

Religious accommodation in a post-secular Europe? Redefining the secular context

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Introduction: The survival of religion in the modern world

The theory of secularisation, built on the idea that modernisation tends to undermine religious belief and activity, has been at the centre of the academic debate in social sciences for decades (Fox, 2019a). For a long time, it was considered the central explanatory theory of the transformations Western societies were undergoing concerning the religious phenomenon. In this sense, economic progress, urbanisation, industrialisation, and social mobility were assumed to lead to a decrease in religious beliefs and its eventual privatisation (Berger, 1967; Martin, 1979). This idea of the inevitable replacement of religious myths by more rational thoughts largely influenced the discussion of religion's role in politics in the European context (Weber, 2001). Because of the short life expectancy of public religion, governments attempted to create a secular sphere for politics, one that would be neutral for religious terms and issues and facilitate its transition into the private sphere (Fox, 2018).

In the 1980s, the theory of secularisation began to be contested as it failed to explain what was occurring in different parts of the world, including Europe, with the so-called "return of religion", reflected in the increasing importance of religion in international politics, the emergence of "new religious movements" and the strengthening of new and old fundamentalisms (Esteban, 2011; Blancarte, 2012; Willems, 2018). Since then, even though there is a consensus

that there has been a significant decline in religiosity worldwide, with Europe being the epicentre (Bruce, 2009), it has also become evident that religion can remain an active actor in public in other parts of the world (Norris & Inglehart, 2011; Modood & Kastoryano, 2006). Furthermore, such resilience combined with globalisation's developments has given religion the resources it needed to return to the public sphere in places that had already been given as "dead" (McLennan, 2009). Thus, the present context depicts a scenario in which the forces of secularisation and religion interact and collide, generating opposing dynamics. In this regard, Europe represents a paradigmatic case insofar a de-privatisation of religion alongside the continuing process of secularisation because religion has entered the public sphere and has become a central element in globalisation and its processes.

With religious plurality burgeoning, the secular sphere has begun to interact with religion more every day; official or dominant religions have started to feel challenged by incoming faiths, and the number of agents involved in its strengthening in the public sphere has multiplied. Additionally, the new media and globalising processes have provided religion with new means to cross the territorial boundaries of the nation-state and to strengthen its transnational dimensions while generating favourable conditions for the development and revitalisation of intercultural conflicts, many of which emerge or are sustained by religious differences (Parker, 2008; Esteban, 2011; Del Olmo-Vicén, 2015). As a result, the secularisation paradigm has been contested, and it has also become evident its limited explicative and policy power of contemporary religious landscapes (Triandafyllidou *et al.*, 2006). The emergence of new approaches to better cope with the religious plurality of today's societies is its biggest threat and a necessity for current social sciences.

In this search for a new analytical and conceptual framework and new tools that allow reflecting on the governance of present religious pluralism, the objective of this chapter is to examine the idea of post-secularism and its foundational concepts to redefine the application and conceptualisation of secularism. In general, post-secularism proposes a compromise between the secular and the sacred by bringing them into dialogue and introducing the idea of a world where religious people are seen as equal to those with secular beliefs (Habermas, 2001; Habermas, 2008a). In such a world, pluralism becomes society's foundation, and instead of swiping religion under the rug, it acknowledges its existence and ideas. Being legally recognised by governments, religious groups can ensure their cultural rights are respected, while the governments create mechanisms for that to be translated into reality. It is worth mentioning this process may create tension between religious sentiments and secular policies. Therefore, it is essential to find a context in which both can coexist without undermining the other, and without governments being influenced by religion.

