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## **Liberal Nationalism and Symbolic Religious Establishment**

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### **Abstract**

The chapter examines whether religious markers can legitimately be part of a state supported national identity. We examine this question in relation to symbolic religious establishment involving state endorsement of religion by way of symbolic measures such as crucifixes in public schools. Both the liberal neutralist position, which rejects any state endorsement of culture or religion, and the liberal culturalist position, according to which culture but not religion can be endorsed by the state, are mistaken. Instead, we argue for a disaggregation approach, which views religion (as well as culture) as phenomena with several dimensions that each raise different issues of legitimacy. The disaggregation approach allows state support of religion, provided this does not violate liberal conditions of legitimacy. We consider arguments for symbolic religious establishment based on claims that it does not alienate religious minorities, is liberal in content, and draws on cultural rather than theological dimensions of religion. This is not sufficient to show that the state can support a national identity with religious elements because the arguments for symbolic religious establishment assume too simplistic an interpretation of the liberal condition of inclusion. Therefore, while the disaggregation approach in principle allows for state support for a national identity with religious elements, especially in cases of *vestigial* establishment, actual cases of symbolic

religious establishment, especially cases of *neo*-establishment, often fail at the bar of equal inclusion.

### **Keywords**

Church and state; Liberal Nationalism; Liberal legitimacy; Politics and religion; Religious establishment

In recent years, heated debates have erupted over the place of majority religions in the public sphere of European liberal democracies. Contested practices have ranged from the display of crucifixes in Italian schools and German public buildings, to the preservation of the Christian character of the national landscape through a ban on Islamic minarets in Switzerland, through to the continued ceremonial role of the Church of England in British public life. These are instances of what we may call symbolic religious establishment. They connote practices associated with ‘Christianist secularism’ (Brubaker 2016), whereby the symbols of a traditional, culturalized Christianity are mobilised to underpin a sense of collective identity and social cohesion, as well as an affirmation of liberal western values, at a time of popular anxiety about globalisation, migration and cultural dislocation. Such practices raise a difficult question. How compatible is symbolic religious establishment with liberal values?

Two preliminary responses can be identified. To its critics, any form of religious establishment, even symbolic, is straightforwardly incompatible with the principles of separation of state and religion and of state religious neutrality. To its defenders, it can be an acceptable mode of liberal nationalism. This is because the officially endorsed religious markers are in fact benign cultural symbols, which can be harnessed to the promotion of a thin sense of shared national identity. The disputes over symbolic religious establishment, then,

raise difficult questions about the relationship between liberal nationalism and secularism, and between culture and religion.

In this Chapter, we argue that settling these disputes involves a more sophisticated analysis of these concepts – and of the communicative meaning of various symbols - than participants on both sides of the debate have thus far deployed. While it is true that symbolic establishment mobilises ‘culture’ rather than ‘religion’ (in a sense that we shall explain), we argue that this in itself does not make it more inclusive, as culture can be as exclusive as religion. The burden of our argument is to show when it is so.

We proceed as follows. First, we explain and refute the traditional liberal view, according to which there is an essential dis-analogy between religion and culture, such that only culture, but not religion, can be endorsed by the state. Second, we present the argument in defense of symbolic religious establishment, according to which it is permissible, as long as it is non-alienating, liberal and culturalized. Third, we cast doubt on this claim, and explain how, even if symbolic religious establishment exhibits these features, it might still violate standards of equal inclusion. This is particularly the case, we suggest, for what we call ‘neo’ (as opposed to ‘vestigial’) Christian establishment.

## 1. Testing the Dis-analogy Argument

Debates about liberal nationalism have often focused on or simply assumed classic distinctions, e.g. between ‘ethnic’ and ‘civic’ nationalism (Seymour et al. 1996; Stilz 2009). Liberal nationalism based on *the national identity argument*, according to which a shared national identity is necessary for (or at least facilitates) democratic citizens’ motivation to pursue liberal political goals such as social justice (Miller and Ali 2014), requires a national identity ‘thick’ enough to secure solidarity but ‘thin’ enough to be liberally acceptable (Banting and Kymlicka

2017, pp. 19-20). This approach tends to make the central question one about whether a common identity can be labelled cultural or not (as opposed to ethnic (too thick) or merely political (too thin)).

However, this focus has turned the theoretical debate away from one important question, which has simultaneously achieved rising prominence in everyday politics. The interest in and concern over nationality has to a large extent been a response to increasing diversity (Orgad 2015). It is mainly the growing multicultural nature of western states that has prompted politicians as well as theorists to debate the importance of a shared national identity. Whereas nationalism was earlier mostly a concern in cases with potentially secessionist minorities pitted against national majorities, the recent concern with nationality has extended to all Western countries whether or not they face secessionist challenges. The kind of diversity that occasions this is accordingly associated with immigration, whether actual (as in Western Europe) or potential (as in parts of Eastern Europe). Therefore, liberal nationalism is mainly supposed to secure conditions for social cohesion in circumstances of multiculturalism and immigration.

Whereas multiculturalism was originally, as the name implies, conceptualised as a matter of *cultural* difference, it has increasingly been reframed as an issue of *religious* differences (Lægaard 2017a). Roughly, in European daily political parlance, ‘multiculturalism’ has now become a label for debates and concerns about the presence of Muslims in traditionally Christian countries. This means that liberal nationalism is now in practice supposed to address a perceived problem that is increasingly framed in terms of the presence of religious (mainly Muslim) minorities of immigrant origin. Many politicians in Western states have reacted to this perceived problem by reaffirming the religious (Christian) roots of national cultures and liberal values. Whereas invocations of Christian symbols and references are now common in politics, academic theorists of liberal nationalism have not addressed the issue of religion

(Miller 2016 is an exception). What role may religion legitimately play in a national culture that liberals can support? To which extent can a national identity involve religious markers, or a certain attitude towards them, without becoming illiberal?

