

Week Ten Handout

“God & Caesar – The Ancient Modern Clash”

Dr. James C. (Jim) Wallace



State Religion, Separation, and Secularism (Part 2):

Varieties of Church-State Accommodation

America has “separation of church and state.” Britain has an official state church. France embraces a model of secularism called “laïcité.” Turkey utilizes a different approach called “laiklik.” China is in the middle of a religious resurgence and is seeking to create its own model of church-state accommodation “with Chinese characteristics.”

We will look at some of the major models of church-state relations and seek to understand how America is similar and different.

Follow-up to last week’s discussion – What do you think?

1. If prayer was returned to public schools, what prayers should be said in large portions of Dearborn, Michigan which are Muslim-majority? What should Christian students do who attend these schools?

What about in Alabama, which is dominantly evangelical Christian, what should Jewish students do?

Should the dominant religion of a community determine what kind of prayers are said in public schools?

2. If tax deductions are allowed for interest paid on funds borrowed (mortgages, business, etc.), should special tax allowances be made in order to avoid double taxation for “Islamic finance” which outlaws interest?

If not, how does one justify other laws that remove double-taxation? Is this religious discrimination?

Varieties of Church-State Accommodation

1. **Separation of Church and State** – United States of America
 - First Amendment of the U.S. Constitution
 - *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

- Six core principles
 - Liberty of conscience
 - Free exercise of religion
 - Religious pluralism
 - Religious equality
 - Separation of church and state
 - Disestablishment of religion
- “Wall of separation”
 - John Locke, Roger Williams, Thomas Jefferson
 - Danbury Baptists (1802)
 - *Everson v. Board of Education* (1947)
 - Formally incorporated the First Amendment disestablishment clause into the Fourteenth Amendment due process clause and applied it to the states.
 - Justice Hugo Black writing for the court: ***“Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups, or vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect ‘a wall of separation between church and state.’ . . . That wall must be kept high and impregnable. We could not approve the slightest breach.”***

2. Varieties of an Official State Church

- **United Kingdom**
 - Henry VIII separated the Church of England from the Roman Catholic Church in 1534 by the Act of Supremacy; made the monarch the “Supreme Head” of the Church of England
 - Henry’s Act of Supremacy was repealed by his Catholic daughter, Mary 1, in 1554
 - A revised Act of Supremacy was reinstated by Elizabeth 1 in 1558 when she ascended to the throne
 - Monarch is “Supreme Governor” of the church; cannot be or marry a Catholic
 - Required an “Oath of Supremacy” of anyone taking public office or church office
 - Official Church of England appointments are Crown appointments
 - High church officials have seats in the House of Lords
 - England has no written constitution; there is no constitutional principle of freedom of religion, although in practice, this is the case
- **Germany**
 - Freedom of religion is guaranteed in the German constitution (German Basic Law)
Article 4 – Freedom of faith and conscience
(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.
(2) The undisturbed practice of religion shall be guaranteed.
(3) No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.
 - According to the German constitution, religious instruction may be taught in state-run schools
Article 7 – School System
(3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state’s right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.

- Article 140 of the German constitution affirms the rights of religious groups and denominations, including *Sunday and holidays recognised by the state shall remain protected by law as days of rest from work and of spiritual improvement*
- Under the constitution, religious societies have the right to levy an 8-9% tax on its members through the state income tax revenue collection process. 70% of church revenues in Germany come via the state collections process.
- **Norway**
 - According to the Constitution of the Kingdom of Norway, the church has an official state church – the Evangelical-Lutheran Church – while still guaranteeing the free exercise of religion. The King is the head of state and the church. He must profess the state religion.
 - *Article 2 -*
All inhabitants of the Realm shall have the right to free exercise of their religion. The Evangelical-Lutheran religion shall remain the official religion of the State. The inhabitants professing it are bound to bring up their children in the same.
 - *Article 4 -*
The King shall at all times profess the Evangelical-Lutheran religion, and uphold and protect the same.
 - *Article 12 -*
The King himself chooses a Council from among Norwegian citizens who are entitled to vote. This Council shall consist of a Prime Minister and at least seven other Members. More than half the number of the Members of the Council of State shall profess the official religion of the State.
- **Others**
 - **Denmark** – Evangelical-Luther Church is the official state church; the King is required to be a member; church tax of 1.5%; government contributes an additional 13% to support the state church.
 - **Switzerland** – There is no official state church; however each of the 26 cantons (states) supports at least one of the three official denominations (Catholic, Old Catholic, Evangelical Reformed) with funds collected through taxation.

