



# POLICY BRIEF

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## How should liberal-democratic states accommodate religious diversity?

Veit Bader  
IMES  
v.m.bader@uva.nl

Introducing a new approach to deal with religious diversity...

States and politics should be minimally moral: not 'secular'

'Secular' states commit massive human rights violations

Governance regimes are rampantly diverse

**Introduction** Policymakers: be wary of secularist sociologists, political theorists and philosophers bringing gifts. Established institutions and policies that deal with religious diversity in liberal-democratic states are under pressure more than ever before. Politics and political theory are caught in a trap: a fully secularised state with strict separation of state and politics from privatised religions versus selective cooperation between states and organised religions. This policy brief, based on the IMISCOE publication *Secularism or Democracy? Associational Governance of Religious Diversity* (Amsterdam University Press 2007) by Veit Bader, takes an original theoretical and practical approach to problems concerning the governance of religious diversity. It proposes a moderate and flexible version of democratic institutional pluralism called Associative Democracy (AD). Following are ten steps explaining why and how AD is a plausible way to overcome the deficiencies of today's predominant models in practical politics and policy.

**1. In dealing with religious diversity, all states and politics should be minimally moral.** This means that states must guarantee basic rights to security, subsistence and collective and individual toleration. Liberal-democratic states must also safeguard more demanding non-discrimination rights and equal political rights. **This, however, does not mean that liberal-democratic states necessarily are – or should become – 'secular'.** Massive violations of the minimal core of human rights have been committed by secular states of both the past (Nazi Germany and the USSR) and the present (some Arab states such as Iraq). And only very few constitutions (of France, Turkey, Mexico and, albeit in a completely different sense, India) do refer to the state as 'secular'.

**2. In practice, states with liberal-democratic constitutions are characterised by rampantly diverse regimes of religious government.** Some countries have established state churches with little actual power. Others are characterised by plural establishment or by cooperation between the state and officially recognised religions. Only a few combine non-

establishment with the proclaimed strict separation of state and church. Yet, all liberal-democratic states do grant a special legal status to religions. All finance religions (e.g. through tax exemptions) and faith-based organisations in care. Nearly all also finance religious schools either directly or by issuing vouchers (as is the case in France and, recently, the US).

**All liberal-democratic states grant status and moneys to religions**

States, moreover, grant special status and allocate moneys in widely diverging ways. This diversity is intensified within states through the existence of different departments and levels of government. States and state organisations thus grudgingly accept or reject:

- claims by minorities to accommodate religiously prescribed codes of diet (e.g. kosher, halal), dress (e.g. turbans, yarmulkes, head scarves) and prayer in public institutions;
- claims to pluralise educational curricula and pedagogies;
- claims to pluralise public culture and symbols of national identity and to be represented in the political process;
- and claims to allow religious exemptions from general laws and regulations.

**3. The huge variety in religious government is often reduced to two strictly opposed models:** (i) a fully secularised state with strict separation of state and politics from privatised religions versus (ii) a neo-corporatist or ‘pillarised’ regime of selective cooperation between the state and publicly recognised religions.

**Religious government is reduced to two opposing models:**

- **the French and the American systems**

*versus*

- **‘corporatist’ regimes seen in Germany, Italy and the Netherlands**

The French republican regime and American denominationalism proclaim to follow the first model. American denominationalism is the more friendly system towards religious minorities, as it accommodates a much higher degree of religious diversity than French secularist republicanism or, for that matter, other corporatist European regimes. Although denominationalism and republicanism on either side of the ocean promote strict separation of church and state, in reality, these systems also recognise and finance organised religions and faith-based organisations. **Strict separation of church and state is thus a myth – an undesirable one at that.**

The second model is derived from neo-corporatist or pillarised regimes such as those seen in Germany, Italy and the Netherlands. These regimes officially recognise relationships between governments and organised religions, though in a rigid, exclusivist way that privileges old majority religions and disadvantages new minority religions. These regimes thereby hinder the legitimate accommodation of new minority religions. **Corporatist regimes are thus unfair – however, they are not the only alternative.**