The standard answer to these questions is what we may call a *dis-analogy* argument. The thought is that religion is essentially different from culture, such that any endorsement of religion by the state is necessarily illiberal. Consider Will Kymlicka:

The analogy between religion and culture is mistaken... Many liberals say that just as the state should not recognize, endorse, or support any particular church, so it should not recognize, endorse, or support any particular cultural group or identity. But the analogy does not work. It is quite possible for a state not to have an established church. But the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services. The state can (and should) replace religious oaths in courts with secular oaths, but it cannot replace the use of English in courts with no language. (Kymlicka 1995, p. 111, see also Kymlicka 2001, p. 25)

In his argument for the possibility (and desirability) of a liberal culturalism, Kymlicka assumes a dis-analogy between culture and religion: whereas the state cannot (and should not) be neutral regarding issues of culture, it can (and should) be neutral regarding religion. To the extent that a national identity has religious elements, it therefore cannot be the focus of a liberal nationalism. Kymlicka is here echoing a widely accepted liberal tenet, that of the need for a strict separation between state and religion. Yet he does not ask *why* religion should not be

endorsed by the state. What is it about religion that makes its endorsement by the state impermissible, by liberal standards?

The answer to this question draws on previous work by one of us (Laborde 2017). Official endorsement of religion by the state is problematic for liberal legitimacy because of three features that are typically (though, as we shall see, not necessarily) associated with religion. The first is the *inaccessibility* of religious commitments: state officials cannot appeal to the truth of religious doctrines to justify laws and policies, as this would compromise the ideal of justification in public reason. The second is the *comprehensive* scope of religious conceptions of the good: the state cannot coercively impose one religious way of life onto its citizens, as this would compromise personal liberty. The third is the *divisive* nature of religious identity: the state should not endorse one identity when this undermines the civic equal status of non-members of the recognised religion.

The ‘disaggregation’ of the concept of religion into these three salient dimensions has a number of advantages, which we briefly summarize here. First, it explains why liberals such as Kymlicka have deemed state endorsement of religion to be incompatible with liberalism: religion *is* often inaccessible, comprehensive and divisive – this explains why most instances of state religious establishment, including what have been called constitutional theocracies (Ran Hirschl 2010), are, indeed, illiberal, when they infringe on public justification, personal liberty and equal status. Second, the disaggregation approach explains why religion, but *not only* religion, is problematic from the point of view of liberal legitimacy. Some secular philosophies, cultures and ideologies can exhibit exactly those features that make religion unsuitable for state endorsement. One interpretation of French *laïcité*, rooted in a comprehensive secularist and individualist worldview, considers Islamic veiling to be incompatible with national identity (Laborde 2008). This comprehensive, homogenising secularism is contestable on exactly the same grounds as forms of illiberal religious

establishments. Third, the disaggregation approach explains why religion is *not always* unsuitable for state endorsement, if (contingently) it is not inaccessible, comprehensive or divisive. In these cases, official recognition of the majority religion by the state is permissible.

We now have a handle on the kind of principles that are relevant to assessing the legitimacy of practices of symbolic religious establishment (thereafter SRE) with which we opened this chapter. Evidently, SRE violates neither the accessibility nor the non-comprehensiveness requirement. SRE is usually justified, not by appeal to the inherent truth of Christianity, but by appeal to its historical and cultural resonance and the role it can play in sustaining a sense of national continuity and social cohesion: it can be justified in public reason. Likewise, the tenets of Christian comprehensive doctrines are not coercively imposed through the law; and members of religious minorities are free to practice their own religion without hindrance. This is the sense in which religious establishment is merely symbolic. If SRE affronts liberalism, then, it is by virtue of the third requirement, that of non-divisiveness. In the rest of this chapter, therefore, we concentrate on the question of whether SRE infringes the civic inclusion requirement.

Before we proceed, however, it is worth pausing to reflect on where this leaves the dis-analogy argument. Instead of setting ‘religion’ against ‘culture’, the disaggregation approach suggests that we should focus on the analogous, normatively relevant, salient features of both. Admittedly, religion is more likely than culture to be inaccessible in public reason and comprehensive in scope. Both, however, insofar as they can denote modes of social identity, can be subjected to the non-divisiveness test. To put the point in another way: the legitimacy of SRE, just like the legitimacy of a state-endorsed national culture, hinges on how well it meets the test of equal inclusion. In this respect at least, ‘culture’ and ‘religion’ are analogous, and there is nothing special, in itself, about religion.

## 2. The Argument for Symbolic Religious Establishment

Debates about SRE have arisen in relation to what has been called the European religious model. The Westphalian settlement, and, in particular, the principle of *cuius regio, eius religio*, strengthened the link between national identity and religion. Throughout Europe, historically dominant churches, even those churches that have been officially disestablished, continue to exert significant social influence. National churches perform social functions such as weddings and funerals, and host significant national and community events. Where the American model treats churches (plural) as voluntary associations, Europeans perceive the church (singular) as a traditional, state-supported institution whose membership comprises society as a whole (Davie 2000, p. 177; Berger et al. 2008). Consequently, many European states exhibit institutions of modest or weak establishment (Brudney 2005; Laborde 2013; Modood 2016; Miller forthcoming), including formal links between the church and state institutions, public funding of church-based welfare functions, the raising of church taxes, subsidies for church schools, and Christian ritual ceremonies in public places.

