Workshop 5 (ESF Science Meeting 4757)
11-12th April, 2013
Centre for Human and Social Sciences
Spanish National Research Council (CSIC)
Madrid (Spain)

Multireligious Society
Accommodating new Religious Diversities in Post-secular Settings

-Final Report-

1. Summary

This workshop was organized by Francisco Colom González (Spanish National Research Council) and Gianni D'Amato (Université de Neuchâtel, Switzerland) as a part of the activities of Section 3 of the RECODE Network (*Religions in the Public Sphere: Accommodating Religious Diversity in the Post-Secular Era*). The general aim of this Section is to explore the changing relationship between the religious and political spheres in democratic societies. Whereas modernisation was traditionally conceived as an irreversible substitution of traditional religious values by secular principles, we are facing a profound change in the functional parameters of religion. For centuries, religion was the main instrument of socialization in traditional agrarian societies. Their symbolic universe was shaped by religious references, as were their collective allegiances and their perception of social order and political legitimacy. In modern societies it is the state that exercises, even if in a receding way, this type of cultural hegemony. Religion has unbound itself from the normative function of legitimating state authority, but the emergence of new forms of religious diversity continues to demand specific policies from the state. Religion thus has lost its role as a primordial social reference, but it has not given way to completely secularized forms of subjectivity. It still counts as a relevant social force that pervades the public, private and intimate realms of life, and it often puts pressure on the role of the state as a neutral public actor. This is what we have defined here as *post-secular* settings.

In a former seminar (Neuchâtel, October 2011) RECODE reviewed the narratives of secularization and the different types of religious governance in Europe and Canada. In this workshop we wanted to address specific policies, practices and normative issues involved in the accommodation and management of the new forms of religious diversity. Some of these forms of diversity are related to the inflow of migrant

communities, but in many other cases they are the result of a wider choice of life styles made available by secularisation and the disestablishment of public religions.

2- Description of the scientific content of and discussion at the event

The workshop set out to pay special attention to the interaction of religious diversity with social spaces and state law. Accordingly the workshop was organized in three different panels that dealt with the management of multiconfessional social spaces, the irruption of legal pluralism in the judicial systems and the dilemmas emerging from organizing and institutionalizing religion through public policy and the courts.

Panel 1 – Out in public: religion and the use of social spaces

Social spaces are here conceived as physical or symbolic realms where human relations develop and are normatively patterned, like gathering places, geographical routes, and social institutions in charge of health practices and penal custody. The papers presented in this panel discussed the accommodation of religion in contemporary urban settings, the emergence of religious itineraries related to pilgrimage or tourism, and the adaptation of medical, penitentiary and funerary practices to multi-religious conditions.

Panel 2 – One law for all? The legal self-regulation of religious groups

This second panel reviewed the theoretical and practical implications of the claims for legal autonomy made by certain religious groups. For this purpose it brought forward the results of the RELIGARE project, which has been funded by the 7th Framework Programme of the European Commission, and several examples of the interaction of religious law with the judicial system in Canada and Europe.

Panel 3- Public policy for religious co-existence

This last panel turned to the dilemmas stemming from the institutionalization of religious diversity through different regimes of governance, anti-discrimination law, and cooperation between governmental bodies and religious agencies.

3- Abstracts of the papers presented

Panel 1: *Out in public: religion and the use of social spaces*

-**Christof Meier (Integrationsförderung, City of Zurich; Switzerland)**
Integration Policy in a Multireligious Society

This paper offers an overview of the integration policies in the city of Zurich (Switzerland). More than one million people live in its metropolitan area, and over 20.000 immigrants arrive each year to the city. About 24.5 % of the population is Protestant (ca. 6% out of them foreigners) and 30.1 % is Catholic (35% out of them are foreigners). The city has devised an integration policy that promotes collaboration with migrant organizations and religious communities. Appreciating the visibility of the cultural and religious traditions is a part of this policy, in which pragmatic solutions are valued over the choice between conservative or liberal values. For instance, the umbrella association of the Muslim

communities in Zurich was established to find a solution for funerals. On the other hand, this type of policy contrasts with the vote for banning minarets in Switzerland and with the fact that these types of umbrella organizations favoured by the Zurich city council are weak or non-existent.

