Introduction: the diversity of the modern European nation-state

The modern nation-state is a European invention founded on the development of both states and nations throughout European history (Alter 1994; Breuilly 1994). While all democratic nation-states share a number of common features, there is also a great diversity in how they express these features (Loughlin and Peters 1997; Dyson 2011). This diversity derives, at least in part, from the religious origins of the modern state, especially the creation of ‘confessional’ states by the Treaty of Westphalia, which ended the European Wars of Religion in 1648. These were initially Catholic and Lutheran states but were later joined by Calvinist states in the Netherlands, Scotland and, for a time, England. However, the roots of these states go back even further in European history, and many of their features derive from theological and philosophical debates that pre-dated the Reformation and the Wars of Religion (Burns 1988). Today, these theological origins are almost entirely forgotten, and the nation-state is regarded by most historians and political scientists as the quintessential secular state, in the sense that it has completely discarded any religious dimension in its practical operations. In this chapter, I seek to explore to what extent the modern nation-state still retains some of these older influences that shaped its development and to what extent this accounts for its present-day diversity. This, in turn, raises the question of what it means to call the nation-state ‘secular’, as well as the different meanings and uses of this term.

Today, the nation-state has become the dominant form of political organization and is associated with ‘modernity’ – with the rise of industrial capitalism and the creation of national markets, with the rise of the industrial bourgeoisie and various forms of liberalism, with liberal representative democracy and Weberian-type systems of public administration, etc. (Smith 1998). It is so familiar that we tend to take it for granted and assume that it is the ‘natural’ form of political organization, just as we assume that liberal representative democracy is the natural (and best) form of political practice. However, when considered from a historical perspective, it is
clear that the nation-state is a relative newcomer; its emergence can be dated from about the
time of the French Revolution, which began in 1789 (Brubaker 1992). Before that point, there
were types of political and social organization that were called ‘nations’ and ‘states’, but these
were different in important respects from contemporary nations and states (Spruyt 1994; Larkins
2010). Already in the eleventh and twelfth centuries, we can see the origins of what would
become the modern state in countries such as England, Scotland, France, Spain and Sweden,
with their centralizing monarchs, while the term ‘nation’ (derived from the Latin natus, meaning
‘the place of birth’) was used to describe groups of people sharing a similar language or geographic
origin in the Crusader armies as well as in the new universities in Oxford, Paris and Bologna.
Furthermore, the Reformation encouraged the growth of a national consciousness with the
creation of national churches in those countries that adopted Protestantism (Greenfeld 1992);
this was mirrored in Catholic countries such as France and Spain that adoptedGallican forms
of Catholicism (Ozment 1980). This also entailed a welding together of ethnic and national
consciousness. We shall return to the problems of religion and secularism in the final part of
this chapter.

The religious dimension of political systems in the Middle Ages

It was not inevitable that the modern state would take the form that it eventually did. In his
identifies six different forms of political organization that were in competition with each other
in Europe during the Middle Ages: the Holy Roman Empire, the papacy, feudal arrangements,
territorial states, city-states and city leagues. The older forms among these were the papacy, the
Empire and feudal arrangements, which developed complex relationships of rivalry as well as
collaboration. The principal competitors here were the Empire and the papacy, which operated
within a common understanding of the nature of religion, politics, the economy and society,
but struggled with each other for dominance within that system. Both parties accepted the notion
of ‘two swords’, spiritual and temporal, and acknowledged that the other had the right to exercise
one of these swords. At the same time, the emperor often attempted to usurp from the pope
the exercise of the spiritual sword, and the pope tried to usurp the exercise of the temporal
sword from the emperor. However, both parties operated within a system that accepted the
idea that legitimation of any human activity derived from the Church and theology. The question
was thus who sanctioned any particular activity and decided whether it was legitimate. At the
same time, in most parts of Europe, society was dominated by a feudal system of mutual
arrangements of protection and service between lords (both temporal and spiritual) and their
vassals (Bloch 1989). The feudal system, largely a rural phenomenon, led to the emergence of
great aristocratic landowners who also operated within the imperial/papal system, with greater
or lesser degrees of autonomy from the pope and emperor. In some respects, the Holy Roman
Empire and the Church reflected this feudal organization of society, but in other respects they
were separate from it.

Three other forms of political organization developed that would eventually challenge the
first three. First, centralizing monarchs consolidated territorial states in England, Scotland, France,
Sweden and Spain. It is important that we not view these states in an anachronistic way by
thinking of them as equivalent to our modern forms of political organization that bear the name
of ‘state’ (Mann 1986: 416–19; Poggi 1990: 34–68). During this period, monarchs were them-
selves constrained by the pan-European system dominated by the Church and the Empire, and
their claims to power and legitimacy could be made only in the terms laid down by the pope.
and the emperor. In addition, their claims to rule even within their own territories had to compete with those of the great feudal lords, who resisted any attempt to interfere within their own domains. At the same time, monarchs began to imitate the emperor, as in the fourteenth century, when the lawyers of Philip the Fair propounded the dual maxim according to which the king was to be ‘emperor in his realm’ (rex est imperator in regno suo) and would no longer ‘recognize any superior’ (superiorem non recognoscess) (Herz 1957: 479).

A new development emerged from around the eleventh century with the development of cities as part of a wider economic, cultural and spiritual renaissance renewal across Europe. This was a period of Church reform, particularly under Pope Gregory VII (pope from 1073, d. 1085), who introduced greater uniformity and centralization in the Church and imposed compulsory celibacy on parish clergy, thus creating a powerful clerical caste. Also in the eleventh century, new monastic orders such as the Carthusians (semi-hermits founded by St Bruno in 1084) and the Cistercians (founded by St Robert of Molesme in 1098 but whose most famous member was St Bernard of Clairvaux (1090–1153)) emerged. These monastic communities were found primarily located in the countryside; however, at the same time, urban settlements began to develop and expand, creating the great Gothic cathedrals that sprang up across Europe. Cities were emerging as powerful centres ready to challenge the feudal lords of the neighbouring countryside. During this period, new forms of religious life evolved, the most famous of which were the Franciscans (founded by St Francis in 1209) and the Dominicans (founded by St Dominic in 1216). Like the older orders of monks, these new friars took vows, but notably not the vow of stability that had previously bound monks to the monastery they initially joined. Instead, the friars were highly mobile and travelled between the urban centres, preaching (in the case of the Dominicans) and practising evangelical poverty (in the case of the Franciscans). But in addition to these spiritual movements, new social classes were emerging, centred on the craft guilds and merchants. In Florence, a new banking system was created to handle the growing commercial transactions between cities and other centres. Indeed, St Francis’s father was a merchant in Assisi; the saint’s dramatic adoption of poverty as a lifestyle was a reaction against his father’s affluence and the nouveaux riches of the cities.

In most parts of Europe, cities were thus becoming important political centres. This was most evident in Northern and Central Italy and in the territories of the Holy Roman Empire, although it can also be seen in the cases of London and Paris. In Italy, some cities became independent city-states: Florence, Venice, Milan, Siena, etc. In Central Europe, cities obtained statutes from the emperor granting them varying degrees of autonomy; there were over 50 ‘Imperial Cities’ with high levels of autonomy (Whaley 2011: 531–41). A further development of city government was the creation of leagues of cities, primarily for purposes of trade but also for mutual protection against rival powers. The best-known example was the Hanseatic League (thirteenth to seventeenth centuries), which boasted a membership that varied between 70 and 170 cities. A similar institution was the Lombard League in Northern Italy.

