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The multidimensional recognition of religion

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ABSTRACT

In this article, we present a case for the recognition of multiple religions, arguing that states have a non-absolute duty to recognise religions which it is likely they should discharge along different dimensions and to different degrees. More concretely, we focus on several Western European states (or regions thereof), arguing that they would be more legitimate if they were to recognise an extensive range of faiths and ethno-religious groups. In order to make this argument, we deploy a method of iterative contextualism, consisting of two interlocking steps which can be thought of as obverse halves of a hermeneutic circle. First we identify and describe two cross-contextual principles, which we call identification and discretionary recognition. Then we suggest how it may be shown that these principles are already present to a significant degree in Denmark, Finland and Alsace-Moselle – the three contexts with which we are particularly concerned here. This, then, is a normatively robust and contextually sensitive argument for the multidimensional recognition of religion by a state, and at the same time it explains how we apply the method of iterative contextualism.

KEYWORDS Religion; identification; discretionary recognition; contextualism; establishment

Introduction

Many discussions about the relationship between religion and the state revolve around two starkly opposed models of that relationship. On one side, there are strong advocates of a strict separation of religion and state, who contend that these two institutions should be mutually independent of each other. On the other side, although in the West doubtless fewer in number, there are those who argue for the continuation of strong forms of establishment, in which the state grants one (and occasionally more than one) religion a special public status. In practice, however, these two models of religion-state relations are the exceptions rather than the rule. In most states, including liberal democracies, religion and politics are not strictly separated, but nor is the state in a relationship with just one religious community.

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Instead, religion and the state are entwined in various complex ways. Nearly all states recognise citizens' right to religion, tolerate a wide range of faiths, offer support to a number of them, and yet also seek to control them, whether supported or not. As a result, the various religious communities to be found in each state enjoy different statuses and different levels of recognition.

To recognise the messiness of reality is not to endorse it, of course. To say that in practice relations between religion and the state take a variety of forms is not to say that they should do so. This article begins from this gap between the is and the ought, between existent norms and justifiable norms. Its aim is to show that in many states, there should be what we shall call the multidimensional recognition of religion. In other words, these states have a non-absolute duty to recognise a number of religions, which it is likely they should discharge along different dimensions, and to different degrees. To be clear, this means that, normatively speaking, one size does not fit all. We shall argue that the extent to which each state grants religions recognition, and in what specific ways it should be granted, will rightly vary from place to place. In other words, although context is not all, it is a significant factor determining what the relations between religion and the state should be like in a particular place at a particular time.

In order to make this argument for the multidimensional recognition of religion, we shall employ a method which we call iterative contextualism (Modood & Thompson, 2018). This method seeks to steer a path between excessive entanglement in local contexts, on the one hand, and excessive distance from such contexts, on the other. It does so by taking the form of a hermeneutic circle: one half of the circle involves the interpretation of a number of particular contexts from which cross-contextual principles are derived, whilst the other half of the circle uses those principles to evaluate the networks of public norms from which it began. To put it otherwise, iterative contextualists formulate their principles by interpreting the networks of norms found in a series of different contexts. As a result, their cross-contextual principles are relevant to various particular contexts, whilst achieving a critical distance from any one of them.

Our aim in this article, then, is to apply the method of iterative contextualism in order to support the case for the multidimensional recognition of religion. Before embarking on this task, we need to be clear about what lies beyond its scope. Some limits concern our method. First, although we mention a couple of important criticisms of the method of iterative contextualism, and indicate how we would respond to them, we cannot offer a full-scale defence of this method here. Second, within the confines of a single article, it is not possible to carry out a complete exercise in iterative contextualism. For each particular context, this would involve the detailed analysis of a range of different types of evidence, from states' laws, policies and practices, to the

attitudes of relevant non-state bodies, including, in this particular case, religious organizations, to those various phenomena. In this article, our objective, rather, is to give a good indication of what a full application of this method would look like.

Other limits on our argument concern the principles we wish to defend. First, we are not committed to the view that our principles could only be arrived at by the application of our method. For example, other political theorists may believe that something like our two principles can be derived from a core commitment to a principle of equality, and they may even regard this latter as a principle which is valid independent of context. We believe that our contextual method has a number of advantages over non-contextual methods; in particular, it strikes the right balance between sensitivity to context and critical distance.[1] But this is something that we could only demonstrate across a wider range of cases than we consider here. Second, our objective here is to identify and describe the two cross-contextual principles which we believe will often justify the multidimensional recognition of religion. In this article, however, we do not attempt to show what institutional designs may be necessary in order to realize these principles in practice. We do not attempt this partly for reasons of space, but also because, as contextualists, we believe that the institutions and practices, laws and policies, necessary to achieve the multidimensional recognition of religion will vary significantly from place to place. In addition, with specific reference to our second principle, rather than seeking to identify one uniquely valid reason for giving discretionary recognition to particular religious communities, we suggest that democratic majorities may do so for a variety of legitimate reasons.

Following the two halves of the hermeneutic circle described above, the rest of this article falls into two principal sections. In the next section, we describe our two principles, explain in what sense they may be regarded as principles of recognition, and finally explain the nature of the relationship between them. In the section that follows, we sketch the three particular contexts in which we are interested, and show how our two principles of religious recognition may be regarded as a reasonable interpretation of the networks of norms found in those contexts. The end result, we hope, is a normatively robust and contextually sensitive defence of the multidimensional recognition of religion.