-Michael Stausberg (Bergen University, Norway)
Tourism as Location for Religion in Contemporary Europe

The aim of this paper is to provide evidence that tourism is an important dimension for the display of religion in contemporary Europe and to discuss the tourism-religion connection as a sign of the position of religion in contemporary European society. Travel with an explicit religious motivation can be called religious tourism. Pilgrimage centres and routes in particular have a long history. Tourism has no positive or negative value in terms of religion, but it can serve religious purposes. Being part of tourism itineraries, religion appears in the mode of *heritage*, i.e. a form of representing history in a disembedded, aestheticized, celebratory, and commercialized memory. Representing something as heritage, implicitly acknowledges that its vitality belongs to the past. Once religion becomes presented in the scheme of heritage this amounts to an acceptance of the process of secularization. In secularized societies, people can visit religious sites without a sense of believing or belonging. At the same time, communicating religion as heritage can entail a post-secular perspective, since it does not exclude the possibility of transcendence and its experience as *spirituality*. It is concluded that while tourists may or may not have coherent worldviews concerning religion and secularism, the consumption of religion as heritage is post-confessional, i.e., not restricted by religious boundaries. This type of cultural consumption can work as *vicarious memory*, that is, religious memory being maintained by a committed minority on behalf of a largely indifferent majority, which may consume religious attractions in the mode of heritage.

-Francisco Díez de Velasco (University of La Laguna, Spain):
Multi-faith Spaces: Proposals for a Neutral and Operational Design

The implementation of multi-faith spaces is becoming an increasing practice in a globalised world, as it addresses the need to offer spaces for worship and religious ritual in public institutions and places, such as airports and train stations, cemeteries, hospitals, prisons, military quarters, homes for the elderly, educational and recreational centres, and even in shopping malls and work centres. This is raising a number of questions and challenges. Multi-faith spaces prevent having to multiply the places for worship for every single religious option, while overcoming the thorny issue of favouring some religions over other. In cases such as illness or confinement, there is a clear demand for spaces that facilitate reflection and introspection -spaces that could be described as *spiritual* or seclusive, rather than religious in the strictest sense of the word. We are then faced with a situation in which the post-religious condition intermingles with the post-secular one. Multi-faith spaces must be acceptable as places of worship for the many confessions that might require them, but also for users who lack any strong religious identity, and who might wish to use them as areas for quiet reflection and soul-searching. The design of multi-faith spaces must deal with geographical orientation (a relevant issue for religions like Islam, Judaism and Orthodox Christianity), the simultaneous use of the space and conflicting timetables, physical position during worship, separation of genders, and hygiene needs, among other questions. Neutrality therefore is the main issue to be taken into consideration for the design

of spaces of worship in contexts of religious diversity, even if perfect neutrality will not always be possible. The paper concludes with a call for a pragmatic and contextual approach to this issue, including a detailed analysis of each centre and the specific circumstances, so that multi-faith spaces can be an investment for the future that will satisfy the greatest number of potential users without causing conflict.

-Ronald George Moore (University College Dublin, Ireland)
Beyond Religion, Science and the Secular: Health Beliefs and Complex Diversity in Northern Ireland