In this Chapter, we do not aim to assess the legitimacy of modest establishment *in toto*, for example in relation to liberal standards of neutrality or distributive fairness. Rather, we concentrate exclusively on its *symbolic* dimensions, which concern those practices that do *not* involve coercion, education, representation, taxes and benefits, or the distribution of public goods. We also take a broad view of SRE, referring not only to those practices that are associated with formally established churches (as in England or Denmark) but also those practices that do not depend on formal establishment, yet involve the official recognition of the majority religion by public authorities (as in Italy or Germany). It is, arguably, at the intersection of these practices that liberal nationalism meets religion: where state-promoted national identity deliberately incorporates religious markers. What are the arguments in favour



of SRE? In particular, in what sense is it compatible with the liberal ideal of civic inclusion? Reviewing the (still limited) literature on the subject, we identify three main answers: SRE (i) does not alienate religious minorities; (ii) is liberal in content and (iii) draws on the cultural not theological dimensions of religion. Let us explain them in turn.

First, SRE does not alienate religious minorities. To be fair, there are relatively few systematic empirical studies of these possible effects of establishment. One recent study does, however, attempt to test whether state support and funding for religion leads to alienation. Nahshon Perez, Jonathan Fox and Jennifer McClure have tested what they call ‘the argument for equality’. This is the claim that,

if a given state chooses one religion to support among those practiced within its population, members of other (typically) minority religions, atheists and non-observant members of the chosen (usually majority) religion will expectedly feel alienated, second-class citizens (Perez et al, p. 1)

Perez, Fox and McClure make the assumption that:

an important implication of the ‘equality justification’ is that there will be discernible empirical outcomes to its violation, i.e. that in cases in which the state supports one religion in various ways, members of (typically) minority religions will resent this non-egalitarian policy, and this resentment will be reflected in their views and opinions of the state and its organs. (Perez et al, pp. 2017: 5-6)

Perez, Fox and McClure operationalize this hypothesis in relation to cross-national data about confidence in state institutions like the parliament, the civil services, and the government,

relative to measures for state support of religion. They show that the available empirical data do not support the ‘equality argument’ thus understood: state support for religion is not systematically correlated with lower confidence. This is one attempt at answering the question about whether state support for religion is divisive. If the measures about confidence in institutions provide a plausible proxy for the relevant kind of divisiveness, then it seems that state support for religion does not necessarily undermine civic equality (Perez et al. 2017). It is further possible that establishment makes religious minorities feel more welcome, since it might signal a general acceptance of religion and might function as a bulwark against the pervasive secularization of Western societies (Modood, 1998; Modood 2016). As Tariq Modood has observed, it is ‘a brute fact’ that not a single article or speech by any non-Christian faith in favour of disestablishment can be found. ‘The minimal nature of the Anglican establishment, its proven openness to other denominations and faiths seeking public space, and the fact that its very existence is an ongoing acknowledgement of the public character of religion, are all reasons why it may be far less intimidating to the minority faiths than a triumphal secularism’ (Modood 1994, p. 53).

Second, SRE is liberal in content. It is a mistake, generally, to argue that religious symbolism is inherently divisive, illiberal and exclusive: it can be uniquely mobilizing, while being inclusive. Historically, religion has played a role in national mobilisation for liberal democratic goals: witness Martin Luther King’s advocacy for civil rights, Liberation Theology in South America, *Solidarnosc* in Poland during the eighties, and the initial phases of the Arab Spring in 2011. Likewise – it is claimed - European Christianity in recent decades has been a powerful driver of liberal values of tolerance, equality and inclusiveness, especially after it made peace with the secular state and the values underlying separation between church and state.

As a result, many historically Christian signs are now interpreted as the benign symbols of the moderate, liberal values of western democratic states. Consider, for example, an influential set of arguments deployed in European courts justifying the presence of crosses and crucifixes in public places. In the *Lautsi* case, concerning the display of a crucifix in an Italian school, the lower administrative court maintained that Christianity, understood correctly, contained within itself ‘those ideas of tolerance, equality and liberty which form the basis of the modern secular State, and ... the Italian State in particular’. On appeal, the Consiglio di Stato affirmed this view. Although it avoided the lower court’s questionable forays into theology, it agreed that the crucifix represented civic values, such as tolerance and freedom of conscience, which happened to have a Christian origin (ECHR 2011; Mancini 2006, p. 183; Movsesian 2012). Christian symbols are not religious markers but markers of freedom and secularism – they are not sectarian but inclusive in their message and appeal. Religious symbols are here harnessed to the promotion of liberal values. Some have gone further. Nigel Biggar for instance, argues that Anglican Christianity is a humanist tradition that can positively sustain liberalism and that liberalism needs to be sustained by one such tradition. Anglican Christianity is a plausible candidate in England, as are Kantian atheism or ecumenical Christianity in other countries (Biggar 2011). Similarly, Lutheran Christianity is claimed by some in Denmark to be a source of liberalism, and Lutheran establishment is argued to sustain both liberalism and (paradoxically as it may sound to some) secularism (Berg-Sørensen 2010).

The third argument in support of SRE is that what is established and endorsed by the state is a non-theological, culturalised Christianity – one which, because it does not require creedal assent but merely acquiescent socialization, is more inclusive of minorities. As the Bavarian higher administrative court put it its defense of crucifixes in public spaces, ‘the mere presence of the representation of the cross demands neither an identification with the *ideas or belief thereby embodied* nor any form of active behaviour oriented thereto’ (Mancini 2009, p.

2639). The broadly ‘cultural’ dimension of religion, especially in a European context, have been extensively studied by sociologists (e.g. Demerath 2000). Two felicitous phrases have been coined in this respect. The first is that of ‘belonging without believing’. Even if they do not practice their religion, large numbers of Europeans continue to maintain formal affiliation with traditional churches, which they see as part of what it means to be a member of the national community (Berger et al. 2008, p. 15). Religious belonging is associated with national identity in a looser sense as well: Catholicism, for example, provides Italy’s ‘civil religion’, the set of overarching cultural values to which most people implicitly assents. The second useful expression, which we owe to Grace Davies, is that of ‘vicarious religion’. The majority of society expects that an active minority will maintain the traditional church in its behalf—perform liturgies, celebrate marriages, repair sanctuaries and so on (Davie 2007, p. 127). Funerals provide perhaps the best illustration of both ‘belonging without believing’ and ‘vicarious religion’: notwithstanding the widespread availability of secular funerals, not many Europeans choose to have them. Christian funerals are supposed to be inclusive of all and sundry. Similarly, you do not need to believe in a Christian God or in the divinity of Jesus to partake in Christmas celebrations, from tree decoration to carol singing. Culturalized Christianity appears to be inclusive of both non-believers and minorities, because it does not require theological conformity.