3. **Laïcité** – France

- *Le France est une République indivisible, laïque, démocratique, et sociale.* = “France is an indivisible, secular, democratic, and social Republic.”
- 1901 & 1905 Laws – *associations cultuelles* (associations of worship) or as *associations culturelles* (cultural associations).
- *Laïcité* still involves a great deal of government entanglement and control:
 1. Maintenance of houses of worship by state and local governments.
 2. Payment of religious chaplains in the military, prisons and hospitals.
 3. A special social security system for the clergy.
 4. Tax exemptions granted for officially registered religious institutions.
 5. Government subsidies for non-profit religious associations that pursue educational and humanitarian tasks in the public interest.
 6. The provision for voluntary religious classes in elementary schools.
 7. Allocations for subsidized TV broadcasts of religious programs.
 8. Tax benefits for endowments for educational (including religious) purposes
- The challenge of public spaces, pluralism, and the veil

4. **Laiklik** – Turkey

- Ottoman Empire, Caliphate, and Kemalism
- Mustafa Kemal Atatürk's Six Arrows - *nationalism, republicanism, populism, secularism, transformationism, statism*
- Kemal, *Diyamet*, and the control of Islam
- Ascendency of Prime Minister Tayyip Erdogan and admission to the EU

5. **Jewish and Islamic States**

Constitution of the State of Israel

Basic Principles of the State

1. The State of Israel is a Jewish State and the National Home of the Jewish People, wherein the Jewish People fulfills its yearning for self-determination in accordance with its historical and cultural heritage.

2. The State of Israel is a democratic State, which respects human rights in the spirit of the Jewish heritage's principles of freedom, justice, integrity, and peace.

Constitution of Pakistan (12 April 1973)

Preamble

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah; . . .

Faithful to the declaration made by the Founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, that Pakistan would be a democratic State based on Islamic principles of social justice;

Constitution of the Islamic Republic of Afghanistan (26 January 2004)

Article One

Afghanistan shall be an Islamic Republic, independent, unitary and indivisible state.

Article Two

The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals.

Article Three

No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.

Constitution of the Islamic Republic of Mauritania (12 July 1991)

Article 1

(1) Mauritania is an indivisible, democratic, and social Islamic Republic.