There was often collaboration between monarchs building territorial states and the cities, as they both opposed the feudal nobility in the countryside. In any case, there was a highly complex system of interrelationships among these competing entities: there were rivalries between the pope and the emperor and between the Empire and the princes and the centralizing monarchies, with cities competing against each other as well as supporting one or another of their other competitors (Bryce 2012 [1866]: passim). Besides these complex relationships among the different political actors during the centuries before the Reformation, there were also serious divisions within the Church itself (Burns 1988). Two principal issues were relevant to the later development of both the Reformation and the Counter-Reformation, as well as the evolution
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of the modern secular state. First, there was a conflict between conciliarists and caesaro-papists – that is, between those, such as Marsilius of Padua (c.1275–c.1342), who believed that the Church exercised its authority through general councils that the pope might call and preside over but to which he was also subordinate, and those who held that it was the pope who exercised this power and that his authority superseded that of general councils. The views of conciliarists and caesaro-papists became entangled with the struggles among the various political and spiritual powers. Second, Church life went through cycles of corruption and attempted reform. Some reformers (such as John Wycliffe [d. 1384] in England and Jan Hus [d. 1415] in Bohemia) anticipated the later efforts of Luther, Zwingli and Calvin, who regarded them as proto-Protestants. Although these dissidents were perceived as heretics by almost all the political and religious leaders of the time, they were a sign of what was to come, and their protests, although rooted in theological issues such as the nature of the Eucharist, often spilled over into the political domain. As a result, they were severely suppressed, and Hus himself was burned at the stake (Ozment 1980).

Renaissance humanism

Providing a background to these conflicts was the development of the new scholarship of Renaissance humanism that was, in part, inspired by a return to the authors of classical antiquity and a renewed interest in the languages of that period as well as Hebrew (Skinner 1978, vol. 1). The older wisdom of the Fathers of the Church and the great scholastic synthesis of Aristotelian philosophy and Christian revelation by the Dominican St Thomas Aquinas (1225–74) formed the intellectual context of the debates. From the fourteenth century onwards, however, much of this scholarship degenerated into sterile arguments over obscure theological points. Petrarch (1304–74) has been called the ‘Father of Humanism’, alongside authors such as Giovanni Boccaccio (1313–75) and Dante Alighieri (1265–1321). Although these writers remained Christian, they attempted to go beyond scholasticism, seeking inspiration in the classical wisdom of antiquity found in the works of writers such as Cato and Cicero. In Florence, Venice and the other Italian city-states, there was a great flourishing of the arts, especially architecture and painting. However, the humanist movement extended all across Europe; some of its leading lights were Sir Thomas More (1478–1535), the Lord Chancellor of England in the reign of Henry VIII, and Erasmus of Rotterdam (1466/1469–1536) in the Low Countries. Humanist scholarship affected both religious studies and political thought. In terms of religion, its emphasis was a ‘return to the sources’ of the Bible – that is, to the original versions in Hebrew and Greek rather than the Latin Vulgate edition that had been produced by St Jerome in the fifth century. Erasmus produced a translation of the New Testament that had an enormous impact on theology at the time. On the political side, Thomas More’s Utopia (published in 1516) was actually a political critique of European society. Neither More nor Erasmus were revolutionaries, but they and other humanists were aware of scandals and corruption in the Church. This also entailed awareness of the difficulties of the political system in which the Church was an essential element. As subsequently became clear, neither man would have dreamed of overthrowing this politico-religious system, but both were equally adamant that it should be reformed. Perhaps unwittingly, their humanist writings provided some of the tools that would be used by their contemporary Luther and the younger Calvin precisely to overthrow the older system. The books produced by Johannes Gutenberg’s printing press (invented around 1439) facilitated the diffusion of the writings of the humanist thinkers.
The Reformation

Luther, Lutheranism and the modern state

The Reformation was a hiatus in European history that significantly contributed to what would become the highly divergent political, social and economic systems of modern Europe. However, although it constituted a break with the previous system, it took place within the complex system outlined above and became bound up with the various conflicts already described; indeed, there are several continuities with the mediaeval period (Gregory 2012). The key figure who triggered these changes was Martin Luther (1483–1546). Luther had entered an Augustinian friary following a narrow escape from death as a young man. By all accounts, he was a very faithful observer of the Rule of his Order, achieving the position of sub-prior (second-in-command of the friary) and even representing the entire Augustinian Order on business in Rome (Beutel 2003: 5). However, his later writings make clear that although he observed the Rule externally, it had failed to transform him internally. This is probably what led to his later fulminations against ‘good works’ (the ascetic practices of the religious life as well as other practices, such as the pilgrimages and processions typical of mediaeval Catholicism) and his development of the idea that such ‘works’ could not bring about salvation; rather, only God’s complete remaking of the soul from the outside could accomplish this. However, Luther was also a very learned scholar, and although he would later reject humanism as a philosophical movement (just as he rejected Thomistic scholasticism), he was influenced by the humanists’ method of ‘returning to the sources’ and working in the original Biblical languages of Hebrew and Greek (Beutel 2003: 6). He was also influenced by their critiques of the corruption of the Church and their disdain for what they regarded as some of the more superstitious practices of the time. Like them, he did not initially seek the division of Christendom or political revolution, but his impetuousness and the vehemence of his language would soon have that effect.

From a political perspective, three crucial documents penned by Luther represent the first nails in the coffin of the mediaeval political and religious system, contributing to the advent of the modern nation and the modern state (although not yet the ‘nation-state’). The first text, generally regarded as the first step of the Reformation, was officially known as the Disputation of Doctor Martin Luther on the Power and Efficacy of Indulgences (or, more commonly, The 95 Theses); it was nailed to the doors of the castle church of Wittenberg in 1517. This document was an indictment of the selling of ‘indulgences’ (remittances for time spent in purgatory after one’s death), a practice that the pope and many other ecclesiastical leaders in the Church engaged in at the time. Although this was later seen as a dramatic gesture, it was in fact quite normal to pin such documents to the door of a church, since most people would read them on their way into the building to pray or attend a service (a bit like posting a message on Facebook today!). The theses were addressed to Pope Leo X, and Luther was convinced that the pope and many other ecclesiastical leaders in the Church engaged in at the time. Although this was later seen as a dramatic gesture, it was in fact quite normal to pin such documents to the door of a church, since most people would read them on their way into the building to pray or attend a service (a bit like posting a message on Facebook today!). The theses were addressed to Pope Leo X, and Luther was convinced that the pope and other bishops would see the folly of selling indulgences once they read his arguments. In fact, the pope at first ignored Luther; later, in the encyclical Exsurge Domine in 1520, he condemned the Augustinian’s ideas as heretical. Luther was given 60 days to recant his statements or risk excommunication, but his response was to issue two further documents that were even more provocative. To the Christian Nobility of the German Nation was addressed to Charles V, who, at the age of 19, had just been elected Holy Roman Emperor (the English King Henry VIII was also a candidate) but had not yet been crowned. Luther hoped to persuade the young ruler to take his side against the pope. The address to the German nobility represented an important moment in the evolution of Luther’s ideas on both ecclesiology and the relations between the Church and the political system. The address contains three basic ideas: first, the notion of the
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priesthood of all believers, not just of the clergy; second, on a related note, the denial of the pope’s right to be the sole interpreter of scripture; and, third, the rejection of the pope’s right to call a general council of the Church. Luther clearly hoped that the young Charles V (who, as emperor, would be a rival to the pope) might be persuaded by this attack on the pope’s legitimacy as spiritual leader of the Church. Charles, however, followed the pope’s example and placed Luther under the ban of the Empire, effectively making him an outlaw.

The political context is crucial for understanding further developments in Luther’s theological journey and how this was ‘received’ in the Europe of his time. At the time, both the papacy and the Empire were quite weak; both sides were desperately seeking to maintain their hegemony against each other and against other competitors – territorial monarchs such as France and the restless German princes. Some of the German princes, including the Duke Elector of Saxony (whose territory included Wittenberg), were chafing under the yoke of the emperor and saw this conflict as an opportunity to gain further autonomy from him. Of course, many of the princes were also convinced by Luther’s arguments for reform, although this was clearly entangled with their political motivations. Each case would need to be examined individually to assess whether the position adopted by a ruler was a matter of conviction or expediency, but certainly there are many cases in which rulers switched sides when it suited their purposes.