It is well known that post-secularism has received as many or even more criticisms than secularism itself (Ungueranu & Thomassen, 2015; Modood, 2019; McLennan, 2009; Beckford, 2012). Notwithstanding, this chapter argues the diversity-based social and governmental contexts post-secularism proposes, could be the new perspective secularism needs to remain relevant in the debate for finding appropriate strategies to deal with the increased diversity and religious plurality (Vertovec, 2007). Against this backdrop, accommodation, an umbrella mechanism that uses several means to allow religious people to practice rituals that otherwise would not be permitted (Nussbaum, 2008; Fraser & Honneth, 2003), emerges as a tool to understand and deal with religious pluralism. Religious accommodation acknowledges that societies are diverse, and what applies to some does not necessarily apply to everyone.

Religious accommodation proposes the inclusion of those religious practices that were not considered in the multiculturalism wave (Bader, 2007) and are essential for some people's cultural and ethnic identity (Bou-Habib, 2006; Bader, 2007). The literature provides explanations and justifications for how and in which context it can be used. Therefore, the question is whether religious accommodation could be the tool that would allow the pluralism that post-secularism proposes to flourish within a secular context.

Along these lines, the proposal is to reintroduce the discussion of religious accommodation as a mechanism for managing religious pluralism in the challenges secularism faces in Europe. It does so by putting into dialogue the theoretical discussion produced by diverse disciplines to understand the issue from a multidisciplinary perspective to translate it into a more practical sphere. This approach's main reason is that addressing such a complex issue from only a single perspective would mean disregarding its full ramifications and the risk of superficiality (Bader, 2007). For that reason, this chapter divides into four parts that analyse post-secularism, church-state relations, the reconceptualization of secularism, and religious accommodation to sketch a possible normative situation where factors such as the rationale behind it, government relations with religion, and religious pluralism could interact without the so-called "clash of civilisations" (Huntington, 1996; Gamwell, 1995).

Post-secularism: an academic debate

The theory of secularisation has been prevalent in social sciences, predicting religion's loss of relevance as people would prefer more rational and scientific thought processes (Weber, 2001), and it has produced a diverse theoretical body. There is certain agreement on its core ideas, which focus on the

significant decline of religion's public role, its eventual disappearance, and its replacement by reason-based ideas (Habermas, 2001; Gill, 2008; Fox, 2015). The disappearance idea can be considered a misinterpretation of the original process which highlighted a privatisation of religion (Bader, 2007). The general trend assumes it is an ongoing process in Western countries that spreads to the rest of the world (Weber, 2001).

This theory was the norm until the 1980s when its weaknesses became more apparent (Pollack, 2018). Criticisms start when the empirical data from which the secularisation thesis was dependent started to hint at a religious change rather than a decline; and did not take into consideration the privatisation of religion (Bader, 2014; Gorski, 2000; Davie, 2006). According to critics, secularisation theorists did not consider religion as a dynamic social force, which can evolve and mould itself into new contexts (Fox, 2018; Berger, 1999). Moreover, the thesis was considered ethnocentric because a central part is its European foundation and eventual outward spread (Fokas, 2009; Robbins & Lucas, 2007). This centralisation on the European case, created a weak explanation for the resilient role religion had in other regions of the world or Europe itself (Requena & Stanek, 2014).

Herein this academic turmoil, post-secularism emerges as a possible contextual evolution or even correction of the secularisation thesis (Gräb, 2010). When using post-secularity to understand the current European context, two realities are referred to: on the one hand, the survival of religious communities in secularising environments; and on the other hand, the existence of a change of consciousness regarding the relationship between reason and faith (Habermas, 2009). In this regard, post-secularity refers to a context that intends to understand and explain the interactions and intersections between religion and modern societies in the public sphere (Ziebertz & Riegel, 2008). Within this context, secular citizens are now obliged to express the previously denied respect for religious citizens (Habermas, 2006). As a result of religion's now vivid presence in the public sphere and recognition of religious groups, religion can be recognised as a public good (Ziebertz & Riegel, 2008; Habermas, 2008b).

