

BOOK REVIEW

Belief, Law and Politics. What Future for a Secular Europe?

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A review of the book *Belief, Law and Politics. What Future for a Secular Europe?* (ed. by Marie-Claire Foblets, Katayoun Alidadi, Jørgen S. Nielsen and Zeynep Yanasmayan)

The book represents the latest product coming out of the large-scale European Commission-funded RELIGARE project focused on the challenges related to the increasing religious diversity in the contemporary Europe. Framed by the motif of disruption that has recently taken place in the sphere of the relationship between law, politics and religion, it seeks to identify and critically examine the interactions and tensions between two principles embedded both in the EU law and in the national constitutions of the EU states: *freedom of religion and belief* and *right to non-discrimination*.

Through a comparative, interdisciplinary analysis of various legal and sociological data sources from 10 EU member states (Belgium, Bulgaria, Denmark, Germany, Great Britain, France, Italy, the Netherlands, Spain and Turkey), it uses two yardsticks – “inclusive State neutrality” and “justice as even-handedness” – for assessing if and how “a balance between the application of non-discrimination norms (and their further expansion) and the protection of the right to freedom of religion and belief” is handled. Freedom of religion and belief is viewed in its broader sense as encompassing non-religious individuals as well traditional and non-traditional religious ones. “Inclusive State neutrality” can be understood as a position between strict neutrality and strict equality, enabling the State to manage competing claims of religions and beliefs on the public sphere without favouring one over another. “Justice as even-handedness” further develops the concept towards the recognition of “the legitimacy of active policies towards religion and belief, as long as they are applied in an inclusive way”.

The authors started from the assumption of prevalence of the secular legal arrangement in the states under scrutiny: “detaching the State and its institutions from religion would ultimately make society in democratic States more inclusive, providing a unitary legal and political framework within which religious and non-religious people can live together.” However, as they state, in reality,

“the ‘secular model’ followed in various European States is both complex and varied” (p. 13). Here, plurality of church-state models in (secular) European states comes into play producing different patterns of institutional arrangements, captured by a four-item typology: strict separation, established churches, concordats/agreement with churches and “conditional pluralism”.

The whole book consists of two parts: the RELIGARE project final report itself (pp. 3–50, incl. Introduction) and a vast bulk of responses and comments to the report organized into five sections, with almost thirty contributions from various disciplinary standpoints (pp. 55–282). The report is focused on four selected areas of social life: employment, family life, the public space and State-supported activities. In all cases, a summary of basic findings is presented first, followed by a series of recommendations addressed to various institutional legal and political subjects (local, national and supra-national).

Concerning the workplace issue, the report concludes that “there are gaps in the existing legal protection that make it difficult adequately to address (even modest) claims for religious accommodation in Europe” (p. 19). The concept of “reasonable accommodation” is employed, meaning appropriate institutional adjustments to make the system fair for different individuals. As the authors suggest, formal equal treatment of people irrespective of their particular personal traits (including religious identity) may come into conflict with equality in its substantive sense. A call for reasonable accommodation, then, means adaptation in the form of taking religious or belief-based identities into account for the sake of promoting non-discrimination. As far as family issues are concerned, the main legal conflicts related to religious diversity are associated with private international law issues. Typically, it is the problem of harmonizing the European civil law with local religiously inspired family laws coming from the dual status of many “transnational” migrant families settled in Europe.

The problem of using the public space is reflected primarily in two areas: religious dress codes and places of worship. The first of them, exemplified by hot debates on wearing headscarves, shows a considerable diversity of – often

strongly ideological – approaches in contemporary Europe. The report proposes a more nuanced solution of the problem by adopting “a case-by-case approach that refrains from applying the same rule to different situations” (p. 30). Regarding the second area, again, diversity and inequality of treatment are observed. Even here, important conceptual issues need to be thematized, the prominent one among them being the understanding of *neutrality*. Two basic meanings of the concept are mentioned: neutrality as the absence of distinctive quality or characteristics, and neutrality as no preference. Only in the second case there is a real chance for achieving neutrality as an attribute of the public space.

As far as state support mechanisms are concerned, two recent developments are identified as particularly relevant here: the individualization of lifestyles and personal convictions, and the increase of secularization. Both result in the processes of privatization and deregulation of religious life and its rendering to the private sphere and the market. At the same time, the historical models of State support are targeted with criticism for not promoting equal treatment of both old (traditional) and new (and minority) religious groups. The non-discriminative criterion of public benefit, instead of the legal status of a religious group, is

recognized as the demand gaining ground in the public forum.

It is difficult to sum up almost thirty contributions reflecting on the report. Rather, I would like to point out to the last section related to some issues that appeared in the public after the data in the project had been gathered and could not be explicitly addressed in the report. From today’s perspective, another topic should also be taken into account in dealing with the topic of the project: the current mass immigration to Europe which represents a big challenge for the unity and cohesion of Europe and its political institutions, as can be demonstrated by the disharmony between the EU states concerning the institutional response to the refugee crisis. Here, a clear division between the “West” and the “East” could be spotted. For this reason, it is regrettable that only one country from the post-communist bloc was involved in the project. It would be helpful to look more closely on the issues covered by the project in the context of the countries that were not long ago formed by anti-religious policies and the closure of borders with the surrounding world.

Competing Interests

The author declares that they have no competing interests.

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