**AD can overcome deficiencies of today's predominant models**

**AD rejects constitutional establishment**

**AD supports recognition of organised religions**

**AD gives rights to participate in public and political forums**

**AD benefits vulnerable minorities**

**AD recognises tensions between individual and associational autonomy**

**4. Associative Democracy (AD) proposes an alternative third way to approach religious diversity and overcome the deficiencies of today's predominant normative institutional models.** AD is a libertarian and flexible version of democratic institutional pluralism, rejecting constitutional establishment. It supports the legal, administrative and political recognition of organised religions. It balances individual religious freedom and associational freedom of religion and provides maximum accommodation to religious practices, only constrained by minimal morality and the protection of basic rights. In addition to indirect financing through tax exemptions, AD provides public funding for faith-based care and educational organisations, taking into account public scrutiny and principles of quality. It provides opportunities for such organisations to be even-handedly involved in standard-setting and the governance of such services.

AD not only allows recognised religions to play a public role, it gives them specific information rights, particularly when it comes to hotly debated societal issues. Entitlement, moreover, occurs on an equal basis with other *weltanschaulichen* organisations (based on 'philosophical ways of life'). AD grants rights and provides opportunities to participate in public forums and hearings. It allows religious organisations to be included in ethic advisory councils.

**5. AD empowers recognised religions, though – compared with corporatists regimes – it is much more beneficial to new religious minorities and, particularly, to vulnerable minorities.** Specifically, AD:

- provides *real* exit options for dissenters, rather than only guaranteeing the important albeit largely formal *right* to exit or change religions;
- gives voice to dissenters, encouraging debate and discussion within religious organisations, particularly when they are state-funded and aim to be represented in politics;
- enlarges the possibilities and means for legitimate yet minimal state supervision;
- and protects the 'basic rights and interests' of vulnerable minorities within religious minorities through legal control and sanctions – without overriding the relative autonomy of religions in caring for their 'best interests'.

AD thus recognises inherent tensions between individual autonomy and associational autonomy and rejects the 'tragic choice between your individual rights and your collective culture'. AD enables more sensible balances.

**AD allows organised religions to influence public debate and decision-making**

**6. AD allows religions to organise a wide range of service provisions on their own terms** according to negotiated quality standards, instead of a ‘one-size-fits all’ public service delivery by states that is presented as ‘culturally neutral’. Furthermore, it empowers religious majorities and minorities to define what is at issue and to participate in public debates and negotiations about policies and state institutions. Representative organisations and leaders of religious groups should be invited to participate in public forums and should be included in advisory religious councils or, more generally, ethics councils. Such measures correct the aggressive secularism of ‘strict separationists’ and the implicit religious majority bias of corporatists. AD’s provisions are compatible with constitutional freedoms of political communication and do not cross the legal or political threshold of the religious ‘establishment’. Giving voice to religious organisations, *inter alia*, does not give any decision-making power to religions. While governments and administrations are expected to take religious council seriously, they can still overrule such advice with good reason.

**AD insists that criteria for selective inclusions should be applied equally to all religions**

**7. The recognition of organised religions by administrations, courts and legislation implicates serious dilemmas of institutionalisation both for religions and for states.** Yet, AD is able to deal with these dilemmas more productively than corporatist regimes and without neglecting institutionalisation, as does American denominationalism). The recognition of all religions involves thresholds in terms of numbers, territorial concentration, organisation, credibility and duration. These thresholds are lowest with regard to registration, administrative and judicial recognition. They increase when official cooperation between administrations and faith-based organisations is at issue (particularly when involved in standard-setting, implementation and control). They are highest when organised religions gain political rights and opportunities of representation in the political process. Corporatist regimes work systematically in favour of old, established religious majorities; they are unfair, closed, over-exclusive and rigid in all regards. Even though AD cannot avoid a certain selectivity of stakeholders in organised cooperation, it avoids manifest unfairness or even complete exclusion by insisting that the different criteria for increasingly demanding inclusion should be the same for all religions – old or new, big or small. All relevant stakeholders have to be included and measures have to be taken to avoid rigidity of institutional arrangements.