SRE in Europe, in sum, does not affront the idea of equal inclusion because it does not alienate religious minorities, it is liberal in content, and its communicative meaning is purely cultural. In what follows, we cast a few doubts on this view.

### 3. Assessing Symbolic Religious Establishment

In this section, we do not attempt to deny the factual premise of the argument for SRE. That is, we do not deny that there are cases where SRE is non-alienating, liberal and culturalised. Instead, we argue that this is not sufficient to demonstrate that it is legitimate. Our argument, then, is mostly negative, and proceeds as follows. First, we show that the absence of subjective alienation of religious minorities is not a sufficient criterion of legitimacy of SRE. Second, we explain why the liberal content of SRE is not, either, sufficient to make it non-divisive. Third, we suggest that a reactive culturalized religion can be as exclusive as a theological religion, and we draw a distinction between *vestigial* and *neo-establishment*, as they impact differently on the status of minorities. We illustrate our argument throughout by references to contemporary SRE practices in Europe.

The first question before us is whether alienation (and non-alienation) is a sufficient metric for the illegitimacy (and legitimacy) of SRE. We suggest that it is not. Subjective feelings – the extent to which people feel unhappy or offended or alienated by what their state does - may be crucial epistemic *indicators* that something has gone amiss. But they are not sufficient, because how citizens in fact interpret establishment gives a descriptive answer to a normative question about when it is *reasonable* to view establishment as sending a message of inclusion or exclusion (Lægaard 2017b). As Joel Feinberg has showed in his masterful study of offence and the criminal law, it would be unreasonable to yoke law and policy to feelings of ‘abnormal susceptibility’ (Feinberg 1985, p. 35). Presumably, SRE supporters would not want to claim that if members of religious minorities were, say, alienated or offended by public celebrations of Christmas, this would in itself give reasons to ban the latter.<sup>1</sup>

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<sup>1</sup> Although we do not argue this here, alienation might furthermore not be a necessary condition for making SRE illegitimate, since it is at least conceptually possible that a law or act is exclusionary even though the relevant minorities are not in fact alienated by it. However, nothing in our argument here depends on this additional possibility. Also, despite our parallel to offence, offense is a weaker standard than alienation, since alienation

Therefore, we need to say more in order to establish the communicative meaning of public celebrations and symbols, in ways that are not reducible to how they are in fact perceived by citizens, nor to generalizations about the intrinsically exclusive dimension of religion.<sup>2</sup> SRE is wrong because of its communicative meaning, we suggest, when it *aggravates the social vulnerability of minorities*. We need to work with a precise definition of which groups are relevant *minorities*, as measured by objective criteria of collective vulnerability in particular societies. And we need to be sensitive to the communicative meaning of symbols: the semiotics of culture is inevitably context-dependent and must be – as we shall see – sensitive to the temporality of minorisation – the shifting impact of changing environments on the status of different groups.

To illustrate the importance of identifying who the relevant minorities are, consider the following example. Imagine that most atheists in England are alienated by the symbolic rituals associated with Anglican establishment: they think it archaic, unrepresentative and offensive to their convictions. Is this a politically problematic alienation? Probably not: atheists are not a socially vulnerable group in English society, and they are not vulnerable to discrimination *qua* atheists. SRE might be legitimate if it enjoys broad support among the population, as is not objectively divisive and exclusive of atheists (even if it might displease or offend them). In these cases, it is similar to state promotion of cultural activities – from the arts to particular sports – which does not infringe on the equal status of non-practitioners or non-adherents: the latter are not minorities in the sense that matters to the equal inclusion requirement. By contrast, of course, Muslims and Jews are minorities, not simply in the sense that they are a numerically

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here refers to a psychological relation between citizen and state, where citizens feel unable to identify with the state (cf. Lægaard 2017b, p. 121), whereas offense is a broader category that might take almost anything, including other people and their actions, as its object.

<sup>2</sup> For a rich analysis of Establishment Clause jurisprudence in this regard, see Haupt (2014).

less populated sub-set of the population but, rather, because they are a social group vulnerable to discrimination and neglect on ground of their religion.

How, then, should we interpret the fact – *if* it is a fact – that even vulnerable minorities such as Muslims do not generally object to, or resent, SRE? Here we must be careful. As Modood himself has emphasized, SRE might be a lesser-evil arrangement for them. ‘Muslims appreciate that establishment is a recognition by the state of the public and national significance of religion, and so holds out the prospect of a “multi-establishment” which disestablishment would foreclose without conferring any advantage to the religious minorities.’ (Modood 2016, p. 195). Even if Modood is right that Muslims might prefer a regime of modest establishment, such as England, to a regime of public secularism, such as France, it is still the case that between a regime of Anglican precedence and a regime of more equal recognition (which would secure the equal standing of all religions in schools and institutions such as the Lords), Muslims would opt for the latter. As pluralism grows, it is doubtful that a regime of Anglican precedence will continue to convey a message of inclusiveness without substantial moves towards multi-faith establishment.

Likewise, the continuing public precedence of Christmas in historically Christian states might be legitimate, as long as it is combined with proper acknowledgement of the presence of minorities. Such acknowledgement does not demand banning Christmas, but rather some additional recognition of other religious festivals such as Eid and Hannuka (Levey 2006). The upshot is that, even if we do not hold feelings of offense or alienation to be determinative of the legitimacy of SRE, we can still argue that the demands of *equal* inclusion speak against symbolic precedence of one religion, even if they do not make religious establishment itself impermissible.