From general principles to contextual norms

In this section, we trace an arc around the first half of the hermeneutic circle just described, articulating two cross-contextual principles which we believe may be appropriately used to evaluate the networks of public norms to be found in various particular contexts. Anticipating our argument in the next

section, however, we should emphasize that our two general principles have not been plucked out of thin air. Rather than being, in G A Cohen's terms (Cohen, 2003), insensitive to all facts about the world as we know it, these principles are derived from our analysis of a number of specific contexts. We can only present that part of our argument, however, in the section which follows this.

Principles of recognition

We shall begin by explaining how both of the principles we shall articulate may be regarded as principles of recognition. It must be acknowledged that recognition is a complex and multifaceted idea, which has a long and involved history, and which is now deployed in a variety of contexts by thinkers from a wide range of disciplines.[2] We cannot offer a detailed account of our particular conception of this idea here; nor is such an account necessary for the purposes of our current argument. But we do need to explain a bit about what we mean by recognition, and why we focus on just one specific form that it can take. In order to do so, we shall draw on Heikki Ikäheimo's analysis in his *Recognition and the Human Life-Form* (Ikäheimo, 2022).

To begin with ordinary linguistic usage, we can put aside one sense of recognition as the identification as an object as the thing that it is. We can also put aside a second sense of this idea as the acknowledgement of normative or evaluative entities. Instead we concentrate on a third sense as the recognition of 'persons, individually or collectively' (Ikäheimo, 2022, p. 13; see also, Galeotti, 2002). This sort of recognition is not a unitary and homogenous phenomenon. Of particular relevance to us here, it can be horizontal or vertical, and it can be direct or mediated. With regard to the first distinction, horizontal recognition occurs in relationships between individuals, whereas vertical recognition occurs in the relationship between citizens and the state. In this article, we focus exclusively on the latter. In the case of vertical recognition, we can make a further distinction between directions of travel: upwards vertical recognition occurs when citizens recognise the authority of the state, whereas downwards vertical recognition occurs when the state recognizes its citizens. Here we further narrow our focus to the latter form of vertical recognition (Ikäheimo, 2022, p. 57).

With regard to downwards vertical recognition, we would go a little beyond Ikäheimo's analysis in order to introduce a final distinction between its direct and mediated forms.[3] Such recognition is direct when the state recognizes individuals as citizens. Ikäheimo describes this as 'an attribution by the state to individuals as citizens of a status consisting of definite rights and duties' (Ikäheimo, 2022, p. 54). It is mediated if the state gives a certain status to a particular group, intending or reasonably foreseeing that such recognition will also have a positive effect of individual members of that group. Thus,

if the state treats certain religious communities favourably, then that may enable members of those communities to identify with their political community.[4] We shall develop this claim further in what follows, but at this stage we should explain what we mean by 'identification'. If a citizen identifies with their polity, they understand their membership of it in terms that are more than just circumstantial (i.e. 'I just happen to live here but it doesn't mean anything to me'), coercive or instrumental (i.e. 'I value my citizenship because of the material benefits it offers me'). To put it in positive terms, the citizen values their membership in terms of belonging, participation or self-fulfilment, and this means they wish to live up to the ideals of membership and to shape those ideals when given the opportunity. In this way, the citizen sees something of themselves in the political community and sees themselves as (positively) shaped by it.

Principle of identification

With the sort of recognition with which we are concerned in mind, we can now articulate our first principle. According to the principle of identification, the state has a non-absolute duty to ensure that citizens can identify with their political community.[5] On our account, identification is good for both intrinsic and instrumental reasons: citizens benefit directly from being able to identify with their political community; and, if they can all do so, it is easier for certain desirable goals, including public order and redistributive justice, to be achieved. In more detail, it is possible to distinguish, at least analytically, between two intrinsic reasons: first, it is good for individuals to feel that they are part of their political community; and, second, it is good for individuals to feel that the groups with which they identify are part of that community. There are also various instrumental reasons for thinking that it is good for citizens to be able to identify with their political community. For the sake of the current argument, we shall mention three types. First, it will be easier to achieve goods such as public order, civil peace, security, anti-radicalization and anti-extremism.[6] Second, it will also be easier for the polity to function as an inclusive democracy in which all citizens feel they are able to take part in public deliberations.[7] Third, citizens will also be more prepared to accept their ethical obligations to other members of the political community, including a willingness to make a fair contribution through general taxation to provide adequate welfare for all.[8]

Formulated thus, the principle of identification directs our attention to a variety of ways in which a citizen might not be able to identify with their community. For instance, if a state is strongly patriarchal, this is likely to prevent women from being able to identify it. Or if a state favours a particular ethnic group, then citizens of other ethnicities are likely to feel alienated from it. With reference to the particular aspect of identity with

which we are concerned, our first principle declares that the state should strive to ensure that members of religious communities are able to identify with it.