Post-secularism has been criticised for its normative nature, which introduces how citizens should respond to the challenges brought by the increase in general pluralism (Roldan, 2017). It has also been confronted by considering it a Eurocentric approach, as it has been argued that it can only be applied to affluent societies in Europe (Leezenberg, 2010). This idea construes societies, especially European ones, that have never been secular, conventionally religious, or post-secular; instead, the further along with modernisation, the easier it is to showcase their always existent pluralism (Ungureanu & Thomassen, 2015).

Regardless of its shortages, post-secularism brings to the table a vital notion: the normalisation of a public sphere with religion in it. As a secular configuration, it would allow the coexistence of the secular and the sacred, which together with religious accommodation could serve as a basis for the survival of the newly religiously diverse Europe. In a sense, the focus is on the rapid pluralisation of European societies and the arrangements those secular systems need to adapt.

Behind the current contexts: Church-State Relations in Europe

This section can begin with the statement that no country in Europe is post-secular. There are two reasons, firstly, there is no measurement of post-secularism in Europe, and the second is that based on other studies trying to pinpoint empirically, no country fulfils the criteria (Fokas, 2009; Roldan, 2017). Therefore, the question is not whether Europe is post-secular but rather what the Church-State models are and how the notion of post-secularism can help pinpoint current challenges.

Church-State relations influence how a government may relate to religious groups (Monsma & Soper, 2009). Four models have been related to European countries: the first one refers to countries with a state or national church such as Malta or Denmark; the second is a strict separation model, like France; the third is a preference for one or more specific religions like in Spain or Portugal (Monsma & Soper, 2009; Fox, 2015); and the final one is known as the cooperation model, where most European countries can be located.

The first model is the established church, where the state and the chosen church are seen as the two main pillars in a society (Monsma & Soper, 2009). The definition already explains that countries that follow this model do not practice secularism in their public sphere. This scenario tends to go hand in hand with a religious monopoly, either by one or a maximum of two churches. Most of the population belongs to the preferred church, which makes the entrance of new religious groups extraordinarily challenging, as they face several difficulties (Stark & Iannacone, 1994). Because of the lack of religious diversity, together with the absence of a strong public voice, governments lack an agenda for religious accommodation of other religious groups different from the established Church (Ahdar & Leigh, 2013).

The second model, separation, is characterised by a defined separation between the church and state which applies to all religious groups (Monsma & Soper, 2009; McConnell, 2000). The idea is to maintain religion as a private matter (Ahdar & Leigh, 2013), and it could be described as the empirical translation of

secularism. In its softer form, it allows religious public participation in certain areas, whereas, in its rigid form, it excludes it entirely from the public. Religious groups do not face challenges for entrance; these countries can be highly pluralistic. However, the downside is that religion tends to be pushed to the private sphere and governments reject any special treatment towards a religious group.

The third model, preferred religion, is an in-between as countries do not have an official religion but show preference towards one or two religious' groups (Fox, 2015). In this case, one religion receives the most benefits compared to the other groups present, as the state actively singles them out (Fox, 2015; Ahdar & Leigh, 2013). In this context, despite countries attempting to portray a secular front, they do not follow the neutrality principle towards religion core to the secular theory.

The fourth model, cooperation, is the one that recognises the existence and presence of several religious groups (Monsma & Soper, 2009). Because of the diverse demography, governments tend to work with accommodation as a tool for managing religious pluralism. However, they do so mainly as exceptions rather than the other forms of accommodation. This scenario is friendlier towards religious groups, and the entrance for new ones is more accessible than in other contexts. However, the model focuses on the normative part, as the empirical shows failures to accommodate and discrimination (Fox, 2019b).

The models provide the unaware eye with a starting point to understand the challenges countries face because of the presence of religion in the public sphere. They facilitate understanding the origin of those challenges, their explanatory weight on current regulations, and their historical importance and evolution over time. However, the models on their own do not offer sufficient explanations for specific cases or paradoxes within the national context (Astor, 2014). It is against this background that the question of whether secularism as a strategy can be rescued from the predicted failure (Habermas, 2008b).