In 1520, Luther also published On the Freedom of a Christian, in which he laid out a vision of a world in which Christians were not compelled to obey the law but would live out their lives through love and service of each other. As the Reformation progressed, Luther’s writings began to be employed not only by the princes (to emancipate themselves from imperial and papal control) but also by the lower classes (to emancipate themselves from princely control). The best-known example of this was the Peasants’ Revolt (1524–6) led by Thomas Münzer and the Anabaptists. Despite his declarations in favour of Christian ‘freedom’, Luther was horrified by these developments and condemned Münzer and the peasants in the strongest terms, even calling for their torture and execution. In so doing, he revealed himself to be deeply conservative, both politically and socially, despite his theological radicalism. Luther’s ecclesiology also influenced his political ideas. For him, the church was an invisible society of true believers motivated only by the love of God. As an institution, it should not rival the political powers in the way that the pope had rivalled the emperor. In fact, the Church should not even carry out ‘good works’ such as caring for the poor or feeding beggars, as the mediaeval Church had done. Luther did not believe that the Church, understood as the society of faithful and loving believers, should exercise temporal power in the way that the popes had. Rather, the temporal power – the prince – should wield this sword, even over Church affairs such as the punishment of heretics or the excommunication of sinners. The temporal power should provide for the needs of the poor and needy but, more importantly, should suppress their mendicancy and idleness. On the other hand, Luther simply assumed that the temporal power would be Christian; he would not have been able to conceive of a secular state in the modern sense of the word. The prince was a member of the Church, and his decisions would be taken in the light of the Gospel. Luther, true to his emphasis on looking to the Bible for lessons, viewed the Old Testament kingdoms as examples of rulership, whereas the precepts of the Sermon on the Mount were seen as pertaining to the practices of individual Christians within the ‘invisible’ Church.

Writing furiously in the throes of the political and religious disputes that he had sparked off and addressing new issues as they arose, Luther was not devoid of contradictions as his ideas evolved. These ideas were a combination of the political ideas of medieval Catholicism and the notion of ‘Christendom’, but reduced to the level of a ‘state’ such as Saxony rather than a vast territory spread across Europe. This notion of scale is important, as it would lead to the
distinctive concept of a state church. In fact, Lutheranism was adopted by several German princes, but its most complete expression was eventually found in the Scandinavian states and especially Sweden. In the German states, Catholic and/or Calvinist minorities remained (once the latter had emerged as the other main branch of the Reformation), whereas Sweden and Norway became purely Lutheran states.

What is interesting for the analysis of this chapter are the longer-term consequences of Lutheranism in the development of European states. There seem to be two principal outcomes. The first is a certain passivity on the part of the Lutheran churches in relation to the state, derived from Luther's ecclesiological notion of the 'invisible' Church and his devolution of several functions to the civil authorities. In the German states, this passivity has sometimes been seen as contributing to the Church's capitulation when it was confronted with powerful rulers such as Bismarck and, even more disastrously, Hitler. The German state took on a mythical hue in Herder's theories and was divinized in Hegel's dialectic. In the Scandinavian countries, and especially Sweden, the Lutheran State Church was also passive when confronted with a powerful centralizing monarchy and it was effectively incorporated into the civil service. Second, Luther had recommended that the temporal power and not the Church take responsibility for what we would now call social services. In Scandinavia, this eventually evolved into the famous Swedish model of the welfare state. It is true that this was established by the Swedish Social Democrats in the 1930s, who were not very sympathetic to the Christian church, but the Social Democrats were undoubtedly practising a secularized version of the Lutheran conception of the state (Kahl 2005: 102–6).

Two further comments might be made concerning Luther and Lutheranism's contribution to the evolution of the modern state. The first is that although Luther accepted the notion of 'Christendom', he conceived this to be at the level of a medium-sized state such as Saxony, whose Elector provided him with protection and for which he designed a state church. Unlike Sweden, Saxony was not an independent monarchy, but it is not difficult to see how the notion of a 'state church' could develop out of this change in scale from the wider European political system (as described in the earlier part of this chapter, where the 'Church' spanned the entire European territory as it was then defined) to the much smaller territories of Saxony or Sweden. This was the beginning of the concept of 'national' Churches, which would ultimately receive its consecration in the Peace of Westphalia. The second key notion that Luther encouraged was that of ethnicity. The very title Address to the German Nobility illustrates a consciousness of his own 'national' or 'ethnic' identity, as does the offence Luther took at what he perceived as the Italian stereotype of the boorish, drunken German; in turn, he stereotyped the Italians as being corrupt and decadent. Saxony could not become a 'German' state, since Germans could be found throughout the Empire, but this was a powerful incentive towards the development of an 'ethnic' conception of nationhood.

Calvin, Calvinism and the modern state

Calvin (1509–64) was younger than Luther, but his influence on the future direction of the Reformation was just as profound; from the perspective of the evolution of the state, it was perhaps even more important. Although Calvin accepted many of Luther's theological ideas, he also developed arguments of his own and interpreted some of Luther's concepts in a different way (Troeltsch 1931).

The key difference between the political ideas of the two reformers lies in their conceptions of the relationship between civil and religious authorities. Luther gave the civil authorities much greater power over church matters than Calvin would have allowed. This may be a reflection
of the different circumstances in which the two men worked out their theological ideas. Luther, as noted, lived in the relatively large state of Saxony, while Calvin lived mostly in cities (except for his early years in the kingdom of France). The more radical versions of the Reformation, which Calvin adopted and further extended, were being elaborated by Zwingli in Zurich and Bucer in Strasbourg. In fact, Calvin was on his way to join Bucer when he was diverted to Geneva, where he would spend most of the rest of his life. The Swiss Reformation, of which he became the leading figure, was thus fought out at the level of cities and cantons, thus on a much smaller scale than in Saxony (Close 2009).

Calvin’s principal ideas on the relationship between civil and ecclesiastical authorities are found in Book IV, Chapter XX of his Institutes. This is a more measured (that is, less violent in its language) document than Luther’s writings and is influenced more by Calvin’s humanistic learning and legal training than by the passion and heat of the battle that marked Luther’s writings. Calvin’s theology was dominated less by the notion of human sinfulness than Luther’s and more by an awareness of God’s glory that relativizes all human affairs. Nevertheless, he held civil magistracy in high regard and demanded that Christians obey their rulers (a precept shared by Luther and contemporary Catholics). But Calvin’s experiences in Geneva would prove crucial to the evolution of his understanding of relations between the Church and civil authorities. Even before the Reformation, the civil magistrates of Geneva (an imperial city dominated by a local prince-bishop) had won a certain amount of autonomy from the bishop. When the Reformation reached the city, the magistrates were determined to keep it under their control. Calvin resisted these attempts at suppression and, in contrast to Luther, developed the idea that the Church should be responsible for its own affairs rather than be subordinate to the civil authorities. A long struggle between the two groups followed; at one point, Calvin was expelled from the city, but he was later allowed to return. Calvin gave more thought than Luther to the form the political system should take – that is, whether it should be a monarchy, aristocracy or democracy. Although he would have been happy with any of these systems if they were Protestant, he seemed to prefer aristocracy, democracy or a mixture of the two. Calvin also grudgingly recognized the right of Christians to resist unjust rulers.

Calvin saw his own theology as a continuation of Luther’s and there are important similarities in the approaches of the two reformers: they shared similar critiques of the mediaeval Church and of scholasticism; both were influenced by humanistic scholarship, especially the return to the original sources of the Bible; they had similar understandings of sola scriptura and sola fide; and both had an Augustinian pessimism with regard to human nature. However, there were also important differences, particularly in their ecclesiologies and sacramental theologies. Luther retained more of the Catholic ecclesiology, particularly with regard to the ministry, and more of the Catholic notion of the real presence of Christ in the Eucharist. Calvin’s ecclesiology took a ‘presbyterian’ form, with church government dominated by ‘elders’ who oversaw ‘ministers’ who were ‘called’ by the congregation rather than being appointed by bishops. This is not to say that the early Calvinist congregations were ‘democratic’ in our sense of the word, but certainly we can see here an important step towards the establishment of democracy. Later Calvinism also facilitated the abandonment of the mediaeval Church’s ban on usury, which led to a loosening of the constraints on the market. This liberated marketplace eventually developed into modern capitalism, as Weber noted (Troeltsch 1931; Weber 2002 [1905]; Polanyi 2001 [1944]).