At this point, we may face a challenge from critics of any close connection of religion and state. Whilst they may agree that political identity matters, they may contend that it can and should be constructed on a purely secular basis, out of material supplied by the country's history, political institutions, art, literature, and so forth. A full response to this important objection would take us beyond the scope of the present article. Our argument, in brief, is that it is against equal citizenship not to include religious identities in citizenship when one is prepared to include other aspects of individuals' identities such as gender, race and sexuality. As Modood puts it,

> any political norm that excludes religious identities from the public space, from schools and universities, from politics and nationhood … is incompatible with multicultural citizenship; and if religious identities face this kind of exclusion but not identities based on race, ethnicity, gender and so on, then there is a bias against religious identity and a failure to practice equality between identities or identity groups. (Modood, 2019, p. 186)

In other words, we can see no principled reason to apply the principle of identification in a way that implicitly values some aspects of citizens' identities above others. If a citizen's ethnic identity falls within the scope of our principle, then that same citizen's religious identity should do too.

Finally, let us mention of couple of examples of ways in which states may enable citizens to identify with their political community. To give an example of the latter, Niels Vinding has argued that the 'ongoing debate' in Denmark 'about the need to introduce new limitations to freedom of religion' has resulted in 'a wave of legislation that seeks to target radical Muslims, but which alienates all religion, including the Church of Denmark' (Vinding, 2019, p. 104). On its own, reversing this wave of legislation would not be enough to ensure that all religious citizens, and in particular Muslims, could identify with the Danish polity; but it would at least remove one important obstacle to such identification. To give an example of a positive action, the measures taken in the Alsace-Moselle region to integrate Muslims into its *régime concordataire* have helped Muslims to be able to identify with their political community. An important example is the regional government's partial funding of the Grand Mosque of Strasbourg. According to Hakim El Karoui, this is an example of the support which helps to create 'a political and legal ecosystem which will allow both the representatives of Muslims living in France and public authorities to work towards the emergence of a French Islam, with a rhetoric and practice reflecting the evolutions of our society' (El Karoui, 2016, p. 84).[9]

Principle of discretionary recognition

According to our second cross-contextual principle, which we call the principle of discretionary recognition, a state may choose to give recognition to one or more religions above that level which is required for identification. A decision to offer a religion discretionary recognition may be justified by a variety of reasons, often quite particular to specific contexts. For the sake of argument, it is possible to make an analytical distinction between reasons rooted in historic importance, significance for identity and social contribution. First, it may be argued that a particular religion should be granted additional recognition in virtue of that religion's importance in the formation of that state. If the contemporary state cannot be understood without appreciating the role that a certain religion has played in its development, then the conclusion may be drawn that this religion should enjoy special recognition from the state. Second, and closely related to the first, it may be argued that a particular religion deserves such additional recognition since it is of considerable importance to the contemporary identity of the political community. One important way in which this connection is forged is through national identity, so that it is argued that a religion which forms part of such an identity deserves special recognition because it does so. Third, the suggestion might be that a religion should earn additional recognition for its contribution to the public good of society. For example, Modood has argued that, even in the context of the UK's explicit multi-faithism, the Church of England should enjoy a rightful precedence in religious representation in the House of Lords and in the coronation of the monarch. Such precedence makes sense, according to Modood, in virtue of the Anglican church's historical contribution, and in particular its potential to play a leading role in the evolution of a multiculturalist national identity, society and state (Modood, 2019, p. 14).[10]

At this point, it might be asked who is allowed to grant discretionary recognition, and how is it possible to assess when the reasons given for it are adequate? These are not questions we need answer directly. According to our argument, democratic majorities are permitted to offer discretionary recognition but are not obliged to do so. We have suggested the kinds of reasons that may be considered justifiable and which seem to fit many actual cases. However, since each democratic polity is different, how precisely decisions are taken about discretionary recognition, and what reasons are offered in its support, will vary from place to place. Having said this, we are not committed to the view that all uses of this discretion would be acceptable to us. In the next subsection, we discuss one circumstance in which we would argue that the granting of discretionary recognition is wrong.

Finally, let us mention a couple of examples of discretionary recognition in practice. As an example of the Church of England enjoying recognition going

beyond that required for identification, upon their accession to the throne, British monarchs pledge be the 'defender of the faith', where 'faith' refers only to the Anglican church. The promise that Prince Charles made in 2008 to be 'the defender of faith' – by which he apparently meant to refer to all religious communities – would, in our terms, be a pluralisation of this kind of recognition (Dimbleby, 1994, p. 528). Another example of such additional recognition would be the power granted by some states to some faith communities to levy a special tax on their members. In Denmark, for instance, the Evangelical Lutheran Church is 'the only religious group that receives funding through state grants and voluntary taxes paid through payroll deduction from its members' (United States Department of State, 2019, p. 3). In addition, the reigning monarch must be a member of the ELC (United States Department of State, 2019, p. 3; Vinding, 2019, p. 89).

Relationship between the two principles

Before ending this section, we need to explain the relationship between our principles. Put simply, on our argument the first principle has lexical priority over the second, so that the first has to be fulfilled (so far as reasonably possible) before efforts are made to realize the second. To put this the other way around, states' actions intended to realize the second principle are not permitted if those actions would undermine the first principle. Such a priority rule is necessary since it must be acknowledged that, in some circumstances, there could be a tension between these principles. This would occur if granting discretionary recognition to one faith community were to undermine the ability of other faith communities to identify with their polity. In such circumstances, as we have said, this sets a limiting condition to the second principle.