There is, however, a further complication. The legitimacy of SRE does not merely hinge on how it secures the inclusion of *religious* minorities. There are other relevant minorities.

Consider homosexual couples in societies – such as England – where same-sex marriages are granted the full status of marriages, but the established church does not officiate them. At the time of writing, the Anglican Church offers blessings, but not full marriage, to homosexual unions. Homosexual couples now have full legal rights to marry, but this right is symbolically denied by the established church (Cornwall, S. 2018). Religious minorities (such as Muslims) might well welcome this symbolic assertion of the continuing value of the traditional family. But gay and lesbian citizens are *objectively* turned into second-class citizens when the national church – the church that is there to serve the whole citizenry, not simply the faithful – officialises a distinction between genuine and non-genuine marriages. This symbolic establishment (of traditional marriage) inscribes into the state a differentiated status between two classes of marriage, which perpetuates and reinforces the social vulnerability of homosexual citizens. A compelling argument in favour of disestablishment, therefore, might not be the attitudes of religious minorities towards vestigial Christian precedence but, rather, the growing gap between traditional religious norms of family and marriage and the inclusive recognition of gay and lesbian couples.

Second, defenders of SRE might retort that symbolic establishment has only rarely been harnessed to the preservation of conservative, traditional values: most often, it has served distinctly liberal values. It is highly doubtful, however, that the co-optation of religious symbols for liberal ends is compatible with the ideal of equal inclusion. As liberal values are expressed *through* religious symbols, the implicit message is that one religion – Christianity – has a privileged relationship - a monopoly, even - over these values. How are Muslims supposed to embrace liberalism if liberalism is thereby indigenized and particularised – if appeal to liberalism serves to erect a boundary between those who belong and those who do not?



Consider an analogy with what commentators have called the ‘homonationalist’ movement in Europe—notably in the Netherlands, Germany, and Scandinavia. Homonationalism refers to the defence of equality between sexualities as a key component of distinctively national (and western) identities. Homosexuality is played out in national debates about national identity, multicultural society and Islam, while in a wider geopolitical realm, it emerges as a marker of the ‘civilized West’. For example, the degree of acceptance of homosexuality is now an explicit criterion in nationality tests for foreigners in many European countries (Puar 2007; Mepschen et al. 2010). No doubt this reflects an understandable anxiety about the rejection by radical Islamists of what they describe as Western values of gender and sexual equality. But homonationalism problematically conjures up an idealised, mythical heritage of a gay-friendly Christian western culture, which it contrasts with an homophobic Arabic and Muslim culture. Not only is this a grave historical distortion, but it makes it very difficult for Muslim citizens of European countries to come to embrace liberal values in matters of sex and sexuality. And it is also very difficult for them to articulate dissent (let alone alienation), as they are caught in a double bind of cultural conformity and religious betrayal.

It is not sufficient, therefore, for a collective identity to have liberal content for it to be inclusive in the relevant sense. Even if Christianity has liberal content (which it has often not had), the important question for our purposes is what the *function* is of invoking liberal values *as* Christian values (Lægaard 2007), especially if this is done in relation to debates about what the criteria should be for access to citizenship and membership rights more generally, as in the homonationalism case. The relevant issue is which *effects* the linking of liberal values and Christianity has in terms of inclusion or exclusion of minorities. Here, Christianity is not primarily a set of beliefs or convictions but a marker for a social group and a historical tradition. Even if this group did hold liberal beliefs and this tradition had supported liberal policies, the link to Christianity signals that liberal values belong to or are especially reserved for this group.

The mere introduction of a *specific*, here Christian, social identity in relation to liberalism implies that liberalism is not for everybody and that non-Christians are somehow outside of the liberal community.<sup>3</sup> When liberal values are furthermore linked to membership criteria, e.g. in naturalisation programs, this link implies that non-Christians are not full citizens. If liberalism is deployed to set up and firm up the boundaries of the liberal community as culturally and historically Christian, it is problematic as the foundation of an inclusive national identity, since this is likely to have exclusive effects irrespective of the intentions behind or the content of the invocations of Christianity.

Third, and connectedly, it is becoming apparent that the move from ‘religion’ to ‘culture’ does not in itself render certain markers or symbols more acceptable by the standards of equal inclusion. One argument for SRE relies on the claim that culturalized religion, because it is not entangled with a sectarian, comprehensive, set of beliefs and doctrines, is thin enough to serve as one element of the ‘societal culture’ or ‘common culture’ spoken of by advocates of liberal nationalism (Kymlicka 1995; Miller 1995). Two things can be said in response. First, what counts as a merely ‘cultural’ symbol has been defined by European courts almost exclusively *from the viewpoint of majorities*. Perhaps secularized Christians in Italy perceive the crucifix in schools as a benign, inclusive symbol, but it is unclear why Jews or Muslims should accept this description. As Susanna Mancini has shown, ‘in both conflicts over majority as well as over minority symbols, courts and legislators tend to secularise the meaning of religious symbols and interpret them according to the sensitivities, prejudices and claims of the

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<sup>3</sup> In Rawlsian terms, it is true that there might be an overlapping consensus on liberal values where (some interpretations of) Christianity might provide one doctrinal basis for the support of liberal values. But there still is an important difference between the state endorsing liberal values (which it should) and endorsing one particular comprehensive doctrine linked to a historical tradition and social group not encompassing all citizens (which it should not, since it thereby excludes those citizens who are not part of this tradition and group).

majority'. The religious significance of majority symbols is interpreted in 'cultural' terms, as indicia of the historical and cultural dimensions of national identity, while minority symbols such as Islamic veils are interpreted as expression of values at odds with liberal and democratic ones (Mancini 2009).