**Radical Protestantism**

As hinted at above, both Luther’s (early) work and Calvin’s writings seemed to suggest that revolt against civil and/or religious authorities was permitted if these authorities acted against
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God’s commandments and against a godly way of life. These ideas were taken up by various sects in two different ways. One tendency, exemplified by Thomas Münzer, was to resort to violence in order to overthrow the current rulers and install a radical version of the Kingdom of God on earth. Attempts to do so were ruthlessly suppressed by the civil authorities in Lutheran, Calvinist and Catholic countries. The second tendency was to express disapproval of the sinful status quo through withdrawal from the world and the establishment of autonomous monastic-style communities seeking to live a godly life. This tradition largely derives from Menno Simons, a Dutch Catholic priest who renounced the priesthood and embraced the Reformation. Today, the descendants of this movement can be found primarily in North America in the form of the Mennonites, the Amish, the Hutterites, etc. Some of these groups have been prominent in modern peace movements.

The Reformation in the British Isles: Anglicanism, Scottish Calvinism and Welsh Nonconformity

Is there an ‘Anglican’ perspective on the relations between Church and state? There are, in fact, several different perspectives that derive from the successive stages of the Reformation in England. Although Henry VIII was, in most respects, a faithful Catholic in terms of doctrine, he was also a representative of the Tudor dynasty, which had been engaged in a process of centralization of the state from about the fifteenth century onwards. He should therefore be seen as one of the monarchs (alongside the French and the Spanish) who sought to assert the rights of the territorial state against the claims of the papacy and the Empire. The Tudor monarchs, like their predecessors, had also been concerned about neutralizing the claims of the English barons. While Henry was opposed to Lutheran theology and, in particular, Luther’s doctrine of the Eucharist, he turned the religious turmoil of the early Reformation to his advantage by setting himself up as the head of the Church of England (thereby ensuring that he could obtain a divorce) but also by seizing the vast holdings of the monasteries and religious houses of England, Wales and Ireland and selling them off, thus replenishing the royal coffers with much-needed revenue. However, what was most important for the subsequent development of Church–state relations in England was the establishment of a national Church – the Church of England, not of Rome. This gave a powerful impetus to the already existing sense of English nationality (Greenfeld 1992: 27–88) that only grew under the reigns of Henry’s successors to the throne (with the exceptions of Mary I and James II). Whatever the regime – monarchy, Cromwellian dictatorship or parliamentary constitutional monarchy – the Church now ‘belonged’ to the nation and came to be seen as an essential element of Englishness. This attitude persists even to the present day (for the moment): the Church of England is still the established church of the country (but not of Scotland, Wales or Northern Ireland), and Anglican bishops sit in the House of Lords, the upper house of the legislature.

As a consequence of the spread of the British Empire, Anglicanism became an international religious movement with a world-wide Anglican ‘communion’. In some cases, the Anglican Church became the established church of the British territory or colony. The key issue was whether subjects would pay tithes to the established church as they did in Ireland and Wales when the Church of England was established there. In these two countries, there were movements for disestablishment closely connected to Irish and Welsh nationalism that eventually succeeded (in Ireland in 1869 and in Wales in 1920). The Anglican Church has survived in Ireland (as the Church of Ireland) and Wales (as the Church in Wales) and also in Scotland, where it is known as the Scottish Episcopal Church. The Anglican Church was also established
in several colonies or parts of colonies in the United States: in Virginia in 1609, in the lower part of New York in 1693, in Maryland in 1702, in South Carolina in 1706, in North Carolina in 1730 and in Georgia in 1758. This meant that all the inhabitants of these states had to pay taxes to the Church. These arrangements came to an end with the signing of the Articles of Confederation and the creation of the federal United States. One of the aims of the Constitution was to prevent the creation of an established church in the federation, but it also guaranteed freedom of religion in public life. In Canada, the Church of England was established by law in Nova Scotia, New Brunswick and Prince Edward Island.

However, my primary concern in this section is to explore the connection between changing ecclesiological conceptions of Anglicanism and their impact on church–state relations. Although, as noted, the Church of England passed through several different phases, the overall position has been the Erastian notion that the state should have supremacy over the Church. Constitutionally, the prime minister (even when the office-holder is an atheist, as Lloyd George was) must approve the appointment of Anglican bishops, although Gordon Brown promised reforms in this area when he became prime minister. At the same time, the Church of England could not achieve hegemony in the same way that the Church of Sweden did by eliminating all rivals. For one thing, in England (but also in Scotland, Wales and Ireland) there was much greater religious heterogeneity: the Church of Scotland was Calvinist but co-existed alongside the Anglican Episcopal Church, the Roman Catholic Church and various smaller Protestant sects such as the Free Presbyterians (the ‘Wee Free’); in Wales nonconformists (Methodists, Evangelicals, Quakers, etc.) were stronger than the established Church of England; in Ireland the majority of the population remained Catholic, with an Anglican Anglo-Irish aristocracy dispersed across the entire island, a strong Presbyterian minority in Ulster and a variety of Protestant sects. All of this meant that although the state (the monarch and the organs of government) remained in Anglican hands, it had to come to terms with the wide variety of other Christian faiths. This may be one of the factors that led to what political scientists call Anglo-Saxon pluralism. Interestingly, in (Protestant) Anglophone Canada, this notion of political pluralism, expressed through ‘multiculturalism’, contrasts strongly with the situation in (Catholic) Québec, where there is a more statist notion of politics and where ‘interculturalism’ rather than ‘multiculturalism’ is the dominant approach.

**Roman Catholic perspectives**

As with the other theological traditions, there is no one Catholic position with regard to church–state relations. We must distinguish here between the papacy (which, as noted on p. 53, was a temporal as well as a spiritual power in the Middle Ages) and the different ecclesiastical situations in various parts of Europe. First, even before the Reformation, there were tensions between advocates of conciliarism (such as Marsilius of Padua, who held that the supreme spiritual authority of the Church lay with councils of bishops) and the advocates of papal monarchy (who saw the pope as the supreme authority). Temporal rulers chose sides in this debate, generally less out of theological conviction than political expediency; there were even cases of advocates switching position depending on which ruler was supporting them (Ozment 1980).

Following the Reformation, the political situation changed dramatically, with the rise of political nationalism and the first signs of the modern state (particularly in Protestant Europe). There were differences among Counter-Reformation Catholic theologians – such as the Jesuit Robert Bellarmine (1542–1621), who promoted monarchy, obedience and hierarchy (Höpfl 2004), and others, including the Dominican Francisco de Vitoria (c.1492–1546), who (drawing on a revived Thomism) emphasized the common good (Nemo 2002: 176). The papacy itself
looked on developments in post-Reformation Europe with disfavour; this eventually became a systematic opposition to modernity that reached its culmination in Pius IX’s notorious *Syllabus of Errors* (1864). It is true that between the Reformation and the promulgation of the *Syllabus* there had been the French Revolution and the looming spectres of anarchism and radical Marxist socialism. Furthermore, particularly within Catholic countries, liberal nationalism and Republicanism had taken on a vicious anti-clerical aspect. In Italy, the Risorgimento was in full swing; the Papal States themselves were gradually whittled away until the pope was reduced to his enclave in Rome. Catholic ecclesiology in the nineteenth century, in addition to believing the Catholic Church to be the only true Church, also conceived it to be an embattled fortress besieged by the forces of Protestantism and modernity – nationalism, liberalism, freemasonry, socialism and revolution. The *Syllabus* can be seen as a panicked reaction to these threats from without. This began to change when Leo XIII, elected pope in 1878, moderated the extreme stance of Pius IX by beginning to come to terms with modernity at least to some extent in, for example, his encyclical *Rerum Novarum* (1891). Nevertheless, the hierarchy of the Catholic Church maintained an ecclesiology (the ‘fortress’ model) that was a reaction against the Protestant Reformation, the eighteenth-century Enlightenment, the French Revolution and the rise of the modern state and industrial society. This lasted until the Second Vatican Council (1962–5) adopted a radically different approach with its *Dogmatic Constitution on the Church* (*Lumen Gentium* 1964) and *Pastoral Constitution on the Church in the Modern World* (*Gaudium et Spes* 1965).