This is another point in our argument at which critics might bridle. They might claim that our two principles are always inconsistent in practice, since giving discretionary recognition to some will always make it harder for others to identify with their political community. This is because differential treatment necessarily brands adherents of the disfavoured religions as inferior, and in the process makes their political alienation unavoidable.

In response to this criticism, we would make a couple of points. To begin with, we do not have to prove that the two principles never clash. It is because we know that they sometimes do that the priority rule is needed. Having said this, we would deny that discretionary recognition inevitably alienates some individuals from their political community. It only looks as if it might on the assumption that discretionary recognition necessarily sends a symbolic message to members of faiths not enjoying such recognition that they are second-class citizens. To give an example, there are points at which Cécile Laborde appears to get close to this claim: 'when the state associates itself too closely with the symbols of the majority, nonadherents are rejected

outside the imagined community of citizens' (Laborde, 2019, p. 136). But, as Laborde generally acknowledges, there is no relationship of necessity here. Sometimes giving some citizens discretionary recognition does undermine other citizens' ability to identify with their state, but sometimes not. This is because those not granted discretionary recognition may be able to accept the reasons why others are granted it.[11] To give a particular example, Modood has argued that no British Muslim has argued that the Church of England should be disestablished (Modood, 2019, p. 207). It should not be assumed, therefore, that granting discretionary recognition necessarily undermines identification. Only if it does do we think it is illegitimate.[12]

In this section, we have argued that two cross-contextual normative principles provide the guidance needed to determine what the relations between the state and religion should be like in a variety of contexts. By applying the principles of identification and discretionary recognition across a number of different polities, the result will nearly always be an argument for the multidimensional recognition of religion. However, to emphasise one more time, the exact form that such recognition should take will vary from place to place. How a state recognises religion, along which dimensions, and to what degrees, will depend on the context in question.

Contextual norms to general principles

In the previous section, our argument for the multidimensional recognition of religion moved from general principles to specific norms. At the start of that section, we sought to anticipate the objection that this way of proceeding appears to be contrary to our emphasis on a contextual approach to political theory. We can now show why such an objection is misplaced by presenting the second half of our hermeneutically circular argument, this time moving from specific norms to general principles. Our aim in this section, in other words, is show how we start from the analysis of a number of particular contexts in order to generate principles which may be applied across those contexts. The resulting principles have already been described in the previous section; our task now is to indicate how they can be derived from the analysis of multiple networks of public norms. Before we begin on this task, however, we first need to repeat the note of caution sounded in the introduction. While, for the reasons given there, we cannot undertake a full application of our method in one section of one article, what we can do is to give a good indication of what it would look like.

Method of iterative contextualism

In this article, we shall adopt a method of doing political theory which Modood and Thompson call iterative contextualism. To begin with, it is necessary to understand how they understand context:

> we propose to characterize contexts as normative practices, a phrase we use as shorthand for networks of norms strongly associated with particular sets of practices … For our purposes, norms may be regarded as rules that shape and direct behaviour, enabling the actions of a number of individuals to be coordinated in pursuit of a common purpose or activity of some kind. (Modood & Thompson, 2018, p. 344)

In short, this form of contextual political theory is based on a conception of contexts as networks of interconnected norms, which are associated with particular sets of practices and institutions, and in which people take up particular kinds of relationship with one another.

With this picture of contexts in mind, we can now show how the iterative contextualist generates principles which may apply across a number of such contexts. This process may be divided, at least analytically, into three distinct parts. First, based on the examination of a particular context, this sort of political theorist provisionally formulates a principle of justice which she believes is suited to the evaluation of that context (Modood & Thompson, 2018, p. 346). Second, after examining a second context, this theorist may want to refine her initial principle, perhaps widening its scope, with more social groups falling under its remit, or perhaps modifying the way in which it is applied in certain situations. Third, as she examines further contexts, the iterative contextualist may want to significantly revise her principle, removing some components and adding others (Modood & Thompson, 2018, p. 348). Thus this theorist generates cross-contextual principles by formulating, refining and revising them through a process of exploration of a number of particular contexts.

This account of how the iterative contextualist formulates her principles shows why this method is not vulnerable to the familiar criticism of such theories that they are unable to take a critical perspective on the contexts they explore. Since these principles are developed in the encounter with a number of different contexts, they 'will be at variance with the set of norms which characterize any one of them' (Modood & Thompson, 2018, p. 350). This does not imply, however, that a cross-contextual principle should take absolute priority over a local norm. This is because 'there are several sorts of constraint' which the iterative contextualist 'must place on her reasoning in order to apply her principle of justice in such a way that it is tailored (to some degree) to the character of each context' (Modood & Thompson, 2018, p. 351). A first practical constraint concerns the feasibility of the action mandated by the principle; a second behavioural constraint places limits on the extent to which we can expect people to change their behaviour; and a third normative constraint suggests that the norms already prevailing in that context should be given a certain weight where they are at variance with the cross-contextual principle (Modood & Thompson, 2018, pp. 351–2).

