

Church-State Relations in the World: Global Trends

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I've been asked to present a general survey of church state relations around the world. It is not possible for any single individual to present a comprehensive survey of church state relations, country by country, or even region by region. What I can do at best in my lecture is to attempt to outline what I consider to be the most relevant global trends, recognizing of course that there is no single global trend but many different and in many respects even opposed and contradictory trends.

In my view, the most significant trend of the last 50 years is the emergence of what I would like to call a global secular dispensation, a new dispensation which was recognized by the Council Fathers gathered at the Second Vatican Council here in Rome 50 years ago as a "Sign of the Times" and that was reflected in two of the most important documents of Vatican II, the Declaration on Religious Freedom, *Dignitatis Humanae*, and the Declaration on the Relationship of the Church to non-Christian Religions, *Nostra Aetate*. Both documents marked a break with the millennial Catholic tradition of church establishment and discriminatory distinction between "true" and "false" religion. Our global age has been rightly characterized by the prominent Canadian Catholic philosopher as *A Secular Age*. But 'secular' here does not mean without religion, but rather it means a condition of increasing pluralization of religious and non-religious options.

The key principle of the new global secular dispensation is the recognition of religious freedom as an inalienable individual right based on the sacred dignity of the human person. Not creeds or doctrines, but persons have rights. Persons have the right and the duty to follow their conscience without coercion. Truth cannot be imposed coercively, it must be assented freely. In this respect, and this is what is radically new in the new secular dispensation, neither truth nor error have rights per se. Persons have the right and the duty to search the truth without coercion and to follow their conscience in good faith even when in the process they may err.

The second key component of the secular dispensation is an institutional one, namely the principle of a newly redefined secular state. The modern state needs to be secular, but not in the laicist or secularist sense of adopting a critical negative attitude towards religion, preserving for itself the right to regulate religion and to keep it in its place, excluding it from the public sphere. The state needs to be secular precisely out of respect for the freedom of religion of each and all its citizens. In this respect the secular state has the obligation to maintain a certain neutral distance from all religions in the name of religious equality, which implies not relativism but rather the principle of equal respect towards all religions. The secular state declares itself if not fully agnostic in matters of religion, at least theologically incompetent to arbitrate in religious disputes or in matters of

religious truth, abandoning the role of protecting orthodoxy and the true religion while proscribing heterodoxy. In fact the secular state has to assume the opposite obligation, namely the role of protector of religious minorities from majoritarian discriminatory rule.

The third foundational principle of the secular dispensation is the recognition of a fundamental sociological fact of our global age, the recognition that global humanity is characterized by an irremediable religious and cultural plurality. This recognition in turn leads to the acknowledgment that religious pluralism, rather than being a negative fact that needs to be corrected and suppressed, is a positive principle that calls all religious communities to mutual respect and recognition, indeed to interreligious dialogue.

These three principles of the global secular dispensation – the principle of individual religious freedom, the principle of a secular state that protects religious freedom, and the recognition of religious pluralism as a positive manifestation of the global human condition – mark a significant departure from the dominant religious dispensation that preceded it. In the case of the Christian West, at least since the Constantinian and Theodosian establishment of Christianity as the official religion of the empire, the Christian religious dispensation had been based on the fundamental doctrinal distinction between “true” and “false” religion. As Jan Assman has pointed out, this is the fateful “Mosaic” distinction introduced for

the first time in the history of humanity by monotheism, a distinction which is shared by all three Abrahamic religions: Judaism, Christianity, and Islam. But since the middle of the first millennium B.C., that is, since the “axial age,” one finds throughout the Eurasian world different forms of establishment based on the distinction between “orthodoxy” and “heterodoxy” in many different types of states and empires, from state Zoroastrianism in ancient Iran to state Confucianism in ancient China. It is true that long periods of establishment of orthodoxy and proscription of heterodoxy are at times interspersed with short-lived imperial Edicts of Toleration, such the Edict of Milan (313), the edicts of the Buddhist Emperor Asoka in India, or the edicts of Tong Emperors in China.

