constitutional structure. Of the 128 states in this study for which I was able to obtain an English-language copy of their constitution, 50 of them (including the US) have constitutional clauses or the equivalent that declare SRAS. Yet the majority of these states do not have SRAS. What seems to differentiate the US from other states with constitutional SRAS clauses is not the clauses themselves but, rather, the enforcement of those clauses. The US court system traditionally strictly interprets the establishment clause of the US Constitution. Based on these results, this policy appears to be the exception rather than the rule" (p.12).

7 Henceforth, we are evidently limiting our claims to the institutional relations and do not discuss secularism in attitudinal terms (the extent to which religious beliefs do or do not inform political attitudes).

8 For instance, the fact that religious oaths are taken before acceding to political office, that churches do not pay property tax, and that religious marriage is legally recognized

expropriated church property and thereby acquired 15% of clergy-owned land in France) is also on the high end of more secular democracies, although the Anti-Cult Law of 2001 and the 2004 “law on secularity and conspicuous religious symbols in schools” (or “headscarf ban” as the law is often referred to), have de facto broadened the state’s regulatory mandate over religion and thus eroded the strict separation of religion and state.⁹

Apart from these two separationist models, however, a quick glance at various aspects of state-religion relations in other long-standing European democracies presents a very different picture:

Education

Virtually every member state of the European Union provides either some form of religious instruction in public schools or state funding for private religious schools. In the Netherlands, for instance, the state subsidizes religious educational institutions, which make up more than 50% of all elementary and secondary schools. In most of the German Länder (states), religion is an elective subject taught in public secondary schools.¹⁰ Even in “secular” France, teachers of religious schools qualify for state support and as much as a fifth of the entire educational budget goes to private Catholic schools. In England, non-denominational religious education is mandatory in all state schools and the Church of England enjoys veto power over the construction of local “agreed syllabuses.”¹¹ Moreover, many of the European states fund and design the training of religion teachers, as well as that of future theologians in state university faculties of theology.¹²

Finances

In Germany, Italy, Spain, and Finland, the state, in return for a significant administrative fee, collects religious levies together with the usual income tax and then forwards the amount to the recognized religious institutions (in Finland: the Lutheran and the Finnish-Orthodox churches; in Spain and Italy: the Catholic Church, in Germany: the Catholic and Evangelical Protestant churches and the Central Council of Jews), which then redistribute the funds to their communities. Such a system only works where religious communities have created a centralized administration through which such levies can be distributed back to the local levels; the absence of such centralized structures usually hinders Charismatic Protestant and

and does not require prior civil marriage, all water down the alleged “wall of separation.”

9 There are different historical motivations for the relatively segregationist models of religion-state relations in the US and in France: simply put, while the US model is informed by the desire to preclude the state from infringing on, and regulating, religious practices, in France the core idea is to keep religious authority from infringing on the state and the public sphere.

10 Art. 7 (3) Basic Law.

11 The construction of local syllabi is governed by four committees, each of which must consent to the syllabus. The committees consist of: 1. the Church of England (with veto power); 2. such Christian and other religious denominations as reflect the principal religious traditions of the area; 3. teachers’ associations; 4. the local educational authority.

12 Italy, for instance, pays the salaries of Catholic religion teachers jointly appointed by the state and the bishops of the Catholic Church.

Muslim communities from enjoying the same benefits. Moreover, in several European states, religious communities receive extra tax breaks. In Norway, almost the entire church budget (most salaries, running costs, as well as building maintenance and the construction of new churches) remains part of the general state and municipal budgets.¹³

Law

Both the United Kingdom and Belgium espouse relatively high levels of religious legislation, the extent of which is matched in the democratic world only by Israel and India.¹⁴ In the UK, the Queen bears the title of “Defender of the Faith and Supreme Governor of the Church of England” and 26 seats in the House of Lords remain reserved for Church of England bishops as the “Lords Spiritual.” Marriage by religious ceremony alone, bar any civil certification, is legally recognized in the UK, Italy, and in Spain. In Italy the same is true for marriage annulment: with the clerical annulment of Catholic marriages, all civil law claims expire. In Germany, membership in a religious community can only be renounced through a civil registry office or a municipal court. Furthermore, state-recognized religious holidays are the norm in most member states of the EU.