This method is not without its critics. While we cannot possibly deal with all of them in the detail they deserve, we can at least indicate how we would respond to them here. One criticism suggests that contexts are more complex than iterative contextualism allows. For example, Peter Hills has argued that '[e]ven if contextual origin is taken to be the necessary criterion for a valid principle, it cannot be sufficient whenever there are two or more conflicting normative arguments which share that origin' (Hills, 2021, p. 147). Modood and Thompson did not say, however, that the mere origin of a principle is all one has to go on. Whilst a fit with a context is emphasised, as well as giving 'particular consideration to the ideals and values that the people in a particular context presently endorse' (Modood & Thompson, 2018, p. 352), it is clear that these by themselves are not decisive in generating contextualised justifiable principles. This is where the iteration comes in: by repeating contextual analysis across in a series of contexts, the problem of being uncritically dependent on any one of them is overcome.

To take another example, Sune Lægaard has identified what he refers to as '[t]he equilibrium problem: how to determine what the appropriate response is to mismatches between the norms holding in a given context and a general principle based on other contexts' (Lægaard, 2019, p. 15). He suggests that in such circumstances iterative contextualism must rely on normative commitments which precede and direct the iterative process, such as a commitment to equality. Lægaard concludes that it is only such a commitment – and not 'respect for local norms' – that will make it possible to fully avoid the problem of critical distance (Lægaard, 2019, p. 18). This overstates the definiteness or concreteness of prior normative commitments. It is true, to use the example deployed by Modood and Thompson, that in order to evaluate hate speech laws in Britain it would be appropriate to use a concept of equality. However, given that equality in relation to hate speech means different things in say, Britain, France and the US, the iterative contextualist does not have to – and indeed should not – begin with a prior, substantive concept of equality before coming up with a principled position on equality and its implications for hate speech in one of those country contexts. While this brief discussion does not settle the issues mentioned, we hope it indicates that we are aware of the kinds of criticisms that might be raised against our method and of how we would respond.

Three case-studies

According to this way of doing political theory, then, general principles are devised in the encounter with numerous particular contexts, and the way that these principles are applied in each of these contexts takes due account of the investment that people have in existing norms. With this method in mind, we can now sketch three different contexts in which three different forms of

state-religion relations can be found, and then show how it is possible to generate our cross-contextual principles of identification and discretionary recognition from the networks of norms to be found there.

We shall look at Denmark first since this is as straightforward a case of establishment as it is possible to find in Western European political space. As the Danish constitution declares: 'The Evangelical Lutheran Church shall be the Established Church of Denmark, and as such it shall be supported by the State' (article 4).[13] In 2018, the Act on Religious Communities outside the Church of Denmark passed into law. This simplified the system of multi-tiered recognition which had previously been in operation, creating two further but lower levels of support for faiths other than the ELC. The system as it now stands places the Folkekirke in the top tier, then recognised[14] religious communities in the middle tier, and finally religious associations in the lowest tier. If a community is recognised, it enjoys a number of advantages. Amongst other things, 'members can claim tax deduction for gifts and annuities donated to the religious community'; a community 'may submit an application for the right to perform marriages'; it may also 'wish to establish [its] own cemeteries or nursing homes'; it 'is permitted to set up schools' and 'can also obtain grants for activities and for providing education for employees of the religious community' (Ministry for Ecclesiastical Affairs, n.d.; see also, Vinding, 2020). In the third tier, religious associations are given no recognition above that given to non-religious associations.

Having sketched the key elements of the system of state-religion relations in Denmark, we can now ask which public norms animate this system. First, there is no doubt that the most important norm is freedom. Heiner Bielefeldt, the Human Rights Council's Special Rapporteur, put it thus: 'Freedom of religion or belief is a tangible reality in Denmark. Everyone can openly say what they believe or not believe and freely practise their religions or beliefs as individuals and in community with others, both in private and in public' (Bielefeldt, 2016, §4; and see; Lassen, 2020, p. 148). Second, if freedom is generally regarded as the guiding norm of the Danish system of state-religion relations, the place of equality is more disputed. For some, there is no doubt that this system is unequal. According to Lægaard, 'Denmark is a prime example of a moderately secular state where recognitive inequalities between different religious communities are explicit and entirely official' (Lægaard, 2012, p. 198). However, as Lægaard himself says, inequalities – understood as differences in degrees of recognition – may or may not be fair. Hence, he argues, it is always necessary to ask when unequal recognition is unjust (Lægaard, 2012, p. 198). A third public norm helps to answer this question by justifying the privileged position of the ELC by reference to the role that it plays in serving the needs, not just of its own congregants, but of all members of the Danish political community. In the Special Rapporteur's

words, the ELC is regarded as 'a broad public service institution' or an institution 'with broad outreach' (Bielefeldt, 2016, p. §19).

Let us now consider a second system of state-religion relations. Although in various ways Finland is quite similar to Denmark, it is importantly different since it gives special status not to one but to two churches. Indeed, according to Matti Kotiranta, this set-up is 'one of the eccentricities of the Finnish system' (Kotiranta, 2010, p. 278). About 70% of Finns are members of the Evangelical Lutheran Church, making it – at least on this measure – by far and away the largest religion in Finland. Only 1.7% of Finns are members of the Finnish Orthodox Church. However, whilst numerically far smaller, the FOC nevertheless enjoys very nearly the same formal status as the ELC. Formally speaking, the ELC and the FOC enjoy the same degree of recognition from the Finnish state. Although only the ELC is mentioned in the constitution, nevertheless the FOC enjoys an almost identical legal status, regulated in its case by the Orthodox Church Act of 2007.