The papal position on church–state relations rejected the Lutheran and Erastian idea that the state should have supremacy over the church; it viewed itself as exercising a ‘spiritual sword’ that was superior to the ‘temporal sword’. Although it finally came to accept that the modern state, even in Catholic countries, would not submit to the spiritual authority of the pope, it still sought to obtain for itself a special position in these countries that would give it an important role in public affairs. In some countries, such as the newly independent Ireland (1922) and Franco’s Spain (1936–76), it certainly did occupy such a position. In others, such as Italy and the countries of East and Central Europe before Communism, it approximated this position through the system of concordats. The Holy See, recognized as an autonomous and sovereign state in its own right, also built up a diplomatic corps in many countries (which still exists today).

However, it is also necessary to consider the positions of different hierarchies. Although the papacy looked askance at the growth of nationalism, in practice several Catholic countries also became ‘Catholic’ nations. This was true of France and Spain – particularly the former, which developed a variation of ecclesiastical nationalism known as Gallicanism that opposed ultramontanism (i.e. primary loyalty to the pope). This allowed the French and Spanish monarchs an important say in the appointment of bishops and lower clergy, even though (in the context of the conflicts brought about by the Reformation) these kingdoms remained within the Catholic fold. When modern nationalism spread across Europe after the French Revolution, some countries (such as Ireland and Poland) used their Catholic faith as an important element of their national identity. This led to some curious situations, such as when, in the latter half of the nineteenth century, the British government allied with the Vatican to condemn the revolutionary Republican movements in Ireland. Irish nationalists responded by saying, ‘We take our religion from Rome and our politics from home’ (quoted in Keogh 1986: 68). There were also Catholic thinkers and movements that were sympathetic to the ideals of liberalism and democracy, such as Lammenais and Lacordaire, who published the journal *L’Avenir* (Nemo 2002: 603–8). However, such figures tended to incur condemnation from Rome and sometimes ended up leaving the Church.
Central to these developments was ecclesiology. The Catholic version of ecclesiology had become somewhat unbalanced after the Council of Trent (1545–63) and the extreme positions adopted by Pius IX. It was almost as though Catholic teaching was defined by emphasizing whatever distinguished Catholicism from Protestantism: devotion to Mary, the promulgation of the dogma of the Immaculate Conception, papal infallibility, Catholic devotions such as the rosary, etc. Of course, Protestants also adopted the opposite unbalanced and exaggerated positions – for example what has been called ‘bibliolatry’ or even iconoclasm. It was only during the twentieth century that more balanced positions began to be developed, with the *Nouvelle théologie* in Catholicism and the growth of the ecumenical movement beginning in the 1930s.

On the Catholic side, the Second Vatican Council (1962–5) was the culmination of this trend; it also had a profound impact on church–state relations. It is true that the Vatican often established relations with unsavoury regimes such as Franco’s Spain and the 1941 Ustaša puppet regime led by Ante Pavelić in Croatia. However, beginning in the 1960s, the Catholic Church was often in the vanguard of movements for democracy and social justice in Africa, Asia and Latin America as well as in the developed world.

### The modern nation-state

We now turn to the impact of religion on the evolution of the concept of the modern nation. In her book *Nationalism: Five Roads to Modernity* (1992), Liah Greenfeld asserts that the modern nation began with the Protestant Reformation, particularly the English Reformation. She argues that England led the way by defining itself as a Protestant nation in contrast to Catholic France, which was the second modern nation. Germany, Russia and the United States followed distinctive ‘roads’ to modernity, but in each case religion played an important role. It should also be noted that the Reformation, by introducing the principle of ‘national’ churches – the Church of Sweden, of England, of France, etc. – consolidated the notion of a nation as identified with a particular confession and with a particular state. The 1648 Treaty of Westphalia ended the Wars of Religion through the application of the principle of *cuius regio, eius religio* – ‘the religion of the ruler will be the religion of the state and people’ – an idea that had been in circulation since the 1555 Peace of Augsburg. Westphalia featured two elements that became important in the subsequent development of the nation and the state: first, it consolidated the existence of state churches and, second, it introduced the principle of non-intervention of one state in the internal affairs of another, thus clarifying the notion of ‘sovereignty’. Modern international relations is a secularized version of this principle.

The development of the modern *democratic* state also progressed in the period after the Reformation, principally during the seventeenth and eighteenth centuries. This occurred through the three great revolutions of this era: the 1688 ‘Glorious Revolution’ in England, which consolidated parliamentary government against absolute monarchy; the 1776 American Revolution, whose 1778 Constitution established the world’s first modern federal system; and the 1789 French Revolution, which created the modern unitary nation-state (the ‘one and indivisible Republic’) and the notion that the ‘nation’ was identical to ‘the people’. These revolutions gave us the three currently dominant forms of the state: the ‘union’ state of the United Kingdom (that is, formed by the ‘unions’ of England with Wales, Scotland and Ireland, respectively), the American federal state and the French unitary state. Most modern states subsequently adopted one of these three forms; the majority have opted for the federal or unitary models, although in recent years there has been a growing interest in the model of the ‘union’ state. These revolutions and state forms were the result of many political, economic, social and
religious factors, as well as the influences of political philosophers and theologians; the best known of these include Machiavelli, Hobbes, Bodin, Montesquieu and Rousseau (who vacillated between Roman Catholicism and the Reform tradition).

My argument is that these different ways of organizing the state according to specific concepts of nation and state derive, at least in part, from the different and competing theologies of the church, of church and state, and of church and politics that were actively debated in the most crucial period of nation- and state-building in the sixteenth century. However, my interest here lies in what the consequences of these positions were for subsequent political organization and the development of political theory, even in its most secularized expressions.

The contemporary situation: religion, secularization and ‘post-secularism’

Do these historical and theological considerations have any relevance to the contemporary state? Thanks to the secularization processes initially identified by Peter Berger (1967) and more recently propounded by Steve Bruce (2002), whose work is inspired by sociologists such as Weber and Durkheim, religion has largely been consigned to the purely private sphere and is no longer seen as relevant to contemporary politics, except in the negative sense of its exclusion. The sociological version of the secularization thesis involves a rather crude reading of modern European history that holds that, with increasing ‘modernization’ and the emphasis on scientific explanations of the world and more ‘rational’ forms of social organization, ‘religion’ will eventually disappear or at most be confined to the sphere of private individual beliefs and activities (rather like bird-watching or stamp-collecting). Following Max Weber’s dismissal of religion as being unworthy of a rational being, this became a dominant paradigm in the social sciences, not just in sociology but also in other disciplines such as political science, international relations and economics (Gregory 2012: 299).

It would appear that secularization in the sense described above did occur in Western European countries; however, in recent years there has been a vigorous debate about the original thesis. Die-hards such as Steve Bruce have dug in their heels, refusing to abandon the theory that religion would disappear or become irrelevant. Other sociologists, political theorists, theologians and historians have adopted more nuanced positions. Berger (1999) now admits that the original thesis was wrong, at least in its prediction that religion would disappear. It has not disappeared; on the contrary, it seems to be alive and well even in the United States, the world’s most ‘modern’ state, although Berger does think that the prediction may be more accurate as a description of Western European trends (Berger et al. 2008).