Chaplaincies in the Military, Hospitals and Prisons

Most European states provide chaplaincies in the military, in hospitals, and in the prison system. In accordance with article 1 of the French 1905 law of separation that guarantees the free exercise of religion, priests and church ministers are appointed to work as counsellors in hospitals.¹⁵ In the UK, the Armed Forces, the National Health Service, and the Prison Service all employ chaplains. Stipends or salaries for full-time chaplains are paid by the employing service, that is, in the case of the military and prisons, ultimately the state.

Media

In many European states, religious communities have guaranteed airtime on state television and state-owned radio stations. As public corporations, the churches and other religious groups are represented on the boards of public-owned stations and media regulatory bodies in the German Länder.¹⁶ Churches have

¹³ One must also note that in the majority of all EU states, it is the state, not the religious communities that pay for the maintenance of churches. In Germany and France, the state owns most church buildings. In England, some 13,000 of its 16,000 parish churches are “listed” as being of special architectural or historical interest under the planning legislation and thus fall under state maintenance measures.

¹⁴ England continues to have certain constitutional rules designed to secure the Protestant succession to the throne (Act of Settlement 1701); anyone who becomes or who marries a Roman Catholic is excluded from succession to the throne. Also, the Crown has the right, acting on the advice of the Prime Minister, to appoint the archbishops and diocesan bishops of the Church of England after their nominations from within the Church.

¹⁵ Again, in “secular” France, chaplaincies can even be created in secondary school establishments according to a procedure outlined in the law of 31 December 1959 and a decree of 22 April 1960 (Code of Education, articles R. 141-1 to R141-7).

¹⁶ Furthermore, the state recognizes the right of Churches to public preaching. As a result, the Christian Churches and the Jewish community have been allocated airtime for their services and other religious programs (ZDF-Staatsvertrag § 11. 3). In particular, for public broadcasters (ARD, ZDF, DeutschlandRadio, Deutsche Welle), discussion

fixed slots for airing morning prayers, church services and meditation programs. In France, the broadcasting of religious programs on public television stations is determined by law¹⁷: on public television, the Catholic church enjoys 360 minutes per month for broadcasting, the Protestant church and the Buddhist community 60 minutes each.

The Concept of “Twin Tolerations”

Are such institutional connections between religion and politics antithetical to democracy? The European examples suggest not. The intertwined relations between religious and political institutions in many European states exist under the aegis of democratic rule of law, and their commitment to democratic liberalism is usually not questioned. The relationship of state and religion in many European states has been conceptualized as the “twin tolerations” (Alfred Stepan), whereby state and religion are not strictly separate, but institutionally intertwined while also not infringing on each other’s competencies. This model only works in a democratic state that upholds the separation of religious and political authority and strives to take an approach of principled distance to different religious communities.¹⁸

European Democracy Promotion has little to say on Religion

The example of many European states suggests that religion does not need to be antithetical to democracy, or that religion needs to stay outside the realm of democratic politics—yet European democracy promotion is silent on this increasingly important question. In a 2006 European Commission/Council joint strategy paper, which calls for a joint European approach to democracy promotion and attempts to delineate the core values of a “European” understanding of democracy, the word “religion” is nowhere to be found.¹⁹ The “European Initiative for Democracy and Human Rights,” which is the European Commission’s main instrument in this field, mentions religion only once in the context of a campaign advancing “tolerance, equality and peace.”²⁰ The initiative focuses on preventing discrimination on religious grounds—yet on questions of overall relations between state and religion, it is silent.²¹

forums on religious issues and themes on “the Church and Society” form part of their basic programs.