Below this top tier of recognition, there are two lower tiers occupied by other religious groups. In the second tier are registered religious communities which fall under the Freedom of Religion Act of 2003. Such communities enjoy tax-exempt status and are also able to apply for state funding. In addition, they enjoy 'the right to school religious education and the right to perform marriages' (Kääriäinen, 2011, p. 158). In the third tier we find religious associations which fall under the Associations Act of 1989. 'A religious group may also acquire legal status by registering as an association with a nonprofit purpose that is not contrary to law or proper behavior' (United States Department of State, 2019, p. 3). Such religious associations are governed by the same rules which govern all associations, whether religious or not.

Given this picture of the system of state-religion relations in Finland, we can now consider which public norms underlie it and give it direction. First, it may again be argued that freedom is the most important norm. In the Finnish case, however, commentators have observed a very noticeable shift of emphasis over time from a negative to a positive understanding of freedom of religion. As Kotiranta puts it: 'The old-fashioned idea of "freedom from religion" . . . is losing ground', to be 'replaced by a positive interpretation of freedom of religion' (Kotiranta, 2010, p. 279). To draw on Gerhard Robbers' well-known formulation, according to this interpretation, 'the government is obliged to give . . . room for actively living one's religion in all its aspects, with religion being positively integrated in law and society' (Robbers, 2001, p. 667). However, the norm of positive freedom alone cannot explain all of the state-religion set-up in Finland, since, if the state's only duty was to ensure – as far as is reasonably possible – that members of all faith groups are able to practise their faith, then it would be under no obligation to grant special status to the ELC and the FOC. A second public norm must therefore be in operation. This is one that refers to a faith community's significance in the

history, and for the identity, of a particular state. Thus, on its website, the ELC declares that it 'may . . . be considered a "folk church"'. It then suggests that, as such, 'the ELCF is an integral part of Finnish history and culture' (https://evl.fi/frontpage). So far as the FOC is concerns, Jeroen Temperman suggests that its status 'finds its explanation in Finland's history of being part of the Russian empire until the end of the First World War' (Temperman, 2010, p. 45). Here history offers an explanation for the current standing of the FOC in particular; but an additional normative argument must be in play in order to justify the special status it now enjoys.

Moving to our third case-study, it may seem odd to mention France at all in a discussion of systems of religious recognition. After all, along with the US, France is often thought to approach the ideal type of a strongly secular state.[15] There is, however, one region of mainland France in which multiple religions enjoy a substantial degree of recognition from the local state. The three departments of Haut-Rhin, Bas-Rhin and Moselle in north-eastern France make up the region of Alsace-Moselle. Whilst the legal standing of the state-religion regime in this region is highly complex, the key reason why the doctrine of laïcité does not prevail in this part of France is relatively straightforward to explain: since Alsace-Moselle was part of Germany when the Law Concerning the Separation of Church and State was passed in 1905, that law does not apply to it. In Alsace-Moselle today, the local state recognizes four religious denominations: Catholicism, Calvinism, Lutheranism and Judaism. In practice, such recognition includes the following measures: the local state pays ministers' salaries; it approves ministers' appointments; it pays for the upkeep of places of worship, and it can part fund the construction of new places of worship; it ensures that these religions are taught in state schools for one hour a week; it funds two theology faculties, one Protestant and one Catholic, at the University of Strasbourg, as well as a department of theology at the University of Lorraine in Metz; and, in addition to six Christian public holidays throughout France, it officially observes 'Good Friday (Vendredi Saint) and St. Stephen's Day (Deuxième jour de Noël)' (Manuel, 2019, p. 29). In addition, citizens resident in this region may choose to pay a certain percentage of their income tax to their religious community.[16]

In light of this brief account of Alsace-Moselle's special regime of religion-state relations, we can now suggest that there are three distinct norms which animate it. The first is that of equality. Thus Catherine Le Fur, commenting on the Constitutional Council's decision no. 2012–297 QPC, suggests that article 1 of the 1958 Constitution, which ensures 'the equality of all citizens before the law, without distinction of origin, race or religion', may be realized by recognizing the religious convictions of all citizens and not just some. The second norm at work in Alsace-Moselle's 'special regime' is one recognizing the collective identity of this region. This norm suggests that Alsace-

Moselle has particular characteristics, not shared by the rest of France, in virtue of which its special regime is justified. In Eoin Daly's words, this region is a part of 'the French periphery … whose cultural, historical and linguistic specificities have, to some extent, been granted official recognition' (Daly, 2015, pp. 532, see p. 545). We would suggest that this extends to its religion-state relations. As the Report of the Stasi Commission suggested, 'the reaffirmation of secularism does not lead to a rejection of the special status of Alsace-Moselle, which is particularly important to the population of these three departments' (Stasi, 2003, p. §4.1.1.1). We would suggest, more tentatively, that it is possible to discern a third norm, which we shall call one of cooperation. We think that this norm can be seen at work in arguments which suggest that Alsace-Moselle's religious regime encourages the four recognized faith communities to talk to one another and to work together towards common goals. Thus Blandine Chelini-Pont and Nassima Ferchiche suggest that 'a doctrine of open or positive laïcité-neutralité' is at work in Alsace-Moselle when 'the State and religious denominations … work together to promote the common good of society' (Chelini-Pont & Ferchiche, 2015, p. 315).