Rethinking Secularism

As previously explained, EU countries are not post-secular in theory or practice, and some have not even reached secularity. Thus, the question is whether the ideas and principles brought forward by post-secularism are compatible with secularism; the proposal is to redefine the idea of secularism. It is clear that the secular notion has been heavily criticised and considered to be in crisis, while post-secularism rose as the solution (Modood, 2019). However, they might not be as different as one could think.

To properly understand the concept of secularisation, differentiation is crucial due to the multifaceted nature of its meanings and dimensions (Dobbelaere, 1981; Bader, 2014). In this vein, the idea of secularisation can be defined in three primary connotations, according to Casanova (2013):

- Differentiation of the secular sphere from religion.
- The decline of religious beliefs and practices in modern societies.
- The privatisation of religion.

The differentiation of a secular sphere refers to the separation of the state, the economy and science from ecclesiastical institutions and religious norms (Casanova, 2013). In other words, public spheres without any religious influence over their existence. The decline of religious beliefs and practices is the most used connotation of secularism, where through the process of modernisation, people change religious beliefs for science (Casanova, 2013). While the privatization of religion refers to the transition into a more private practice (Casanova, 2013). Secularisation, thus, refers to the processes that translate the idea of secularism into reality either because of religious decline, separation of spheres or privatisation of religion.

The main problem with secularism is what can be referred to as the Secularist Paradox or the Secular Imbalance (Casanova, 2006; Habermas, 2006). Religious citizens accuse the secular system of demonizing their beliefs and, in some cases, relegating them as “second-class citizens” (Rosenblum, 2000). This peculiarity refers to the fact that in the name of freedom, individual autonomy and tolerance, religious people must keep their religious beliefs, practices, and identities private which can cause severe burdens to religious people (Casanova, 2006).

Several alternative models were brought to light in response to the incompatibility of the predominantly used definition of secularism. One of those alternatives is *Open Secularism*, as Bouchard and Taylor (2008) proposed. The idea is to develop secularism that ensures equality between religious and non-religious people through state neutrality towards religion. This basis of state neutrality is similar to the model of *Religious Pluralism* proposed by McConnell (2000), with the extra step of applying that neutrality to groups and not just individuals (Walker, 2000). Another alternative is *Moderate Secularism*, which includes state recognition of religious groups and even provides support through social policy, but it maintains a firm principle of separation between religious and political authorities (Modood, 2019). These proposals encompass the ideas brought forward by post-secularism of acknowledging religious presence in the public sphere without attempting to privatise it or make it disappear.

Secularism, as seen by the diverse definitions, is multidimensional, and the focus needs to land on the proposal of state impartiality rather than on the disappearance of religion. Neutrality towards religion is crucial to solving the injustices and incompatibilities presented by the secular paradox and from general critics that focused on the lack of applicability of the theory and described a crises of secularism (Sherer, 2010; Bhargava, 2010). That means a state that holds no opinion over any religion but ensures the freedom of individuals to practice or not their religion (Modood & Kastoryano, 2006). With this change in the focal point, secularism can return to be a critical context for today's religiously pluralistic Europe.

The puzzle of religious accommodation

Although the accommodation question has been discussed for years, an official definition of the matter does not exist. In any case, there seems to be a consensual general idea of religious accommodation. Some define *religious accommodation* as an individual and fundamental right of those with strong convictions who have a burden to practice their moral conducts (Bou-Habib, 2006). Others pin accommodation as a process through which someone takes the burden away from religious people to conduct certain religious practices (Schlanger, 2014; Nussbaum, 2008). These definitions, however, are insufficient, as they fail to consider the multidimensionality of religious accommodation.

This chapter chooses to define governmental religious accommodation as a political right provided by governments through the process of public policy. Through this definition, one can consider the state as a provider of accommodation, and citizens as the ones who request it. Furthermore, by considering public policies, other factors that influence the process are also considered, such as the general search for public good without creating difficulties to others. It is also crucial to center the focus on the governmental area, as religious accommodation can also pertain to societal attitudes towards other religious groups. Finally, this definition allows governmental religious accommodation to be measurable and identified in societal contexts, thus, it extracts the concept from its supposed normative nature into a more empirical one.