Second, it is important to see that a 'thin' identity can be very exclusive indeed, if it is explicitly constructed in opposition to another identity. Sociologists have studied how 'symbolic boundary work' is central to the construction of national identities (Bail 2008; Zolberg and Woon 1999; Goldberg 2006). Clearly, European Christianity has recently been instrumental to this. 'Belonging without believing' does not necessarily denote a benignly tolerant, vestigial attachment to age-old traditions. Feelings of *ethnic religion* – as French sociologist Danièle Hervieu-Léger (2000, p. 157) has called it – have, on the contrary, been reactivated, mostly in the aftermath of 9/11 and fears around globalisation and migration. Tellingly, a poll in Britain saw the number of self-described Christians dramatically rise in the aftermath of 9/11 – an identitarian response to the assertion of Islam, rather than a continued expression of traditional faith. This broader context explains why *cultural* Christianity is not necessarily more tolerant or inclusive than *religious* Christianity. In fact, there is sociological evidence pointing out that people who define themselves as culturally Christian are more likely to harbour anti-immigrant, anti-Muslim sentiments than their practicing, religious counterparts (who are more likely to see foreigners, immigrants and refugees as brothers) (Scheepers et al. 2002). In Britain, it has been shown that many of the nominal Christians identify with the church or Christianity in order to signal their identity as 'white British' and to distance themselves from minority faiths (Storm 2011, p. 837).

This suggests that there is a temporality to the normative assessment of different practices of symbolic establishment. To see this, let us introduce a distinction – hitherto neglected in the literature – between *vestigial* establishment and *neo*-establishment. Vestigial

establishment refers to the continuing presence, in a range of institutions and practices, of the symbols and rituals of the historically dominant religion.<sup>4</sup> There are contexts where historically Christian symbols such as crosses have lost their religious valence – their expressive connection to the specific event of Christ’s death and resurrection. Consider, for example, the way in which a small cross symbol can signify the death of an author if placed near her name; or to indicate the presence of cemeteries on maps. Or consider the omnipresence of church spires, crosses and crucifixes within old universities such as Oxford and Cambridge. The symbolic presence of religion in these cases is vestigial and benign, as it does not generally aggravate or consolidate the social vulnerability of minorities. This is not, of course, to suggest that vestigial establishment is always benign. The purely vestigial meaning of symbols such as crosses depends to their physical location: their communicative meaning can be said to be different in a parliament, in a school, or in a museum or public square. Furthermore, the social meaning of symbols evolve: witness, for example, the way in which prominently placed statues of historical figures closely associated with slave-holding, racism and imperialism have been subject to robust contestation.

The normative relevance of temporality, however, is more directly salient in cases of neo-establishment. These are cases where political communities decide to re-state, reaffirm, and re-establish the public prominence of the historically dominant religion. Consider, for example, the decision by the Bavarian parliament according to which ‘in consideration of the Bavarian historical and cultural connotation, a crucifix shall be displayed in all classrooms’ – on the ground that they are ‘an essential object of the general Christian-occidental tradition and common property of the Christian-occidental cultural circle’ (Mancini 2009, pp. 2633, 2636). This reactive decision to *install* crucifixes in public institutions is more salient, normatively

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<sup>4</sup> For stimulating reflections on vestigial religion, see Goldenberg 2015.

speaking, than the Italian maintenance of crucifixes in schools. There are a number of reasons for this. First, the threshold of justification is (intuitively) higher for intentional, deliberate decisions than for inadvertent or negligent omissions. Second, while it can be plausibly suggested that the meaning of vestigial symbols can be acceptably ‘passive’, pluralist, or neutral, the meaning of neo-establishment is not so benign. What we called ‘Christianist secularism’ in Europe aims openly to reaffirm the Christian roots of European and Western civilization, through the tight association of collective identity with the proud display of Christian symbols.

What *message* does this send to non-Christian minorities? It is a message of exclusion. It says, in effect, that ‘we’ define ourselves in opposition to what ‘we’ are not – it says that ‘we’ are Christian, not Muslim. It is this specifically exclusionary dimension of collective identities that neo-establishment makes salient. And this exclusionary dimension can be diagnosed regardless of the stated intentions of policy-makers, and regardless of the subjective reactions of members of minorities (although both, of course, can be indicators of exclusion). Neo-establishment is not a benign cultivation of vestigial traditions and symbols but, rather, a distinctively reactive movement motivated by fear of migration, globalisation and Muslims.

Consider, as an example, the Swiss decision to ban the building of Muslim minarets. This was justified by some as the expression of a benign cultural Christian heritage, concerned with the preservation of the historical landscape made of small villages and towns adorned with church towers and spires. However, the application of existing building regulations would have been sufficient to protect this merely vestigial form of cultural tradition. What the minaret ban unambiguously communicated, instead, was that Islamic monuments symbolised the outer boundary of the imagined community of Swiss citizens – minarets, and thereby Muslims, were un-Swiss (Miller 2016; Laborde forthcoming). The fact that few

Muslims in Switzerland wanted minarets is irrelevant to this judgement. Muslims were not rejected because of their ‘first-person’ faith and belief but, rather, because of a ‘third-person’ judgement about their presumed identity. This suggests that when religion is interpreted as culture – here understood as a third-person or ‘assigned’ mode of social identity – it can be as exclusive as theological religion. This, we have suggested, is what is wrong with recent cases of religious symbolic neo-establishment in Europe.

### Conclusion

In this Chapter, we have examined whether religious markers can legitimately be part of a state supported national identity. This issue arises within the discussion of liberal nationalism, so we considered the question in relation to liberal conditions of legitimacy. State support of a national identity with religious elements is impermissible when it infringes people’s right to religious freedom or discriminates on the basis of religion. However, the cases that prompted our question are not like this. They are, rather, examples of what we call symbolic religious establishment, where the state respects formal rights but gives symbolic precedence to one religion, e.g. by making crucifixes obligatory in public schools or by preserving the Christian character of public spaces by outlawing Islamic minarets.