This change of position is based on empirical realities. Far from disappearing, religion seems to thriving in most parts of the world (Micklethwait and Wooldridge 2009). The secularization thesis largely holds in Western Europe and some countries similar to Europe (such as Canada, Australia and New Zealand), but not in other parts of the world such as the United States, Latin America, Africa and Asia. Even China is experiencing a revival of religious faith and practice; given the enormous size of its population, China’s absolute numbers of religious believers and practitioners outnumber their equivalents in Europe. Furthermore, the liberation of the former Communist states of East and Central Europe and the Soviet Union has also led to a revival of religion in several countries in that region. This is admittedly uneven, ranging from the strong Catholic presence in Poland to the majority atheism of the Czech Republic (Slovakia, by contrast, is also strongly Catholic). The 2004 EU enlargement meant that large numbers of Poles, Lithuanians and other East and Central Europeans who were practising Catholics arrived in
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Britain and Ireland, helping to reanimate declining parishes in these countries. Finally, the presence of large Muslim immigrant populations in several European countries and the rise of militant Islamism have placed the question of religion on the public and political agendas through issues such as the status of women, Muslim attitudes towards homosexuality, sharia law, etc. Negative reactions to Islam have led to the questioning of multiculturalism and attitudes of tolerance in the UK, the Netherlands and Germany, while the French have resorted to the traditional notion of laïcité on issues of dress codes in schools and in public places (with regard to the burqa and the hijab). In addition to these recent manifestations of religion in European states, there is also the fact that even though religious practice has declined, churches and other religious organizations have never completely gone away. Churches are constitutionally and legally recognized in all European states and by the European Union (Doe 2011). Furthermore, they are responsible for the delivery of a range of public services. The key question is how this recognition and this involvement in public service delivery relate to liberal representative democracy. We will examine these three aspects of the religious question in turn.

Nevertheless, even if there are empirical manifestations of religion at the level of society, it is not the case that states are becoming more secular. John Milbank (1990), founder of the theological school known as ‘radical orthodoxy’, claims that, in reality, what we think of as ‘secular’ institutions and the social theories that try to describe and explain them actually have a religious foundation. In other words, they are not fully ‘secular’, in the sense that they have completely escaped their religious or even theological roots. My argument in this chapter is related, although I think one can also speak of the ‘secularization’ of concepts and phenomena that may have their origins in theological constructs. This is what has been argued above with regard to the development of European states such as Sweden and the Netherlands: the original theological concepts have been all but forgotten, but the content of those concepts still plays a role in shaping the form of the state and the political, policy and administrative culture of that state (Kahl 2005). In his sociological writings, David Martin has long been a critic of the cruder versions of the secularization thesis; he asserts that religion and society have always existed in a dialectical relationship with each other, and that this is true in the modern era as well as of previous periods (Martin 1978). Charles Taylor (2007) argues a similar point in his massive volume when he states that it was the reforming efforts of the Christian church – even before the Reformation itself – that laid the foundation of the modern secular state. So, how secular is the modern state? We now turn to this question.

Constitutional and legal recognition of religious groups

The Treaty of Westphalia was originally established to end the Wars of Religion that had followed the Reformation; these conflicts had divided the Holy Roman Empire, although religious conflict had broken out in other parts of Europe as well. Although the term ‘Westphalian state’ is today taken to refer to a state that does not intervene in the affairs of other states, its original meaning entailed a recognition of the confessional state. One consequence of this was the phenomenon of ‘established’ churches in Protestant Europe and a special recognition of the Catholic Church in Catholic Europe. This arrangement still largely holds today in several European states. Church–state relations in Europe can be described as a spectrum; at one end, there are the established churches of England, Norway, Denmark and (until 2000) Sweden. At the other end of the spectrum, there is France, where since 1905 there has been complete separation of church and state and a distinctive concept of laïcité. In between, there are various arrangements that regulate church–state relations, such as concordats between the Holy See and the state, as is the case in
Italy and in some of the former Communist states. Ireland’s 1937 Constitution granted ‘special recognition’ to the Catholic Church; however, this clause has since been removed as part of the reconciliation process between the two parts of Ireland (there is a large Protestant population in the North). Even if their constitutions do not explicitly mention religious groups, many countries have passed legislation to regulate religious activities, and, in practice, many public services, such as education and health care, are delivered by religious organizations. In the United States, there was also the separation of church and state following the establishment of the Federation; the First Amendment to the Constitution (1791) forbids the establishment of religion but also guarantees its free exercise. Unlike in France, this was not designed to stifle religious expression in the public sphere but rather to ensure that no one church dominated over others, as had been the case in some of the European countries (including England) from whence most of the original colonists came. The result has been a lively presence of mostly Christian groups as well as much smaller numbers of other faiths in American civil society and even an assumption that all political leaders will profess a religious faith. At present, it is highly unlikely that an atheist will be elected to high public office. In contrast, in some European countries candidates tend to play down any religious affiliation, the most notorious example being perhaps British prime minister Tony Blair, who wanted to convert to Catholicism but waited until he left office to do so. Alistair Campbell, his ‘spin doctor’, notoriously said, ‘We don’t do God!’ (Daily Telegraph, 4 May 2003).

The question of the place of religion in the European Union was debated during the Convention on the Future of Europe, which was presided over by Valéry Giscard d’Estaing. The Convention was an attempt to draw up a ‘Constitutional Treaty’ for Europe, a document whose preamble laid out some of the values and principles of the European Union. One issue was whether Christianity or even ‘religion’ should be explicitly mentioned in this preamble. The member states were divided on the question, with countries such as the UK, the Scandinavian countries and France being opposed and others, including Poland (then a candidate for EU membership), Spain (under Aznar), Italy and Malta (also a candidate), being in favour. Interestingly, this represented a division between northern (Protestant) Europe and southern (Catholic) Europe. France, although traditionally Catholic, opposed the reference on the grounds that it would interfere with its tradition of laïcité. In the end, the references to Christianity and ‘religion’ were dropped in favour of a vaguer reference to ‘spiritual’ traditions. Nevertheless, the Constitutional Treaty (and the subsequent Lisbon Treaty) gave constitutional recognition for the first time to churches and religious groups as organizations of European civil society.

**Religious groups and the delivery of public services**

Religious organizations, mainly Christian denominations but also other groups such as Muslims, Jews and Sikhs, are involved in the provision of a wide range of public services, many of which are delivered on behalf of the state. The largest sector here is education, where, despite the efforts of secular liberals to remove the church from this sphere, many schools are run by religious organizations. This is the case in the UK, Ireland, the Netherlands (where about 70 per cent of schools are church schools), Italy, Spain, Germany and even France (where Catholic schools are termed les écoles privées). There are also a growing number of Muslim, Jewish and Sikh schools. Other services provided by religious organizations include health care, social services, orphanages and care for the elderly, immigrants, refugees and asylum seekers. Many of these services are at least in part funded by the state, but also in part by the religious organizations themselves through donations from their members.
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Of course, the mere fact that religious organizations provide these services does not mean that all those involved in delivering the services and all those who benefit from them are believers. For example, many of those who teach in Catholic schools may not be practising Catholics or even believers. Similarly, many pupils in these schools come from homes that are highly secularized and only nominally Catholic (if at all). Nevertheless, the delivery of these services ensures that religious organizations do in practice still occupy a place in the public sphere. A basic issue that has arisen in contemporary Western societies is to what extent these organizations remain free to practise their own beliefs and whether there may be limits to this. We now turn to the question of religious freedom in political theory.

Contemporary approaches to religious freedom in political theory

Rawlsian secularism

Political theory in the Anglo-Saxon world has been dominated by the work of John Rawls, the American political scientist whose book *A Theory of Justice* (1971) provided a philosophical underpinning to the kind of secularist liberal democracy described above, although he did modify his position on religion in his later work *Political Liberalism* (1993). Rawls was concerned with how to reconcile the principles of equality and freedom in a society marked by inequality and unfairness. In *A Theory of Justice*, he develops two principles of justice: the *liberty principle*, establishing equal basic liberties for all citizens, and the *equality principle*, which would guarantee liberties that represent meaningful opportunities for all in society and ensure distributive justice. However, in order for the members of a society to agree to these principles, Rawls introduces a mind-game, arguing that the actors should start from what he calls an ‘original position’: from behind a ‘veil of ignorance’ they should agree on certain basic rights and the redistribution of benefits. This is based on the idea that they would thereby set aside knowledge of their own personal characteristics and their own place in society (their social class, religion, economic situation, etc.) as well as what he calls ‘comprehensive doctrines’ (doctrines that make negotiation difficult, of which religion is the most striking example), using ‘public reason’ in order to arrive at a consensus on the basic rules of co-existence. It is here that religious believers might part company with Rawls, as he assumes that religious beliefs are inherently incompatible with ‘public reason’. However, the intellectual and cultural elites who have come to dominate Western institutions and the academy since the 1960s tend to agree with Rawls on this point. As Thomas Farr has argued, ‘Rawlsian assumptions about the inherently anti-liberal and anti-rational characteristics of religion are widely shared among intellectuals in the West and the United States, including both secularists and many Protestants and Catholics’ (Farr 2008: 49).