This paper pays attention to the role of folk beliefs in Northern Ireland and the relationship with religion, ethnicity and health care. Medicine has often been taken as a metaphor for religion. In the course of secularization, formal medical practice (what later came to be called *biomedicine*), with its particular brand of Cartesian philosophy, came to dominate Western health care ideology. The discourse of medical rationality and science increasingly came to introduce alternative hierarchies and symbolism in attempts to displace the spiritual and supernatural. In Northern Ireland, religion aligns itself with regional and local identity and is an important maker of nationhood. Religion (as culture) remains here a key source of social and political division, but folk health beliefs also remain significant for local people from both main religious persuasions. In 1995 the Department of Health of Northern Ireland funded a *Regional Strategy for Health and Social Well-being 1997-2002*, which focused on the health experiences of people who live in two small rural towns, one predominantly Roman Catholic (Ballymacross), and one Protestant (Hunterstown) in order to produce health profiles of both communities. The Department was interested in whether health chances were connected to ethnic religious affiliation. In a wider context this research exposes important belief systems thought extinguished, dormant or irrelevant, as being *vital* in the modern context. Formal and folk medicine provide a range of health services that each community knows about and draws upon. In this sense the relationship between folk medicine and formal medicine is integrated, symbiotic and interdependent. Even if scientific biomedicine and folk medicine are supposedly underpinned by contrasting ideologies, this research suggests that these ideologies did not only co-exist, but were co-dependent on one another. Local people in both communities applied a pragmatic rationale to health needs and used folk and formal medicine in a complimentary and interchangeable fashion. This paper argues that cures and charms are but one expression of *ancient* spiritual beliefs and practices. These are not exotic belief systems, but are commonplace and alive, and their mechanisms are understood not only in metaphor but also in action. This distinct form of folk healing has survived Christianity, the Reformation and the Industrial Revolution.

-María del Mar Griera (Autonomous University of Barcelona, Spain)
The Accommodation of Religious Diversity in Prisons and Hospitals in Spain

This paper is based on a wider research project on the management of religious diversity by Spanish public institutions (GEDIVER-IN). Its aim is to show how the Catholic heritage of Spanish institutional structure is being reshaped by both the rise of secularization and the growing number and visibility of religious minorities in the country. The main hypothesis is that since the democratic transition, Spanish institutions have evolved towards a more respectful and inclusive approach to religious minorities. This change is especially noticeable when it comes to the legal framework, but it is much less apparent in the everyday functioning of these institutions. This general

assumption is articulated into two more focused hypotheses: first, that the Spanish institutional approach to religious minorities is characterized by a *pluralist* arrangement of *selective cooperation* with chosen religious minorities. The second hypothesis maintains that the Catholic Church is opposing explicit resistance to the loosening of its monopoly of religious influence on Spanish institutions. It is therefore not acting as a broker between the state and the religious minorities –as is the case in Britain- but as an obstacle for accommodating religious diversity in public institutions. This is particularly obvious in the case of prisons and hospitals. A comparative research on the management of religious diversity in Catalan and Andalusian prisons allowed for the bringing together of two different social contexts in terms of secularization and administrative autonomy (Catalan prisons are run by the regional government; the Andalusian ones by the central government). Whereas the first hypothesis was confirmed (portraying Spain as an example of *selective cooperation* in the governance of religious diversity), in the second case the fieldwork provided evidence that the Catholic Church cannot be considered a monolithic institution with an overall consistent behaviour. In a certain way, the Church adapts itself to the social environment and its attitudes and practices are strongly dependent on the local context. The research also shows that great efforts have been made to accommodate religious communities in prisons, but the same is not true for hospitals. Security concerns after the Madrid bomb attacks in 2004, and the different degrees of privatization in the management of both types of institutions may also help explain different institutional attitudes and reactions. Finally, the Catalan government has a more proactive and inclusive policy towards religious diversity than the Andalusian, but this also implies a more interventionist approach to religious issues and, consequently, a greater degree of control and regulation over religious groups. The Andalusian model is based on a *laissez faire* perspective that does not interfere with the internal life and dynamics of the religious groups.