6. Religion with Indigenous Characteristics – China

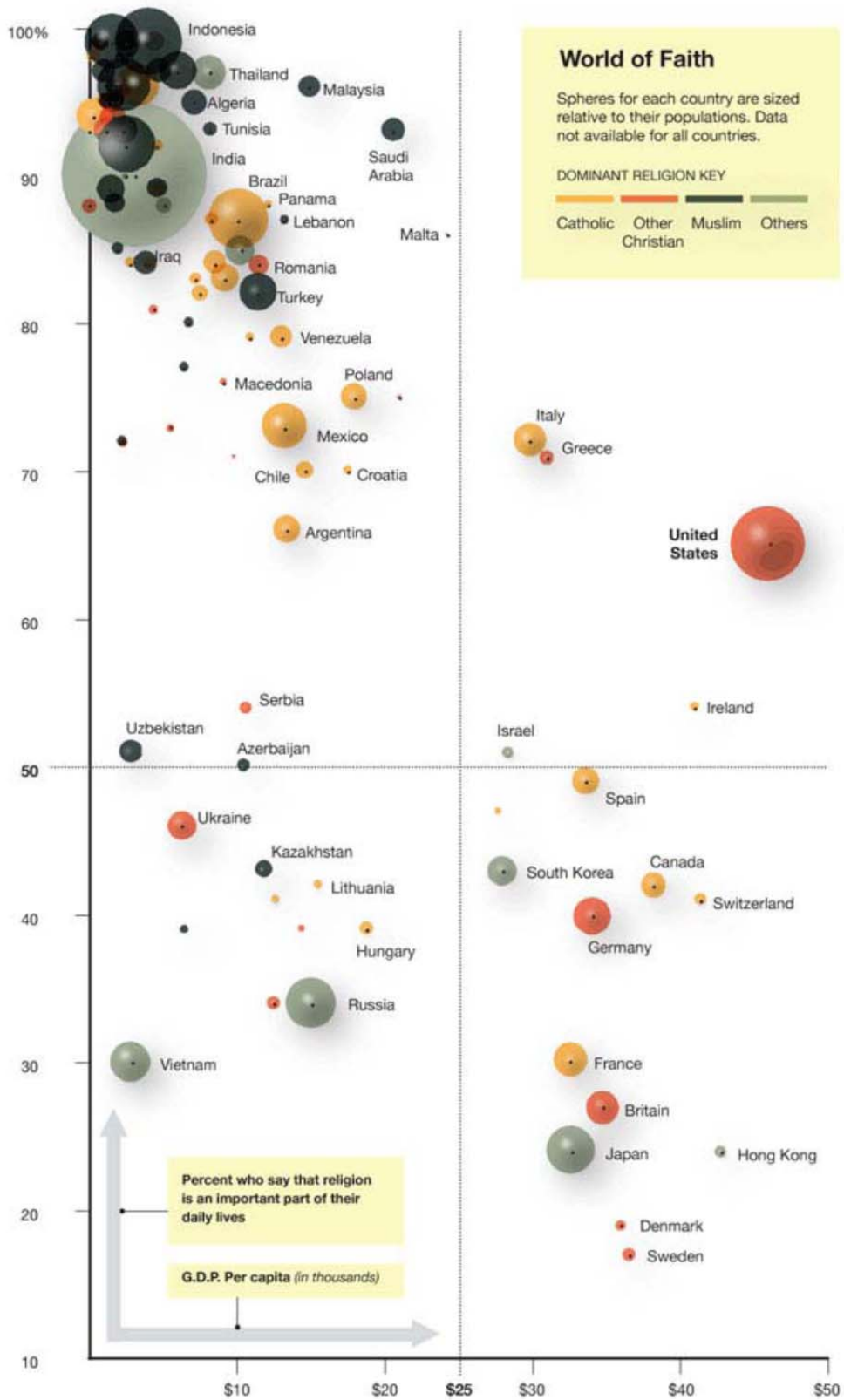
- China’s history of religious conflict
- Mao and the cultural revolution
- 1982 Constitution – “freedom of religious belief”
- Opening up and explosive religious growth
- Accommodation and “religion with Chinese characteristics”

Conclusions about the Varieties of Church-State Accommodation

- A. Religion is a critically important issue in the formation of nation-states, so much so that many states outline foundational principles of dealing with religion as a part of their constitutional structure.
- B. Nation-states have crafted a variety of arrangements to address religion-state issues. There is no one, dominant model.
- C. Religion-state arrangements for individual nation-states are determined and shaped, to a large degree, by indigenous historical, cultural, religious, and political factors, rather than dominantly by political philosophy.
- D. The “separation of church and state” model of the United States with its dual dis-establishment and free exercise clauses of the First Amendment was revolutionary when it was conceived and still stands uniquely apart from the religion-state models adopted by the majority of contemporary nation-states.

Closing Question

After viewing the various arrangements of religion-state relations in the different nation-states, are you satisfied with the current way religion is dealt with in the United States or do you wish it was different? If so, how would you change it?