We showed that both the liberal neutralist position (the rejection of any state endorsement of culture and religion) and the liberal culturalist position (the view that culture but not religion can be endorsed by the state) are mistaken. Against both of these standard positions, we made a case for a strategy of disaggregation, which views religion (as well as culture) as phenomena with several dimensions that each raise different issues of legitimacy. We further argued that the dimension of most relevance to the assessment of symbolic religious establishment is the one concerned with equal inclusion.

The disaggregation approach complements liberal nationalism well, in the sense that it allows state support of religion as well as of culture, as long as this does not violate the liberal conditions of legitimacy. The question then is whether and when symbolic religious establishment fulfils these conditions. We considered arguments for symbolic religious establishment based on the claims that it does not alienate religious minorities, is liberal in content, and draws on the cultural rather than theological dimensions of religion. While we acknowledge that each of the claims are sometimes true, we nevertheless argued that this is not sufficient to show that the state can support a national identity with religious elements. This is because the arguments for symbolic religious establishment assume too simplistic an interpretation of what the condition of inclusion requires. Even if minorities do not feel alienated, and the content of the endorsed religious markers is liberal and non-theological, symbolic religious establishment can still function as a way of excluding minorities from equal standing as members of the national community. Therefore, while the disaggregation approach in principle allows for state support for a national identity with religious elements, both the actual cases of symbolic religious establishment and the arguments for its permissibility often fail at the bar of equal inclusion.

This leaves one question, which we have touched briefly upon earlier, but would like to underline here towards the end. The central claim of the disaggregation approach is that religion is not special. None of the liberal conditions of legitimacy we have considered apply uniquely to religion. This means that it is not only state support of national identities with religious elements that might run afoul of the condition of inclusiveness. Anti-religious views might be exactly as problematic as part of a state supported national identity. The reason is that, if the state actively signals that religion as such is bad or dangerous, it thereby communicates that religious people are not full members of the national community, just as a state that makes crucifixes obligatory conveys the message that non-Christians do not belong.

The driving concern behind the part of the disaggregation approach we have focused on is the requirement of equal inclusion and this can be triggered by symbolic religious establishment as well as by state-sponsored hostility to religion.

We started out by noting that liberal nationalism originated as a response to cultural diversity. This is especially the case for versions of liberal nationalism based on the national identity argument, according to which state support for a common national identity is justified as a way of securing social cohesion, which is in turn deemed necessary because of the challenge of cultural diversity. We then noted that this diversity has gradually been reframed in religious terms, so that the challenge to social cohesion now is often perceived and presented as arising from the presence of religious minorities. This is a descriptive claim about the actual development of political debates. Our subsequent argument against this background yielded a theoretical claim about the status of religion and culture in liberal political theory, namely the implication of the disaggregation approach according to which state support of both religion and culture should be assessed against the same standard of legitimacy. So while our initial description of the development of the debate might have given the impression that the terms of the debate has changed, our ultimate theoretical claim is that the normatively relevant conditions of legitimacy remain unchanged. It is still the case that liberalism requires the state to respect all people as equals, irrespective of their cultural or religious background or identity. Symbolic majority precedence does not become more acceptable to liberalism just because the majority in question is referred to in cultural instead of theological terms. Conversely, just as the state can support a national identity with specific cultural elements, such as a national language, it can in principle support a national identity with religious markers, but on the same condition, namely that this does not signal exclusion of minorities. We have suggested that this condition is more likely to be fulfilled when the religious markers are merely vestigial, whereas forms of neo-establishment are more likely to be reactive and therefore almost always



exclusionary, since they consist in actively defining the national identity against some religiously defined ‘other’.

## **Bibliography**

Bail, C. A. 2008. ‘The Configuration of Symbolic Boundaries against Immigrants in Europe’. *American Sociological Review* 73(1): 37-59.

Banting, K., and W. Kymlicka. 2017. ‘Introduction: The Political Sources of Solidarity in Diverse Societies’. In: *The Strains of Commitment: The Political Sources of Solidarity in Diverse Societies*, edited by K. Banting and W. Kymlicka, 1-44. Oxford: Oxford University Press.

Berger, P., G. Davie and E. Fokas. 2008. *Religious America, Secular Europe?* Aldershot: Ashgate.

Berg-Sørensen, A. 2010. ‘The Politics of Lutheran Secularism: Reiterating Secularism in the Wake of the Cartoon Crisis’. In: *Religion in the 21st Century: Challenges, Transformations*, edited by L. Christoffersen, H. R. Iversen, H. Petersen and M. Warburg, 207-214. Farnham: Ashgate.

Biggar, N. 2011. ‘Why the ‘establishment’ of the Church of England is good for a liberal society’. In: *The Established Church: Past, Present, and Future*, edited by M. Chapman, J. Maltby, and W. Whyte, 1-25. London: T. & T. Clark.

Brubaker, R. 2016. 'A new "Christianist" Secularism in Europe'. *The Immanent Frame*, 11 October 2016 ; <https://tif.ssrc.org/2016/10/11/a-new-christianist-secularism-in-europe/>

Brudney, D. 2005. 'On Noncoercive Establishment'. *Political Theory* 33(6): 812-839.

Cornwall, S. 2018. *Sexuality, Same-Sex Marriage and the Church*, February 2018, Religion Media Centre, April 23. <https://religionmediacentre.org.uk/factsheets/sexuality-same-sex-marriage-and-the-church-february-2018/>

Davie, G. 2000. *Religion in Modern Europe*. Oxford: Oxford University Press.

Davie, G. 2007. *The Sociology of Religion*. London: Sage.

Demerath, N. J. 2000. 'The Rise of "Cultural Religion" in European Christianity: Learning from Poland, Northern Ireland, and Sweden'. *Social Compass* 47(1): 127–139.