**AD allows religious organisations to come into their own**

**8. For deliberation, negotiation and cooperation to get underway, there must be representative, responsible, trustworthy and democratically legitimate religious organisations and leaders.** Typically, the policy choice is either to wait until these structural conditions develop more or less

**AD supports a bottom-up approach**

spontaneously from below (as in the US), or to try to organise the process from above through direct state policies that initiate the processes (such as in Belgium and France with regard to Muslim organisations). The disadvantage of the bottom-up approach is that self-organisation may be blocked by internal doctrinal, ethnic and linguistic differences, cleavages, organisational rivalry and leadership competition; furthermore, it may take a very long time. The disadvantage of the top-down approach is that the whole process may be regarded as an unwanted, if not illegitimate, external intervention interfering in core matters of belief and practices, producing interventions that are incompatible with religious freedoms (as in attempts to create a ‘French’ or a ‘European’ Islam). This could lead to major internal splits and polarisations, while delegitimising ‘collaboration’ and ‘moderate’ or ‘liberal’ organisations and leaders.

**AD respects autonomy of beliefs and practices**

Inasmuch as AD permits some state involvement, its limits are drawn by respecting the autonomy of beliefs and practices and by seriously considering possible counter-productive consequences. AD supports an outspoken voluntarism (shared with American denominationalism) – manifested in exit rights, self-definition and self-organisation – and insists that the self-organisation of religious minorities should develop more or less spontaneously from below instead of being state-implemented from above.

**AD overcomes the downsides of American denominationalism**

**9. However, AD overcomes the well-known downsides of American denominationalism.** Celebrated though it often is, American denominationalism has significant limitations such as: 1) the absence of *meaningful exit options* that are guaranteed by a minimally decent welfare system; 2) interest representation restricted to informal ways of influencing governments (networking and lobbying) that privilege big, old and established (commonly Protestant) religions because they have access to huge power resources; and 3) the rigid public/private split, well known from the treatment of political parties, which also has counterproductive consequences when it comes to all kinds of welfare, social services and new experiments in education.

**AD is not a ‘one-size-fits-all’ model: it can be built on various regimes of religious governance**

**10. AD is a realistic utopia that could be built on existing governance regimes in various countries.** Institutionally pluralist regimes may *prima facie* provide better opportunities for transitions to AD because of their past experience with broad and established selective cooperation. This should then be combined with strict interpretations of equal treatment and relational neutrality regarding new minority religions. The irony of the Dutch case is that the opportunity to move from pillarisation to an open, inclusive and flexible system of institutional pluralism – such as AD – seems to have been sacrificed by an increasingly fashionable ‘republican’ rhetoric of assimilation. Countries such as the US that lack developed systems of institutional pluralism will have more difficulties

in this regard – though quite similar experiments can be found there on state and municipal levels as well.

Above all, AD deals with real dilemmas that do not allow for any one context-free optimal solution. Instead of relying on institutional blueprints, AD places trust in democratic experimentalism.

**Social scientists  
can inform  
policymakers**

**Final words** Social scientists and political theorists, like the undersigned, should not try to take over democratic decision-making. Instead, we should increase contextual awareness and self-reflexivity in the field. We may be better in telling citizens and policymakers what we most certainly should not do – e.g. exporting or importing French republicanism and other policies of assimilating religious minorities through enforced ‘desegregation’ in order to increase ‘mixed’ everyday interaction in schools, neighbourhoods and parties. Such policies are not only morally and legally dubious, but likely also counter-productive; they contribute to radicalisation and resistance. Only higher degrees of voluntary engagement, which allow safe and equal interactions, can lead to mutual understanding. From this, there can arise the development of civic and democratic virtues, common loyalties, commitments and identities.

**Further work must  
be done to find  
better practices**

Still, guiding liberal-democratic principles may need to be more clearly spelled out. Further work must be done to compare advantages and disadvantages of institutional patterns and policies and find better practices developed through democratic experimentalism. The hope here is that the above reflections and modest policy recommendations may be helpful in such a process.

**IMISCOE**

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## Further reading

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