In the case of ancient Israel, “the Mosaic distinction” entailed first a radical exclusive monolatric sacralization of YHWH as the God of the Covenant, and eventually in the prophetic age its elevation to the one and only transcendent Holy God, Creator of heaven and earth, universal Lawgiver, God of history and Lord of all peoples. Such a sacralization of divine transcendence entails, indeed, an equally radical de-sacralization of all creatures and of all cosmic and natural forces and, most of all, a radical break with the previous “pagan dispensation” through the demotion of all gods and supernatural beings into “false” idols and evil demonic forces.

In the Latin West it was St Augustine who established the lasting theological foundation of the Christian dispensation which structured the monotheistic and monopolistic religious regime of Western Christendom until the modern secular era. The Christian dispensation was based on a new classificatory scheme that distinguished between the Catholic faith as the only *vera religio*, while all the other false religions became differentiated into the various categories of Christian “schismatics” and “heretics”, Jewish and Muslim “infidels” and idolatrous “pagans.”

The role of the Holy Inquisition in the persecution of heretics in the Late Middle Ages, the later establishment of the Spanish Inquisition as an instrument of coercive state confessionalization by the Catholic Kings, the expulsion of Jews and Muslims from the Iberian Peninsula, and the role of the Inquisition in the persistent ethno-religious cleansing of the “new Christians,” and the expansion of the Inquisition to the Iberian colonial empires in the Americas, in Portuguese Goa and in the Spanish Philippines, and its implication in the prolonged campaigns of extirpation of idolatry, all those were consistent manifestations of the logic of the Mosaic distinction between true and false religion, which is translated into the slogan that “error” has no rights, only truth has rights, including the right to be imposed coercively by the spiritual and temporal powers alike.

It was this logic that was translated into the principle of the Westphalian system, *cuius regio ejus religio*, a formula that put an end to the wars of religion of early modern state formation caused by the religious divisions and the religious pluralization that accompanied the Protestant Reformation. The formula gave the royal sovereign the authority to impose religious confessionalization in his realm. As a result, Northern Europe became homogeneously Protestant, Southern Europe became homogeneously Catholic, with three bi-confessional societies in between, Holland, Germany and Switzerland. Religious minorities, particularly the so-called religious sects were forced to flee, finding refuge first in the Polish-Lithuanian Commonwealth, the only multi-confessional (Catholic, Protestant, and Orthodox) state of early modern Europe, and eventually in the New World.

The transition from the Christian to the secular dispensation has been a complex process that has lasted several centuries and is by no means complete. Its core principle, the freedom of religion based on the inalienable rights of the individual person, is not accepted in many parts of the world, neither throughout the world of Islam nor in many authoritarian states, particularly in communist and post-communist countries.

The principle of religious toleration began to emerge first slowly throughout the 18th century promoted simultaneously by secular Enlightenment thinkers and by secular utilitarian rulers in such Protestant countries as England, Holland and

Prussia. But it was in the American colonies where the principle of religious freedom first gained ascendancy in the second half of the 18th century. It was promoted in the first place by the radical Protestant sects, Baptists and Quakers, who sought religious freedom from both, church and state. Following the American Revolution, the sectarian principle of religious freedom became institutionalized in the dual clause of the First Amendment that prohibited any form of religious establishment at the federal state level, while protecting the free exercise of religion in society.

A radically new system of religious pluralism, that of American denominationalism, emerged in the United States based on the principle of formal equality of all denominations before the law, a principle which tended to undermine the traditional European distinction between church and sect, as well as that between orthodoxy and heterodoxy. The key principle of the Christian dispensation, that is, the distinction between true and false religion, thus became also undermined. "Denomination" is a key religious concept in the United States which has no equivalent, indeed cannot be translated into any European language. It is usually translated either as confession, church, or sect, but sociologically it is something historically new which is not well captured by any of the three older European terms.

Denomination is simply the name which I assume as the member of a voluntary religious association and the one by which I am recognized by others: Baptist, Methodist, Mormon, Catholic, Jew, etc. Institutionally crucial is the fact that it is a system of mutual recognition of groups in society without state recognition or regulation. Indeed while American strangers typically tend to inquire or to reveal to one another their religious denomination, the American state has no right to enquire or survey the religious denomination of its citizens, precisely in order to protect the no establishment and the free and equal exercise of religion in society.