European Court of Human Rights (2011). *Lautsi v Italy; No 30814/06* (Judgment of 18 March 2011).

Feinberg, J. 1985. *Moral Limits of the Criminal Law Vol 2: Offense to Others*. Oxford: Oxford University Press.

Goldberg, D. T. 2006. 'Racial Europeanization'. *Ethnic and Racial Studies* 29: 331-64.

Goldenberg, N, 2015, 'The Category of Religion in the Technology of Governance: An Argument for Understanding Religions as Vestigial States', in Stack T, Goldenberg N, Fitzgerald T., *Religion as a Category of Governance and Sovereignty*. Leiden: Brill, pp. 280-292.

Haupt, C. 2014. 'Active Symbols'. *Boston College Law Review* 55(3): 821-877.

Hervieu-L  ger, D. 2000. *Religion as a Chain of Memory*. Cambridge: Polity.

Hirschl, R. 2010 *Constitutional Theocracy*. Cambridge, Mass.: Harvard University Press.

Kymlicka, W. 1995. *Multicultural Citizenship*. Oxford: Oxford University Press.

Kymlicka, W. 2001. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. Oxford: Oxford University Press.

Laborde, C. 2008. *Critical Republicanism: The Hijab Controversy and Political Philosophy*. Oxford: Oxford University Press.

Laborde, C. 2013. 'Political Liberalism and Religion: On Separation and Establishment'. *Journal of Political Philosophy* 21(1): 67-86.

Laborde, C. 2017. *Liberalism's Religion*. Cambridge, Mass.: Harvard University Press.

Laborde, C. Forthcoming. 'Miller's Minarets. Religion, Culture, Domination'. In: *David Miller's Political Philosophy*, edited by Zofia Stemplowska, Daniel Butt & Sarah Fine. Oxford: Oxford University Press.

Levey, G. B. 2006. 'Symbolic recognition, multicultural citizens and acknowledgement: negotiating the Christmas wars'. *Australian journal of political science* 41(2): 255-270.

Lægaard, S. 2007. 'Liberal nationalism and the nationalisation of liberal values'. *Nations and Nationalism* 13(1): 37–55.

Lægaard, S. 2017a. 'Multiculturalism and secularism: Theoretical understandings and possible conflicts'. *Ethnicities* 17(2): 154–171.

Lægaard, S. 2017b. 'What's the problem with symbolic religious establishment? The alienation and symbolic equality accounts'. In: *Religion in Liberal Political Philosophy*, edited by C. Laborde and A. Bardon, 118-131. Oxford: Oxford University Press.

Mancini, S. 2006. 'Taking Secularism (not too) Seriously: the Italian "Crucifix" Case'. *Religion and Human Rights* 1(2): 179-195.

Mancini, S. 2009. 'The power of symbols and symbols as power: secularism and religion as guarantors of cultural convergence'. *Cardozo Law Review* 30(6): 2629-2668.

Mepschen, P., J. Willen Duyvendak, E. H. Tonkens. 2010. 'Sexual Politics, Orientalism and Multicultural Citizenship in the Netherlands'. *Sociology* 44(5): 962-979.

Miller, D. 1995. *On Nationality*. Oxford: Oxford University Press.

Miller, D. 2016. 'Majorities and Minarets: Religious Freedom and Public Space'. *British Journal of Political Science* 46(2): 437-456.

Miller, D. Forthcoming. 'What's Wrong with Religious Establishment?'

Miller, D., and S. Ali. 2014. 'Testing the national identity argument'. *European Political Science Review* 6(2): 237–259.

Modood, T. 1994. 'Establishment, Multiculturalism, and British Citizenship'. *Political Quarterly* 65(1): 53-73.

Modood, T. 1998. 'Multiculturalism, secularism and the state'. *Critical Review of International Social and Political Philosophy* 1(3): 79-97.

Modood, T. 2016. 'State-Religion Connections and Multicultural Citizenship'. In: *Religion, Secularism, and Constitutional Democracy*, edited by J. Cohen and C. Laborde, 182-203. New York: Columbia University Press.

Movsesian, M. L. 2012. 'Crosses and Culture: State-Sponsored Religious Displays in the US and Europe'. *Oxford Journal of Law and Religion* 1(2): 338–362.

Orgad, L. 2015. *The Cultural Defense of Nations: A Liberal Theory of Majority Rights*. Oxford: Oxford University Press.

Perez, N., J. Fox and J. M. McClure. 2017. 'Unequal State Support of Religion: On Resentment, Equality, and the Separation of Religion and State'. *Politics, Religion and Ideology* 18: 431-48.

Puar, J.K. 2007. *Terrorist Assemblages. Homonationalism in Queer Times*. Durham, NC: Duke University Press.

Scheepers, P., M. Gijsbert and E. Hello. 2002. 'Religiosity and Prejudice against Ethnic Movements in Europe: Cross-National Tests on a Controversial Relationship'. *Review of Religious Research* 43 (3): 242-65.

Seymour, M., J. Couture and K. Nielsen. 1996. 'Questioning the Ethnic/Civic Dichotomy'. In: *Rethinking Nationalism. Canadian Journal of Philosophy Supplementary Volume 22*, edited by J. Couture, K. Nielsen and M. Seymour, 1-64. Calgary: University of Calgary Press.

Stilz, A. 2009. 'Civic Nationalism and Language Policy'. *Philosophy & Public Affairs* 37(3): 257-292.

Storm, I. 2011. 'Ethnic nominalism and civic religiosity: Christianity and national identity in Britain'. *The Sociological Review* 59(4): 828-846.

Zolberg, A., and L. L. Woon. 1999. 'Why Islam is Like Spanish: Cultural Incorporation in Europe and the United States'. *Politics and Society* 27(1): 5–38.