Public norms

In the final part of this section, we aim to close the hermeneutic circle which we began to describe at the start of the previous section. There we traced the half of the circle which moves from general cross-contextual principles to particular networks of public norms. In the current section, we have moved in the opposite direction, starting from particular norms and moving towards general principles. The last step in our argument is to show how it is possible to get from the sketches of the three systems of state-religion relations just presented, and in particular the accounts of the three sets of public norms animating those systems, back up to our two cross-contextual principles of identification and discretionary recognition. Before we do so, it is important to say that we do not assume a simple correspondence between a particular norm and one of our principles. Our claim, rather, is that the best interpretation of a series of networks of norms governing state-religion relations leads to our two principles.

The easier part of this task is to show how versions of our principle of discretionary recognition are at work in the three contexts which we have examined. It may be recalled that, according to this principle, a state may choose to give recognition to one or more religions above that level required for identification. There is no doubt that in Denmark, the Evangelical Lutheran Church is the beneficiary of such recognition. One reason mentioned above is that the ELC regards itself as a national church, believing that it has a duty of care to all Danish citizens. On the ELC Denmark's website, it declares: 'Since

the establishment of the Danish Constitution of 1849 the Evangelical Lutheran Church in Denmark … has been regarded as "the church of the people" as well as an official national church' (see also, Bielefeldt, 2016, §13). A very similar argument is made for granting the Finnish Evangelical Lutheran Church discretionary recognition. As Kimmo Ketola suggests, 'the ELCF … is one of the oldest institutions of Finland and regarded as a "folk church" due to its strong ties to the nation' (Ketola, 2018). The situation of the Finnish Orthodox Church is rather different, since its special standing is justified not so much by its importance to national identity but by reference to its role in Finnish history (Kotiranta, 2010, p. 273; Vari & Mäntysalo, 2020). As we have seen, it is also the particular history of Alsace-Moselle which explains why four religious communities are recognized. In this case, we would suggest, four religious communities are given nearly equal levels of recognition in acknowledgement of their importance for the historic and living identity of this region.

It will take a bit more interpretive work to show that a principle of identification is at work in Denmark, Finland and Alsace-Moselle. Here we need to show that the public norms animating laws, policies and institutions in these three contexts can be understood as attempts, more or less explicit, to enable individual citizens to identify with their polity. What we can see clearly in each of these cases are languages of exclusion and inclusion, and of marginalisation and integration. We do not think that it is too much of a stretch to suggest that these are closely related to the language of alienation and identification. Here are three commentaries on the three cases of interest to us, all of which employ this sort of vocabulary. In the case of Denmark, Eva Lassen suggests that the Special Rapporteur's report 'largely revolves around the concept of inclusive democracy and the need for the government to take a leading part in developing an inclusive society – where Muslims and Jews and those who identify with other faiths do not feel stigmatised but rather equal members of society' (Lassen, 2020, p. 151). In the Finnish case, Kääriäinen notes that for the last 100 years or so, there has been a step-by-step dismantling of the close relationship between the ELC and the state, a process which he sees as part of 'attempts to accommodate religious pluralism' (Kääriäinen, 2011, p. 155). Finally, with regard to Alsace-Moselle, François Grosdidier's (2006) proposal to extend the Concordat regime to include Muslims poses this rhetorical question: 'Is it acceptable that in 2006, Muslims, who are also citizens and taxpayers, are excluded from the law applicable in Alsace-Moselle on the sole ground that they were not present on the territory in 1801?' Whether the emphasis is on including all religious citizens in the democratic life of their society, accommodating all of those religious citizens not of the majority faith, or integrating Muslim citizens into an existing legal regime, we suggest that a public norm of identification is at work. In all three of these remarks, in other words, we find the argument

that systems of religion-state relations should be designed with the intention of enabling members of all religious communities to identify with their political community.

Conclusion

In contrast to those who argue that religion and the state should be kept separate, and to those who argue that the state should identify with only one religion, we have presented a case for the state's recognition of multiple religions. More specifically, we have argued that not all religions have to be recognised in the same way or to the same extent. Rather, there can and should be multidimensional recognition of religion: states should recognise religions, but they may do so along different dimensions and to different degrees. In order to make this case, we have followed a method of iterative contextualism. This consists of two steps which can be thought of as obverse halves of a hermeneutic circle. One step is to identify and justify the appropriate cross-contextual principles; the other is to show that these principles are already at work to some extent in the relevant state contexts.

We suggested that there are two relevant principles. The first principle of identification holds that a state has a non-absolute duty to ensure that all members of all religious communities within it are able to have a sense of belonging to that polity. According to the second principle of discretionary recognition a state may choose to give recognition to one or more religions above the level which is required for identification. The importance of identification is that some groups, typically minorities, can become alienated from the political community if their religious identity is not recognised, thus creating a second-class citizenship. This is a wrong in itself but also makes difficult the pursuit of other political goods such as civil peace and public order, as well as impairing the quality of a democracy. Some religions can, however, be given a higher level of recognition than that needed to meet the first principle if those religions have historically shaped the character of a state or are doing so today, so long as this is done in a manner consistent with the goal of ensuring that all citizens are able to identify with that state. From our point of view, a good example here would be a historically privileged church working with minority or marginalised groups to create multiculturalist inclusion and multifaith cooperation.[17]