17 Law No. 86-1067 of 30 September 1986 on the freedom of communication, article 56: “France 2 shall program religious programs devoted to the main religions practised in France on Sunday mornings. Said programs shall be produced under the responsibility of the representatives of said religions and be presented in the form of the live transmission of cultural ceremonies or religious comments. The company shall bear the costs of production within the limit of a maximum amount set in the annual provisions of the terms of reference.”

18 The core idea of principled distance is that “The state intervenes, or refrains from interfering, depending on which of the two better promotes religious liberty and equality of citizenship.” For an elaboration of the concept, see Rajeev Bhargava, “What is Secularism for?” in Bhargava (ed.) *Secularism and Its Critics*. (New Delhi: Oxford University Press), 1998, pp. 486-541.

19 The EU Approach to Democracy Promotion in External Relations – Food for Thought, 21 June 2006, <http://www.democracyagenda.org/modules.php?name=News&file=article&sid=8>

20 EIDHR Annual Work Programme 2006, see http://ec.europa.eu/europeaid/projects/eidhr/pdf/eidhr_annual_work_programme_2006_en.pdf.

21 It appears that the EU is as silent on the issue as its member states: organizations specializing in some form of democracy promotion, such as the German party foundations (with the notable exception of the Konrad Adenauer Foundation which has integrated considerations of how to deal with religious actors into its civic education strategies) or the UK’s Westminster Foundation, have no profile in this field. The Organization for Security and Co-operation in Europe (OSCE) is an exception, having explored this area more in-depth through its Advisory Panel of Experts on Freedom of Religion, which supports states in drafting new legislation and which has issued guidelines on the issue. The OSCE is however an inner-European organization (plus North-America and Central Asia) and has therefore little connection to most Muslim-majority states. See http://www.osce.org/odihr/item_2_17959.html. For Guidelines for the review of laws which pertain to the freedom of religion or belief, see <http://www.osce.org/publications/>

Europe should not promote Religion, but show various Options of State-Religion Relationships for Democracy's Sake

The EU should do better in acknowledging the complex and multiple ways in which religion-state relations are regulated in its member states and in integrating these multiple notions into its approaches to democracy promotion abroad. The purpose would not be to promote the public presence of religion, but to promote an understanding that democratic states have many choices on how to structure the relationship between religion and state. It is precisely this relationship, which has become a crucial issue for democratization in many states of Europe's southern neighbourhood and in the Middle East. Addressing the issue of possible democratic state-religion relations would make the EU's support to democratization in these countries more relevant.

Be Clear About Limits of Religion-State Relations

When Europe communicates its rich experience in church-state relations, it should also be clear about the limits of the official nexus between state and religion. German constitutional theory may be instructive here as it distinguishes between state neutrality towards world views and neutrality towards values. The first, neutrality towards world views, which entails neutrality towards different religions, is a central tenet of democracies. Unfortunately, this is often mistaken for democracy's neutrality towards values. Liberal democracies, however, are emphatically based on values, specifically the safeguarding of human rights. In that sense, the nexus between religion and state can always only go as far as it does not infringe upon the principles of human rights, political equality, and civil liberty.²²

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odhr/2004/09/12361_142_en.pdf.

22 The principle of value neutrality (Wertneutralität) would require of the state to be normatively neutral - a principle the democratic state cannot fulfil as it is ultimately based on the values of human rights, equality before the law, inclusiveness and deliberation. The principle of neutrality with regard to worldviews (Weltanschauungsneutralität), by contrast, requires of the state to remain neutral with regard to religion, "world views" and comprehensive doctrines, and to protect citizens against discrimination based on religion and worldviews. Heiner Bielefeldt elaborates on these distinctions in "Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Counter-criticism," in *Law As Politics: Carl Schmitt's Critique of Liberalism*, ed. David Dyzenhaus (Durham: Duke University Press, 1998), pp. 23-36.