Panel 2: *One law for all? The legal self-regulation of religious groups*

-Marie-Claire Foblets (Max Plank Institute of Social Anthropology, Germany)
On the Challenges of Religious Pluralism in a Changing Europe: Main findings of the RELIGARE project (2010-2013)

RELIGARE *(Religious Diversity and Secular Models in Europe. Innovative Approaches to Law and Policy)* was one of the research projects selected by the European Commission within the 2009 Socio-economic Sciences and Humanities FP7 call for proposals. It involved the participation of 13 teams of researchers and covered ten different countries, including nine European Union member states and Turkey. The research focused on the protection of the freedom of religion in these countries and the different models of secularism. The project focused on four fields: (1) family life, (2) access to the labour market and protection of freedom of religion in the workplace, (3) the access and the use of the public space, and, finally, (4) the different forms of state support to religions and non-confessional groups. The approach was interdisciplinary. Legal data, which document the various ways in which particular countries have responded to religious and philosophical diversity, are complemented with sociological data. The interviews with key persons for each field focus on selected controversies that are deemed to be of great significance in the country under scrutiny or on well-known issues (such as the debate about religious dress codes), as well as incidents that raise critical questions about a State's particular approach to religious diversity. The RELIGARE project will ultimately yield three types of research

instruments: (1) a database of case law for the ten countries involved in the research; (2) a series of thematic templates that reproduce, in a synthetic fashion, the arguments made both by the legislative branch and by the courts and tribunals, in order to address a number of particular situations; (3) sociological reports, drawn up for each of the countries on the question of religious freedom and its concrete reality, and in particular, on the topics the teams of researchers have come across on the basis of case law analysis and the templates.

-Bertram Turner (Max Plank Institute of Social Anthropology, Germany)
Translocal faith-based Dispute Management and the Moroccan-Canadian Struggles with Normative Plurality

Canada's Multiculturalism Act is considered one of the most advanced and path-breaking state legislations as far as the management of cultural diversity is concerned. There is, however, a countrywide debate on whether cultural normativity, informal belief systems, and religious law should be considered part of such diversity to be protected and fostered. A particular concern deals with the procedures for internal dispute resolution within religious communities and its regulation within state law. Canadian Muslims have occupied the central stage on this issue for years. This paper deals with a particular experience: a legal dispute based on folk religious beliefs involving Moroccans and Canadians of Moroccan descent over a decade. This is the case of a community that enjoys a different standing in Morocco and in Canada: in one place it holds a religious monopoly while in the other it is a minority within a multicultural environment. From this experience the paper concludes that the attitude of the members of a transnational religious community toward the possibility for legal self-regulation reflects their attachment to the respective national legal frames of reference. On the other hand, their integration into a transnational legal environment has resulted in an increasing degree of individual choice, thus making for the construction of a hybrid legal identity.

-Francisco Colom González (National Research Council, Spain)
The Arbitration of Faith. Accommodating Legal Pluralism in the Democratic Polity

This paper focuses on the claims for legal self-regulation made by some religious groups in Western societies, the peculiar hybridization resulting from the interaction of religious law with civil courts, and the general implications of both phenomena for legal and political theory. After reviewing several experiences with religious arbitration and the judicial interpretation of religious marital agreements in Canada and Great Britain, it is argued that the political legitimation of cultural exceptions to the general rule of law strongly depends on the rational argumentation of their normative purpose in the public arena. The social acceptance of these types of arguments can be significantly enhanced by intercultural legal hermeneutics, i.e. the interpretation of the social goods and legal principles involved in pluralist schemes beyond their original frame of cultural reference.

-Gianni D'Amato (University of Neuchâtel, Switzerland)
Diversities and the Judiciary

This paper explores the interaction between judicial practice and cultural diversity, and the conflicts that occasionally emerge between fundamental rights, social custom, and legal traditions. Fundamental rights are applicable in three different spheres: the state, the public sphere, and the private sphere. The adjustments of the judicial system to

cultural diversity are shown to depend on normative settings (assimilationist, multiculturalist or integrationist) each of them facing specific problems. Cultural defence is sometimes advanced as a reason to reduce legal responsibility in cases where cultural practice is involved. The limit to the conflict between cultural diversity and fundamental rights is set by principles like *pubic order* and *public health*, but the paper also explores transcultural competence as a possible solution for this type of legal dilemmas.