But if the American state adopted a secular form for the sake of protecting religious pluralism, a different type of secular state emerged in Europe through various processes of de-confessionalization. Let's remember that with the exception of the Polish-Lithuanian Commonwealth every early modern European absolutist state was a confessional one: Catholic, Anglican, Lutheran, Calvinist or Orthodox. Consequently, unlike in the United States, the process of secularization of the state in Europe entailed a process of de-confessionalization. This process of secularization, however, has exhibited three main variants or types. There is, firstly, the laicist pattern of hostile disestablishment through a confrontational break with the national state church, paradigmatically represented by France since the French Revolution. There is, secondly, the pattern of gradual secularization

and de-confessionalization of the state through the expansion of toleration to all religious minorities while maintaining the privileged establishment of the national Church. This is the pattern exhibited by Anglican England and Nordic Lutheran countries. Finally, there is the pattern of amicable negotiated de-confessionalization of the state and disestablishment of the church while maintaining corporatist relations between the state and the national church(es). This is the pattern exhibited by bi-confessional Germany and Holland, as well as by various Catholic countries through concordats. In all three European models one can observe processes of secularization without the expansion of religious pluralism.

Following the Universal Declaration of Human Rights by the United Nations after World War II, it is the threefold American model of individual religious freedom, of a secular state that protects the free exercise of religion in society, and of pluralist denominationalism that has been gaining ground on the global stage, rather than the European laicist-secularist model. Paradoxically, the expansion of the global secular dispensation brings in its wake not homogeneous secularization as European sociological theories of modernity and secularization had predicted, but rather diverse dynamics of religious revival and specially of increasing religious pluralization throughout the globe. The modern “secular-religious” system of classification that emerged out of the transformation of Western

Christianity and which we tend to characterize as a process of secularization has now become globalized, entering in dynamic transformative interaction with all non-Western religious cultures. All the religio-cultural systems, Christian and non-Christian, Western and non-Western are now being transformed through these global interactive dynamics.

Following Charles Taylor one can understand this process as the global expansion of the secular immanent frame. But paradoxically, the institutionalization of the secular immanent frame first in the West and then throughout the globe becomes the very guarantor of a novel secular/religious system based on the non-hierarchic and free exercise of religion to all forms of religion. The sacralization of human rights and the sacralization of the right of each and all individuals to religious freedom serves as the constitutive principle of such a pluralist global religious system.

But such a pluralist global religious system is not necessarily leading either to relativism or to radical secularization or to “the exit from religion” (Marcel Gauchet) as some many commentators in Europe, religious as well non-religious have argued for so long. Rather throughout much of the world it is accompanied by all kinds of novel religious transformations. Indeed, what characterizes the contemporary global moment is not only the fact that all forms of human religion, past and present, from the most "primitive" to the most "modern" are available for

individual and collective appropriation. Equally relevant is the fact that increasingly they must learn to coexist side by side in today's global cities.

But even if I am correct in my claim that the expansion of this secular dispensation is the most significant global trend of the last 50 years, it does not mean that such a novel trend is being institutionalized everywhere in the same way or is accepted always without resistance. On the contrary, we also see in many parts of the world open and at times violent opposition to the principle of religious freedom. After all, the recognition of the principle of religious freedom entails almost everywhere some radical change, and at times a significant break from older religious traditions and from historical patterns of church-state relations.

We Catholics must humbly acknowledge that only after a long history of opposition to the emerging secular dispensation did the Catholic Church adopt the modern discourse of human rights and the principle of individual religious freedom. The Catholic Church had repeatedly condemned modern notions of human rights since their emergence at the time of the American and French revolutions. Pope Pius VI viewed the Declaration of the Rights of Man by the French National Assembly as a direct attack on the Catholic Church. His 1791 papal Brief *Caritas* condemned the Declaration, stating that the formulation of the rights to freedom of religion and freedom of the press, as well as the Declaration on the Equality of all Men were contrary to the divine principles of the Church.