There are different aspects of religious accommodation, as an interdisciplinary issue, religious accommodation comprises legal, political, sociological and even philosophical aspects (Bader, 2007). Therefore, the matrix needs to reflect this, but at the same time, carefully merge them. The aspects identified throughout the literature are four.

The first criterion to be provided is the reasoning behind whether accommodation should or should not happen (Bou-Habib, 2006; Bou-Habib, 2018; Laborde, 2017; Nussbaum, 2008; Wintemute, 2014). The second one, forms it can be provided, sees accommodation as a toolbox with different tools, so it essentially describes the tools accommodation offers (Seglow & Shorten, 2019; Jones, 2017; Kymlicka & Norman, 2000; Walker, 2007; Kymlicka, 1992; Schlanger, 2014). The third explains some contextual factors that can influence whether accommodation is used or not (Somasundram *et al.*, 2017; Fox, 2015; Gill, 2008; Grim & Finke, 2006; Finke, 2013; Cumper, 2007). The fourth is the different ways groups can ask for an accommodation, based on the data provided by sociologists and political scientists (Tatari, 2009; McLennan, 2009; Knott, 2016; Vasquez & Dewind, 2014).

Criteria for accommodation

When it comes to the criterion, there are two trends of justification, the one that focuses on accommodation as a fundamental right and the one that bases it on personal integrity. It is justified as a fundamental right when there is a clash between fundamental rights or freedoms or rules, regulations, or institutions (Bader, Alidadi, & Vermeulen, 2013; Nussbaum, 2008; Eisgruber & Sager, 2007; Wintemute, 2014). This perspective is generally defended in the legal sciences, but the social sciences also touch it under the right of religious freedom (Ketscher, 2007; Gill, 2008). On the other side, integrity-based accommodation explains that a person's integrity is influenced by the capacity to fulfill their perceived duties; in that sense, not practising actual religious conduct would directly violate their integrity (Bou-Habib, 2006; Laborde, 2017). Said justification is used in the legal sciences because, in some cases, the law will clash with a person's integrity, which is maintained when a person acts by their perceived duties (Bou-Habib, 2006). It is applicable for instances in which the right to religious freedom does not protect all the diverse duties a person may have in their religion.

Forms to provide accommodation

Once it is determined whether an accommodation can be provided, the next aspect is implementing it. Despite being able to take several forms like changes in legislation, suchlike adding other faith's religious personnel to the already existing chaplaincy services (Schlanger, 2014), or the creation of new ones, like the regulation of religious slaughter in some European countries, the focus

usually lands on exemptions (Seglow & Shorten, 2019; Jones, 2017; Levy, 1997). Exemptions are seen as instruments used by the judicial system to correct existing disadvantages of one or several groups compared to the majority (Jones, 2017). The general concept of exemptions has been discussed in the legal sciences and the areas of political philosophy, principally because they can apply to non-religious cultural practices (Kymlicka & Norman, 2000). They have been a tool to equalise the field of cultural and religious practices for as long as the multicultural state existed (Kymlicka, 1992).

Contextual factors for accommodation

Based on the need for state recognition, one can pinpoint it as a crucial provider and actor that can choose one or some religions over others (Somasundram *et al.*, 2017; Fox, 2015; Gill, 2008; Cumper, 2007; Lipset, 1981). This idea complies with the belief that states can have different approaches, and one approach favours one specific religious group over others (Grim & Finke, 2006). There is the idea that actors within the state behave rationally and aim to increase the state's revenue and reassure their position within the state apparatus (Gill, 2008). Therefore, they tend to make decisions that are not costly for any of their goals, nor economically or politically; these usually involve being in accord with society's majoritarian view on an issue (Gill, 2008). A second factor that can have a role in how a government regulates religion is its will and commitment towards religious freedom (Finke, 2013). However, if the state consistently complied with public opinion, accommodation would be an impossible matter. One can recognise that the state has limited resources, so that some accommodations may be denied due to their costs (Cumper, 2007).