Rawls’s work has provoked a heated debate, with critiques issued by scholars from a wide variety of intellectual traditions, including the communitarian Michael Walzer (1983), the libertarian Robert Nozick (1974) and Amartya Sen (2009), whose research is centred on ‘capabilities’. But most of these scholars would probably agree with Rawls’s position on the negative consequences of religion for liberal democracy, as well as with the precept of restricting religious belief and practice to the private sphere. Others, however, see a more positive role at least for certain religious traditions, perceiving them as potentially necessary to support democracy; far from suppressing such traditions in the name of democracy, these scholars argue, they should be actively encouraged. In fact, Rawls himself later adopted such a position in the 1993 book *Political Liberalism*, although it is the early Rawls that has been most influential. Before examining this more positive understanding of religion and politics, it will be useful to consider another secularist position that differs from the Rawlsian approach: ‘value pluralism’.
Value pluralism

This approach, which stems from the theories of Isaiah Berlin, has been developed by Joseph Raz (1986), John Gray (1995) and, more recently, Peter G. Danchin, who has applied it to the principle of religious freedom in international and domestic law (see Danchin 2008a, 2008b). Value pluralism rejects the Rawlsian idea that there is something called ‘public reason’ capable of supplying a ‘meta’-liberal legal framework that takes precedence over any particular value system, including a set of religious beliefs. In his Four Essays on Liberty (1960), Berlin argues that, ‘[i]f the claims of two (or more than two) types of liberty prove incompatible in a particular case, and if this is an instance of the clash of values at once absolute and incommensurable, it is better to face this intellectually uncomfortable fact than to ignore it, or automatically attribute it to some deficiency on our part which could be eliminated by an increase in skill or knowledge; or, what is worse still, suppress one of the competing values altogether by pretending that it is identical with its rival – and so end by distorting both’ (quoted in Danchin 2008b: 2). In The Crooked Timber of Humanity, Berlin suggests that value systems may be ultimately ‘incommensurable’; that is, no one value system may be placed in a hierarchy of more or less true beliefs (Berlin 1998: 9). They are different sets of beliefs that simply represent divergent interpretations of the good life that are valid within their own communities. Gray accepts this position but argues (unconvincingly, in my opinion) that this is not the same as moral relativism. The political consequences of such an approach are very different from those of Rawls’s legal liberalism; in fact, value pluralists argue that difficulties should be resolved not through law but through politics and debate (although Peter Danchin has developed this perspective from the point of view of international and domestic law).

What is positive about this approach from the perspective of religious freedom is that it seriously considers the substantive content of religious beliefs and practices, arguing that these should be respected as varying accounts of what their adherents perceive to be the good life. This also seems to imply that the Rawlsian meta-legal framework for managing plurality based on the ‘original position’ and the ‘veil of ignorance’ itself represents a definition of the good life that has no inherent superiority over any other account, despite its claims. However, there is also something inherently relativistic about the ‘value pluralism’ approach, in that it seems to deny the possibility of developing an approach that derives from our common humanity and that could form the basis of relationships among different groups and between these groups and the state. It is difficult to see how ‘value pluralism’ differs from the Western ‘multiculturalist’ approach that it criticizes – except that, unlike the latter, it does not denigrate Western Christian culture or view this as inferior to other cultures (Bloom 1987: 36).

Alfred Stepan’s twin toleration thesis

The underlying assumption of the Rawlsian approach is that ‘religion’, as a comprehensive doctrine that is alien to ‘public reason’, is difficult to reconcile with liberal democracy and should therefore be confined to the private sphere. Challenging this idea is a third approach that has been developed in recent years by Alfred Stepan of Columbia University (Stepan 2005). Stepan and the Spanish political scientist Juan Linz conducted an extensive empirical research survey in various parts of the world on the relationship between religion and democracy. Their primary focus was the question of whether religion and democracy are compatible. They found that democracy is indeed possible, although not inevitable, in countries with majorities of believers, including Islamic countries. In his chapter summarizing the findings of this research project,
Stepan argues that religions such as Islam and Christianity are actually quite complex and may contain a variety of different currents of thought – what he calls ‘multivocality’ – some of which may be amenable to democracy (Stepan 2005: 12). In actual practice, there are a number of democratic states in which religion is fully recognized and accepted by the state – for example Hindu-dominated India, with its Muslim, Buddhist, Jain and Christian minorities, and Muslim Indonesia. Other such democracies include the Orthodox countries of Romania, Bulgaria and Greece (although this country only recognizes the Orthodox Church). Several countries of Western Europe are democracies with established churches or in which religious groups are present in the public sphere through their provision of public services such as education and health care (see also Doe 2011). Furthermore, following the Second Vatican Council, the Catholic Church has been one of the prime movers in the third wave of democracy in Latin America and Africa (Huntington 1991). However, Stepan also recognizes that some strands within religious groups, including both Islam and some branches of Catholicism, are not conducive to liberal democracy. Some Muslim groups reject democracy that is based on the notion of ‘sovereignty of the people’, since only Allah is sovereign. In Catholicism, the Church historically refused to recognize the legitimacy of liberal democracy, accepting it only after the Second Vatican Council. Furthermore, there is a strand of intégriste Catholicism that nostalgically clings to old conceptions of Church and Throne or, even more sinisterly, to extreme right-wing ideas (Le Nouvel Observateur, 14 November 2011).

It is with this background in mind that Stepan has proposed what he calls the ‘twin toleration’ thesis. He argues that the Rawlsian approach of secularism cannot succeed in societies with significant religious communities; in fact, it is likely to be counterproductive by alienating such communities from mainstream society. Almost no liberal democracy has actually followed the Rawlsian approach, nor is any likely to do so. According to Stepan, this is because democracy ‘is a system of conflict regulation that allows open competition over the values and goals that citizens want to advance’, but there are democratic boundaries within which such competition takes place (Stepan 2005: 5). This requires the negotiation of a democratic covenant between civil and religious authorities – the ‘twin toleration’ of each by the other. Government permits both private and public religious activity, including activities designed to influence public policy, within very broad, equally applied limits. Religious individuals and communities agree to avoid actions that ‘impinge negatively on the liberties of other citizens or violate democracy and the law’ (Stepan 2005: 10–11).

The Stepanian approach could have a number of positive effects, both for the practice of democracy and for the religious organizations that are present in pluralistic societies.

First, it would enrich democracy itself, as it would embrace religious groups, with all their rich knowledge of humanity and experience in delivering a wide range of services that benefit the common good. Robert Putnam has spoken of ‘social capital’ as essential for the functioning of a democratic society, and religious groups make an important contribution to this capital (Putnam 1993). In the United Kingdom, the current coalition government’s ‘Big Society’ programme has strong affinities with Catholic social teachings; the involvement of churches and other religious communities in this programme could contribute to the enhancement of social capital (Loughlin et al. 2013). Furthermore, some of the underlying principles of liberal democracy and human rights have their origins in religious concepts: the intrinsic dignity of human beings, the equality of all people by virtue of their common creator and heavenly father, the imperative to love one’s neighbour as oneself, etc. Contemporary lists of human rights are often secularized versions of these principles, but by themselves they have little intrinsic justification. Without this philosophical and ethical underpinning and without a truly humanistic...
understanding of these rights (that is, imbued with an integral humanism), they could come to be manipulated by powerful lobbies and groups that may be promoting something that is less than human.