Pope Gregory XVI reiterated the condemnation in his encyclicals *Mirari vos* (1832) and *Singulari nos* (1834). Pius IX included the principle of human rights and most modern freedoms in the *Syllabus* (1864) of errors, pronouncing them anathema and irreconcilable with the Catholic faith. The principle of religious freedom was particularly odious since it implied making equal the true religion and the false ones, as well as the separation of church and state.

Dignitatis Humanae, the Council's Declaration on Religious Freedom entailed in this respect a radical transformation in church-state relations throughout the Catholic world. The official recognition of the inalienable right of every individual to religious freedom, based on the sacred dignity of the human person, meant that the church abandoned its traditional compulsory character and accepted the modern principle of disestablishment and the separation of church and state. The Catholic *aggiornamento* sanctioned by Pope John XXIII led to a fundamental relocation of the Catholic Church worldwide from a state-oriented to a civil society-oriented institution. Moreover, the official adoption of the modern discourse of human rights allowed Catholic actors and Catholic movements to play a crucial role in opposition to authoritarian regimes and in processes of democratization throughout the Catholic world.

For that reason, the so-called "third wave of democratization" that lasted from 1974 to 1994 has aptly been characterized as a Catholic wave. Two thirds of

the countries which underwent successful transitions to democracy in these two decades were Catholic. But Catholics also played a prominent role, disproportionate to their size, in the democratic transitions of countries in which they constituted small minorities, as was the case in South Korea or South Africa. In this respect, it was a Catholic wave not just because so many of the countries throughout Latin America, Southern Europe, and Eastern Europe happened to be Catholic, but because the transformation of Catholicism was itself an important independent factor in producing the wave.

Along with the secularization of the state one can also observe processes of drastic de-confessionalization of Catholic societies. But this process takes two radically different forms, exemplified by the de-confessionalization of Catholic Quebec in North-America and the de-confessionalization of Catholic Brazil in Latin America. Up to the 1960's, Quebec had been a homogeneous confessional Catholic society, arguably the region with the highest levels of religious belief and practice not only in Canada but in all of North America. In one single generation, as a consequence of "the quiet revolution," Quebec underwent a drastic process of secularization. State, nation, and the population of Quebec were de-confessionalized. The new secular state not only had taken over from the Church education, health care and most social services but it supplanted the Church as "the embodiment of the French nation in Canada." Religious practice and affiliation

plummeted and today Quebec is arguably the most secularized region of all of North America. A population which had been previously homogeneously Catholic had become in short order homogeneously secular and post-Catholic. As in much of Western Europe, the only dynamic of religious pluralism was brought in by the new immigrants. Paradoxically, as indicated by the “Report of the Bouchard-Taylor Commission on Reasonable Accommodation of Minorities,” strong laïcist assumptions now prevalent among the post-Catholic population are the source of tensions with the new immigrant religious minorities, particularly with Muslims.

Since the 1960’s Brazil has experienced its own quiet secular revolution. Brazil has also ceased being a confessional Catholic society. But de-confessionalization of state, nation and population has not led to drastic homogeneous secularization but rather to an explosion of religious pluralism of all kinds. Brazil remains the largest Catholic society in the world and a dynamic center of global Catholicism. But simultaneously it has become a dynamic center of global Pentecostalism and a dynamic global center for the transformation of Afro-American religions across the Atlantic. While Brazil may be an extreme case, one can observe similar processes of Catholic de-confessionalization and religious pluralization with still relatively limited secularization throughout Latin America.

But even long-standing European democracies which at least in their constitutions already recognized the principle of religious freedom have had to

adjust in the last decades their traditional patterns of church-state relations in response to the growth of religious pluralism brought by the religious individuation that accompanies processes of secularization, by the expansion of new immigrant religions, particularly of Islam, within most European societies, and by processes of globalization which forces everybody to recognize global religious pluralism as an irremediable fact of our global human condition. All European states have been compelled to reassess their patterns of church-state relations either because they were still too confessional, privileging the national majority religion over other minority religions as has been the case in Lutheran Nordic countries, or because their insistence on a laïc public sphere free from religion tended to discriminate against all religious citizens. It is this reflexive recognition that has led influential European thinkers such as Jürgen Habermas to recognize the legitimate role of religion in the public sphere and to speak of post-secular societies.