Religious accommodation as a political right

The focus goes to the Institutionally based religious accommodation which is founded on one's religious right and the anti-discrimination principle. Even though both are categories of accommodation, they focus on the justification while the institutional one goes one step further, relating it to religious governance by states. Therefore, because institutional-based religious accommodation is provided and regulated by states (Lillevik, 2020), it can be considered a political right that forms part of the general umbrella of religious governance. It is justified through one's personal right because it builds upon religious freedom, if it does not endanger society. It is also based on anti-discriminatory principles because

the general purpose is to level the field between religious and non-religious people by eliminating burdens.

As a political right, it can be provided as changes in existing legislation, the regulation of new practices and the most common exemptions (Seglow & Shorten, 2019; Jones, 2017; Levy, 1997). Even though exemptions are the most common, countries are starting to increase regulation of religious groups, specifically minorities. Within those regulations, religious accommodation can identify three areas in practice: materials, practices, and rights. Daily or special occasion rituals need specific materials that can range from books, cups, or specific utensils; access to them is essential for proceeding with those rituals. The second area, general practices, refers to essential routines for a religious person's daily activities. These endeavours or celebrations involve a wide range of activities such as rites of passage, burial, clothing and religious symbols and dietary laws. Finally, talking about rights refers to the legitimate observance of services or practices protected under the religious freedom right, such as the access of clergy to jails, military bases, hospitals, and other public entities.

A different formula: secular religious accommodation

The type of religious accommodation described here can be categorised, as a political right based on personal religious rights and the anti-discrimination principle. It is political in that a formal state institution must provide it and adapt its organisation to relieve the burdens. It is also a personal religious right because the main reasoning is the fundamental human right of practising whichever religion one chooses if it does not endanger others or oneself. Moreover, it is anti-discriminatory because its fundamental principle is to equalise the field between religious and non-religious people, aiming at equal opportunities to live their beliefs.

With this idea of equality, religious accommodation's crucial relation with secularism can be established. As previously proposed, secularism refers to separating the political sphere from the religious one, highlighting the idea of neutrality towards religious groups and, in a sense, acknowledging their presence and respecting their rights without providing them with political power (Bouchard & Taylor, 2008; Modood, 2019). Secularism as state neutrality can come to life through religious accommodation as its primary tool to govern religious groups. Religious accommodation as a tool can be provided through changes in existing legislation, the regulation of new practices and exemptions (Seglow & Shorten, 2019; Jones, 2017; Levy, 1997).

At this moment, the redefined secularism and its principle of neutrality come into action as governments recognise the presence of religion in the public sphere, not only as a private matter. The regulation of religious practices is then, ideally, conducted through a secular decision-making process that attempts to provide equal treatment to all religious groups. Therefore, it is proposed that religious accommodation is the tool that would allow secularism to remain relevant.

Based on this context, three accommodation areas can be pinpointed: materials, practices, and rights. They cover the different needs religious people tend to ask for to conduct their practices (Knott, 2016). One of the most basic requirements for the private and public observance of religion is the accessibility to materials used for rites, ceremonies, and personal means. The second area concerns conducting the practices themselves either publicly or privately. Practices involve various activities such as rites of passage, burial, clothing, religious symbols, and dietary laws. The third area involves a legal perspective, as it involves rights. Most of them fall under the protection of the right to religious freedom, such as the access of clergy to jails, military bases, hospitals, and other public entities.

Together, those three provide a multidimensional option to identify religious accommodation empirically within secular societies' public and private spheres. Therefore, the discussion of accommodation and secularism is not separate but a conjoint one. Refocused secularism needs religious accommodation to transition into a measurable and more realistic context, and accommodation needs secularism to fit into a framework of its own.

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