Panel 3: *Public policy for religious co-existence*

-Veit Bader (University of Amsterdam, Netherlands)
Dilemmas of Institutionalisation and Political Participation of (organized) Religions in Europe

This paper portrays the institutionalisation of religion as a conflictive, two-way process that involves many actors and is influenced by differential opportunity structures. Institutionalisation entails promises but also poses risks for religions, religious minorities, and governments. Religious newcomers are drawn into lobbying and coalition building, and conflictive processes of 'negotiations *cum* deliberations' are an unavoidable side effect of it. All regimes of governance imply serious strategic problems for religions. The first problem is how to deal with the trade-off between autonomy and privileges on the one hand, and political influence, on the other (the *autonomy dilemma*). Legal privileges and fiscal and monetary 'gains' for religions go hand in hand with 'losses' in formal autonomy of religions or with increases in state regulation and control. The second problem refers to how to deal with problems inherent to institutionalisation (the *organisation* and *mobilisation dilemma*). According to the author, associative democracy offers a sensible balance between equality before the law and more substantive equality. This option tries to institutionalize procedures of external review and evaluation at regular intervals for the renewal of grants and of the legal status of privileged organizations after accreditation. The most important effect of putting systems of public scrutiny and control in place is that working in the shadow of hierarchy stimulates pro-active self-control considerably. Proposals like these allegedly offer better balances between competing principles for national systems of co-operation and for possible supra-national regimes of religious governance in the EU.

-Paul Bramadat (University of Victoria, Canada)
Religion in Canada: Policies, Politics and Predicaments

Canada has been actively involved in refugee settlement policies since the late 1970s, and religious groups (among others) have come forward to sponsor newcomers and help people fleeing from hardship and hostility. This paper addresses two general questions: a) what are the key challenges and opportunities facing these types of agencies as religion is now (arguably) more problematic than ever? b) What broader ideological forces are evident in the way the Canadian government and the agencies engage specifically religious motivations? Agency efforts are motivated by religious ideas/communities/convictions. The government benefits from such efforts and has been interacting with these groups for many decades. Agency volunteers do not want to talk about their motivations, and government staff seems not to be interested in them either. The tradeoff is that the government obtains free labor and doesn't need to get tangled in the web of religious claims, while the agencies obtain cooperation from the government and get to live out their religious convictions. In this context, the paper analyzes the implication of the new Office for Religious Freedom (ORF) that the Canadian Conservative government has recently established. According to

the paper, each of these policies protects and promotes particular ideological norms. In the case of refugee policies, we see a functional differentiation between religious motivations/language and secular institutions/objectives. In the case of the policies associated with the ORF, we see – perhaps – a particular conservative ideology expressing its political will to power.

-Avigail Eisenberg (University of Victoria, Canada)
Religion as Ethnicity: from Choice to Identity

Over the last 30 years, the most significant changes to the protection and accommodation of religious rights in Canada have occurred because religion has increasingly come to be viewed by courts, legislators, and in public debates, as an ethnicity. In Canada, the right to freedom of religion was traditionally understood as a right intended to protect the freedom of people to choose to follow or practice their religious beliefs as long as they do not cause harm to others. The central value of religious freedom was thereby often expressed as a right to choose one's religious beliefs, and the central risks to religious freedom were social coercion of religious individuals and legal prohibitions on religious practices. In law and politics, religion is now increasingly treated as an ethnic identity and religious claims for accommodation and protection have become framed in the same manner as claims for cultural or ethnic accommodation and protection. When religion is treated as an ethnic identity, it is no longer treated as a choice but rather as an immutable, non-negotiable feature of a person that the law must respect in order to respect the religious faithful and in order to treat all people as equals. The aim of this paper is to explain what this means and to examine some of the consequences this shift has for legal reasoning and public policy.