The process is by no means smooth and indeed all European societies are having difficulties in recognizing Islam as a legitimate European religion. In reaction to Islam as an immigrant religion one sees simultaneously within many European societies the two opposite responses of reassertion of Christian hegemony along with an aggressive laicist secularism directed against religion itself.

At the time of the Universal Declaration of Human Rights in 1948 only a

few Western states had institutionalized the principle of religious freedom and even most of these states, their constitutional principles notwithstanding, maintained some form of privileged establishment of their national churches. It is in this sense that one can justifiably argue that the expansion of the secular dispensation is the most significant global trend of the last 50 years. Our new awareness of the growing repression of religious minorities in many parts of the world is itself an indication of the expansive dynamic of the claim of individual religious freedom as a human right and to the resistance in many parts of the world to the growing institutionalization a global human rights regime.

There are, indeed, counter global trends of resistance to the three elements of the secular dispensation – individual religious freedom, tolerant secular states, and recognition of religious pluralism – which take many different forms. Let me analyze briefly four different types of resistance to the secular dispensation one finds throughout the world.

The first is the resistance to accept the very principle of religious freedom in the name of defense of “orthodoxy” and “the true” religion. Throughout the Muslim world, for instance, there is still much resistance to the three elements of the secular dispensation. As a monotheist established religion Islam still functions with the crucial distinction between “true” and “false” religion, that is, between orthodoxy and heterodoxy, and therefore it still uses the discriminatory distinctions

between true orthodox Islam (Sunni) and *schismatic* (Shiite) and *heretic* (Ahmadiyya and Baha'i) Muslims, *infidels* (Christian and Jews) and idolatrous *pagans*. All the various forms of false religion may be at best tolerated within patterns of hierarchic discrimination. Most frequently they are proscribed.

In fact one finds throughout the world of Islam a huge variety of types of religious establishment as well as different secular regimes of separation of religious and political authority and of state management of religious pluralism, along with very different patterns of religious majority/minority relations. Saudi Arabia stands at the one extreme of rigid enforcement of a Wahhabi orthodox Islamic monopoly. Indonesia stands at the other extreme of a democratic quasi-secular state which protects a particular form of theist religious pluralism while proscribing "heretic" (Ammadiya) or "pagan" (indigenous) religions.

Notwithstanding the fact that post-Ottoman Turkey and post-colonial Senegal tried to adopt the French model of *laïcité*, the ensuing secular regimes and the systems of management of religious pluralism in these two Muslim majoritarian societies diverge significantly from each other and from the French model. Senegal and Indonesia demonstrate that the best chances for the institutionalization of a Muslim form of secular dispensation occur where an existing Muslim pluralism resists Muslim homogenization and the Islamist imposition of state sharia. From Iraq to Syria, from Iran to Turkey, from Egypt to

Lybia, one can observe that the transition from secular authoritarian regimes which recognize and regulate some form of orthodox Islam while protecting religious minorities rarely ends at a democratic secular state which recognizes individual religious freedom and protects religious minorities. What ensues is either ethno-religious warfare and cleansing, or at best illiberal majoritarian democracies with states unable or unwilling to protect religious and secular minorities from the tyranny of the majority.

The Chinese state, with its millennial tradition of caesaro-papist prerogative of defining orthodoxy and heterodoxy, represents today one of the most outspoken forms of resistance to the secular dispensation, insofar as it does not recognize either the principle of individual human rights or the identity of a non-ideological secular respect that respects all the religions of its citizens. Today the Chinese communist state has abandoned its chimeric attempt to eradicate violently all traditional forms of religion and superstition in order to impose its own state orthodoxy. It has relaxed somehow its repressive control of religion, accepting de facto the existence of five legally recognized but tightly regulated religions (Taoism, Buddhism, Islam, Catholicism, and Protestantism). It also tolerates and at times even promotes the revival of folk Chinese religions and of Confucianism, while reserving for itself the right to determine which forms of religion are “orthodox” and in harmony with the Chinese state and which ones are “heretic”

and therefore can be classified as “evil cults” which endanger the unity of the state and the harmony of society.