Source: Gallup, CIA "The World Factbook"

Bibliography

- Aikman, David. *Jesus in Beijing*. Washington, DC: Regnery Publishing, 2003.
- Bauberot, Jean. "Two Thresholds of Laicization." In *Secularism and its Critics*, ed. Rajeev Bhargava, 94-136. Oxford, England: Oxford University Press, 1998.
- Berger, Peter. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York: Anchor Books, 1969.
- Bowen, John R. *Why the French Don't Like Headscarves: Islam, the State, and Public Space*. Princeton, NJ: Princeton University Press, 2007.
- Byrnes, Timothy A. and Peter J. Katzenstein, eds. *Religion in an Expanding Europe*. New York: Cambridge University Press, 2006.
- Casanova, Jose. *Public Religions in the Modern World*. Chicago: University of Chicago Press, 1994.
- CPC. "Document 19: The Basic Viewpoint and Policy on the Religious Question during Our Country's Socialist Period (March 31, 1982)." In *Religion in China Today*, ed. Donald E. MacInnis, translated Janice Wickeri, 8-26. Maryknoll, NY: Orbis Books, 1989.
- Davison, Andrew. "Turkey, a 'Secular' State? The Challenge of Description." *South Atlantic Quarterly* 102, no. 2/3 (Spring/Summer 2003): 333-50.
- Hamburger, Philip. *Separation of Church and State*. Cambridge: Harvard University Press, 2002.
- Katzenstein, Peter J., and Timothy A. Byrnes. "Transnational Religion in an Expanding Europe." *Perspectives on Politics* 4, no. 4 (December 2006): 679-94.
- Kindopp, Jason and Carol Lee Hamrin, eds. *God and Caesar in China: Policy Implications of Church-State Tensions*. Washington, DC: Brookings Institution Press, 2004.
- Lewis, Bernard. *The Emergence of Modern Turkey*. Third ed. New York: Oxford University Press, 2002.
- MacInnis, Donald E. *Religion in China Today: Policy & Practice*. Maryknoll, NY: Orbis Books, 1989.
- MacInnis, Donald E. *Religious Policy and Practice in Communist China*. New York: MacMillan Company, 1972.
- Meacham, Jon. *American Gospel: God, the Founding Fathers, and the Making of a Nation*. New York: Random House, 2006.
- Mullan, David George, ed. *Religious Pluralism in the West*. Oxford: Blackwell Publishers, 1998.

- Prodromou, Elizabeth H. "Turkey Between Secularism and Fundamentalism." *The Brandywine Review of Faith & International Affairs* (Spring 2005): 11-22.
- Shakman-Hurd, Elizabeth. *The Politics of Secularism in International Relations*. Princeton: Princeton University Press, 2008
- State Council of PRC. "Freedom Of Religious Belief In China (1997 White Paper)." *China.org.cn*, October 17, 1997. <http://www.china.org.cn/e-white/Freedom/index.htm> (accessed June 2, 2009).
- Stephan, Alfred. *Arguing Comparative Politics*. Oxford: Oxford University Press, 2001.
- Taylor, Charles. "Modes of Secularism." In *Secularism and its Critics*, ed. Rajeev Bhargava, 30-53. Oxford, England: Oxford University Press, 1998
- Van Kley, Dale K. *The Religious Origins of the French Revolution*. New Haven, CT: Yale University Press, 1996.
- Whitte, John, Jr. *Religion and the Constitutional Experiment*. 2nd Ed. Boulder, CO: Westview Press, 2005.
- Yang, Fenggang. "Lost in the Market, Saved at McDonald's: Conversion to Christianity in Urban China." *Journal for the Scientific Study of Religion* 44, no. 4 (December 2005): 423-441.
- Yang, Fenggang. "The Red, Black, and Gray Markets of Religion in China." *The Sociological Quarterly* 47, no. 1 (February 2006): 93-122.