Second, the twin toleration approach would help religious organizations to adapt themselves to democracy. As mentioned above, no major religious group – Christianity, Islam, Hinduism or Judaism – is ‘univocal’; rather, they are made up of different tendencies, some of which are more compatible with democracy than others. Stepan’s approach would encourage these latter tendencies to come to the fore, and this may help the group as a whole to become more successfully integrated into a pluralist, democratic society. In fact, this approach may be important in developing democratic theory and practice; it may be that new forms of democratic expression will develop as a result. In contrast, secular Rawlsianism, multiculturalism and value pluralism all tend to reinforce the more anti-democratic tendencies within religious groups, either forcing them into or encouraging them to maintain a marginalized position. Encouraging these organizations to participate fully in the public sphere may thus be good for democracy itself.

It is obvious that the Stepanian approach can only work if the principle of religious freedom – understood in both its individual and collective senses – is fully respected.

The implementation of the principle of religious freedom in domestic politics and in international affairs

In modern society we find a somewhat paradoxical situation. On the one hand, many authors have acknowledged that the 1960s ‘secularization thesis’ has failed to materialize; on the contrary, religion is still alive and kicking in almost all parts of the world. Peter Berger, one of the original proponents of the thesis, has now declared that he and other sociologists of the 1960s were mistaken, at least with regard to countries outside Western Europe and Canada (Berger 1999), although Bruce (2002) is still holding fast to the original secularization theory. Two journalists from the Economist, John Micklethwait and Adrian Wooldridge, published a book in 2009 entitled God Is Back: How the Global Rise of Faith Is Changing the World. Monica Duffy Toft and her colleagues confirm this idea on the level of global politics (Toft et al. 2011).

On the other hand, in recent years there has been a rise in the denial of religious freedom in all parts of the world, both in the form of attacks by aggressive secularism in Western countries and in the remaining Communist regimes and the denial of religious freedom to religious minorities in countries with a hegemonic religious majority (Farr 2008: 334, fn. 39). The latter trend is primarily found in Muslim countries, but it can also occur in countries where other faiths are dominant (e.g. in Russia and Greece, where Christian Orthodoxy is the dominant religion). Undoubtedly, the two phenomena are closely related. It is intolerable to some secularists that religion should leave the private sphere; indeed, many feel threatened by the more extreme tendencies within religious groups such as radical Islamism and the evangelical Christian right. Nevertheless, the principle of religious freedom is itself a fundamental freedom and it is important to resist attempts to undermine it. Article 18 of the Universal Declaration of Human Rights states that ‘[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance’. The European Convention on Human Rights includes a similar article – Article 9 – that seeks to protect freedom of thought, conscience and religion.

Recent developments in Western states and elsewhere indicate that the provisions of these articles are not being comprehensively respected. A valuable source of information in this regard
is the International Religious Freedom Report, which is drawn up each year by the US State Department. The report for 2011 states, ‘Governments restricted religious freedom in a variety of ways, including registration laws that favored state-sanctioned groups, blasphemy laws, and treatment of religious groups as security threats.’ The report identifies what it calls ‘chronic and systemic violators of religious freedom’: China, North Korea, Iran, Saudi Arabia, Eritrea and other countries with authoritarian governments. However, the report also chronicles violations of religious freedom across the world, including those in Western developed countries. Although not mentioned in the State Department’s report, these infringements range from the closure of Catholic adoption agencies in the UK because of their refusal to allow homosexuals to adopt children to the attempt in Italy by a Finnish atheist to remove crucifixes from school classrooms. There have also been a series of controversies over the wearing of religious symbols or clothing (in France, Belgium and the UK) and over whether Christians may refuse to participate in abortions or civil partnership ceremonies for homosexuals. With ‘homosexual marriage’ now a legislative reality in France and the UK (in England and Scotland), these tensions could become more pronounced. We should not compare the position of European Christians with the violent persecution of Christians taking place in other parts of the world; however, there seems little doubt that the human right of religious freedom of these individuals is being denied in some instances.6

One of the problems has been in the way that Art. 9 of the European Convention and Art. 18 of the Universal Declaration are interpreted. Courts and administrations in some countries (including the USA and the UK) and in the Council of Europe have interpreted these provisions to mean that individuals exercise their freedom by being allowed to ‘worship’ or pray as individuals. This individualist interpretation seems to stem from the secularist Rawlsian perspective of liberal democracy, which argues that religious groups have no right of voice or presence in the public sphere. However, the articles can also be interpreted as meaning that religious groups have the right to express and practise their beliefs as organized communities. These would represent group rights rather than the rights of individuals. The notion of group rights has been developed by Kymlicka with regard to linguistic and cultural minorities, but it could also be applied to religious minorities (Kymlicka 1995). Furthermore, by this argument, such organized religious communities would have as much right to participate in the public sphere as any other group and would have an equal right to try to influence public policy. The Rawlsian approach leads to a situation in which a secularist approach is regarded as somehow superior to a religious perspective and where it alone has a right to be heard.

This leads to a secularist interpretation of the law and this seems to underlie some recent legal judgements in the United Kingdom and the European Court of Human Rights. Despite much evidence to the contrary, some English judges have argued, rather arbitrarily, that the Judaeo-Christian tradition has little relevance in the interpretation of English law.

**Freedom of religion in international affairs**

It is interesting that the academic discipline of International Relations (IR) has traditionally paid little attention to the phenomenon of religion. This is undoubtedly because the dominant approaches in IR – realism, neo-realism and liberal institutionalism – all accept the secular nation-state as the key actor in international affairs (Farr 2008: 53). International affairs are conceived of as a system of ‘anarchy’ (in the literal sense of there being no world government, not in the popular sense of ‘chaos’) in which national self-interest is the dominant driving force that motivates states in the international arena. States are regarded as unitary actors driven by self-interest and power, in the same way that individuals in society are thus driven. IR theorists have tended to
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share the Enlightenment and Rawlsian secularist idea that ‘religion’ is inherently irrational and should not enter into relationships between states. This secularist mentality, dominant in many departments of foreign affairs in Western states, is often shared by international organizations such as the UN and the World Health Organization. ‘Religion’ is seen at best as irrelevant and at worst as an obstacle to development programmes. This is despite the fact that the majority of the world’s population is religious in some sense and that religious organizations and NGOs are often at the coal face of development programmes.

Conclusions

A number of points emerge from these reflections. First, religion and even theology have been crucial in the development of the modern Western nation and state; the various theological traditions derived from the Reformation led to the diversity of understandings of the nation and the state in Europe and elsewhere. Second, despite the efforts of secularism to remove religion from the public sphere, religion and religious organizations remain important, both constitutionally and legally, as well as in the delivery of a range of public services delegated to them by the state in many countries. Third, there are different understandings of the way in which religion affects democratic practice. Most Christian churches would accept that Western states are secular institutions; nevertheless, they would insist that a healthy democracy requires that they be recognized as actors in the public sphere rather than confined to the private sphere. Some secularists, in contrast, would prefer to remove religion entirely from the public sphere and even from the delivery of public services. In theoretical terms, this might be seen as a conflict between the versions of democracy proposed by Alfred Stepan and John Rawls, respectively.

Notes

2 However, the nation-state has also been associated with non- and even anti-democratic political regimes, such as Nazi Germany, Fascist Italy, China, Albania and the former Communist states of East and Central Europe. Japan, the first Asian nation-state, is another example.
3 During the inter-war period and after 1945, there was a flourishing of theological debate in the Catholic Church, led by the Jesuits Henri De Lubac and Karl Rahner, the Dominican Yves Congar and the young Josef Ratzinger.
4 Although I reject John Cornwell’s argument that Pius XII was ‘Hitler’s Pope’ or did not do enough for Jews during World War II (Cornwell 2000).
5 In this section, I am following the excellent summary of Stepan’s thesis provided by Thomas Farr (2008: 95).
6 The Observatory on Intolerance and Discrimination against Christians (Dokumentationsarchiv der Intoleranz gegen Christen), headed by Dr Gudrun Kugler, is a non-governmental and not-for-profit organization registered under Austrian law that has produced extensive documentation of cases of discrimination against Christians in Europe: http://www.intoleranceagainstchristians.eu/index.php?id=818 (accessed 8 November 2012).

Bibliography


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