Russia represents a third form of resistance to the secular dispensation manifested in the alliance of an imperial secular authoritarian state and the Russian Orthodox Church which through the Moscow Patriarchate maintains its canonical territorial claims over many of the newly independent states of the former Soviet Union. Despite its constitutional self-definition as a “secular” state, the Russian state makes de facto clear distinctions between three types of religion:

- 1) Russian Orthodoxy under the Moscow Patriarchate which is privileged as the “traditional” religion of all ethnic Russians, indeed of all Slavic peoples within the Russian Federation as well as in the “near abroad,” namely within all the republics of the former Soviet Union, and most especially within the other two nation-states which have a claim to originate in Kievan Rus, namely Ukraine and Belarus. The Russian state still views them as “Little Russia” and “White Russia,” while the Moscow Patriarchate claims them as its canonical territory.

- 2) The other “traditional religions” of Russia: Islam, Judaism, Buddhism, and other ethnic Christians which had a historical presence within the Russian empire (Armenians, German Lutherans, Baptists, etc), which are legally recognized and have a constitutional claim to free exercise

3) All other new, non-traditional and non-historical religious communities in Russia, which are either hindered by cumbersome processes of legalization and local permits or are under close state regulation and surveillance, insofar as they are viewed as “foreign” agents and therefore as a threat to national security. Roman Catholicism, new evangelical and Pentecostal “sects,” Mormons and Jehovahs and other groups identified with the United States, as well as new dangerous “cults” or “extremist” Muslim groups, all fall under this category.

The “national security” concept of the Russian Federation states explicitly that “ensuring national security includes countering the negative influence of foreign religious organizations and missionaries.” Even when most of their pastoral agents and personnel are Russian citizens, they are viewed in the same light as so many Russian NGO’s and civil society organizations, which receive any kind of support from abroad and, therefore, according to the newest legislation have to register as “foreign agents.”

Finally, India represents a fourth and very different model of resistance to one of the components of the secular dispensation, namely to the principle of religious freedom as an individual right, as manifested in the prohibition of proselytism and in the opposition to religious conversion. In many respects the Indian model of secularism appears to be much closer to the American model than

to the European one. Both states are governed by similar principles of no establishment and free exercise. The United States and India are explicitly non-secularist, in that both their states and their cultures respect, protect and promote religious diversity and religious pluralism. Indeed the protection of religious pluralism, and particularly the protection of the rights of religious minorities, is in both cases the ultimate rationale for a secular state. But the Indian model of religious pluralism based on categorical group identities or “communalism” is markedly different from the radically individualist American model.

The religious conversion of single individuals and entire communities has been an unsettling political event in the life of Indian society from the British colonial period till the present. Particularly the conversion of so-called “scheduled castes” and “scheduled tribes” to non-Hindu religions, whether to Buddhism, Islam or Christianity tends to provoke violent reactions of Hindu majoritarian nationalism against Islam and Christianity as “foreign” non-Indian religions.

In conclusion we may point out that the secular state management of religion is everywhere under siege, or at least in need of substantive revision as it confronts the expansion of the principle of individual religious freedom, as well as increasing religious pluralization and new transnational religious dynamics linked to immigration and globalization. However, even though the principle of religious

freedom as a basic human right is becoming globalized, this does not mean that “religious freedom” as a norm or aspiration is necessarily interpreted or understood everywhere in the same way. It may mean different things in different countries, cultures and religious traditions – and these different meanings may well be in conflict with one another. The individualist principle of religious freedom, freedom of conscience, and right of conversion may be in fundamental tension with a communitarian understanding of the collective rights of peoples, minorities and groups to protect and preserve their traditions and cultures from imperial, “universalist” or majoritarian predatory practices. The ensuing tensions turn religion everywhere into a contested public issue.