State relations in Denmark, Finland and the French region of Alsace-Moselle. We noted that, despite their varied institutional arrangements, they can each be seen to offer some degree of state recognition of the key faiths within their jurisdictions, enabling individuals' identification with their polity. At the same time, in each of these cases, we can see something like our principle of discretionary recognition being used to justify why one or more

than one religion should be given a higher level of recognition. In closing, it is important to emphasize that, although these three cases were chosen in order to illustrate the principal lineaments of our argument, we do not claim that any of these polities are fully satisfactory examples of the multidimensional recognition of religion. This is because, with the exception of Alsace-Moselle's recognition of Judaism, they only extend recognition to Christian denominations. This is where our principles gain critical purchase, suggesting that extra-Christian religious diversity should be recognized too. Our argument, in other words, is that existing arrangements should change in order to move closer to our principles by offering recognition to a wider range of faith communities. However, we believe that – at least in European political space – this can be done in a way that does not radically disrupt existing norms. In this way, we have presented a normative robust and contextually sensitive argument for the state's multidimensional recognition of religion and paved the way for the multiculturalising of moderate secularism (Modood, 2019; Modood & Sealy 2022).

Notes

1. We say more about this in the subsection 'Method of iterative contextualism' below.
2. For a comprehensive overview, see, Siep et al. (2021).
3. Ikäheimo makes a distinction between mediated and unmediated forms of horizontal recognition, but does not make a similar distinction between forms of vertical recognition.
4. Arguably this is quite a strong assumption since mediated downwards vertical recognition can break down for a variety of reasons. If it does, then, although the state recognizes a religious group, this act does not have the intended or anticipated positive effects on the members of that group. To give just one example, the state's recognition of a group may not have a positive impact on those individuals who, although they may be formally regarded as members of that group, do not regard that membership as central to their self-identity (Ikäheimo, 2022, p. 119). In any case, state recognition of a religion is not a single, discrete act or status unaffected by the broader politics, which can include countervailing factors. For example, British Muslims may have their self-created national body – the Muslim Council of Britain – recognised by the state. They may even be invited to participate in the governance of an anti-radicalisation programme like PREVENT. At the same time, however, since they are the object of this programme, and are therefore distrustful of it, alienation in this case is both mitigated and exasperated (O'Toole et al., 2013). We intend to discuss these and other possible failures in recognition on a future occasion.
5. We say that the state's duty is non-absolute since we allow this concern for identification to be balanced against other relevant concerns which states will have for the wellbeing of their citizens. For instance, some ways of meeting this principle will have resource implications, and in this case meeting the principle will mean that fewer resources will be available to be deployed elsewhere. In

such cases, states will have to make judgements about the relative importance of their goals, including that of realizing the principle of identification.

6. Compare Rawls's claim that, if there is an 'overlapping consensus' on a political conception of justice, then this may be beneficial for social stability (Rawls, 1987).
7. An anonymous reviewer points out that an inclusive democracy may be one of the preconditions, as well as one of the valuable consequences, of the realization of the principle of identification. In other words, if such a democracy enables all citizens to have their voices heard, then as a result they will be better able to identify with it.
8. See, for example, Miller (1995).
9. One important challenge to the view we present here is that made by Finke and Stark, who argue that 'if the goal is to respect religious persons' religious affiliation and sense of belonging, it is far from clear that state involvement is required or would be welcomed. Religious minorities in the United States, as an empirical example, accept the idea that the separation model allows religious observance to flourish' (Finke & Stark, 2005, ch. 5). Although we are unable to give a detailed response here, our claim would be that the US is exceptional in this regard. Certainly in the cases with which are concerned, there is no evidence to suggest that state non-interference enhances religious minorities' sense of belonging.
10. To make this argument is not to suggest that the Church of England cannot be held responsible for perpetrating and benefiting from historical injustices. It seems unlikely that any major social institution could be given a completely 'clean bill of health'. Rather, the argument is that the Anglican church has had an important role in the making of Britain – for good as well as for ill. These latter ills should be qualified both by the institution's contemporary record and by its potential contribution to the wellbeing of society in the future.
11. In this way, it may be argued the principle of discretionary recognition is grounded in what Habermas (1995), Rawls (1996) and others call 'public reason'.
12. Modood and Thompson argue that it is necessary to assess the evidence for the claim that members of religious minorities are alienated when the majority religion is shown preference. Furthermore, they have maintained that the gathering of such evidence must include engagement in dialogue with the group said to be suffering from alienation (Modood & Thompson, 2021).
13. See Vinding's comments on this article (Vinding, 2019, p. 90, 2020, p. 10).
14. Or 'approved' or 'acknowledged' (Lassen, 2020, p. 139).
15. See, for example, Cadène (2021).
16. It might be worth noting here that the French state might have a different, and probably more critical perspective on the religious regime in Alsace-Moselle than the regional government does. However, since the case we have chosen to study is Alsace-Moselle rather than France itself, we can put this difference of perspective aside for the purposes of our argument.
17. It has been suggested to us that these two principles in combination bear quite a strong resemblance to what Carens calls 'evenhandedness'. According to this principle, 'being fair does not mean that every cultural claim and identity will be given equal weight, but rather that each will be given appropriate weight under the circumstances' (Carens, 1997, p. 818). For a detailed analysis and evaluation of this principle, see, Jobani and Perez (2017, ch. 4).

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