4- Assessment of the results and impact of the event

The workshop achieved a satisfactory level of discussion, with a balanced combination of disciplines, geographic provenance and gender composition. All the papers and power-point presentations were delivered before the workshop, which was publicized through the websites of the CSIC, the *Fundación Canadá* and the *Fundación Pluralismo y Convicencia*. The meeting obtained a small subsidy from the *Fundación Canadá* in order to help with the participation of a Canadian researcher.

The discussion of the first panel was a bit more heterogeneous than the other two, but this was somehow inevitable given the variety of fields covered. An effort was made to invite speakers engaged in the public management of religious diversity. This effort was successful in the case of Christof Meier, from the integration board of the Zurich city government. Another speaker from the *Fundación Pluralismo y Convicencia*, the main consulting board for the management of religious diversity in Spain, could not participate in the end, since she was expecting to give birth within the week of the seminar.

At one point we considered inviting some representatives from the different religious communities in Spain, but we finally decided that the gap between the different types of discourse (academic, managerial and religiously committed) would be too large and probably would not provide any new or relevant information. Public managers and policy makers insisted on the pragmatic approach to these sorts of issues, so their concerns are sometimes distant from the more academic debates on legal principles and fair procedures.

The resulting papers will be published in the website of RECODE and a selection of them, after a peer review, will be combined with those of the first workshop in order to produce a book.

5- Program of the Workshop

<u>**April 11th, First Session**</u>

9:30 - Opening

9:45 Panel 1 - Out in public: religion and the use of social spaces
Christof Meier (Integrationsförderung, City of Zürich; Switzerland)
Integration Policy in a Multireligious Society

Michael Stausberg (Bergen University, Norway)
Tourism as Location for Religion in Contemporary Europe

Francisco Díez de Velasco (University of La Laguna, Spain)
Multi-faith Spaces: Proposals for a Neutral and Operational Design

Ronald George Moore (University College Dublin, Ireland)
Beyond Religion, Science and the Secular: Health Beliefs and Complex Diversity in Northern Ireland

María del Mar Griera (Autonomous University of Barcelona, Spain)
The Accommodation of Religious Diversity in Prisons and Hospitals in Spain

Discussant: Valeriano Esteban (National University of Distance Education, Spain)

15:30 Panel 2 - One law for all? The legal self-regulation of religious groups
Marie-Claire Foblets (Max Plank Institute of Social Anthropology, Germany)
On the Challenges of Religious Pluralism in a Changing Europe: Main findings of the RELIGARE project (2010-2013)

Bertram Turner (Max Plank Institute of Social Anthropology, Germany)
Translocal faith-based Dispute Management and the Moroccan-Canadian Struggles with Normative Plurality

Francisco Colom González (National Research Council, Spain)
The Arbitration of Faith. Accommodating Legal Pluralism in the Democratic Polity

Gianni D'Amato (University of Neuchâtel, Switzerland)
Diversities and the Judiciary

Discussant: José María Sauca (Carlos III University, Spain)

18:30 End of the First Session

<u>**April 12th, Second Session**</u>

9:30 Panel 3- Public policy for religious co-existence
Veit Bader (University of Amsterdam, Netherlands)
Dilemmas of Institutionalisation and Political Participation of (organised) Religions in Europe

Paul Bramadat (University of Victoria, Canada)
Religion in Canada: Policies, Politics and Predicaments

Avigail Eisenberg (University of Victoria, Canada)
Religion as Ethnicity: from Choice to Identity

Discussant: João Manuel Cardoso Rosas (University of Minho, Portugal)

13:00 Closing of the Seminar

With the co-sponsorship of the **Fundación Canadá**

6- List of participants

Christof Meier (Integrationsförderung, City of Zürich; Switzerland)

Michael Stausberg (Bergen University, Norway)

Francisco Díez de Velasco (University of La Laguna, Spain)

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